

SUBMISSION FORM

6 July 2020

Otago Regional Council Omnibus Plan Change - Plan Change 8 (Water Quality) to the Regional Plan: Water for Otago

This form is for making submissions on a change the Otago Regional Council (ORC) has prepared for the Regional Plan: Water for Otago. This plan change is one of two comprising the Omnibus Plan Changes (also known as the Water Quality Plan Change). The Omnibus Plan Change has been called in by the Minister for the Environment under section 142(2) of the Resource Management Act 1991 (RMA).

Plan Change 8 proposes to introduce a range of amendments targeting specific issues or activities known to be contributing to water quality issues in parts of Otago.

NB: Please use a **separate form** if you wish to make a submission on the other part of the Omnibus Plan Change - Plan Change 1 (Dust suppressants and landfills) to the Regional Plan: Waste for Otago.

This submission form includes guidance to aid the submitter. For more information on Plan Change 8, please refer to the Public Notice or further information on the EPA website: www.epa.govt.nz/ORCplanchanges.

Where to get help preparing your submission

If you have any queries about making a submission or the plan change itself please contact the EPA by phone on 0800 401 673 or by email at ORCplanchanges@epa.govt.nz.

How to make a submission

Your submission on Plan Change 8 must be received no later than **5pm on Monday, 17 August 2020**.

You must also send a copy of your submission on Plan Change 8 to the ORC when you make a submission.

Submissions on Plan Change 8 can be made by either:

1. Using the online submission form on the EPA website under www.epa.govt.nz/ORCplanchanges
All submissions made online will automatically be forwarded to the applicant and the form includes a space to upload any supporting documents;

OR

2. Filling out this form and:
 - a. Emailing it and any supporting information to ORCplanchanges@epa.govt.nz (if smaller than 10 MB) with the following subject line: Submission [Your Name] ORC Plan Change (Omnibus); OR
 - b. Posting it and any supporting information to: Environmental Protection Authority, ORC Proposed Plan Changes, Private Bag 63002, Wellington 6140; OR
 - c. Delivering it in person to the Environmental Protection Authority office on Level 10/215 Lambton Quay.

Submissions made on this form must be forwarded to ORC by either:

1. Emailing it and any supporting information to policy@orc.govt.nz (if smaller than 10 MB) with the following subject line: Submission [Your Name] ORC Plan Change (Omnibus);
2. Posting it and any supporting information to Otago Regional Council (attention Rachel Currie), Private Bag 1954, Dunedin 9054
3. Delivering it in person to Otago Regional Council (attention Rachel Currie), at any of the Otago Regional Council office:
 - Alexandra (William Fraser Building, Dunorling Street),
 - Dunedin (70 Stafford Street); or
 - Queenstown (Terrace Junction, 1092 Frankton Road).

Privacy statement

The personal information you provide on this form will be held by the EPA, 215 Lambton Quay, Wellington. It will be used by the EPA for the purpose of administering the public consultation aspects of the Omnibus Plan Change. Copies of your full submission will be provided to the Environment Court and the ORC, and your address for service may also be provided to other parties in the process. Other than your name, your personal contact information in Part A of this form will not be published on the EPA website.

Your name, the information in Part B of this form, and any attached information will be published on the EPA website, and made available to the Environment Court, the ORC and the public for use in the processing and consideration of the proposed WPPC.

By completing this submission form, you give the EPA permission to use the information for the purpose stated above. You have the right to access and correct personal information held by the EPA. All information held by the EPA is subject to the Official Information Act 1982. Note: If the submitter is a company, full business contact details will be published on the website.

Notes about your submission

Please note, your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission or (part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it is supported only by evidence that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert evidence on the matter:
- it contains offensive language.

Part A

Submitter details

Name of organisation (if relevant):	Queenstown Lakes District Council		
Title:	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other: <i>(Please tick the appropriate title)</i>		
First name of submitter:	Ian	Surname of submitter:	Bayliss
First name of contact person (if different to above):	R. Jeremy	Surname of contact person (if different to above):	Wilson
Home Ph:		Work Ph:	+64 9 366 7691
Mobile:			
Email address for service:	Jeremy.wilson@mc.co.nz ; Janette.campbell@mc.co.nz		
Postal Address (or alternative address for service):			Postcode:

Part B

Submitter Name: Queenstown Lakes District Council

This is a submission on a matter in relation to which the Minister for the Environment made a direction under section 142(2) of the Resource Management Act 1991. The matter is **Water Plan Change 8**, part of the Omnibus Plan Change prepared by the Otago Regional Council.

