

EW

Earthworks

DRAFT
WAITAKI DISTRICT PLAN



Waitaki

DISTRICT COUNCIL
TE KAUNIHERA Ā ROHE O WAITAKI

Earthworks

Section A: General Earthworks Activities

Introduction

Earthworks are an essential activity in the use and development of land, and contribute towards the social and economic well-being of the Waitaki District. Earthworks activities can facilitate opportunities for development, growth and the provision of services that support a high quality of life and a vibrant district.

Earthworks are often undertaken to create areas of level land to be used for living, business and recreation, and for primary production activities. Earthworks are integral to the construction of foundations, buildings and the provision and maintenance of infrastructure. Earthworks activities also include small scale projects, such as retaining walls and landscape projects undertaken by individuals.

If not appropriately managed, earthworks can have adverse effects on the natural environment, local amenity, ecological, mana whenua and cultural heritage values as well as community health and safety. Earthworks also have the potential to damage property and increase the risk of natural hazards. Earthworks activities can increase erosion and sedimentation, generate dust, noise and traffic effects, change natural landforms and impact biodiversity values. While a regional council function, District Plan earthworks provisions can also assist to reduce effects on water quality by ensuring there is no sedimentation occurring beyond the site.

Part A of this chapter focuses on managing the adverse effects of general earthworks activities to ensure that they do not compromise amenity and safety values of individuals and communities, and that effects on the natural, mana whenua and cultural heritage values of the District are minimised.

It is important to note that if a site lies within an overlay area, there will be additional rules that apply to earthwork activities. The additional rules will be contained in the relevant overlay chapter. For example, earthworks that take place within an Outstanding Natural Landscape will be subject to the rules contained in the Earthworks Chapter and the Natural Features and Landscapes Chapter. Please refer to the General Interpretation of Rules section below for more information.

Earthworks involving quarrying for aggregate, gravel extraction or mining activities are addressed in Part B and Part C of this chapter respectively.

Please note:

Other regulatory methods also manage earthworks. For instance, certain earthworks carried out as part of building work are subject to the New Zealand Building Code and may require a building consent under the Building Act 2004. Earthworks and land disturbance affecting archaeological sites may also require authorisation under the Heritage New Zealand Pouhere Taonga Act 2014.

Earthworks may need additional resource consents from the Otago Regional Council or Environment Canterbury, including earthworks that may result in silt or sedimentation contamination of water and affect water quality, or adverse effects on the environment from dust. The National Environmental

Standards for Plantation Forestry 2017, Assessing and Managing Contaminants in Soil to Protect Human Health 2011 and Electricity Transmission Activities 2009 also provide earthworks requirements that override some District Plan provisions.

Objectives

EW-O1 Protecting sensitive environments

Earthworks are undertaken in a manner that avoid, remedy or mitigate any adverse environmental effects, including effects on indigenous biodiversity, natural landscapes, natural landforms, natural features, mana whenua and cultural heritage values.

EW-O2 Protecting communities

Earthworks are undertaken in a manner that avoid, remedy or mitigate any adverse effects on amenity, community health and safety (including the risk from natural hazards), land stability, infrastructure, the efficiency of the stormwater network and highly productive land.

Policies

EW-P1 Enabling earthworks

Enable earthworks where the scale, extent and effects are commensurate to the level of development anticipated within the zone and/or overlay area.

EW-P2 Protecting sensitive environments

Provide for earthworks where adverse effects on the identified values of sensitive environments are avoided, except where enabled under EW-P3.

EW-P3 Conservation activities within sensitive environments

Enable earthworks that facilitate improvements to the maintenance, protection and/or enhancement, and/or enhance the public's appreciation and recreational enjoyment of the identified natural, historic, cultural and/or ecological values of sensitive environments while avoiding where practicable, and otherwise remedying or mitigating adverse effects on the identified values.

EW-P4 Primary production activities

Enable earthworks that support the operational efficiency of primary production activities, including the maintenance and repair of existing tracks, yards, irrigation infrastructure, fences and dams.

EW-P5 Construction and maintenance of farm and recreational tracks

Enable earthworks that provide for farm tracks and outdoor recreational walkways, footpaths, bridle paths and cycleways where these are located outside of sensitive environments.

EW-P6 The effects of earthworks

Require any earthworks to avoid, remedy or mitigate adverse effects on the following:

1. the stability of land, buildings and structures at or beyond the boundary of the site; and
2. the visual amenity of the site; and
3. natural landforms; and
4. local amenity values; and
5. erosion and sediment loss from the site; and
6. natural hazard risk; and
7. the stormwater network; and
8. dust, lighting, odour, vibration, noise and traffic beyond the boundaries of the site; and
9. highly productive land.

EW-P7 Rehabilitation of disturbed ground

Enable earthworks that rehabilitate areas of disturbed ground to reflect the surrounding landform and vegetation.

