

Chapter: EW – Earthworks

| Feed-back No. | Section | Sub-section | Plan Provision | Feedback | Relief sought |
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| 102.12 | EW – Earthworks | EW-S1 Areas and volumes | General | <p><i>Earthworks, of varying scales and regularity, are a necessary part of any farming operation and largely relate to heightening efficiency and unlocking productivity of land. ██████████ ██████ seek to ensure that Rules and Standards associated with earthworks are practical and reflective and commensurate to the land parcel at which they are occurring. Regulation should be proportionate to risk, and many of the earthworks normally carried out on rural land do not pose the same risk as it would in any other zone due to volumes, nature, purpose, and risk to people, buildings, or other properties.</i></p> <p><i>For this reason ██████████ have concerns about EW-S1 and the volume of earthworks permitted in the rural zone and EW-S4 which includes rehabilitation and reinstatement requirements which in some cases are contrary to the purpose of the earthworks taking place. i.e. recontoured to the same state as the surrounding land.</i></p> | exemption for rural land from these provisions, and more permissive pathways for earthworks which could be included under the GRUZ chapter. |
| 102.13 | EW – Earthworks | EW-S4 Rehabilitation and reinstatement | | <p><i>Earthworks, of varying scales and regularity, are a necessary part of any farming operation and largely relate to heightening efficiency and unlocking productivity of land. ██████████ ██████ seek to ensure that Rules and Standards associated with earthworks are practical and reflective and commensurate to the land parcel at which they are occurring. Regulation should be proportionate to risk, and many of the earthworks normally carried out on rural land do not pose the same risk as it would in any other zone due to volumes, nature, purpose, and risk to people, buildings, or other properties.</i></p> <p><i>For this reason ██████████ have concerns about EW-S4 which includes rehabilitation and reinstatement requirements which in some cases are contrary to the purpose of the earthworks taking place. i.e. recontoured to the same state as the surrounding land.</i></p> | Exemption for rural land from these provisions, and more permissive pathways for earthworks which could be included under the GRUZ chapter. |
| 102.14 | EW – Earthworks | EW-S4 Rehabilitation and reinstatement | General | <p><i>We are also concerned about the EW S4 requirement to recontour land to the same state as the surrounding land. Where earthworks are undertaken or land is contoured on farm, this is normally for a permanent purpose. It may not be possible or desirable to return the form to match the surrounding land.</i></p> | exemption for rural land from these provisions, and more permissive pathways for earthworks |

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| | | | | | | which could be included under the GRUZ chapter. | |
| 141.124 | EW – Earthworks | EW-S5 Earthworks in proximity of the National Grid and/or a 66kV electricity distribution line. | General | <p>EW-R5 Earthworks in proximity of the National Grid and/or a 66kV electricity distribution line.</p> | Support in part | <p>██████ considers that the provisions should only apply to the National Grid because it is required under the NPSET.</p> <p>The NPSET does not apply to distribution lines. NZECP34:2001 regulations apply to all lines, including the 66kV electricity distribution lines so it is not necessary to include in the rule.</p> <p>██████ supports the exclusions listed as notes, however for certainty these should be listed as part of the rule.</p> <p>██████ support this non-compliance with the permitted activity rule being a Restricted Discretionary activity.</p> | <p>Delete ‘and/or a 66kV electricity distribution line’ from the rule heading</p> <p>Delete from EW-S5 2) ‘or within 10m of the centre line of a 66kV transmission line’</p> <p>Delete EW-S5 2) b) ii)</p> <p>Amend the note to be part of the rule, so it is status is clear.</p> |
| 141.122 | EW – Earthworks | General | | <p><i>A number of the earthworks permitted activity conditions are impractical (and unnecessary) for business-as usual farming activities, including the requirement to keep track of the area of earthworks over any 12-month period and requirements with regard to rehabilitation and reinstatement. Please refer to comments above under definitions for ancillary rural earthworks.</i></p> <p><i>Earthworks - Objectives and Policies</i></p> | | Consider in foregoing | |

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| | | | | <p>██████ support the recognition within the objective and policies of the benefits and necessity of earthworks (while managing effects), specifically, ██████ supports EW-P1 as it provides for the benefits and necessity of earthworks for the use of development of land – which includes rural land.</p> <p>██████ considers it would be useful to include a temporal element to EW-P2 in regard to amenity values (and the requirement to not detract from)– as there may be a temporary reduction in amenity that is acceptable for some earthworks. This is currently not anticipated within the policy.</p> <p><i>Earthworks - Rules</i></p> <p>As noted above, ██████ support defining ancillary rural earthworks in the plan; however, we consider that needs to be provided for more specifically within the rules to reflect the nature of this activity.</p> <p>While ancillary rural earthworks are defined and referred to in EW-R1; they are not treated any differently to other earthworks in the Plan. A number of the earthworks permitted activity conditions are impractical (and unnecessary) for business-as usual farming activities, including the requirement to keep track of the area of earthworks over any 12-month period and requirements with regard to rehabilitation and reinstatement.</p> | |
| 143.51 | EW – Earthworks | General | | <ul style="list-style-type: none"> · The general approach is supported, but ██████ seek more permissive controls in relation to excavations in proximity to boundaries. More flexible arrangements, cognisant of Building Act control of retaining walls (and associated excavations) of limited heights, are sought. <p><i>Earthworks</i></p> <ul style="list-style-type: none"> · Provide framework for managing earthworks of differing scales (within s9(3) ambit at least) and locations. · Earthworks associated with subdivision and land use are permitted: residential – up to 250m² in any year; 2000m² in other zones in any given year. · Excavation and filling limits involve no more than 1.5m difference from NGL, and slopes of 1 in 4, and proximity to boundaries (no deeper than 0.5m within 1.5m). | <ul style="list-style-type: none"> · ██████ seek more permissive controls in relation to excavations in proximity to boundaries. |
| 83.24 | EW – Earthworks | General | General | <p>The note below Rule EW-R1 states that the rules in the Earthworks chapter do not apply to earthworks regulated under a national environmental standard, including the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS). ██████ support the intent to avoid duplication with the NESCS. However, the exemption is specific to rules in the earthworks chapter such that</p> | |

