

**Queenstown Lakes District Proposed District Plan
Section 32 Evaluation
Stage 2 Components October 2017**

For:

Earthworks

And consequential Variations to Proposed District Plan 26 August 2015:

Chapter 2 Definitions

Chapter 27 Subdivision and Development

Chapter 41 Jacks Point

Report dated: 3 November 2017

File Reference: PDP Stage 2: Earthworks

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1. EXECUTIVE SUMMARY

- 1.1. The Stage 2 Proposed District Plan Earthworks Chapter (**Earthworks Chapter**) seeks to manage the actual and potential adverse effects of earthworks on the environment. The Earthworks Chapter applies to all the land notified in Stages 1 and 2 of the district plan review.
- 1.2. The earthworks Chapter will assist the Council to fulfil its statutory functions and responsibilities as required by the Resource Management Act 1991 (**'the Act'** or **'the RMA'**) through the following objectives, policies and rules:
- (a) Objectives to minimise the adverse effects on natural and physical resources, including infrastructure and cultural values;
 - (b) Policies that address the variability of activities and potential adverse effects associated with earthworks;
 - (c) Rules that provide limitations on the volume, area and location of earthworks to ensure the adverse effects of earthworks are managed;
 - (d) Exempting certain earthworks or providing for resource consent applications to be processed on a non-notified basis where there is sufficient certainty that those processes are appropriate relative to the activity;

2. INTRODUCTION

- 2.1. Section 32 of the Act requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives.
- 2.2. Earthworks are an often necessary component of land use and development but can have adverse effects on landscape, nature conservation values and amenity values in both rural and urban locations, and adverse effects on heritage and cultural values.
- 2.3. Earthworks can cause nuisance effects in the form of dust and vibration which can be appropriately minimised through management during construction. Earthworks can also cause safety issues for people and property and infrastructure.
- 2.4. Soil erosion, sediment generation and run-off may result in adverse effects on surface water bodies and damage, or adverse effects on stormwater infrastructure and also needs to be managed. If not properly managed this may have significant adverse effects on water quality and flow and can damage ecosystems of flora and fauna within those water bodies. Damage to these environments can also lead to a loss of cultural values.

2.5. The evaluation of the appropriateness of the Earthworks Chapter is based upon the following three issues

- Issue 1 – Earthworks and landscape, visual amenity and nature conservation values.
- Issue 2 – Earthworks and people, safety and cultural values.
- Issue 3 – Earthworks and soil erosion, sediment and generation of run-off.

2.6. This District Wide Earthworks Chapter 25 applies to all land notified in Stage 1¹ of the Proposed District Plan on 26 August 2015, and all additional land notified in Stage 2. This land collectively forms the geographic area currently subject to Volume A of the District Plan. The District Wide Earthworks Chapter 25 applies to all land identified as Stage 1 and Stage 2 land on the Planning Maps attached to the Stage 2 notification bundle. The District Wide Earthworks Chapter 25, forms part of Stage 2 of the Proposed District Plan.

2.7. For clarity, **Table 1** below identifies the land area (generally described by way of zone) and various components of the PDP that together comprise Volume A of the District Plan at Stage 2 of the District Plan review as it relates to the Earthworks Chapter 25. All other land within the District continues to fall into Volume B of the District Plan.

Table 1. District Plan Volume A components, showing Stage 2 components as related to the Earthworks Chapter.

Volume A	
Stage 1 Proposed District Plan 26 August 2015	Stage 2 As it relates to the Earthworks Chapter only
Introduction	
1. Introduction 2. Definitions	• New Stage 2 definitions and variation to Stage 1 Definitions Chapter 2, as related to Stage 2 Earthworks components.

16. Business Mixed Use Zone 17. Queenstown Airport Mixed Use Variation 1: Arrowtown Design Guidelines 2016	
Rural Environment	
21. Rural Zone 22. Rural Residential and Lifestyle 23. Gibbston Character Zone	
District Wide Matters	
26. Historic Heritage 27. Subdivision and Development 28. Natural Hazards 30. Energy and Utilities 32. Protected Trees 33. Indigenous Vegetation and Biodiversity 34. Wilding Exotic Trees 35. Temporary Activities and Relocated Buildings 36. Noise 37. Designations	• Stage 2 Earthworks Chapter 25. • Variation to Stage 1 Subdivision Chapter 27, as related to Stage 2 Earthworks components.
Special Zones	
41. Jacks Point 42. Waterfall Park 43. Millbrook	• Variation to Stage 1 Jacks Point Zone Chapter 41, as related to Stage 2 Earthworks components.