Rules

Note: For certain activities, a resource consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, resource consent is required under each of those rules. The steps to determine the status of an activity are set out in the General Approach chapter. Note: Quarrying for Aggregate activities addressed in Part B and Mining activities addressed in Part C of this chapter are not subject to the earthworks rules in Part A.

General interpretation of rules

The activity status, rules and standards in this chapter apply to earthworks activities undertaken in all zones and overlay areas, with the exception of the following:

- Earthworks within the 'Existing Mining Overlay' area within the Special Purpose Zone – Macraes Mining
- Earthworks undertaken to facilitate the provision of infrastructure are addressed under the Infrastructure Chapter
- Earthworks that take place within a Site or Area of Significance to Māori (including Wāhi Tūpuna sites) are addressed under the Sites and Areas of Significance to Māori Chapter

In addition to the provisions contained in the Earthworks Chapter, earthworks activities that take place within any of the following areas will also be subject to any earthworks provisions contained in the relevant chapters:

- Historic Heritage
- Notable Trees
- Coastal Environment
- Ecosystems and Indigenous Biodiversity
- Natural Features and Landscapes
- Earthworks on contaminated land will be subject to the Contaminated Land Chapter provisions
- Earthworks involving any fill material that is not cleanfill material will be subject to the Hazardous Substances and/or Contaminated Land Chapter provisions
- Earthworks that take place within a natural hazard overlay will also be subject to the Natural Hazards and Coastal Environment Chapters (Coastal Hazards) provisions

In the event there is a conflict between the provisions of this chapter and the provisions of any other chapters in the Plan, the provisions with the highest activity status prevail, unless otherwise specified. Details of the steps plan users should take to determine the status of an activity is provided in Part 1 General Approach.

PERMITTED ACTIVITIES

EW-R1 General earthworks located outside of a sensitive environment		
All zones	<p>Activity status: Permitted</p> <p>Where: PER-1 EW-S1, EW-S2, EW-S3,EW-S4 and EW-S5 are complied with.</p>	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where: RDIS-1 Compliance is not achieved with PER-1</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard.
EW-R2 Repair and maintenance activities within or outside of a sensitive environment		
All zones	<p>Activity status: Permitted</p> <p>Where: PER-1 Earthworks undertaken for the repair and maintenance of existing and lawfully established:</p> <ol style="list-style-type: none"> 1. farm tracks; 2. yards; 3. non-system irrigation infrastructure; 4. fences; 5. dams; 6. walking tracks; 7. cycling tracks; 8. driveways and access; and <p>PER-2 Where the width, length and materials used are the same as that which existed prior to the repair and maintenance being required.</p>	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where: RDIS-1 Compliance is not achieved with PER-1 or PER-2</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the change to the size, scale and materials from that existing prior to the repair or maintenance. <p><i>Note: Earthworks within the setting of a Historic Heritage Item are subject to Rule HH-R3</i></p> <p><i>Earthworks within an SNA are subject to Rule ECO-R3.</i></p> <p><i>Earthworks on or within ONFL, Rural Scenic Landscapes or Significant Natural Features are subject to Rule NFL-R4.</i></p> <p><i>Earthworks within a Site or Area of Significance to Māori are subject to Rule SASM-R4.</i></p> <p><i>Earthworks within the root protection of a Notable Tree may be subject to Rule TREE-R1.</i></p>

EW-R3 Earthworks for the construction of farm tracks, public footpaths, public bridle paths and public cycleways located outside of sensitive environments		
All zones	<p>Activity status: Permitted</p> <p>Where: PER-1 The track is associated with a permitted or lawfully established activity within the zone and does not exceed 3 metres in width with an additional allowance of 1 metre either side of the track for battering; and</p> <p>PER-2 EW-S2, EW-S3, EW-S4 and EW-S5 are complied with.</p>	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where: RDIS-1 Compliance is not achieved with PER-2</p> <p>Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.</p> <p>Activity status when compliance is not achieved: Discretionary</p> <p>Where: DIS-1 Compliance is not achieved with PER-1</p>

EW-R4 Earthworks for conservation activities within sensitive environments		
All zones	<p>Activity status: Permitted</p> <p>Where: PER-1 Earthworks do not exceed 25m² in area over any 3 year period.</p> <p>PER-2 EW-S2, EW-S3, EW-S4 and EW-S5 are complied with.</p> <p>Note: This rule only applies to earthworks required to facilitate conservation activities within a sensitive environment. All other earthworks within a sensitive environment will be assessed against EW-R7.</p>	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where: RDIS-1 Compliance is not achieved with PER-2</p> <p>Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.</p> <p>Activity status when compliance is not achieved: Discretionary</p> <p>Where: DIS-1 Compliance is not achieved with PER-1</p>