If you require additional space for any question(s) please attach further documents or paper to this submission form and clearly state your name and the question(s) you are expanding on.

Are you a trade competitor?

Please select the appropriate option.

I am **not a person who could gain an advantage in trade competition** through this submission

I am **a person who would gain an advantage in trade competition** through this submission and am directly affected by an effect of the plan change that adversely affects the environment and does not relate to trade competition or the effects of trade competition

What are you submitting on?

You can submit on specific parts of Water Plan Change 8 or the whole plan change.

I am submitting on the **whole of Plan Change 8**

I am submitting on **specific parts of Plan Change 8** (please detail below)

The specific parts of the matter that my submission relates to are:

Parts C, D E and G

What is your view on Plan Change 8 or the specific parts listed above?

Please select one, if you have multiple views state clearly in the comments box below.

Support <input checked="" type="checkbox"/>	Neutral <input type="checkbox"/>	Oppose <input type="checkbox"/>
The reasons for my view(s) are:		
<p>Queenstown Lakes District Council generally supports Plan Change 8, subject to the amendments and deletions described in the attached supporting information (including such other additional, alternative or consequential relief as may be necessary to address the issues raised in the submission)</p>		

What decision would you like the Environment Court to make?

Approve Plan Change 8 <input type="checkbox"/>	Approve Plan Change 8 with amendments <input checked="" type="checkbox"/>	Decline Plan Change 8 <input type="checkbox"/>
The reasons for my view and/or any amendments I am seeking are:		
<p>The reasons for the Queenstown Lakes District Council's view and the amendments sought are described in the attached supporting information.</p>		

Do you wish to be heard in support of your submission?

All submissions will be considered by the Environment Court.

Please indicate if you wish to be heard in support of your submission

<p>I do not wish to be heard in support of my submission <input type="checkbox"/></p>	<p>I wish to be heard in support of my submission <input checked="" type="checkbox"/></p> <p>If others make a similar submission, I will consider presenting a joint case with them at the hearing <input checked="" type="checkbox"/></p> <p>I intend to call an expert witness(es) <input checked="" type="checkbox"/></p> <p><i>(If you do not tick this box, you can change your mind later and decide to call experts to give evidence in relation to your submission, provided you do so in time to meet any procedural direction the Environment Court might make)</i></p>
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Authority to Act

I confirm that I have authority to sign this submission on behalf of the submitter

Signature: _____  _____ Ian Bayliss, Planning Policy Manager _____

_____ Date: _____ 14 August 2020 _____

QLDC Submission on Plan Change: Sediment from Earthworks

Summary

Queenstown Lakes District Council (**QLDC**) generally supports the overall intent of Plan Change 8 (**PC8**), and the goal of improving erosion and sediment practices across the region. However, QLDC considers that the PC8 proposed land use rules to manage sediment from earthworks are not as effective or as efficient as existing rules in QLDC's Proposed District Plan (**PDP**). Section 75(4)(b) of the RMA 1991 requires that district plans must not be inconsistent with regional plans. QLDC does not support the ORC Water Plan sediment from earthworks provisions on the basis that its PDP would need to be amended to be not inconsistent with what are less appropriate provisions to manage erosion and sediment in the Queenstown Lakes District.

Without limiting any more detailed or broader relief sought in its submission, QLDC seeks the following amendments:

- That the Queenstown Lakes District is excluded from the application of rules 14.5.1 and 14.5.2 of the ORC Water Plan, with text added to the ORC Water Plan that clarifies that land use erosion and sediment management is undertaken through the QLDC PDP; or
- That the ORC Water Plan is amended so that the erosion and sediment provisions are consistent with Chapter 25 (and any relevant definitions) of the QLDC PDP.

Context

The Partially Operative Proposed Regional Policy Statement 2019 includes policies to safeguard the life-supporting capacity of soil (policy 3.1.7), to minimise soil erosion (policy 3.1.8), and to manage offensive or objectionable discharges (policy 5.4.1). Method 4.1.5 to achieve those policies is for City and District Plans including provisions to manage the discharge of dust, and silt and sediment associated with earthworks and land use. As discussed in this submission, Chapter 25 of QLDC's PDP includes provisions to do that. These matters have not previously been directly managed by rules at the Regional Level.

