

**LURP ACTION 46 – AMENDMENTS TO SECTIONS 9 (CHRISTCHURCH-WEST
MELTON), 11 (SELWYN-WAIHORA) AND VARIATION 1 OF PLWRP TO PROVIDE FOR
PORT HILLS EARTHQUAKE DAMAGED LAND REPAIR**

Understanding the amendments

The deletions to be made are shown in strike through and bold, while the additions are in underline and bold. Text before a changed provision and text after a changed provision is indicated by the use of “(...)”.

Amend Section 9 of the proposed Land and Water Regional by inserting the following new rules and note:

Notes:

1. In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy any pre 1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. An archaeological authority is required from the Heritage New Zealand to modify, damage or destroy any archaeological site, whether recorded or not in the NZAA Site Recording Scheme website.

Rule 9.5.15

Prior to 31 December 2018, the use of land for earthworks, where the earthworks exceed the thresholds in Rule 5.170(k), associated with the site clearance, stabilisation, or repair, of any earthquake damaged land (excluding any works for which a building consent has been obtained from the relevant local authority), and any associated discharge of sediment-laden water that is carried out:

- a) **on an individual site used for residential activities (excluding any residential property zoned “red” by the Canterbury Earthquake Recovery Authority) and**
- b) **within the High Soil Erosion Risk Area shown on the Planning Maps, but outside any riparian margin;**

is a permitted activity provided the following conditions are met:

1. **The extent and duration of any earthworks is limited to only that necessary for site clearance, stabilisation or repair of the land; and**
2. **Earthworks do not occur in the bed of any lake, river or natural wetland; and**
3. **The works are designed and monitored by a Chartered Professional Engineer with competency in geotechnical engineering, or a Professional Engineering Geologist (IPENZ registered), to avoid exacerbation of erosion or mass movement of soils prone to dispersion on the property or any adjacent property. Upon completion of the works, the Engineer or Professional Engineering Geologist is to certify that they designed and monitored the works; and**

4. A copy of the geotechnical certification for the works is retained by the property owner and provided to the relevant territorial authority within 3 months of the works being completed; and provided to the CRC on request. The information to be provided shall include plans, any variations to the plans, design calculations and the certification; and
5. Any material deposited into land consists only of uncontaminated fill (soil, rocks, gravels, sand, silt, clay), concrete, inert building materials, or foundation piles comprised of cement, concrete, steel or timber; and
6. Erosion and sediment control measures are implemented and maintained throughout the duration of the works to minimise erosion and the discharge of sediment laden water to surface water; or onto or into land where it may enter surface water; and
7. Compaction or earthworks involving below ground soil disturbance (excluding filling) do not occur on any part of a site which is identified as a landfill; and
8. To prevent erosion, bare ground is stabilised within 10 days of any vegetation clearance or earthworks; and
9. The concentration of total suspended solids in the discharge shall not exceed:
 - a. 50g/m³ where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake, except that when the background total suspended solids in that waterbody is greater than 50g/ m³ the Schedule 5 visual clarity standards shall apply; or
 - b. 100g/ m³ where the discharge is to any other river, or to an artificial watercourse except that when the background total suspended solids in the waterbody is greater than 100g/m³, the Schedule 5 visual clarity standards shall apply;

For the purposes of rules 9.5.15 and 9.5.16 the following definitions apply:

Earthquake Damaged Land means land damaged as a result of the Canterbury Earthquake Sequence that commenced on 4 September 2010.

Landfill means any part of a site where solid or hazardous waste has been deposited (either lawfully or not) and which is identified as a landfill on Environment Canterbury's Listed Land Use Register, or in the records of the relevant territorial authority.

Residential activities means land zoned residential in a district plan; or land used predominantly for residential occupation as at 4 September 2010.

Works means earthworks and erosion and sediment control measures necessary for site clearance, stabilisation or repair, of earthquake damaged land.

Mass movement means the geomorphic process by which material (rock, soil) moves downslope, typically as a mass under gravity.

Rule 9.5.16

Prior to 31 December 2018, the use of land for earthworks, where the earthworks exceed the thresholds in Rule 5.170(k), associated with the site clearance, stabilisation, or repair, of any earthquake damaged property (excluding any works for which a building consent has been obtained from the relevant local authority), and any associated discharge of sediment-laden water that is carried out:

- a) **On an individual site used for residential activities (excluding any residential property zoned “red” by the Canterbury Earthquake Recovery Authority) and**
- b) **Within the High Soil Erosion Risk Area shown on the Planning Maps, but outside any riparian margin;**

that does not comply with any one or more of the conditions of Rule 9.5.15 is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. **The effect of not meeting the condition or conditions of Rule 9.5.15; and**
2. **Mitigation measures proposed to be implemented or mitigation measures available to minimise any actual or potential environmental effect.**

Notification

Pursuant to sections 95A and 95B of the RMA, an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.

