

20. Soils, Minerals and Earthworks

Submission No. and Point / Submitter Name	Plan Provision	Summary of Submission	Decision Requested
	General		
24.34 South Port NZ Ltd	General	The submitter agrees that there should be a focus on the protection of quality soils within the Invercargill District, but considers that this same level of protection should not be afforded to areas of land where the soil has been highly modified such as reclaimed areas of land such as the Port land. This chapter should recognise that it only applies to areas of high quality soil.	Ensure that this chapter and ensuing objectives, policies and rules do not apply to areas where soil has been highly modified such as reclaimed areas of land such as the Seaport Zone.
56.21 Jenny Campbell	General	The submitter broadly discusses the issues of solid waste disposal and the need to keep as many resources out of the landfill as possible. The submitter suggests various methods that could be introduced increase public awareness and reduce the amount of waste being diverted to landfill.	Not stated.
64.34 Department of Conservation	General	The submitter considers these provisions are consistent with Part 2 of the RMA. The submitter also supports the requirement to consider the rules covering biodiversity, heritage and natural features and landscapes	Retain the objectives, policies, methods and rules
77.37 Te Runaka o Waihopai and Te Runaka of Awarua	General	The submitter notes that there is no reference to the impact of earthworks on potential unknown or known lwi sites	Add: <u>“Earthworks can affect heritage including archaeological sites and sites of cultural importance to lwi</u>
105.3 ICC – Environmental Health and Compliance Services	General – on-site waste water disposal	The submitter acknowledges the history of problems with onsite waste water management systems in the district and supports references made to these systems in the issues, objectives and policies. The submitter believes that there should be more methods and zone specific rules relating to these systems within the Plan.	Amend 2.13 to include: a. A method of implementation that the Council will work with ES to assess, collect information and look at options to remedy issues b. A method of implementation to carry out area surveys to assess the extent of any problems and to work out the best options to mitigate issues. c. Zone specific rules for on-site waste water disposal systems which includes criterion such as approved design, operation and maintenance.
117.14 Southern District Health Board	General	The submitter supports the objectives and policies but would like to see additional wording to ensure assessments and characterisation of risks to both the environment and public health are considered	Support with amendments,: a. Including the term “public health effects” into Objectives 2 and 3 and Policy 4. b. Including reference to “appropriate maintenance” in Policy 5 Onsite Waste Water

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			Disposal
SECTION 2.13 – ISSUES, OBJECTIVES AND POLICIES			
	Introduction		
18.76 Environment Southland	Introduction	The submitter suggests that a map identifying areas with poor draining soils is added to the Plan as supporting information for paragraph 7 of the Introduction. This will assist plan users when assessing a site for development which relies on on-site wastewater disposal systems.	Add a map identifying areas with poor draining soils.
65.32 ICC Environmental and Planning Services	Introduction	Support in part. The submitter considers that the background should acknowledge that failures of on-site effluent disposal systems also affect the health of the soil and its ability to support agricultural activities.	Include “the health, life-supporting capacity and productive value of the soil”
18.77 Environment Southland	Introduction, Policies 2 and 3 and Method 1	<p>The Introduction, Policies 2 and 3 and Method 1 refer to “versatile soils” and the identification, delineation and protection of them. The submitter considers that Policies 2 and 3 are unclear when soils have a range of versatilities for a range of land uses. The submitter believes a more consistent approach would be to replace the term “versatile soils” with the term “high value soils”. This would align with the PSRPS 2012, particularly Policy RURAL 4-Loss of high value soils from productive use.</p> <p>The submitter also believes that the explanation attached to Policy 3 of the District Plan “the District does not have high quality soils...” is incorrect as the District has Class 2 soils (NZLRI) with a range of versatilities for different landuses.</p>	<p>That Section 2.13 of the District Plan be amended by</p> <ol style="list-style-type: none"> 1. replacing all reference in the Introduction, Policies 2 and 3 and Method 1 to “versatile soils” with “high value soils”; 2. amending the Explanation to Policy 3 by removing the wording “the District does not have high quality soils”; 3. making any other consequential amendments.
	2.13.1 Issues		
58.1 Donald Moir	Issue 1	The submitter disputes Issue 1 and considers that no evidence has been provided to support the claim that the economic well-being of the district is related to the productive capacity of its soils. The submitter notes that there are few areas of un-subdivided productive farm land close to the city, but acknowledges the presence of significant areas of open farmland between Invercargill and Bluff for which there is little or no demand for residential development. The submitter states that the boundaries of the district have been largely set to encompass the area that is more related to residential rather than agricultural land use.	Remove Issue 1.
	2.13.2 Objectives		
77.38 Te Runaka	Objectives 2, 3,	Support in part. The submitter considers that there is a need to consider	Add:

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o Waihopai and Te Runaka o Awarua	and 4	public health effects	<u>“And public health effects”</u>
88.5 Federated Farmers	Objective 1	Oppose. The submitter believes that soil resource management is better addressed by those managing the land than through further regulatory protection.	Amend the wording of the Objective as follows: <i><u>Landowners are encouraged to manage Invercargill's soils are managed sustainably.</u></i>
90.7 H W Richardson Group Ltd	Objective 3	Support in part. The submitter considers it appropriate to enable potential adverse effects of earthworks to be avoided, remedied or mitigated	Retain Objective 3
2.13.3 Policies			
88.6 Federated Farmers	Policy 1 – Soil	Support. The submitter believes the most efficient and effective role for Council is in the provision of information to landowners to meet the aims set out in this policy, and to promote the underlying values identified for the soil types within the District boundaries. Land owners can then make fully informed land use decisions based on the information provided and the economic and or environment pressures they are faced with.	Adopt the policy as proposed.
58.2 Donald Moir	Policy 3 – Protection for Versatile Soils	The submitter considers that the majority of those areas containing Versatile Soils are already heavily subdivided, and disagrees that there is a need to protect these soils for the production of food.	Remove Policy 3.
65.32 ICC Environmental and Planning Services	Policy 3 – Protection for Versatile Soils	Support subject to amendment of typo.	Reword Policy 13 as follows: <u>“To protect the district’s versatile soils from the expansion of urban development”</u>
88.7 Federated Farmers	Policy 3 – Protection for Versatile Soils	Oppose in part. The submitter considers this proposed policy is unnecessary given a robust non-regulatory application of Policy 1 Soil. The submitter explains that while there should be an appropriate emphasis on considering the irreversible effects of losing high value soils from productive use and a need to protect areas important for primary production, this must be balanced against an individual’s right to manage their own property decisions, and council policies and planning should provide for managed growth in rural communities.	Delete the proposed policy.
90.8 H W	Policy 4 – Mineral	Oppose in part. The submitter considers the explanation requires	Amend the Explanation to Policy 4 Mineral

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Richardson Group Ltd	Extraction	<p>amendment to recognise that earthworks can be managed via a range of means or mitigation to address potential adverse effects arising from earthworks regardless of their scale and/or location.</p> <p>The submitter also considers the explanation should recognise that earthworks are necessary for appropriate land use and development that supports social and economic well being within the District.</p>	<p>Extraction as follows: <u>Explanation: The topography of the City often means that land modification, through earthworks, generally precedes the development of land. Some modification of the landscape is inevitable in order to provide safe and stable building platforms and roads with a suitable gradient. Earthworks are therefore necessary for land and economic development within the District.</u></p> <p>Land-based mineral extraction (including gravel extraction) is an appropriate rural land use activity, so long as adverse environmental effects including cumulative effects are avoided, remedied or mitigated. The potential adverse effects of mineral extraction activity include, but are not limited to, effects on rural amenity, landscapes and natural features, biodiversity, water quality, soil resources and the roading network.</p> <p><u>Earthworks should therefore be managed through the implementation of a robust methodology and works supervision procedures to avoid adverse effects. Particular consideration should be given to the avoidance or mitigation of effects on water and soil quality and public health.</u></p>
	2.13.4 Methods of Implementation		
65.34 ICC Environmental and Planning Services	New Method	The submitter considers that a method should be amended to acknowledge that the Hazard Maps show some areas of filled land.	Add method of implementation to acknowledge the presence of information of filled land on the District Hazard Maps
SECTION 3.17 – RULES			
24.65 South Port NZ Ltd	3.17.1	Oppose. The submitter considers that the Seaport Zone should also be exempt from the rules which relate to soil disturbance and earthworks, as	Amend the earthworks rules (3.17) to also exempt the rules from applying to the Seaport Activity.

