

## Supporting Document to our SUBMISSION on the

### PROPOSED PORIRUA DISTRICT PLAN (Stream 4) and the Section 42 Report - Earthworks

#### To The Commissioners

#### Introduction

This is the second document we have supplied to the Commissioners for their consideration and as stated in our first document we would like to repeat that we are not technical experts in the field of Planning.

In our first document we stated:

*“We believe the District Plan exists to provide the residents and Council with guidance and support as time moves on and situations and opportunities change”.*

We also stated that the documents related to Stream 2 *“are now way beyond the ability of a non-trained professional to read and comprehend and this became very obvious when reading some of the section 42 reports and observing reference to other documents such as the NES, NPS, PNRP and the RPS to name a few”.*

Unfortunately, the documents for Stream 4 are no easier to digest or understand and it make us wonder why public comment is sought in the first place.

The problem as we see it, is there are too many rules and as time moves on, even more rules are required because the earlier rules now don't cover all situations.

Once we have so many rules and guidelines the opportunity to apply some “common sense” is removed from the process and we then need an expert to tell us what all the rules might mean and probably another expert to tell us something different.

Unfortunately, the more rules you have, the harder it becomes to judge the right and wrong thing to do (common sense).

And the overall issue is that it doesn't matter how many rules you create, someone will still break the rules, perhaps:

- because they didn't understand them,
- because they couldn't afford to obtain the right advice
- the advice was incorrect because of the way the rules were interpreted
- because they thought the rules were stupid and impractical.

We were just wondering if anyone had thought about making a district plan “simpler” and aimed at the people that it is supposed to service, the land owners, after all much of the content in the Plan, impacts to some degree on land owners and yet the only section we can't locate in this plan is the section covering land owner compensation for the impact the rules, created by others, have on the landowners.

We apologise for the vented frustration above but, there is no other opportunity in the process to make these comments.

As before we have a few simple comments to make.

### **Section 42 report - Earthworks**

**Item 50** – We would like to support the reporting officers view to reject to proposal for a 100m setback for earthworks from a wetland. Regardless of the words in the plan, Councils are now requiring “sediment Control plans” for even small earthworks projects that require a consent such as a building platform.

**Item 54** – We are not sure if we are reading this correctly but is the officer suggesting that no consultation is required if the landowner wants to dig through a stop-bank and that the applicant doesn't need to tell the GWRC.

This can't be correct surly?

**Item 58** – The Kainga Ora request to have all earthworks rules in one place would appear to us to be very sensible but we then note 2 plus pages outlining why planners etc think they should be elsewhere.

We own 160ha plus and we have a range of equipment on site and as most people will know, it rains.

If we need to do some earthworks on our land for whatever reason and because we have both an SNA and SAL on our property, the question is where would we look first, especially if we are in a hurry? And if there is a chapter called earthworks, we suggest that this is where we go to look, if there is no mention of SNA's or SAL's then the assumption could be made, there is no problem.

As a minimum, cross references are essential for the non-trained readers of the plan who don't have time or the money to ask a planner.

Example - The rain in December washed away the bridge approaches on the farm side of the bridge. No farm access was available. Large aggregate was required from the farm to start the reinstatement process because the stream level was too high and the water too dirty to use the ford.

**Item 89 – 90** – Vertical holes vs Land disturbance, we would comment that a very common practice for installing fence posts these days is to drive them into the ground, ie no earthworks or excavation. Also, vehicle movements and water can quickly put ruts in the ground more than 300mm deep, is this land disturbance?

We also doubt that any farmer would consider installing fence posts as a land disturbance unless he was actually carrying out earthworks to install the fence line.

The words used in the document need to relate to the topic, in our view, neither vertical holes or land disturbance describe installing fence posts.

**Item 96 – 97** – We find it interesting that this plan can provide blanket provisions for clearances from tower foundations. Indeed, the foundation of any structures (building, bridges, dams, retaining walls etc) can be very dependent on the ground conditions around them and the type of engineering design used in the foundation in the first place.