Amend Section 11 of the proposed Land and Water Regional by inserting the following new rules and note:

Notes:

1. In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy any pre 1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. An archaeological authority is required from the Heritage New Zealand to modify, damage or destroy any archaeological site, whether recorded or not in the NZAA Site Recording Scheme website.

Rule 11.5.50

Prior to 31 December 2018, the use of land for earthworks, where the earthworks exceed the thresholds in Rule 5.170(k), associated with the site clearance, stabilisation, or repair, of any earthquake damaged land (excluding any works for which a building consent has been obtained from the relevant local authority), and any associated discharge of sediment-laden water that is carried out:

- a) on an individual site used for residential activities (excluding any residential property zoned “red” by the Canterbury Earthquake Recovery Authority) and
- b) within the High Soil Erosion Risk Area shown on the Planning Maps, but outside any riparian margin;

is a permitted activity provided the following conditions are met:

1. The extent and duration of any earthworks is limited to only that necessary for site clearance, stabilisation or repair of the land; and
2. Earthworks do not occur in the bed of any lake, river or natural wetland; and
3. The works are designed and monitored by a Chartered Professional Engineer with competency in geotechnical engineering, or a Professional Engineering Geologist (IPENZ registered), to avoid exacerbation of erosion or mass movement of soils prone to dispersion on the property or any adjacent property. Upon completion of the works, the Engineer or Professional Engineering Geologist is to certify that they designed and monitored the works; and
4. A copy of the geotechnical certification for the works is retained by the property owner and provided to the relevant territorial authority within 3 months of the works being completed; and provided to the CRC on request. The information to be provided shall include plans, any variations to the plans, design calculations and the certification; and
5. Any material deposited into land consists only of uncontaminated fill (soil, rocks, gravels, sand, silt, clay), concrete, inert building materials, or foundation piles comprised of cement, concrete, steel or timber; and
6. Erosion and sediment control measures are implemented and maintained throughout the duration of the works to minimise erosion and the discharge of sediment laden water to surface water; or onto or into land where it may enter surface water; and
7. Compaction or earthworks involving below ground soil disturbance (excluding filling) do not occur on any part of a site which is identified as a landfill; and
8. To prevent erosion, bare ground is stabilised within 10 days of any vegetation clearance or earthworks; and
9. The concentration of total suspended solids in the discharge shall not exceed:
 - a. 50g/m³ where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake, except that when the background total suspended solids in that waterbody is greater than 50g/ m³ the Schedule 5 visual clarity standards shall apply; or
 - b. 100g/ m³ where the discharge is to any other river, or to an artificial watercourse except that when the background total suspended solids in the waterbody is greater than 100g/m³, the Schedule 5 visual clarity standards shall apply;

For the purposes of rules 11.5.50 and 11.5.51 the following definitions apply:

Earthquake Damaged Land means land damaged as a result of the Canterbury Earthquake Sequence that commenced on 4 September 2010.

Landfill means any part of a site where solid or hazardous waste has been deposited (either lawfully or not) and which is identified as a landfill on Environment Canterbury's Listed Land Use Register, or in the records of the relevant territorial authority.

Residential activities means land zoned residential in a district plan; or land used predominantly for residential occupation as at 4 September 2010.

Works means earthworks and erosion and sediment control measures necessary for site clearance, stabilisation or repair, of earthquake damaged land.

Mass movement means the geomorphic process by which material (rock, soil) moves downslope, typically as a mass under gravity.

Rule 11.5.51

Prior to 31 December 2018, the use of land for earthworks, where the earthworks exceed the thresholds in Rule 5.170(k), associated with the site clearance, stabilisation, or repair, of any earthquake damaged property (excluding any works for which a building consent has been obtained from the relevant local authority), and any associated discharge of sediment-laden water that is carried out:

- a) On an individual site used for residential activities (excluding any residential property zoned "red" by the Canterbury Earthquake Recovery Authority) and
- b) Within the High Soil Erosion Risk Area shown on the Planning Maps, but outside any riparian margin;

that does not comply with any one or more of the conditions of Rule 11.5.50 is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. The effect of not meeting the condition or conditions of Rule 11.5.50; and
2. Mitigation measures proposed to be implemented or mitigation measures available to minimise any actual or potential environmental effect.

Notification

Pursuant to sections 95A and 95B of the RMA, an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.

Amend Variation 1 to the proposed Land and Water Regional by inserting the following new rules and note:

Notes:

1. In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy any pre 1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. An archaeological authority is required from the Heritage New Zealand to modify, damage or destroy any archaeological site, whether recorded or not in the NZAA Site Recording Scheme website.