EW-R5 Earthworks within a riparian margin		
All zones	<p>Activity status: Permitted</p> <p>Where: PER-1</p>	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where: RDIS-1</p>

	<p>The earthworks are undertaken by Waitaki District Council, Otago Regional Council, Canterbury Regional Council or their agents for flood and/or erosion management; or</p> <p>PER-2 The earthworks are for the construction of parks furniture and the earthworks are contained within the footprint of the structure; or</p> <p>PER-3</p> <ol style="list-style-type: none"> 1. the earthworks are for the maintenance or repair of existing and lawfully established: <ol style="list-style-type: none"> a) roads; b) farm tracks; c) yards; d) irrigation infrastructure; e) fences; f) dams; g) walking tracks; h) cycling tracks; or i) driveways and access; and 2. the width, length and materials used are the same as that which existed prior to the maintenance or repair being required. 	<p>Compliance is not achieved with PER-1, PER-2 or PER-3</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. evidence of the existing degree of natural character of the riparian margin; and 2. the extent and management of adverse effects on natural character of the riparian margin, including: <ol style="list-style-type: none"> a) the extent to which the proposed earthworks will: <ol style="list-style-type: none"> i. allow natural elements to dominate; and ii. introduce man-made elements to the riparian margin; and iii. affect the amenity values of the riparian margin; and iv. create disturbances that will be ongoing, as opposed to temporary; and v. affect the stability of the riparian margin; and vi. affect the community’s access to and appreciation of the natural character of the riparian margin; and vii. result in sedimentation effects; and viii. affect the effective management of flood risks; and ix. restrict access for mahika kai purposes; and 3. the extent to which any cumulative adverse effects have been considered and addressed.
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EW-R6 Earthworks and vertical holes within the National Grid Yard		
<p>All zones</p>	<p>Activity status: Permitted</p> <p>Where: PER-1 Where there are National Grid support poles and any stay wires, the</p>	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where: RDIS-1</p>

<p>earthworks or vertical hole/s depth must be no greater than:</p> <ol style="list-style-type: none"> 1. 300mm within 2.2m of the pole or stay wire; or 2. 750mm between 2.2m and 5m of the pole or stay wire; and <p>PER-2 Where there are National Grid support towers (including any tubular steel tower that replaces a steel lattice tower), earthworks must be no greater than or vertical hole/s:</p> <ol style="list-style-type: none"> 1. 300mm within 6m of the outer visible edge of a foundation of the tower or pole; or 2. 3m between 6m and 12m from the outer visible edge of a foundation of the tower or pole; and <p>PER-3 The earthworks do not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) ISSN 01140663; and</p> <p>PER-4 The earthworks do not result in existing vehicular access to a National Grid support structure being permanently obstructed.</p> <p>PER-5 The following earthworks activities are exempt from PER-1 and PER-2:</p> <ol style="list-style-type: none"> 1. earthworks, excluding mining and quarrying, that are undertaken by a network utility operator (other than for the reticulation and storage of water for irrigation purposes); 2. earthworks, excluding mining and quarrying, for the repair, sealing or resealing of a footpath, driveway or farm track; 	<p>Compliance is not achieved with PER-1 or PER-2</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. impacts on the operation, maintenance, upgrading and development of the National Grid; and 2. the risk to the structural integrity of the affected National Grid support structure(s); and 3. any impact on the ability of the Transpower to access the National Grid; and 4. the risk of electrical hazards affecting public or individual safety, and the risk of property; and 5. technical advice provided by Transpower; and 6. any effects on National Grid support structures including the creation of an unstable batter. <p>Activity status when compliance is not achieved: Non-Complying</p> <p>Where: NC-1 Compliance is not achieved with PER-3 or PER-4</p>
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<p>3. vertical holes not exceeding 500mm in diameter that:</p> <ul style="list-style-type: none"> a) are more than 1.5m from the outer edge of the pole support structure or stay wire, or b) are a post hole for a farm fence or horticulture structure more than 6m from the visible outer edge of a tower or support structure foundation; <p>4. earthworks subject to a dispensation from Transpower under New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) ISSN 01140663.</p> <p><i>Note: EW-R1 to EW-R4 also apply to any earthworks or vertical holes within the National Grid Yard.</i></p> <p>Notification:</p> <p><i>An application under this rule, whether restricted discretionary or non-complying, is precluded from being publicly notified in accordance with section 95A of the RMA.</i></p> <p><i>Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.</i></p>	
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DISCRETIONARY ACTIVITIES

EW-R7 Earthworks within a sensitive environment	
All zones	<p>Activity status: Discretionary</p> <p>Earthworks within a sensitive environment where not otherwise listed as a permitted or restricted discretionary activity.</p>
	<p>Activity status when compliance is not achieved: Not Applicable</p>