For example, is the tower an uplift tower in the bottom of a swampy gully with a mass concrete base required to hold it in place?

Blanket rules are dangerous, every tower has specific design, how can one planning rule cover all situations?

**Item 98** – Can we please suggest that the use of “Land Disturbance” is miss leading to most farmers and contractors and especially in relation to fence post installation.

National Grid “Yard” – does this refer to a switch yard? If so, you need to have special qualification to gain access and work in this location.

If not, what does “Yard” refer to? We are confused.

The opening statement is also a bit dumb and very negative; no one works in these areas with the intention to damage the network, it is not only dangerous, but it is very costly.

Who do we “demonstrate” to? We would suggest that there is no one at Council who could verify a work statement for working in these areas, or is Council’s plan to take on more suitably experienced staff to read and verify these submitted documents? Both Gas and Electricity have specific requirements and processes when working around their network and in some cases the people involved must have appropriate qualifications. Both Gas and Power have staff who come onto site to supervise operations when working.

**Item 3.5** – We struggle with this section. To start, a rainwater tank to help achieve hydraulic neutrality is a stormwater attenuation tank. There is usually one tank, and they are usually 1,000-2,000 lit is size (But could be larger) and do not store water. A rainwater tank collects water from the roof and stores it for household use. These tanks can range from 5,000 to 30,000lit and there is often more than one, usually two and sometimes three. The tanks and their function are very different, and this isn’t covered by the report writer.

Attenuation tanks are a requirement of Council to meet a shortfall in the performance of their stormwater system. Why would an earthworks consent be required? If the land disturbance area isn’t large enough, increase it rather than have more rules.

A rainwater tank is required by the landowner to provide water to the house. These are an essential part of the build for a house in a rural area. Surely the general rules will cover the work and if engineering is required, this will be picked up during the building consent process.

We agree with Kainga Ora but for slightly different reasons we suspect.

**Item 3.6.3** – We must apologise but when we first read the comment on fuel tanks, we assumed the numbers included (250m<sup>2</sup>) applied to fuel tanks and we have just realised that this applied to earthworks on any site including building sites.

We would like to take this opportunity to point out that 250m<sup>2</sup> is a reasonably common size for a house these days especially since site coverage rules have been reduced or relaxed. Council should also note that the rib-raft foundation is also becoming very popular building methodology (since the Christchurch earthquakes) which requires excavation of the entire building site plus 1m outside the building line.

ie a 250m<sup>2</sup> building would require an excavation of 324m<sup>2</sup>.

250m<sup>2</sup> excavation would allow a building of 184m<sup>2</sup> which we would suggest is considerably less than the average if you include a two-car garage.

The same issues would also exist for other foundation types if the site is sloped and you need to include earthworks for drives, paths, landscaping etc, which are usually all done within a year on a site.

When everything is considered, we believe 250m<sup>2</sup> for an earthworks area on a new house building site is too small.

In general, most sections get cleared prior to the start of any building work, to save the topsoil which gets stockpiled. Aggregate is then spread to provide all weather access and then foundation excavation will start. In our view 250m<sup>2</sup> is totally unacceptable and we wonder if anyone making these rules has actually visited a number of building sites to see what happens?

We also wonder if the suggestion of such a minimal and totally impractical area is a ploy by Council to make all building sites require additional consents for earthworks and the additional costs and restrictions that will be put in place.

We accept that in some instances, consents and sediment controls are required but it shouldn't be a blanket cover based on an area. An earthworks consent, sediment plan and the work required to put it in place could run to more than \$5000 especially if a planner and engineer are required to prepare it. On most house sites this would have to be an overkill.

While Government is trying to reduce the cost of housing, it would appear local government are making every effort to increase costs via additional resource consents and the blanket implementation of basic site controls.

Unfortunately, the report doesn't include the logic for the selection of these sizes in the first place.