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| | | | | <i>other earthworks rules included elsewhere in the district plan apply. ██████████ therefore seek to ensure that the balance of earthworks provisions do not unduly restrict activities that disturb contaminated soils, including the removal and replacement of underground tanks, including in hazard areas where existing levels are retained and consequently there is no increase in risk.</i> | |
| 43.104 | EW – Earthworks | Objectives | EW-O1 Earthworks activity Earthworks fac | <i>Retain as proposed or preserve the original intent.</i> | |
| 102.11 | EW – Earthworks | Objectives | EW-O1 Earthworks activity Earthworks fac | <i>██████████ support the intent of the Earthworks provisions to manage the risks associated with them and therefore support EW-O1 and the accompanying policies.</i> | |
| 43.101 | EW – Earthworks | Policies | EW-P1 Benefits and necessity Recognition | <i>Retain as proposed or preserve the original intent.</i> | |
| 49.13 | EW – Earthworks | Policies | EW-P4 Heritage settings | Support ██████████ supports this policy | |
| 49.97 | EW – Earthworks | Policies | EW-P4 Heritage settings | Support ██████████ supports this policy | |
| 43.105 | EW – Earthworks | Policies | EW-P5 Infrastructure Protection | <i>Retain as proposed or preserve the original intent.</i> <i>██████████ particularly supports the protection of nationally and regionally significant infrastructure from adverse effects.</i> | |

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| | | | nationally | | | | |
| 145.71 | EW – Earthworks | Policies | EW-P5 Infrastructure Protect nationally | <i>Support as provides for reverse sensitivity</i> | | | |
| 48.4 | EW – Earthworks | Rules | EW-R1 Earthworks associated with subdivision | [REDACTED] are uncomfortable with the Draft District Plan especially - Flood overlay NH- Ri. Then SASM/5 and SASM/23 re significance to Maori. EW-R1, the SNA's and GRUZ-1 all make our operation to restrictive and lack commonsense. | | | |
| 141.123 | EW – Earthworks | Rules | EW-R1 Earthworks associated with subdivision | EW-R1 Earthworks associated with subdivision and land use, including ancillary rural earthworks, and development | Support in part | [REDACTED] supports including a definition for ancillary rural earthworks, however we seek that this activity is provided for distinct from other earthworks activities – as explained above. | <p>Include a new permitted activity rule for Ancillary Rural Earthworks in the General Rural Zone</p> <p>EW-R1 Earthworks associated with subdivision and land use, including ancillary rural earthworks, and development</p> |

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| | | | | | EW-R1A Ancillary rural earthworks General Rural Zone Activity Status : Permitted |
| 43.107 | EW – Earthworks | Rules | EW-R1 Earthworks associated with subdivision | <i>Retain as proposed or preserve the original intent.</i> | |
| 99.8 | EW – Earthworks | Rules | EW-R1 Earthworks associated with subdivision | <p>██████ position is:</p> <p><i>Support in full</i></p> <p><i>Comments relating to feedback</i></p> <p><i>Earthworks at the levels contemplated by EW-R2 and the related Standards EW-S1 through EW-S5 are appropriate to service the ongoing rural and pastoral activities in the GRUZ.</i></p> <p><i>Feedback on the provisions</i></p> <p><i>Retain EW-R1 as drafted.</i></p> | |
| 108.12 | EW – Earthworks | Rules | EW-R1 Earthworks associat | ████████████████████ | |

