

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of the Open Space and  
Recreation / District  
Wide Hearing Stream  
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**SECTION 42A REPORT OF JEROME WYETH  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**CHAPTER 25 EARTHWORKS**

**23 July 2018**

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**Appendix 1: Revised Chapter 25;**

**Appendix 2: Summary of Submissions and my Recommendations; and**

**Appendix 3: Summary of Submissions transferred from State 1 Jacks Point Zone;**

**Appendix 4: Section 32 Report.**

## 1. INTRODUCTION

- 1.1 My full name is Jerome Geoffrey Wyeth. I hold the position of Senior Planning and Policy Consultant at 4Sight Consulting. I have been in this position since January 2012.
- 1.2 I have a Bachelor and Masters of Science (Geography) from the University of Auckland completed in 2003 and 2005 respectively. I have over 13 years' experience in planning and resource management through various roles in central government, local government and as a planning consultant. I am a Full Member of the Resource Management Law Association and an Associate Member of the New Zealand Planning Institute. I have been based in Wellington for the majority of my planning career.
- 1.3 Since January 2012, I have been a Senior Planning Consultant at 4Sight Consulting (formally Andrew Stewart Limited). My primary area of work at 4Sight Consulting is policy planning for local and central government clients. I have worked on a number of district and regional plans at various stages of the Schedule 1 Resource Management Act 1991 (**RMA**) process and have been involved in council and Environment Court hearings as planning expert. I have also been closely involved in the development and implementation of RMA national policy statements and national environmental standards.
- 1.4 I have not had any direct involvement to date in the development of the Queenstown Lakes Proposed District Plan (**PDP**). While 4Sight prepared a report '*Queenstown Lakes District Council Proposed District Plan: Assessment of Thresholds for Earthworks*' in September 2017 to inform the development of Chapter 25, I was not involved in this work.
- 1.5 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within

my area of expertise, except where I state that I am relying on the evidence of another person.

**1.6** I have been contracted by the Queenstown Lakes District Council (**Council** or **QLDC**) to give evidence and provide recommendations to the Hearings Panel on the submissions and further submissions on Chapter 25 Earthworks.

**1.7** I refer to and rely on the evidence of Trent Sunich (environmental management).

**1.8** The key documents I have used, or referred to, in forming my view while preparing this section 42A report are:

- (a) Queenstown Lakes District Council (2017) '*Queenstown Lakes District Council Proposed District Plan: Section 32 Evaluation – Stage 2 for Earthworks*' report dated 3 November 2017 (**the s32 Report**);
- (b) 4Sight Consulting (2017) '*Queenstown Lakes District Council Proposed District Plan: Assessment of Thresholds for Earthworks*', prepared for Queenstown Lakes District Council (**Thresholds Report**);
- (c) The Operative Queenstown Lake District Plan (**ODP**) – Chapter 22 – Earthworks;
- (d) PDP (Stage 1) Decision version 7 May 2018;
- (e) The Resource Management Act 1991 (**RMA**);
- (f) The Operative 1998 Regional Policy Statement for Otago (**ORPS**); and
- (a) The Proposed 2015 Regional Policy Statement for Otago (**PORPS**).

**1.9** When referring to the Stage 1 PDP provisions, I am referring to the Council's Decisions Version notified on 7 May 2018 (i.e. Decisions Objective 3.2.1).

**1.10** I have attached the following documents to my evidence:

- (a) **Appendix 1: Revised Chapter 25;**

- (b) **Appendix 2:** Summary of Submissions and my Recommendations; and
- (c) **Appendix 3:** Summary of Submissions transferred from State 1 Jacks Point Zone;
- (d) **Appendix 4:** Section 32 Report.

## **2. SCOPE**

**2.1** My evidence addresses the submissions and further submissions on the Chapter 25 Earthworks.

**2.2** I have grouped my analysis of submissions around issues and provisions as follows:

- (a) Issue 1: General submissions;
- (b) Issue 2: Functions of Council to manage earthworks;
- (c) Issue 3: Exemptions from earthworks rules;
- (d) Issue 4: Objective 25.2.1 and supporting polices;
- (e) Issue 5: Objective 25.2.2 and supporting policies;
- (f) Issue 6: Other provisions and general rules;
- (g) Issue 7: Volume thresholds;
- (h) Issue 8: Area thresholds;
- (i) Issue 9: Sediment discharge standards;
- (j) Issue 10: Dust and deposition standards;
- (k) Issue 11: Other standards; and
- (l) Issue 12: Non-notification;
- (m) Issue 13: Matters of discretion and assessment matters;
- (n) Issue 14: Accidental discovery protocol;
- (o) Issue 15: Miscellaneous (including definitions); and
- (p) Issue 16: Jacks Point Zone submissions transferred from Stage 1 of the PDP.

## **3. EXECUTIVE SUMMARY**

**3.1** Chapter 25 is largely based on the ODP earthworks provisions which were notified in July 2014 and made operative in April 2016. However, there are some key changes in Chapter 25 both in terms of the overall approach, and the wording and effect of certain provisions. Most

notable of which is the introduction of earthworks area thresholds and some refinement to certain earthworks standards and exemptions.

**3.2** Having considered submissions, the key documents referred to above, and the evidence of Mr Sunich, I recommend that the general approach of Chapter 25 is largely retained as notified.

**3.3** However, I do recommend a number of amendments to Chapter 25 which are summarised below:

- (a) Amending the objectives to improve plan clarity by ensuring each objective has a distinct focus:
  - (i) Minimising the adverse effects of earthworks on the environment and protecting people and communities from earthworks; and
  - (ii) Enabling earthworks to provide social, cultural and economic benefits to people and communities.
- (b) Amending Policy 25.2.1.2 to better reflect the direction in Objective 25.2.1 and be more aligned with section 6 and 7 of the RMA;
- (c) Refining the exemptions for earthworks within the Ski Area Sub Zones so that this is not limited to Ski Area Activities;
- (d) Refining the exemptions for subdivisions involving earthworks so that all subdivisions are exempt from the volume, cut and fill standards in Chapter 25, and clarifying the relationship with Chapter 27;
- (e) Clarifying the application of the earthworks provisions to protect the values of cultural and heritage sites and improving the linkages to Chapter 26;
- (f) Improving the standards for erosion and sediment control measures, deposition of material on roads, and dust to make these more workable while still focused on achieving the same environmental outcomes;
- (g) Clarifying the requirements for earthworks to be setback water bodies and allowing for minor earthworks to occur within the setbacks consistent with the ODP approach; and
- (h) Refining and restructuring the other provisions, advice notes and general rules in 25.3 to improve plan clarity.

3.4 Overall, I consider that these recommended amendments will make the earthworks provisions more effective and efficient to achieve the outcomes sought from Chapter 25 and the Strategic Directions of the PDP.

## 4. STRATEGIC OVERVIEW

### Statutory background

4.1 The s32 Report provides an overview of the higher order planning documents that were considered when preparing the PDP Chapter 25 Earthworks (amended as per this section 42A report at **Appendix 1**). I also provide a more detailed overview of relevant legislation and statutory planning documents below.

#### *Resource Management Act 1991*

4.2 Section 5 sets out the purpose of the RMA. Section 5 provides direction to both enable earthworks to provide for the economic, social and cultural welling of people and communities while managing the adverse effects of earthworks on the environment.

4.3 Section 6 of the RMA sets out the matters of national importance under the RMA which must be recognised and provided for. I note that all these matters can be relevant to earthworks activities depending on the nature, scale and location of the works:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*

- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

**4.4** Section 7 of the RMA sets out the 'other matters' that particular regard shall be had to when preparing and making decisions on proposed district plans. The 'other matters' of particular relevance to earthworks include:

- (b) *the efficient use and development of natural and physical resources:*
- ...
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- ...
- (f) *maintenance and enhancement of the quality of the environment;*

**4.5** Section 8 of the RMA states that all persons exercising functions and powers under the RMA must take into account principles of the Treaty of Waitangi.

**4.6** Section 30 sets out the functions of territorial authorities under the RMA as follows (emphasis added):

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
  - (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve **integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:***
  - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
    - (i) ***the avoidance or mitigation of natural hazards;*** and
    - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
    - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
    - (iii) *the maintenance of indigenous biological diversity:*
  - (c) *[Repealed]*
  - (d) *the control of the emission of noise and the mitigation of the effects of noise:*
  - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
  - (f) *any other functions specified in this Act.*
- (2) *The methods used to carry out any functions under subsection (1) may include the **control of subdivision.***

- 4.7** The management of earthworks is a function of territorial authorities and regional councils under the RMA. The overlapping functions of Council and Otago Regional Council (**ORC**) in relation to earthworks is discussed further in my analysis of submissions on this issue (refer to Issue 2 below).

*National Policy Statement for Freshwater Management 2014 (NPSFM)*

- 4.8** The NPSFM provides objectives and policies relating to freshwater quality and quantity, including a National Objective Framework which regional councils must follow to set freshwater objectives and limits for Freshwater Management Units within their region.
- 4.9** The NPSFM is directed at regional councils and does not require provisions to be included in district plans to give effect to it. However, the RMA requires district plans to give effect to national policy statements and the NPSFM is a relevant consideration when including earthworks provisions in a district plans, given the effects sedimentation from earthworks can have on waterbodies.

*National Policy Statement for Electricity Transmission 2008 (NPSET)*

- 4.10** The NPSET requires local authorities to provide for electricity transmission activities at the local level. The NPSET provides a regulatory framework, which works in tandem with the National Environmental Standards for Electricity Transmission Activities 2008 (**NESETA**).
- 4.11** The NPSET has a single objective which is:

*To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network.*

- 4.12** The NPSET is only applicable to the operation of the high voltage national grid as defined in the NPSET itself. The national grid is defined in that NPS as “*the assets used or owned by Transpower NZ Limited*”.
- 4.13** The rules relating to earthworks to provide for the National Grid and to protect the National Grid are located within Chapter 30: Energy and Utilities. The PDP Stage 2 Earthworks Chapter recognises this by cross-referencing to Chapter 30 - Energy and Utilities for earthworks associated with the National Grid. Chapter 30 includes more refined rules associated with providing for the National Grid and Chapter 25 is not intended to replicate or duplicate those rules.

*Operative Otago Regional Policy Statement*

- 4.14** Section 74 of the RMA requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The operative Otago Regional Policy Statement 1998 (**ORPS**) is the relevant regional policy statement to be given effect to by the PDP. I note however that this will soon be superseded by the Proposed Otago Regional Policy Statement 2015 (**PORPS**), which I discuss further below.
- 4.15** The ORPS identifies in Issue 5.3.3 (*Otago’s water resources may be adversely affected by land activities*) which recognises that land uses can adversely affect adjacent waterbodies through sedimentation and land runoff.
- 4.16** Policy 5.5.5(c) seeks to minimise the adverse effects of land use activities on the quality and quantity of Otago’s Water resource through:
- (c) Avoiding, remedying or mitigating the degradation of groundwater and surface water resources caused by the introduction of contaminants in the form of chemicals, nutrients and sediments resulting from land use activities.*
- 4.17** A range of methods are identified in the ORPS to manage the effects of earthworks and sedimentation from land use activities. However, it does not provide a distinct obligation for either regional or district plans to include provisions to manage earthworks. Method 5.6.21 is of

particular relevance in terms of managing erosion and sediment which is:

*Consider including provisions and conditions in district plans and on resource consents to avoid, remedy or mitigate soil degradation resulting from the subdivision use, development or protection of land.*

**4.18** Method 5.6.23 states

*Consider including provisions or conditions in district plans and on resource consents which seek to avoid, remedy or mitigate the adverse effects of land use activities on water resources.*

**4.19** These two methods give direction to territorial authorities to manage the effects of erosion and sedimentation arising from land use activities through plans and resource consents.

**4.20** In terms of managing the overall stability, landscape and amenity effects of earthworks, Objectives 5.4.1 to 5.4.3 (Land) of the ORPS are also relevant because they promote the sustainable management of Otago's land resource by:

- (a) Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources (5.4.1);
- (b) Meeting the present and reasonably foreseeable needs of Otago's people and communities (5.4.1);
- (c) Avoiding, remedying or mitigating degradation of Otago's natural and physical resources resulting from activities utilising the land resource (5.4.2); and
- (d) Protecting outstanding natural features and landscapes from inappropriate subdivision, use and development (5.4.3).

**4.21** The earthworks provisions in Chapter 25 are consistent with, and give effect to, the relevant ORPS provisions.

**4.22** I am also conscious that the ORPS predates all of the National Policy Statements potentially relevant to the PDP (refer paragraph 46(d) of Report 1), and that in July 2018 a number of consent orders were issued by the Environment Court in relation to the PORPS (discussed below). At the time of writing this report, I understand the Court has

three consent memoranda sitting with it, and one more is likely to be filed, and two decisions are to be issued

*Proposed Otago Regional Policy Statement*

- 4.23** Section 74(2) of the RMA states that when preparing a district plan, territorial authorities shall "have particular regard to" any proposed regional policy statement. The PORPS was notified for public submissions on 23 May 2015. Decisions on submissions were released on 1 October 2016. The majority of the provisions of the PRPS have been appealed, mediation has taken place, and the Court has recently finalised a number of consent orders, which have immediately updated the PORPS.
- 4.24** While, strictly speaking, limited weight can be given to the relevant objectives and policies in the PORPS that have not yet been made operative or operative in part, terms for settling the appeals on the PORPS have largely been resolved and the provisions are beyond the stage where they are likely to change. My analysis of the relevant parts of the PORPS takes into account the likelihood that the Panel will be making recommendations about decisions on submissions that must give effect to the PORPS (as opposed to "have regard to").
- 4.25** The PORPS is a more prescriptive document than the ORPS. The provisions in the PORPS are relevant in terms of the importance that they place on managing land use activities in a way that ensures the protection and maintenance of landscape, infrastructure, natural hazards and urban development. The following objectives and policies of the PRPS are particularly relevant to Chapter 25:
- (a) Objective 1.1 and related policies – these provide direction to enable the use and development of natural and physical resources to provide for the economic wellbeing of people and communities where the adverse effects on the environment can be managed.
  - (b) Objective 3.1 and related policies – these provide direction to recognise, maintain and enhance natural resources in the Otago region, including policies relating to waterbodies, soil erosion, indigenous biodiversity and landscapes.

- (c) Objective 3.2. and relates policies – these provide direction to identify, protect and enhance Otago’s significant and highly values resources, including outstanding natural landscapes and highly valued landscapes.

**4.26** Policy 3.1.7 (Soil Values) and Policy 3.1.8 (Soil Erosion) are to be given effect to by Method 4.1.4 (District and City Plans) as follows:

*‘...by including provisions to manage the discharge of dust, and silt and sediment associated with earthworks and land use’.*

**4.27** In my view, the PORPS places an obligation on territorial authorities to manage the potential effects of erosion and sedimentation from land use activities through district plans. I note that ORC currently do not have a dedicated regional earthworks or soil conservation plan and the methods of the PORPS indicate that it is intended that sediment associated with land use is to be managed primarily by district plans. In my opinion, Chapter 25 implements Method 4.1.4 of the PORPS and is considered to have sufficient regard to the PORPS in terms of section 74(2) of the RMA.

*The Otago Regional Plan: Water*

**4.28** The Otago Regional Plan: Water (**ORP:W**) contains the provisions that relate to the discharge of water containing contaminants (including sediments) to water. Of particular relevance is Rule 12.C.1.1 that permits the discharge of water or any contaminant to water, or onto or into land that may result in a contaminant entering water as a permitted activity providing a range of standards are met, including that the discharge does not result in:

- (a) *A conspicuous change in colour or visual clarity; or*
- (b) *A noticeable increase in local sedimentation in the receiving water.*

**4.29** The ORP:W includes Figure 5, which makes it clear that the point of measurement is where the sediment entrained water enters the water body and does not include a reasonable mixing component. Non-compliance with Rule 12.C.1.1 requires a discretionary consent

pursuant to Rule 12.C.3 and ORP:W also includes a prohibited activity rule for the discharge of sediment to water where no measures are taken to mitigate sediment runoff. The rules in the ORP:W are therefore more suited to activities where it is known before the activity is undertaken that compliance will not be achieved and resource consent is sought (e.g. works within or directly adjacent to a water body).

- 4.30** As the ORP:W does not control land use activities, and only focuses on the effects of discharges, there is less opportunity to proactively manage the potential adverse effects of sedimentation entering waterbodies from land disturbance activities. I note that approach taken by ORC to manage sedimentation from land use activities differs to the approach taken by other regional councils, which is discussed in more detail in Issue 2 below and in the s32 Report.

#### **Iwi management plans**

- 4.31** When preparing or changing a district plan, section 74(2A)(a) of the RMA states that any relevant planning document recognised by an iwi authority and lodged with the territorial authority must be taken into account to the extent that its contents have a bearing on the resource management issues of the District.

- 4.32** The following iwi management plans are relevant to Chapter 25:

*The Cry of the People, Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008*

- 4.33** Section 3.4 - Takitimu Me Ona Uri: High Country and Foothills contains the following policy that is relevant to earthworks:

#### *3.4.9 General Water Policy*

*Ngāi Tahu ki Murihiku recognise that the welfare of the people and the success of their activities within the environment depends on water being maintained in the best possible condition.*

- 4.34** Policies 1- 18 contain a range of policies that are relevant to Subdivision and Development cover iwi involvement in planning processes, interaction with developers and iwi, particularly where there

may be significant effects, long term planning and cumulative effects, and avoiding adverse effects on the natural environment..

Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)

**4.35** Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. This chapter includes a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments and issues, objectives and policies for all catchments across the Otago Region are included in Chapter 5 of the plan.

**4.1** Part 10.2.2 Wai Māori Issues in the Clutha/Mata-au Catchment, identifies sedimentation of waterways from urban development as issue of concern to Kāi Tahu. Part 10.2.3 – Policies 5 to 8 are within the heading '*sediment and siltation*' and are:

*5. To discourage activities that increases the silt loading in waterways or reaches of waterways.*

*6. To encourage the preparation of a sediment management strategy for the Clutha/Mata-au that describes patterns of deposition, movement, removal and flushing of sediment within the Catchment. Sediment must be managed on a Catchment basis and must be able to move through the system from the headwaters to replenish coastal habitats that are highly valued by Kā Papatipu Rūnaka. Ad-hoc proposals for sediment removal, gravel takes, engineering river reaches may not be supported if Kā Papatipu Rūnaka cannot see how they are part of a sediment management strategy.*

*7. To require Contact Energy and the Otago Regional Council to agree on flow levels at which the flushing of sediment is permitted in conjunction with Kā Papatipu Rūnaka.*

*8. To discourage any inappropriate flushing of sediment at times of low flow or where the impacts are not of a temporary nature.*

**4.2** Policy 5 is directly relevant to district plans and Chapter 25 plays an important role in terms of managing the generation of sediment and run-off from earthworks into waterbodies.

## **PDP Chapter 3 - Strategic Direction**

- 4.3** On 5 May 2018, Council released its decisions on submissions on Stage 1 of the PDP. The Stage 1 PDP includes a Strategic Directions chapter (Chapter 3) which sets out the overarching strategic direction for the District. The objectives and policies of Chapter 3 are further elaborated on in the remaining strategic chapters (Chapter 4 - Urban Development, Chapter 5 - Tangata Whenua, and Chapter 6 - Landscapes). All other chapters in the PDP must align with, and help implement, the Strategic Directions in Chapter 3.
- 4.4** I consider that the following objectives and policies in Chapter 3: Strategic Directions are particularly relevant to PDP Chapter 25:

### ***PDP Strategic Objectives***

*3.2.4 The distinctive natural environments and ecosystems of the District are protected. (addresses Issue 4).*

*3.2.4.1 Development and land uses that sustain or enhance the life supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity.*

*3.2.4.3 The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved or enhanced.*

*3.2.4.4 The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.*

*3.2.5 The retention of the District's distinctive landscapes. (addresses Issues 2 and 4).*

*3.2.5.1 The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.*

*3.2.6 The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety (addresses Issues 1 and 6).*

*3.2.7 The partnership between Council and Ngāi Tahu is nurtured. (addresses Issue 6).*

*3.2.7.1 Ngāi Tahu values, interests and customary resources, including taonga species and habitats, and wahi tupuna, are protected.*

### ***PDP Strategic Policies***

#### ***Natural Environment***

3.3.19 *Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity and natural character is maintained or enhanced.*

### **Rural Activities**

3.3.20 *Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with significant nature conservation values or degrade the existing character of rural landscapes.*

3.3.21 *Recognise that commercial recreation and tourism related activities seeking to locate within the Rural Zone may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.*

3.3.26 *That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District.*

### **Landscapes**

3.3.30 *Avoid adverse effects on the landscape and visual amenity values and natural character of the District's Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration.*

3.3.32 *Only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded.*

### **Cultural Environment**

3.3.33 *Avoid significant adverse effects on wāhi tūpuna within the District.*

3.3.34 *Avoid remedy or mitigate other adverse effects on wāhi tūpuna within the District.*

3.3.35 *Manage wāhi tūpuna within the District, including taonga species and habitats, in a culturally appropriate manner through early consultation and involvement of relevant iwi or hapū.*

## **Key changes in policy approach**

- 4.5** The earthworks provisions in Chapter 25 are largely consistent with the overall approach to manage earthworks in ODP Chapter 22 but there are some key changes both in terms of the overall approach and the wording of certain provisions. The key changes are as follows:

- (a) A substantial rationalisation in the number of objectives and policies;
- (b) Refining the exemptions from the earthworks rules for:
  - (i) Earthworks within the Ski Area Sub-Zones (**SASZ**); and
  - (ii) Earthworks associated with subdivisions;
- (c) Introduction of area threshold limits for bulk earthworks;
- (d) A new standard for deposition of earthwork material on roads;
- (e) Refinements to the following standards:
  - (i) Sediment control;
  - (ii) Dust control; and
  - (iii) Setbacks to boundaries;
- (f) Limiting the non-notification clause to non-compliance with the earthworks area thresholds; and
- (g) Introduction of an accidental discovery protocol and associated permitted activity standard.

## 5. OVERVIEW OF SUBMISSIONS AND APPROACH TO ANALYSIS

### Number of submissions received

**5.1** There were 891 submissions and further submissions received on the PDP Stage 2 that were categorised by Council as relating to the earthworks chapter. **Appendix 2** provides a summary of these submissions along with my recommendations in relation to the relief sought.

**5.2** Some submissions relate to more than one issue, and I address these where they are most relevant within this report.

### Approach to group and analyse submission

**5.3** Clause 10, Schedule 1 of the RMA makes it clear that there is no need for a decision to be made on each submission point and, for the purposes of decisions on submissions, submissions may be grouped according to issue or provision. I have therefore grouped the submissions according to the issues outlined in section 2 above.

**5.4** A number of submitters have used the same resource management professional or firm to file their submission, and the agent has generally requested the same or similar relief for a number of submissions. For efficiency, I have grouped these submissions together where appropriate. This includes:

- (a) Real Journeys Limited (2466), Cardrona Alpine Resort Limited (2492), Go Orange Limited (2581), Te Anau Developments Limited (2494) represented by Ben Farrell, John Edmonds and Associates Limited; and
- (b) Treble Cone Investment (2373), Darby Planning (2376), Lake Hayes Limited (2377), Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd (2381), Glendhu Bay Trustees Limited (2382), and Soho Ski Area Limited, Blackmans Creek No. 1 LP (2384), represented by Chris Ferguson, Boffa Miskell.

## **6. ISSUE 1: GENERAL SUBMISSIONS**

### **General submissions in support**

#### *Submissions*

- 6.1** Jonathan Holmes (2019.2) and Young Changemakers – Wakatipu Youth Trust Advisory Group (2495.2) support Chapter 25 as notified.
  
- 6.2** A number of submitters support the PDP Chapter 25 provisions in relation to the Wakatipu Basin Lifestyle Precinct (**Precinct**), Rural Residential Zone, and Rural Lifestyle Zone. This includes Lake Hayes Investments Limited (2291.8), M McGuinness (2292.7) and Jon Waterson (2308.1) Stoneridge Estate Limited (2314.11), R G Dayman (2315.11), Tui Trustees (2015) Limited (2316.11), G Wills and T Burdon (2320.1), Mandeville Trust / S Leck (2317.11), C Batchelor (2318.11), D D and J C Duncan (2319.11), R and M Donaldson (2229.19), and Waterfall Park Developments Limited (2389.11). These submitters support the earthworks provisions as they relate to these zones on the basis that the provisions adequately address the potential effects of earthworks.