Example - We have included some photos showing a sediment fence on our building site as required by the Council at the time of building consent. We won't comment on its usefulness, but the other photos are a forestry block directly across the road, taken from the top of our hill. While there may be some sediment controls around the site, from these photos they are very hard to see. The application of the requirements for sediment control etc would appear to be somewhat lop sided.







**Item 3.9.3** – EW-01 No.2 – We have read the comments in the report relating to the use of the word “minimises” adverse effects on visual amenity values, including changes to natural landforms and we are trying to relate this requirement to the earthworks required to produce a safe all weather access track to the top of our farm and beyond (The track we took the Commissioners up). Because of the steep nature of the land, significant cut faces will be required and that being the case how do we “minimise” the effects on visual amenity?

Hydro seeding and some planting will be possible, but this is a relatively long-term mitigation because it isn’t possible to “minimise” the cut faces.

We don’t believe note 1 is sufficient to offset note 2 in the situation that we have on our land, perhaps someone from Council could explain how our need to do this work is managed under EW-01.

We note that minimise and mitigate is also discussed in **item 216**. The section 42 report does not appear to recognise that earthworks, in most cases, is a function of engineering and as such, needs to take place for the project to be viable and safe.

We don’t know how you can “minimise” the impact of an engineered cut or fill. The size of the cut or fill is decided by the engineering design, and it is what it is. Planting and grassing may mitigate some of the visual impact of the cut and fill, but it cannot “minimise” the impact because the size does not and cannot change.

We don’t agree with the section 42 recommendation.

#### **Item 249 – Table**

Tree planting – we believe this is part of the earthworks process and should have an exclusion.

Removing trees to carry out earthworks and planting trees for visual mitigation and slope stability are essential parts of the earthwork process and not gardening.

Installation of services – should have an exclusion as it is a necessary function for any subdivision or house build and, in some situations, may require deep trenching to obtain a connection or installation on steep slopes. In our view requiring a consent just adds cost for no value.

Effluent systems should be excluded as they are an essential part of any rural build development and system design, location and soil test reports are filed with the building consent.

By the time earthworks are completed for a rural building platform, then an access is formed, turnaround, shed, landscaping and effluent system, in many cases you will exceed 1000m<sup>2</sup> on one site in a year.

We note an exclusion to dig holes at Cemeteries etc but there is no exclusion to bury dead livestock on a farm site?

**Item 271** – The thresholds for earthworks area under EW-s1 were determined as they ‘are in alignment with the scale of development anticipated by the underlining zone’. Perhaps the writer of these reports is unaware that earthworks also play a major role in the ongoing maintenance of a farm, especially large blocks of land.

Drain maintenance, track maintenance and flood repairs would eat up more than 1000m<sup>2</sup> of disturbed land in any year on a large block of land.

For example, to scrape off and clean-up our main track (no widening) up the hill and then on to the far end of the top level would require approximately 9000m<sup>2</sup> of land to be disturbed. This is work required as a minimum to make the track safe in all weathers and does not include any side-tracks, access to the bottom of the big valley or access to the far ridge.

There should be no requirement to get a consent for basic farm maintenance, regardless of the area involved or any other associated issues.

**Item 279** – We agree with Kainga Ora that a 2.5m cut height is more reasonable start point for consenting and in most cases would be acceptable as a fill depth was well. The key for us is that this depth would provide a greater allowance for impacts on visual amenity.

We don’t believe slope stability is an issue because over 1.5m in height, any retaining must be engineer designed and if you intend to simply batter the cut face (assuming you have room) then a Geotech report will be required at the time of building consent or engineering approval. Why add the cost of a resource consent into the process as well?

**Item 285 to 291** – Having different volumes between PCC and GWRC is confusing and asking for trouble. Beyond that it appears that this rule also applies to the rural zone, which is somewhat impractical, especially for large blocks of land. Using our track example from above, if we construct a 3.5m wide pavement 200mm thick loose, (150mm compacted) and build that first section of essential track (2km), with a limit of 200m<sup>3</sup> per year it would be 6 years before we could complete stage 1 of our all-weather access track. This restriction would allow us to build 330m of track a year which we should be able to build in just over a week.