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		<p>is currently the case in the operative District Plan. The submitter considers that limitations with respect to the earthworks would severely limit the ability of the Port to undertake its existing and planned developments and provides an example of work that could not comply with the proposed limitation of earthworks to 1000m³. The submitter considers the limitations placed on the Seaport Zone are inappropriate given that the effects of soil disturbance and earthworks activities are fully contained within the Seaport Zone.</p> <p>As noted in the submitter's comments on Section 2.13, there should be a focus on the protection of quality soil within the Invercargill District. It is deemed inappropriate to have the same protection on reclaimed sand. Therefore 3.17.1 should not apply to the Seaport Zone.</p> <p>The submitter considers that it is not clear why the Smelter Zone is exempt, but that this does not extend into the Seaport Zone.</p>	
13.16 Z Energy Ltd	3.17.2	<p>The submitter is concerned that the installation and removal of underground petroleum storage systems is controlled by and subject to the NES and that this rule will result in an extra layer of legislation. The submitter also suggests that the quantity of earth removed for these activities is not subject to additional restriction.</p>	<p>Amend 3.17.2 by adding the following: <u>"...(F) the removal and/or replacement of underground petroleum storage tanks"</u> OR Amend the definition of earthworks by adding the following: <u>"...This does not include earthworks undertaken in association with the removal of underground petroleum storage tanks."</u></p>
15.27 Ballance Agri-Nutrients Ltd	3.17.2	<p>Oppose (in part).</p> <p>The submitter acknowledges the need to manage effects associated with earthworks activities but consider that the 50 cubic metre annual limit on earthworks within the Industrial 2 Zone advanced by Rule 3.17.12(a) is unnecessarily restrictive and unjustified.</p> <p>The submitter considers that the rationale behind these limits and the differentiation between the volumes for the various zones is not readily apparent, and is particularly concerned by the 50 cubic metre limit proposed for the Industrial 2 Zone and the arbitrary nature of these limits generally.</p>	<ol style="list-style-type: none"> i. Amend Rule 3.17.2 based on the area of the site, the underlying land uses permitted by the zone and that the volumes better reflect this. ii. Any similar amendments to like effect. iii. Any consequential amendments that stem from the amendment set out above.

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		<p>The submitter also considers the wording of the rules prescribing these limits is also ambiguous as they make no reference to being on a 'per site' basis.</p> <p>Presuming the limits are intended to be prescribed on a 'per site' basis, the submitter considers that the volume of earthworks able to be carried out as a permitted activity should be based on sound information and be linked to site area in recognition that larger sites are likely to require larger volumes of earthworks and have greater capacity to absorb potential effects.</p>	
18.99 Environment Southland	3.17.2	<p>The submitter seeks clarification as to whether this rule would apply to the construction or enhancement of stopbanks.</p> <p>The submitter also notes that the proviso refers to "earth", not any other kind of material, and furthermore, the proviso refers to the amount of material "moved", not the amount of fill.</p>	Clarify the circumstances in which this rule would apply to the construction of stopbanks and if required, amend the rule so that it does not apply to their construction, repair or upgrading.
52.11 NZ Police	3.17.2	Support in part. The submitter opposes the quantity limits for earthworks associated with service trenches, or foundations works for masts and equipment buildings.	Retain Rule 3.17.2, particularly (E) and delete the imitation on the rule in terms of the quantity of earthworks.
53.78 NZ Transport Agency	3.17.2(E)	<p>The submitter is concerned that the introduction of quantity limits could have unintended consenting implications for contractors undertaking works on State highways. The introduction of quantity limits Rule 3.17.2 (E) (a), (b) and (c) makes it likely that resource consent may be needed when upgrading and maintenance works are undertaken on State highways. On occasion earthworks and filling activities may need to take place outside State highway designations and these works would be subject to these Plan rules.</p> <p>The submitter notes that Infrastructure Rule 3.9.1 permits infrastructure and Rule 3.9.2 permits the operation, maintenance, upgrading and replacement of existing infrastructure and states that is not required to comply with any other rules or standards in the Plan. The submitter suggests a cross reference or link to these rules from Rule 3.17.2 (E) may help with Plan interpretation.</p>	Introduce a link or cross reference at Rule 3.17.2 (E) to Infrastructure Rules 3.9.1 and 3.9.2 and /or clarify that the Infrastructure rules of the Plan have precedence under the Soils, Minerals and Earthworks section of the Plan.