- 6.3** Similarly, Boxer Hills Trust (2386.15, 2386.17) also supports the provisions of Chapter 25 in relation to the Precinct. However, they do oppose the proposed volume limits on earthworks within the Precinct (discussed under Issue 7 – Volume Thresholds).
- 6.4** Kawarau Jet Services Holdings Limited (2290.4) and ZJV (NZ) Limited (2485.11) support the earthworks provisions in Chapter 25 as they relate to Chapter 38 - Open Space and Recreation Zone. No reasons are provided.
- 6.5** Mount Cardrona Station Limited (2224.1) supports the exclusion of the Mount Cardrona Station Special Zone from Chapter 25. Mount Cardrona Station Limited considers the earthworks provisions will achieve the purpose and principles of the RMA.
- 6.6** ORC (2497.3) requests Chapter 25 is amended to recognise and give effect to the relevant objectives of the PORPS and their respective policy suites, specifically Objective 3.1 and 3.2. ORC notes that the PORPS sets the direction for future management of Otago's natural and physical resources and provides the foundation for the development of regional and district plans, which must give effect to the PORPS. ORC does not provide any indication of where changes may be needed to PDP Chapter 25 to better give effect to the PORPS.

#### *Analysis*

- 6.7** The majority of the general submissions support the PDP earthworks provisions either generally or as they relate to certain zones. I therefore recommend these submissions are accepted to the extent they support my recommended amendments in this report.
- 6.8** In my statutory assessment set out in section 4 above, I summarise the provisions in the PORPS that I consider to be particularly relevant to Chapter 25. This includes PORPS Objective 3.1 and 3.2 and a number of supporting policies under these objectives.
- 6.9** I have also recommended a number of amendments to Chapter 25 that I consider will give better effect to the PORPS. In particular, I have recommended changes to improve the workability and certainty of

standards relating to sediment run-off and associated effects on waterbodies, which are relevant to Objective 3.1 and 3.2 of the PORPS. I also note that the PORPS is not yet operative and the PDP is required to “have regard to” proposed regional policy statements under section 74(2) of the RMA rather than “give effect to” it. Accordingly, I do not consider that any additional amendments are required to respond to the submission of ORC and I recommend this submission is accepted in part.

## **General submissions in opposition**

### *Submissions*

**6.10** Millennium and Copthorne Hotels New Zealand Limited (2448.2), RLC Henley Downs Limited (2465.2), Greenwood Group Limited (2552.2), Jade Lake Queenstown Limited (2560.3) and Glentui Heights Limited (2549.2) oppose Chapter 25. The submitters request that the ODP earthworks provisions are retained, except for any provisions within Chapter 25 that would remove unnecessary requirements for resource consent. The submitters note that the ODP earthworks provisions were recently made operative by Plan Change 49 and consider that these provisions are operating efficiently and effectively. As such, the submitters consider there is no good reason to modify them.

**6.11** The submitters are also concerned about certain new and amended rules in the PDP, including:

- (a) Rules restricting movement of sediment beyond the site that are impossible to comply with (Standard 25.5.12);
- (b) Increased uncertainty as a result of removing the non-notification clauses for most earthworks activities (25.6);
- (c) Reduction of earthworks volume thresholds and introduction of earthworks area thresholds (Rule 25.5.11); and
- (d) New rules applying to roads.

### *Analysis*

**6.12** The rationale for the changes to the earthworks provisions in the PDP are set out in the s32 report and explained further in this report in relation to specific provisions. These changes are ultimately aimed at improving earthworks management practices in the District and

associated environmental outcomes, while ensuring earthworks are generally able to be undertaken effectively and efficiently.

- 6.13** As part of the process to review the ODP provisions and refine the earthworks thresholds, a review of earthwork management practices in the District was undertaken by Mr Sunich. He concluded from this assessment that erosion and sediment control practices did not meet best practice in their design, construction and maintenance, which he details further in his evidence. In my opinion, this demonstrates that the ODP provisions are not working as effectively as they could and a refined approach through Chapter 25 is warranted.
- 6.14** It is unclear from the submissions what earthworks rules in relation to roads they are referring to. However, I note that earthworks within roads do not have a maximum volume threshold in Table 25.2 and are also excluded from standards relating to the height of earthworks cut and fill.
- 6.15** Overall, I consider that the PDP earthworks provisions (with my recommended amendments as set out in **Appendix 1**) are more effective than the ODP provisions to appropriately manage and mitigate the adverse effects of earthworks while enabling a large proportion of earthworks activities to be undertaken as a permitted activity. Accordingly, I recommend the submissions above are accepted in part to the extent that my recommended amendments address some of their concerns (e.g. the ability to comply with Standard 25.5.12).

## **Cultural values**

### *Submissions*

- 6.16** The submission of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Te Rūnanga o Waihōpai, Te Rūnanga o Awarua and Te Rūnanga o Ōraka-Aparima (**Kāi Tahu**) recommends a number of amendments to the PDP to better provide for the cultural values, rights and interests of Kāi Tahu. The amendments to Chapter 25 sought by Kāi Tahu (2329.1, 2329.5) are as follows:

- (a) Introduction of objectives, policies and rules to address:
  - (i) Effects of landfills, cemeteries and crematoriums on tangata whenua values throughout the District; and
  - (ii) Effects of activities on the values of mapped wāhi tupuna. Kāi Tahu notes that development of objectives, policies and rules for wāhi tupuna areas is proposed as part of Stage 3 of PDP and this may affect Chapter 25 at that stage;
- (b) Threats to the values of mapped wāhi tupuna areas should be discretionary activities with notification to tangata whenua required;
- (c) Amendments to make Kāi Tahu values more visible throughout the PDP. References to Kāi Tahu values in the PDP policies lack detail and the linkages to the Tangata Whenua Chapter and mapped wāhi tupuna areas are lacking;
- (d) Amendments to consistently cross reference the Tangata Whenua Chapter and mapped wahi tupuna areas throughout the PDP chapters;
- (e) Specific reference to tangata whenua values as a matter of consideration to raise the visibility of tangata whenua values and ensure they are specifically addressed, pursuant to section 6(e) of the RMA; and
- (f) Include specific references to the wāhi tupuna mapped areas to alert applicants to these areas when undertaking earthworks, and ensure consultation with Kāi Tahu is undertaken.

**6.17** Kāi Tahu consider that these amendments will better incorporate the broader interests and aspirations of Kāi Tahu in the management of natural and physical resources in the District. Kāi Tahu also considers that the requested amendments will better achieve the purpose of the RMA, in particular section 6(e), 7(a) and 8.

*Analysis*

**6.18** I agree with Kāi Tahu that the PDP needs to provide for Kāi Tahu's cultural values and interests. Chapter 5 of the PDP specifically relates to Kāi Tahu's values and interests and the strategic directives in that

chapter need to be given effect to throughout the PDP chapters, including Chapter 25.

**6.19** I note that the requested amendments in clauses (a) – (e) above were made in relation to all Stage 2 PDP chapters rather than being specific to the earthworks chapter. Mr Barr has considered these requested amendments in his section 42A report for Chapter 24.<sup>1</sup> Mr Barr does not recommend any specific amendments on the basis that:

- (a) Chapter 24 includes provisions that directly relate to tangata whenua;
- (b) There are rules restricting the activities Kāi Tahu are concerned about (e.g. landfills); and
- (c) The mapping of wāhi tipuna and associated provisions will be advanced through a further stage of the PDP.

**6.20** I consider that similar reasoning applies here and note that Chapter 25 includes a number of provisions specifically related to cultural sites, including discretionary rules where earthworks may damage culturally significant sites and for earthworks to construct and operate a landfill. In my view, these provisions will help to ensure Kāi Tahu's values and interests are given appropriate consideration when earthworks may adversely affect these.

**6.21** However, I consider that improvements can be made to Chapter 25 to improve the linkages with Chapter 5 and 26 and provide greater consistency in the way sites of significance to Kāi Tahu are referred to, which directly responds to some of the concerns raised in Kāi Tahu's submission. To achieve this, I recommend that the following amendments are made to Chapter 25:

- (a) The purpose (section 25.1) recognises that earthworks have the potential to have adverse effects on cultural values alongside landscape and amenity values;
- (b) Policy 25.2.1.2.e is amended to refer to effects of Māori cultural sites, including wāhi tapu and wāhi tupuna rather than paraphrasing section 6(e) of the RMA; and
- (c) Policy 25.2.2.4 and Rule 25.4.5 is amended to include reference to wāhi tupuna.

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<sup>1</sup> At paragraphs 9.7-9.10.

**6.22** In my view, these amendments will address, or at least partially address, the relief sought by Kāi Tahu to better recognise wāhi tupuna areas and improve linkages in Chapter 25 to Chapters 5 and 26 and I recommend this submission is accepted in part. These amendments are shown in the Revised Chapter 25 in **Appendix 1**.

## **7. ISSUE 2: FUNCTIONS OF COUNCIL TO MANAGE EARTHWORKS**

### *Submissions*

**7.1** Real Journeys (2466.8), Te Anau Developments (2494.6), and Go Orange Limited (2581.8) consider that a number of the PDP earthworks standards overlap and do not integrate with the ORP:W. The submitters request that certain standards be deleted to avoid this overlap, including standards 25.5.12, 25.5.13, 25.5.14 and 25.5.20.

**7.2** For example, the submitters are concerned that Standard 25.5.20 (setbacks to waterbodies) does not take into account the need for them to undertake certain activities close to or within waterbodies (e.g. maintaining and repairing water defence structures) which they regularly need to do. The submitters consider that it would be unreasonable for Council to require resource consents for these activities when ORC has specific functions to manage activities within waterbodies and discharges to waterbodies. The submitters note that the ORP:W permits these activities (Section 13.5.1), which recognises that defences against water are important in the Otago region to mitigate flood and erosion hazards.

**7.3** Go Orange Limited also notes that they have existing regional consents to maintain the navigability and safety of the Shotover River bed, including diverting water and disturbing the bed. Go Orange Limited considers that it would be unreasonable and inefficient for Council to impose new rules and standards that may require resource consent for activities that are permitted or managed by ORC.

**7.4** A number of submitters have also raised general concerns with Council's role in relation to certain standards in Chapter 25, particularly those relating to sedimentation and the adverse effects of earthworks on waterbodies.

## *Analysis*

**7.5** The management of earthworks is an overlapping function between regional councils and territorial authorities under section 30 and 31 of the RMA. As noted in the statutory assessment in section 2 above, section 31(1)(b) of the RMA states that territorial authorities have functions for the:

*control of any actual or potential effects of the use, development, or protection of land including for the purpose of:*

- (i) avoidance or mitigation of natural hazards and*
- (iii) the maintenance of indigenous biological diversity.*

**7.6** Section 30 of the RMA states that regional councils have the function of controlling the use of land for the purpose of soil conservation (30(1)(c)(i)), the maintenance and enhancement of the quality of water in waterbodies and coastal water (30(1)(c)(ii)); and the maintenance and enhancement of ecosystems in water bodies and coastal water (30(1)(c)(iii)). Regional councils also have the function of controlling of the discharge of contaminants to land and water (30(1)(f)).

**7.7** I acknowledge that the primary function for managing effects on water quality lies with regional councils. However, in my experience, there is an unavoidable overlap in the management of earthworks and associated adverse effects between regional and district councils.

**7.8** Sediment entrained in stormwater runoff from an earthworks site can lead to a range of adverse effects including on roads, neighbouring properties, stormwater networks, ecosystems and downstream waterbodies. Often these effects occur in tandem – sediment discharged from a site can run across a road, affect the stormwater drainage system, and ultimately discharge to a water body. Erosion and sediment controls aimed at retaining sediment on a site during and following earthworks inevitably also result in a range of benefits, including amenity and downstream water quality. As such, there is no ‘hard and fast’ demarcation of the adverse effects from earthworks and associated management responsibilities for the use and development of land.

**7.9** The District includes a range of lakes and rivers that are highly valued natural resources with typically very high amenity. The high value of these resources to the District is clearly articulated in the PDP Strategic Directions Chapter, which Chapter 25 must implement. In my opinion, managing the potential for significant and unacceptable adverse effects from earthworks on these highly valued resources requires a comprehensive management approach from both ORC and the Council.

**7.10** The rationale for the provisions in Chapter 25 to manage the effects of erosion and sedimentation from earthworks is well articulated in the s32 report, and I support that analysis. The key reasons are as follows:

- (a) The ORP:W does not manage land use activities for soil conservation or water quality purposes, but instead manages the *'discharge of sediment from disturbed land'*. This contrasts to the approach taken by other regional councils in New Zealand who manage large scale earthworks activities to address soil conservation and water quality effects.
- (b) The controls in the ORP:W are focused on the point at which sediment enters water rather than the land disturbance activity itself. This provides limited opportunity to proactively manage the potential adverse effects of sediment entering waterbodies from land use activities.
- (c) As set out in my statutory assessment in section 2 above, the PORPS includes Method 4.1.4 that provides direction for district plans to *"include provisions to manage the discharge of dust, and silt and sediment associated with earthworks and land use"*. In my opinion, this places an obligation on Council to include provisions in the PDP to manage sediment related adverse effects from earthworks.
- (d) Council has obligations under section 31 to manage the effects of land use and development of which earthworks are often an integral part. As I have discussed above, there are multiple effects of sediment from earthwork sites, including on water bodies, and these are the consequence of land use and development, which Council has a responsibility to manage.

**7.11** I also note that Standard 25.5.12 relating to erosion and sediment control during earthworks is based on a similar provision in the ODP and is consistent with the approach adopted in many other district plans. This is also demonstrated by the review of approaches to manage earthworks in regional and district plans in the section 32 report (**Appendix 3**).

**7.12** For these reasons, I do not agree with the requests by Real Journeys, Te Anau Developments, and Go Orange Limited to delete standards 25.5.12, 25.5.13, 25.5.14 and 25.5.20 on the basis that these duplicate and conflict with ORC's functions and recommend these submissions are rejected. I also apply similar reasoning in my analysis of specific submissions on these standards below. However, I note that I have recommended amendments to these standards to make them more workable and achievable, which may address the relief sought by the submitters to some extent.

## **8. ISSUE 3: EXEMPTIONS TO EARTHWORKS RULES**

### **Ski Area Sub-Zones**

#### *Background*

**8.1** The ODP includes a blanket permitted activity rule where all earthworks in the SASZs are exempt from the ODP earthworks rules (Rule 23.3.2.1). For context, I note that Plan Change 49, as notified, included limitations on the exemptions for earthworks within the Ski Field Sub Zones (the equivalent ODP zone).<sup>2</sup> However, the hearing commissioner reinstated blanket exemptions on the basis that substantial earthworks are required within the Ski Field Sub Zones, and the (then) ODP exempts all earthworks within the Ski Field Sub Zones from the earthworks rules.<sup>3</sup>

**8.2** Rule 25.3.4.2, as notified, exempts earthworks for Ski Field Activities within the SASZs from the majority of the earthworks rules with the exception of five standards relating to sedimentation, deposition of materials on roads, dust and waterbodies (setbacks and disturbance).

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<sup>2</sup> Under proposed Rule 23.3.2.1(c), the exemptions were limited to the standards for earthworks volume; and earthworks associated with a Conservation Management Plan or concession approved by DOC.

<sup>3</sup> Section 8.6.5 of the Report and Recommendations of Independent Commission, Plan Change 49: Earthworks, Commissioner David Whiteny, 29 May 2015.

The s32 Report notes that the rationale for this approach is to permit earthworks for Ski Area Activities within the SASZs, “*except where there is potential for environmental effects on water bodies and roads*”.

### *Submissions*

- 8.3** Department of Conservation (**DOC**) (2242.15) supports Rule 25.3.4.2 and requests that it is retained. DOC considers that an exemption for earthworks rules within the SASZs is appropriate as these areas are also managed under a concessions regime under the Conservation Act 1987.
- 8.4** Treble Cone Investments Limited (2373.11), Soho Ski Area Limited and Blackmans Creek No.1 LP (2384.17), Darby Planning LP (2376.27) support Rule 25.3.4.2 in part, but request that it is amended so that the exemptions apply to all of the earthworks rules and standards in Chapter 25. The submitters consider that there is no need to make any significant changes to the ODP approach, which recognised the substantial earthworks required for ski operations and other recreational activities within the SASZs. The submitters also consider that the proposed changes are not adequately addressed in the s32 Report.
- 8.5** Treble Cone Investments Limited (2373.13, 2373.17, 2373.18, 2373.19, 2373.26), Soho Ski Area Limited and Blackmans Creek No.1 LP (2384.16, 2384.18, 2384.19, 2384.20, 2384.21) and Darby Planning LP (2376.35, 2376.40, 2376.41) request that, if the relief sought above to exempt the SASZs from all earthworks rules and standards is not adopted, earthworks within the SASZs are exempt from certain earthworks standards. This includes standards 25.5.11 (area thresholds) 25.5.12 (sedimentation), 25.5.18 (height of cut and fill and slope), and 25.5.20 and 25.5.21 (water bodies).
- 8.6** NZSki Limited (2454.6) note that, in contrast to the ODP, there is no specific objectives and policies for the Ski SASZs that inform Rule 25.3.4.2. NZSki Limited considers that there should be a new objective and supporting policies focused on enabling earthworks and commercial recreational activities in SASZs, consistent with the ODP. NZSki Limited also provided recommended wording for a new objective and two supporting policies to be inserted into the PDP.

- 8.7** NZSki Limited (2454.1, 2454.8) also requests that a total exemption from the earthworks rules and standards in PDP Chapter 25 apply to earthworks in the SASZs that are located on conservation land administered by DOC. Reasons given by NZSki Limited include:
- (a) Works within the bed of waterbodies that result in the release of sediment are appropriately controlled by ORC through the ORP:W (specifically permitted activity Rule 13.5.1.1 and discretionary activity Rule 13.5.3.1);
  - (b) Control of sediment is also controlled by the DOC via approval under the NZSki Limited's Lease or a concession issued under the Conservation Act 1987; and
  - (c) DOC and NZSki Limited have a jointly developed set of protocols for the rehabilitation of natural alpine environments following ski area development, which include the avoidance of sediment discharges to waterbodies and methodologies to achieve that outcome.
- 8.8** Given these existing processes and controls, NZSki Limited considers that it is inefficient and ineffective to have a third approval process through the PDP for earthworks in the SASZs.
- 8.9** NZSki Limited (2454.2, 2454.3, 2454.4, 2454.5) also requests that earthworks within the SASZs are exempt from certain standards, including 25.5.12, 25.5.13, 25.5.14, 25.5.20 and 25.5.21. The reasons given by NZSki Limited are consistent with that outlined above, namely that the discharge of sediment into waterbodies is already managed by ORC and DOC and it would be inefficient and ineffective to have third approval process under the PDP.
- 8.10** NZSki Limited also raise concerns that Rule 25.3.4.2 is limited to Ski Area Activities (which is defined in the PDP) despite the fact there was evidence provided during Plan Change 25 that the SASZs encompass a broader spectrum of tourism activities and year-round use. NZSki Limited notes this will inhibit the ability to undertake earthworks for other commercial recreation activities, such as mountain biking tracks or mountain carting tracks, which have similar environmental effects within the SASZ boundaries.

- 8.11** To address these concerns, NZSki Limited (2454.7) sets out some requested amendments to Rule 25.3.4.2 as follows:

*Earthworks for Ski Area Activities and Commercial Recreation Activities within the Ski Area Sub-Zones and vehicle testing facilities within the Wairau Ski Area Sub-Zone are exempt from the earthworks rules, with the exception of the following Standards ~~rules~~ that apply to any Ski Area Sub-Zone not administered by the Department of Conservation:*

- a) ~~Rules 25.5.12 to 25.5.14 that controls erosion and sediment entering waterbodies, deposition of material on Roads and dust;~~*
- b) Rule 25.5.20 setbacks from waterbodies; and*
- c) Rule 21.5.21 exposing ground water.”*

- 8.12** Real Journeys Limited (2466.17, 2466.154), Cardrona Alpine Resort Limited (2492.11, 2492.2), Te Anau Developments Limited (2494.15) and Go Orange Limited (2581.17) also oppose Rule 25.3.4.2 being limited to Ski Area Activities and request that that is amended to include other activities. In particular, the submitters consider that the exemption should apply to earthworks associated with the making of tracks for summer recreation, mountain biking, accommodation, private roads and parking areas in SASZs. Reasons given by the submitters include:

- (a) It is inefficient to impose resource consent requirements on Ski Area operators as the development and maintenance of a terrain park/mountain biking park is constantly evolving.
- (b) The ski fields are now a year-round visitor destination and ski field operators need to be able to undertake earthworks throughout the year.
- (c) The volume of earthworks required for the development and maintenance of the ski fields can be significant (over 100,000m<sup>3</sup> per year) and therefore requires a permissive framework for earthworks.
- (d) It is important to enable the development of ski areas and earthworks are an integral and essential aspect of the construction, operation, and maintenance of these areas. The ODP approach better recognises the contribution of these areas to the social and economic well-being of the community.

**8.13** Real Journeys Limited (2466.153) request that all earthworks within the SASZs, including the making of tracks for summer recreation activities, are exempt from the earthworks rules and the need for resource consent. Real Journeys Limited considers:

- (a) There is a lack of justification for requiring resource consent within the SASZs, including near waterbodies, and there is no evidence that there are water quality issues within these areas.
- (b) The establishment and expansion of walking and cycling trails are an important recreational asset in the district and the PDP should facilitate the ability for trails to be used, maintained, upgraded and extended in all zones without much regulatory burden.

*Analysis*

**8.14** There is no dispute that the Ski Fields make a substantial contribution to the social and economic well-being of the District, and that earthworks are a necessary part of the ongoing operation and future development of these areas. I therefore consider that it is appropriate for the PDP to enable development and a range of activities within SASZs. I note this approach was generally endorsed by the Hearing Panel in the decisions on Chapter 21 (report 4A and 15) in recognition of the importance of Ski Fields to the District's economy<sup>4</sup>.

**8.15** In relation to earthworks, an enabling approach is achieved through exempting earthworks associated with Ski Area Activities from the majority of the rules and standards in PDP Chapter 25. However, I see no compelling reason why earthworks within the SASZs should be exempt from standards that are designed to manage and minimise the adverse effects of earthworks that may extend beyond the sub-zones or to sensitive areas within the sub-zones, including on riparian margins and water bodies. In my opinion, these standards should generally apply equally throughout the District regardless of the zone or the activity undertaking the earthworks.

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<sup>4</sup> For example, in paragraph 17 and 18 of Decision Report 15, the Hearing Panel provides an overview of the SASZs noting that these provide an alternative regulatory framework for activities that are recognised as being important to the social, economic and cultural well-being of the District. This generally allows Ski Area Activities to occur within the SASZ in a less restrictive consenting framework than that applying to the underlying Rural Zone.

**8.16** In my opinion, Chapter 25 provides considerable flexibility to Ski Field operators to undertake earthworks by exempting them from maximum volume, area and cut and fill thresholds. This recognises that the volume of earthworks required for the development and maintenance of the Ski Fields can be significant but that adverse effects can largely be internalised within these areas. In my opinion, this provides an appropriate balance to enable the development and operation of the Ski Fields while ensuring there are adequate controls in place to manage potential adverse effects of earthworks and adverse effects on receiving environments.

**8.17** I also note the purpose of the SASZs is as follows (emphasis added):

*“Ski Area Sub-Zones are located within the Rural Zone. These Sub-Zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area Sub-Zones is to enable the continued development of Ski Areas as year round destinations for ski area, tourism and recreational activities within the identified Sub-Zones **where the effects of the development are cumulatively minor.**”<sup>5</sup>*

**8.18** In my view, there is a risk that continuing to exempt all earthworks within the SASZs from all the earthworks rules and standards in the PDP may result in adverse effects that are cumulatively more than minor within these Sub-Zones and/or extend beyond the boundary of these areas.

**8.19** The fact that these areas are now year-round operations and visitor destinations is particularly relevant in this context.

**8.20** I also consider that the ‘legacy approach’ under the ODP to exempt all earthworks within the SASZs does not justify this approach continuing to be adopted under the PDP. There is clearly increasing development within the District and greater pressures on its natural resources that are valued for a range of reasons (tourism, recreation, ecological etc.). This places a greater importance on the need to manage actual and potential adverse effects of development, of which earthworks play an integral part.