3. BACKGROUND

District Plan Review

- 3.1. The review of the Operative District Plan is being undertaken in stages. Stage 1 commenced in April 2014 and was publicly notified on 26 August 2015. Hearings on Stage 1 components comprising ten individual hearing streams for 33 chapters, 1 variation² and three separate hearing streams for rezoning requests and mapping annotations³ were held from March 2016 to September 2017.
- 3.2. On 29 September 2016 the Council approved the commencement of Stage 2 of the review of the Operative District Plan. As part of the 29 September 2016 resolutions, the Council

land as identified in the Planning Maps forming the Stage 2 notification bundle, as discussed above.

- 3.3. All other land currently forms Volume B of the District Plan. This includes zones that have not yet been reviewed and notified (i.e. Township Zone, Industrial A and B Zones, Rural Visitor Zone), land that has been withdrawn from the district plan review (i.e. the land subject to Plan Changes 46 - Ballantyne Road Industrial and Residential extensions, 50 - Queenstown Town Centre extension and 51 – Peninsula Bay North) and the Frankton Flats B Special Zone and the Remarkables Park Special Zone. All Volume B land is subject to the Operative District Plan.

Earthworks

- 3.4. The Operative District Plan earthworks provisions were reviewed and notified for submissions in July 2014, the Council's decision on submissions was made on 8 July 2015. Several appeals were received and these were ultimately withdrawn or settled by way of Consent Order⁴ and made operative in April 2016. Prior to this, the various Earthworks components of the Operative District Plan sat throughout each zone chapter, and the majority of these components had been operative since 2005.
- 3.5. It was the initial intention of Council that the Earthworks chapter was notified ahead of notification of Stage 1 of the PDP, on the basis that as the various Stage 1 PDP components became operative, they would replace those existing operative components of the Operative District Plan and integrate with the Operative District Wide Chapter 22 Earthworks Chapter. However, as a consequence of the separation of the District Plan into two volumes, each Volume requires a district wide earthworks chapter. The existing Operative Earthworks Chapter 22 sits in Volume B of the District Plan, Volume A of the District Plan, which will also encompass the vast majority of land in the District, requires an earthworks chapter. No 'broad options' have been assessed in this evaluation because there are not considered any other practicable options, other than to include earthworks rules in Volume A of the PDP by way of this Earthworks Chapter 25.

Jurisdictional Matters

- 3.6. No decision has been made on the Proposed District Plan 2015 (Stage 1 and Variation 1) at the

- 3.7. Therefore, for instance, the Stage 2 Earthworks chapter does not refer to the Council recommended “Airport Zone”, which encapsulates the Wanaka airport (as well as the notified Queenstown airport), because the (Wanaka) Airport Zone is at this point in time is only recommended in response to Stage 1 submissions⁶ and in the PDP at the zoning of Wanaka Airport at this point in time remains is Rural. Similarly, for example, the reference in the Council officers’ post-hearing reply version of Chapter 30 Energy and Utilities refers to ‘Electricity Distribution Corridor’ with an associated definition. Because this concept is not in the notified PDP, and Council has not yet released decisions on submissions to Stage 1 topics, it cannot be referred to in the Stage 2 Earthworks Chapter. The latter matter is considered particularly important to earthworks and the Earthworks Chapter because earthworks within these electricity distribution corridors are managed in Chapter 30 Energy and Utilities.
- 3.8. This is a consequence of the staged approach to the review, and can be addressed through either interested parties lodging a submission, or the Council itself lodging a submission on the Stage 2 Earthworks Chapter 25 to ensure the Stage 2 Earthworks chapter ultimately includes any necessary standards for any new zones or issues, included in the PDP by Council Stage 1 decisions. It is acknowledged that before any submission by Council on the Stage 2 components is lodged, it will need to be passed by a resolution of Council.

4. PURPOSE OF THE REPORT

- 4.1. Section 32 of the Act requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives. This report fulfils the obligations of the Council under section 32 of the Act. The analysis set out below should be read together with the text of Proposed Chapter 25 Earthworks and the The QLDC Best Practice Environmental Management Guidelines.