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58.6 Donald Moir	3.17.2	The submitter considers that earthworks that can typically be expected to accompany works carried out under bylaw 2013/1 Code of Practice for land Development and Subdivision Infrastructure will routinely exceed the above limits.	Amend 3.17.2 so that earthworks limits do not apply to works carried out under bylaw 2013/1 Code of Practice for land Development and Subdivision Infrastructure.
71.57 NZAS Ltd	3.17.2	Support in part. The submitter suggests a minor amendment to clarify what exact provisions do not apply in the Smelter Zone	Amend 3.17.1 as follows: <u>“Rules 3.17.2 – 13.17.6 do not apply in the Smelter Zone.”</u>
87.51 Transpower NZ Ltd	3.17.2	Support in part. The submitter considers the volume of earthworks permitted is insufficient and seeks a greater volume of earthworks for works associated with the National Grid.	<p>(i) That the Rule 3.17.2 be amended as follows:</p> <p>(A) “Movement, deposition or removal of material when it is a necessary consequence of building a structure for which a building consent has been obtained on that site.</p> <p>.....</p> <p>(E) Activities associated with the construction, operation, maintenance, repair and upgrading of infrastructure.</p> <p>Provided that the quantity of earth moved shall not exceed:</p> <p>(a) 50m³ over 12 months in the Residential 1, 1A, 2 and 3, Business 1, 2, 3, 4 and 5, Industrial 1, 1A and 2, and Otatara Zones.</p> <p>(b) 200m³ over 12 months in the Rural 1 and Rural 2 Zones</p> <p>(c) 1,000m³ over 12 months elsewhere,</p> <p><u>(d) Or the earthworks are temporary in nature and the land is restored to pre-existing contours at the end of the work. “</u></p> <p>(ii) And any consequential amendments.</p>
88.87 Federated Farmers	3.17.2	Oppose in part. The submitter explains that earthworks are a legitimate and essential part of the day to day operations of a farm, and it is expected that earthworks and ground disturbances will occur within the rural zone. The submitter considers that many on farm earthworks activities have little	<ul style="list-style-type: none"> • Delete and redraft the rule to enable the continuation of earthwork activities required for day-to-day operations of a farm; either by removing the volume controls and focussing

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		<p>or no adverse impact on the environment and would prefer that it is the adverse effects that are managed through specific rules rather than these expected rural land uses.</p> <p>In particular the submitter considers that any re-contouring of land related to fencing, farm landfills and dead holes should be permitted activities in the Rural Zone. These are activities controlled through the Southland Regional Council's Regional Plans and should be permitted through compliance with the earthworks and cleanfill provisions of this Zone.</p>	<p>more on effects or by increasing the maximum volume in the Rural Zone to 2,000m³</p> <ul style="list-style-type: none"> • Delete volume limits relating to earthworks necessary for normal farm activities in the Rural Zones; and • Provide for earthworks related to farm landfills, dead holes, and fencing in the Rural Zones.
<p>90.25 H W Richardson Group Ltd</p>	<p>3.17.2</p>	<p>The submitter considers the thresholds proposed in the performance standards are arbitrary, not effects based and restrictive when compared to other District Plans.</p>	<p>Amend Rule 3.17.2 to:</p> <p>a. Amend (C) to include roads AND</p> <p>b. Change the threshold for Industrial 1, 1A and 2 Zones from 50m³ to 200m³ AND</p> <p>C. Change the threshold for Rural 1 and 2 Zones from 200m³ to 1,000m³ AND/OR</p> <p>Any similar amendments with like effect, and any consequential amendments to the Proposed Plan that stem from the relief sought.</p>
<p>91.24 PowerNet</p>	<p>3.17.2</p>	<p>Oppose.</p> <p>The submitter opposes the introduction of limitations on the quantities of earthworks within the various zones on the basis that the limits are arbitrary, not effects based and comparably restrictive in terms of providing for the operation and maintenance of a reliable electricity distribution network.</p> <p>The submitter notes ambiguity between rules 3.9.2 and Rule 3.17.2 and as such the submitter would like the reference to "operation, maintenance, repair and upgrading" to be removed from rule 3.17.2 or a statement exempting earthworks associated with the construction of new Network Utility activities.</p>	<p>EITHER</p> <p>Amend Rule 3.17.2 as follows:</p> <p>"...(E) Activities associated with the construction, operation, maintenance, repair and upgrading of infrastructure.</p> <p>Provided that the quantity of earth moved shall not exceed:</p> <ul style="list-style-type: none"> (a) 50m³ over 12 months in the Residential 1, 1A, 2 and 3, Business 1, 2, 3, 4 and 5, Industrial 1, 1A and 2, and Otatara Zones. (b) 200m³ over 12 months in the Rural 1 and Rural 2 Zones. (c) 1,000m³ over 12 months elsewhere."