EW STANDARDS

EW-S1	Threshold areas (m ²)	
<p>All Residential Zones</p> <p>Rural Lifestyle Zone</p> <p>Settlement Zone</p>	<p>1. The quantity of earthworks must not exceed 300m² in any 12 month period per site.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> whether the earthworks are of a type, scale and form that is appropriate for the location and anticipated character of the zone; and the management of silt, sediment and erosion; on-site; and impacts on character and amenity values, natural landforms and features, including whether the cut face and/or any retaining structures can be concealed behind development or effectively landscaped; and
<p>General Rural Zone</p> <p>All Commercial and Mixed Use Zones</p> <p>Ōamaru Airport Zone</p> <p>Ōmārama Airfield Zone</p>	<p>2. The quantity of earthworks must not exceed 500m² in area in any 12 month period per site.</p>	<ol style="list-style-type: none"> any visual amenity, including landscape treatment, site reinstatement and screening; and the potential for cumulative effects on the natural form of the landscape; and whether the earthworks involve the removal of topsoil or subsoil from a site that is identified as having a Land Use Capability classification of 1, 2 or 3; and duration of the earthworks and hours of operation; and
<p>Rural Scenic Landscape</p> <p>Special Purpose Zone - Lakes</p> <p>Ōamaru Historic Precinct</p>	<p>3. The quantity of earthworks must not exceed 50m² in area in any 12 month period per site.</p>	<ol style="list-style-type: none"> the management of the effects of dust, vibration, noise, lighting, odour and traffic movements at or beyond the boundaries of the site. <p><i>Note: A landscape assessment may be required for the assessment of this standard.</i></p> <p><i>A site management plan may be required for consideration of the assessment matters (2) (7) and (8).</i></p>
<p>All Industrial Zones</p>	<p>4. The quantity of earthworks must not exceed 1000m² in area in any 12 month period per site.</p>	

<p>Open Space Zone</p>	<p>5. The quantity of earthworks must not exceed 500m² in area in any 12 month period per site.</p>
<p>Sports and Active Recreation Zone</p>	<p><i>Note: Exemptions from quantity calculations: Earthworks for the installation of play equipment or the re-turfing or re-grassing of existing sports fields.</i></p>

<p>EW-S2 Maximum cut depth and fill height</p>	
<p>All zones</p>	<p>1. The cut depth or fill height must not exceed 1.5 metres as measured vertically; and</p> <p>2. Where the cut depth/fill height exceeds 1.5m this shall be no closer than 1.5 metres in distance from the boundaries of the site.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. effects on the stability of land or structures at or beyond the boundaries of the site, and the potential to create new, or exacerbate existing, natural hazards, impact natural drainage patterns, redirect overland flow paths or flood flows and/or create instability, erosion or scarring; and 2. the management of silt, sediment and erosion on-site; and 3. impacts on character and amenity values, natural landforms and features, including whether the cut face and/or any retaining structures can be concealed behind development or effectively landscaped; and 4. any visual amenity, including landscape treatment, site reinstatement and screening; and 5. the potential for cumulative effects on the natural form of the landscape. <p><i>Note: A geotechnical assessment and/or landscape assessment may be required for the assessment of this standard.</i></p> <p><i>A site management plan may be required for consideration of the assessment matters (1) and (2).</i></p> <p><i>Earthworks over 1.5m in height or depth that take place within 1.5m of a site boundary may require a written approval from the adjoining landowner.</i></p>

EW-S3 Earthworks on sloping sites	
<p>All zones</p>	<p>Earthworks must not take place on slopes with an angle greater than 18.5 degrees (1 in 3).</p> <p><i>Note: Slope angle is measured as an average slope angle over any 100m length of the slope.</i></p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the effects on the stability of land or structures at or beyond the boundaries of the site and the potential to create new, or exacerbate existing, natural hazards, impact natural drainage patterns, redirect overland flow paths or flood flows and/or create instability, erosion or scarring; and 2. the management of silt, sediment and erosion on-site; and 3. impacts on character and amenity values, natural landforms and features, including whether the cut face and/or any retaining structures can be concealed behind development or effectively landscaped; and 4. any visual amenity, including landscape treatment, site reinstatement and screening; and 5. the potential for cumulative effects on the natural form of the landscape. <p><i>Note: A geotechnical assessment and/or landscape assessment may be required for the assessment of this standard.</i></p> <p><i>A site management plan may be required for consideration of the assessment matters (1) and (2).</i></p>

EW-S4 Earthworks within 20 metres of a waterbody or wetland	
<p>All zones</p>	<p>Earthworks shall not take place within 20m of a waterbody or wetland.</p> <p><i>Note: This measurement shall be taken from the highest water mark point of the waterbody.</i></p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the provision of sediment control techniques to ensure sediment run-off does not enter a waterbody or wetland; and 2. effects on the natural character and ecological values of the waterbody or wetland; and 3. impacts on the character and amenity values, natural landforms and features; and

