

Selwyn District Council

DPR Supplier Panel

Earthworks (DW011)



Topic Name: District Wide

Scope Title: Earthworks

Background Report (Stage 1A)

27 October 2017



Planz Consultants

Quality Assurance Statement:

Report Prepared By:

Planz Consultants Ltd, 124 Peterborough Street, PO Box 1845, Christchurch 8140,
www.planzconsultants.co.nz

A handwritten signature in blue ink, appearing to read "J Tapper".

James Tapper (Planner)

DDI: (03) 964 4632

E: james@planzconsultants.co.nz

Reviewed By:

A handwritten signature in black ink, appearing to read "N Boyes".

Nick Boyes (Planner)

DDI: (03) 964 4635

E: nick@planzconsultants.co.nz

Project Number: 15053

Document Status: Final

Date: 27 October 2017

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Earthworks – Planning Component (DW011)

Background Report (Stage 1A)

1 Introduction

PlanZ Consultants Ltd has been engaged by Selwyn District Council (SDC) to review the ‘general’ provisions for earthworks in the Operative District Plan, investigate areas of regulatory overlap with Regional Plans and the Building Act 2004, and identify what changes may be appropriate to the rule package for earthworks in the 2nd Generation District Plan.

As per the Scope of Work provided by SDC the review will be delivered in five separate stages culminating in a final ‘Policy/Rule Options’ Report. The Project Scope of Work sets out that this review relates specifically to earthworks activities, including the cut and deposition of material and stockpiling, but specifically excludes the following matters:

- Mining, mineral exploration and quarrying;
- Noise;
- Earthworks within sensitive locations; and
- Loss of versatile soils.

The purpose of this report is to satisfy Stage 1A of the Scope of Work by providing background on the existing planning framework in Selwyn District under which earthworks activities are controlled. The report provides a summary of the relevant earthworks provisions in each of the following documents:

- Building Act 2004
- Canterbury Regional Policy Statement (CRPS)
- Canterbury Land and Water Plan (CLWP)
- Canterbury Air Regional Plan (CARP)
- Relevant National Environmental Standards (NES)
- Relevant National Policy Statements (NPS)
- The Ashburton, Waimakariri, Hurunui and Christchurch District Plans

Furthermore, the report identifies similarities between the above documents and the Operative Selwyn District Plan (SDP), as well as any matters contained within the planning documents that are considered important to the review of earthworks provisions in the Selwyn District Plan.

As a point of reference, the issues, objectives and policies from the Operative Selwyn District Plan that are considered relevant to this report (namely, those relating to earthworks) are displayed in a table attached as **Appendix 1** to this report. Similarly, the relevant rules from the Operative District Plan have been tabulated in **Appendix 2**. It should be noted that the attached tables are not exhaustive and provisions, in many cases, have been summarised.

2 Building Act 2004

The provisions contained in the Building Act 2004 (as well as the Building Code which is referred to within the Act) that are of relevance to the undertaking of earthworks have been listed in the table attached to this document as **Appendix 3**.

[NB: A meeting with the Selwyn District Council's Building Manager in order to discuss interpretation of the Building Act has not yet occurred. As per the Scope of Works this is to be facilitated through the SDC Technical Contact. Correspondence has been sent requesting the contact details, but this is yet to be responded to. Therefore, this section of the report remains incomplete until such time as a meeting is able to take place.]

3 Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement (CRPS) came into effect in 2013 and contains a series of objectives and policies related to earthworks activities. In particular, the CRPS contains relevant provisions relating to natural hazards, air quality, soil erosion and contaminated land. The most relevant objectives and policies are displayed in the table attached as **Appendix 4**. In addition, the table contains the comparable provisions from the SDP.

These provisions are of particular relevance as sections 74 and 75 of the Resource Management Act 1991 (RMA) sets out that when preparing or changing a district plan, a territorial authority shall have regard to any proposed regional policy statement; and that a district plan must give effect to (and not be inconsistent with) any regional policy statement.

In terms of natural hazards and earthworks, it is noted that the CRPS seeks to avoid or mitigate land uses that would likely result in increased frequency/severity of hazards. In many instances, this policy will include activities such as earthworks on unstable land. Furthermore, the CRPS aims to avoid or mitigate adverse effects from hazard mitigation (such as increased flooding from land remediation works). This policy is reflected in the SDP Objective B3.1.3 as shown in **Appendix 4**.

The CRPS aims to enable discharges of contaminants to air (such as dust from earthworks/stockpiling) provided there are no significant localised adverse effects. Again, this provision is somewhat replicated in the SDP through policies relating to the 'Quality of the Environment' and more specifically those relating to 'Dust'.

The provisions relating to soil erosion in the CRPS seek to prevent any new induced soil erosion and encourage measures to reduce existing induced erosion. While the SDP aligns with the CRPS in terms of preventing erosion, it does not contain any provisions relating to the reduction of existing soil instability.

The CRPS contains two policies relevant to earthworks and contaminated land. Those policies relate broadly to avoiding, remedying or mitigating discharges from contaminated land and any associated adverse effects on the environment or on human health. Similarly, the SDP contains a suite of objectives and policies seeking the same outcomes (Part B1.1 in both the Township and Rural Volumes).

In conclusion, the broad strategic direction of the CRPS in terms of earthworks is largely adhered to within the operative SDP as a result of the existing objectives and policies in the Plan. The CRPS does not offer guidance specifically in relation to earthworks (aside from those matters outside the scope of this report), but instead contains a series of provisions relating to natural hazards, air quality, soil erosion and contaminated land that may affect earthworks activities depending on their scale and location. It is left up to the district planning framework to set the

thresholds in terms of where and at what scale earthworks activities are controlled through the resource consent process.

4 Canterbury Land and Water Regional Plan

The purpose of the following discussion is to identify areas where the Canterbury Land and Water Regional Plan (CLWP) may overlap or supercede the Operative SDP in relation to earthworks. The CLWP became operative in August 2017 and directs the use of both land and water within Canterbury. As such, the Regional Plan holds relevance to the undertaking of earthworks in the region.

The table attached as **Appendix 5** contains all of the relevant objectives, policies and rules from the CLWP and compares them with similar provisions in the SDP. As can be seen in the table, for the most part there is little overlap between the two plans. There is some minor overlap in terms of the objectives and policies relating to contaminated land, soil erosion and natural hazards in both plans, although this is not considered to be significant. The CLWP policies focus mostly on protecting the land and groundwater, while the SDP provisions largely aim to protect people.

In terms of the rules of both plans, it is noted that some minor overlapping occurs with regard to solid waste disposal. Under the CLWP, if waste is discharged into or onto land where it may enter water, the activity is categorised as being discretionary. Similarly, the SDP contains measures to control the discharge of certain types of solid waste to land. The rules are less stringent in Rural Zones, although restrictions do still apply. Notwithstanding, the overlap is somewhat insignificant given that the CLWP waste disposal rule relates specifically to circumstances where waste may enter water. Conversely, the SDP rules cover waste disposal more broadly and are perhaps therefore necessary.

Overall, there is little overlap of significance between the Regional and District Plans. There does not appear to be any circumstances in which a Regional Rule could supersede a rule in the SDP.

5 Canterbury Air Regional Plan

The Canterbury Air Regional Plan (CARP) became operative in October 2017. Provisions contained within the CARP relating to dust discharges have particular relevance to the undertaking of earthworks. As such, the following discussion assesses the relevant provisions in the CARP and identifies any areas of overlap with the Operative SDP.

The CARP and SDP provisions relating to dust discharge are compared in the table attached as **Appendix 6**. That table shows a shared policy direction between the CARP and the Township Volume of the SDP, as both documents aim to avoid adverse effects from dust discharges. However, there is one exception in that the SDP (Rural Volume) only seeks to *mitigate* nuisance dust effects on neighbouring dwellings in Rural Zones from stockpiling or earthworks, as opposed to *avoiding* such effects. This is in recognition that various land use activities typically undertaken in the rural area result in the discharge of dusts and that seasonal and temporary discharges of dust are an anticipated part of the rural environment.

In terms of the rules, it is noted that the CARP seeks to reduce dust discharges from unsealed surfaces or unconsolidated land by reducing the permitted area of such surfaces to 1000m² (in the absence of a dust management plan). For material with an average particle size of less than 3.5mm no more than 1000t may be stored. In contrast, the SDP seeks to reduce dust discharge from both earthworks and stockpiling by restricting volume of earthworks (2,000m³ in Living Zones and 5,000m³ in Business and Rural Zones), rather than the area of land on which it is

undertaken. The SDP also requires materials from earthworks (stockpiled or disturbed) to be kept either covered, moist or consolidated; whereas the CARP only aims to ensure any dust discharge does not cause an “offensive or objectionable” effect beyond the property boundary.

It is noted that the CARP does restrict the intensity at which bulk materials may be handled on a site – a matter which is not covered by the SDP rules. Under Rule 7.36 of the CARP, handling¹ of bulk materials is permitted if the following handling rates are met:

- 1) *The handling occurs indoors, or where the handling occurs outdoors the rate of handling does not exceed 100t per hour; or*
- 2) *Where handling occurs outdoors on less than 21 days per calendar year, the rate of handling does not exceed 250t per hour.*

Similarly, the CARP provides a rule in relation to dust discharges from the disposal of clean fill, which again is not an activity specifically controlled within the SDP.

In summary, the CARP and the SDP do not contain any substantial overlap. For the most part, the CARP aims to avoid any offensive or objectionable discharge beyond the property boundary, while the SDP generally seeks to ensure stockpiles and unconsolidated surfaces are screened, covered or consolidated. Whilst not strictly relevant to this Stage of the project, initial thoughts are such that the assessment threshold of what constitutes an “offensive or objectionable” effect (as used in the regional planning framework) is not an appropriate planning outcome to pursue through this District Plan Review process. Notwithstanding, this matter will be further explored in the consequent Stages of this Scope of Works.

6 National Environmental Standards and National Policy Statements

The following section assesses all of the relevant National Environmental Standards and National Policy Statements in relation to earthworks activities.

6.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES for Contaminants in Soil) aims to control the types of activities that can be undertaken on sites that have been identified as contaminated, or that have previously been occupied by activities on the Hazardous Activities and Industries List (HAIL).

Section 5 of the Standard outlines that the NES must be applied when an application is made to undertake a specified ‘activity’ on a ‘piece of land’ (being either a potential former or current HAIL site or production land). The specified activities listed in the NES are as follows:

- Removal or replacement of a fuel storage system;
- Sampling of soil;
- Disturbing soil;
- Subdividing land; or
- Changing the use of land.

The NES then categorises the activities into permitted, controlled, restricted discretionary and discretionary activities based on the ability of a proposal to meet certain conditions.

¹ Defined in the CARP as follows: ‘means extraction, quarrying, mining, processing, screening, conveying, blasting, or crushing of any material.’

The Operative Selwyn District Plan contains very few provisions in relation to earthworks/soil disturbance on contaminated sites. The use of contaminated land is most commonly referenced in the Objectives and Policies of both the Township and Rural Volumes, including within the following provisions:

Township Volume:

Objective B1.1.1

Adverse effects on people, and their activities, ecosystems and land and soil resources from contaminated soil or unstable land, are minimised.

Policy B1.1.3

Avoid adverse effects on people's health or well-being from exposure to contaminated soil.

Rural Volume:

Objective B1.1.2

People and their property are not affected by contaminated soil or unstable land and any adverse effects on the environment are avoided, remedied or mitigated.

Policy B1.1.2

Avoid adverse effects on people through exposure to contaminated land and mitigate or remedy any adverse effects on the environment.

Policy B1.1.3

Encourage the management of contaminated sites so that effects on peoples' health or on the environment are avoided.

Notwithstanding, the undertaking of earthworks on contaminated land is not stringently controlled. The most relevant rule to earthworks on contaminated land is listed below²:

Rule 10.1 – Activities and Contaminated Land

Any activity shall be a permitted activity on any site which contains contaminated land or where past activities on that site include those listed in Appendix 10 except for the following:

10.1.1.1 Erecting any dwelling;

10.1.1.2 Educational facilities;

10.1.1.3 Outdoor recreation activities; and

10.1.1.4 Growing commercial food crops or rearing animals.

It is noted that the above rule does not include any specific reference to earthworks or soil disturbance, nor does it reference the NES for Contaminants in Soil.

In summary, it is considered that while the existing Objectives and Policies in the Operative Plan appear largely consistent with the objectives of the NES for Contaminants in Soil, the control of earthworks/soil disturbance activities on potentially contaminated land is currently managed predominantly through the provisions outlined in the NES, as opposed to those listed in the District Plan.

This is not an inappropriate outcome as the NES for Contaminants in Soil specifically sets out in section 4 that the regulations set out therein deal with territorial functions under section 31 of the RMA. Therefore, the NES regulations sit alongside the District Plan provisions and are

² The same rule is listed as C22.1 in the Township Volume for Business Zones and C9.6 in the Rural Volume.

administered by the Selwyn District Council. On that basis, there appears to be no obvious reason to duplicate the NES provisions within a district plan.

6.2 National Environmental Standard for Electricity Transmission Activities 2010

The National Environmental Standard for Electricity Transmission Activities (NES for Electricity Transmission Activities) seeks to control the way in which electricity transmission structures are installed, removed or maintained.

The NES for Electricity Transmission Activities contains the following definition which is considered relevant:

Earthworks – means the disturbance of the surface of land by activities including blading, tracking, boring, contouring, ripping, moving, removing, stockpiling, placing, replacing, recompacting, excavating, cutting, and filling earth (or any other matter constituting the land, such as soil, clay, sand, or rock)

In terms of the provisions of the NES, sections 33 to 36 seek to control earthworks relating to existing transmission lines and prescribe rules in relation to soil erosion and contaminated land. Specifically, the NES prescribes the following conditions:

Reference	Provision	Activity Status
s33(5)	The earthworks must not create or contribute to— (a) instability or subsidence of a slope or another land surface; or (c) drainage problems or flooding of overland flow paths.	Controlled
s33(9)	Earthworks must not be carried out on land that a local authority has identified as containing, or possibly containing, contaminants that pose a risk to the environment.	Restricted Discretionary

In all other instances, electricity transmission activities are permitted under the NES in terms of earthworks, provided they do not breach any regional rules (as stated in section 4(2)(f) of the NES). In some cases, the effects of earthworks are listed as a matter of control/discretion over for activities that are listed as being controlled or restricted discretionary.

6.3 National Environmental Standard for Telecommunication Facilities 2016

The National Environmental Standard for Telecommunication Facilities (NES for Telecommunication Facilities) is structured in a similar manner to the NES for Electricity Transmission Activities. The NES contains a section relating specifically to earthworks, although the provisions relate predominantly to matters beyond the scope of this report. In addition, Section 54 of the document ensures that regional rules apply to any regulated activity listed in the NES that involves earthworks. Section 54 states:

- 1) This regulation applies to a regulated activity if it includes earthworks...
- 2) This regulation is complied with if the earthworks are carried out in accordance with any applicable regional rules about earthworks.