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5 Chapter 21, section 21.1 of the PDP (decsions version),

**8.21** In terms of the overlap and potential duplication with requirements from ORC and DOC:

- (a) I address the overlap with ORC's regional council functions under Issue 2 above and consider the same rationale applies here.
- (b) The purpose of the PDP is to assist Council achieve its functions in relation to the RMA. The concessions process under the Conservation Act 1987 is a separate process with different requirements and considerations. While NZSki Limited may have agreed protocols with DOC that relate to sediment discharges, this does not mean that they should be exempt from the rules and standards under the PDP which are focused on achieving the purpose of the RMA. There is also no guarantee that these agreements will endure throughout the life of the PDP and be complied with in all situations.

**8.22** Accordingly, I recommend that the submissions requesting blanket exemptions to the earthworks rules in the SASZs are rejected and standards 25.5.12, 12.5.13 12.5.14, 25.5.20 and 25.5.21 remain as notified, i.e. they apply to earthworks within the SASZs as proposed.

**8.23** However, I agree with the submitters that the exemptions should not be limited to 'Ski Area Activities'. This term is defined in the Decisions Chapter 2 as:

*Means the use of natural and physical resources for the purpose of establishing, operating and maintaining the following activities and structures:*

- a. recreational activities either commercial or non-commercial;
- b. passenger lift systems;
- c. use of snow groomers, snowmobiles and 4WD vehicles for support or operational activities;
- d. activities ancillary to commercial recreational activities including avalanche safety, ski patrol, formation of snow trails and terrain;
- e. installation and operation of snow making infrastructure including reservoirs, pumps and snow makers; and
- f. in the Waiorau Snow Farm Ski Area Sub-Zone vehicle and product testing activities, being activities designed

*to test the safety, efficiency and durability of vehicles, their parts and accessories.*

**8.24** While this definition is broad and encompassing of the majority of activities that I expect would typically occur within the SASZs, I agree that it doesn't specifically include other activities that may occur in these areas throughout the year (e.g. earthworks associated with mountain bike track construction/maintenance, parking areas and accommodation).

**8.25** As noted by the submitters, the effects of earthworks associated with these activities are unlikely to be materially different than the listed Ski Area Activities (and generally of a smaller scale). As such, I see no reason why they should be treated differently in terms of the application of the PDP earthworks rules. Accordingly, I recommend that Rule 25.3.4.2 is amended to apply to earthworks from all activities within the SASZs consistent with the ODP. In making this recommendation I accept the submissions of NZSki Limited, Real Journeys Limited, Cardrona Alpine Resort Limited, Te Anau Developments Limited and Go Orange Limited seeking this relief.

**8.26** I consider that this is consistent with the changes in PDP Stage 1 decisions to change the purpose of the SASZs to be more focused on year-round tourism and recreational activities rather than 'traditional' winter ski activities, and to enable more activities within these areas (e.g. accommodation for workers and tourists). My recommended amendments to Rule 25.3.4.1 is as follows and included in **Appendix 1**:

*Earthworks ~~for Ski Area Activities~~ within the Ski Area Sub-Zones and vehicle testing facilities within the Wairau Ski Area Sub-Zone are exempt from the earthworks rules, with the exception of the following Rules.*

**8.27** In my opinion, amendment of the proposed Chapter 25 to include a specific set of objectives and policies for earthworks in the SASZs is not necessary or appropriate. The Chapter 25 objectives and policies apply across the District and are focused on managing adverse effects of earthworks regardless of the zone they are located while also provided for the benefits from earthworks. This is an appropriate approach in my view for a district-wide chapter. Accordingly, I

recommend the submission from NZSki Limited seeking a new objective and supporting policies for enabling earthworks in the SASZs is rejected.

## **Subdivision exemptions**

### *Background*

**8.28** Under the ODP, earthworks associated with a subdivision are a controlled activity under Rule 15.2.21 and are exempt from the earthworks rules (23.3.2.1(e)(i)). In contrast, the PDP exempts earthworks associated with controlled and restricted discretionary activity subdivisions from the earthworks standards relating to volume (25.2), cut (25.5.16) and fill (25.5.17).

**8.29** The s32 Report states that the rationale for this exemption is that the effects of earthworks from subdivision can be managed as part of the overall assessment of subdivision design and construction programme, and that an exceedance of earthworks volumes thresholds in Table 25.2 is often not relevant in the context of the overall subdivision activity. The s32 Report also states that the PDP recognises that there is no difference in environmental effects between subdivision earthworks and other earthworks when certain standards are not complied with (e.g. setbacks to boundaries and waterbodies).

### *Submissions*

**8.30** Streat Developments Limited (2311.12) requests that Rule 25.3.4.1 be amended to:

- (a) Apply to all subdivisions; and
- (b) Exempt subdivision earthworks from Standards 25.4.2, 25.5.11, 25.5.19, 25.5.20 and 25.5.21.

**8.31** Streat Developments Limited is concerned that Rule 25.3.4.1 introduces an unnecessary regulation for earthworks associated with subdivisions, which have previously been exempt from all of the earthworks rules.

**8.32** Treble Cone Investment (2373.1), Darby Planning (2376.26), Lake Hayes Limited (2377.27), Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd (2381.1), Glendhu Bay Trustees

Limited (2382.11), and Soho Ski Area Limited, Blackmans Creek No. 1 LP (2384.1) all support Rule 25.3.4.1 in part but request that the exemption applies to all subdivisions, not just those with a controlled or restricted discretionary activity status. The submitters also request amendments to clarify its intent noting that earthworks are not “subject to” subdivision consent. The submitters request that the wording of Rule 25.3.4.1 is amended so that “*earthworks associated with subdivision*” are exempt from the listed standard.

- 8.33** Paterson Pitts (2457.1) requests that Rule 25.3.4.1 is amended to clarify why earthworks associated with controlled and restricted discretionary subdivisions are exempt from the earthworks rules. Paterson Pitts considers that this rule (and the ODP approach) is unclear in terms of the reasoning and practical benefits from exempting subdivisions from the earthworks rules.
- 8.34** Paterson Pitts also considers that it is unclear why the earthworks standards should only apply to discretionary and non-complying subdivisions and what practical benefit this may have for the preparation and assessment of resource consent applications.
- 8.35** Darby Planning LP (2376.45) Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd (2381.28), Glendhu Bay Trustees Limited (2382.23) requests that Rule 27.3.2.1 (which was varied through Stage 2) be amended to expand the cross reference to Chapter 25 Earthworks. The submitters generally support the cross reference but consider that this needs to be clearer and follow the approach taken with Rule 25.3.4.1. The recommended amendments are as follows<sup>6</sup>:

*Earthworks undertaken for the development of land associated with any subdivision are subject to certain standards of the Earthworks Chapter, including shall be considered against the matters of control or discretion from that chapter of the District Wide Earthworks Chapter as part of any subdivision activity and in particular Rule 15.2.20. Refer to Rule 25.3.4.1 (Chapter 25).*

### Analysis

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<sup>6</sup> Note the submitters requested amendment are based on Stage 1 Chapter 27 not the Stage 2 Variation.

- 8.36** In my view, the relationship between Chapter 27 Subdivision and Chapter 25 is unclear. While this has not attracted a high level of interest in submissions, in my view, there would be benefit in clarifying the application of Rule 25.3.4.1 and the general relationship between these two chapters.
- 8.37** The only reference to the earthworks rules in Chapter 27 (27.3.2.1), as notified in Stage 1, stated that earthworks associated with subdivisions shall not require a separate earthworks resource consent, but subdivisions applications should be considered against the matters of discretion in the earthworks chapter. This is not a typical approach from my experience and does not help to provide good ‘line of sight’ between the relevant objectives, policies, matters of discretion and rules. As a result, this approach may, in my opinion, lead to inconsistent and poor consenting outcomes.
- 8.38** The variation to Chapter 27 as part of PDP Chapter 25 through Stage 2 amends 27.3.2.1 as follows:

**27.3.2** ***Earthworks associated with subdivision***  
**27.3.2.1** *Refer to Earthworks Chapter 25, Rule 25.3.4.1. Earthworks undertaken for the development of land associated with any subdivision shall not require a separate resource consent under the rules of the District Wide Earthworks Chapter, but shall be considered against the matters of control or discretion of the District Wide Earthworks Chapter as part of any subdivision activity.*

- 8.39** I note that in the decision on Chapter 27 Subdivision<sup>7</sup>, the Hearing Panel commented that notified Section 27.3.2.1 raises a number of difficult issues and that they expect the Stage 2 variations will address this. In my view, the variation to 27.3.2.1 provides limited benefit in clarifying the relationship between these two chapters and responding to the Panel’s concerns.
- 8.40** There also seems to be limited benefit in exempting subdivisions from certain earthworks standards, when the subdivision application must be assessed against the matters of discretion in the earthworks chapter (Rule 25.3.4.1). While this may avoid the need to obtain a separate earthworks land use and subdivision consents, the same matters

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<sup>7</sup> Paragraphs 645 and 646.

would need to be assessed and managed and the activity status would generally be the same (or more stringent for subdivisions). The exception is where the subdivision is a controlled activity, which is generally subdivisions associated with a structure plan.

**8.41** I also note other Council require separate subdivision and earthworks consents during the various stages of development to ensure all adverse effects are adequately considered and managed. As noted in the evidence of Mr Sunich, established good practice throughout New Zealand is to have a standalone set of earthwork rules to manage such activities through separate consent processes. This approach recognises the unique set of effects from earthworks that need to be managed and that earthworks are an activity that can occur independently of other activities that may require resource consent (e.g. prior to lodging subdivision, land use or building consents). Correspondingly, when earthworks require consent, a robust set of objectives and policies need to be in place to ensure earthworks activities are managed to mitigate potential adverse effects.

**8.42** In my view, the PDP (and ODP) is not consistent in terms of its approach to managing (exempt) earthworks associated with subdivision. As noted earlier in this report, a recent observation of erosion and sediment control practices for a cross section of residential developments in the District undertaken by Mr Sunich. This found that current practice is limited, and below best practice adopted elsewhere in New Zealand<sup>8</sup>. This may partly be related to the ODP approach to exempt earthworks associated with subdivisions from the general earthworks rules and standards.

**8.43** I therefore agree with the general approach of the PDP to apply certain earthworks standards to subdivisions involving earthworks rather than exempt these completely. However, I also consider that it would be beneficial to take this a step further and apply all the earthworks standards in Chapter 25 to subdivisions consistent with approach taken elsewhere. I have considered whether the relief sought by Paterson Pitts provides adequate scope to make such a recommendation. My conclusion is that it does not. Paterson Pitts seeks clarification on the

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8 Threshold Report, 4Sight (2017).

rationale for the exemptions for subdivisions in Rule 25.3.4.1 but has not specifically requested these be removed. Therefore, I am not in a position to make such a recommendation, despite this being my preference.

**8.44** In terms of the submissions seeking that the exemptions apply to all subdivisions rather than controlled and restricted discretionary subdivisions, I note that Chapter 27 generally provides for subdivision as a restricted discretionary activity, although there are also controlled, discretionary and non-complying subdivision rules. As expected, controlled and restricted discretionary activity subdivisions are generally those contemplated within the zone whereas discretionary and non-complying subdivisions are generally subdivisions located in an area with certain values, that do not comply with the relevant conditions, and/or would result in an undesirable outcome (e.g. division of building platform).

**8.45** While the difference in activity status for subdivisions in Chapter 27 is logical and appropriate, there is no clear connection of the activity status of a subdivision to the earthworks standards for volume, cut and fill in Chapter 25. I see no reason certain categories of subdivisions should be exempt or subject to these standards when the effects of non-compliance will be the same or similar regardless of the activity status in Chapter 27. Accordingly, I recommend that the submissions above requesting that Rule 25.3.4.1 is amended to apply to all subdivisions are accepted.

**8.46** I also agree with the submitters that the wording of Rule 25.3.4.1 could be improved to clarify how the exemptions apply. I therefore recommend that Rule 25.3.4.1 is amended as follows:

*“Earthworks ~~associated with subject to resource consent applications for Controlled or Restricted Discretionary a~~Activity subdivisions ~~under Chapter 27 pursuant to section 11 of the Act~~ are exempt from the following Rules:*

**8.47** I also recommend that the relevant advice notes are amended to clarify the relationship between Chapters 25 and 27 of the PDP. These changes are shown in **Appendix 1**.

## **Exemptions – other**

### *Submissions*

- 8.48** Transpower New Zealand Limited support Rule 25.3.4.5(n)(i) as notified as it makes it clear that earthworks carried out under the National Environmental Standards for Electricity Transmission Activities 2008 do not need to comply with Chapter 25 rules.
- 8.49** Federated Farmers (2540.42) support Rule 25.3.4.4, which provides an exemption from the earthwork volume, cut and fill standards for the construction of a building or landscaping authorised by a resource consent within an approved building platform in the Rural Zone, Gibbston Character zone and RLZ.
- 8.50** Federated Farmers (2540.42) supports the exemptions in Rule 25.3.4.5 for farming activities noting that these activities have limited or no adverse effects on visual amenity or erosion but are necessary and common farming practices. The essential farming activities within Rule 25.3.4.5 noted by Federated Farmers include earthworks for offal pits, fence posts, bores, riparian planting, maintenance of existing tracks, firebreaks, and cultivation and cropping, and also fencing in the Rural and RLZ areas (when the conditions are met).
- 8.51** Queenstown Lakes District Council (2239.6, 2239.7) requests that the PDP provide rules for earthworks within or adjacent to water to:
- (a) Permit/exempt minor dredging or excavation around Council docking facilities. Queenstown Lakes District Council considers that these activities should be able to be undertaken to prevent damage to vessels and propellers without the need to obtain a resource consent; and
  - (b) Facilitate dredging or excavation around Council docking facilities. Council considers more flexibility is required to enhance and maintain public boat launching facilities.
- 8.52** Queenstown Park Limited (2462.6) and Remarkables Park Limited (2468.9) request that the ODP earthworks provisions are retained. If

this recommendation is not adopted, the submitters request the following amendments:

- (a) Rule 25.3.4.5 be amended to exempt earthworks for creation of vehicles accesses and tracks, rather limit this to the maintenance of tracks; and
- (b) The maintenance, improvement and creation of recreational trails be a permitted activity in all zones, including in the Rural Zone and within Outstanding Natural Landscapes.

**8.53** If these activities are not provided for as permitted activities, Queenstown Park Limited and Remarkables Park Limited request that they are provided for as controlled activities. No reasons are provided for the relief sought.

**8.54** Real Journeys Limited (2466.152) and Te Anau Development Limited (2494.149) considers that Chapter 25 should provide for earthworks associated with the construction of walking and cycle trails as a permitted activity in any zone. The submitters note that trails are an important recreational asset to the District and therefore the PDP should facilitate the ability for trails to be used, maintained, upgraded and extended in all zones without much regulatory burden.

**8.55** Real Journeys Limited (2466.18), Cardrona Alpine Resort Limited (2492.12), Te Anau Developments Limited (2494.16) and Go Orange Limited (2581.18)) request that Rule 25.3.4.5(f) is amended to apply to planting generally rather than only exempting earthworks associated with the planting of riparian vegetation.

**8.56** Real Journeys Limited (2466.19), Cardrona Alpine Resort Limited (2492.13), Te Anau Developments Limited (2494.17), Go Orange Limited (2581.19) and Queenstown Trails Trust (2575.7)) consider that the construction and maintenance of a road within the legal road should be exempt from the earthworks rules.

**8.57** Te Anau Developments (2494.7) request that earthworks undertaken in relation to day to day farming activities in the Rural Zone be permitted activities. Te Anau Developments considers that it is appropriate for day-to-day farming activities to be undertaken without

the need for resource consent and it would be highly inefficient for any small farming operation or rural land to be subject to a resource consent process. The submitter does not indicate the amendments required to provide for the relief sought.

**8.58** Z Energy Limited, BP Oil New Zealand Limited and Mobile Oil New Zealand Limited (2484.4) supports General Rule 25.3.4.5(n) and requests this is retained without modification. Reasons for that supported are as follows:

- (a) The rule excludes works that require an assessment against the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012 (NESCS) from the PDP (in particular Table 21.1 to 25.3). As such the rule is consistent with Advice Note 25.3.3.8 and the '*Users' Guide – National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health*' (2012); and
- (b) The guideline requirements for soil disturbance activities on a HAIL site (even for permitted activities) are considered to adequately address any potential adverse effects from earthworks in these sites.

#### *Analysis*

**8.59** There were both submissions in support and opposition on the exemptions in General Rules 25.3.4 and mainly focused on the exemptions for farming activities, and the construction of access and recreational trails. I recommend that the submissions supporting Rule 25.3.4.4 and 25.3.4.5 are accepted.

**8.60** In terms of the exemptions for farming activities, I note that a range of smaller scale farming activities are exempt from the earthworks rules under Rule 25.3.4.5, and that these exemptions are supported by Federated Farmers. I also note that the volume thresholds for earthworks in the Rural Zone are set at a level that would enable day-to-day forestry activities to generally be undertaken without the need to obtain resource consent. In my opinion, the PDP already includes adequate provisions to enable most farming activities to be undertaken

as permitted activities and no changes are required in response to the submission of Te Anau Development.

**8.61** In terms of the exemptions for earthworks associated with the construction of accessways and recreational tracks, this is provided for by Rule 25.3.4.5.h. It exempts earthworks for “*maintenance of existing and in service vehicle accesses and tracks, excludes their expansion*”. I note that this is largely consistent with the corresponding rule in the ODP (22.3.2.1(b)(i)) which exempts earthworks associated with the **maintenance** of farm track access, fencing, fire breaks, and public recreational tracks.

**8.62** I do not consider that the construction of new accessways and tracks should be exempt from the earthworks rules regardless of whether the purpose is recreational or vehicle access. Earthworks associated with the construction of new accessways and tracks can have a number of short term and permanent adverse effects, particularly if there are no controls on the volume and location of these works. Therefore, I consider that exemptions in the PDP should continue to be the maintenance of existing accessways and tracks consistent with the ODP. I note that this does not prevent the construction of new accessways and trails from being undertaken as a permitted activity, it simply ensures that these works are subject to relevant standards designed at avoiding and minimising the adverse effects of earthworks.

**8.63** However, I do consider that there would be benefit in clarifying that Rule 25.3.4.5.h. also applies to recreational trails (e.g. for cycling and walking) as the current wording could be interpreted as being limited to accesses and tracks used by vehicles. My recommended amendment is as follows and is shown in **Appendix 1**:

*Maintenance of existing ~~and in service~~ vehicle ~~and recreational~~ accesses and tracks, excludes their expansion”*

**8.64** I consider that this responds to the submissions of Queenstown Park Limited, Remarkables Park Limited, Real Journeys Limited and Te Anau Development Limited relating to recreational trails at least in part by making in clear maintenance of these tracks is exempt from the earthworks rules and standards.

**8.65** In terms of the submission of the Council, it is unclear what types of works it seeks to be exempt from the earthworks rules and the potential adverse effects of such works. It also appears that the activities that are referred to are not earthworks per se, but relate to the dredging the bed of the lake, which is a section 13 RMA matter. Consequently, I do not consider that there is any scope or benefit in recommending these activities are exempt from the earthworks rules and standards in the PDP.

**8.66** Real Journeys Limited, Cardrona Alpine Resort Limited, Te Anau Developments Limited and Go Orange Limited do not provide any clear reasons why earthworks associated with all forms of planting and the construction of roads should be exempt from the earthworks rules. Therefore, I do not consider that there is policy justification for recommending that these activities be exempt from the earthworks rules and standards either. Accordingly, I recommend these submissions are rejected. In making this recommendation, I also:

- (a) Consider that the focus on enabling the planting of riparian vegetation in Rule 25.3.4.5.f should be retained; and
- (b) Note that there are no volume limits on earthworks associated with the construction and maintenance of roads within the legal road (Standard 25.5.7.a) and roads are also exempt from the height of cut and fill standards (25.5.16 and 25.5.17). In my opinion, this provides an appropriate balance to ensure this work is enabled while still ensuring adverse effects are appropriately managed through the application of appropriate standards.

### **Forestry earthworks exemption in Ben-Lomond Sub-Zone**

#### *Submission*

**8.67** Skyline Enterprises Limited (2493.11) requests that earthworks for forestry activities are exempt from Rule 25.3.4.5. Reasons given include:

- (a) Earthworks for forestry are currently able to be approved via an Outline Plan under Designation #373 with no consent approvals required; and

(b) Under notified Rule 38.11.4 in Table 38.3 for the Ben Lomond Sub-Zone, forestry activities are a controlled activity with Council retaining control over earthworks. If earthworks that would be necessary to undertake forestry activities are a restricted discretionary activity under PDP Chapter 25, then this defeats the point of a controlled activity rule for the overall forestry activity.

**8.68** Skyline Enterprises Limited therefore considers that a controlled activity status for all elements of forestry, including earthworks, within the Ben Lomond Sub-Zone is a more effective and efficient framework to manage forestry in this area than that proposed in Chapter 25.

*Analysis*

**8.69** Skyline Enterprises notes that PDP Chapter 38 Open Space and Recreation as notified includes a controlled activity rule for “harvesting and management of existing forestry” and the matters of control include earthworks (and also soil erosion, sediment generation and run-off, and landscape rehabilitation).

**8.70** I note that rules relating to forestry activities in the PDP are now largely superseded by the National Environmental Standards for Plantation Forestry 2017 (**NES-PF**), which came into effect on 1 May 2018.<sup>9</sup> The definition of the NES-PF states it does not apply in urban areas and definition of urban areas in the NES-PF includes open-space zones that adjoin zones primarily zoned for residential, industrial or commercial activities. Therefore, the NES-PF does not apply to the Ben Lomond Sub Zone as this is an open space zone that adjoins residential and commercial zones.

**8.71** As stated previously in this report, it is recognised good practice to have a standalone set of earthwork provisions that recognises the unique set of effects that earthworks can generate that need to be managed. I also note that this approach is used in the NES-PF where earthworks are managed as a separate activity under the regulations within targeted permitted activity conditions, thresholds and matters of control and discretion. As such, I consider that earthworks within the

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9 Where plan rules may be more stringent.

Ben Lomond Sub-Zone, regardless of the purpose, should be subject to the earthworks rules in Chapter 25.

## **9. ISSUE 4: OBJECTIVE 25.2.1 AND RELATED POLICIES**

### **General submissions**

#### *Submissions*

- 9.1** Otago Fish and Game Council (2455.16) support the Objectives 25.2.1 and 25.2.2 and all supporting policies and request that these are retained. Fish and Game considers that the objectives and policies for earthworks provide an appropriate framework to protect environmental values, maintain landscape and visual amenity values, while also allowing for people and communities to benefit from earthworks. This submission point also applies to Issue 5: Objective 25.2.2 and Related Policies below.
- 9.2** Queenstown Airport Corporation (2618.2) supports the objectives and policies in Chapter 25 (specifically Objectives 25.2.1 and 25.2.2 and policies 25.2.1.1, 25.2.1.2, 25.2.2.1, 25.2.2.2 and 25.2.2.3) and request these are retained without further modification. This submission also applies to Issue 5: Objective 25.2.2 and Related Policies below. Reasons objectives and policies are supported include:
- (a) Earthworks are a necessary part of subdivision and development and support the social and economic wellbeing of the community. It is therefore appropriate to recognise these benefits in the PDP; and
  - (b) Poorly managed earthworks can give rise to a range of adverse effects, including potentially significant adverse effects for aircraft when approaching or departing Queenstown and Wanaka Airports. As such, the inclusion of provisions that consider the effects on earthworks on the operation and safety of Queenstown and Wanaka Airports is supported.
- 9.3** Heritage New Zealand (2446.7) supports the objectives and policies in Chapter 25 (specifically objectives 25.2.1 and 25.2.2 and policies 25.2.2.4 and 25.2.2.5) and requests that these be adopted. In particular, Heritage New Zealand considers that it is appropriate to

manage the adverse effects of earthworks on historic heritage values. Heritage New Zealand considers that the objectives and policies clearly set out the intent of the earthworks provisions to appropriately manage effects on historic heritage values. This submission also applies to Issue 6: Objective 25.2.2 and Related Policies below.