		<p>4. management of visual amenity effects through landscape treatment, site reinstatement and screening; and</p> <p>5. the potential for cumulative effects on the natural form of the landscape.</p> <p><i>Note: A site management plan may be required for consideration of the assessment matter (1).</i></p> <p><i>An ecological report and/or landscape assessment may be required for consideration of the assessment matters (2), (3), (4) and (5).</i></p>
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EW-S5 Accidental discovery protocol		
<p>All zones</p>	<p>Despite any other rule in this plan permitting earthworks, or any activity associated with earthworks or land disturbance, in the event of the discovery of sensitive material (which is not expressly provided for by any resource consent or other statutory authority), the owner of the site, or the consent holder, must take the following steps:</p> <p>In the event that an unidentified archaeological site or a waahi tapu site is located during works, the following applies:</p> <ol style="list-style-type: none"> 1. work must cease immediately at that place and within 20m around the site; 2. Heritage New Zealand Regional Archaeologist must be notified and the consent holder must apply for the appropriate authority if required; 3. notify the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate tikanga (cultural procedures) to be undertaken, as long as all statutory requirements under legislation are met (New Zealand Pouhere Taonga Act 2014); 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the effects of the earthworks on the historic heritage or cultural values.

	<ol style="list-style-type: none">4. if human remains (kōiwi) are uncovered, then the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative must be notified. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded;5. works affecting the archaeological site and any human remains (kōiwi) must not resume until appropriate authority and protocols are completed.	
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Part B: Earthworks – Quarrying for Aggregate (EW(Q))

Introduction

Gravel extraction and other aggregate operations are collectively an important industry, being used for construction purposes, including roading throughout the District. Aggregate extraction operations are usually smaller in scale compared with mining operations and often used intermittently, but nevertheless can impact on the environment if poorly situated, operated or rehabilitated.

Objectives – EW(Q)

EW(Q)-O1 Providing aggregate for the community

Aggregate is available to provide for the needs of the community while, at the same time, any actual or potential adverse environmental effects are avoided, remedied or mitigated.

Policies – EW(Q)

EW(Q)-P1 Quarrying - borrow pits

Enable the extraction of aggregate from borrow pits in the General Rural Zone or the Special Purpose Zone – Macraes Mining provided the aggregate is used on the same farm as the borrow pit is located, and the scale, density and location of the pits are controlled as a means to internalise effects within the farming property.

EW(Q)-P2 Quarrying - restricted use pits

Enable the periodic extraction of aggregate from quarrying activities (restricted use pits) in the Rural Zone and the Special Purpose Zone – Macraes Mining as a means to supply aggregate for the maintenance and development of local infrastructure in the vicinity where:

1. the scale, intensity and frequency of the quarrying maintains the amenity values for nearby residents; and
2. disturbed land is rehabilitated in order to maintain the natural character in the locality.

EW(Q)-P3 Quarrying in the 'Existing Mining Overlay' of the Special Purpose Zone – Macraes Mining

Enable quarrying activities on land that has been previously disturbed from mining activities in the Existing Mining Overlay of the Special Purpose Zone – Macraes Mining provided that:

1. the scale, intensity and frequency of the quarrying maintains the amenity for nearby residents; and
2. disturbed land is rehabilitated in order to maintain the natural character in the locality.

EW(Q)-P4 New Quarries

Quarrying activities can be undertaken in the General Rural Zone and in the Potential Mining Overlay of the Special Purpose Zone – Macraes Mining provided that the activity:

1. avoids, remedies or mitigates any actual or potential adverse effects within an identified sensitive environment or on the margins of rivers and wetlands in accordance with the objectives, policies and rules contained in the relevant district-wide chapters;
2. avoids, remedies or mitigates effects on activities sensitive to quarrying activities, including residential activities;
3. internalises adverse environmental effects as far as practicable using industry best practice and management plans, including monitoring and self-reporting;
4. manages noise, vibration, access and lighting to maintain local rural amenity values; and
5. ensures the siting and scale of buildings and visual screening maintains local rural amenity values and character.

EW(Q)-P5 Rehabilitation of an existing restricted use pit and a new quarry

Require operators of restricted use pits and new quarries to prepare a rehabilitation plan that includes objectives and measures to shape landforms and revegetate the landforms consistent with the natural character of the locality prior to disturbance, having particular regard to:

1. replacing the previous vegetation type being removed by land disturbance;
2. undertaking the direct transfer of soil and associated vegetation from areas being disturbed to areas being rehabilitated where the opportunity arises;
3. providing the necessary topsoil for growing conditions where direct transfer is not possible and then establishing vegetation by direct planting or from the broadcasting of seed;
4. maintaining the vegetation cover, including, as necessary, the use of fertilisers and other inputs, as well as providing weed and pest control; and
5. covering or revegetating exposed overburden containing soil or fines as soon as practicable to prevent the generation of dust and soil erosion and sediment transport.