Also of note within the NES is Section 57, relating to natural hazards rules in District Plans. That section outlines that:

- 1) A territorial authority cannot make a natural hazard rule that applies to a regulated activity.
- 2) A natural hazard rule that was made before these regulations came into force, does not apply in relation to a regulated activity.

- 3) *In this regulation, natural hazard rule means a district rule that prescribes measures to mitigate the effect of natural hazards in an area identified in the district plan as being subject to 1 or more natural hazards.*

In summary, the NES for Telecommunication Facilities relies predominantly on regional rules in order to control earthworks related matters. Furthermore, the NES ensures that District Plan rules in relation to natural hazards need not be taken into account when installing, removing or maintaining a telecommunication facility.

6.4 National Policy Statement for Freshwater Management 2014 (amended 2017)

The National Policy Statement for Freshwater Management addresses issues relating to water quality and quantity within New Zealand's lakes and rivers. The undertaking of earthworks adjacent to waterways is a topic that is specifically listed as being beyond this Scope of Works. On that basis, there are not considered to be any matters of relevance to this report contained within the NPS for Freshwater.

6.5 National Policy Statement on Electricity Transmission 2008

The National Policy Statement on Electricity Transmission (NPS on Electricity Transmission) does not include any policies specifically related to the undertaking of earthworks. However, the document does contain a generic objective and associated policies that aim to ensure decision-makers consider the adverse environmental effects of transmission and where possible, ensure that such effects are avoided, remedied or mitigated.

Given the broad nature of the objectives and policies contained within the NPS, they are not considered to be of particular importance in reviewing the earthworks provisions of the SDP. However, given that an NPS is a strategic high-level document, they are worth considering when putting together objectives and policies in relation to earthworks and utilities.

7 Cross Boundary Consistency

The following section assesses the provisions contained within the Ashburton, Waimakariri, Hurunui and Christchurch District Plans and compares them to those contained in the Operative Selwyn Plan.

7.1 Ashburton District Plan

The Ashburton District Plan (ADP) became operative on 25 August 2014. The Plan contains provisions relevant to earthworks (and within the scope of this report) in each of the following chapters:

- 03 Rural Zones
- 04 Residential Zones
- 05 Business Zones
- 07 Aquatic Park Chapter
- 09 Subdivision
- 17 Definitions

The relevant provisions (including definitions) in the ADP have been listed against comparable provisions from the SDP in the table attached to this report as **Appendix 7**.

Most notably, the ADP permits small-scale earthworks in Rural Zones, but seeks to maintain control over earthworks in all other Zones. Volume, area and frequency are used as resource

consent triggers for large-scale earthworks in the Rural Zones (see Rule 3.9.13 in **Appendix 7**), with a failure to meet the listed conditions resulting in a restricted discretionary activity status.

The relevant rules are more stringent in the Residential and Business Zones, with earthworks falling under a catch-all rule for 'Other Activities' not specifically listed as a categorised activity. As a result, the Council maintains full discretion over any earthworks activities within the Residential and Business Zones. Notwithstanding, more specific earthworks rules relating to the Business and Residential Zones are contained in the Subdivision Rules (as shown in Rules 9.7.3 – 9.8.5 in **Appendix 7**).

In terms of the ADP's consistency with the SDP, it is noted that the mode of delivering earthworks related provisions somewhat differs. The ADP does not rely on a specific 'Earthworks' Chapter or Section as the SDP does, and instead lists earthworks provisions (specified as performance standards) throughout various chapters of the Plan.

It is also noted that the ADP permits small-scale earthworks and relies on a restricted discretionary activity status for larger earthworks in order to control any associated environmental effects such as the remediation of a site after substantial earthworks. In contrast, the SDP prescribes a series of additional rules within an 'Earthworks' section that seek to control the effects of earthworks activities, beyond those rules that control volume and intensity. For example, Rule 1.7.1.3 in the SDP outlines measures to be taken to remediate the land once earthworks have ceased. In the ADP, land remediation has been left as a matter of discretion.

Also of note is the control of clean fill within Rural Zones in the ADP (Rule 3.8.2). Contrastingly, the SDP does not contain any specific controls relating to clean fill and instead relies on the rules relating to earthworks (Rule 1.7 in the Rural Volume) and waste disposal (Rule 8.1 in the Rural Volume).

The permitted volumes for earthworks in each plan are largely similar. However, there are differences in the permitted intensity of earthworks activities. For example, the ADP allows for a maximum earthworks volume of 5,000m³ on any one site *per annum* in Rural Zones, while the SDP provides for a maximum volume of 5,000m³ *per project* (see Rule 3.9.13 of ADP and Rule 1.7 of SDP in **Appendix 7**).

7.2 Waimakariri District Plan

The provisions within the Waimakariri District Plan (WDP) that are considered relevant to earthworks are predominantly contained within the 'Land and Water Margins' Chapters of the Plan. Some zone-specific provisions relating to earthworks are scattered throughout the Plan, although these provisions are considered to relate to unique localities within the Waimakariri District and are not considered relevant to the Selwyn District. The relevant Definitions, Objectives, Policies and Rules of the WDP, as well as the comparative provisions from the SDP, are displayed in **Appendix 8** of this document.

While the relevant Objectives and Policies of the WDP generally seek similar outcomes to those contained in the SDP, the earthworks rules in the WDP somewhat differ. It is noted that in both plans earthworks are a permitted activity in all zones provided the activity can meet a series of listed conditions. However, the conditions that are required to be met differ between the two plans.

In the WDP, the stockpiling of soil over vegetation is restricted to 1000m². All other stockpiling does not appear to be controlled within the Plan. The SDP contains stockpiling rules relating to the Business and Living Zones, as well as separate provisions for the Rural Zones. Those rules do not restrict the volume of stockpiled material, but rather aim to prevent the potential visual and/or dust effects of the activity by requiring stockpiles to be screened/covered/consolidated.

In terms of earthworks volumes, the WDP allows for the disturbance of not more than 1,000m² of material per hectare in Rural Zones. Any non-compliance with this condition results in the activity being assessed as restricted discretionary. This limit is far more stringent than that listed in the SDP which allows for an earthworks volume of 5,000m³ per project in Rural Zones. However, in Residential Zones the WDP allows for 300m³ of material disturbance/excavation per 1,000m² (3,000m³/1ha). In contrast, the SDP allows for 2,000m³ of earthworks per project.

As shown in the above summary, and the table attached in **Appendix 8**, there are few similarities in the rules packages of the WDP and the SDP in terms of earthworks and currently there is little cross-boundary consistency between the two Districts. Notwithstanding, it should be noted that the Waimakariri District Council are currently in the process of a District Plan Review. On that basis, little importance should be placed on the provisions contained within the current WDP.

7.3 Hurunui District Plan

The Hurunui District Plan (HDP), which became operative in 2003, contains very few provisions considered relevant to earthworks.³ The relevant objectives, policies and rules of the HDP are compared to those contained in SDP in **Appendix 9**.

It is noted that the definition of 'earthworks' in the HDP specifically excludes 'waste', although waste is not a term defined within the Plan. As such, any provisions in the HDP relating to the deposition of waste (where they do not refer to cleanfill) are not considered relevant.

Both the policies and rules of the HDP are somewhat broad and do not centre mainly around the avoidance of soil erosion as well as any impact of excavation on amenity. Volumes of earthworks are not significantly restricted in the HDP, with the only restrictions applying to earthworks above 900m in altitude, or the clearing of more than 5,000m² of vegetation.

On the basis of the above, it is considered that there is little cross-boundary consistency between the current HDP and SDP and the HDP is considered to hold little relevance in terms of earthworks controls for the Selwyn District Plan Review.

7.4 Christchurch District Plan

The Christchurch District Plan (CDP) contains a significant number of provisions relating to earthworks, all of which have been listed in the table attached as **Appendix 10**. The CDP addresses earthworks related issues in a dedicated section (Chapter 8) and also includes a series of controls relating to earthworks within flood management areas.

Included in **Appendix 10** are definitions from the CDP that are considered relevant to earthworks activities. It is noted that CDP defines earthworks and clean fill in a similar manner to the existing definitions in the SDP, but also includes separate definitions for disturbance of soil, excavation and filling. In terms of the objectives and policies of the two plans, it is considered that the CDP provides a more comprehensive policy direction that takes into account the positive and negative effects of earthworks.

It is noted that the CDP maintains a high-level of control over earthworks activities in the district, predominantly in order to limit potential flood hazards. Although earthworks near waterways are outside the scope of this report, it is considered pertinent to note the stringent rules package relating to earthworks in flood management areas, as shown under Rule 5.4.1.1

³ It is noted that many of the provisions relate to mining, quarrying and earthworks near waterways which are matters beyond the scope of this report.

in **Appendix 10**. The level of control withheld by Christchurch City Council over earthworks in flood prone areas is far greater than any level of control enabled by the SDP rules package.

In addition, the CDP generally contains more stringent limits in terms of earthworks volumes in Residential, Rural and Commercial/Industrial Zones when compared to the SDP. As shown in **Appendix 10**, the CDP allows for 20m³ of earthworks per site in Residential Zones, compared to some 2,000m³ per project for Living Zones in the SDP. In terms of earthworks in Rural Zones, it is noted that the CDP allows for 100m³ *per hectare*, while the SDP provides for 5,000m³ *per project*. On that basis, the CDP potentially provides for a greater volume of earthworks on large rural sites (e.g. sites >50ha), but the earthworks will need to be spread over a wider area. In contrast, the SDP caps earthworks at a volume of 5,000m³ regardless of site size, although the earthworks can occur in an intensified area on a site with little control.

The rules relating to earthworks contained in Chapter 8 of the CDP have a series of exemptions attached under Rule 8.9.3. Most notably, the exemptions allow for:

Any earthworks subject to an approved building consent where they occur wholly within the footprint of the building.

While it appears that the intent of this rule is to allow any earthworks activities that are covered by the Building Act to be exempt from District Plan provisions, the rule is largely ineffective. For the most part, an applicant would not have obtained an approved building consent prior to having the assurance of an approved resource consent. Therefore, there would likely be very few circumstances in which this exemption can be applied.

Other exemptions of note under Rule 8.9.3 of the CDP include matters relating to earthworks and:

- the establishment, repair or replacement of a utility;
- Geotechnical assessments;
- Earthworks undertaken by the Regional or City Council to upgrade or maintain one of their own parks/reserves.

Another matter worth noting is the way in which the CDP allows the NES for Contaminants in Soil to control the undertaking of earthworks on potentially contaminated sites. The CDP contains objectives and policies addressing soil contamination issues, but does not provide any rules relating to the matter. Instead, under Section 4.2.3 'Other Methods' the Plan specifically refers to the NES as the sole method for identifying contaminated land and the appropriate action to be taken. As discussed above this is considered to be an appropriate approach given the relationship of the NES to the functions of a territorial authority. It is noted that the SDP does not currently provide a reference to the NES for Contaminants in Soil in seeking to control earthworks activities.

In conclusion, the CDP structure in terms of the layout of the various standards relating to earthworks is considered to provide a useful guide for the review of earthworks provisions during the Selwyn District Plan Review. Given the highly urbanised environment of much of the Christchurch District, in combination with large areas of flood prone land, the rules are generally considered overly stringent and may provide an unnecessary level of control if a similar rules package were to be implemented in the Selwyn District. However, the structure of the CDP and its intention of allowing earthworks where necessary will provide a useful template for reviewing the SDP rules package relating to earthworks.

7.5 Summary Cross Boundary Matters

Based on the above assessment of each of the District Plans from the surrounding areas, it is considered that very little cross-boundary consistency exists in relation to earthworks provisions. While each District Council appears to seek similar outcomes through various objectives and policies, each Plan utilises a different approach to controlling earthworks, both in terms of the structure of planning provisions and the level of control that is maintained. In no instance were any of the specified volumes, intensities or areas for permitted earthworks activities identical.

The Ashburton and Christchurch District Plans are the most recently reviewed documents from the four surrounding districts. These plans provide a strong baseline for the establishment of an earthworks rules package and will be useful reference points in reviewing the SDP. The level of control obtained over earthworks in the ADP is considered to be more relevant and appropriate to the Selwyn District compared to the stringent rules of the CDP.

8 Conclusion

This report has sought to provide a summary of the existing planning framework pertaining to the control of earthworks activities within the Selwyn District. The report has summarised each of the relevant planning documents under the RMA, including a number of national and regional level documents. In addition, the report has provided comment on how the planning documents relate to the Operative Selwyn District Plan and the impending District Plan Review.

In summary, it is considered that matters of significant relevance to the review of earthworks rules in the SDP are contained within the CRPS, the CARP, the NES for Contaminants in Soil and the Ashburton and Christchurch District Plans. The CRPS is a high-level document and as such, the provisions relating to natural hazards, air quality, soil erosion and contaminated land within the Policy Statement should be taken into account when considering any earthworks objectives and policies for Selwyn.

In order to reduce dust emissions, the CARP contains rules aimed at controlling the area over which earthworks can occur and the volume/intensity at which materials can be handled. These rules should be taken into account when considering any change to permitted earthworks volumes in the SDP. In addition, the NES for Contaminants in Soil contains provisions relating to the identification and control of contaminated land and has been utilised by the Christchurch City Council as the main document for controlling earthworks activities on contaminated soils.