5. STATUTORY POLICY CONTEXT

Resource Management Act 1991

- 5.1. Section 5 sets out the purpose of the RMA, which requires an integrated planning approach and direction to promote the sustainable management

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

5.2. Section 6 of the RMA sets out a number of matters of national importance. Depending on the circumstances such as the location, scale and the manner in which earthworks are undertaken, earthworks and land disturbance activities can be applicable to all matters in section 6:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

5.3. Section 7 lists “other matters” that Council shall have particular regard to and those most relevant to the Earthworks Chapter including the following:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

5.4. Section 8 requires that Council take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The principles as they relate to resource management derive from Te Tiriti o Waitangi itself and from resource management case law and practice. They can be summarised as follows:

- a) That there must be active protection of the partnership between the two parties;
- b) That there is an obligation to act with reasonableness and good faith, with both parties being prepared to compromise;
- d) That dialogue and consultation will be the main way in which to give effect to the three principles outlined above.

5.5. A number of provisions have been included in the Earthworks Chapter in response to the requirements in Part 2 (such as section 6(e) – the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga).

5.6. Earthworks are an important part of the sustainable use and development of land but the potential adverse effects need to be managed to ensure the Council in exercising its functions gives effect to sections 6 and 7 of the Act. If left unchecked or poorly managed earthworks can have adverse effects on the important resources of the District, including the Outstanding Natural Features and Landscapes, amenity landscapes and built resource such as infrastructure, buildings and roads. Sedimentation arising from poorly managed erosion and sediment management can also reduce the capacity of the Council's stormwater network

Local Government Act 2002

5.11. Sections 14(c), (g) and (h) of the Local Government Act 2002 (LGA) are also of relevance in terms of policy development and decision making:

- (c) when making a decision, a local authority should take account of—*
 - (i) the diversity of the community, and the community's interests, within its district or region; and*
 - (ii) the interests of future as well as current communities; and*
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):*
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and*
- (h) in taking a sustainable development approach, a local authority should take into account—*
 - (i) the social, economic, and cultural interests of people and communities; and*
 - (ii) the need to maintain and enhance the quality of the environment; and*
 - (iii) the reasonably foreseeable needs of future generations*

5.12. The LGA emphasises a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

5.13. Section 14(g) is of relevance in so far as a planning approach emphasising that earthworks are an often essential prerequisite of land development but can also have adverse effects on natural and physical resources.

5.14. Having regard to these provisions, the approach through this review is to provide a balanced framework in the District Plan to manage these resources appropriately. Furthermore, no less important is the need to ensure the provisions are presented in a manner that is clearly interpreted to facilitate effective and efficient District Plan administration.

- (c) National Policy Statement for Renewable Electricity Generation 2011;
- (d) National Policy Statement on Electricity Transmission 2008; and
- (e) New Zealand Coastal Policy Statement 2010.

5.16. A National Policy Statement for Indigenous Biodiversity is in draft form. The National Policy Statements that are of most relevance to earthworks are the Freshwater Management and Electricity Transmission National Policy Statements.

Freshwater Management (NPSFM)

5.17. The NPSFM sets out the objectives and policies for freshwater management under the RMA. This national policy statement provides a National Objectives Framework to assist regional councils and communities to more consistently and transparently plan for freshwater objectives.

5.18. The NPSFM does not directly require specific provisions to be included within district plans, but the RMA requires district plans to give effect to national policy statements and regional policy statements. On 7 August 2017 the Government agreed to amend the National Policy Statement for Freshwater Management 2014. The amendments will come into force on 7 September 2017.

5.19. If a regional council adopts a policy in its regional policy statement directing the management of contaminants such as sediment or nutrients, and those contaminants could be associated with particular land uses (such as earthworks or urban development), the district council would need to give effect to those policies in rules controlling land use. An evaluation of the operative and proposed Regional policy Statement for Otago and the Regional Plan: Water for Otago 2004 are set out later in this report.

Electricity Transmission 2008 (NPSET)

5.20. The NPSET requires local authorities to provide for electricity transmission activities at the local level. The NPSET provides a regulatory framework, which works in tandem with the National Environmental Standards for Electricity Transmission Activities (NESET

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network.*

5.22. The NPSET is only applicable to the operation of the high voltage national grid as defined in the NPSET itself. The national grid is defined in that NPS as “the assets used or owned by Transpower NZ Limited”.