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| | | | <p>ed with subdivision</p> <p>seeks an additional exemption (under the note in the rule), for placement of gravel on existing farm tracks from the standards under the rule.</p> <p><i>Reason:</i></p> <p><i>The periodic application of new gravel on existing farm tracks is part of their maintenance. Including farm track gravel maintenance within the annual 2,000 volume of earthworks permitted in rural zones site does not recognise the environmental benefit of the practice. It reduces dust, reduces the potential for erosion of the tracks during wet conditions and improves traction on the tracks reducing the risk of accidents.</i></p> <p><i>This is consistent with Objectives EW-O1 to avoid, remedy and mitigate adverse effects and recognises the benefit of mitigating erosion risk.</i></p> | |
| 62.1 Z | EW – Earthworks | Rules | <p>EW -R1 Earthworks associated with subdivision and land use, including ancillary rural earthworks, and</p> <p><i>Support in part:</i></p> <p><i>Support permitted activity status for earthworks including ancillary rural earthworks, subject to amendment to definitions to provide for biosecurity related earthworks.</i></p> <p><i>Support exemption of bores where covered by regional rules and all consents from regional council have been obtained.</i></p> <p><i>Rule should provide for biosecurity related earthworks as a permitted activity.</i></p> | |

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| | | | development | | |
| 49.70 | EW – Earthworks | Rules | EW-R2 Earthworks within heritage settings | Query [REDACTED] considers there needs to be a clear definition of heritage setting and also clarity about what matters are to be controlled and why. | |
| 49.19 | EW – Earthworks | Rules | EW-R2 Earthworks within heritage settings | Query [REDACTED] considers there needs to be a clear definition of heritage setting and also clarity about what matters are to be controlled and why. | |
| 145.72 | EW – Earthworks | Rules | General | <i>Support clear direction as to the application of earthworks provisions</i> | |
| 36.1 | EW – Earthworks | Standards | EW-S1 Areas and volumes Residential | <i>In relation to the general standards and only 250m² of earthworks being allowed on a site within a 12 month period. This along with the depth and grade rule will make a large portion of earthworks for a new dwelling quite hard to comply, especially on a site with any sort of grade. Maybe more allowance can be given for a primary dwelling, then tighter rules thereafter?</i> | less restrictive earthworks rule for residential |
| 129.3 | EW – Earthworks | Standards | EW-S1 Areas and volumes Residential | <i>The DDP includes rules which effectively duplicate controls under Canterbury Regional Plans and, in particular, rules contained in the Land and Water Regional Plan (LWRP). Matters of discretion in rules such as EW-S1 include matters that fall within the control of regional council functions (e.g. dust, sediment, erosion). Again, this duplication of control simply adds a further layer of regulation, and associated costs, delays and uncertainty, without any corresponding benefit or reduction in environmental risk.</i> | Rules are reviewed and amended to remove the duplication of controls where this is already |

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| | | | | | subject to regional rules. |
| 108.13 | EW – Earthworks | Standards | EW-S5 Earthworks in proximity of the National | ██████████ supports the exemption in the draft plan standard EW-S5, for earthworks undertaken as part of agricultural cultivation or repair, sealing or resealing of farm tracks. | |
| 118.44 | EW – Earthworks | Standards | EW-S5 Earthworks in proximity of the National | ██████████ supports Standard EW-S5 to the extent that the Standard regulates earthworks in the National Grid Yard. However, ██████████ notes that Rule EI-R31 (as amended by ██████████ feedback) also regulates earthworks in the National Grid Yard and as such Standard EW-S5 may be unnecessary duplication. ██████████ therefore seeks that Standard EW-S5 is deleted and replaced with a cross-reference to Rule EI-R31. | |
| 133.1 | EW – Earthworks | Standards | EW-S2 Excavation and filling All zone | <p><i>Earthworks and Filling</i></p> <p><i>EW-S2 proposes that all earthworks in all zones must not exceed a depth of 1.5m below ground or above ground level. We have several concerns with this, namely: a. The levels plain area comprises a topsoil level of approx. 25cm over either compacted gravels/silt or over a clay layer over the same gravel/silt layer. Where the clay layers are there is often a thin iron pan which means that there is impeded drainage. To allow some intensive horticultural production such as vegetable production it is important that this pan layer can be broken and water allowed to drain to the gravels below where water might otherwise pond as a result of excess rain. The way this has been done to date is to excavate a hole to a depth of approx. 4m and fill with boulders. It should be noted that by definition this area is level, and it is not possible to drain excess water off with surface drains to waterways as waterways do not exist in these areas b. Under GRUZ-R13, Farm Quarries, it is proposed that up to 2000m² (I presume it is meant 2000m³) of substrate maybe abstracted for use on farm tracks, etc. With a 1.5m extraction depth rule this would not allow this activity to be exercised in a sensible fashion, or not at all. c. The 1.5m above ground level is too restrictive for processes such as vegetable washing/cleaning where soil needs to be bunded higher than 1.5m to dry out. d. Bunding to reduce noise from busy roads etc should be permitted and this would need to be higher than 1.5m</i></p> | To change the height and depth limit for earthworks from 1.5m to 4m under EW-S2 |
| 143.52 | EW – Earthworks | Standards | EW-S3 Setbacks All zones | <i>As per the foregoing</i> | Inferred from submission that they request |

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| | | | Earthworks | | review of this standard |
| 49.85 | EW – Earthworks | Standard s | Advice Note: In the event that an unidentified arc | Support | ██████ supports the advice note relating to discovery of an unidentified archaeological site |
| 49.169 | EW – Earthworks | Standard s | Advice Note: In the event that an unidentified arc | Support | ██████ supports the advice note relating to discovery of an unidentified archaeological site |