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			<p>OR</p> <p>An exemption is provided for earthworks associated with Network Utility Operations. Such an exemption should include the following</p> <p><u>“Earthworks associated with the construction of new network utility activities are exempt from the earthworks thresholds in all zones.”</u></p> <p>OR</p> <p>Any Similar amendments with like effect. Any consequential amendments to the Proposed Plan that stem from the relief sought.</p>
102.16 Chorus NZ Ltd	3.17.2	<p>Support in part.</p> <p>The submitter supports the exclusion from earthworks provisions for the construction, operation, maintenance, repair and upgrading of infrastructure.</p> <p>The submitter opposes the quantity limits as being unreasonably small</p>	Retain 3.17.2, particularly 3.17.2(E) and delete the limitation on the rule.
103.65 Invercargill Airport Ltd	3.17.2	Oppose. The submitter considers that limits on earthworks creating standing pools of water around the airport should be set out in the Plan	Include a provision within 3.17.2 which limits the earthworks that will result in standing pools of water greater than 10m ² in the Airport Protection and the Otatara Zones
104.15 Telecom NZ Ltd	3.17.2	<p>Support in part.</p> <p>The submitter supports the exclusion from earthworks provisions for the construction, operation, maintenance, repair and upgrading of infrastructure.</p> <p>The submitter opposes the quantity limits as being unreasonably small</p>	Retain 3.17.2, particularly 3.17.2(E) and delete the limitation on the rule.
88.88 Federated Farmer	3.17.3	Support in part. The submitter supports a discretionary activity status for activities not compliant providing the maximum threshold for Rule 3.17.2 is increased to a maximum volume of 2,000m ³ in the Rural Zone.	Amend the maximum volume for a permitted activity in Rule 3.17.2 to 2,000m ³ , and adopt this rule as proposed.