5.23. The rules relating to earthworks to provide for the National Grid and to protect the National Grid are located within PDP Stage 1 Chapter 30: Energy and Utilities. The PDP Stage 2 Earthworks Chapter recognises this by cross referencing to Chapter 30 Energy and Utilities for earthworks associated with the National Grid. It is noted that the Council’s reply version of the Utilities Chapter and PDP Stage 1 Subdivision Chapter 27 includes more refined rules associated with providing for the National Grid. It is not intended to replicate or locate those rules within the PDP Stage 2 Earthworks Chapter.

Iwi Management Plans

5.24. When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council’s must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

5.25. The following iwi management plans are relevant:

The Cry of the People, Te Tangi a Taurā: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)

5.26. Section 3.4 Takitimu Me Ona Uri: High Country and Foothills contains the following policy that is relevant to earthworks:

Version have been appealed and mediation is currently taking place. Accordingly, limited weight can be provided to the Decisions Version of the PRPS. However, the provisions of PRPS are relevant in highlighting the direction given toward local authorities managing the potential adverse effects of earthworks. The following is based on the PRPS Decision version: 1 October 2016

5.41. Policies 3.1.7 (Soil Values), 3.1.8 (Soil erosion) and 5.4.1 (Managing for urban growth and development) are to be given effect to by a range of Methods including via City and District Plans (Method 4.1.4).

5.42. In particular, the Methods for Policy 3.1.8 (Soil Erosion) do not identify any obligation through Regional Plans to manage erosion and sedimentation through land use activities.

5.43. Method 4.1.4 (District and City Plans) is:

'Policies 3.1.7, 3.1.8, and 5.4.1 by including provisions to manage the discharge of dust, and silt and sediment associated with earthworks and land use'.

5.44. The PRPS places a clear obligation on territorial authorities to manage the potential effects of erosion and sedimentation from land use activities through district plans. The Otago Regional Council currently do not have a dedicated regional earthworks or soil conservation plan and the Methods of the PRPS indicate that it is intended that erosion and sediment is managed primarily by District and City Plans.

5.45. The Earthworks Chapter 25 implements Method 4.1.4 of the PRPS and is considered to have sufficient regard to that document. It is also considered that in the case of the PRPS being made operative with the structure and inclusion of Method 4.1.4 to implement Policy 3.1.8 as set above, the Earthworks Chapter 25 would give effect to that document.

Regional Plans

5.61. In addition, the NES on Plantation Forestry has recently been developed and comes into effect on 1 May 2018.

5.62. Where the NES is relevant to earthworks they are discussed as follows:

NES Telecommunication Facilities 2016 (NES-TF)

5.63. The NES-TF contains standards relating to earthworks that enable earthworks with certain antennas (Subpart 6 - Earthworks) providing a range of standards are met, some of which include compliance with district plan rules for earthworks in certain locations, for instance at 'special places' as defined in the NES-TF. The permitted standards also require management plans that include measures to manage sediment run-off from the site, stability, dust and drainage⁸.

5.64. Earthworks for utilities, which include telecommunication activities subject to the NES-TF are managed in Stage 1 PDP Chapter 30: Energy and Utilities. The PDP Stage 2 Earthworks Chapter recognises this by cross referencing to Chapter 30 Energy and Utilities for earthworks associated with utilities and the NES-TF. It is the jurisdiction of Chapter 30: Energy and Utilities and the respective hearing stream 5 of Stage 1 of the PDP that deals with ensuring specific provisions accord with the NES-TF. It is not intended to replicate or relocate the earthworks rules for utilities and activities subject to the NES-TF rules within the PDP Stage 2 Earthworks Chapter.

NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)

5.65. The NES-CS seeks to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed to avoid risk to human health. This requires all territorial authorities to give effect to and enforce the requirements of the NES-CS. The PDP Stage 2 Earthworks Chapter recognises this by referencing to the NES-CS.

NES Electricity Transmission Activities 2009 (NES-ETA)

PF and the NES-PF within the ONF/L. Regulation 13 of the NESPF prescribes that forestry within amenity landscapes is a controlled activity.