APPENDIX 1:

Selwyn District Plan: Relevant Issues, Objectives and Policies

SELWYN DISTRICT PLAN (TOWNSHIP VOLUME)		
Issues	Objectives	Policies
<p>Part B1.1 Land & Soil</p> <p>The primary Earthworks issues are:</p> <p><u>Contaminated Land:</u></p> <ul style="list-style-type: none">• Manage activities to avoid creating contaminated land in the first instance.• Keep and update a register of sites, possibly contaminated from past activities, and record the information on Land Information Memoranda (a “LIM”).Control activities on contaminated land in the district plan, to avoid people being exposed to contaminants. <p><u>Unstable Land:</u></p> <ul style="list-style-type: none">• Avoid creating unstable land in the first place by controlling large scale earthworks or earthworks on slopes.Keep and update a register of potentially unstable sites, and record that information on LIMs.• Use powers under the Building Act 2004 to control erecting buildings and structures on unstable land. <p>Part B2.4 Waste</p> <p>The primary issue relevant to Earthworks is:</p> <ul style="list-style-type: none">• Adverse effects on the environment from the generation and disposal of waste. <p>Part 3.1 Natural Hazards</p> <p>The primary issues relevant to Earthworks are:</p> <p><u>Unstable Land:</u></p> <ul style="list-style-type: none">• Movement of unstable land can be caused or exacerbated by earthworks. <p><u>Localised Natural Hazards</u></p> <ul style="list-style-type: none">• Identify areas in the District known to be affected in the past by flooding; unstable land; or seismic activity.• Manage land use activities in these areas, to avoid or mitigate the potential adverse effects of natural hazards.	<p>Part B1.1 Land & Soil</p> <ul style="list-style-type: none">• Adverse effects on people, and their activities, ecosystems and land and soil resources from contaminated soil or unstable land, are minimised. (B1.1.1). <p>Part B2.4 Waste</p> <p>The primary objective relevant to the Land & Soil chapter is:</p> <ul style="list-style-type: none">• Adverse effects on the environment from the collection, treatment, storage or disposal of waste are reduced (B2.4.2). <p>Part B3.1 Natural Hazards</p> <p>The primary objective relevant to Earthworks is:</p> <ul style="list-style-type: none">• Ensure methods to mitigate natural hazards do not create or exacerbate adverse effects on other people or the environment (B3.1.3).	<p>Part B1.1 Land & Soil</p> <p><u>Contaminated Land</u></p> <ul style="list-style-type: none">• Carry out all legal requirements to record information about possibly contaminated sites on Land Information Memoranda (B1.1.2).• Avoid adverse effects on people’s health or well-being from exposure to contaminated soil (B1.1.3). <p><u>Unstable Land</u></p> <ul style="list-style-type: none">• Ensure activities do not create unstable land (B1.1.5). <p><i>Policy B1.1.5 is to avoid creating unstable land, in the first instance... The Building Act 2004 requires building consents for the construction of dams over a certain size but not earthworks for other activities. The District Plan rules address effects of large scale earthworks on land stability that are not covered by other regulations.</i></p> <p><i>The policy and rules do not prevent large scale earthworks and earthworks on slopes. The Plan requires these activities be managed through a resource consent, to ensure sites are properly stabilised, filled and recontoured so the land is stable in the future.</i></p> <ul style="list-style-type: none">• Carry out all legal requirements to record information about sites which may have unstable land, on Land Information Memoranda (B1.1.6). <p>Part B2.4 Waste</p> <p>The primary policies relevant to the Land & Soil chapter are:</p> <ul style="list-style-type: none">• Ensure that residents in Selwyn District have access to appropriate waste treatment and disposal facilities for the types of waste produced in the District, including but not limited to those facilities for disposing of hazardous substances (B2.4.2).• Avoid treating or disposing of solid waste in townships, unless any adverse effects, including effects on amenity values are minor: and minimise adverse effects on the environment from disused waste treatment or disposal sites (B2.4.5).• Regard any land used to treat or dispose of solid waste or to spread effluent as a potentially contaminated site, until it is tested (B2.4.7).• Consider the taking of bonds or other mechanisms to cover any costs of managing adverse effects from sites used to treat or dispose of waste, when the site is established (B2.4.8). <p>Part B3.1 Natural Hazards</p> <p>The primary policies relevant Earthworks are:</p> <ul style="list-style-type: none">• Ensure any earthworks undertaken in the Living 1A or Living 2A Zones at Tai Tapu do not divert or displace floodwater on to other people’s property with adverse effects that are more than minor (B3.1.5). <p><i>Land in the Living 1A and 2A Zones at Tai Tapu is lower than the surrounding land and is prone to flooding. Earthworks to raise the level of allotments in these zones or to create building mounds for houses, can divert floodwater on to surrounding properties. This activity can increase the level of flooding on surrounding properties.</i></p> <p>Part B3.4 Quality of the Environment</p> <p>The primary policies relevant Earthworks are:</p> <ul style="list-style-type: none">• Avoid nuisance effects caused by dust from stockpiled material or construction work in Living or Business zones (B3.4.14).

		<ul style="list-style-type: none">• Avoid, remedy or mitigate adverse effects caused by excessive or prolonged vibration associated with people’s activities (B3.4.15).• Ensure the operating hours for non-residential activities in Living zones do not disturb surrounding residential activities, particularly at night (B3.4.16). <p>Part B4.2 Subdivision of Land</p> <ul style="list-style-type: none">• Ensure any temporary, adverse effects from the preparation of land for subdivision or installing utilities, are avoided, remedied or mitigated (B4.2.5). <p>Part B4.3 Residential and Business Development – Town Form Policies</p> <ul style="list-style-type: none">• Ensure any land rezoned for new residential or business development does not increase potential natural hazards from flooding (B4.3.95). <p><i>Relates to Tai Tapu which is prone to flooding.</i></p>
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SELWYN DISTRICT PLAN (RURAL VOLUME)		
Issues	Objectives	Policies
<p>Part B1.1 Land & Soil</p> <p>The primary Earthworks issues are:</p> <ul style="list-style-type: none">• Activities which contaminate, damage or erode soil.• Effects of contaminated or unstable land on people, property, and the environment. <p>Land & Soil - Strategy</p> <p><u>Contaminated and Unstable Land:</u></p> <ul style="list-style-type: none">• Avoid creating contaminated or unstable land, in the first instance by policies and rules to manage hazardous substances, waste disposal, earthworks and forestry on slopes. (Burning on hills is controlled by the Regional Council).Policies and methods to protect people from contact with contaminated land or from building on unstable land.Encourage people to clean up contaminated sites. <p><u>Soil Erosion:</u></p> <ul style="list-style-type: none">• Encourage work by Environment Canterbury and landowners to minimise risk of soil erosion or damage to soil structure.Manage large-scale earthworks and forestry on slopes. <p>Part B2.4 Waste</p> <p>The primary issue relevant to the Land & Soil chapter is:</p> <ul style="list-style-type: none">• Adverse effects on the environment from the generation and disposal of waste.	<p>Part B1.1 Land & Soil</p> <ul style="list-style-type: none">• Adverse effects of activities on the District’s land and soil resources are avoided, remedied or mitigated (B1.1.1).• People and their property are not affected by contaminated soil or unstable land and any adverse effects on the environment are avoided, remedied or mitigated (B1.1.2). <p>Part B2.4 Waste</p> <p>The primary objective relevant to the Land & Soil chapter is:</p> <ul style="list-style-type: none">• Adverse effects on the environment from the collection, treatment, storage or disposal of waste are reduced (B2.4.2). <p>Part B3.1 Natural Hazards</p> <p>The primary objective relevant to Earthworks is:</p> <ul style="list-style-type: none">• Activities do not cause or exacerbate natural hazards (3.1.1).	<p>Part B1.1 Land & Soil</p> <p><u>Contaminated Land</u></p> <ul style="list-style-type: none">• Ensure any activity involving hazardous substance or waste disposal is carried out in a way which reduces the risk of contaminating land or soil (B1.1.1).• Avoid adverse effects on people through exposure to contaminated land and mitigate or remedy any adverse effects on the environment (B1.1.2).• Encourage the management of contaminated sites so that effects on peoples’ health or on the environment are avoided (B1.1.3). <p><u>Unstable Land</u></p> <ul style="list-style-type: none">• Require earthworks on slopes to be carried out in ways that minimise the likelihood of land slipping or slumping (B1.1.4). <p><u>Soil Damage</u></p> <ul style="list-style-type: none">• Encourage initiatives by Environment Canterbury and landowners to reduce the adverse effects of activities on soil structure and soil erosion (B1.1.6).• Avoid removing large quantities of topsoil from sites unless:The site will be covered in hardstanding; or<ul style="list-style-type: none">○ The topsoil will be replaced and the site replanted, when the activity ceases (B1.1.7). <p>Part B2.4 Waste</p> <ul style="list-style-type: none">• Require activities which create large amounts of waste to have a plan to minimise the waste produced and mitigate the environmental effects of disposing of it (B2.4.2).• Avoid any large scale facilities for disposing of solid waste in the District, unless any adverse effects, including any cumulative effects, on the environment will be minor (B2.4.6).• Ensure appropriate after-care of land used to dispose of waste (B2.4.8). <p>Part B3.1 Natural Hazards</p> <ul style="list-style-type: none">• Ensure any earthworks undertaken in the flood areas shown on the Planning Maps do not exacerbate flooding on other property by displacing or diverting floodwater on surrounding land (B3.1.4). <p>Part B3.4 Quality of the Environment</p>

		<ul style="list-style-type: none">Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material (B3.4.16) <p>Part B4.1 Subdivision</p> <ul style="list-style-type: none">To provide for the subdivision and development of residential, commercial and visitor accommodation buildings in the Porters Ski and Recreation Area, where effects on the ecological and landscape values of the environment are managed in accordance with the following: Requiring earthworks, buildings and structures to be assessed on a project or individual basis to ensure that works and structures are responsive to the ecological and landscape values, sensitivities and features of the site and potential adverse effects on ground stability and natural hazards are avoided, remedied or mitigated (B4.1.8(e))
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APPENDIX 2:

Selwyn District Plan: Relevant Rules

SDC DISTRICT PLAN (TOWNSHIP VOLUME) – ASSESSMENT OF EARTHWORKS RULES		
Rule	Activity Status	Notes/Commentary
C1 Living Zones – Status Activities		
Rule 1.1 – Status of Activities The following are non-complying irrespective of whether they comply with conditions for permitted activities in Rules C2-11: (c) Disposal of any hazardous substance. (j) Processing, composting or disposal on to land of any organic matter. (This rule does not apply to the activities set out in Rule 9.3)	Non-complying	
C2 Living Zones – Earthworks		
Note: <i>Rule 2 does not apply to any of the following activities:</i> <ul style="list-style-type: none"> Landscaping or maintenance of gardens, lawns or public spaces; Sowing, tending or cultivating crops, grazing or planting trees; Digging post holes; Burying pets; Trenching compost; Digging soak holes, building foundations and related activities, except in Wāhi Taonga Management Area C39(b); Maintaining or repairing existing flood protection works except in Wāhi Taonga Management Area C39(b); or Earthworks required to duct cables except in Wāhi Taonga Management Area C39(b). 		
Rule 2.1 – Earthworks Any earthworks shall be a permitted activity if the following conditions are met:	N/A	
2.1.1.1 Any disturbed or stockpiled material is kept moist until it has consolidated, and	Discretionary	
2.1.1.2 Any stockpiled material is kept consolidated or covered to avoid sediment run-off from rainfall, and	Discretionary	
2.1.1.3 Any site subject to earthworks is either: (a) built upon, (b) sealed, (c) landscaped, or (d) the land recontoured and replanted, no more than 12 months after the earthworks commencing, except in the case of landscaping and planting which shall be undertaken during the first planting season following the completion of the earthworks.	Discretionary	
2.1.1.5 On land located within the Living 1A or 2A Zones at Tai Tapu, earthworks are limited to the forming of any accessway to a site or the preparation of any site to erect a building, provided that these earthworks do not alter or impede the land drainage pattern.	Restricted Discretionary	<i>Matters of discretion are:</i> <ul style="list-style-type: none"> The nature of any flooding or land instability and whether this makes the site unsuitable to undertake the proposed earthworks. Any effects of earthworks in displacing or diverting floodwaters and increasing the potential risk of flooding elsewhere. Any mitigation measures proposed.
2.1.1.6 Except where Rule 2.1.1.5 applies, any earthworks has: (a) a volume of not more than 2,000m³ per project; and (b) a vertical cut face where no more than 5% of the total vertical cut is over 2 metres.	Discretionary	
2.1.1.7		

Any earthworks undertaken on any site to be used to erect a building complies with NZS 4431 Code of Practice for Earth Fill for Residential Development.	Discretionary	
C6 Living Zones – Utilities		
Note: <i>The undergrounding or ducting of any utility is permitted subject to compliance with Rule 2 (Earthworks), except where the provisions of Rule 3 (Heritage) apply.</i>		
Rule 6.1 – Utilities Any utility which meets the following provisions and complies with all other relevant rules shall be a permitted activity: <i>NB: Only rules relevant to earthworks are displayed below.</i>	N/A	
6.1.1.7 The digging of channels or ditches to convey water is limited to maintenance or minor realignment of existing drains and stock water races.	Discretionary	
6.1.1.11 The utility does not involve the treatment or disposal of solid waste, apart from solid waste permitted in terms of Rule 9.	Non-Complying	
C9 Living Zones – Waste		
Rule 9.1 – Waste Generation Any activity, which is not a residential activity, which generates not more than 1 cubic metre of solid waste on average per week over a year, other than inert landfill, shall be a permitted activity.	Restricted Discretionary	<i>NB: As per the definition of ‘disposal’: “For the purposes of the land use rules for waste generation, storage and disposal, disposal does not include: the deposition of inert fill on to land from another site, for the purposes of landscaping, levelling or recontouring land, filling holes or depressions, preparing building sites or other construction work.”</i>
Rule 9.2 – Waste Storage The storage of solid waste shall be a permitted activity if the following conditions are met:	N/A	
9.2.1.1 Only solid waste generated as part of activities on a site is stored on the site; and	Non-Complying	
9.2.1.2 Any solid waste stored on a site is stored in a closed, waterproof container; and	Non-Complying	
9.2.1.3 Solid waste is only stored on-site until it is able to be collected or removed for treatment or disposal elsewhere.	Non-Complying	
Rule 9.3 – Waste Disposal The disposal of solid waste shall be a permitted activity if one or more of the following conditions are met:	N/A	
9.3.1.1 The solid waste is green garden waste which is burned or composted on the site on which it is generated; or	Non-Complying	
9.3.1.2 The solid waste is being applied as a manure, fertiliser, compost or mulch onto gardens, lawns, or soil used to grow plant or tree crops.	Non-Complying	
Rule 9.4 – Other Matters The following shall be non-complying activities in Living Zones:	N/A	
9.4.1 Any facilities for the treatment or disposal of solid or liquid waste delivered or conveyed onto a site shall be a non-complying activity.	Non-Complying	
9.4.2 Any processing, composting or disposal onto any land of any organic matter shall be a non-complying activity except as provided for in Rule 9.3.1.	Non-Complying	
C10 Living Zone – Activities		
Rule 10.1 – Activities and Contaminated Land Any activity shall be a permitted activity on any site which contains contaminated land or where past activities on that site include those listed in Appendix 10 except for the following: 10.1.1.1 Erecting any dwelling; 10.1.1.2 Educational facilities; 10.1.1.3 Outdoor recreation activities; and 10.1.1.4 Growing commercial food crops or rearing animals.	Restricted Discretionary	<i>It is noted that earthworks/excavation is not controlled under this rule.</i>
Rule 10.10 – Activities and Outdoor Storage of Materials and Goods The outdoor storage of any materials or goods shall be a permitted activity if the following conditions are met:	N/A	