#### *Analysis*

- 9.4** These general submissions on the Chapter 25 objectives are all in support and recommend that these provisions are retained. Accordingly, I recommend these submissions are accepted.

### **Objective 25.2.1**

#### *Submissions*

- 9.5** Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (the Oil Companies) (2484.1), Paterson Pitts (Wanaka) (2457.3) and Federated Farmers (2540.34) support Objective 25.2.1 and request that it is retained. The submitters consider that it is appropriate for the objective to focus on minimising adverse effects of earthworks rather than avoiding adverse effects as this is not practicable in all instances. However, Paterson Pitts considers that there is a conflict between Objective 25.2.1 and standards 25.5.12 and 25.5.13, which require an avoidance approach to sediment and erosion effects. Paterson Pitts considers that these standards should be better aligned to implement Objective 25.2.1 and supporting policies (addressed below in relation to each standard).
- 9.6** The Remarkables Park Limited (2468.1, 2468.2) and Queenstown Park Limited (2462.1) submissions oppose the use of 'minimise' in Objective 25.2.1 and requests this is replaced with the words 'avoid, remedy and mitigate'. The submitters note that 'avoid, remedy and mitigate' is used in Policy 25.2.1.3 and that remediation and mitigation are well established techniques to effectively manage the adverse effects of earthworks.
- 9.7** DOC (2242.12) supports Objective 25.2.1 in part and requests the wording is amended to ensure adverse effects on outstanding natural features and landscapes and significant natural areas, wetlands and the margins or lakes and rivers are avoided, or otherwise remedied.

DOC considers that Objective 25.2.1 should seek to avoid adverse effects on significant values recognised under section 6 of the RMA.

- 9.8** Real Journeys Limited (2466.15), Cardrona Alpine Resort Limited (2492.9) Te Anau Developments Limited (2494.13) and Go Orange Limited (2581.15) requests that Objective 25.2.1 is amended to refer to “appropriately” maintains landscape and visual amenity values. No reasons are given for the relief sought.

#### *Analysis*

- 9.9** I agree with the submitters that the focus on Objective 25.2.1 to ‘minimise’ rather than ‘avoid’ adverse effects is appropriate given total avoidance of adverse effects is not always achievable for earthworks. I am also very mindful of the implications of using directive words such as ‘avoid’ in objectives and policies in light of *King Salmon*.<sup>10</sup>
- 9.10** In my opinion, the use of ‘minimise’ in Objective 25.2.1 is preferable to paraphrasing “avoid, remedy and mitigate” from the RMA as sought by Remarkables Park Limited and Queenstown Park Limited. It is the role of lower order planning document to give more direction to higher order requirements and planning documents. ‘Minimise’ has a plain meaning of to reduce (something, especially something undesirable) to the smallest possible amount or degree. It is widely used in a RMA context and I understand that the use of the term has not been subject to adverse comments from the Environment Court.
- 9.11** Minimising adverse effects in the context of Objective 25.2.1 may involve a range of actions to avoid, remedy or remediate adverse effects so that the residual adverse effects are the smallest extent practicable. In my opinion, this is an appropriate approach to ensure adverse effects are effectively managed while recognising that not all adverse effects from earthworks can be avoided in all instances.
- 9.12** For similar reasons, I recommend that the submission of DOC on Objective 25.2.1 is rejected. While I agree that the focus should be on avoiding adverse effects on significant values recognised under section 6 of the RMA, I have concerns with an absolute avoidance

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10 *Environmental Defence Soc. Inc. V The New Zealand King Salmon Co. Ltd* (SC 82/2013) [2014] NZSC 38).

objective in the context of the overall earthworks chapter. In my opinion, the focus on minimising adverse effects in Objective 25.2.1 supported by clear direction to protect certain values in Policy 25.2.1.2 is the most effective and efficient approach to recognise and provide for section 6 and 7 RMA matters. I have also recommended amendments to Policy 25.2.1.2 below which, in my view, better recognises and provides for the matters set out in sections 6 and 7 of the RMA.

- 9.13** I do not consider that Objective 25.2.1 should be amended to include the qualifier 'appropriately' maintain landscape and amenity values. In my opinion, this qualifier would water down the objective and be inconsistent with the directives in the RMA, the PORPS, and strategic directives in the PDP. Accordingly, I recommend that the submissions on Objective 25.2.1 by Real Journeys Limited, Cardrona Alpine Resort Limited, Te Anau Developments Limited, and Go Orange Limited are rejected.
- 9.14** Overall, I do not consider any amendments are required to Objective 25.2.1 in response to the submissions above. However, I do recommend amendments to Objective 25.2.1 in response to submissions on Objective 25.2.2, which is discussed below under Issue 5.

#### **Policy 25.2.1.1**

##### *Submissions*

- 9.15** DOC (2242.13) supports Policy 25.2.1.2 and requests it is retained as it will protect outstanding natural features and landscapes from adverse effects.
- 9.16** Real Journeys Limited (2466.54), Cardrona Alpine Resort Limited (2492.48), Te Anau Developments Limited (2494.52) and Go Orange Limited (2581.54) request Policy 25.2.1.2 is amended to ensure the matters are identified as 'values' and not 'resources' as this better reflects the list of matters in clause a. to g. of the policy.
- 9.17** A number of submitters request Policy 25.2.1.2 is amended to replace 'protect' with 'minimise' as they consider 'protect' is overly restrictive

and conflicts with Objective 25.2.1, which is focused on minimising adverse effects from earthworks. This includes Soho Ski Area Limited and Blackmans Creek No.1 LP (2384.4), Treble Cone Investments Limited (2373.4), Darby Pinning LP (2376.2), Lake Hayes Limited (2377.21), Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (2381.4) and Glendhu Bay Trustees Limited (2382.5). The submitters seek the following amendments to the start of Policy 25.2.12 to provide for the relief sought:

~~*Protect*~~ *Minimise* the adverse effects of earthworks on the following valued resources ~~including those that are identified in the District Plan from the inappropriate adverse effects of earthworks:~~

- 9.18** Similarly, Federated Farmers (2540.36) requests Policy 25.2.1.2 is amended to replace 'protect' with 'maintain or enhance'. Reasons given by Federated Farmers include:
- (a) The use of 'protect' gives the indication that any change is prohibited. Federated Farmers notes inclusion of the qualifier 'inappropriate' in Policy 25.2.1.2 mitigates the use of 'protect' to a degree. However, Federated Farmers consider the amended wording will better clarify the intent of the policy to maintain or enhance values, rather than 'protect' these.
  - (b) Rural areas (including rural landscapes) are working areas that are subject to change. Farming within these areas does not impact rural amenity values, rather commonly accepted that farming practices underpin rural amenity values. The current wording of the Policy 25.2.1.1 seems to deter use of land in Rural Landscape Area (and other identified amenity landscapes) from common farming practices which does not appear to be the intent of the PDP.
- 9.19** Paterson Pitts (2457.4) requests that Policy 25.2.1.2(b) is amended to delete reference to 'other identified amenity landscapes'. Paterson Pitts notes that Outstanding Natural Landscape, Outstanding Natural Feature, and Rural Landscape Character classifications are referred to in clause a. and b. of the policy. Therefore, it is unclear what these 'other identify amenity landscapes' are in the context of the overall policy. Paterson Pitts considers that this could create uncertainty for applicants.

- 9.20 ORC (2497.1) requests that the advice note within Policy 25.2.1.2.d. is amended to make it clear that any activity resulting in an exposure of an aquifer requires consent from ORC under the ORP:W.

*Analysis*

- 9.21 I agree with submitters that Policy 25.2.1.2 should be refined both to better reflect the direction in Objective 25.2.1 and better align with section 6 and 7 of the RMA. I also agree that the reference to clauses a. – g. as “valued resources” should be improved as the list comprises a range of valued areas, resources and actual values.
- 9.22 In my opinion, Policy 25.2.1.2 should focus on **avoiding inappropriate adverse effects** and **minimising other adverse effects** on the range of values set out in clauses a. to g. of the policy. I also consider that the introduction to each clause should be refined to be better aligned with section 6 and 7 of the RMA.
- 9.23 I agree with Paterson Pitts that the reference to ‘other identified amenity landscape’ could introduce some uncertainty in the application of the policy. As I understand it the PDP has identified Outstanding Natural Landscapes, Outstanding Natural Features, and Rural Landscape Character areas, which are mapped. In my opinion, Policy 25.2.1.2 should be focused on the protection, or maintenance and enhancement, of the values of these identified landscapes rather than indicate there are other landscapes in the District that require this level of management. I understand that the reference to ‘other identified amenity landscapes’ may be intended to provide for visual landscapes that may be identified in the future. However, if this is to occur, then I expect that such a mapping exercise and associated plan change would result in consequential amendment to PDP Chapter 25 at that point of time. Therefore, in the interest of plan clarity and certainty, I recommend that the reference to ‘other identified amenity landscapes’ in Policy 25.2.1.2.b is deleted. This is shown in below and in **Appendix 1**.
- 9.24 In response to the submission of ORC, I do not consider that the advice note under Policy 25.2.1.2.d needs to note that any activity resulting in

an exposure of an aquifer requires consent from ORC. This is implicit in the existing advice note and I have recommended amendments to section 25.3.2 (Advice Notes – Regional Council Provisions) to make it clear that resource consent is required from ORC when an aquifer is exposed.

**9.25** My recommended amendments to Policy 25.2.1.2 is set out below and shown in **Appendix 1**:

~~*Protect-Manage the adverse effects of earthworks to avoid the following valued resources including those that are identified in the District Plan from the inappropriate adverse effects and minimise other adverse effects of earthworks to:*~~

- a. Protect the values of outstanding Natural Features and Landscapes;
- b. Maintain and enhance the amenity values of Rural Character Landscapes ~~and other identified amenity landscapes~~;
- c. Protect the values of Significant Natural Areas and minimise adverse effects on the margins of lakes, rivers and wetlands;
- d. Minimise the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wanaka Basin and Cardrona alluvial ribbon aquifers;
- e. Protect Māori cultural values, including wāhi tapu and wāhi tupuna and other sites of significance to Māori; other taonga; the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;
- f. Protect the heritage values of heritage sites, precincts and landscape overlays; and
- g. Maintain and enhance public access to and along lakes and rivers.

**Policies 25.2.1.1, 25.2.1.3, 25.2.1.4 25.2.1.5**

*Submissions*

**9.26** Federated Farmers (2540.53) support Policy 25.2.1.1 and request it is adopted as proposed. Federated Farmers supports the practical focus

on minimising effects of earthworks during construction activities associated with subdivision and development.

- 9.27** Millbrook Country Club (2295.4) note that Policy 25.2.1.3 repeats the same issues addressed under Policy 25.2.1.2. No specific relief was identified in the submission although it can be assumed that Millbrook Country Club request that Policy 25.2.1.3 is deleted.
- 9.28** Federated Farmers (2540.37) opposes Policy 25.2.1.3 and requests that it is deleted. Reasons given include:
- (a) The proposed definition of earthworks captures commonplace and expected farming practices like the formation and maintenance of farm tracks. Requiring the avoidance, remedying or mitigating of adverse effects on ‘visually prominent slopes, natural landforms and ridgelines’ may significantly hinder farming as much of the farming in the District occurs on extensive farming operations with visually prominent slopes, natural landforms and ridgelines. These farming operations have a practical need to develop tracks and roads for access.
  - (b) The focus on avoiding, remedying or mitigating the visual amenity impacts of typical earthwork operations such as the construction of farm tracks should be limited only to specific areas, and only as a last resort.
- 9.29** Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (the Oil Companies) (2484.2) support Policy 25.2.1.4 insofar as the scale and extent of earthworks is managed in the district. The Oil Companies request that Policy 25.2.14 is retained without further modification.
- 9.30** Millbrook Country Club (2295.5) requests that Policy 25.2.1.5 is amended to provide clarity and not repeat assessment matters. Millbrook Country Club considers that a policy that requires earthworks be designed to recognise the constraints and opportunities of the site and environment has limited meaning. The support also considers that the intent of that policy for earthworks to be integrated with the

surrounding topography is adequately addressed by the Assessment Matters.

### *Analysis*

- 9.31** The submissions on Policy 25.2.1.1 and 25.2.1.4 were both in support respectively and I recommend these submissions are accepted.
- 9.32** In terms of the submissions on Policy 25.2.1.3, I note that this serves a different purpose to Policy 25.2.1.2 which is focused on areas and values recognised under section 6 and 7 of the RMA. Policy 25.2.1.3 recognises that earthworks will have greater adverse effects when these take place on visually prominent slopes, landforms and ridgelines and therefore earthworks should be avoided in these areas where practicable.
- 9.33** In my opinion, Policy 25.2.1.3 is not overly onerous as submitted by Federated Farmers. There is still the option to remedy or mitigate adverse effects when earthworks need to occur on these areas (i.e. reducing the extent of volume extracted/moved for an access track on prominent ridgeline). I also consider that it would be impractical (and very costly) to identify all visually prominent slopes, landforms and ridgelines in the District, as requested by Federated Farmers, with limited benefit in terms of environmental outcomes. Accordingly, I recommend no amendments to Policy 25.2.1.3 in response to the submissions of Federated Farmers and Millbrook Country Club.
- 9.34** I agree with Millbrook Country Club in part that Policy 25.2.1.5 is covered by Assessment Matters in 25.8 as these outline a number of potential constraints on earthworks sites that need to be considered and managed. It could also be argued that the constraints to earthworks (i.e. the values and effects that need to be managed) are adequately addressed by other policies. However, in my view, Policy 25.2.1.5 provides useful direction on the need to recognise both the constraints and opportunities of the site and surrounding environment when designing earthworks to achieve a good overall outcome, particularly for large-scale earthworks that are subject to a resource consent.

**9.35** I also anticipate that earthworks guidelines, which are proposed to be developed by Council, will provide more practical guidance as to how this can be achieved. Given Millbrook Country Club provides no indication of how this policy should be amended to provide greater clarity on the outcome sought, I recommend no changes to Policy 25.2.1.5.

## **10. ISSUE 5: OBJECTIVE 25.2.2 AND RELATED POLICIES**

### **Objective 25.2.2**

#### *Submissions*

**10.1** The New Zealand Transport Agency (2538.23) supports Objective 25.2.2 and its supporting policies (specifically policies 25.2.2.1a, 25.2.2.2 and 25.2.2.6). Reasons given include:

- (a) The objective recognises that earthworks can provide many benefits to communities, provided that the adverse effects of earthworks are managed;
- (b) Policy 25.2.1.1.a. recognises that earthworks are often required in the provision of Nationally and Regionally Significant Infrastructure;
- (c) It is important to ensure that earthworks do not compromise infrastructure or the stability of adjoining sites; and
- (d) Earthworks can generate significant traffic movements. It is therefore appropriate to ensure traffic movements associated with earthworks do not adversely affect the safety of the transport network.

**10.2** Federated Farmers (2540.38) supports Objective 25.2.2 in part and requests the wording is amended to provide for the 'appropriate management' rather than the 'protection' from adverse effects. Federated Farmers notes that adverse effects from earthworks may be minor or transient in nature. As such, Federated Farmers considers that the 'appropriate management of' (rather than 'protection from') the adverse effects from earthworks will better provide for the practical need for earthworks.

**10.3** A number of submitters request that Objective 25.2.2 is amended to remove the wording 'while being protected from adverse effects'. This

includes Waterfall Park Developments Limited (2388.2), Queenstown Trails Trust (2575.6), Remarkables Park Ltd (2468.4), Real Journeys Limited (2466.55), Cardrona Alpine Resort Limited (2492.49), Te Anau Developments Limited (2494.53), Queenstown Park Limited (2462.3) and Go Orange Limited (2581.55). Reasons given by the submitters include:

- (a) The objective is intended to recognise the benefits derived from earthworks rather than address the adverse effects of earthworks, which is the focus Objective 25.2.1; and
- (b) There is no need for the enabling intent of Objective 25.2.1 to be qualified by words '*while being protected from adverse effects*'. Objective 25.2.1 adequately captures the intent of the second part of Objective 25.2.2.

- 10.4** Ian Dee (2327.1) considers that Objective 25.2.2 should be strengthened to reduce the destruction of soil due to earthworks. Mr Dee considers that earthworks destroy soil structure and physical properties that have taken thousands of years to form. Mr Dee considers that this has had the effect of preventing grape vines (or anything else) to grow and has resulted in more houses being constructed in these areas where earthworks have occurred.

#### *Analysis*

- 10.5** Objective 25.2.2 is seeking to achieve two outcomes:
- (a) Ensure the economic, social and cultural benefits from earthworks to people and communities are recognised; and
  - (b) Ensure that people and communities are protected from the adverse effects of earthworks, specifically land stability, natural hazards, nuisance effects (noise, vibration, dust, traffic), and damage to cultural and archaeological sites.
- 10.6** However, it is apparent from submissions that the intent and focus of Objective 25.1.2 is not as clear to plan users as it could be. While I support the general rationalisation of earthworks objectives and policies in Chapter 25, in my opinion, it has also created some confusion and concern about the appropriate balance between enabling development and environmental considerations when considering applications for earthworks. It has also created some

confusion about where the supporting policies should sit (as discussed further below) and a degree of duplication in some of the considerations under each Objective. For example:

- (a) Effects on cultural and heritage sites are addressed in Policy 25.2.1.e, 25.2.1.f, 25.22.4 and 25.2.2.5; and
- (b) Effects on waterbodies are addressed in Policy 25.2.2.3 when, arguably, these considerations better sit under Objective 25.2.1.

**10.7** I therefore consider that there would be benefit in terms of plan clarity to move the direction in Objectives 25.2.2 to protect people and communities (and infrastructure) from the adverse effects of earthworks to Objective 25.2.1. Objective 25.2.2 would therefore be focused on enabling earthworks to provide social, cultural and economic benefits to people and communities. My recommended amendments to achieve this are as follows as are also set out in **Appendix 1:**

*25.2.1 Objective - Earthworks are undertaken in a manner that minimises adverse effects on the environment, protects people and communities, and maintains landscape and visual amenity values; and*

*25.2.2 Objective – The social, cultural and economic well-being of people and communities benefit from earthworks ~~while being protected from adverse effects of earthworks~~.*

**10.8** This amendment would logically result in policies 25.2.2.2 – 25.2.2.6 being moved under Objective 25.5.1 which I discuss further below.

**10.9** In my view, the recommended amendments above would assist in plan interpretation and implementation without changing the underlying intent and effect of the existing PDP earthworks objectives and policies. It will also address the relief sought by a number of submitters at least in part by ensuring Objective 25.2.2 is clearly focused on recognising the benefits of earthworks, and moving certain policies to sit under Objective 25.2.1.

**10.10** In terms of the submission of Mr Dee, I note that my recommended amendments above would mean that adverse effects of earthworks are managed under Objective 25.2.1 and related policies rather than

Objective 25.2.2. Mr Dee seems to be concerned about the impact of earthworks on soils and the fact that earthworks enable development to occur. I acknowledge that the purpose of earthworks is often to allow development to occur but consider that the Objective 25.2.1 and related policies provide sufficient direction on the adverse effects of earthworks that need to be managed. As such, I recommend no amendments in response to the submission and recommend it is accepted in part.

### **Policy 25.2.2.1**

#### *Submissions*

- 10.11** Paterson Pitts (2457.5) requests that Policy 25.2.2.1.b. be amended to correct the spelling of 'Waiorau'.
- 10.12** Millbrook Country Club (2295.7) requests that Policy 25.2.2.1.b. be amended to specifically refer to the Millbrook Resort Zone, or that golf tourism be included as an example of 'tourism infrastructure'. Millbrook Country Club notes that golf tourism and the Millbrook Resort have a significant role in attracting tourism to the District and that there has been significant long-term investments in the golf and associated resort development that are now an important element of the region's 'tourism infrastructure'. Millbrook Country Club considers any policy in the PDP relating to tourism infrastructure should recognise golf tourism as part of that.
- 10.13** Spark New Zealand Trading Limited (2195.8), DOC (2242.14), Transpower New Zealand Limited (2442.7), Vodafone New Zealand Limited (2478.8), Federated Farmers (2540.39) and Chorus (2194.8) support Policy 25.2.2.1 and request this is retained. Reasons given include:
- (a) The policy recognises the importance of Nationally and Regionally Significant Infrastructure, such as the National Grid, and also gives effect to the NPSET;
  - (b) It is appropriate to provide clear direction that earthworks are a necessary component of infrastructure;
  - (c) The policy will enable recreation and tourism development in SASZs;

- (d) The policy recognises the changing nature of farming and the important role of earthworks in enabling farmers to respond to pressures (e.g. greater efficiency, maintenance, improvements in track access and fencing); and
- (e) The use and enjoyment of public recreation walkways and tracks is provided for.

**10.14** Queenstown Park Limited (2462.5) supports the recognition of the need for operational efficiency of farming in Policy 25.2.2.1, but considers the policy should not be limited to farming. Queenstown Park Limited notes that operational efficiency is also important for other activities, such as tourism, recreation, commercial and visitor accommodation.

**10.15** A large number of submitters request that Policy 25.2.2.1 is amended to delete reference to being “subject to Objective 25.2.1” so that priority is not given to this objective. This includes Millbrook Country Club (2295.6), Waterfall Park Developments Limited (2388.3) Treble Cone Investments Ltd (2373.5), Darby Planning LP (2376.21), Lake Hayes Ltd (2377.22), Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd (2381.5), Glendhu Bay Trustees Ltd (2382.6), Ski Area Limited and Blackmans Creek No.1 LP (2384.28, 2384.5), Real Journeys Ltd (2466.56), Cardrona Alpine Resort Limited (2492.5), Queenstown Trails Trust (2575.19), Go Orange Limited (2581.56), Remarkables Park Limited (2468.5), Queenstown Park Limited (2462.4) and Te Anau Developments Limited (2494.54). Reasons given by the submitters include:

- (a) The policy gives effect to a higher-level objective (Objective 25.2.2) and should therefore derive its meaning from this immediately related objective rather than being subject to another objective;
- (b) This has the effect of undermining the recognition that earthworks can provide for the wellbeing of people and the community;
- (c) This undermines the appropriate balancing of considerations relating to earthworks and there should be a more balanced structure that provides for earthworks while minimising the adverse effects; and

- (d) The structure of the objectives and policies fail to sufficiently balance the social and economic benefits of enabling earthworks with the SASZs.

*Analysis*

- 10.16** I agree with submitters that the words “subject to Objective 25.2.1” should be removed from Policy 25.2.2.1. My understanding of the intent of the PDP and experience interpreting objectives and policies generally, is that relevant plan objective and policies are be read to together with the appropriate weighting given to each depending on the subject matter at hand and the level of direction given (i.e. more weight shall be given to more directive provisions).
- 10.17** As outlined above in my evidence, I have recommended amendments to the earthworks objectives to clearly separate out the enabling/positive effects aspects from the direction to minimise the adverse effects of earthworks. In my view, removing the words “subject to Objective 25.2.1” from Policy 25.2.2.1 would also help to ensure there is an appropriate balance between the policies under these two objectives. This does not imply that earthworks should be enabled in all circumstances. Rather there may be situations where earthworks are not enabled (i.e. declined) when the works will result in inappropriate adverse effects, in particular on the values identified under Policy 25.2.1.2.
- 10.18** In terms of the recognition of tourism infrastructure in Policy 25.2.2.1.b, I note that tourism or tourism infrastructure is not defined in the PDP. In my view, ‘tourism infrastructure’ is a relatively broad term and would encompass a range of infrastructure throughout the district, including golf courses, accommodation, recreational facilities etc. Although I acknowledge that the Ski Fields are specifically referred to in Policy 25.2.2.1.b, in my opinion, it is not necessary or beneficial to list other types of tourism infrastructure in the policy.
- 10.19** However, I do consider that the intent and application of Policy 25.2.2.1.b would be improved by referring to the importance of “tourism infrastructure and activities”. This recognises that earthworks are important for a number of tourism activities throughout the District, but

the earthworks may not necessarily be associated with tourism infrastructure as such (e.g. operational earthworks). I consider that will address the relief sought by Millbrook Country Club and Queenstown Park Limited at least in part by ensuring a wider range of tourism infrastructure and activities, including golf courses and accommodation, are specially recognised in Policy 25.2.2.1.b.