EW(Q)-P6 Quarrying in other zones

Discourage quarrying activities in zones other than the General Rural Zone and the Special Purpose Zone – Macraes Mining due to the increased sensitivity of these receiving environments.

Rules – Earthworks – Quarrying for Aggregate (EW(Q))

Note: For certain activities, a resource consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, resource consent is required under each of those rules. The steps to determine the status of an activity are set out in the General Approach Chapter.

The rules set out in Part A of this Earthworks Chapter do not apply to activities in Part B.

PERMITTED ACTIVITIES – EW(Q)

EW(Q)-R1 Quarrying activities - borrow pit	
<p>General Rural Zone</p> <p>Special Purpose Zone - Macraes Mining – Potential Mining Overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 EW(Q)-S1, EW(Q)-S2, EW(Q)-S3 and EW(Q)-S4 are complied with; and</p> <p>PER-2 The extracted aggregate is used on the same site where the borrow pit is located for the purposes of constructing and maintaining farm tracks, or races, or for the construction or maintenance of farm infrastructure; andPER-3 There is no transport of aggregate from the pit on a road, except if the road is required to be used to access part of the same site; and</p> <p>PER-4 The quantity of aggregate extracted from a borrow pit is limited to 750m³ in any 12-month period; and</p> <p>PER-5 The borrow pit is not located within a sensitive environment or within the Coastal Environment or Coastal Natural Hazard overlays and the borrow pit is not located within 20 metres of a margin of a river or a wetland.</p>
	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 Compliance is not achieved with PER-1</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard. <p>Activity status when compliance is not achieved: Discretionary</p> <p>Where:</p> <p>DIS-1 Compliance is not achieved with PER-2, PER-3, PER-4 or PER-5</p>

CONTROLLED ACTIVITIES – EW(Q)

EW(Q)-R2	Quarrying activities – restricted use pit	
<p>General Rural Zone</p> <p>Special Purpose Zone – Macraes Mining</p>	<p>Activity status: Controlled</p> <p>Where:</p> <p>CON-1 EW(Q)-S2, EW(Q)-S3, EW(Q)-S4 and EW(Q)-S5 are complied with; and</p> <p>CON-2 The quarry operator can demonstrate that the quarry is an existing quarry that has been used at least once in the past ten years; and</p> <p>CON-3 The quantity of aggregate extracted is limited to 5,000m³ day; and</p> <p>CON-4 The number of heavy vehicles to and from the restricted use pit is limited to 50 return trips during any one day; and</p> <p>CON-5 The operator of a restricted use pit gives WDC written notice of:</p> <ol style="list-style-type: none"> 1. the location of the restricted use pit and the proposed setbacks from any neighbouring dwellings (including a description of how they were calculated); 2. the dates on which the quarrying is planned to begin and end; and <p><i>Note: The written notice to WDC under CON-5 must be provided at least 10 and no more than 40 working days before the date of quarrying of the restricted use pit is planned to begin (for that calendar year).</i></p> <p>CON-6 The restricted use pit is not located within a sensitive environment and</p>	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 Compliance is not achieved with CON-1</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard. <p>Activity status when compliance is not achieved: Discretionary</p> <p>Where:</p> <p>DIS-1 Compliance is not achieved with CON-2, CON-3, CON-4, CON-5 or CON-6</p>

<p>the restricted use pit is not located within 20 metres of a margin of a river or a wetland.</p> <p><i>Note: CON-6 does not apply to the Existing Mining Overlay of the Special Purpose Zone – Macraes Mining.</i></p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. rehabilitation of disturbed land associated with quarrying that includes, but is not limited to, those matters contained in EW(M)-APP1 – Rehabilitation Plan. 	
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EW(Q)-R3 Quarrying activities		
<p>Special Purpose Zone Macraes Mining - Existing Mining Overlay</p>	<p>Activity status: Controlled</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. the duration, timing, frequency and extent and staging of works; 2. disturbance to the land, including vegetation clearance; 3. siting of tracks, parking area, buildings or other equipment; 4. measures to maintain indigenous biodiversity; 5. rehabilitation of disturbed land associated with quarrying that includes, but is not limited to, those matters contained in EW(M)-APP1 – Rehabilitation Plan. 	<p>Activity status when compliance is not achieved: Not Applicable</p>

DISCRETIONARY ACTIVITIES – EW(Q)

EW(Q)-R4 Quarrying activities - borrow pit		
All Zones excluding General Rural Zone and Special Purpose Zone – Macraes Mining – Potential Mining Overlay	Activity status: Discretionary	Activity status when compliance is not achieved: Not Applicable