QLDC promulgated PDP Chapter 25 Earthworks (to replace Operative District Plan Chapter 22 Earthworks) which included objectives, policies, rules and other methods to manage erosion and sediment from earthworks. The following sets out the key dates in relation to PDP Chapter 25:

- Notified on 17 November 2017;
- Decisions on submissions on 7 March 2019;
- Environment Court mediation on appeals to PDP Chapter 25 on 9 – 12 June 2020;
- Consent Order documentation filed – 10 July 2020 (three outstanding matters are to proceed to a hearing). A copy of the consent order document is attached as **Appendix A** to this submission.

The Chapter 25 Earthworks section 32 evaluation was supported by a technical report that evaluated and established an appropriate threshold for earthworks in the Queenstown Lakes District (4sight Consulting. *Queenstown Lakes District Council Proposed District Plan: Assessment of Thresholds for Earthworks. September 2017*), (both documents are included in **Appendix B** to this submission). The 4Sight Consulting technical report applied a Universal Soil Loss Equation (**USLE**) so as to understand and provide recommendations on the most appropriate earthworks rules to manage erosion and sediment effects. The section 32 evaluation considered these recommendations in terms of the efficiency and effectiveness, including qualitative assessment of transaction costs.

Findings of the 4Sight technical report that influenced the notified PDP Earthworks Chapter and section 32 evaluation, with particular regard to erosion and sediment management included (refer **page 74** the 4Sight technical report):

We recommend the following permitted/consent thresholds be adopted in the proposed earthworks chapter:

- *Earthworks of up to 2,500m² on land with a slope of over an area of 10° or more.*
- *Earthworks of up to 1 ha (10,000m²) on land with a slope of less than 10°.*

The lower threshold primarily reflects the significant impact that slope has on soil erosion and loss, the highly erodible soil, the scale at which more comprehensive erosion and sediment controls are typically required, and current practice in respect of the implementation of erosion and sediment controls for bulk earthwork activities. A slope angle of 10° has been selected primarily on the basis that this is the point at which the USLE adopts different parameters reflecting that sediment generation and off-site delivery increase with increasing slope.

The 1 ha threshold is considered appropriate on low-slope terrain, reflecting the significantly lower risk of erosion and sediment runoff. However, at the same time, it also reflects the highly erodible soil and the relative early stage of erosion and sediment control in the

Queenstown Lakes District, which suggests a conservative approach to setting thresholds is appropriate to manage erosion and sediment discharge risk.

At permitted activity level, we expect that sediment and erosion risk can be appropriately managed using a suitable ‘tool box’ and common erosion and sediment control practices and devices. However, we recommend that appropriate guidance material is prepared (or adopted from other councils) and emphasis is given to upskilling industry and council staff to ensure effective implementation – both for permitted activities and resource consents.

PDP Chapter 25 contains the following three key rules that manage erosion and sediment from land use activities:

Reference	Provision	Non-Compliance	Status
PDP Rule 25.5.11	<p>Earthworks over a contiguous area of land shall not exceed the following area:</p> <p>25.5.11.1 2,500m² where the slope is 10° or greater.</p> <p>25.5.11.2 10,000m² where the slope is less than 10°.</p> <p>25.5.11.3 2,500m² at any one time for the construction of a trail</p>	Restricted discretionary	No outstanding appeals.
PDP Rule 25.5.12	<p>Erosion and sediment control measures must be implemented and maintained during earthworks to minimise the amount of sediment exiting the site, entering water bodies, and stormwater networks.</p> <p>Note:</p> <p>Compliance with this standard is generally deemed to be compliance with Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland region. Auckland Council Guideline Document GD2016/005.</p>	Restricted discretionary	No outstanding appeals.
PDP Rule 25.5.19	<p><u>25.5.19.1</u> Earthworks within 10m of the bed of any water</p>	Restricted discretionary	No outstanding appeals.

Reference	Provision	Non-Compliance	Status
	<p>body, or any drain or water race that flows to a lake or river, shall not exceed 5m³ in total volume, within any consecutive 12-month period.</p> <p><u>25.5.19.2</u> <u>Within 10m of the bed of any water body, or any drain or water race that flows to a lake or river, earthworks for maintenance or reinstatement of existing water take structures, undertaken on up to two occasions within any consecutive 12-month period, on each occasion shall not exceed 10m³ in total volume.</u></p> <p><u>These rules shall not apply to:</u></p> <p><u>a. 25.5.19.1</u> <u>Any artificial water body (watercourse, lake, pond or wetland) that does not flow to a lake or river, including Lake Tewa within the Jacks Point Zone; or</u></p> <p><u>b. 25.5.19.1</u> <u>Maintenance and repairing of existing hazard protection structures in and around a water body; or</u></p> <p><u>c. Earthworks to clear debris affecting existing structures including water intakes.</u></p>		