5.71. On this basis, the Earthworks Chapter does not need to pre-empt any changes required to give effect to the NESPF when it commences on 1 May 2018.

Proposed District Plan

Notified PDP 26 August 2015

5.72. The following objectives and policies of the PDP (Part 2 Strategic) are relevant to earthworks, and the PDP Earthworks Chapter should take into account and give effect to these:

Strategic Direction Chapter 3

3.2.2.2 Objective - *Manage development in areas affected by natural hazards.*

Policies

3.2.2.2.1 *Ensure a balanced approach between enabling higher density development within the District's scarce urban land resource and addressing the risks posed by natural hazards to life and property.*

3.2.4.1 Objective - *Promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.*

3.2.4.5 Objective - *Preserve or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.*

- 5.4.5.1 *Identify wāhi tūpuna and all their components on the District Plan maps and protect them from the adverse effects of subdivision, use and development.*
- 5.4.5.2 *Identify threats to wāhi tūpuna and their components in this District Plan.*
- 5.4.5.3 *Enable Ngai Tahu to provide for its contemporary uses and associations with wāhi tūpuna.*
- 5.4.5.4 *Avoid where practicable, adverse effects on the relationship between Ngāi Tahu and the wāhi tūpuna.*

5.75. The Earthworks Chapter gives effect to the Tangata Whenua Chapter 5 by imposing limitations on earthworks within areas that are of significance to Māori and by ensuring suitable erosion and sediment management is undertaken where necessary.

Landscapes Chapter 6

6.3.3 Objective - Protect, maintain or enhance the district's Outstanding Natural Features (ONF).

Policies

- 6.3.3.1 *Avoid subdivision and development on Outstanding Natural Features that does not protect, maintain or enhance Outstanding Natural Features.*
- 6.3.3.2 *Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Landscapes adjacent to Outstanding Natural Features would not degrade the landscape quality, character and visual amenity of Outstanding Natural Features.*

6.3.4 Objective - Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).

6.8. As set out in the statutory framework discussion and in Appendix 1 the higher order regional planning documents for Otago place an obligation on district plans to manage erosion and sediment. The issue of erosion and sediment management is particularly relevant for territorial authorities in the Otago region due to the absence of a regional land and water or land plan to manage the potential effects of earthworks on water bodies.

7. SCALE AND SIGNIFICANCE EVALUATION

7.1. The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to whether the objectives and provisions:

- Fulfil the Council's role and functions under the Act as required by ss 31 and 74(1)(b);
- Impose increased costs or restrictions on individuals, communities or businesses;
- Result in a significant variance from the existing baseline in Operative District Plan Chapter 22;
- Have effects on matters of national importance;
- Adversely affect those resources overseen by special interests groups and statutory bodies, i.e. Tangata Whenua, Royal Forest and Bird Protection Society of New Zealand, Farming lobby groups, Gaurdians of Lake Wanaka;
- Involve effects that have been considered implicitly or explicitly by higher order documents; and
- Whether the proposed provisions are more appropriate than the existing.

7.2. The level of detail of analysis in this report is moderate-high. Earthworks are an anticipated component of many land uses but the effects of earthworks need to be managed, while ensuring efficiency and levels of intervention that are reasonable. Earthworks rules have the potential to affect a wide range of persons. Additional consenting information requirements can impose additional costs, however the costs to the environment could also be high if activities are not appropriately managed.

	Council to recognise and provide for the following: • Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. • Section 6 (f) the protection of historic heritage from inappropriate subdivision, use, and development.
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9. EVALUATION OF THE PROPOSED PROVISIONS SECTION 32(1)(b)

9.1. The following tables consider whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. The evaluation of the proposed provisions are grouped by the resource management issue, separate evaluations are set out for the provisions relating to the notification of applications:

- Table 1: Issues 1 and 3;
- Table 2: Issue 2;
- Table 3: Matters that will not be notified;
- Table 4: Matters that require an assessment to determine whether an application is processed on a notified basis.

Table 1:

Issue 1 - Earthworks and landscape, visual amenity and nature conservation values.

Issue 3 – Earthworks and soil erosion, sediment and generation of run-off.