### **Policies 25.2.2.2 – 25.2.2.7**

#### *Submissions*

- 10.20** Transpower New Zealand Limited (2442.8) support Policy 25.2.2.2 and request this is retained as it aims to ensure that earthworks do not adversely affect infrastructure, including the National Grid, thereby giving effect to Policy 10 of the NPSET.
- 10.21** A number of submitters request policies 25.2.2.2, 25.2.2.3, 25.2.2.4, 25.2.2.5, 25.2.2.6 and 25.2.2.7 are relocated under Objective 25.2.1. This includes Cardrona Alpine Resort Limited (2492.115, 2492.116, 2492.117, 2492.118, 2492.119, 2492.120), Te Anau Developments Limited (2494.153, 2494.154, 2494.155, 2494.156, 2494.157, 2494.158) and Go Orange Limited (2581.153, 2581.154, 2581.155, 2581.156, 2581.157, 2581.158). The submitters consider the policies are more appropriately located under Objective 25.2.1.
- 10.22** Paterson Pitts (2457.6) supports Policy 25.2.2.3 and requests this is retained. However, Paterson Pitts notes that Policy 25.2.2.3 conflicts with Standards 25.5.12 and 25.2.13, which are focused on ‘avoiding’ sediment and erosion effects rather than minimising adverse effects.
- 10.23** Federated Farmers (2540.4) support Policy 25.2.2.7 and request that it is retained as notified. Federated Farmers supports that focus of the policy they support the focus on minimising natural hazard risk to people, communities and property.

#### *Analysis*

- 10.24** Most submissions are in support of policies 25.2.2.2 – 25.2.2.7 and generally seek for the policies to be retained. I recommend these submissions are accepted.

**10.25** In terms of the submissions requesting policies 25.2.2.2 - 25.2.2.7 are relocated under Objective 25.2.1, I have recommended amendments to the objectives to spit out the enabling and environmental considerations (see discussion above). If these amendments are accepted, then Policies 25.2.2.2 - 25.2.2.7 should logically be relocated under Objective 25.2.1 as a consequential amendment. These consequential amendments are shown in **Appendix 1**.

## **11. ISSUE 7: OTHER PROVISIONS AND RULES (25.3) – ACTIVITIES (25.4)**

### **General**

#### *Submissions*

**11.1** Chorus (2194.1), Spark New Zealand Trading Limited (2195.1) and Vodafone New Zealand Limited (2478.1) support Section 25.3 (Other Provisions and Rules) and request this is retained. Reasons given include:

- (a) The decisions on Chapter 30 in Stage 1 confirmed a permitted activity status for telecommunication facilities, which is considered to appropriately balance the benefits of network utilities and contribution they make to social and economic wellbeing, with management of adverse effects;
- (b) It is considered unnecessarily onerous for activities that are ancillary and necessary to the installation, maintenance and operation of telecommunication facilities to be caught by the earthworks rules in the PDP; and
- (c) The limits placed on earthworks, in particular maximum volumes, provide for an appropriate level of earthworks as a permitted activity, which allows for earthworks ancillary to telecommunications facilities to occur.

#### *Analysis*

**11.2** The submissions from Chorus, Spark New Zealand Trading Limited and Vodafone New Zealand Limited support Section 25.3 (Other Provisions and Rules) and I recommend these submissions are accepted.

### **Regional Council Provisions (25.3.2)**

### *Submissions*

- 11.3** ORC generally appreciates and supports the advice notes for regional council provisions. However, ORC (2497.2) requests that Advice Note 25.3.2.1 is amended to provide for a wider range of activities that are subject to the ORP:W. ORC's recommended wording for Advice Note 25.3.2.1 is as follows:

***Advice Note 25.3.2.1***

*Some land disturbance activities, including those that;*

- involve the diversion of water, including any earthworks structures used for flood hazard mitigation; or*
- discharge of stormwater with sediment; or*
- modification to water bodies including wetlands; or*
- results in the exposure of groundwater aquifers*

*are subject to the Otago Regional Council's Regional Plan: Water for Otago.*

- 11.4** ORC requests these amendments to recognise that earthworks can involve creating structures, including for the purpose of flood mitigation. ORC also considers that it is important to note that activities resulting in exposure of groundwater/aquifer may require consent under the ORP:W.

### *Analysis*

- 11.5** I consider that the amendments sought by ORC are reasonable and will help ensure that plan users are better informed of the situations where the provisions in ORP:W also apply to earthworks. Accordingly, I recommend that the submission of ORC is accepted, and these changes are shown in **Appendix 1**. I note that Standard 25.5.21 also relates to the exposure of groundwater and drainage of groundwater aquifers, which I address in under Issue 11 – Other Standards.

### **Advice notes – 25.3.3**

#### *Submissions*

- 11.6** Real Journeys Limited (2466.16), Cardrona Alpine Resort Limited (2492.1), Te Anau Developments Limited (2494.14) and Go Orange Limited (2581.16) request that all advice notes are relocated to end of PDP Chapter 25, as they are not necessary and distract the reading of the key provisions in the chapter.

**11.7** Lake Hayes Limited (2377.23), Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (2381.6), Glendhu Bay Trustee Limited (2382.7), Soho Ski Area Limited and Blackmans Creek No.1 LP (2384.6), Treble Cone Investments Ltd (2373.6) and Darby Planning LP (2376.23) support Advice Note 25.3.3.1 in part. However, they request an amendment so that earthworks volume limits are measured at the completion of the work. The submitters consider that the advice note provides clarity on how the volume of earthworks is to be calculated. However, they note that earthworks are a dynamic process during construction and calculating earthworks volumes at the completion of works would assist in the implementation of the volume thresholds in Table 25.2.

**11.8** Treble Cone Investments Limited (2373.7, 2373.8), Darby Planning LP (2376.23, 2376.24), Lake Hayes Limited (2377.24, 2377.25), Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (2381.7, 2381.8), Glendhu Bay Trustees Limited (2382.8, 2382.9), Soho Ski Area Limited and Blackmans Creek No.1 LP (2384.7, 2384.8 support Advice Note 25.3.3.3 and 25.3.3.4 in part, and request minor wording amendments as follows to better express the meaning of the advice notes:

*Advice Note 25.3.3.3*

*Refer to Chapter 33 Indigenous Vegetation and Biodiversity for land disturbance activities within Significant Natural Areas. ~~No~~ The provisions of this chapter do not prevail over those of Chapter 33 Indigenous Vegetation and Biodiversity.*

*Advice Note 25.3.3.4*

*Earthworks are also managed as part of development activities and modifications to Historic Heritage items and settings identified on the Planning Maps and in Chapter 26 Historic Heritage. ~~No~~ The provisions of this chapter do not prevail over those of Chapter 26 Historic Heritage.*

**11.9** Queenstown Airport Corporation (2618.3) supports Advice Note 25.3.3.5 and request this is retained as notified. Reasons given include:

- (a) Earthworks are a necessary part of subdivision and development and support the social and economic wellbeing of the community. Therefore, it is appropriate for such benefits to be recognised in the PDP.

- (b) Poorly managed earthworks can give rise to a range of adverse effects, including those on aircraft approaching or departing the airports. Therefore, the inclusion of provisions that give consideration to the effects of earthworks on the operation and safety of the airports is supported.

**11.10** Heritage New Zealand (2446.8) supports Advice Note 25.3.3.6 as it promotes appropriate management of historic heritage values through integration with the Heritage New Zealand (Pouhere Taonga) Act 2014 and promoting awareness of the possible presence of archaeological values. However, Heritage New Zealand considers that the inclusion of an explanatory note, similar to that provided at the end of 22.4.viii of the ODP, will assist plan users to understand that the primary source of information on recorded archaeological sites is the New Zealand Archaeological Association database, rather than the PDP. The requested note is as follows:

*Note: A recorded site is an archaeological site recorded via the New Zealand Archaeological Association's Site Recording Scheme and information is available at [www.archsite.org.nz](http://www.archsite.org.nz).*

**11.11** Z Energy Limited, BP Oil New Zealand Limited and Mobile Oil New Zealand Limited (2484.3) supports Advice Note 25.3.3.8 requests this is retained without modification. The reasons are as follows:

- (a) The advice note acknowledges (NESCS and that the provisions of the NESCS prevail over the those in the PDP;
- (b) The guideline requirements in the NESCS for soil disturbance activities on a HAIL site (even for permitted activities) are considered to adequately address any potential adverse effects from earthworks on these sites; and
- (c) The advice note is consistent with Rule 25.3.4.5(n).

**11.12** Transpower New Zealand Limited (2442.9) supports Advice Note 25.3.3.10 and request this is retained as notified. Transpower New Zealand Limited considers that the advice note establishes the role of the National Environmental Standards for Electricity Transmission Activities 2008 (**NESETA**) as it relates to existing transmission lines and earthworks. Notwithstanding this, Transpower New Zealand raises concerns that the Advice Note does not clearly state that the NESETA only relates to operation, maintenance, upgrading, relocation or

removal of National Grid transmission line(s) that were operating or able to be operated on, or prior to, 14 January 2010 and remain part of the National Grid. However, given the direction provided in Chapter 30: Energy and Utilities, Transpower considers that Advice Note 25.3.3.10 adequately sets out the role of the NESETA.

**11.13** Transpower New Zealand Limited (2442.1) also supports Advice Note 25.3.3.11 and request this is retained as notified. Transpower New Zealand Limited supports the wording of Advice Note 25.3.3.11 as it directs plan users to Chapter 30: Energy and Utilities for earthworks undertaken within the National Grid Yard and earthworks undertaken for the placement of underground electricity cables or lines. Transpower New Zealand supports this on the basis the Chapter 30 provisions apply for earthworks in the National Grid Yard.

**11.14** Chorus (2194.9), Spark New Zealand Trading Limited (2195.9) and Vodafone New Zealand Limited (2478.9) support Advice Note 25.3.3.11 but request this is amended to include:

*c. Earthworks for the construction, alteration or addition to underground lines for telecommunications, radio communication, navigation or meteorological communication activities.*

**11.15** As noted above, the Stage 1 decisions on Chapter 30 confirmed a permitted activity rules for the construction, alteration, or addition to underground lines for telecommunications, radio communication, navigation or meteorological communication activities. The requested amendment is to ensure these underground lines are covered as clause b. as Advice Note 25.3.3.1 only refers to the placement of underground electricity cables or lines.

**11.16** Treble Cone Investments Limited (2373.9), Darby Planning LP (2376.25), Lake Hayes Limited (2377.26), Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (2381.9), Glendhu Bay Trustees Limited (2382.1), Soho Ski Area Limited and Blackmans Creek No.1 LP (2384.9) support Advice Note 25.3.3.11 in part and request minor wording amendments as follows:

*Advice Note 25.3.3.11*

*The provision of this chapter do not apply to ~~are~~ the following activities managed in Chapter 30 Energy and Utilities:*

- 11.17** The submitters consider the wording amendments better expresses the meaning of the advice note.

*Analysis*

- 11.18** In terms of the submissions of Real Journeys Limited, Cardrona Alpine Resort Limited, Te Anau Developments Limited, Go Orange Limited I agree that the advice notes are distracting but, in my opinion, this relates more to the number and length of the advice notes than the location of these within PDP Chapter 25. From my experience, advice notes are generally located immediately before rule tables to alert plan users to other key requirements in the plan or elsewhere they need to be aware of in addition to the rules in that particular section.

- 11.19** However, in terms of the clarity of the advice notes for plan users, I note there is significant duplication between sections 25.3.1 and 25.3.2 (which alert plan users to other relevant PDP chapters and regional council provisions) and the advice notes in section 25.3.1. The advice notes relate to:

- (a) Relevant PDP chapters that also apply to earthworks;
- (b) Where earthworks are managed under other PDP chapters;
- (c) Interpretation issues (earthworks volume – which is also addressed under 25.3.4.3);
- (d) National Environmental Standards that apply to earthworks;
- (e) the requirements of Heritage New Zealand (Pouhere Taonga) Act 2014; and
- (f) Relevant iwi management plans.

- 11.20** I appreciate that this is a district wide chapter and earthworks are often closely related to other land uses and development, which makes the linkages more important. However, in my opinion, it would be beneficial from a plan user perspective to rationalise the list of advice notes and remove unnecessary duplication within section 25.3. To achieve this, I recommend the following amendments/changes to section 25.3, which are included in **Appendix 1**:

- (a) Move the advice notes relating to Chapters 26, 30, 33 and 36 to the district wide section;

- (b) Combine 25.3.3.1 and 25.3.4.3 as these relate to the calculation of earthworks volume and area and best sit under the General Rules as they have regulatory effect; and
- (c) Combine the advice notes related to national environmental standards and add a reference to the NES-PF, which applies to earthworks associated with plantation forestry.

**11.21** I acknowledge that there are no submissions requesting these specific changes. However, I consider that as these changes are minor and largely structural and do not change the actual intent and effect of the advice notes, the amendments can be made in accordance with Clause 16(2), Schedule 1 of the RMA. I also note that advice notes only provide guidance and have no legal status under the RMA.

**11.22** As a consequential amendment to my recommendations on the activity status when standards 25.5.12 – 25.5.14 are not complied with (refer Issue 9 and 10 below), I have also recommended the addition of an advice note to clarify that for all restricted discretionary applications, discretion is restricted to the matters set out in 25.7. This effectively replaces the same statement being said under each standard with one advice note removing unnecessary plan clutter.

**11.23** In terms of the requested amendment to Advice Note 25.3.3.1 to calculate earthworks volume at the end of the works, this presents a number of issues. Most importantly, it would mean that the assessment of whether the earthworks volume thresholds are exceeded (and a resource consent is required) is made after the earthworks are completed. This would mean that resource consent requirements would only be realised after the event and there would be no Council oversight before and during the earthworks when the volumes are exceeded.

**11.24** This proposition is considered in the evidence of Mr Sunich who also agrees that this is not practicable or standard practice. He notes that volume measurement at the completion of earthworks is a retrospective approach which does not enable proactive mitigation of potential adverse effects. In my view, this would largely negate the purpose of the earthworks volume thresholds in Table 25.2 which are

to ensure adverse effects of larger earthworks can be managed through a resource consent process allowing site specific conditions to be imposed as appropriate. Therefore, in my view, that this proposal is not practicable or desirable from an effects management perspective and, accordingly, recommend these submissions are rejected.

**11.25** I consider that the suggested amendments to advice notes 25.3.3.4, 25.3.3.5 and 25.3.3.11 from Treble Cone Investments Limited, Darby Planning LP, Lake Hayes Limited, Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited, Glendhu Bay Trustees Limited, and Soho Ski Area Limited and Blackmans Creek No.1 LP provide useful clarification on the intent of the advice notes. Accordingly, I recommend these submissions are accepted.

**11.26** I also consider that the explanatory note for Advice Note 25.3.3.6 sought by Heritage New Zealand will be useful to plan users and recommend that this submission is accepted. Additionally, I consider that there is benefit in referring to Standard 25.5.15 and Schedule 25.10 within this Advice Note 25.3.3.6 to clearly set out all the requirements relating to archaeological sites. I consider that this is an amendment with a minor effect that can be made pursuant to clause 16, Schedule 1 of the RMA.

**11.27** I agree with Chorus, Spark New Zealand Trading Limited, and Vodafone New Zealand Limited that Advice Note 25.3.3.11 should be amended to reflect Stage 1 decisions on Chapter 30 of the PDP. However, in my view, this additional clause should simply refer to “*earthworks for the construction, alteration, or addition to underground lines*” consistent with the wording of Rule 30.5.6.3.

## **Rules 25.4.1 and 25.4.2**

### *Submissions*

**11.28** Chorus (2194.11), Vodafone New Zealand Limited (2478.11) and Spark New Zealand Trading Limited (2195.11) support the rules in section 25.4 and request that these are retained. The reasons given are the same as discussed above.

- 11.29** Federated Farmers (2540.44) supports Rule 25.4.1 and requests this is retained. Federated Farmers supports a permitted activity status for earthworks that meet specific standards, with the standards tailored to the zone of the District, in combination with the activity-based exemptions in Rule 25.3.4.5.
- 11.30** Paterson Pitts (2457.7) and Federated Farmers (2540.45) support Rule 25.4.2 and request this is retained. Federated Farmers supports a restricted discretionary activity status for earthworks that do not comply with the volume standards.
- 11.31** Paterson Pitts notes that the activity table no longer includes a rule for bulk earthworks and therefore assumes these will revert to the volume limits under Rule 25.4.2 with resource consent required for a restricted discretionary activity. Paterson Pitts supports the restricted discretionary status for bulk earthworks as these should be assessed against the same matters as other breaches of earthworks volume limits.
- 11.32** Queenstown Airport Corporation (2618.4) request that Rules 25.4.1 and 25.4.2 be retained as notified. Queenstown Airport Corporation notes that airports facilitate the movement of people and goods to the District should be recognised in the PDP.

#### *Analysis*

- 11.33** The submissions on Rule 25.4.1 and Rule 25.4.2 are generally in support and I recommend these submissions are accepted.
- 11.34** In terms of the submission of Paterson Pitts, in the discussion of earthworks area thresholds (Issue 8) I note that these have effectively replaced the bulk earthworks in the ODP. This means that bulk earthworks are managed through a restricted discretionary consent process, which is consistent with the relief sought by Paterson Pitts.

#### **Rule 24.4.3 and 25.4.4**

#### *Submissions*

- 11.35** Federated Farmers (2540.46, 2540.47) request that the activity status for Rules 25.4.3 and 25.4.4 is amended from discretionary to restricted discretionary, with the matters for discretion similar to those Part 25.7. Federated Farmers notes that cleanfills or landfill are important in the rural area for the cost-effective disposal of clean waste. Federated Farmers considers the matters for discretion for the construction or operation of a cleanfill could be specified, to provide for restricted discretionary activity status along with other relevant matters in Part 25.7.
- 11.36** Paterson Pitts (2457.8) requests Rule 25.4.3 is amended to refer to 'cleanfill facility' rather than 'cleanfill'. Paterson Pitts notes that there are new definitions proposed for 'cleanfill' and 'cleanfill facility' and considers that the discretionary activity status under Rule 25.4.3 is intended to apply only to a cleanfill facility.

#### *Analysis*

- 11.37** In terms of the request from Federated Farmers for earthworks for the construction and operation of the cleanfill to be a restricted discretionary, I acknowledge that cleanfills can provide an important function in rural areas. Earthworks associated with the creation of a 'new cleanfill facility' is a discretionary activity under the ODP (Rule 22.3.2.4(a)) and assume that the fact that this was carried over into the PDP means that this approach is generally working well in practice.
- 11.38** However, as cleanfills deal with material that, when buried, "has no adverse effects on people and the environment" (based on the PDP) I consider that earthworks associated with a cleanfill facility can and should be managed through a less stringent activity status than landfills. I also consider that the Matters of Discretion in 25.7.1 adequately capture the adverse effects that may be expected from earthworks for the construction of a cleanfill to enable these effects to be considered and managed through a restricted discretionary consent process. Accordingly, I recommend that this part of the submission from Federated Farmers is accepted.
- 11.39** I also recommend that the submission from Paterson Pitts to amend Rule 25.4.3 to refer to 'cleanfill facility' is accepted. I note that 'cleanfill

facility' is defined in the PDP and this amendment will better reflect the intent of Rule 25.4.3. These amendments are shown in **Appendix 1**.

- 11.40** I recommend that the submission from Federated Farmers for earthworks associated with the construction or operation of a landfill to be a restricted discretionary activity is rejected. Landfills introduce contaminants and range of adverse effects that need to be considered and managed on a case by case basis. In my opinion, this is best achieved through a discretionary resource consent process.

#### **Rule 25.4.5 and 25.4.6**

##### *Submissions*

- 11.41** Heritage New Zealand (2446.9) seeks an amendment to Rule 25.4.5 as follows:

*Earthworks that modify, damage or destroy a wahi tapu, wahi taonga whether identified on the Planning Maps or not, or an archaeological site included in the Inventory of Protected Features in Chapter 26 Historic Heritage. ~~whether identified on the Planning Maps or not.~~*

- 11.42** Heritage New Zealand considers the scope of Rule 25.4.5 should be reduced in relation to archaeological sites, so that the additional layer of regulation afforded by the PDP only applies to sites that have been assessed as having significant archaeological values and are included in the Inventory of Protected Features in Chapter 26, rather than all recorded archaeological sites regardless of their relative heritage significance.

- 11.43** Heritage New Zealand (2446.10) requests a new rule is added Table 25.1 as follows:

*Earthworks within the setting/curtilage/ extent of place of any Building, Structure or feature listed in Schedule 26.9 of the District Plan – restricted discretionary activity.*

- 11.44** Reasons given by the Heritage New Zealand for the new rule include:
- (a) Earthworks were included in the definition of 'development' in the notified version of Chapter 26 and requires consent as a restricted discretionary or discretionary activity within the

curtilage or setting of a scheduled building, structure or feature (Rule 26.6.7), in heritage precincts (Rule 26.6.15) and heritage landscapes (Rule 26.6.21).

- (b) The section 42A report for Chapter 26 recommended amendments to the explanation of the 'development' activity to avoid duplication with earthworks rules. The result is earthworks only require consent as an aspect of 'development' if they otherwise need consent under Chapter 25. However, the earthworks rules do not specifically control works within the setting of scheduled buildings, structures and features. As such, earthworks within the setting of scheduled buildings, structures and features will not be specifically managed in the PDP.

- 11.45** Real Journeys Limited (2466.2), Cardrona Alpine Resort Limited (2492.14), Go Orange Limited (2581.2) and Te Anau Developments Limited (2494.18) request that Rule 25.4.5 is amended so that it does not apply to archaeological sites managed by other legislation. The submitters consider that earthworks that modify, damage or destroy archaeological sites are adequately managed under the Heritage New Zealand (Pouhere Taonga) Act 2014. The submitters consider that there is insufficient evidence justifying why Council should requiring resource consents in the PDP for these activities to impose additional costs and hurdles.

#### *Submissions*

- 11.46** I agree with Heritage New Zealand that Rule 25.4.5 should be refined to focus on those archaeological sites with identified values in Chapter 26 (schedules 27.7 - 27.10). This also recognises that Standard 25.5.15 and Schedule 25.10 work together to ensure that archaeological sites not identified in Chapter 26 are appropriately managed when these are discovered during earthworks (including obtaining an archaeological authority where relevant).
- 11.47** In my view, Rule 25.4.5 should also be more aligned with the scheduled sites in Chapter 26, which include Heritage Features, Heritage Precincts, Sites of Significance to Māori, and Heritage Landscape Overlays. Standard 25.5.2 includes stringent earthworks volume

thresholds for Heritage Precincts and Heritage Landscape Overlays therefore my understanding is that Rule 25.4.5 is focused on Heritage Features and sites of significance to Māori. I therefore recommend Rule 25.4.5 is amended as follows, and is shown in **Appendix 1**:

*Earthworks that modify, damage or destroy:*

a. *a wāhi tapu, wāhi ~~tupuna or other site of significance to Māori taonga or archaeological site~~ whether identified on the Planning Maps or not; or*

b. *a listed heritage feature, included in the Inventory of Listed Heritage Features in Chapter 26 Historic Heritage.*

**11.48** I consider that this recommended amendment will also address the submissions of Real Journeys Limited, Cardrona Alpine Resort Limited, Go Orange Limited and Te Anau Developments Limited at least in part by only requiring resource consent for scheduled heritage features, with effects on other archaeological sites managed through the accidental discovery protocol and the requirements in Heritage New Zealand (Pouhere Taonga) Act 2014.

**11.49** In terms of the request from Heritage New Zealand for an additional rule to manage earthworks in heritage buildings, structures and features that are scheduled in Chapter 26, I note that Rule 26.5.8 requires resource consent for “*earthworks requiring consent under Chapter 25*” within a setting or extent of place in a listed heritage feature. The activity status for earthworks in these features under Rule 26.5.8 is discretionary for Category 1 heritage features and a restricted discretionary activity for Category 2 and 3 heritage features.

**11.50** The rationale from Heritage New Zealand for this new rule is therefore valid as Rule 26.5.8 specifically refers to earthworks *requiring resource consent under Chapter 25*. However, I consider that my recommended amendments to Rule 25.4.5 above, to more clearly refer to the scheduled heritage features in Chapter 2, will address the relief sought by Heritage New Zealand by ensuring that Rule 25.4.5 and Rule 26.5.8 apply earthworks that will modify or damage listed heritage features.

**11.51** Accordingly, I recommend that the submission of Heritage New Zealand is accepted in part to the extent that my recommended amendments to 25.4.5 provide for the relief sought.