QLDC considers that the PDP Chapter 25 Earthworks is a more efficient and effective regime than that proposed by the ORC in Plan Change 8. Key reasons include:

- PC8 rules 14.5.1.1 and 14.5.2 apply to residential development only, whereas the PDP rules apply generally to any earthworks activity (as defined in the PDP), including, for example, commercial development or infrastructure-related activities.
- The PC8 provisions require a resource consent for residential earthworks greater than 2500m², whereas the QLDC rules vary based on the slope;

- QLDC considers that the PC8 rules are too onerous in relation to earthworks on sites with a slope less than 10°, and the costs of these rules are not justified.
- There is no obvious reason why the effects of earthworks for residential activities, as distinct from earthworks for other land uses, should be subject to an additional layer of management in the Regional Plan.
- QLDC is better placed in its role as a consenting authority to manage erosion and sediment management from land use activities. All of the residential activities captured by PC 8 will require a resource consent under the PDP, typically for subdivision and development.
- Despite the acknowledgement by the ORC in the section 32 evaluation (refer to page 70) that Method 4.1.5 of the Partially Operative Regional Policy Statement directs local authorities to promulgate erosion and sediment rules, and that the PORPS is to be renotified, QLDC remains concerned that the PDP would not give effect to the PORPS and would be inconsistent with a regional plan addressing a matter specified in section 30(1).
- The QLDC PDP provisions are more advanced through the Schedule 1 RMA process (i.e. in terms of notification, submission and decisions on submissions) than PC8, and QLDC is concerned with the unnecessary duplication of planning processes. Insufficient regard has been to local authorities in the Otago region who are undergoing plan review processes.
- The ORC section 32 evaluation does not adequately consider alternatives or the costs and benefits associated with territorial authorities who have more advanced and comprehensive provisions to manage erosion and sediment from earthworks. QLDC does not agree with the report's conclusions (at 3.4.4.7) that the proposed PC8 provisions take a regionally consistent approach to minimising sediment loss. QLDC does not consider the PC8 provisions to be as effective as those of the QLDC PDP Chapter 25 at minimising the adverse effects of erosion and sedimentation associated with land use and development.

Detailed relief on proposed provisions

QLDC seeks the relief set out below (including such other additional, alternative or consequential relief as may be necessary to address the issues raised in the submission).

Provision	Notified Text	QLDC Comment	Relief Sought
Policy 7.D.10	The loss or discharge of sediment from earthworks is avoided or, where avoidance is not achievable, best practice guidelines for minimising sediment loss are implemented.	<p>Policy 7.D.10 is supported in principle, however it is considered that the policy would be more effective if it more definitively expressed an environmental outcome.</p> <p>The policy should be amended to focus on the discharge of sediment to waterbodies. This is because amendments are sought to limit the application of the rules to discharges only, and that the land use rules are deleted and the QLDC PDP</p>	<p>Amend Policy 7.D.10 as follows:</p> <p>The loss or discharge of sediment from earthworks is avoided or, where avoidance is not achievable, best practice guidelines for minimising sediment loss are implemented <u>to ensure water quality is maintained.</u></p>