So, the question follows, why do we need a resource consent to carry out farm maintenance work, especially safety improvements?

Other points of note in this section:

- A 6-wheeler road truck (the most common size) will carry 6m<sup>3</sup> of material not 10m<sup>3</sup>.
- A 6-wheeler truck with trailer will carry between 13 and 15m<sup>3</sup> but using trailers around town is not common, you need big roads and even bigger sites.
- The average house building site will have between 20 and 25 large truck deliveries during construction. More if the foundation is rib-raft.
- 200m<sup>3</sup> for a single house is a lot of material and would require very special circumstances to exceed.
- 400m<sup>3</sup> on a multi lot development site isn’t much at all, three 6-wheeler trucks can deliver this quantity in less than 4 days.
- For large farm block maintenance, both amounts are insufficient even for maintenance.
- The difference between 20 and 40 truck movements in a year on a road, even a back street in our view is negligible and we are sure Porirua has infill housing projects happening everywhere and each one of these will create these kinds of additional traffic movements.



- Again, Blanket rules really don't work.

**Item 3.12.5.2** – We are not sure how many earthworks projects the report writer has worked on, but the writer of this submission has seen very significant sediment control devices overwhelmed by storm events and average unpredicted rainfall at the wrong time during construction. Unforeseen ground stability issues and work practices elsewhere on the worksite can also contribute to device overload.

Another consideration is that large worksites in NZ generally aren't flat which means many of the control measures are over banks, down slopes or in gullies. Putting the control measures in place is one exercise, gaining access for maintenance is a very different issue. The writer has also seen decanting ponds full of sediment, but the ground has been too wet to safely gain access to clean them.

Remember you not only need to get an excavator into the sites, but you also need truck or dumper access because the material must be removed

We agree with the submitters that the EW-S5-1 is too onerous and unrealistic and does not recognise the realities of site development. Again, one rule fits all does not work.

### **Summary comment**

The proposed EW – Earthworks section of the new PDP states in the opening paragraph “Earthworks are often an essential prerequisite for development”. The next sentence contains the word “farming” but after that the needs of farming operations are not covered.

There is no mention of farming in the objectives, there are no policies that cover or mention farming operations (but there is a policy for installing rainwater tanks as detention tanks, but the policy does not mention rainwater tanks for water supply in the rural area, yet these water tanks are a lot larger (EW-P4).

There are no specific rules for the rural area but there are some standards in EW-S1 so rural land owners with a 160ha site have to comply with the same standards as a lifestyle block owner with perhaps 4 ha but in both cases we could each build an Olympic sized swimming pool without a consent and we could bury the wife without a consent but we could not bury a dead cow because the cut face would be over 1.5m deep.

We also have the interpretation of “visual amenity” vs essential work and whether planting or grassing is minimising or mitigation.

Or perhaps this has been written in line with the rural section 32 report which highlighted that the rural industry in Porirua is pretty much dead.

The problem here is that the rural zone is still to be discussed and if big farm operations are dead (and we think they are) then one would assume there will be more lifestyle blocks and these still require earthworks, maintenance, water tanks etc.

We also struggle to understand how some of the conclusions and recommendations have been reached. There are more people in the community than Planners and we believe if some practical questions had been asked of the appropriate people, a better document could have been prepared. That said we think our starting comments have been verified by this process, “the more rules you have the more rules you need” and we believe a lot more rules are required if even the basics are going to be covered.

Also, if Council proceed with some of these requirements, additional staff will be required to process the additional consents and other documents required by the plan. Are Council prepared to do this, and in the current employment market where do they expect to find appropriately experienced people to employ?

We haven't read other reports in this section because of the time it takes and the level of frustration it creates.

We thank you for the opportunity and we hope some of the comments we have provided are of some help.

We believe there are some questions that need to be answered or perhaps some logic that needs to be reconsidered, but as we said at the start, we are a long way short of being experts in this area.

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