All policies, rules, definitions and assessment matters are relevant. A summary of proposed provisions and components of the Earthworks Chapter that give effect to the objectives:

- Policy 25.2.1.1 – Ensure earthworks minimises erosion, land instability, and sediment generation and off-site discharge

Regionally Significant Infrastructure. Variation to Subdivision Chapter 27. Variation to Jacks Point Chapter 41.		<i>Social & Cultural</i> The earthworks rules will enable persons to undertake a range of land uses and developments on the basis reasonable and appropriate limitations are imposed.	The provisions provide the most appropriate approach to managing earthworks at various scales, while ensuring the adverse effects from earthworks are appropriately controlled. The rules do are not considered to be over-restrictive and the area limits in particular are considered commensurate to the sensitivity of the receiving environment. The provisions are also efficient in that they allow the earthworks rules in the Energy and Utilities Chapter 30 to prevail, and consequently any National Environmental Standard.
Area limitations Variation to Chapter 2 – Definitions: Earthworks, landfill,	<i>Environmental</i> - Potential environmental cost associated with exempting earthworks for erosion and sediment management. This is considered to be a small cost and the procedures should be undertaken using best practice. The potential for harm is low. <i>Economic</i> - Costs to persons who are required to source materials and undertake erosion	<i>Environmental</i> - Provides a means to manage the potential effects of soil erosion and sedimentation from development on water bodies, stormwater networks and neighbouring properties. <i>Economic</i> - The erosion and sediment management guidelines will assist those contemplating smaller scale activities to understand	

mining activity, cleanfill, cleanfill facility, mineral exploration, Mineral prospecting, Regionally Significant Infrastructure. Variation to Subdivision Chapter 27. Variation to Jacks Point Chapter 41.	- Costs to persons who are required to apply for resource consent; however this is considered a small cost relative to not managing the potential harm from uncontrolled earthworks within the margins of a waterbody. <i>Social & Cultural</i> - None identified.	earthworks chapter and resource consent could harm the environmental reputation of the District and result in increases to economic costs through remediation or delays to a project where earthworks are not appropriately managed. <i>Social & Cultural</i> Assists with safeguarding the life supporting capacity of water.	
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Table 2.

Issue 2 – Earthworks and people, safety and cultural values.

All policies, rules and assessment matters are relevant. A summary of proposed provisions and components of the Earthworks Chapter that give effect to the objectives:

- Policy 25.2.2.1 – recognises the benefits of earthworks for specified activities;

cleanfill, cleanfill facility, mineral exploration, Mineral prospecting, Regionally Significant Infrastructure. Variation to Subdivision Chapter 27. Variation to Jacks Point Chapter 41.	None identified.	None identified.	The provisions provide the most appropriate approach to managing earthworks where stability, hazards are at issue. Where earthworks affect a site of significance to iwi the process is not efficient as a Discretionary resource consent is required, however the level of intervention is appropriate to ensure section 6(e) of the RMA is provided for. The rules and policies are not considered to be overly-restrictive and are reasonable in the context of the likely sensitivity of the receiving environment.
Heritage and Tangata Wheua Variation to Chapter 2 –	Environmental & Social & Cultural - None identified. The rules have a relatively high level of intervention and this is considered appropriate. Economic - Potential costs for person undertaking	Environmental Social & Cultural - Appropriate level of intervention for safeguarding of heritage and arras of significance to Tangata Whenua. Economic - Early and appropriate intervention could	

Definitions: Earthworks, landfill, mining activity, cleanfill, cleanfill facility, mineral exploration, Mineral prospecting, Regionally Significant Infrastructure. Variation to Subdivision Chapter 27. Variation to Jacks Point Chapter 41.	earthworks within an identified/protected area or where an accidental discovery is made. However the costs are low compared to the potential harm to heritage and cultural values.	save persons from further delays prosecution if the protocols in the accidental discovery advice in Schedule 25.10 are observed.	
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Table 3.

Matters that will not be notified

Rule 25.6 states that activities that exceed the area (m²) limitation (Rule 25.5.11) shall not require the written consent of other persons and shall not be

10. THE RISK OF NOT ACTING

- 10.1. Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.
- 10.2. The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

Appendix 1. Approaches to earthworks – Review of 7 District Plans within 3 regions and comparison of the relationship with the Regional Policy Statements and Plans, with particular regard to the management of soil erosion and sedimentation.

Appendix 2. Review of management for erosion and sediment management