10.10.1.2 The outdoor storage of materials for construction, repair or landscaping work on the same site shall be limited to up to 4 months in any 12 month period.	Discretionary	
10.10.1.3 The outdoor storage of any other goods or materials if the following conditions are met: (a) The outdoor storage space shall be screened from any road boundary of the site by a fence, wall, or vegetation of at least 1.8m in height, and (b) The outdoor storage area shall be screened from any internal boundary of the site which adjoins another site in a Living Zone or a site in a Business 1 Zone, by a fence, wall, or vegetation of at least 1.8 m in height; and (c) Any stockpile of soil, coal, sawdust, powdered fertiliser, or any other unconsolidated materials, is shall be covered or otherwise secured from being blown by the wind.	Discretionary	
C11 Living Zones – Landscape Alpine Villages		
Rule 11.1 – Landscape Management, Alpine Villages Any activity in the Arthur’s Pass and Castle Hill Alpine Villages shall be a permitted activity if the following conditions are met: <i>NB: Only rules relevant to earthworks are displayed below.</i>	N/A	
11.1.1.6 Any area of land disturbed by earthworks shall be covered in the intended construction material or shall be landscaped and revegetated. At Arthur’s Pass, landscaping and revegetation is to be in accordance with Rules 11.1.1.17 and Rule 11.1.1.8.	Restricted Discretionary	
C13 Business Zones – Status Activities		
13.1.7 The following activities shall be discretionary activities in Business 2 and 2A Zones: (a) Composting or disposal on to land of any organic matter	Discretionary	
13.1.10 The following activities shall be non-complying activities in Business 1 and 1A Zones: (c) Manufacture and/or disposal of any hazardous substance (f) Treatment and/or disposal of solid or liquid waste delivered or conveyed onto the site	Non-Complying	
13.1.11 The following activities shall be non-complying activities in Business 2, 2A and 2B Zones: (c) Treatment or disposal of solid or liquid waste delivered or conveyed onto the site.	Non-Complying	
13.1.12 The following activities shall be non-complying activities in the Business 3 Zone: (d) Treatment or disposal of solid or liquid waste delivered or conveyed onto the site.	Non-Complying	
C14 Business Zones – Earthworks		
Notes: 1. Rule 14 does not apply to any of the following activities: <ul style="list-style-type: none"> Landscaping or maintenance of gardens, lawns or public spaces; Sowing, tending or cultivating crops, grazing or planting trees; Digging post holes, soak holes, building foundations and related activities; Maintaining and clearing rivers, water races or drains; Maintaining or repairing existing flood protection works; or Earthworks required to duct cables. 2. Stockpiling of material disturbed by earthworks may be affected by Rule 22.6 – Activities and Outdoor Storage of Materials and Goods.		
Rule 14.1 – Earthworks Any earthworks shall be a permitted activity if the following conditions are met:	N/A	
14.1.1.1 Any disturbed or stockpiled material is kept moist until it has consolidated, and	Discretionary	
14.1.1.2 Any stockpiled material is kept consolidated or covered to avoid sediment run-off from rainfall, and	Discretionary	

14.1.1.3 Any site subject to earthworks is either: (a) built upon, (b) sealed, (c) landscaped, or (d) the land recontoured and replanted, no more than 12 months after the earthworks commencing, except in the case of landscaping and planting which shall be undertaken during the first planting season following the completion of the earthworks.	Discretionary	
14.1.1.5 Any earthworks has: (a) a volume of not more than 5,000m³ per project; and (b) a vertical cut face where no more than 5% of the total vertical cut is over 2 metres.	Discretionary	
14.1.1.6 Any earthworks are not for the purposes of creating or forming; a road, or access to serve any future allotment(s), unless the road or access forms part of an approved subdivision consent or is provided for within a designation.	Discretionary	
14.1.1.7 Any earthworks undertaken on any site to be used to erect a building complies with NZS 4431 Code of Practice for Earth Fill for Residential Development.	Discretionary	
14.1.1.9 The earthworks are associated with the formation of a rail crossing and siding within the Business 2A area subject to the Outline Development Plan in Appendix 43.	Discretionary	
C21 Business Zones – Waste		
Rule 21.1 – Waste Generation Any activity, which is not a residential activity, which generates not more than 1 cubic metre of solid waste on average per week over a year, other than inert landfill, shall be a permitted activity.	Restricted Discretionary	<i>NB: As per the definition of ‘disposal’: “For the purposes of the land use rules for waste generation, storage and disposal, disposal does not include: the deposition of inert fill on to land from another site, for the purposes of landscaping, levelling or recontouring land, filling holes or depressions, preparing building sites or other construction work.”</i>
Rule 21.2 – Waste Storage The storage of solid waste shall be a permitted activity if the following conditions are met:	N/A	
21.2.1.1 Only solid waste generated as part of activities on a site is stored on the site; and	Non-Complying	
21.2.1.2 Any solid waste stored on a site is stored in a closed, waterproof container; and	Non-Complying	
21.2.1.3 Solid waste is only stored on-site until it is able to be collected or removed for treatment or disposal elsewhere.	Non-Complying	
21.2.2 Any facilities for the temporary storage of solid or liquid waste delivered or conveyed onto the site shall be a discretionary activity.	Discretionary	
Rule 21.3 – Waste Disposal The disposal of solid waste shall be a permitted activity if one or more of the following conditions are met:	N/A	
21.3.1.1 The solid waste is green garden waste which is composted on the site on which it is generated; or	Non-Complying	
21.3.1.2 The solid waste is being applied as a manure, fertiliser, compost or mulch onto gardens, lawns, or soil used to grow plant or tree crops.	Non-Complying	
21.3.2 The use of any land or the establishing of any facilities for the disposal of solid waste which does not comply with the above shall be a discretionary activity if any one of the following standards and terms is met:	N/A	
21.3.2.1 The site is located in a Business 2, 2A, 2B or 3 Zone; and	Discretionary	<i>Non-Complying activity if it fails to meet one of the standards.</i>
21.3.2.2 The solid waste being disposed of is clean fill only; or	Discretionary	

21.3.2.3 The solid waste being disposed of is green waste only; or	Discretionary	
21.3.2.4 The solid waste being disposed of is monofill from an industrial or business activity, and does not include any hazardous substance(s), offal or animal carcass.	Discretionary	
C22 Business Zones – Activities		
Rule 22.1 – Activities and Contaminated Land Any activity shall be a permitted activity on any site which contains contaminated land or where past activities on that site include those listed in Appendix 10 except for the following: 10.1.1.1 Erecting any dwelling; 10.1.1.2 Educational facilities; 10.1.1.3 Outdoor recreation activities; and 10.1.1.4 Growing commercial food crops or rearing animals.	Restricted Discretionary	<i>It is noted that earthworks/excavation is not controlled under this rule.</i>
Rule 22.6 – Activities and Outdoor Storage of Materials and Goods The outdoor storage of any materials or goods shall be a permitted activity if the following conditions are met: <i>NB. The following is exempt from 22.6.1.1 – 22.6.1.4:</i> <i>The storage of materials for construction, repair or landscaping work on the same site, for up to 4 months in any 12 month period.</i>	N/A	<i>Note that the exemption doesn’t apply to 22.6.1.5.</i>
22.6.1.1 Any outdoor storage area in a Business 1 Zone shall be screened from any road boundary of the site by a fence, wall or vegetation of at least 1.8m in height; and	Discretionary	
22.6.1.2 Any outdoor storage area in a Business 1 Zone shall be screened from any internal boundary of the site which adjoins a site in another Business 1 Zone or a site in a Living zone, by a fence, wall, or vegetation of at least 1.8m in height; and	Discretionary	
22.6.1.3 Any outdoor storage area in a Business 2 or 3 Zone shall be screened from any road boundary or internal boundary of the site which adjoins a site in a Living or Business 1 Zone, by a fence, wall or vegetation of at least 1.8m in height.	Discretionary	
22.6.1.4 The screening referred to in Rules 22.6.1.1 to 22.6.1.3 shall be for the full length that the storage area is visible from the road.	Discretionary	
22.6.1.5 Unconsolidated materials such as soil, coal, sawdust, powdered fertiliser are to be covered or otherwise secured from being blown by the wind.	Discretionary	
Rule 22.9.2 – Development Within the Business 2A Zone, Rolleston Any outdoor storage of materials within 5m of the centreline of the existing primary shelterbelt as required by Landscape Treatment 3 in Rule 24.1.3.13 shall be a controlled activity.	Controlled	<i>Matters of control:</i> <i>Any actual or potential effects on the health of the existing primary shelterbelt and the effectiveness of any measures to mitigate any such effects.</i>
C23 Business Zones – Landscape Alpine Villages		
Rule 23.1 – Landscape Management, Alpine Villages Any activity in the Arthur’s Pass and Castle Hill Alpine Villages shall be a permitted activity if the following conditions are met: <i>NB: Only rules relevant to earthworks are displayed below.</i>	N/A	
23.1.1.6 Any area of land disturbed by earthworks shall be covered in the intended construction material or shall be landscaped and revegetated.	Restricted Discretionary	

SDC DISTRICT PLAN (RURAL VOLUME) – ASSESSMENT OF EARTHWORKS RULES		
Rule	Activity Status	Notes/Commentary
C1 Rural Rules – Earthworks		
<p>Notes:</p> <p>1. Rule 1 does not apply to any of the following activities:</p> <ul style="list-style-type: none">Tending or landscaping of gardens, lawns or public spaces;Digging post holes;Drilling bores, except in Wāhi Taonga Management Area C39(a);Planting trees or removing dead or diseased trees;Cultivation;Burying Pets;Trenching compost;Earthworks required to duct cables except in Wāhi Taonga Management Area C39(a) <p>2. Rule 1 – Earthworks does apply to earthworks associated with harvesting forests or tracks into areas to harvest forests.</p>		
<p>Rule 1.1 – Earthworks and Road and Access Formation</p> <p>Any earthworks for the purposes of creating or forming; a road, or access to serve any future allotment(s), shall be a discretionary activity unless the road or access forms part of an approved subdivision consent or is provided for within a designation.</p>	Discretionary	
<p>Rule 1.2 – Earthworks and Contaminated Land</p> <p>Any earthworks which meet the following condition shall be a permitted activity:</p> <p>Any soil or earth to be removed from the site is not contaminated.</p>	Permitted	
<p>1.2.2</p> <p>The removal of contaminated soil or earth from a site shall be a restricted discretionary activity.</p>	Restricted Discretionary	
<p>Rule 1.4 – Earthworks and Natural Hazards – Flood Areas</p> <p>The following earthworks undertaken in an area shown on the Planning Maps as a flood area shall be a permitted activity:</p>	N/A	
<p>1.4.1.1</p> <p>The forming of vehicular accessways through or within properties and the forming of building platforms, provided that the existing land drainage patterns are not altered or impeded; or</p>	Restricted Discretionary	<p><i>Matters of discretion are:</i></p> <ul style="list-style-type: none"><i>The potential effects of the earthworks on creating or exacerbating flooding on the site;</i><i>The potential effects of the earthworks on creating or exacerbating flooding on other properties, by diverting floodwaters or by increasing the level of floodwater on lower lying properties;</i><i>Any positive effects which may offset any adverse effects</i>
<p>1.4.1.2</p> <p>Any other earthworks which do not raise the mean average level of the land subject to the earthworks or reduce the storage capacity of surface water ponding areas.</p>	Restricted Discretionary	
<p>Rule 1.7 – Earthworks and Setbacks, Volume and Site Rehabilitation</p> <p>Any earthworks which meet the following conditions shall be a permitted activity:</p>	N/A	
<p>1.7.1.2</p> <p>The earthworks do not exceed:</p> <p>(a) A vertical cut face where no more than 5% of the total vertical cut is over 2m; and</p> <p>(b) A maximum volume of 5000m3 per project.</p> <p>Notes</p> <p>1. Rule 1.7.1.2(b) does not apply to earthworks associated with forming tracks, provided the track is not more than 10m wide. Rule 1.7.1.2(a)} does apply to forming tracks no more than 10m wide.</p> <p>2. Rule 1.7.1.2 does not apply to earthworks in the area shown on the Planning Maps as the Existing Development Area for Terrace Downs, if the earthworks are for the creation of golf courses, water holding or channelling structures and building platforms.</p>	Discretionary	
<p>1.7.1.3</p> <p>When the earthworks cease, the site is:</p> <p>(a) Filled and recontoured to the same state as the surrounding land; and</p> <p>(b) Replanted with vegetation which is the same as, or of similar species to, that which existed on the site prior to the earthworks taking place, except that where the site was vegetated with any plant pest, the site may be replanted with other species.</p>	Discretionary	

Note <i>Does not apply to earthworks associated with the preparation of building sites, roads or tracks or sites prepared for planting trees or other crops.</i>		
1.7.1.4 Any stockpiling of earth, soil or other material within 100m of any dwelling, other than a dwelling erected on the same property as the earthworks, is to be kept moist and consolidated.	Restricted Discretionary	
1.7.1.5 In any area within 300m of either side of SH 73 (between Porters Pass and Arthurs Pass) or the Midland Railway (from the Waimakariri Gorge to Arthurs Pass) any earthworks are limited to: (a) The maintenance and repair of existing tracks and roads; (b) Post holes; (c) The installation of underground telecommunication lines and ancillary structures; or (d) Any other earthworks provided that the volume of earth disturbed, removed or deposited does not exceed 150m ³ per project.	Restricted Discretionary	
C8 Rural Rules – Waste		
Notes 1. Any landfill must comply with Rule 1 – Earthworks 6. Disposal of solid waste does not include the deposition of clean fill on to a site as part of preparing building sites or other construction work, landscaping, filling holes, or recontouring land, or the spreading of deep litter bedding (straw/sawdust) from intensive livestock production on land.		
Rule 8.1 – Generation, Storage and Disposal of Solid Waste Any activity which involves the generation, storage or disposal of solid waste shall be a permitted activity if all of the following conditions are met:	N/A	
8.1.1.1 The activity generates not more than 3m ³ of solid waste per week, averaged over any calendar year; Note <i>Rule 8.1.1.1 does not apply to clean fill or green waste which is generated on the same property on which it is disposed of, or to livestock or crops which are grown or reared on-site.</i>	Restricted Discretionary	Any resource consent application made under this rule shall be non-notified and shall not require the written approval of affected parties.
8.1.1.2 Any storage, sorting or redistribution of solid waste on-site: (a) Involves only solid waste generated as part of any activity occurring on the site; (b) Is stored in a closed waterproof container or is covered with a material that prevents nuisance effects from litter, odour, flies, vermin, dogs or birds; and (c) Is only stored on-site until it is able to be collected or removed for treatment or disposal elsewhere;	Discretionary	
8.1.1.3 Any disposal of solid waste on-site: (a) Occurs only on sites where there is no public collection service available at the property boundary for the form of solid waste being disposed of; (b) Involves only solid waste generated as part of any activities occurring on the site; (c) Has a maximum volume of not more than 3m ³ per week, averaged over any calendar year; (d) Does not include any hazardous substance(s); (e) Is not disposed of within 45m of any property boundary; (f) Is buried at least 1 metre below the ground surface or is covered with a material to prevent nuisance effects from litter, odour, flies, vermin, dogs or birds. Notes <i>Rule 8.1.1.3(c) does not apply to green waste, offal or livestock which is from plants or livestock grown or reared on the same property.</i> <i>Rule 8.1.1.3(c) does not apply to clean fill which is sourced from the same property.</i> Activity Status Activities that do not comply with the above rule are <u>discretionary</u> if any one of the following terms are met: (a) The solid waste being disposed of is clean fill only; or (b) The solid waste being disposed of is monofill from an industrial or business activity, and does not include any hazardous substance(s). (c) The solid waste being disposed of is offal or animal carcasses in a pit located between 10 metres and 45 metres from the boundary of the site. All other activities that do not comply shall be <u>non-complying</u> activities.	Discretionary/N on-Complying	NB: As per the definition of ‘disposal’: <i>“For the purposes of Rule 8.1.1.3 disposal does not include: the deposition of inert fill on to land from another site, for the purposes of landscaping, levelling or recontouring land, filling holes or depressions, preparing building sites or other construction work.”</i>
C9 Rural Rules – Activities		
Rule 9.2 – Listed Activities All of the following activities shall be discretionary activities irrespective of whether they comply with all other rules in the Plan for permitted activities:	N/A	