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91.25 PowerNet Ltd	3.17.3	<p>Oppose.</p> <p>In the event that the relief sought by the submitter in relation to Rule 3.17.2 is rejected, the submitter considers that resource consent for a controlled activity is more appropriate in relation to network utility operations and a new Rule should be inserted into the plan to provide for such activities.</p>	<p>Insert new Controlled Activity Rule <u>It is a controlled activity to undertake any earthworks associated with electricity distribution activities that do not comply with any of the provisions of Rule 3.17.2 above.</u></p>
71.58 NZAS Ltd	3.17.4	<p>Oppose. The submitter considers the rule is unclear whether changes to existing landfills will be assessed as a non-complying activity in accordance with this rule.</p>	<p>Amend 3.17.4 as follows: “Any <u>new</u> landfill is a non-complying activity. <u>Explanation: this rule does not apply to the expansion of a landfill if the landfill existed at the time this Plan came into force.</u>”</p>
88.89 Federated Farmers	3.17.4	<p>Oppose. The submitter considers that landfills are a legitimate, expected and essential part of the day to day operations of a farm, and the adverse effects are controlled through the Southland Regional Council’s Regional Plans and should be permitted through compliance with the earthworks and cleanfill provisions in the Rural Zone of the ICC District Plan.</p> <p>The submitter considers that where there are specific concerns that are not addressed through the Southland Regional Plan, Federated Farmers prefers these adverse effects are identified and managed through specific rules rather than designating landfills in the Rural area a non-complying activity.</p>	<p>Rule 3.17.4 is deleted, and farm landfills are specifically provided for as a permitted activity in Rule 3.17.2.</p> <p>Where Council has concerns with potential adverse effects from farm landfills that are not addressed through the Southland Regional Plan, these effects are dealt with specifically.</p>
87.52 Transpower NZ Ltd	3.17.5	<p>Support in part. The submitter considers that the need to provide a management plan is specifically related to landfills or cleanfills, and will not generally be required for earthworks such as those associated with the National Grid.</p>	<p>(i) That the Assessment Matters 3.17.5 be amended as follows: “Assessment Matters 3.17.5 Applications under Rules 3.17.3 and 3.17.4 above shall address the following matters, which will be among those taken into account by the Council: (H) Any management plan for the <u>a</u> proposed <u>landfill or cleanfill</u> facility, which addresses: (a) The methods proposed to ensure that inappropriate material is not deposited. (b) The proposals to monitor the filling</p>

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			<p>operation.</p> <p>(c) Site rehabilitation.</p> <p>(d) The proposed systems for record keeping in relation to the operation and monitoring of the filling operation.</p> <p>(e) Proposals for ongoing monitoring of the filled site.</p> <p>(f) Proposals for hazard mitigation including any contamination.</p> <p>(g) The visual or amenity effects of the fill such as changes to landform and shading.”</p> <p>(ii) And any consequential amendments.</p>
117.42 Southern District Health Board	3.17.5 (B)	The submitter supports the provision subject to amendment. The submitter would like to see the term “nuisance” removed as the submitter believes this has connotations of civil torts and is not appropriate within RMA based plan rules	Support with amendment a. In (B), delete word “nuisance”
18.100 Environment Southland	3.17.5(D)	Support	Retain
116.1 New Zealand Historic Places Trust	3.17.5(F)	<p>The submitter supports these provisions.</p> <p>The submitter notes the Council’s obligations under the RMA, in particular s6(f).</p> <p>The submitter notes that in addition to the specific heritage provisions, the consideration of heritage values is embedded throughout the Plan.</p> <p>The submitter considers the approach recognises that not all important heritage values are listed in the District Plan Heritage Record or covered by the heritage rules of the Plan. The submitter believes it is appropriate that the Council has the opportunity to consider effects on heritage values even where such values are not particularly identified for protection in Appendix II.</p>	Adopt these provisions as they relate to heritage values: 3.17.5(F)
87.53 Transpower NZ Ltd	3.17.6	Support in part. The submitter considers the rule should be amended to clarify that if a building or structure is proposed to be erected on a site, a	(i) Amend Rule 3.17.6 as follows: “Rule 3.17.6

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		plan for rehabilitation is not considered necessary as effects will be managed through the development of the site or potentially short term mitigation measures such as the dust suppression.	Any application for resource consent (<u>except when the site is subject to future development</u>) is to be accompanied by a plan for rehabilitation of the area likely to be affected by the application.” (ii) And any consequential amendments.
76.1 Placer Investments Ltd	3.18.8	Oppose. The submitter believes that the proposed change in status for the extraction of minerals from discretionary to non-complying, coupled with the Tiwai Peninsula classification as an outstanding natural feature and landscape will effectively stop further mineral exploration on the Tiwai Peninsula. The submitter considers that because of the historic use and current state of Tiwai Peninsula it is unclear why the extraction of minerals is a non-complying activity, particularly given the potential economic benefits that mining in the area can have.	EITHER Amend 3.17.8 as follows: “Except as provided for in 3.17.7 above, all land use activities involving the extraction of minerals is a non-complying <u>discretionary</u> activity” OR Retain the non-complying activity status for the extraction of minerals with the exception that mineral extraction at Tiwai Peninsula is discretionary.