Provision	Notified Text	QLDC Comment	Relief Sought
		<p>Earthworks Chapter 25 is retained.</p> <p>From a practical perspective, total avoidance of discharge from sediment from earthworks may not be possible, therefore, the policy only really seeks ‘best practice guidelines for minimising sediment loss’. This is not considered an appropriate policy in that it requests a best practice process but does not focus on implementing an environmental action.</p> <p>Clarification is also sought to understand if this policy is intended to apply to existing ORC Water Plan Rule 12.C.1.1, prohibited activities relating to discharge.</p>	<p>Alternatively, replace Policy 7.D.10 as follows:</p> <p><u>Ensure earthworks minimise erosion, land instability, and sediment generation and off-site discharge during construction activities associated with subdivision, use and development.</u></p>
<p>Rule 14.5.1.1</p> <p>Permitted activities: No resource consent required</p>	<p>The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water, for earthworks for residential development is a permitted activity providing:</p> <p>(a) The area of exposed earth is no more than 2,500 m² in any 12-month period per landholding; and</p> <p>(b) Earthworks do not occur within 10 metres of a water body, a drain, a water race, or the coastal marine area; and</p> <p>(c) Exposed earth is stabilised upon completion of the earthworks to minimise erosion and avoid slope failure; and</p> <p>(d) Earthworks do not occur on contaminated or potentially contaminated land; and</p> <p>(e) Soil or debris from earthworks is not placed where it can enter a</p>	<p>Preamble:</p> <p>Proposed rule 14.5.1.1 only applies to residential development, however sedimentation can occur as a result earthworks associated with any type of land use (i.e. a large scale infrastructure project or business land development). The rule is not sufficiently clear as to where sediment ‘may enter water’. The rule is not framed as a land use rule.</p> <p>The rule should apply to a broader range of land uses (noting that cultivation is excluded).</p> <p>Limb (a)</p> <p>The equivalent QLDC erosion and sediment management rule in the PDP Earthworks Chapter 25, Rule 25.5.11 restricts earthworks to 2,500m² where the slope is 10° or greater, and 10,000m² where the slope is less than 10°.</p> <p>QLDC PDP Rule 25.5.11 was based on the 4Sight technical analysis and subsequent section 32 evaluation of the costs and benefits, including transaction costs, of the proposed erosion and sediment management regime. There does not</p>	<p>Exclude the Queenstown Lakes District from the application of Rule 14.5.1.1, delete the rule altogether, or amend Rule 14.5.1.1 so that it is consistent with the PDP Earthworks Chapter 25 and in particular Rules 25.5.11, 25.5.12 and 25.5.19, attached as Appendix A to this submission).</p>

Provision	Notified Text	QLDC Comment	Relief Sought
	<p>water body, a drain, a race or the coastal marine area; and</p> <p>(f) Earthworks do not result in flooding, erosion, land instability, subsidence or property damage at or beyond the boundary of the property where the earthworks occur; and</p> <p>(g) The discharge of sediment does not result in any of the following effects in receiving waters, after reasonable mixing:</p> <p>(i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or</p> <p>(ii) any conspicuous change in the colour or visual clarity; or</p> <p>(iii) any emission of objectionable odour; or</p> <p>(iv) the rendering of fresh water unsuitable for consumption by farm animals; or</p> <p>(v) any significant adverse effects on aquatic life.</p>	<p>appear to have been an equivalent analysis of PC8 Rule 14.5.1.1. The proposed permitted limit of 2500m² is too onerous on sites with a slope less than 10°.</p> <p>Limb (b)</p> <p>QLDC considers that this rule does not provide for practical limitations to enable a limited amount of earthworks within the setback of waterbodies. PDP Rule 25.5.19 permits earthworks within 10m of the bed of any water body, or drain or water race that flows to a lake or river of not more than 5m³ in any 12 month period.</p> <p>Limbs (c), (e) and (f)</p> <p>These provisions are similar to PDP Rule 25.5.12, which requires erosion and sediment control measures to be implemented and maintained during earthworks to minimise the amount of sediment entering the site. Rule 25.5.12 is broader and more appropriate than these limbs of PC8 rule 14.5.1.1.</p> <p>Limb (d)</p> <p>An advice note or provision may be required to clarify whether and in what circumstances the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 apply.</p> <p>Limb (g)</p> <p>Limb (g) sits squarely within the function of a regional council because the rule relates to the discharge of sediment to a waterbody. There is no equivalent rule in the PDP. QLDC</p>	

Provision	Notified Text	QLDC Comment	Relief Sought
		<p>acknowledges the ORC Plan Change 8 s32 discussion on this rule effectively being a back-stop approach and that it is more effective to ensure land use activities implement appropriate erosion and sediment practices. However, QLDC considers the relationship between PC8 rule 14.5.1.1 and the existing rule 12.C.1, which appears to regulate similar discharges, in a slightly different way, is not clear. This rule appears redundant in the light of other rules in the ORP and the PDP.</p>	
<p>14.5.2 Restricted discretionary activities: Resource consent required</p>	<p>14.5.2.1 Except as provided by Rule 14.5.1.1, the use of land, and the associated discharge of sediment into water or onto or into land where it may enter water, for earthworks for residential development is a restricted discretionary activity.</p> <p>In considering any resource consent under this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:</p> <ul style="list-style-type: none"> (a) Any erosion, land instability, sedimentation or property damage resulting from the activities; and (b) Effectiveness of the proposed erosion and sediment control measures in reducing discharges of sediment to water or to land where it may enter water; and (c) Compliance with the <i>Erosion and Sediment Control Guidelines for Land Disturbing Activities in the</i> 	<p>For the reasons discussed in relation to Rule 14.5.1.1, QLDC seeks that this rule not apply in the Queenstown Lakes District, or that it be deleted or amended to reflect the rules of PDP Chapter 25.</p>	<p>Exclude the application of Rule 14.5.2 from the Queenstown Lakes District, or delete Rule 14.5.2 or amend Rule 14.5.2 so that it is consistent with the matters of discretion and assessment matters set out in the PDP Earthworks Chapter 25 and, in particular, provisions 25.7 and 58.8, attached as Appendix A to this submission).</p>