9.2.1.3 Any activity which involves the manufacture of fertiliser from organic material, where that material is brought on to the site;	Discretionary	
Rule 9.4 – Scale of Non-Residential and Non-Rural Activities Any activity which is not a rural activity or a residential activity shall be a permitted activity if the following conditions are met:	N/A	
9.4.1.1 The maximum area of any site covered by building(s), loading, storage and waste areas used for any other activity on the site does not exceed 100m ² and no more than two full-time equivalent persons are employed in undertaking any other activity on the site.	Discretionary	
Rule 9.5 – Rural Based Industrial Activities Any rural based industrial activity shall be a permitted activity if the following conditions are met:		
9.5.1.1 The maximum area of any site covered by any building(s), loading, storage and waste areas used for any rural based industrial activity on the site shall be 100m ² . Note <i>Does not apply to any temporary activity.</i> Activity Status <i>Any activity that does not comply with this rule shall be discretionary if the site is located within the Outer Plains, as shown on the Planning Maps.</i> <i>All other activities that do not comply shall be non-complying activities.</i>	Discretionary/N on-Complying	
Rule 9.6 – Activities and Contaminated Land Any activity on land which is contaminated shall be a permitted activity provided that none of the following activities are undertaken on that land: 9.6.1.1 Erecting any dwelling or undertaking residential activities; 9.6.1.2 The use of land for educational activities or erecting any educational facilities; 9.6.1.3 Outdoor recreation activities; and 9.6.1.4 Growing or rearing of food crops or livestock;	Restricted Discretionary	<i>It is noted that earthworks on contaminated land is not controlled under this rule.</i>
Rule 9.19 – Activities and Dust Any stockpiling activity shall be a permitted activity provided that stockpiling of any soil, coal, sawdust, powdered fertiliser or any other unconsolidated material outdoors within 100m of a dwelling (other than a dwelling on the same property as the stockpiled material), is either: 9.19.1.1 Covered; or 9.19.1.2 Consolidated; or 9.19.1.3 Otherwise secured to mitigate windblown dust on to adjoining properties.	Discretionary	

APPENDIX 3:

Building Act 2004: Relevant Provisions

BUILDING ACT 2004	
Section	Provision
7	Sitework – means work on a building site, including earthworks, preparatory to, or associated with, the construction, alteration, demolition, or removal of a building.
41(1)	Despite section 40, a building consent is not required in relation to— (c) any building work in respect of which a building consent cannot practicably be obtained in advance because the building work has to be carried out urgently— (i) for the purpose of saving or protecting life or health or preventing serious damage to property; or
42A(1)	Despite section 40, subject to the conditions set out in subsection (2) and whether or not a building consent would otherwise have been required, a building consent is not required for building work in the following categories: (a) building work described in Part 1 of Schedule 1; <i>Part 1, s20 exempts the following:</i> Building work in connection with a retaining wall that— (a) retains not more than 1.5 metres depth of ground; and (b) does not support any surcharge or any load additional to the load of that ground (for example, the load of vehicles).
42A(1)	Despite section 40, subject to the conditions set out in subsection (2) and whether or not a building consent would otherwise have been required, a building consent is not required for building work in the following categories: (c) building work described in Part 3 of Schedule 1; <i>Part 3, s41 exempts the following:</i> Building work in connection with a retaining wall in a Rural Zone if— (a) the wall retains not more than 3 metres depth of ground; and does not support any surcharge or any load additional to the load of that ground (for example, the load of vehicles). (b) the distance between the wall and any legal boundary or existing building is at least the height of the wall.
BUILDING CODE	
Section	Provision
B1.2	Sitework shall withstand the combination of loads that they are likely to experience during construction or alteration and throughout their lives.
B1.3.1	Sitework shall have a low probability of rupturing, becoming unstable, losing equilibrium, or collapsing during construction or alteration and throughout their lives.

B1.3.1	Sitework shall have a low probability of causing loss of amenity through undue deformation, vibratory response, degradation, or other physical characteristics throughout their lives, or during construction or alteration when the building is in use.
B1.3.3	Account shall be taken of all physical conditions likely to affect the stability of buildings, building elements and sitework, including: <i>(see list under provision)</i>
B1.3.6	Sitework, where necessary, shall be carried out to: (a) provide stability for construction on the site, and (b) avoid the likelihood of damage to other property.
B1.3.7	Any sitework and associated supports shall take account of the effects of: (a) changes in ground water level, (c) water, weather and vegetation, and (d) ground loss and slumping.
E1.2	Buildings and sitework shall be constructed in a way that protects people and other property from the adverse effects of surface water.
E.1.3.1	Except as otherwise required under the Resource Management Act 1991 for the protection of other property, surface water, resulting from an event having a 10% probability of occurring annually and which is collected or concentrated by buildings or sitework, shall be disposed of in a way that avoids the likelihood of damage or nuisance to other property.

APPENDIX 4:

Canterbury Regional Policy Statement: Relevant Provisions

CPRS Objective/Policy	Similar Selwyn District Plan Provision(s)
Chapter 5 – Land-Use and Infrastructure	Part B3 – Health, Safety and Values
Policy 5.3.2 <i>Development conditions</i> To enable development including regionally significant infrastructure which: <ol style="list-style-type: none"> Avoid or mitigate: <ol style="list-style-type: none"> natural and other hazards, or land uses that would likely result in increases in the frequency and/or severity of hazards. 	Objective B3.1.1 – Natural Hazards (RV) Activities do not cause or exacerbate natural hazards
Chapter 11 – Natural Hazards	Part B3 – Health, Safety and Values
Objective 11.2.2 Adverse effects from hazard mitigation are avoided or mitigated. Policy 11.3.7 <i>Physical mitigation works</i> New physical works to mitigate natural hazards will be acceptable only where: <ol style="list-style-type: none"> The natural hazard risk cannot reasonably be avoided. 	Objective B3.1.3 – Natural Hazards (TV) Ensure methods to mitigate natural hazards do not create or exacerbate adverse effects on other people or the environment.
Chapter 14 Air Quality	Part B3 – Health, Safety and Values
Objective 14.2.2 <i>Localised adverse effects of discharges on air quality</i> Enable the discharges of contaminants into air provided there are no significant localised adverse effects on social, cultural and amenity values, flora and fauna, and other natural and physical resources.	Policy B3.4.14 – Quality of the Environment (TV) Avoid nuisance effects caused by dust from stockpiled material or construction work in Living or Business zones. Policy B3.4.16 – Quality of the Environment (RV) Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.
Chapter 15 – Soil	Part B1 – Natural Resources
Objective 15.2.2 <i>Prevention of soil erosion</i> Prevention of new significant induced soil erosion, and the reduction of significant existing induced erosion. Policy 15.3.2 <i>Avoid and remedy significant induced soil erosion</i>	Policy B1.1.5 – Land & Soil (TV) Ensure activities do not create unstable land. Policy B1.1.4 – Land & Soil (RV) Require earthworks on slopes to be carried out in ways that minimise the likelihood of land slipping or slumping.

<p>To avoid significant new induced soil erosion resulting from the use of land and as far as practicable remedy or mitigate significant induced soil erosion where it has occurred. Particular focus is to be given to the desirability of maintaining vegetative cover on non-arable land.</p>	
<p>Chapter 17 – Contaminated Land</p>	<p>Part B1 – Natural Resources</p>
<p>Policy 17.3.2 <i>Development of, or discharge from contaminated land</i> In relation to actually or potentially contaminated land, where new subdivision, use or development is proposed on that land, or where there is a discharge of the contaminant from that land: ... the actual or potential adverse effects of that contamination, or discharges from the contaminated land shall be avoided, remedied or mitigated in a manner that does not lead to further significant adverse effects.</p> <p>Policy 17.3.3 <i>Contaminants may remain in the land</i> Where land has been identified as being contaminated, contaminants should only be allowed to remain in the ground if discharges of contaminants beyond the site to air, water or land will not result in significant risk to human health or the environment.</p>	<p>Objective B1.1.1 – Contaminated Land (TV) Adverse effects on people, and their activities, ecosystems and land and soil resources from contaminated soil or unstable land, are minimised.</p> <p>Objective B1.1.2 – Contaminated Land (RV) People and their property are not affected by contaminated soil or unstable land and any adverse effects on the environment are avoided, remedied or mitigated.</p> <p>Policy B1.1.3 – Contaminated Land (TV) Avoid adverse effects on people’s health or well-being from exposure to contaminated soil.</p> <p>Policy B1.1.2 – Contaminated Land (RV) Avoid adverse effects on people through exposure to contaminated land and mitigate or remedy any adverse effects on the environment.</p> <p>Policy B1.1.3 – Contaminated Land (RV) Encourage the management of contaminated sites so that effects on peoples’ health or on the environment are avoided.</p>

APPENDIX 5:

Canterbury Land and Water Regional Plan: Relevant Provisions

CLWP Provisions	Similar Selwyn District Plan Provisions
Section 3 – Objectives	
<p>Objective 3.23</p> <p>Soils are healthy and productive, and human-induced erosion and contamination are minimised.</p>	<p>Objective B1.1.1 – Contaminated Land (TV)</p> <p>Adverse effects on people, and their activities, ecosystems and land and soil resources from contaminated soil or unstable land, are minimised.</p> <p>Objective B1.1.2 – Contaminated Land (RV)</p> <p>People and their property are not affected by contaminated soil or unstable land and any adverse effects on the environment are avoided, remedied or mitigated.</p>
Section 4 – Policies: Discharges of Contaminants to Land or Water	
<p>Policy 4.12</p> <p>There are no direct discharges to surface water bodies or groundwater of:</p> <ul style="list-style-type: none"> (b) solid or hazardous waste or solid animal waste; (d) organic waste or leachate from storage of organic material; and (e) untreated industrial or trade waste. <p>Policy 4.13</p> <p>For other discharges of contaminants into or onto land where it may enter water or to surface water bodies or groundwater (excluding those passive discharges to which Policy 4.26 applies), the effects of any discharge are minimised by the use of measures that:</p> <ul style="list-style-type: none"> (a) first, avoid the production of the contaminant; (b) secondly, reuse, recovers or recycles the contaminant; (c) thirdly, minimise the volume or amount of the discharge. <p>Policy 4.14</p> <p>Any discharge of a contaminant into or onto land where it may enter groundwater (excluding those passive discharges to which Policy 4.26 applies):</p> <ul style="list-style-type: none"> (a) will not exceed the natural capacity of the soil to treat or remove the contaminant; and (b) will not exceed available water storage capacity of the soil; and (c) where meeting (a) and (b) is not practicable, the discharge will: <ul style="list-style-type: none"> ii. utilise the best practicable option to ensure the size of any contaminant plume is as small as is reasonably practicable; and iv. not raise groundwater levels so that land drainage is impeded. 	
Section 4 – Policies: Earthworks, Land Excavation and Deposition of Material into Land Over Aquifers	

<p>Policy 4.19</p> <p>The discharge of contaminants to groundwater from earthworks, excavation, waste collection or disposal sites and contaminated land is avoided or minimised by ensuring that:</p> <ul style="list-style-type: none"> (a) activities are sited, designed and managed to avoid the contamination of groundwater; (b) existing or closed landfills and contaminated land are managed and monitored where appropriate to minimise any contamination of groundwater; and (c) there is sufficient thickness of undisturbed sediment in the confining layer over the Coastal Confined Aquifer System to prevent the entry of contaminants into the aquifer or an upward hydraulic gradient is present which would prevent aquifer contamination. 	
<p>Section 4 – Policies: Soil Stability</p>	
<p>Policy 4.20</p> <p>On erosion-prone land, any medium and large-scale earthworks, harvesting of forestry or other clearance of vegetation is undertaken in a manner which minimises the exposure of soil to erosion, controls sediment run-off and re-establishes vegetation cover as quickly as possible.</p>	<p>Policy B1.1.5 – Land & Soil (TV)</p> <p>Ensure activities do not create unstable land.</p> <p>Policy B1.1.4 – Land & Soil (RV)</p> <p>Require earthworks on slopes to be carried out in ways that minimise the likelihood of land slipping or slumping.</p>
<p>Section 4 – Policies: Hazardous Substances & Hazardous Activities</p>	
<p>Policy 4.26</p> <p>Any discharges of hazardous substances from contaminated land, including existing and closed landfills, are managed to ensure that adverse effects beyond the site boundary on people’s health or safety, on human or stock water supplies, or on surface water are avoided.</p> <p>Policy 4.27</p> <p>Landfills and other waste collection or disposal sites are designed and sited to avoid the contamination of groundwater or surface water either through the direct discharge of hazardous substances to water or the leaching of contaminants into or onto land where they may enter water.</p>	<p>Policy B1.1.3 – Contaminated Land (TV)</p> <p>Avoid adverse effects on people’s health or well-being from exposure to contaminated soil.</p> <p>Policy B1.1.2 – Contaminated Land (RV)</p> <p>Avoid adverse effects on people through exposure to contaminated land and mitigate or remedy any adverse effects on the environment.</p> <p>Policy B1.1.3 – Contaminated Land (RV)</p> <p>Encourage the management of contaminated sites so that effects on peoples’ health or on the environment are avoided.</p>
<p>Section 4 – Policies: Natural Hazards</p>	
<p>Policy 4.97</p> <p>Remediation works which are necessary to enable people and communities to recover from natural hazard events</p> <ul style="list-style-type: none"> (a) occur in a timely way, 	<p>Objective B3.1.3 – Natural Hazards (TV)</p> <p>Ensure methods to mitigate natural hazards do not create or exacerbate adverse effects on other people or the environment.</p> <p>Objective B3.1.1 – Natural Hazards (RV)</p>

<ul style="list-style-type: none"> (b) the works are managed to minimise their duration and scale, (c) the works do not cause or exacerbate potential natural hazards elsewhere, and (d) adverse effects on the environment resulting from the works are avoided, remedied or mitigated. 	<p>Activities do not cause or exacerbate natural hazards</p>
<p>Section 5 – Region-Wide Rules: Municipal Solid Waste</p>	
<p>Rule 5.89</p> <p>The discharge of municipal solid waste or hazardous waste into or onto land, or into or onto land in circumstances where a contaminant may enter water and is not categorised as a prohibited activity is a discretionary activity.</p>	<p><u>Township Volume – Living Zones</u></p> <p>Rule 1.1 – Status of Activities</p> <p>The following are non-complying irrespective of whether they comply with conditions for permitted activities in Rules C2-11:</p> <ul style="list-style-type: none"> (c) Disposal of any hazardous substance. (j) Processing, composting or disposal on to land of any organic matter. (This rule does not apply to the activities set out in Rule 9.3) <p>Rule 9.4 – Waste</p> <p>The following shall be non-complying activities in Living Zones:</p> <p>9.4.1 – Any facilities for the treatment or disposal of solid or liquid waste delivered or conveyed onto a site shall be a non-complying activity.</p> <p>9.4.2 – Any processing, composting or disposal onto any land of any organic matter shall be a non-complying activity except as provided for in Rule 9.3.1.</p> <p><u>Township Volume – Business Zones</u></p> <p>Rule 13.1.7 – Status of Activities</p> <p>The following activities shall be discretionary activities in Business 2 and 2A Zones:</p> <ul style="list-style-type: none"> (a) Composting or disposal on to land of any organic matter. <p>Rule 13.1.10 – Status of Activities</p> <p>The following activities shall be non-complying activities in Business 1 and 1A Zones:</p> <ul style="list-style-type: none"> (c) Manufacture and/or disposal of any hazardous substance. (f) Treatment and/or disposal of solid or liquid waste delivered or conveyed onto the site <p>Rule 13.1.11 – Status of Activities</p> <p>The following activities shall be non-complying activities in Business 2, 2A and 2B Zones:</p> <ul style="list-style-type: none"> (c) Treatment or disposal of solid or liquid waste delivered or conveyed onto the site. <p>Rule 13.1.12 – Status of Activities</p> <p>The following activities shall be non-complying activities in the Business 3 Zone:</p> <ul style="list-style-type: none"> (d) Treatment or disposal of solid or liquid waste delivered or conveyed onto the site.