EW(Q)-R5 Quarrying activities		
General Rural Zone	Activity status: Discretionary	Activity status when compliance is not achieved: Not Applicable
Special Purpose Zone – Macraes Mining– Potential Mining Overlay		

NON-COMPLYING ACTIVITIES – EW(Q)

EW (Q)-R6 Quarrying Activities - Restricted Use Pit		
All Zones other than the General Rural Zone and the Special Purpose Zone – Macraes Mining	Activity status: Non-Complying	Activity status when compliance is not achieved: Not Applicable

EW(Q)-R7 Quarrying Activities		
All Zones other than the General Rural Zone and the Special Purpose Zone – Macraes Mining	Activity status: Non-Complying	Activity status when compliance is not achieved: Not Applicable

EW(Q) STANDARDS

EW(Q)-S1		Density of borrow pits within the site
<p>General Rural Zone</p> <p>Special Purpose Zone – Macraes Mining</p>	<p>No more than one borrow pit on any site of up to 8 hectares in size. On sites greater than 8 hectares, additional borrow pits at a density of no more than one per 8 hectares.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the visual effects from a greater density of borrow pits; and 2. effects on landscape character and on natural character from a greater density of borrow pits; and 3. the extent to which the infringement is necessary due to an on-farm supply shortage of aggregate.
EW(Q)-S2		Set back from a site boundary
<p>General Rural Zone</p> <p>Special Purpose Zone – Macraes Mining</p>	<p>Quarrying activities (borrow pit and restricted use pit) must not be located within 20m of an adjoining site under different ownership from that of the land on which the borrow pit or restricted use pit stockpile is located.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. effects on a neighbouring property, including outlook, privacy, shading and sense of enclosure; and 2. the extent to which the reduction in the setback is necessary due to the natural and physical features of the site; and 3. the ability to mitigate adverse effects through the use of screening, planting, landscaping, or other measures.
EW(Q)-S3		Hours of operation
<p>General Rural Zone</p> <p>Special Purpose Zone – Macraes Mining</p>	<p>Quarrying activities (borrow pit and restricted use pit) involving the processing (including crushing, screening, washing, and blending) of aggregate, which is located within 500m of a dwelling under different ownership from the borrow pit or restricted use pit, shall be limited to the following hours of operation: 9:00am to 5:00pm Monday to Friday, excluding any public holidays.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. effects on the amenity of neighbouring properties; and 2. the extent to which an increase in hours is necessary for operational reasons; and 3. the ability to reduce noise emissions through the positioning of equipment, noise bunds, or other noise management measures.

EW(Q)-S4		Blasting
<p>General Rural Zone</p> <p>Special Purpose Zone – Macraes Mining</p>	<p>Quarrying activities (borrow pit and restricted use pit) shall give notice, at least 48 hours in advance of any blasting, to all property owners under different ownership within 1 km of the borrow pit or restricted use pit. Blasting shall be limited to the following hours of operation: 8:00am to 7:00pm Monday to Friday, excluding any public holidays.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. effects on the amenity of neighbouring properties; and 2. the extent to which blasting beyond the specified hours is necessary for operational reasons; and 3. the ability to reduce sound overpressure through the method of blasting, use of bunds, or other management measures.

EW(Q)-S5		Calendar year operation
<p>General Rural Zone</p> <p>Special Purpose Zone – Macraes Mining</p>	<p>Quarrying activities (restricted use pit) shall be limited to 60 days in each calendar year.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. effects on the amenity of neighbouring properties; and 2. the extent to which an increase in the number of days is necessary for operational reasons; and 3. the ability to mitigate effects, including reducing noise emissions, minimising dust emissions, and reducing the volume of vehicles visiting the site.

Part C: Earthworks – Mining (EW(M))

Introduction

Mining involves the extraction of valuable minerals or other geological materials from the earth, usually from an ore body, lode, vein, seam, reef or placer deposit. Mining is a notable industry in the District, providing for social and economic wellbeing for the community. The largest mining operation by far is at Macraes Flat which is separately zoned for (see the Special Purpose Zone – Macraes Mining). Mining operations, by their nature, can impact on the environment, both during the mining activity and after the mine has closed. Quarrying for aggregate is addressed separately from mining in this Plan (please refer to previous Part B: Earthworks – Quarrying for Aggregate).

Objectives – EW(M)

EW(M)-O1 Mining in the District

The economic and social benefits of accessing the District’s mineral resources are recognised and provided for while, at the same time, any actual or potential adverse environmental effects are avoided, remedied or mitigated.

Policies – EW(M)

EW(M)-P1 Prospecting

Enable prospecting to occur in order to provide an indication of mineral resources.