Provision	Notified Text	QLDC Comment	Relief Sought
	<p><i>Auckland Region 2016 (Auckland Council Guideline Document GD2016/005); and</i></p> <p>(d) Any adverse effect on water quality, including cumulative effects, and consideration of trends in the quality of the receiving water body; and</p> <p>(e) Any adverse effect on any natural or human use value, and on use of the coastal marine area for contact recreation and seafood gathering; and</p> <p>(f) Measures to avoid, remedy or mitigate adverse effects on Kāi Tahu cultural and spiritual beliefs, values and uses.</p>		
Earthworks	<p>Means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.</p>	<p>Notwithstanding the consistency of the definition with the National Planning Standards, and that proposed Rule 14.5.1.1 applies only to residential development, the amendments sought by QLDC require a more refined definition of earthworks, including for instance the exclusion of mineral extraction activities.</p>	<p>Exclude the application of the proposed definition of earthworks from the Queenstown Lakes District, or amend the definition to be consistent with the definition of earthworks in the QLDC PDP (Chapter 2) so as to accurately implement the revised rules sought above, including, but not limited to the relevant activities that are exempt as identified in Rule 25.3.2.10.</p> <p>Means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening,</p>

Provision	Notified Text	QLDC Comment	Relief Sought
			<p>cultivation, and disturbance of land for the installation of fence posts.</p> <p><u>Earthworks:</u></p> <p><u>Means the disturbance of land by the removal or deposition on or change to the profile of land. Earthworks includes excavation, filling, cuts, root raking and blading, firebreaks, batters and the formation of roads, access, driveways, tracks and the deposition and removal of cleanfill.</u></p> <p><u>Earthworks for the following shall be exempt from the rules XXX</u></p> <ul style="list-style-type: none"> a. <u>Erosion and sediment control except where subject to Rule XXX setback from waterbodies.</u> b. <u>The digging of holes for offal pits</u> c. <u>Fence posts.</u> d. <u>Drilling bores.</u> e. <u>Mining Activity, Mineral Exploration or Mineral Prospecting.</u> f. <u>Planting riparian vegetation.</u> g. <u>Internments within legally established burial grounds.</u>

Provision	Notified Text	QLDC Comment	Relief Sought
			<ul style="list-style-type: none"> <li data-bbox="1514 268 2004 363">h. <u>Maintenance of existing vehicle and recreational accesses and tracks, excluding their expansion.</u> <li data-bbox="1514 402 2004 497">i. <u>Deposition of spoil from drain clearance work within the site the drain crosses.</u> <li data-bbox="1514 536 2004 695">j. <u>Test pits or boreholes necessary as part of a geotechnical assessment or contaminated land assessment where the ground is reinstated to existing levels within 48 hours.</u> <li data-bbox="1514 727 2004 791">k. <u>Firebreaks not exceeding 10 metres width.</u> <li data-bbox="1514 823 2004 855">l. <u>Cultivation and cropping.</u> <li data-bbox="1514 887 2004 1046">m. <u>Fencing in rural zones/environments for farming where any cut or fill does not exceed 1 metre in height or any earthworks does not exceed 1 metre in width.</u> <li data-bbox="1514 1085 2004 1212">n. <u>Earthworks where the following National Environmental Standards have regulations that prevail over the District Plan:</u> <ul style="list-style-type: none"> <li data-bbox="1559 1251 2004 1374">(i) <u>Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.</u>

Provision	Notified Text	QLDC Comment	Relief Sought
			<ul style="list-style-type: none"> <li data-bbox="1563 236 1989 395">(ii) <u>Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</u> <li data-bbox="1563 400 1989 528">(iii) <u>Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.</u> <li data-bbox="1563 533 1989 660">(iv) <u>Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2016.</u>