	<p>Rule 21.3 – Waste Disposal</p> <p>The disposal of solid waste shall be a permitted activity if one or more of the following conditions are met:</p> <p>21.3.1.1 – The solid waste is green garden waste which is composted on the site on which it is generated; or</p> <p>21.3.1.2 – The solid waste is being applied as a manure, fertiliser, compost or mulch onto gardens, lawns, or soil used to grow plant or tree crops.</p> <p><i>Non-compliance = Discretionary</i></p> <p>21.3.2 – The use of any land or the establishing of any facilities for the disposal of solid waste which does not comply with the above shall be a discretionary activity if any one of the following standards and terms is met:</p> <p>21.3.2.1 – The site is located in a Business 2, 2A,2B or 3 Zone; and</p> <p>21.3.2.2 – The solid waste being disposed of is clean fill only; or</p> <p>21.3.2.3 – The solid waste being disposed of is green waste only; or</p> <p>21.3.2.4 – The solid waste being disposed of is monofill from an industrial or business activity, and does not include any hazardous substance(s), offal or animal carcass.</p> <p><i>Non-compliance = Non-Complying</i></p> <p><u>Rural Volume – Rural Zones</u></p> <p>Rule 8.1 – Generation, Storage and Disposal of Solid Waste</p> <p>Any activity which involves the generation, storage or disposal of solid waste shall be a permitted activity if all of the following conditions are met:</p> <p>8.1.1.1 – The activity generates not more than 3m³ of solid waste per week, averaged over any calendar year (NB: Does not apply to clean fill or green waste generated onsite);</p> <p>8.1.1.3 – Any disposal of solid waste on-site:</p> <ul style="list-style-type: none"> (a) Occurs only on sites where there is no public collection service available at the property boundary for the form of solid waste being disposed of; (b) Involves only solid waste generated as part of any activities occurring on the site; (c) Has a maximum volume of not more than 3m³ per week, averaged over any calendar year; (d) Does not include any hazardous substance(s); (e) Is not disposed of within 45m of any property boundary; (f) Is buried at least 1 metre below the ground surface or is covered with a material to prevent nuisance effects from litter, odour, flies, vermin, dogs or birds. <p>Notes</p>
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	<p><i>Rule 8.1.1.3(c) does not apply to green waste, offal or livestock which is from plants or livestock grown or reared on the same property.</i></p> <p><i>Rule 8.1.1.3(c) does not apply to clean fill which is sourced from the same property.</i></p> <p><i>NB: As per the definition of 'disposal':</i></p> <p><i>"For the purposes of Rule 8.1.1.3 disposal does not include: the deposition of inert fill on to land from another site, for the purposes of landscaping, levelling or recontouring land, filling holes or depressions, preparing building sites or other construction work."</i></p>
Section 5 – Region-Wide Rules: Vegetation Clearance and Earthworks in Erosion-Prone Areas	
<p><i>For simplicity, Rules 5.170 – 5.171 have been summarised below:</i></p> <p>The rules relating to vegetation clearance and earthworks in erosion-prone areas contain a suite of measures that aim to control activities requiring earthworks within High Soil Erosion Risk areas (shown on the planning maps) and to ensure that land is stabilised.</p> <p>Rule 5.170 prescribes a number of conditions relating to the types of activities that are permitted and the way in which they should be undertaken.</p> <p>Rule 5.171 outlines that any activity that cannot comply with the conditions in Rule 5.170 is a restricted discretionary activity.</p>	<p><i>The Operative District Plan does not seek to control soil erosion from earthworks.</i></p>
Section 5 – Region-Wide Rules: Earthworks Over Aquifers	
<p><i>For simplicity, Rules 5.170 – 5.171 have been summarised below:</i></p> <p>The rules aim to restrict both the excavation and deposition of material over aquifers by controlling the depth, volume and intensity at which gravel is extracted and deposited.</p> <p>Specifically, for excavations of more than 100m³ of material over semi-confined/unconfined aquifers more than 1m of undisturbed material must remain between the deepest part of excavation and the seasonal high water table.</p> <p>In relation to the deposition of material, the rules aim to control activities over semi-confined or unconfined aquifers where the seasonal high water table is less than 5m below the deepest point of excavation.</p>	<p><i>While the Operative Plan does not seek to control earthworks over aquifers, the Plan does contain various rules relating to permitted volumes of earthworks.</i></p>

APPENDIX 6:

Canterbury Air Regional Plan: Relevant Provisions

CARP Provisions	Similar Selwyn District Plan Provisions
Section 6 – Policies: Central Policies Applying to All Activities	
<p>Policy 6.1</p> <p>Discharges of contaminants into air, either individually or in combination with other discharges, do not cause:</p> <ul style="list-style-type: none"> (a) Adverse effects on human health and wellbeing; or (b) Adverse effects on mauri and life supporting capacity of ecosystems, plants or animals; or (c) Significantly diminished visibility; or (d) Significant soiling or corrosion of structures or property. 	<p>Policy B3.4.14 – Quality of the Environment (TV)</p> <p>Avoid nuisance effects caused by dust from stockpiled material or construction work in Living or Business zones.</p> <p>Policy B3.4.16 – Quality of Environment (RV)</p> <p>Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.</p>
Section 7 – Rules: Dust Generating Activities	
<p>Rule 7.33</p> <p>The discharge of dust to air beyond the property of origin from the construction of buildings, land development activities, unsealed surfaces or unconsolidated land, is a permitted activity provided the following conditions, where applicable, are met (summarised):</p> <ol style="list-style-type: none"> 1. The building to be constructed is less than 3 stories in height, or a dust management plan is prepared; 2. The area of unsealed surface or unconsolidated land is less than 1000m², or a dust management plan is prepared; 3. The discharge does not cause an offensive or objectionable effect beyond the boundary of the property of origin, when assessed in accordance with Schedule 2. <p><i>Non-compliance with 1. and 2A. = Restricted Discretionary</i></p> <p><i>Non-compliance with 3. = Non-complying</i></p>	<p><u>Township Volume – Living and Business Zones</u></p> <p>Rule 2.1/14.1 – Earthworks</p> <p>Any earthworks shall be a permitted activity if the following conditions are met:</p> <ul style="list-style-type: none"> 2.1.1.1 – Any disturbed or stockpiled material is kept moist until it has consolidated, and 2.1.1.2 – Any stockpiled material is kept consolidated or covered to avoid sediment run-off from rainfall. 2.1.1.6 – Any earthworks has a volume of not more than 2000m³ per project in Living Zones and 5000m³ per project in Business Zones and a vertical cut face where no more than 5% of the total vertical cut is over 2m. <p><u>Rural Volume – Rural Zones</u></p> <p>Rule 1.7 – Earthworks and Setbacks, Volume and Site Rehabilitation</p> <p>Any earthworks which meet the following conditions shall be a permitted activity:</p> <ul style="list-style-type: none"> 1.7.1.2 – The earthworks do not exceed: <ul style="list-style-type: none"> (a) A vertical cut face where no more than 5% of the total vertical cut is over 2m; and (b) A maximum volume of 5000m³ per project. <p>Notes</p> <ol style="list-style-type: none"> 1. Rule 1.7.1.2(b) does not apply to earthworks associated with forming tracks, provided the track is not more than 10m wide. Rule 1.7.1.2(a) does apply to forming tracks no more than 10m wide.

<p>Rule 7.36</p> <p>The discharge of contaminants into air from the handling of bulk solid materials is a permitted activity provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The discharge of dust does not cause an offensive or objectionable effect beyond the boundary of the property of origin, when assessed in accordance with Schedule 2; and 2. The handling occurs indoors, or where the handling occurs outdoors the rate of handling does not exceed 100t per hour; or 3. Where handling occurs outdoors on less than 21 days per calendar year, the rate of handling does not exceed 250t per hour. 	
<p>Rule 7.37</p> <p>The discharge of contaminants into air from the outdoor storage of bulk solid materials is a permitted activity provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The discharge of dust does not cause an offensive or objectionable effect beyond the boundary of the property of origin, when assessed in accordance with Schedule 2; and 2. The amount of material stored does not exceed 1000t when it has an average particle size of less than 3.5mm. 	<p><u>Township Volume – Living and Business Zones</u></p> <p>Rule 10.10 – Activities and Outdoor Storage in Living Zones</p> <p>The outdoor storage of any materials or goods shall be a permitted activity if the following conditions are met:</p> <ol style="list-style-type: none"> 10.10.1.2 – The outdoor storage of materials for construction, repair or landscaping work on the same site shall be limited to up to 4 months in any 12 month period. 10.10.1.3 – The outdoor storage of any other goods or materials if the following conditions are met: <ul style="list-style-type: none"> (a) The outdoor storage space shall be screened from any road boundary of the site by a fence, wall, or vegetation of at least 1.8m in height, and (b) The outdoor storage area shall be screened from any internal boundary of the site which adjoins another site in a Living Zone or a site in a Business 1 Zone, by a fence, wall, or vegetation of at least 1.8 m in height; and (c) Any stockpile of soil, coal, sawdust, powdered fertiliser, or any other unconsolidated materials, is shall be covered or otherwise secured from being blown by the wind. <p>Rule 22.6 – Activities and Outdoor Storage in Business Zones</p> <p>For simplicity, it is noted that the rules relating to outdoor storage in Business Zones are generally the same as the rules for Living Zones displayed above. Only very minor differences exist in relation required heights for screening of stockpiled material.</p> <p><u>Rural Volume – Rural Zones</u></p> <p>Rule 1.7 – Earthworks and Setbacks, Volume and Site Rehabilitation</p> <p>Any earthworks which meet the following conditions shall be a permitted activity:</p>

	<p>1.7.1.4 – Any stockpiling of earth, soil or other material within 100m of any dwelling, other than a dwelling erected on the same property as the earthworks, is to be kept moist and consolidated.</p> <p>Rule 9.19 – Activities and Dust</p> <p>Any stockpiling activity shall be a permitted activity provided that stockpiling of any soil, coal, sawdust, powdered fertiliser or any other unconsolidated material outdoors within 100m of a dwelling (other than a dwelling on the same property as the stockpiled material), is either:</p> <p>9.19.1.1 – Covered; or</p> <p>9.19.1.2 – Consolidated; or</p> <p>9.19.1.3 – Otherwise secured to mitigate windblown dust on to adjoining properties.</p>
Section 7 – Rules: Waste Management and Disposal	
<p>Rule 7.49</p> <p>The discharge of contaminants into air from the disposal of cleanfill is a permitted activity provided the following conditions are met (summarised):</p> <ol style="list-style-type: none"> 1. The discharge of dust does not cause an offensive or objectionable effect beyond the boundary of the property of origin when assessed in accordance with Schedule 2; and 2. If there is a discharge of dust beyond the property boundary, a dust management plan is prepared. 	

APPENDIX 7:

Ashburton District Plan: Relevant Provisions

ASHBURTON DISTRICT PLAN	
Ashburton District Plan Definitions	Selwyn District Plan Definitions
<p>Clean Fill – includes any natural material which is free of: combustible, putrescible, degradable or leachable components or materials likely to create leachate by means of biological breakdown; hazardous substances or any products or materials derived from hazardous waste treatment, stabilisation or disposal practices; contaminated soil or other contaminated materials; medical or veterinary waste; asbestos or radioactive substances. It includes (but is not limited to) clay, rock, concrete and bricks.</p>	<p>Clean Fill – <i>Identical to the definition contained in the ADP</i></p>
<p>Earthworks – means the disturbance of land surfaces by the removal or depositing of material, excavation, filling or the formation of roads, banks or tracks, but excludes digging post-holes, cultivation, tending or landscaping gardens, planting trees or removing dead or diseased trees, or drilling bores. Excavation for the purpose of land drainage is included within the definition of earthworks.</p>	<p>Earthworks – include any disturbance, to, or excavation, removal or deposition of, soil, earth or any other mineral derived from the ground. For the purpose of Rule 1, Earthworks, do not include disturbing soil associated with the following activities: digging post-holes, cultivation, tending or landscaping gardens, planting trees or removing dead or diseased trees. It does include disturbance of earth associated with harvesting trees.</p>
Ashburton District Plan – Section 3: Rural Zones	Selwyn District Plan – Rural Volume
<p>Objective 3.6 – Extractive Activities</p> <p>Provide for and manage the effects of extractive activities, including earthworks whilst protecting the amenity values of the rural environment and rural resources.</p> <p>Policy 3.6D</p> <p>Control earthworks, including mineral extraction within the District to ensure minimal adverse effects on amenity values and land stability, whilst protecting important geoconservation sites, outstanding natural landscapes, riparian areas and areas of significant nature conservation value.</p>	<p>Policy B3.4.16 – Quality of Environment</p> <p>Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.</p> <p>Policy B1.1.4 – Land & Soil</p> <p>Require earthworks on slopes to be carried out in ways that minimise the likelihood of land slipping or slumping.</p>
<p>Rule 3.8.2 – Permitted Activities</p> <p>The following activities shall be Permitted Activities provided that they comply with all of the relevant Site and Zone Standards below and all relevant District-Wide Rules and, are not listed as Controlled, Discretionary or Prohibited Activities:</p> <ul style="list-style-type: none"> (a) Deposition of clean fill, not including deposition of any demolition material; limited to: <ul style="list-style-type: none"> i. the Rural A and B zones, and ii. a maximum of 200m³ on any one site per annum. (b) Earthworks. 	