EW(M)-P2 Exploration

Exploration can be undertaken in the General Rural Zone and the Special Purpose Zone – Macraes Mining to further understand the character and extent of mineral deposits provided adverse effects are avoided, remedied or mitigated.

EW(M)-P3 Mining activities

Mining activities can be undertaken in the General Rural Zone provided that the activity:

1. avoids, remedies or mitigates any actual or potential adverse effects within an identified sensitive environment or on the margins of rivers or wetlands in accordance with the objectives, policies and rules contained in the relevant district-wide chapters;
2. avoids, remedies or mitigates effects on activities sensitive to mining activities, including residential activities;
3. internalises adverse environmental effects as far as practicable using industry best practice and management plans, including monitoring and self-reporting;

4. manages noise, vibration, access and lighting to maintain local rural amenity values; and
5. ensures the siting and scale of buildings and visual screening maintains local rural amenity values and character.

EW(M)-P4 Rehabilitation after exploration and mining

Rehabilitation after exploration and mining carried out in accordance with EW(Q)-P5.

EW(M)-P5 Mining in other zones

Discourage mining in zones other than the General Rural Zone and the Special Purpose Macraes Mining Zone due to the increased sensitivity of these receiving environments.

Rules – Earthworks, Mining (EW(M))

Note: For certain activities, a resource consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, resource consent is required under each of those rules. The steps to determine the status of an activity are set out in the General Approach Chapter.

The rules set out in Part A of the Earthworks Chapter do not apply to mining activities covered in Part C.

The rules in this section do not apply to mining activities in the Special Purpose Zone: Macraes Mining.

PERMITTED ACTIVITIES – EW(M)

EW(M)-R1 Prospecting		
All Zones	Activity status: Permitted	Activity status when compliance is not achieved: Not Applicable

CONTROLLED ACTIVITIES – EW(M)

EW(M)-R2 Exploration		
General Rural Zone	<p>Activity status: Controlled</p> <p>Where: CON-1 A rehabilitation plan addressing the matters in EW(M)-APP1 – Rehabilitation Plan is provided with the application.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. the duration, timing, frequency, extent and staging of works; and 2. disturbance to the land, including vegetation clearance; and 3. siting of tracks, parking area, buildings or other equipment; and 4. measures to manage noise, vibration and dust; and 	Activity status when compliance is not achieved: Non-complying

	5. the rehabilitation of disturbed land associated with exploration includes, but is not limited to, those matters contained in EW(M)-APP1 – Rehabilitation Plan.	
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DISCRETIONARY ACTIVITIES – EW(M)

EW(M)-R3	Exploration	
All zones excluding General Rural Zone and Special Purpose Zone – Macraes Mining – Potential Mining Overlay	Activity status: Discretionary	Activity status when compliance is not achieved: Not Applicable

EW(M)-R4	Mining activities	
General Rural Zone	Activity status: Discretionary	Activity status when compliance is not achieved: Not Applicable

NON-COMPLYING ACTIVITIES – EW(M)

EW(M)-R5 Mining activities		
All zones excluding General Rural Zone and Special Purpose Zone – Macraes Mining – Potential Mining Overlay	Activity status: Non-Complying	Activity status when compliance is not achieved: Not Applicable

EW(M)-APP1-Rehabilitation Plan

1. A rehabilitation plan shall:
 - a) be prepared by a suitability qualified or adequately experienced person(s); and
 - b) contain methods and processes capable of achieving rehabilitation of the disturbed land.
2. The purpose of the rehabilitation plan is to establish landforms and vegetation that reflect the natural character in the locality and shall include:
 - a) rehabilitation objectives for the disturbed land;
 - b) a description of the proposed rehabilitation works, including:
 - i. the proposed final landform;
 - ii. whether cleanfill or other material will be used in the rehabilitation;
 - iii. the type of vegetation and how it is to be planted, having particular regard to:
 - replacing the vegetation communities that are being removed;
 - undertaking the direct transfer of soil and associated vegetation from areas being disturbed to areas being rehabilitated where the opportunity arises;
 - providing the necessary topsoil for growing conditions where direct transfer is not possible and then establishing vegetation by direct planting or from the broadcasting of seed;
 - maintaining the vegetation cover, including, as necessary, the use of fertilisers and other inputs, as well as providing weed and pest control;
 - iv. the patterns of surface drainage and subsoil drains; and
 - v. any landscaping and landscape plantings.
3. The rehabilitation plan shall also provide the following:
 - a) a programme and reasonable timescales for progressive rehabilitation;
 - b) measures to mitigate any potential effects arising from undertaking rehabilitation;
 - c) measures to avoid instability of any other sites and measures to mitigate instability within the site of the proposed activity;
 - d) measures to cover or revegetate exposed overburden containing soil or fines as soon as practicable, to prevent the generation of dust and soil erosion, and sediment transport;
 - e) a process to review the rehabilitation plan.