## 12. ISSUE 6: VOLUME THRESHOLDS

### General submissions on volume

#### *Submissions*

- 12.1** Streat Development Limited (2311.13) supports the 400m<sup>3</sup> maximum volume thresholds in Standard 25.5.4, and notes that this gives Council discretion to ensure adverse effects from earthworks are mitigated when the threshold is exceeded.
- 12.2** Lake Hayes Limited (2377.28), Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (2381.11), Glendhu Bay Trustees Limited (2382.12) and Soho Ski Area Limited and Blackmans Creek No.1 LP (2384.11) Treble Cone Investments Limited (2373.12) and Darby Planning LP (2376.28) support the intent of Rule 25.3.4.3 (calculation of earthworks volume and slope). However, they request the following amendments:
- (a) Replace 'site' with 'Site' to improve administration and clarity of language; and
  - (b) Enable volume and areas of earthworks to be calculated across "any" rather than "one" consecutive 12-month period. It is also noted that this will align with the PDP Stage 1 hearing on Chapter 41 - Jacks Point Zone.
- 12.3** Federated Farmers (2540.41) supports Rule 25.3.4.3 and considers that a consecutive 12-month period is an appropriate timeframe to apply the maximum earthwork volume and area thresholds. Federated Farmers (2540.48) also supports Standard 25.5.6 and considers that 1,000m<sup>3</sup> is a reasonable permitted maximum earthworks volume within the Rural and the Gibbston Character zones.
- 12.4** New Zealand Transport Agency (2538.27) requests that Rule 25.5.7.a is accepted as the Agency supports there being no maximum volume limit for earthworks within roads.
- 12.5** Friends of Lakes Hayes Society (2140.3) requests that a higher threshold (i.e. lower volume limits) is set for earthworks in the Lake Hayes Catchment to account for the special risk to Lake Hayes water

quality posed by nutrient and sediment inputs. Friends of Lakes Hayes Society generally supports the introduction of area thresholds for earthworks but is not certain that these are sufficient and therefore considers higher thresholds may be needed to protect the fragile water quality in Lake Hayes.

- 12.6** Sean McLeod (2349.1) requests that a permitted activity earthworks rule is added to the PDP to permit for earthworks for one to two residential units in a residential zone. Mr McLeod considers that earthworks associated with residential development of this scale is an expected part of development and should not require resource consent.
- 12.7** Sean McLeod (2349.5, 2349.23, 2349.24, 2349.25) also requests that Rules 25.5.3, 25.5.4, 25.5.5 and 25.5.6 be amended to double the maximum earthworks volume threshold. Mr McLeod notes that, while some of the maximum volume thresholds for earthworks have increased, this is not sufficient and earthworks that form part of a residential development should be a permitted activity in most cases.
- 12.8** Broadview Villas Limited (2222.5), T. Rovin (2228.6), the Escarpment Limited (2230.6), and Church Street Trustee Limited (2375.3) have identified an error in the headings of Table 25.2 and requested that 'maximum total value' is corrected to state 'maximum total volume'.
- 12.9** Broadview Villas Limited (2222.4), T. Rovin (2228.4), and the Escarpment Limited (2230.4) requests that the permitted volume of earthworks within the Low Density Residential Zone (now the Lower Density Suburban Residential Zone) be modified so that 300m<sup>3</sup> of material can be disturbed for every 450 m<sup>2</sup> of site area. The submitters note the volume limits apply regardless of the size of the site and their largest site is over 3ha. The submitters therefore consider the threshold should apply to every 450m<sup>2</sup> of site area as this is minimum site lot size anticipated for the zone in Chapter 27. Broadview Villas Limited (2222.5) T. Rovin (2228.5) the Escarpment Limited (2230.5) also request that the other rules in Table 25.2 are modified to provide for earthworks volumes that are proportionate to the size of the sites.

- 12.10** Queenstown Park Limited (2462.2), and Remarkables Park Limited (2468.3) request that the earthworks chapter be amended to expressly provide for ‘bulk earthworks’ as a restricted discretionary activity. No reasons are given.

*Analysis*

- 12.11** In terms of the calculation of earthworks volume (and area), I agree with the recommended amendment from Lake Hayes Limited, Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited, Glendhu Bay Trustees Limited and Soho Ski Area Limited and Blackmans Creek No.1 LP to refer to ‘any consecutive 12-month period’, noting that this is also consistent terminology used in recently gazetted national regulations.<sup>11</sup> While, this may create some compliance monitoring issues for Council in terms of when the 12-month period actually starts and ends, the onus remains on the landowner or developer to demonstrate compliance. This change is shown in **Appendix 1**.
- 12.12** I also agree that there is an error in the headings for Table 25.2 and the top row which has been corrected to refer to “Table 25.2 Maximum Volume” and “Maximum Total Volume”.
- 12.13** The general approach and appropriateness of earthworks volume thresholds in the PDP is discussed in detail in the evidence of Mr Sunich. The key points in his evidence in terms of the relief sought by submitters are as follows:
- (a) The purpose of setting volume thresholds for earthworks is to define a level at which adverse effects are likely to be minor or can be adequately managed using standard controls with minimal risk. Ideally, these are aligned to the likely scale or nature of the activities that are provided for within the relevant zone so that most earthworks can be undertaken without the need for a resource consent. However, this is not always possible due to the sensitivity of certain activities and the receiving environment.
  - (b) The earthworks volume thresholds also act as a trigger to require resource consent when the acceptable threshold is

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11 The National Environment Standards for Plantation Forestry 2017.

exceeded and there is a risk of significant adverse effects. This allows consent conditions to be imposed to require suitable mitigation measures to address the adverse effects of earthworks that are specific to the site and nature of the works. Otherwise prevention of adverse effects would rely heavily on education programs, complaints, compliance monitoring and enforcement.

- (c) Earthworks volume (and area) thresholds also allow the risk from earthworks to be proactively managed through a resource consent process before works commence, rather than rely on permitted activity conditions that usually operate as 'after the event' compliance standards (e.g. sediment runoff).
- (d) The earthworks volume thresholds are appropriately focused on the scale of the works anticipated in the zone and therefore likely level of effects, rather than the purpose of the earthworks (i.e. to provide for two residential units) which generally has no relationship to risk.
- (e) The maximum volume thresholds in Table 25.2 are based on a general grouping of zones into land use types. The groupings generally reflect the scale and intensity of certain types of land use, and the nature and scale of adverse effects that might arise from these uses. The grouping of land use types for the purposes of earthworks volume thresholds also enables consistency in implementation without unnecessarily complicating the rules which, in his opinion, is beneficial for the Council, the development industry and other parties undertaking earthworks.

**12.14** Based on this evidence, I agree that the volume thresholds for earthworks in Chapter 25 are appropriate and fit-for-purpose and there is no compelling reason to recommend significant changes to the earthworks thresholds. I also note that the earthwork volume thresholds have largely been carried over from the ODP (with some refinement) which indicates Council is generally comfortable with how they are operating in practice. Therefore, it would not be appropriate in my opinion to double the maximum earthworks volume thresholds or

apply the volume thresholds to a certain land use as sought by Mr McLeod. Accordingly, I recommend this submission is rejected.

**12.15** The evidence of Mr Sunich also explains why earthworks volumes thresholds typically apply to the site rather than a set amount of area within a size (e.g. the minimum lot size for the relevant zone). Specifically, Mr Sunich considers that this approach would not adequately account for the incremental increase in adverse effects that such a practice would encourage. I accept Mr Sunich's evidence on this matter and have concerns that this proposal could lead to inconsistent and unintended outcomes, contrary to that being sought by the PDP. Accordingly, I recommend that the submissions from Broadview Villas Limited, T. Rovin, and the Escarpment Limited seeking the volume thresholds to apply to certain area rather than site are rejected.

**12.16** In terms of the request from Queenstown Park Limited and Remarkables Park Limited for the PDP to expressly provide for bulk earthworks, I note that the earthworks area thresholds (Standard 25.5.11) are specifically intended to provide for the management of bulk earthworks anticipated throughout the District and will effectively replace (and improve) the ODP controls for bulk earthworks. I therefore recommended that these submissions are accepted in part, to the extent that they are satisfied there is a suitable management framework for bulk earthworks in the PDP. I discuss this further in relation to Standard 25.5.11.

## **Rule 25.5.2 – Heritage Areas and Outstanding Natural Features**

### *Submissions*

**12.17** Heritage New Zealand (2446.11) supports Standard 25.5.1 but seeks an amendment to reduce the volume of earthworks permitted to 10m<sup>3</sup> in the Arrowtown Residential Historic Management Zone and Arrowtown Town Centre Zone. Heritage New Zealand considers that the earthworks volume thresholds in these historic zones should be consistent with the heritage precincts and heritage landscapes given that the heritage values and potential adverse effects are comparable.

- 12.18** Heritage New Zealand (2446.12) supports Standard 25.5.2 to ensure that the effects of earthworks on heritage values are properly understood and managed. Heritage New Zealand considers that the 10m<sup>3</sup> maximum earthworks volume threshold combined with the relevant advice notes (25.3.3) provides a degree of flexibility while ensuring resource consent is required for larger earthworks in these valued heritage areas.
- 12.19** Church Street Trustee Limited (2375.17) request that Rule 25.5.2 be amended to remove Heritage Precinct. Church Street Trustee Limited considers that the effects of earthworks on heritage values are more appropriately addressed in Chapter 26 - Historic Heritage, and a separate rule for earthworks in Heritage Precincts in PDP Chapter 25 introduces an unnecessary level of regulation that is not integrated with Chapter 26.
- 12.20** Real Journeys (2466.21), Cardrona Alpine Resort Limited (2492.15), and Te Anau Developments Limited (2494.19), Go Orange Limited (2581.21) oppose Rule 25.5.2 that limits the volume of earthworks to 10m<sup>3</sup> in Heritage Landscapes, Heritage Precincts and Outstanding Natural Features. The submitters consider that applying this limit in rural areas (where Outstanding Natural Features are located) is extremely onerous and that the s32 Report does not adequately demonstrate why such a small limit is the most appropriate.

#### *Analysis*

- 12.21** In response to the submission on Standard 25.5.1 from Heritage New Zealand, I note that these limits apply to historic zones whereas the more stringent limits in Standard 25.5.2 apply to heritage landscape areas and heritage precincts that are scheduled in Chapter 26.
- 12.22** In my opinion, an earthworks volume threshold of 100m<sup>3</sup> within the Arrowsmith Residential Historic Management Zone and Arrowsmith Town Centre Zone still provides a relatively stringent limit to ensure that resource consent is required when there may be adverse effects on the historic character of these areas while still allowing some small-scale earthworks to occur. I also consider that it is appropriate for Standard 25.5.2 to focus on scheduled heritage sites and significant

natural areas. Accordingly, I recommend the submission point from Heritage New Zealand is rejected.

**12.23** In terms of the request from Church Street Trustee Limited to remove heritage precincts from Standard 25.5.2, I have discussed the relationship between the earthworks rules and Chapter 26 in relation to Rule 25.4.5 above. In this assessment I note that the rules relating to earthworks were removed from Chapter 26 on the basis that they should all be located within the earthworks chapter. As such, there are no controls in Chapter 26 restricting earthworks and earthworks volumes in relation to heritage precincts. Accordingly, I recommend that the submission of Church Street Trustee Limited is rejected.

**12.24** The more stringent earthworks volume thresholds in Standard 25.5.2 are intended to ensure that the potential adverse effects of earthworks on the heritage and outstanding natural values of these areas can be considered and managed through the resource consent process. In my view, stringent earthwork standards in these highly values areas are appropriate and consistent with the directives in section 6(c) and 6(f) of the RMA and the strategic directives of the PDP. Accordingly, I recommend that Standard 25.5.2 is retained as notified and the submissions of Real Journeys, Cardrona Alpine Resort Limited, and Te Anau Developments Limited, and Go Orange Limited on this standard are rejected.

### **Volume limits within zones**

#### *Submissions*

**12.25** Millbrook Country Club (2295.8) requests that Table 25.1 is amended to provide:

- (a) A 500m<sup>3</sup> maximum volume threshold for earthworks in the Residential Village, Resort Services, Landscape Protection, Landscape Protection (Malaghan) Activity Areas as shown in the Millbrook Structure Plan; and
- (b) No maximum volume threshold for earthworks in the Golf Course and Open Space, Recreation Facilities, Helepad Activity Areas as shown in the Millbrook Structure Plan.

- 12.26** Millbrook Country Club considers that grouping of earthworks volume thresholds for urban residential zones in Table 25.2 is inappropriate, unnecessary and unreasonable. Millbrook Resort Zone submits that it would more efficient and practical to create a separate category for the Millbrook Resort Zone, similar to the approach adopted for the Jacks Point Zone, which separately identifies the earthworks rules for that zone.
- 12.27** Millbrook Country Club also notes that golf holes regularly need to be re-conditioned or re-routed. In these circumstances, the golf resort need to continue operating whilst these works are undertaken, and these earthworks need to be undertaken effectively and efficiently. As such, the Millbrook Country Club considers that the works should be permitted activities consistent with the proposal for earthworks within the Jacks Point Zone in the Stage 1 PDP hearings.
- 12.28** Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Limited, and Darby Planning LP requests that:
- (a) Rule 25.5.8 is amended to remove Village zone (2381.12, (2376.29);
  - (b) Rule 25.5.9 is amended to remove Farm Preserve 1 and 2 and amend Homesite to refer to Preserve Homesite (2382.37), (2376.3); and
  - (c) Rule 25.5.10 is amended to remove Education and Education Innovation Campus and add in "Village" (2382.38), (2376.31)
- 12.29** The submitters seek to ensure the earthworks volume thresholds are consistent and integrate with the provisions they requested for Chapter 41 Jacks Point Zone at the Stage 1 hearing. Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (2381.39) also requests that any consequential changes as a result of decisions on Jacks Point Zone are made to Chapter 25.
- 12.30** Darby Planning LP (2376.32) requests that Rule 25.5.2 is amended to introduce maximum volume thresholds for the proposed Glendhu Station Zone, consistent with the position they advanced at the Stage 1 PDP hearings. Darby Planning LP considers that this is necessary to

ensure there is appropriate earthwork volume thresholds within this proposed zone.

- 12.31** Similarly, Glendhu Bay Trustees Ltd (2382.13) requests Table 25.2 is amended to ensure the volume thresholds are consistent with what they proposed for the proposed Glendhu Station Zone at the Stage 1 PDP hearing. Glendhu Bay Trustees Ltd notes that the proposed Glendhu Station Zone makes provisions for earthworks and these should be incorporated into PDP Chapter 25, subject to decisions on Stage 1 of the PDP. I note that the proposed Glendhu Station Zone was rejected through the Stage 1 Decisions.<sup>12</sup>
- 12.32** Queenstown Airport Corporation (2618.5) request that standards 25.5.5 and 25.5.6 be amended to apply a 2500m<sup>3</sup> permitted threshold for the Wanaka and Queenstown airports. Queenstown Airport Corporation considers that this will help to recognise the significant role of the airports in facilitating the movement of people and goods to Queenstown and the wider region.
- 12.33** Queenstown Central Limited (2460.1) requests that Table 25.2 be amended to address the Frankton Flats B zone. Queenstown Central Limited notes that this zone is not included in Table 25.2 like all other zones in the District and this creates uncertainty as to which earthworks volume limits apply to their land.
- 12.34** Skyline Enterprises Limited (2493.12, 2493.13) opposes the earthworks volume limits and requests that the Bed Lomond Sub-Zone is added to 25.5.6 so that a 1000m<sup>3</sup> limit is provided throughout the sub-zone. Skyline Enterprises Limited notes that the ODP permits earthworks between 300-1000m<sup>3</sup> within this sub-zone (depending on the underlying zone) and this has been reduced to 100m<sup>3</sup> (in the Open Space and Recreation Zones). Skyline Enterprises Limited submits that there has been no evidence to demonstrate that ODP thresholds resulted in inappropriate landscape and visual effects within the Bed Lomond Sub-Zone.

### *Analysis*

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12 Report 16.16.

**12.35** The earthwork volume thresholds for different zones in the District are discussed in the evidence of Mr Sunich with reference to the s32 Report for Chapter 25, and the 42A analysis for the ODP thresholds. He notes that, while there have been some new zones and zone changes, the maximum earthworks volumes have largely been carried over from the ODP. Mr Sunich also reviews the maximum volumes for each zone type and concludes that:<sup>13</sup>

*“...there appears to be no compelling reason to make significant changes to the thresholds. This is reflected in the limited commentary in the PDP section 32 report indicating to me that the volume thresholds as proposed demonstrate efficiency and levels of intervention that are reasonable. I acknowledge that they are not entirely effects based, but rather a combination of risk of effects and the type and scale of development anticipated within the zone and therefore are fit for purpose in my opinion.”*

**12.36** Mr Sunich also responds to specific submissions of the earthworks thresholds drawing on his experience with earthworks provisions elsewhere in New Zealand. My analysis of submissions on the earthwork volume thresholds for specific zones is therefore informed by this analysis

**12.37** As a general observation, I note that submissions on the specific earthworks volume thresholds for different zones in Table 25.2 are largely seeking to move a zone into a more permissive grouping, rather than challenging the underlying basis and approach to group zones for the purposes of setting earthworks volume limits in the PDP. I agree with Mr Sunich that this indicates a general level of support for this overall approach that has been carried through from the ODP.

**12.38** In terms of the Millbrook Country Club submission seeking a separate category for the Millbrook Resort Zone with different earthworks limits applying, I acknowledge that this approach has been adopted for the Jacks Point Zone. The volume limits for Millbrook Resort Zone is 300m<sup>3</sup> whereas it ranges from 500m<sup>3</sup> to no maximum in the activity areas within Jacks Points Zone (standards 25.5.8 – 25.5.10). I note that in the ODP neither zones were specifically provided for as distinct zones for the purpose of earthworks volume limits.

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13 Evidence of Mr Sunich, paragraph 5.7,

- 12.39** The earthworks volume thresholds for Jacks Points Zone in Chapter 25 have been carried over from the Jacks Point Zone chapter (as notified) with no change in the maximum volume thresholds within each of the activity areas. My expectation is that the different earthworks volume limits for the activity areas within Jacks Point Zone were specifically considered by Council when developing the zone provisions. I also understand the standalone group of earthworks volume thresholds in Table 25.2 is intended to reflect the unique scale of the Jacks Point Zone in the district (over 1000 houses plus other land use activities), its land use types, and the aim to manage land use development (including earthworks activities) in a consistent and integrated manner.
- 12.40** Mr Sunich considers the submission of Millbrook Country Club in his evidence. He notes that similar development outcomes are sought from the Millbrook Resort Zone. However, Mr Sunich concludes that approximately 500 dwellings proposed (including the Dalglish Farm block), with recreational, commercial, visitor accommodation can be accommodated within Standard 25.5.3 without the application of a special status in Table 25.5. I agree with that conclusion. Further, in my opinion, it is desirable to limit the number of zones and sub-zones with separate earthworks volume limits in the PDP in terms of plan clarity and consistency in implementation and associated outcomes.
- 12.41** Millbrook Country Club also refers to the need to undertake earthworks on the golf course effectively and efficiently. In my view, this is not precluded by the 300m<sup>3</sup> earthworks volume limits which apply each calendar year. This also does not preclude a resource consent being obtained for larger scale earthworks, should one be necessary, which is appropriate in my view to manage and mitigate site-specific risks. Accordingly, I recommend that the submission of Millbrook Country Club is rejected.
- 12.42** In terms of specific submissions on Jacks Point Zone earthworks limits, these are generally seeking to ensure that the amendments requested at the Chapter 41 hearing are adopted. Chapter 41 was notified with earthworks rules for the zone, submissions were heard, and the section 42A report was prepared. However, it was subsequently determined

that these earthworks rules should be integrated into Chapter 25. In the decision report on Chapter 41, the Hearing Panel made the following comment:<sup>14</sup>

*Chapter 41 as notified contained rules under Table 2, Clause 41.5.4, regulating earthworks within the Jacks Point Zone. These provisions have now been superseded by the notification of Variation 2, which incorporates a new Chapter 25 that addresses earthworks on a districtwide basis. Any submissions made on earthworks under Chapter 41 are deemed to be submissions on Chapter 25, and will be heard with all other submissions on that chapter. We make no further comment on them.*

- 12.43** The Section 42A report for Chapter 42 Jacks Point Zone in Stage 1 (Appendix 1, 41-17) recommended the following changes to the earthworks limits for Jacks Points Zone:
- (a) Apply no maximum limits to the Village and Village Homestead Bay activity areas rather than 500m<sup>3</sup>; and
  - (b) Delete the Education Innovation Campus activity area.
- 12.44** I note that this is consistent with the relief sought by Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Limited and Darby Planning LP. I also agree that Farm Preserve 1 and 2 should be removed from Standard 25.5.9 as the Hearing Panel replaced these activity areas with the Open Space Golf and Open Space Landscape activity areas in their decision on Chapter 41. These changes are shown in **Appendix 1**.
- 12.45** In relation to the submission from Glendhu Bay Trustees Ltd, I note that the Hearing Panel recommended that the request for the proposed Glendhu Bay Zone is rejected in Report 16.16. The Hearing Panel concluded that proposal fails to adequately manage adverse effects from the proposed development of the site, including the protection of an Outstanding Natural Landscape, or provide an acceptable framework for the future development of the site. As a consequence of that decision, the Glendhu Bay Zone does not exist and there is no need to include separate earthworks provisions for that zone in Chapter 25. My understanding is that the Rural Zone applies to this

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<sup>14</sup> Report 12 Report and Recommendations of Independent Commissioners Regarding Chapter 41 – Jacks Point Decision, paragraph 19.

area and therefore a 1,000m<sup>3</sup> maximum earthworks threshold would apply.

**12.46** In terms of the request by Queenstown Airport Corporation to increase the earthworks volume thresholds within the airport to 2,500m<sup>3</sup>, I note that the Stage 1 decisions on Chapter 17 Airport Zone created a single zone for both the Queenstown and Wanaka airports. For Chapter 25 Earthworks, this requires a consequential change to Table 25.2. As notified, the maximum volume thresholds for the Queenstown and Wanaka airports are 500m<sup>3</sup> (Queenstown Airport Mixed Use Zone) and 1000m<sup>3</sup> (Rural Zone) respectively, and the increased volume threshold requested by Queenstown Airport Corporation is significantly greater than the existing thresholds in both zones.

**12.47** While I acknowledge the essential function that airports plays in the District (particularly Queenstown Airport), it is reasonable in my view for earthworks of this volume to be managed through a resource consent process to allow site specific risks to be identified and managed. Accordingly, I recommend this submission is rejected.

**12.48** However, it is necessary to determine what earthworks volume thresholds should apply to the airports given the Stage 1 decisions have combined these into one Airport Zone. Mr Sunich considers this in his evidence noting that each airport has quite distinct urban and rural receiving environments. He therefore concludes that the existing thresholds for each airport should be retained and I agree with his conclusion. Accordingly, I recommend that following amendments to Table 25.2 which are also shown in **Appendix 1**:

Table 25.2	Table 25.2 Maximum Volume	Maximum Total Volume
25.5.5	<del>Queenstown Airport Mixed Use Zone</del> Airport Zone (Queenstown Airport)	500m <sup>3</sup>
25.5.6	Airport Zone (Wanaka Airport)	1000m <sup>3</sup>

**12.49** Queenstown Central Limited requests that Table 25.2 be amended to address the Frankton Flats B zone. My understanding is that this zone has not been notified in either Stage 1 or Stage 2 of the PDP and

therefore I do not recommend that Table 25.2 is amended to recognise this zone.

- 12.50** In terms of the request from Skyline Enterprises Limited to apply a 1000m<sup>3</sup> limit throughout the Bed Lomond Sub-Zone, I note that this would provide a significantly more lenient earthworks limit than Open Space and Recreation Zones elsewhere in the District. In my opinion, it is preferable in the interest of plan clarity and consistency to limit the number of sub-zones with different earthworks volume thresholds in the PDP. There is also nothing in the submission of Skyline Enterprises Limited to demonstrate that a 1000m<sup>3</sup> volume limit is needed for their operations and that this increased volume would not result in adverse effects beyond the site. Accordingly, I recommend that the submission of Skyline Enterprises Limited is rejected.