<p>Rule 3.8.4 – Restricted Discretionary Activities</p> <p>Any Activity which is listed as a Permitted Activity and which complies with all of the relevant Zone Standards, but does not comply with any one or more of the relevant Site Standards is a restricted discretionary activity.</p> <p><i>NB There are no Zone Standards relevant to earthworks activities.</i></p>	
<p>Rule 3.9.13 – Earthworks</p> <p>(a) Earthworks in the Rural C zone shall not exceed 2000m³ (volume) or 2000m² (area) in any one hectare in any continuous period of 5 years other than the repair and maintenance of operational tracks. This clause shall not apply to the Mt Hutt ski-field area.</p> <p>(b) Earthworks in the Rural A and B zones (excluding dig and fill for drainage works), shall not exceed a maximum volume of 5000m³ over an area no greater than 2000m² on any one site per annum.</p> <p>Except that:</p> <p>Earthworks shall not be located on slopes with an angle greater than 20° (measured as an average slope angle over any 100m length slope), other than the repair and maintenance of operational tracks. This clause shall not apply to the Mt Hutt ski-field area.</p>	<p>Rule 1.7 – Earthworks and Setbacks, Volume and Site Rehabilitation</p> <p>Any earthworks which meet the following conditions shall be a permitted activity:</p> <p>1.7.1.2</p> <p>The earthworks do not exceed:</p> <p>(a) A vertical cut face where no more than 5% of the total vertical cut is over 2m; and</p> <p>(b) A maximum volume of 5000m³ per project.</p> <p>Note</p> <p><i>Rule 1.7.1.2(b) does not apply to earthworks associated with forming tracks, provided the track is not more than 10m wide. Rule 1.7.1.2(a)} does apply to forming tracks no more than 10m wide.</i></p> <p>1.7.1.3</p> <p>When the earthworks cease, the site is:</p> <p>(a) Filled and recontoured to the same state as the surrounding land; and</p> <p>(b) Replanted with vegetation which is the same as, or of similar species to, that which existed on the site prior to the earthworks taking place, except that where the site was vegetated with any plant pest, the site may be replanted with other species.</p> <p>Note</p> <p><i>Does not apply to earthworks associated with the preparation of building sites, roads or tracks or sites prepared for planting trees or other crops.</i></p>
<p>Ashburton District Plan – Section 4: Residential Zones</p>	<p>Selwyn District Plan – Township Volume: Living Zones</p>
<p>Rule 4.8.4 – Discretionary Activities</p> <p>Any Other Activity, which is not listed as a Permitted, Restricted Discretionary or Non-Complying Activity.</p> <p><i>NB Earthworks is not a listed activity.</i></p>	<p>Any earthworks that are able to meet the conditions listed under Rule 2.1 is a permitted activity in Living Zones. Included in Rule 2.1 is the following condition:</p> <p>2.1.1.6</p> <p>Except where Rule 2.1.1.5 applies, any earthworks has:</p> <p>(a) a volume of not more than 2,000m³ per project; and</p> <p>(b) a vertical cut face where no more than 5% of the total vertical cut is over 2 metres.</p>

Ashburton District Plan – Section 5: Business Zones	Selwyn District Plan – Township Volume: Business Zones
<p>Rule 5.8.6 – Non-Complying Activities</p> <p>All activities unless listed as Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activities are Non-Complying.</p> <p><i>NB Earthworks is not a listed activity.</i></p>	<p>Any earthworks that are able to meet the conditions listed under Rule 14.1 is a permitted activity in Business Zones. Included in Rule 14.1 is the following condition:</p> <p>14.1.1.5</p> <p>Any earthworks has:</p> <ul style="list-style-type: none"> (a) a volume of not more than 5,000m³ per project; and (b) a vertical cut face where no more than 5% of the total vertical cut is over 2 metres.
Ashburton District Plan – Section 9: Subdivision	Selwyn District Plan
<p>Policy 9.1Q – Effects of Subdivision and Development</p> <p>Ensure that any measures taken in relation to the mitigation of natural hazards do not adversely affect the character and amenity values of an area, and do not cause in themselves further remediation works to be undertaken.</p>	<p>Objective B3.1.3 – Natural Hazards (TV)</p> <p>Ensure methods to mitigate natural hazards do not create or exacerbate adverse effects on other people or the environment.</p> <p>Objective B3.1.1 – Natural Hazards (RV)</p> <p>Activities do not cause or exacerbate natural hazards</p>
<p>Rule 9.7.3 – Controlled Activities</p> <p>Earthworks limited to a maximum volume of 5,000m³ on any one site per annum. Control is reserved over the following matters:</p> <ul style="list-style-type: none"> i. the location and scale of earthworks ii. effects on visual amenity and outlook from surrounding areas iii. the duration of the earthworks and hours of operation iv. site management i.e. control of dust and runoff v. whether any materials will be transported from the site and potential effects on the road network i.e. truck movements vi. effects on sensitive environments; including areas of significant nature conservation, vii. heritage, landscape, geoconservation or cultural value, or riparian areas viii. any relevant assessment matters. 	
<p>Rule 9.7.4 – Restricted Discretionary Activities</p> <p>Earthworks greater than 5,000m³ on any one site per annum, in the Open Space Zones, Business Zones or for utilities. Council has restricted its discretion to the matters listed under Controlled Activities above.</p>	

<p>Rule 9.7.5 – Discretionary Activities</p> <p>Any Activity which is listed as a Controlled or Restricted Discretionary Activity, which does not comply with any of the General Standards shall be a Discretionary Activity.</p>	
<p>Rule 9.8.5 – Earthworks</p> <ul style="list-style-type: none"> (b) Earthworks in the Residential Zones shall not exceed 5,000m³ per subdivision. (c) No earthworks shall create a new ground level more than 150mm above or below the existing ground level at the property boundary. <p>Note:</p> <p><i>For the purposes of this rule, earthworks provisions do not apply to any earthworks associated with digging post-holes, cultivation, tending or landscaping gardens, planting trees or removing dead or diseased trees, or drilling bores.</i></p>	

APPENDIX 8:

Waimakariri District Plan: Relevant Provisions

WAIMAKARIRI DISTRICT PLAN	
Waimakariri District Plan Definitions	Selwyn District Plan Definitions
Clean Fill – <i>Undefined</i>	Clean Fill – includes any natural material which is free of: combustible, putrescible, degradable or leachable components or materials likely to create leachate by means of biological breakdown; hazardous substances or any products or materials derived from hazardous waste treatment, stabilisation or disposal practices; contaminated soil or other contaminated materials; medical or veterinary waste; asbestos or radioactive substances. It includes (but is not limited to) soil, clay, rock, concrete and bricks.
Earthworks – means the disturbance of land by excavating, placing or replacing soil or other material, and includes driveway and access construction, and land drainage works, but excludes earthworks involving: — cultivation for, or harvesting of agricultural and horticultural crops; — domestic gardening; — digging of postholes for the construction of fences; — works for research and monitoring such as coring, water bores and use of piezometers; — maintenance and enhancement of any wetland; or — ripping in of water pipes.	Earthworks – include any disturbance, to, or excavation, removal or deposition of, soil, earth or any other mineral derived from the ground. For the purpose of Rule 1, Earthworks, do not include disturbing soil associated with the following activities: digging post-holes, cultivation, tending or landscaping gardens, planting trees or removing dead or diseased trees. It does include disturbance of earth associated with harvesting trees.
Significant Earthworks – means the disturbance of land by excavating soil or other material to a depth of greater than 35 centimetres and: (a) removing or redistributing soil or other material of more than 7.5 cubic metres; or (b) disturbing more than an area of 50 square metres.	
Waimakariri District Plan – Chapter 8: Natural Hazards	Selwyn District Plan – Health, Safety and Values
Policy 8.2.1.4 Avoid, remedy, or mitigate the adverse effects of activities that impede or redirect the movement of floodwater on a site, and/or exacerbate flood risk.	Objective B3.1.3 – Natural Hazards (TV) Ensure methods to mitigate natural hazards do not create or exacerbate adverse effects on other people or the environment. Objective B3.1.1 – Natural Hazards (RV) Activities do not cause or exacerbate natural hazards
Waimakariri District Plan – Chapter 12: Health, Safety and Well-Being	Selwyn District Plan – Health, Safety and Values
Objective 12.1.3 – Air Protect people, vegetation, animals, and other natural and physical resources, from the adverse effects resulting from the discharge of contaminants to air.	Policy B3.4.14 – Quality of the Environment (TV) Avoid nuisance effects caused by dust from stockpiled material or construction work in Living or Business zones. Policy B3.4.16 – Quality of the Environment (RV) Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.

Waimakariri District Plan – Chapter 23: Land and Water Margins – Rules	Selwyn District Plan – Township Volume: Living Zones
<p>Rule 23.1 – Permitted Activities</p> <p>Any land use is a permitted activity if it:</p> <ul style="list-style-type: none"> i. is not otherwise listed as a controlled, discretionary (restricted), discretionary or non-complying activity under this chapter, or is not a discretionary activity (restricted) under Rule 25.2.4; ii. complies with the conditions under Rule 23.1.1; and iii. complies with all the conditions and provisions for permitted activities in all chapters. 	<p>Rule 10.10 – Activities and Outdoor Storage of Materials and Goods (TV)</p> <p>The outdoor storage of any materials or goods shall be a permitted activity if the following conditions are met:</p> <p>10.10.1.2 – The outdoor storage of materials for construction, repair or landscaping work on the same site shall be limited to up to 4 months in any 12 month period.</p> <p>10.10.1.3 – The outdoor storage of any other goods or materials if the following conditions are met:</p> <ul style="list-style-type: none"> (a) The outdoor storage space shall be screened from any road boundary of the site by a fence, wall, or vegetation of at least 1.8m in height, and (b) The outdoor storage area shall be screened from any internal boundary of the site which adjoins another site in a Living Zone or a site in a Business 1 Zone, by a fence, wall, or vegetation of at least 1.8 m in height; and (c) Any stockpile of soil, coal, sawdust, powdered fertiliser, or any other unconsolidated materials, is shall be covered or otherwise secured from being blown by the wind.
<p>Rule 23.1.1 – Conditions</p> <p>23.1.1.1 – Stockpiling of soil over vegetation shall not cover more than 1000m² at any one time on any one site.</p> <p>23.1.1.7 – Earthworks, including the extraction of minerals, in any Residential Zone or Business Zone, shall not involve the extraction or redistribution of more than 300m³, per 1000m², of soil and/or rock on any one site.</p> <p>23.1.1.8 – Earthworks, including the extraction of minerals, in the Rural Zones, other than in the bed of any river, shall not involve the disturbance of more than 1000m² of soil and/or rock per any 1ha.</p> <p><i>Non-compliance = Restricted Discretionary</i></p>	<p>Rule 9.19 – Activities and Dust (RV)</p> <p>Any stockpiling activity shall be a permitted activity provided that stockpiling of any soil, coal, sawdust, powdered fertiliser or any other unconsolidated material outdoors within 100m of a dwelling (other than a dwelling on the same property as the stockpiled material), is either:</p> <ul style="list-style-type: none"> i. Covered; or ii. Consolidated; or iii. Otherwise secured to mitigate windblown dust on to adjoining properties. <p>Rule 2.1 – Earthworks and Setbacks, Volume and Site Rehabilitation (TV)</p> <p>Any earthworks that are able to meet the conditions listed under Rule 2.1 is a permitted activity in Living Zones. Included in Rule 2.1 is the following condition:</p> <p>2.1.1.6</p> <p>Except where Rule 2.1.1.5 applies, any earthworks has:</p> <ul style="list-style-type: none"> (a) a volume of not more than 2,000m³ per project; and (b) a vertical cut face where no more than 5% of the total vertical cut is over 2 metres. <p>Rule 1.7 – Earthworks and Setbacks, Volume and Site Rehabilitation (RV)</p> <p>Any earthworks which meet the following conditions shall be a permitted activity:</p> <p>1.7.1.2 – The earthworks do not exceed:</p>

	<p>(a) A vertical cut face where no more than 5% of the total vertical cut is over 2m; and</p> <p>(b) A maximum volume of 5000m³ per project.</p> <p>Notes</p> <p><i>Rule 1.7.1.2(b) does not apply to earthworks associated with forming tracks, provided the track is not more than 10m wide. Rule 1.7.1.2(a)} does apply to forming tracks no more than 10m wide.</i></p>
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APPENDIX 9:

Hurunui District Plan: Relevant Provisions

WAIMAKARIRI DISTRICT PLAN	
Waimakariri District Plan Definitions	Selwyn District Plan Definitions
Clean Fill – <i>Undefined</i>	Clean Fill – includes any natural material which is free of: combustible, putrescible, degradable or leachable components or materials likely to create leachate by means of biological breakdown; hazardous substances or any products or materials derived from hazardous waste treatment, stabilisation or disposal practices; contaminated soil or other contaminated materials; medical or veterinary waste; asbestos or radioactive substances. It includes (but is not limited to) soil, clay, rock, concrete and bricks.
Earthworks – means the disturbance of land by excavating, placing or replacing soil or other material, and includes driveway and access construction, and land drainage works, but excludes earthworks involving: — cultivation for, or harvesting of agricultural and horticultural crops; — domestic gardening; — digging of postholes for the construction of fences; — works for research and monitoring such as coring, water bores and use of piezometers; — maintenance and enhancement of any wetland; or — ripping in of water pipes.	Earthworks – include any disturbance, to, or excavation, removal or deposition of, soil, earth or any other mineral derived from the ground. For the purpose of Rule 1, Earthworks, do not include disturbing soil associated with the following activities: digging post-holes, cultivation, tending or landscaping gardens, planting trees or removing dead or diseased trees. It does include disturbance of earth associated with harvesting trees.
Significant Earthworks – means the disturbance of land by excavating soil or other material to a depth of greater than 35 centimetres and: (a) removing or redistributing soil or other material of more than 7.5 cubic metres; or (b) disturbing more than an area of 50 square metres.	
Waimakariri District Plan – Chapter 8: Natural Hazards	Selwyn District Plan – Health, Safety and Values
Policy 8.2.1.4 Avoid, remedy, or mitigate the adverse effects of activities that impede or redirect the movement of floodwater on a site, and/or exacerbate flood risk.	Objective B3.1.3 – Natural Hazards (TV) Ensure methods to mitigate natural hazards do not create or exacerbate adverse effects on other people or the environment. Objective B3.1.1 – Natural Hazards (RV) Activities do not cause or exacerbate natural hazards
Waimakariri District Plan – Chapter 12: Health, Safety and Well-Being	Selwyn District Plan – Health, Safety and Values
Objective 12.1.3 – Air Protect people, vegetation, animals, and other natural and physical resources, from the adverse effects resulting from the discharge of contaminants to air.	Policy B3.4.14 – Quality of the Environment (TV) Avoid nuisance effects caused by dust from stockpiled material or construction work in Living or Business zones. Policy B3.4.16 – Quality of the Environment (RV) Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.

