

**BEFORE THE CHRISTCHURCH REPLACEMENT
DISTRICT PLAN HEARINGS PANEL**

IN THE MATTER of the Resource
Management Act 1991
and the Canterbury
Earthquake
(Christchurch
Replacement District
Plan) Order 2014

AND

IN THE MATTER of the Subdivision,
Development and
Earthworks (part)
Stage 2 Proposal

**MEMORANDUM OF COUNSEL FOR CHRISTCHURCH CITY COUNCIL
REGARDING QUARRYING ACTIVITIES IN STAGE 2 SUBDIVISION PROPOSAL**

4 MARCH 2016

 **Simpson Grierson**
Barristers & Solicitors

D J S Laing / M J Jagusch
Telephone: +64-4-924 3425
Facsimile: +64-4-472 6986
E-mail: melanie.jagusch@simpsongrierson.com
DX SX11174
PO Box 2402
Wellington

MAY IT PLEASE THE PANEL

1. Following the Independent Hearings Panel's decision on the Stage 1 Subdivision, Development and Earthworks (part) Proposal (Decision 13),¹ and hearing of quarrying matters in other hearings, the Council has reviewed the provisions relating to quarrying activities in the Stage 2 Subdivision, Development and Earthworks (part) Proposal for consistency.
2. Through this review, the Council has identified that an amendment should be made to the revised proposal filed with closing legal submissions for the Stage 2 Subdivision hearing on 23 November 2015 (**Stage 2 Revised Proposal**) to clarify the rules relating to quarrying activities. This amendment is necessary to clarify that quarrying activities are not addressed in the Proposal 8 earthworks rules, rather they are addressed through zone chapters.
3. The Council therefore wishes to make the following two amendments to the Stage 2 Revised Proposal:

- 3.1 Amend Rule 8.8.2 P1(2) to remove the words "quarrying activities" as follows (with deleted text shown in **red strikethrough**):

Activity	Activity Standard
P1 Earthworks: 1. outside a floor level and fill management area (refer to Chapter 5 for earthworks within a floor level and fill management area)[2185.69 Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd, page 20]; 2. not for the purpose of land repair.	1. Earthworks shall not exceed the volumes in Table 1 over a one five year time period. [2235.66 Ngai Tahu Property Ltd, page 29] [2347.14 Ryman Healthcare Ltd, page 8] [2387.265 Canterbury Earthquake Recovery Authority, page 106][refer to mediation report] 2. Earthworks in zones listed in Table 1 [2269.27 Christchurch Polytechnic Institute of Technology, page13] [2464.45 The University of Canterbury, page 19] shall not exceed a maximum depth of 0.6m other than in relation to farming activities, quarrying activities [CCC Closing Legal Submission] or permitted education activities [Refer to Mediation report]. 3. Earthworks shall not occur on land which has a gradient that is steeper than 1 in 6.

1 Decision 13: Subdivision, Development and Earthworks: Stage 1 (Part), 12 January 2016.

3.1 Amend Rule 8.8.1(2) to clarify that zone chapters address quarrying activities, as follows (with additional text shown in blue bold/underline):

2. Chapter 5 manages earthworks within identified hazard areas. Chapter 12 contains provisions relating to contaminated land. Chapter 6 manages earthworks within waterway setbacks. Zone chapters manage quarrying activities. The rules in this chapter manage all other earthworks.

4. Counsel is happy to provide any additional explanation if it is required.

DATED 4th March 2016



D J S Laing / M J Jagusch
Counsel for Christchurch City Council