### **Wakatipu Basin Amenity Zone**

#### *Submissions*

- 12.51** Boxer Hill Trust (2386.2) requests that Standard 25.5.4 as it relates to the Wakatipu Basin Amenity Zone (**Amenity Zone**) be amended to increase the earthworks volume thresholds from 400m<sup>3</sup> to 1000m<sup>3</sup>. Boxer Hill Trust considers that the earthwork volume thresholds within the Amenity Zone should be consistent with other rural zones.
- 12.52** Similarly, Slopehill Properties Limited (2584.8) requests that the earthworks rules and standards that apply to the Amenity Zone are amended so they are the same as the Rural Zone. No specific reasons are given but Slopehill Properties Limited is generally seeking the Amenity Zone provisions to be more enabling of development.
- 12.53** BSTGT Limited (2487.14) also requests that Rule 25.5.4 is amended so that the maximum earthworks threshold is 1000m<sup>3</sup> and to provide no maximum earthworks threshold for golf course earthworks. BSTGT generally opposes the PDP earthworks provisions on the basis they are more restrictive than the ODP and is specifically opposed to the 400m<sup>3</sup> maximum earthworks volume threshold in the Amenity Zone. BSTGT Limited notes that the 400m<sup>3</sup> limit is more aligned with rural-residential zones but the controls on minimum lot size in the Amenity

Zone mean development will be rural in nature. As such, the earthwork volume thresholds should be consistent with the Rural Zone.

- 12.54** Trojan Helmet Limited (2387.16) also requests that Standard 25.5.4 be amended to increase the maximum earthworks volume threshold to 1000m<sup>3</sup>. Trojan Helmet Limited considers that the earthworks maximum volume should be consistent with the Rural Zone if the Amenity Zone remains on their land.
- 12.55** Trojan Helmet Limited (2387.17) also requests that Rule 25.5.10 be amended so that there is no maximum volume of earthworks for its proposed The Hills Zone (LUC22). This amendment is sought to ensure all earthworks related to the construction and on-going maintenance of 'The Hills' golf courses is recognised and provided for. The rezoning request to The Hills Zone is being considered in Hearing Stream 14.

#### *Analysis*

- 12.56** The general theme in submissions relating to earthworks volume thresholds in the Amenity Zone is that these should be increased to 1000m<sup>3</sup> to be consistent with the general Rural Zone. It is submitted that the Amenity Zone is rural in character and therefore the earthworks volume thresholds should be consistent with the Rural Zone.
- 12.57** I note that the purpose of the Amenity Zone is described in PDP Chapter 24 as follows:<sup>15</sup>

*The purpose of the Zone is to protect, maintain and enhance the particular character and amenity of the rural landscape which distinguishes the Wakatipu Basin from other parts of the District that are zoned Rural.*

*A primary focus of the Zone is on protecting, maintaining and enhancing rural landscape and amenity values while noting that productive farming is not a dominant activity in the Wakatipu Basin.*

- 12.58** In my opinion, it is very clear from this purpose statement in Chapter 24 and supporting provisions that the Amenity Zone is intended to be distinct from the Rural Zone. I understand that this is the key driver for

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15 Section 42A Recommended Chapter, 30 May 2018.

this change in the PDP. Chapter 24 recognises the particular character and amenity of this Zone and that targeted rules and standards are required to protect and maintain that character and amenity, including for earthworks.

**12.59** The earthworks volume thresholds for the Amenity Zone in Standard 25.5.4 forms part of the grouping that also includes Large Lot Residential, Rural Residential, and Rural Lifestyle Zones. In my opinion, this grouping appears entirely consistent with the purpose of the Amenity Zone to protect and maintain landscape character and amenity.

**12.60** Mr Sunich considers these submissions in his evidence and concludes that increasing the threshold to 1,000m<sup>3</sup> is not consistent with the intent of the Amenity Zone which seeks to protect, maintain and enhance rural landscape and amenity values. I agree with his assessment and also consider that there is a risk that increasing the earthworks volume limits to 1000m<sup>3</sup> throughout the zone may result in permanent adverse effects on landscape character and amenity that would be contrary to the zone objectives. Accordingly, I recommend that the submissions requesting the earthworks volume limits are increased to 1,000m<sup>3</sup> within the Amenity Zone are rejected.

**12.61** Consistent with my recommendation above in relation to the Millbrook Golf Course, I also see no reason why earthworks associated with 'The Hills' golf course should be exempt from the earthworks volume thresholds that apply elsewhere in the zone. A permitted activity allowance of 400m<sup>3</sup> of earthworks per calendar year does not preclude earthworks for the maintenance and operation of golf courses. In my view, it is also not overly onerous – it simply ensures larger scale earthworks with greater environmental risks can be considered and managed through a resource consent process. Accordingly, I recommend that submission of Trojan Helmet Limited is rejected.

### **13. ISSUE 7: AREA THRESHOLDS**

#### *Submissions*

- 13.1** Otago Fish and Game Council (2455.13) and Federated Farmers (2540.49) support Standard 25.5.11 and request that it be retained. Federated Farmers note that they support an earthworks area threshold standard tailored to the slope of the area.
- 13.2** Paterson Pitts (2457.9) requests that the area thresholds in Standard 25.5.11 be deleted and replaced with an alternative method of achieving the outcome of better site management procedures, such as a site management plan. In particular, Paterson Pitts raises the following concerns with Standard 25.5.11:
- (a) It is unclear whether the area thresholds apply in the same way as the calculation of volume thresholds for cut and fill (as demonstrated in the interpretive diagrams);
  - (b) The area thresholds may render the volume thresholds irrelevant and remove the ability for land uses to undertake a scale of earthworks as a permitted activity;
  - (c) The rationale for the area thresholds appears to be management of erosion and sedimentation but the matters of discretion are much broader than this; and
  - (d) It is likely to create additional consenting burden for matters that would otherwise be assessed as permitted activity standards for sediment and erosion control.
- 13.3** As an alternative, Paterson Pitts suggests that there could be a requirement to prepare a site management plan to be certified by Council, which could be achieved through a fast track consenting process.
- 13.4** Glendhu Bay Trustees Limited (2382.14) request that the proposed (through Stage 1) Glendhu Station Zone is exempt from the area thresholds to control erosion and sediment from earthworks. Glendhu Bay Trustees Limited notes that proposed Glendhu Station Zone makes provisions for earthworks and it would be appropriate to incorporate those provisions into PDP Chapter 25, subject to decisions on Stage 1 of the PDP.
- 13.5** Lakes Hayes Limited (2377.29) opposes Standard 25.5.11 and request that the Amenity Zone, including the Wakatipu Basin Lifestyle Precinct

(**Precinct**), is exempt from the area thresholds. Lakes Hayes Limited opposes additional controls on earthworks that did not otherwise apply under the Amenity Zone and considers that these are unnecessary.

- 13.6** Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (2381.13) oppose Standard 25.5.11 and request that the Jacks Point Zone is exempt from the area thresholds. The submitter opposes additional controls on earthworks that did not otherwise apply under proposed Jacks Point Zone when this was notified and considers that these are unnecessary.
- 13.7** Darby Planning Limited (2376.33) requests that Standard 25.5.11 be amended to exempt the Amenity Zone (including Lifestyle and Lake Hayes Cellar Precincts), SASZs, Jacks Point Zone and the Glendhu Station Zone. Darby Planning Limited opposes the area thresholds within these zones and seeks to ensure the earthworks standards are consistent with the approach for earthworks within Chapter 41 Jacks Point Zone.
- 13.8** Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies) (2484.5) request that Standard 25.5.11 is amended to apply to the average ground slope. The Oil Companies support Standard 25.5.11 in part but consider that it should be clarified to ensure it applies to the average ground slope before the earthworks not the earthworks themselves.
- 13.9** Remarkables Park Limited (2468.7) supports a restricted discretionary activity status when Standard 25.5.11 is not complied with.

#### *Analysis*

- 13.10** The rationale for the introduction of area thresholds for earthworks in Chapter 25 is set out in the s32 Report, the Threshold Report, and the evidence of Mr Sunich. The earthworks area thresholds are intended to ensure sediment control practices are improved in the District to appropriately manage and minimise adverse effects, and are targeted at sites where the risk of sediment laden runoff and associated adverse effects is more significant due to the size of the site and slope of the land. In these circumstances a combination of more sophisticated

sediment controls, Council oversight through a resource consent process, site-specific consent conditions and subsequent compliance monitoring is desirable to ensure the controls are appropriate for the site and perform effectively throughout the duration of the earthworks.

**13.11** The evidence of Mr Sunich sets out the rationale for the different area and slope thresholds in Standard 25.5.11, and the technical and practicable basis for setting these thresholds. The key recommendations of Mr Sunich were to:

- (a) Establish area thresholds as an appropriate metric to indicate the point at which earthworks scale and risk warrant regulatory oversight; and
- (b) Apply different area thresholds for earthworks based on the slope of land:
  - (i) A lower threshold of 2,500m<sup>2</sup> on a land slope greater than 10° primarily reflects the significant impact that slope has on soil erosion and sediment loss, the highly erodible nature of soils within the district, the scale at which more comprehensive erosion and sediment controls are typically required, and the current level of practice in the District.
  - (ii) A higher threshold of 10,000m<sup>2</sup> on a land slope less than 10° primarily reflects the lower risk of erosion and sediment runoff while also considering the highly erodible soil and current levels of practice in the District that, in his opinion, support a conservative approach to manage erosion and sediment discharge risk.

**13.12** In my opinion, Mr Sunich's evidence and the Threshold Report demonstrate that these area thresholds are set at an appropriate level, requiring earthworks to be managed through a restricted discretionary consent process when the environmental risks are greater. These area thresholds, combined with the requirement for erosion and sediment control practices to be, are the key requirements in the PDP to help improve earthworks management practices across the District. I agree with this approach.

- 13.13** I acknowledge that Standard 25.5.11 may result in some costs to developers to obtain consent, prepare an erosion and sediment control management plan, and implement improved sediment management practices. However, such measures are necessary to improve erosion and sediment control and associated community and environmental outcomes in the District, and are common practice in other large and growing urban areas in New Zealand. The costs should also generally be proportional to the scale of the development. Therefore, in my view, Standard 25.5.11 will not impose an unnecessary consenting burden (as suggested by Paterson Pitt) and is an important part of improving practice on large earthworks sites. Accordingly, I recommend that the request by Paterson Pitt to delete Standard 25.5.12 is rejected.
- 13.14** The relationship between earthworks volume and area thresholds is discussed in the evidence of Mr Sunich. Mr Sunich notes that for bulk earthwork activities, it is the open area of exposed soil from earthworks that is the key metric that determines the potential for adverse effects and should therefore be used to determine activity status. This contrasts with the construction of residential dwellings, or a commercial building and basements, where the volume of earthworks is the key concern. It is also noted that the area thresholds are relatively large – this will ensure the volume limits are not rendered irrelevant as submitted by Paterson Pitts.
- 13.15** I agree with Paterson Pitts that the matters raised concerns that the matters of discretion are broader than erosion and sedimentation, which is the main focus of Standard 25.5.11. However, the submitter will be aware that matters of discretion and control only need to be considered as relevant to the activity and application being assessed. In my view, it is appropriate to have a single set of matters of discretion for earthworks applications to be assessed against in the interest of streamlining the PDP and promoted an integrated assessment of effects.
- 13.16** In terms of the calculation of the area thresholds, this is based on the maximum area that will be exposed on site from earthworks to complete a development, including any site cut and fill areas (as per

the interpretative diagrams). This threshold will also apply within any consecutive 12-month period (as per Rule 25.3.4.3).

**13.17** In terms of the submissions on the calculation of slope for the purposes of the Standard 25.5.11 thresholds, the evidence of Mr Sunich explains that slope angle is a key factor determining erosion and sediment control risk associated with earthworks activities. Averaging the calculation of slope angle across the site would therefore defeat the purpose of the standard, which is to manage the elevated risk of erosion from earthworks on steeper land. This risk is not diminished by having flatter land elsewhere on the site. Accordingly, I recommend that the submission of the Oil Companies for slope angle to be averaged across the site are rejected.

**13.18** In response to requests for certain zones to be exempt from the earthworks area thresholds, I note the intent of Standard 25.5.12 is to apply across the District in a consistent manner and the thresholds for resource consent reflect the risk of adverse environmental effects associated with large-scale bulk earthworks. Area and slope are the key factors determining risk therefore providing for certain exemptions for particular zones is not consistent with this risk-based approach. It would also limit the ability for Council to ensure large-scale earthworks implement appropriate site management practices.<sup>16</sup>

**13.19** Accordingly, I recommend that the submissions of Glendhu Bay Trustees Limited, Lakes Hayes Limited, Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited and Darcy Planning Limited on Standard 25.5.11 are rejected. As noted earlier, the Hearing Panel rejected the request for the proposed Glendhu Station Zone, and therefore it is not possible for this zone to be exempt from the earthworks area thresholds in Standard 25.5.11.

## **14. ISSUE 8: SEDIMENT CONTROL STANDARDS**

### **Sediment control standards**

#### *Submissions*

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<sup>16</sup> I acknowledge that there are exemptions from the area thresholds for the SASZs. However, this recognises the scale of earthworks required in these areas and that the location of these sub-zones means that adverse effects of earthworks are generally internalised with the sub-zone area.

- 14.1** Otago Fish and Game Council (2455.14) request that Standard 25.5.12 is retained.
- 14.2** Paterson Pitts (2457.11) requests that Standard 25.5.12 is deleted. Reasons given are as follows:
- (a) There is a lack of guidance on appropriate sediment control measures to comply with the standard;
  - (b) The standard is overly onerous, and it is not practicable to comply with all of the time even if the best management approaches are implemented; and
  - (c) The standard is worded in a way that would require retrospective resource consent after the event at which point there would likely be no discernible adverse effect left to assess (as sediment would have dispersed and mixed). Requiring a retrospective resource consent in this situation is nonsensical.
- 14.3** Paterson Pitts (2457.11) considers that, if Standard 25.5.12 is not deleted, it should be amended to:
- (a) Refer to 'minimise' rather than 'prevent'; and
  - (b) Change the activity status for non-compliance to restricted discretionary (discussed below); and
  - (c) Add an exemption to the standard when earthworks are being undertaken in accordance with industry best practice, an approved site management plan, or pre-approved sediment controls contained within the Land Development and Subdivision Code of Practice; or
  - (d) Develop more detailed guidance on the appropriate sediment control measures to comply with the standard. Paterson Pitts considers that a supporting guidance document is necessary to identify the controls to comply with the standard but notes that, if this guidance document is non-statutory and not linked to standard, then to it may be difficult to demonstrate compliance.
- 14.4** Eco Sustainability Development Limited (2539.1) requests that Standard 25.5.12 is deleted. Eco Sustainability Development Limited considers that the net result of this standard (together with standards 25.5.13 and 25.5.14) is that all earthworks in the District will be required

to apply for a non-complying resource consent. Eco Sustainability Development Limited supports the intent and desired outcome from Standard 25.5.12 but considers that it is unachievable to prevent all sediment discharging from the site during earthworks, even with the best site management measures in place. Eco Sustainability Development Limited considers that the PDP should rely on the volume thresholds in Table 25.2, which allow site management measures to be assessed through the resource consent process. Eco Sustainability Development Limited submits that this is the most efficient and effective approach to achieve sound environmental outcomes without creating an onerous consenting regime.

- 14.1** Real Journeys (2466.22), Cardrona Alpine Resort Limited (2492.16), Te Anau Developments Limited (2492.2), and Go Orange Limited (2581.22) oppose Standard 25.5.12 and request that it is deleted. The submitters consider that Standard 25.5.12 is not practical to comply and will create an unnecessary administrative burden on landowners and Council. The submitters consider that it is more appropriate to manage sediment through a resource consent process due to breaches to other standards, namely earthworks volume, cut or fill height. The submitters also consider Standard 25.5.12 overlaps and does not integrate with the functions of ORC (in particular Rule 13.5 of the ORP:W).
- 14.2** Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies - 2484.6) request that the word 'prevents' in Standard 25.5.12 is replaced with 'minimises'. The Oil Companies note that they support Standard 25.5.12 but have concerns over its absolute nature. The Oil Companies note that it is impossible to ensure that no sediment will leave the site during earthworks and consider that 'minimise' is more consistent with the policy direction for earthworks (namely Objective 25.2.1).
- 14.3** Queenstown Park Limited (2462.7) opposes the requirement for an erosion and sediment control management plans to be prepared by a suitably qualified person for all earthworks. Queenstown Park Limited considers that such a requirement should only apply to bulk earthworks over 50,000m<sup>3</sup>.

### *Analysis*

- 14.4** The implementation of appropriate erosion and sediment control measures is an important component of managing the adverse effects of earthworks both as a permitted activity standard and through the resource consent process as necessary. It is therefore common for plans to include permitted activity standards akin to Standard 25.5.12 to ensure sediment generation and run-off from earthworks is managed to minimise the risk of adverse effects on receiving environments.
- 14.5** As noted earlier in this report, the observation of current erosion and sediment control management practices in the District undertaken as part of the Threshold Report concluded that these were limited and below current best practice found in other parts of New Zealand. Improving erosion and sediment control practices during earthworks is therefore a key focus of Chapter 25. The implementation of appropriate erosion and sediment control measures is also important to address key Resource Management 'Issue 3 – *Earthworks and soil erosion, sediment and generation of run-off*'.<sup>17</sup> This recognises that earthworks that do not adequately control sediment generation and run-off may result in significant adverse effects on water quality and flow, and on the ecosystems within water bodies. Accordingly, I recommend that the submissions requesting Standard 25.5.12 is deleted in its entirety are rejected.
- 14.6** However, I do agree that the current wording of Standard 25.5.12 is uncertain, impractical and needs refinement. In particular, 'prevent' is an absolute term that is difficult (and sometimes impossible) to comply with in respect of earthworks. Even best practice sediment controls have a limited capacity to prevent sediment discharges occurring during high rainfall events. Such a requirement is also problematic to monitor and enforce as a permitted activity standard.
- 14.7** In my view, the focus of Standard 25.5.12 should be on:
- (a) Ensuring appropriate erosion and sediment control measures are installed and maintained; and

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17 As identified in section 6 of the s32 report for Chapter 25.

- (b) 'Minimising' the amount of sediment exiting the site, entering waterbodies and stormwater networks. In this respect, I agree with submitters that 'minimise' is more consistent with the policy direction in Objective 25.2.1.

**14.8** I note that this focus is more consistent with sediment control conditions in second generation plans and the sediment control standards in the recently enacted NES-PF<sup>18</sup>. I therefore recommend that Standard 25.5.12 be amended as follows, which is shown in **Appendix 1**:

~~*Earthworks must be undertaken in a way that prevents 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. or exiting going across the boundary of the site.*~~

**14.9** I consider this amended wording will improve the application of Standard 25.5.12 and ensure compliance can be practicably achieved. This will address, or at least alleviate, some of the concerns raised by submitters about the impractical and absolute nature of notified Standard 25.5.12.

**14.10** However, I am also of the view that this regulatory standard will only go so far in helping to improve earthworks management practices in the District. In my opinion, this regulatory standard should be supported by non-regulatory initiatives (guidance, upskilling) to be effective otherwise there is a risk that the desired outcomes are not achieved. I also acknowledge that there may be some uncertainty on the appropriate erosion and sediment control measures to comply with Standard 25.5.12 in the absence of supporting guidelines.

**14.11** The s32 Report signals that Council will be producing an erosion and sediment control guideline to assist contractors and designers with sediment management.<sup>19</sup> In my view, this guideline should be a high

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<sup>18</sup> For example, regulation 31 (sediment and stormwater control measures) requires sediment control measures to be installed and maintained and for disturbed sediment to be stabilised to minimise the amount of sediment entering water.

<sup>19</sup> I note that Council has produced a basic guide on earthworks and sediment control - Queenstown Lakes District Council (2014), 'A Guide to Earthworks in the Queenstown Lakes District'. However, this is limited in scope, somewhat dated and only focused on small sites.

priority for Council to assist with the implementation of Standard 25.5.12 by providing certainty on appropriate erosion and sediment controls to comply with the standard, particularly how to minimise the off-site sediment runoff, and help to improve earthworks management practices across the District.

- 14.12** The evidence of Mr Sunich outlines the important function guidelines could play to help important management practices in the District (in addition to regulatory controls in the PDP). In his opinion, the guideline should address small, medium and large sites by detailing a set of practical tools for implementation by the industry, with guidance as to under what circumstances and site conditions the various tools should be used. I note that a number of councils have produced comprehensive erosion and sediment control guidelines that Council will be able to draw on in progressing this work.
- 14.13** In terms of the relief sought by Paterson Pitts to provide an exemption to Standard 25.5.12 in certain circumstances, my recommended amendments would essentially mean that compliance will generally be achieved in these circumstances (i.e. implementation of industry best practice sediment control measures will achieve compliance) and there would be no need for an exemption.
- 14.14** However, I concur with the assessment of Paterson Pitts regarding the use of non-statutory guidance to provide certainty on the controls to be used to achieve compliance with Standard 25.5.12. In the absence of this guidance, I note that there is nothing preventing developers and landowners from discussing their proposed sediment control measures with Council in advance of the earthworks to confirm these will comply with Standard 25.5.12. In fact, this should be encouraged in my view, particularly for larger earthworks sites.
- 14.15** Overall, I consider that the changes I have recommended to Standard 25.5.12 provide a more practical performance standard which, when combined with guidance, will largely give effect to the issues raised by Paterson Pitts. I therefore recommend that this submission is accepted in part.

- 14.16** In terms of the submission of Queenstown Park Limited (2462.7), I note there is no requirement for a suitably qualified person to prepare an erosion and sediment control management plans for all earthworks. However, the Assessment Matters (25.8.2.d.) do identify that this will generally be required for large-scale earthworks that exceed the area thresholds in Standard 25.5.11.
- 14.17** In my view, it is appropriate for the Assessment Matters to signal the importance of preparing an erosion and sediment control management plans for large-scale earthworks. As I discuss earlier in Issue 8: Area Thresholds, there is a significant risk of adverse effects from earthworks that exceed the area thresholds and the preparation of an erosion and sediment control management plan is generally be required to appropriately manage those risks.
- 14.18** I also do not consider that an erosion and sediment control management plan should be limited to bulk earthworks over 50,000m<sup>3</sup>. As noted above, the area thresholds in the PDP function in a similar (and improved) way to the bulk earthworks provisions in the ODP. As outlined in the evidence of Mr Sunich, earthworks of a much smaller scale (less than 50,000m<sup>3</sup>) can still generate significant sediment runoff with the potential for significant adverse effects if not well managed. It is good practice to develop site-specific erosion and sediment control management plans that are targeted to the scale of the earthworks, the nature of the site and potential risks of discharges into receiving environments or off site. Accordingly, I recommend that the submission of Queenstown Park Limited to only require an erosion and sediment control management plan for bulk earthworks is rejected.
- 14.19** I recommend Standard 25.5.12 is amended as follows, which is shown in **Appendix 1**:

~~*Earthworks must be undertaken in a way that prevents Erosion and sediment control measures must be implemented and maintained during earthworks to minimise the amount of sediment existing the site, entering water bodies and stormwater networks. or exiting going across the boundary of the site.*~~

### **Activity status due to non-compliance**

#### *Submissions*

**14.20** A number of submitters request that the activity status for non-compliance with Standard 25.5.12 be a restricted discretionary activity rather than non-complying activity. This includes Lake Hayes Limited (2377.31), Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (2381.14), Glendhu Bay Trustees Limited (2382.15), Soho Ski Area Limited and Blackmans Creek No 1 (2384.12), Treble Cone Investments Limited (2373.14), and Darby Planning LP (2376.34).

**14.21** The submitters consider that a non-complying status is too onerous and that the effects of non-compliance with Standard 25.5.12 can be appropriately managed through a restricted discretionary activity consent process. Some submitters also consider that a non-complying status is inconsistent with the policy direction in the earthworks objectives and policies.

#### *Analysis*

**14.22** Non-complying is a stringent activity status that is used to send a clear signal that an activity is inappropriate/unanticipated within a particular area and/or the potential adverse effects may be significant. In these situations, the activity and its effects should be scrutinised through a stringent resource consent process that includes the 'gateway' test of section 104D. This ensures that resource consent will only be granted when the activity is consistent with the objectives and policies of the plan or the adverse effects are no more than minor

**14.23** In second generation plans, it is generally more common for non-compliance with permitted activity standards to be managed through a restricted discretionary activity consent. This is because the potential adverse effects of non-compliance with certain standards can generally be predicted with a higher level of confidence compared to, for example, the introduction of unforeseen or incompatible activity within a particular zone.