Waimakariri District Plan – Chapter 23: Land and Water Margins – Rules	Selwyn District Plan – Township Volume: Living Zones
<p>Rule 23.1 – Permitted Activities</p> <p>Any land use is a permitted activity if it:</p> <ul style="list-style-type: none"> i. is not otherwise listed as a controlled, discretionary (restricted), discretionary or non-complying activity under this chapter, or is not a discretionary activity (restricted) under Rule 25.2.4; ii. complies with the conditions under Rule 23.1.1; and iii. complies with all the conditions and provisions for permitted activities in all chapters. 	<p>Rule 10.10 – Activities and Outdoor Storage of Materials and Goods (TV)</p> <p>The outdoor storage of any materials or goods shall be a permitted activity if the following conditions are met:</p> <p>10.10.1.2 – The outdoor storage of materials for construction, repair or landscaping work on the same site shall be limited to up to 4 months in any 12 month period.</p> <p>10.10.1.3 – The outdoor storage of any other goods or materials if the following conditions are met:</p> <ul style="list-style-type: none"> (a) The outdoor storage space shall be screened from any road boundary of the site by a fence, wall, or vegetation of at least 1.8m in height, and (b) The outdoor storage area shall be screened from any internal boundary of the site which adjoins another site in a Living Zone or a site in a Business 1 Zone, by a fence, wall, or vegetation of at least 1.8 m in height; and (c) Any stockpile of soil, coal, sawdust, powdered fertiliser, or any other unconsolidated materials, is shall be covered or otherwise secured from being blown by the wind. <p>Rule 9.19 – Activities and Dust (RV)</p> <p>Any stockpiling activity shall be a permitted activity provided that stockpiling of any soil, coal, sawdust, powdered fertiliser or any other unconsolidated material outdoors within 100m of a dwelling (other than a dwelling on the same property as the stockpiled material), is either:</p> <ul style="list-style-type: none"> i. Covered; or ii. Consolidated; or iii. Otherwise secured to mitigate windblown dust on to adjoining properties. <p>Rule 2.1 – Earthworks and Setbacks, Volume and Site Rehabilitation (TV)</p> <p>Any earthworks that are able to meet the conditions listed under Rule 2.1 is a permitted activity in Living Zones. Included in Rule 2.1 is the following condition:</p> <p>2.1.1.6</p> <p>Except where Rule 2.1.1.5 applies, any earthworks has:</p> <ul style="list-style-type: none"> (a) a volume of not more than 2,000m³ per project; and (b) a vertical cut face where no more than 5% of the total vertical cut is over 2 metres. <p>Rule 1.7 – Earthworks and Setbacks, Volume and Site Rehabilitation (RV)</p> <p>Any earthworks which meet the following conditions shall be a permitted activity:</p> <p>1.7.1.2 – The earthworks do not exceed:</p>
<p>Rule 23.1.1 – Conditions</p> <p>23.1.1.1 – Stockpiling of soil over vegetation shall not cover more than 1000m² at any one time on any one site.</p> <p>23.1.1.7 – Earthworks, including the extraction of minerals, in any Residential Zone or Business Zone, shall not involve the extraction or redistribution of more than 300m³, per 1000m², of soil and/or rock on any one site.</p> <p>23.1.1.8 – Earthworks, including the extraction of minerals, in the Rural Zones, other than in the bed of any river, shall not involve the disturbance of more than 1000m² of soil and/or rock per any 1ha.</p> <p><i>Non-compliance = Restricted Discretionary</i></p>	

	<p>(a) A vertical cut face where no more than 5% of the total vertical cut is over 2m; and</p> <p>(b) A maximum volume of 5000m³ per project.</p> <p>Notes</p> <p><i>Rule 1.7.1.2(b) does not apply to earthworks associated with forming tracks, provided the track is not more than 10m wide. Rule 1.7.1.2(a)} does apply to forming tracks no more than 10m wide.</i></p>
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APPENDIX 10:

Christchurch District Plan: Relevant Provisions

CHRISTCHURCH DISTRICT PLAN	
Christchurch District Plan Definitions	Selwyn District Plan Definitions
<p>Clean Fill – means material that, when buried, will have no adverse effects on people or the environment. Clean fill material includes virgin natural materials such as clay, soil and rock, and other inert materials, such as concrete or brick, that are free of:</p> <ul style="list-style-type: none"> (a) combustible, putrescible, degradable or leachable components; (b) hazardous substances; (c) products or materials derived from hazardous waste treatment, hazardous waste stabilisation, or hazardous waste disposal practices; (d) materials that may present a risk to human or animal health, such as medical and veterinary waste, asbestos or radioactive substances; or (e) liquid waste. 	<p>Clean Fill – includes any natural material which is free of: combustible, putrescible, degradable or leachable components or materials likely to create leachate by means of biological breakdown; hazardous substances or any products or materials derived from hazardous waste treatment, stabilisation or disposal practices; contaminated soil or other contaminated materials; medical or veterinary waste; asbestos or radioactive substances. It includes (but is not limited to) soil, clay, rock, concrete and bricks.</p>
<p>Disturbance of Soil – means any activity, including excavation and filling, which results in soil being shifted, moved, mixed, turned or disturbed.</p>	
<p>Earthworks – means any filling, excavation, disturbance of, deposition on or change to the profile of, the land of a site by:</p> <ul style="list-style-type: none"> (a) moving, removing, placing or replacing earth, rock or soil; or (b) root raking and blading; or (c) inserting cement, bentonite grout, timber or other foundation piles and/or undertaking other methods, either for earthquake repair or to strengthen the land to allow for construction of a building on the site; or (d) constructing a track, firebreak or landing; or (e) installing services or utilities. 	<p>Earthworks – include any disturbance, to, or excavation, removal or deposition of, soil, earth or any other mineral derived from the ground. For the purpose of Rule 1, Earthworks, do not include disturbing soil associated with the following activities: digging post-holes, cultivation, tending or landscaping gardens, planting trees or removing dead or diseased trees. It does include disturbance of earth associated with harvesting trees.</p>
<p>Excavation – means the removal or disturbance of soil or material at or below the surface of the land, including in relation to land which has already been filled or excavated.</p>	
<p>Filling - means the placing or disturbance of material upon the surface of the land above natural ground level, or upon land which has been excavated below natural ground level, or the placing or disturbance of material upon land below natural ground level where excavation has not taken place.</p>	
<p>Ground Level - means the natural ground level or, where the land has been subdivided, the level of the ground existing when works associated with any prior subdivision of the land were completed, but before filling or excavation for new buildings on the land has commenced.</p>	<p>Ground Level – means the level of the ground existing when works associated with any prior subdivision of the land were completed, but before filling or excavation for new building work on the land has commenced.</p>

Christchurch District Plan – Chapter 4: Hazardous Substances and Contaminated Land	Selwyn District Plan
<p>Objective 4.2.2.1 – Contaminated Land: Managing Effects</p> <p>Land containing elevated levels of contaminants is managed to protect human health and the environment, which includes significant natural and Ngāi Tahu cultural values from the adverse effects of subdivision, development and use of contaminated land and natural hazards, including from site investigations, earthworks and soil disturbance, and to enable the land to be used in the future.</p>	<p>Objective B.1.1.1 – Land & Soil (TV)</p> <p>Adverse effects on people, and their activities, ecosystems and land and soil resources from contaminated soil or unstable land, are minimised.</p> <p>Policy B1.1.3 – Land & Soil (TV)</p> <p>Avoid adverse effects on people’s health or well-being from exposure to contaminated soil.</p>
Christchurch District Plan – Chapter 5: Natural Hazards	Selwyn District Plan
<p>Policy 5.2.2.1.4 – No Transferring of Natural Hazard Risk</p> <p>Ensure that subdivision, use and development (including proposals for hazard mitigation works or hazard removal) do not transfer or create unacceptable natural hazard risk to other people, property, infrastructure or the natural environment.</p>	<p>Objective B3.1.3 – Natural Hazards (TV)</p> <p>Ensure methods to mitigate natural hazards do not create or exacerbate adverse effects on other people or the environment.</p> <p>Objective B3.1.1 – Natural Hazards (RV)</p> <p>Activities do not cause or exacerbate natural hazards</p>
<p>Policy 5.2.2.2.1 – Flooding</p> <p>(e) Except for filling required to meet minimum floor levels, ensure that filling in urban areas at risk of flooding in a major flood event does not transfer flooding risk to other people, property, infrastructure or the natural environment.</p>	<p>Policy B3.1.5 – Natural Hazards (TV)</p> <p>Ensure any earthworks undertaken in the Living 1A or Living 2A Zones at Tai Tapu do not divert or displace floodwater on to other people’s property with adverse effects that are more than minor.</p> <p><i>Land in the Living 1A and 2A Zones at Tai Tapu is lower than the surrounding land and is prone to flooding. Earthworks to raise the level of allotments in these zones or to create building mounds for houses, can divert floodwater on to surrounding properties. This activity can increase the level of flooding on surrounding properties.</i></p>
<p>Rule 5.4.1.1 – Activities and Earthworks in the Flood Management Area: Permitted Activities</p> <p>The following are permitted activities in Flood Management Zones:</p> <p>P10 – Filling or excavation for residential building platforms only to the extent necessary to achieve the minimum floor levels.</p> <p>P11 – Filling or excavation associated with the maintenance of flood protection and bank erosion protection works; and the maintenance of existing drains or ponds.</p> <p>P12 – Filling or excavation associated with utilities, or the replacement, repair or maintenance of existing utilities.</p> <p>P13 – Filling or excavation in zones other than commercial, industrial and rural zones that is not provided for above, provided the activity meets the following conditions:</p> <p>(a) A maximum height of 0.3m of filling above ground level and 0.6m depth of excavation below ground level; and</p>	<p>Rule 2.1.1.5 – Earthworks (TV)</p> <p>On land located within the Living 1A or 2A Zones at Tai Tapu, earthworks are limited to the forming of any accessway to a site or the preparation of any site to erect a building, provided that these earthworks do not alter or impede the land drainage pattern.</p>

<p>(b) A maximum volume of filling above ground level of 10m³ per site, and a maximum cumulative volume of filling and excavation of 25m³ per site, in each case within any continuous period of 10 years; Or</p> <p>(c) The excavation and filling is associated with the maintenance and/or replacement of underground petroleum storage systems and where, following reinstatement of the underground petroleum storage systems, the site will have a finished contour that is equivalent to the ground level at the commencement of the works.</p> <p>P14 – Filling or excavation in commercial and industrial zones that is not provided for above, provided the activity meets the following conditions:</p> <p>(a) A maximum height of 0.3m of filling above ground level and 0.6m depth of excavation below ground level; and</p> <p>(b) A maximum volume of filling above ground level of 20m³ per site, and a maximum cumulative volume of filling and excavation of 50m³ per site, in each case within any continuous period of 10 years; Or</p> <p>(c) The excavation and filling is associated with the maintenance and/or replacement of underground petroleum storage systems and where, following reinstatement of the underground petroleum storage systems, the site will have a finished contour that is equivalent to the ground level at the commencement of the works.</p> <p>P15 – Filling or excavation in Rural zones that is not provided for above, provided the activity meets the following conditions:</p> <p>(a) A maximum height of 0.2m of filling above ground level and 0.6m depth of excavation below ground level; and</p> <p>(b) A maximum volume of filling above ground level of 100m³ per site within any continuous period of 10 years; Or</p> <p>(c) The excavation and filling is associated with the maintenance and/or replacement of underground petroleum storage systems and where, following reinstatement of the underground petroleum storage systems, the site will have a finished contour that is equivalent to the ground level at the commencement of the works.</p> <p><i>Non-compliance = Restricted Discretionary</i></p>	
<p>Christchurch District Plan – Chapter 8: Subdivision, Development and Earthworks</p>	
<p>Objective 8.2.4 – Earthworks</p> <p>Earthworks facilitate subdivision, use and development, the provision of utilities, hazard mitigation and the recovery of the district.</p>	
<p>Policy 8.2.4.3 – Benefits of Earthworks</p>	

Recognise that earthworks are necessary for subdivision, use and development, the provision of utilities, hazard mitigation and the recovery of the district.	
Policy 8.2.4.4 – Amenity Ensure, once completed, earthworks do not result in any significant shading, visual impact, loss of privacy or other significant detracting from the amenity values enjoyed by those living or working in the locality.	
Objective 8.2.5 – Earthworks Health and Safety People and property are protected during, and subsequent to, earthworks.	
Policy 8.2.5.1 – Land Stability Avoid earthworks that will create a significant risk to people and property through subsidence, rockfall, cliff collapse, erosion, inundation, siltation or overland flows.	Policy B1.1.4 – Land & Soil Require earthworks on slopes to be carried out in ways that minimise the likelihood of land slipping or slumping.
Policy 8.2.5.2 – Nuisance Ensure that earthworks avoid more than minor adverse effects on the health and safety of people and their property, and do not generate continuous or persistent noise, vibration, dust or odour nuisance.	Policy B3.4.16 – Quality of Environment Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.
Policy 8.2.5.3 – Vehicle Movement Ensure that the transportation to and from a site of earth, construction or filling material is safe and minimises adverse transport network and local amenity value effects.	
Policy 8.2.5.4 – Earthworks Design Ensure that earthworks over identified thresholds are designed to enable the anticipated land use.	
Policy 8.2.5.5 – Management of Contaminated Land Enable earthworks where necessary to appropriately manage land contamination.	
Rule 8.9.2.1 – Earthworks: Permitted Activities <i>In the interest of brevity, the relevant rules have been summarised here.</i> P1 – Earthworks are permitted, provided the following conditions are met: (a) Earthworks do not exceed the volumes displayed in Table 9 of the Plan. Earthworks volumes are specified for each Zone. Of particular relevance are the following volumes: i. Residential = 20m ³ /site ii. Industrial = 1000m ³ /ha iii. Commercial = ranging from 20m ³ /site to 200m ³ /ha to 1000m ³ /ha	Rule 2.1 – Earthworks and Setbacks, Volume and Site Rehabilitation (TV) Any earthworks that are able to meet the conditions listed under Rule 2.1 is a permitted activity in Living Zones. Included in Rule 2.1 is the following condition: 2.1.1.6 Except where Rule 2.1.1.5 applies, any earthworks has: (a) a volume of not more than 2,000m ³ per project; and (b) a vertical cut face where no more than 5% of the total vertical cut is over 2 metres. Rule 1.7 – Earthworks and Setbacks, Volume and Site Rehabilitation (RV)

<p>iv. Rural = 100m³/ha</p> <p>v. Transport = No limit</p> <p>(b) Earthworks shall not exceed a maximum depth of 0.6m, other than in relation to farming activities, quarrying activities or permitted education activities.</p> <p>(c) Earthworks shall not occur on land which has a gradient that is steeper than 1 in 6.</p> <p>P3 – P5 – Earthworks in the vicinity of the National Grid or electricity distribution lines are permitted provided they can meet the conditions listed in the Plan relating to depth of earthworks.</p>	<p>Any earthworks which meet the following conditions shall be a permitted activity:</p> <p>1.7.1.2</p> <p>The earthworks do not exceed:</p> <p>(a) A vertical cut face where no more than 5% of the total vertical cut is over 2m; and</p> <p>(b) A maximum volume of 5000m³ per project.</p> <p>Notes</p> <p><i>Rule 1.7.1.2(b) does not apply to earthworks associated with forming tracks, provided the track is not more than 10m wide. Rule 1.7.1.2(a)} does apply to forming tracks no more than 10m wide.</i></p> <p>1.7.1.3</p> <p>When the earthworks cease, the site is:</p> <p>(a) Filled and recontoured to the same state as the surrounding land; and</p> <p>(b) Replanted with vegetation which is the same as, or of similar species to, that which existed on the site prior to the earthworks taking place, except that where the site was vegetated with any plant pest, the site may be replanted with other species.</p> <p>Note</p> <p><i>Does not apply to earthworks associated with the preparation of building sites, roads or tracks or sites prepared for planting trees or other crops.</i></p>
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