Rule 11.5.50

Prior to 31 December 2018, the use of land for earthworks, where the earthworks exceed the thresholds in Rule 5.170(k), associated with the site clearance, stabilisation, or repair, of any earthquake damaged land (excluding any works for which a building consent has been obtained from the relevant local authority), and any associated discharge of sediment-laden water that is carried out:

- a) **on an individual site used for residential activities (excluding any residential property zoned “red” by the Canterbury Earthquake Recovery Authority) and**
- b) **within the High Soil Erosion Risk Area shown on the Planning Maps, but outside any riparian margin;**

is a permitted activity provided the following conditions are met:

1. **The extent and duration of any earthworks is limited to only that necessary for site clearance, stabilisation or repair of the land; and**
2. **Earthworks do not occur in the bed of any lake, river or natural wetland; and**
3. **The works are designed and monitored by a Chartered Professional Engineer with competency in geotechnical engineering, or a Professional Engineering Geologist (IPENZ registered), to avoid exacerbation of erosion or mass movement of soils prone to dispersion on the property or any adjacent property. Upon completion of the works, the Engineer or Professional Engineering Geologist is to certify that they designed and monitored the works; and**
4. **A copy of the geotechnical certification for the works is retained by the property owner and provided to the relevant territorial authority within 3 months of the works being completed; and provided to the CRC on request. The information to be provided shall include plans, any variations to the plans, design calculations and the certification; and**
5. **Any material deposited into land consists only of uncontaminated fill (soil, rocks, gravels, sand, silt, clay), concrete, inert building materials, or foundation piles comprised of cement, concrete, steel or timber; and**
6. **Erosion and sediment control measures are implemented and maintained throughout the duration of the works to minimise erosion and the discharge of**

sediment laden water to surface water; or onto or into land where it may enter surface water; and

7. Compaction or earthworks involving below ground soil disturbance (excluding filling) do not occur on any part of a site which is identified as a landfill; and
8. To prevent erosion, bare ground is stabilised within 10 days of any vegetation clearance or earthworks; and
9. The concentration of total suspended solids in the discharge shall not exceed:
 - a. 50g/m³ where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake, except that when the background total suspended solids in that waterbody is greater than 50g/ m³ the Schedule 5 visual clarity standards shall apply; or
 - b. 100g/ m³ where the discharge is to any other river, or to an artificial watercourse except that when the background total suspended solids in the waterbody is greater than 100g/m³, the Schedule 5 visual clarity standards shall apply;

For the purposes of rules 11.5.50 and 11.5.51 the following definitions apply:

Earthquake Damaged Land means land damaged as a result of the Canterbury Earthquake Sequence that commenced on 4 September 2010.

Landfill means any part of a site where solid or hazardous waste has been deposited (either lawfully or not) and which is identified as a landfill on Environment Canterbury's Listed Land Use Register, or in the records of the relevant territorial authority.

Residential activities means land zoned residential in a district plan; or land used predominantly for residential occupation as at 4 September 2010.

Works means earthworks and erosion and sediment control measures necessary for site clearance, stabilisation or repair, of earthquake damaged land.

Mass movement means the geomorphic process by which material (rock, soil) moves downslope, typically as a mass under gravity.

Rule 11.5.51

Prior to 31 December 2018, the use of land for earthworks, where the earthworks exceed the thresholds in Rule 5.170(k), associated with the site clearance, stabilisation, or repair, of any earthquake damaged property (excluding any works for which a building consent has been obtained from the relevant local authority), and any associated discharge of sediment-laden water that is carried out:

- a) On an individual site used for residential activities (excluding any residential property zoned "red" by the Canterbury Earthquake Recovery Authority) and
- b) Within the High Soil Erosion Risk Area shown on the Planning Maps, but outside any riparian margin;

that does not comply with any one or more of the conditions of Rule 11.5.50 is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. **The effect of not meeting the condition or conditions of Rule 11.5.50; and**
2. **Mitigation measures proposed to be implemented or mitigation measures available to minimise any actual or potential environmental effect.**

Notification

Pursuant to sections 95A and 95B of the RMA, an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under section 95B(3) of the RMA.

Amend Method 1 on page 18 of the Land and Vegetation Management Regional Plan (Part II: Earthworks and Vegetation Clearance – Port Hills) as follows:

Method 1 Regional rules for vegetation clearance and earthworks

Regional rules apply to the following areas shown on Planning Map 2, **except where the earthworks are associated with the site clearance, stabilisation, or repair, of any earthquake damaged land used for residential activities. Earthworks associated with the site clearance, stabilisation, or repair, of any earthquake damaged land used for residential activities, and any discharge of sediment laden water associated with these activities shall instead be addressed by policies and rules in the proposed Land and Water Regional Plan, and Natural Resources Regional Plan.**

Area i land zoned for urban purposes in the Christchurch City and Banks Peninsula Transitional District Plans and land within 100m of land zoned urban; and

Area ii rural land more than 100m from urban land.

(...)