**14.24** I note that non-compliance with the corresponding standards in the ODP (Standards 23.3.3. iv.(a) and iv(b)) is a restricted discretionary and there is no explanation in the s32 Report for Chapter 25 as to why a more stringent activity status is required. Further, I note that the

matters of discretion in 25.7.1 and Assessment Matters specifically include the adverse effects that can be expected from non-compliance with Standard 25.5.12 as follows:

- (a) Soil erosion, generation and run-off of sediment (25.8.2);
- (b) Effects on infrastructure, adjacent sites and public roads (25.8.4); and
- (c) Effects on waterbodies, ecosystem services and indigenous biodiversity (25.8.6).

**14.25** Accordingly, I consider that there is no compelling reason why non-compliance with Standard 25.5.12 should be a non-complying activity. In my opinion, a restricted discretionary consent process provides sufficient regulatory oversight to manage adverse effects associated with non-compliance with Standard 25.5.12. I also consider the same reasoning applies to non-compliance with Standards 25.5.13 and 25.5.14, which I address in below.

**14.26** I therefore recommend that the submissions above are accepted and non-compliance with Standard 25.5.12 is amended to be a restricted discretionary activity as follows is also shown in **Appendix 1**:

Non-compliance
<del>NG RD</del>

## **15. ISSUE 9: DUST AND DEPOSITION STANDARDS**

### **Deposition of material on roads**

#### *Submissions*

**15.1** New Zealand Transport Agency (2538.28) request that Standard 25.5.13 is accepted. New Zealand Transport Agency supports the standard on the basis that material deposited on roads presents a safety risk.

**15.2** Federated Farmers (2540.5) supports Standard 25.5.13 in part but request that it is amended to state that no material shall “remain” on roads rather than “be deposited” on roads. Federated Farmers

considers that this alternative wording will better provide for the clean-up of incidental spillages where other reasonable measures have been taken. Federated Farmers also requests an amendment to Standard 25.5.13 to refer to formed roads so that it does not capture or, indicate it relates to, unformed roads.

- 15.3** Eco Sustainability Development Limited (2539.2) request that Standard 25.5.13 is deleted. The reasons given are consistent with their submission on Standard 25.5.12 (see above). In particular, Eco Sustainability Development Limited is concerned that Standard 25.5.13 will mean that any earthworks in the District will require a non-complying resource consent as it is impossible to prevent all material leaving the site (and being deposited on the road) even with the best management measures in place.
- 15.4** Paterson Pitts (2457.12) opposes Standard 25.5.13. Patterson Pitts considers that the standard is overly onerous and not practical to comply with at all times as earthworks on occasions can result in material being deposited on roads. Patterson Pitts also notes that breach of the standard will require a non-complying retrospective consent with limited benefit.
- 15.5** To address these concerns, Paterson Pitts requested that Standard 25.5.12 is deleted or, alternatively, amended to:
- (a) Replace 'no material' with 'minimise'; and
  - (b) Change activity status of non-compliance to restricted discretionary; and
  - (c) Add an exception to the Standard when earthworks are being undertaken in accordance with industry best practice, an approved site management plan, or pre-approved sediment controls within the Land Development and Subdivision Code of Practice; or
  - (d) Develop more detailed permitted standards detailing the site management methods that are appropriate to comply with the standard.
- 15.6** Real Journeys (2466.23), Cardrona Alpine Resort Limited (2492.17), Te Anau Developments Limited (2492.21), and Go Orange Limited

(2581.23) request that Standard 25.5.13 is deleted. The submitters consider that Standard 25.5.13 is not practical and will create an unnecessary administrative burden on landowners and Council. The submitters consider that it is more appropriate to manage the subject issue through a resource consent process when other standards are not complied with, namely earthworks volume, cut or fill height.

- 15.7** NZSKI (2454.2) note that they are not concerned with Standard 25.5.13 as their earthworks operations are typically contained within the site. However, NZSKI does identify the following concerns with Standard 25.5.13:
- (a) The standard is more of a condition that should be applied to a resource consent granted for earthworks; and
  - (b) No developer would purposefully deposit material on roads during earthworks and, as such, it is unlikely that a developer would apply in advance for a non-complying activity resource consent to do so.

*Analysis*

- 15.8** This is a new standard in the PDP and the rationale is not explained in the s32 Report.
- 15.9** I consider that it is appropriate that earthworks are managed in a way that seeks to avoid, as far as practicable, the amount of material deposited on the roads as this can cause a range of safety, amenity, nuisance and stormwater discharge issues. I therefore recommend that the submissions requesting Standard 25.5.13 is deleted in its entirety are rejected.
- 15.10** However, I do agree with some of the concerns raised by the submitters with the wording of Standard 25.5.13. In my opinion, there are two main issues with Standard 25.5.13:
- (a) Ensuring there is “no material” deposited on the road when earthworks material is being transported is very difficult (if not impossible) to comply with in all situations.
  - (b) The retrospective nature of the rule (i.e. compliance can only be assessed after the event) and the limited benefit of a retrospective resource consent.

- 15.11** As such, I consider that Standard 25.5.13 should be refined to better achieve the desired outcome while ensuring it is practicable and enforceable. In my opinion, the wording recently adopted in the of the Hamilton City District Plan<sup>20</sup> provides a good alternative for Standard 25.5.13. However, I consider that the requirement should be refined to:
- (a) Avoid material being deposited on the road in the first instance; or
  - (b) Minimising the amount of material being deposited to the extent that it does not result in nuisance effects.
- 15.12** In my opinion, this will improve the workability of Standard 25.5.13 and will better align it with policy direction in Objective 25.2.1 (and my recommended amendments to Standard 25.5.12). Accordingly, I recommend that submissions of Federated Farmers, Eco Sustainability Development Limited, Paterson Pitts and NZSki Limited are accepted in part to the extent that my recommended amendments address their concerns.
- 15.13** In terms of Federated Farmers submission, I note that road is defined in the PDP as follows “*Means a road as defined in section 315 of the Local Government Act 1974*. The definition of road in the Local Government Act 1974 is focused on public roads vested in the relevant council. However, in terms of rule clarity for plan users, I consider that it would be beneficial to refer to ‘public’ roads within Standard 25.5.13. I therefore recommend that the submission of Federated Farmers is accepted in part.
- 15.14** I therefore recommend Standard 25.5.13 is amended as follows, which is shown in **Appendix 1**:

~~*No material being transported from one site to another shall be deposited on any road. Earthworks and associated transport activities shall be managed to avoid the deposition of material from earthworks on public roads or minimise this to the extent that it does not cause nuisance effects.*~~

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<sup>20</sup> Hamilton City District Plan (2016 – Operative in Part), Rule 25.2.4.1 d) “*All earthworks activities shall be managed to avoid material deposits on public roads from any vehicles operating on site*”.

**15.15** I acknowledge that this amended wording is still retrospective in nature. However, in practice, I expect that this standard will operate more as a mechanism to undertake enforcement action when necessary (i.e. require operators to stop works and clean-up material when this is causing nuisance effects). This will also assist with compliance monitoring of larger earthworks sites to ensure steps are being taken to avoid or minimise the amount of earthworks material being deposited on the road.

### **Activity status due to non-compliance – Standard 25.5.13**

#### *Submissions*

**15.16** Consistent with Standard 25.5.12, the same group of submitters request that the activity status for non-compliance with Standard 25.5.13 is restricted discretionary rather than non-complying. This includes Lake Hayes Limited (2377.32), Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (2381.15), Glendhu Bay Trustees Limited (2382.16), Soho Ski Area Limited and Blackmans Creek No 1 (2384.13), Treble Cone Investments Limited (2373.15), and Darby Planning LP (2376.36). Similar reasons are provided, namely that they oppose a non-complying activity status when the effects of non-compliance can be addressed through a restricted discretionary consent process and that a non-complying activity status is not consistent with the objectives and policies.

#### *Analysis*

**15.17** Consistent with Standard 25.5.12, I recommend that the activity status for non-compliance with Standard 25.5.13 is amended to be a restricted discretionary activity. I consider the reasoning I set out in relation to Standard 25.5.12 equally applies to Standard 25.5.13. In particular, I consider:

- (a) The adverse effects that can be expected from non-compliance with Standard 25.5.13 is adequately covered by the matters of discretion (c. and g.) and associated Assessment Matters; and
- (b) A restricted discretionary process provides sufficient regulatory oversight to manage the adverse effects from the deposition of earthworked material on roads.

**15.18** I therefore recommend non-compliance with Standard 25.5.13 is amended as follows, which is shown in **Appendix 1**:

Non-compliance
<del>NG RD</del>

**15.19** As noted above, I acknowledge that in practice it is unlikely that a resource consent will be sought under Standard 25.5.13. A more likely outcome is enforcement associated with a breach of the standard together with a requirement to mitigate (remove) deposited material.

#### **Dust control (25.5.14)**

##### *Submissions*

**15.20** Queenstown Airport Corporation (2618.6) requests that Standard 25.5.14 be retained as notified. Queenstown Airport Corporation notes they support the inclusion of provisions in the PDP that give consideration to the effects of earthworks on the operation and safety of the airports (i.e. controls on dust).

**15.21** Paterson Pitts (2457.13) supports use of 'minimise' in Standard 25.5.14. However, Paterson Pitts is still concerned that the standard is onerous and not practical to comply with all the time (e.g. during extreme wind events). Consistent with Standards 25.5.12 and 25.5.13, Paterson Pitts requests that Standard 25.5.14 is amended to:

- (a) Change the activity status for non-compliance to restricted discretionary; and
- (b) Add an exception to the rule when earthworks are being undertaken in accordance with industry best practice, an approved site management plan, or pre-approved sediment controls within the Land Development and Subdivision Code of Practice; or
- (c) Develop more detailed permitted standards detailing the methods that are appropriate to comply with the rule.

**15.22** Consistent with their submissions on Standards 25.5.12 and 25.5.13, Real Journeys (2466.24), Cardrona Alpine Resort Limited (2492.18),

Te Anau Developments Limited (2492.22), and Go Orange Limited (2581.24) request that 25.5.14 is deleted. The same reasons are given.

- 15.23** Eco Sustainability Development Limited (2539.3) request that Standard 25.5.14 is deleted. The same reasons are given by Eco Sustainability Development Limited as Standards 25.5.12 and 25.5.13 noting that that it is impossible to prevent dust beyond the boundary of the site even with the best management measures in place.
- 15.24** NZSki Limited (2454.3) notes that they generally do not have an issue with Standard 25.5.14 as the Coronet Peak and Remarkables Ski Areas are generally located above 1300masl and there are no sensitive receivers at this type of altitude that would typically be affected by dust. However, NZSki raises the following issues with Standard 25.5.14:
- (a) The wording is ambiguous and the trigger point to require resource consent when dust control has not adequately 'minimised' nuisance effects is not clear; and
  - (b) The s32 Report does not raise dust emissions from development in the SASZs as an environmental issue that is inadequately addressed.

*Analysis*

- 15.25** I note that Standard 25.5.14 is consistent with the corresponding standard in the ODP (23.3.3.iv(a)). The only difference being change from "avoid nuisance effects" to "minimise nuisance effects" from dust.
- 15.26** It is well known that earthworks can give rise to dust and this has the potential to have nuisance effects beyond the boundary of the site. In my view, it is therefore appropriate for the PDP to retain a permitted activity standard relating to dust control during earthworks. This standard will also help achieve Objective 25.2.2 (as notified) to protect people and communities from the adverse effects of earthworks.
- 15.27** In my opinion, Standard 25.5.14 is overly onerous and impractical to comply with. In practice, this will require persons to undertake basic dust suppression measures, such as dampening exposed areas, particularly during drier periods and/or where there are strong winds. The extent of dust controls expected should also be commensurate to

the nature and scale of the earthworks, proximity of the exposed area of works to the site boundary, and the sensitivity of surrounding land uses.

- 15.28** The key requirement in Standard 25.5.14 is to ensure that nuisance effects from dust beyond the boundary are minimised. While I agree with the general outcome sought, I consider that the focus should be refined slightly to *minimise dust beyond the boundary of the site* from *minimise nuisance effects*. This is consistent with my recommended amendments to Standard 25.5.13.<sup>21</sup> I consider that this is less subjective and more enforceable than ‘minimise nuisance effects’ (which essentially comprises two subjective tests).
- 15.29** As with Standard 25.5.13, in practice, I expect that compliance with Standard 25.5.14 will generally be assessed in response to complaints about nuisance effects from dust, at which point Council officers will assess whether appropriate dust controls are in place. If not, it may be appropriate to require earthworks to be stopped until adequate measures are in place and/or resource consent is obtained (the less likely scenario). I consider that this is an appropriate approach to manage the adverse effects of dust from earthworks without imposing an administrative burden on Council or developers. For these reasons, I recommend that the submissions requesting Standard 25.5.14 is deleted are rejected.
- 15.30** However, consistent with Standards 25.5.12 and 25.5.13, I consider that a non-complying activity status is too stringent for non-compliance with Standard 25.5.14, and that the adverse effects of dust from earthworks can be adequately assessed and managed through a restricted discretionary consent process. Accordingly, I recommend that this part of Paterson Pitts submission on Standard 25.5.14 is accepted.
- 15.31** I therefore recommend Standard 25.5.14 is amended as follows, which is also shown in **Appendix 1**:

~~*Any person carrying out earthworks shall implement dust control measures to minimise nuisance effects of dust beyond the boundary*~~

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21 Rule xxx.

~~of the site.~~ Earthworks shall be managed so that dust beyond the boundary of the site is avoided or minimised to the extent that it does not cause nuisance effects.

- 15.32** I also recommend non-compliance with Standard 25.5.14 is amended as follows, shown in **Appendix 1**:

Non-compliance
<del>NG RD</del>

## **16. ISSUE 10: OTHER STANDARDS**

### **General submissions**

#### *Submissions*

- 16.1** Chorus (2194.12), Spark New Zealand Trading Limited (2195.12) and Vodafone New Zealand Limited (2478.12) support the earthworks standards in section 25.5 and requests that these are retained. The reasons given are the same as Issue 5: Other Provisions (see above).

#### *Analysis*

- 16.2** I recommend these submissions in support of the earthworks standards in section 25.5 are accepted.

### **Water bodies setbacks – 25.5.20**

#### *Submissions*

- 16.3** Fish and Game (2455.17) support Standard 25.5.20 in part but they request that the exemption relating to lakes and wetlands that do not flow to lakes or rivers is removed. Fish and Game notes that sediment can still degrade the natural character and habitat quality of these water bodies regardless of whether sediment can be mobilised further downstream. Fish and Game Council (2455.15) also support Standard 25.5.21 and requests this is retained.
- 16.4** Real Journeys (2466.151) seeks clarification that the setbacks to water bodies in Standard 25.5.20 do not apply to a setback from artificial watercourses.

- 16.5** Real Journeys (2466.27), Cardrona Alpine Resort Limited (2492.21), Te Anau Developments (2494.25), and Go Orange Limited (2581.27) oppose Standard 25.5.20 and request it better align with the ORP:W. To achieve this, the submitters request amendments to Standard 25.5.20 so that it does not apply to certain activities associated with water defence structure in and around waterways.
- 16.6** The reasons given by the submitters are that the standard does not integrate/align with the ORP:W or recognise the need to undertake a range of works to mitigate flood and erosion hazards. The submitters note that they regularly need to undertake activities within 10 metres of a water body and consider that they should not be required to obtain a resource consent from Council in these circumstances. The submitters also note that ORC does not require resource consents for these activities because it recognises that water defences are important in Otago to mitigate flood and erosion hazards.
- 16.7** Go Orange Limited (2581.9) and Real Journeys Limited (2466.9) requests that earthworks undertaken for the purpose of recreation activities (including commercial recreation) near or within waterbodies, including lake and river margins, are provided for as permitted, controlled or restricted discretionary activities. Go Orange Limited notes that as part of its rafting operations, it is required to undertake earthworks within and along the beds of rivers and this is often required to address the actual and potential risks to people and infrastructure.
- 16.8** Soho Ski Area Limited, Blackmans Creek No.1 LP (2384.15), Darby Planning Limited (2376.39, 2376.4), Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd (2381.18), Lake Hayes Limited (2377.34) and Glendhu Bay Trustees Limited (2382.19) oppose the new 10m setback to waterbodies. The submitters request that Standard 25.5.20 is amended to be consistent with the ODP, which permitted up to 20m<sup>3</sup> within 7m of a water body. The submitters consider there has been no assessment to justify the change from the ODP and note that a 7m setback is more consistent with the ORP:W.

**16.9** NZSki (2454.4) oppose Standard 25.5.20 and consider that requiring a resource consent for earthworks within 10m of a water body is unnecessary duplication (or triplicate) of the assessment undertaken by DOC and ORC. NZSki notes that they have jointly developed a set of protocols with DOC for the rehabilitation of natural alpine environments following Ski Area development and these set out extensive controls for soil erosion and sediment controls. In addition, NZSki notes:

- (a) ORC controls the discharge of sediment from works on land under Rule 12.C.1.1 and 12.C.3.2 of the ORP:W.
- (b) At the Remarkable Ski Area there are a myriad of wetlands, streams and a lake. The consequence of Standard 25.5.20 therefore is that most earthworks in the Ski Area would require resource consent.

*Analysis*

**16.10** The overlap with ORC's functions in relation to earthworks near water bodies has been addressed under Issue 2 and I consider the same reasoning applies here. I also note that ORC will continue to manage activities within water bodies, which seems to be the key concern of Real Journeys, Cardrona Alpine Resort Limited, Te Anau Developments, and Go Orange Limited. Accordingly, I recommend that the request to delete Standard 25.5.20 on the basis it duplicates ORC's functions is rejected.

**16.11** I have also addressed concerns of NZSki Limited about overlap between the PDP and the approval processes of DOC and ORC under Issue 3 above and consider the same reasoning applies here. Accordingly, I recommend that the submission of NZSki relating to Standard 25.5.20 is rejected.

**16.12** It is well known that earthworks undertaken in close proximity to water bodies introduces additional risk of adverse effects to water bodies and riparian margins and that this warrants greater regulatory oversight. It is therefore common practice for plans to include setbacks from waterbodies for earthworks. The PDP has increased the minimum setback from waterbodies from 7m to 10m and the reasons for this change are articulated in the s32 Report, the Threshold Report, and

the evidence of Mr Sunich. Key reasons for adopting a 10m setback to waterbodies for earthworks are as follows:

- (a) To be more consistent with practice elsewhere;
- (b) To provide additional protection, and buffer, for river and lake receiving environments;
- (c) To provide additional room for erosion and sediment control (such as silt fences) to minimise and mitigate discharges to waterbodies; and
- (d) To protect the structure and function of riparian margins.

**16.13** I agree that a 10m setback to waterbodies for earthworks is consistent with current practice elsewhere. I note, for example, that the setbacks to water bodies for earthworks within the NES-PF was carefully considered and a 10m setback was found to be the most effective and efficient approach. It was also adopted on the basis it was largely consistent with the water body setbacks for earthworks adopted in district and regional plans.

**16.14** However, I do consider that it is appropriate that some allowance is made for very small-scale earthworks within the setbacks to ensure resource consent is not required for very minor land disturbance with very limited risk of adverse effects. The ODP allows for 20m<sup>3</sup> of earthworks volume within the setbacks and a number of submitters request that this is retained.

**16.15** Mr Sunich reconsiders the setback to waterbodies for earthworks in response to submissions. He also agrees that the wording of Standard 25.5.20 may result in minor activities being unnecessary captured in a resource consent process due to the general definition of earthworks. While he agrees that it is appropriate to reinstate a level of permitted earthworks within the water body setbacks for minor activities, he considers the 20m<sup>3</sup> limit in the ODP is not appropriate as it is too large relative to the potential adverse effects on the natural character of wetlands, lakes, rivers and their margins. Mr Sunich considers that a 5m<sup>3</sup> volume threshold within the setbacks is more appropriate and I agree with his assessment. Accordingly, I recommend that Standard 25.5.20 is amended as follows, which is shown in **Appendix 1**:

~~*Earthworks shall be setback a minimum distance of 10 metres from the bed of any water body. Earthworks within 10m of the bed of any water body shall not exceed 5m<sup>3</sup> in total volume, within any consecutive 12-month period.*~~

- 16.16** It is important to emphasise that Standard 25.5.20 does not prevent earthworks from being undertaken within 10m of a water body, but requires resource consent to be obtained when the earthworks exceed the 5m<sup>3</sup> threshold to ensure those site-specific effects on the water body and riparian margin can be considered and appropriately managed. In my view, this is the most effective and efficient approach to address Key Resource Management Issue 3<sup>22</sup> and achieve Objective 25.2.1.
- 16.17** Accordingly, I recommend that the submissions requesting that Standard 25.5.20 is deleted, or amended to reflect the ODP approach, are accepted in part to the extent they are satisfied with my proposed amendments.
- 16.18** The submission of Fish and Game on Standard 25.5.20 appears to be based on a different interpretation to what was intended. Fish and Game appear to be interpreting Standard 25.5.20 to not apply to artificial watercourses and (natural) lakes and (natural) wetlands that do not flow into lake or river. I understand that the intent of Standard 25.20 is to *apply* artificial watercourses, (artificial) wetlands and (artificial) lakes that do not flow to a lake or river. In my opinion, it is appropriate for Standard 25.5.20 to apply to artificial waterbodies that flow into lakes and rivers and there could be elevated levels of sediment deposited downstream when earthworks are undertaken in close proximity to these waterbodies.
- 16.19** The submission of Real Journeys on Standard 25.5.20 seeks clarification that it does apply to artificial watercourses. I note that Standard 25.5.20 includes the following statement:

*This rule does not apply to any artificial watercourse, lake or wetland that does not flow into a lake or river, and includes Lake Tewa within the Jack's Point Zone.*

- 16.20** In my view, these submissions have highlighted that it would be beneficial to clarify the application of this standard to artificial waterbodies, a 'water body' (as defined in the RMA), and drains and races (which are excluded from the RMA definition of 'water body'). My recommended amendments to Standard 25.5.20 to achieve this are set out below, and are included in **Appendix 1**:

*Earthworks shall be setback a minimum distance of 10 metres from the bed of any water body, or any drain or water race that flows to a lake or river.*

*This rule shall not apply to any artificial water body (watercourse, lake, pond or wetland) that does not flow to a lake or river, and includes Lake Tewa within the Jacks Point Zone.*

*Advice Note: Water body has the same meaning as in the RMA, and also includes any drain or water race that goes to a lake or river.*

*~~Discretion is restricted to the matters set out in Part 25.7.~~*

- 16.21** In my view, these amendments will help provide the clarification and relief sought by Fish and Game and Real Journeys and are better aligned with the relevant RMA definitions.
- 16.22** In my view, the submission of Go Orange Limited seeking more lenient standards near waterbodies for earthworks associated with recreational activities is inconsistent with the risk-based nature of Standard 25.5.20. The 10m setback reflects a point at which adverse effects from earthworks on waterbodies and associated riparian margins increases and, in these situations, a degree of regulatory oversight is warranted to ensure adverse effects are appropriately managed. The level of risk does not relate to the purpose of the earthworks. Therefore, in my opinion, it would be inappropriate and unfair to exempt earthworks from Standard 25.5.20 when the purpose is associated with commercial recreation. Accordingly, I recommend that the submission of Go Orange Limited is rejected.

### **Waterbodies – groundwater aquifers – 25.5.21**

#### *Submissions*

- 16.23** NZSki Limited requests (2454.4) that 20.5.21 is deleted. NZSki note that earthworks in the SASZs are unlikely to result in artificial damage

of any aquifer but they do have potential to expose groundwater. In the event this occurs, NZSki Limited considers that the potential effects are sufficiently addressed through DOC and ORC approval processes. As such, NZSki Limited considers that it is unnecessary and ineffective to require resource consent under PDP for such activities with no environmental benefit.

- 16.24** Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies - 2484.21) request that Standard 25.5.21 is retained. The Oil companies support the standard insofar as the matters of discretion in 25.7.1 for non-compliance do not encompass effects that are within regional council functions in relation to groundwater. The Oil Companies note that they understand the intent of Standard 25.5.21 is to address potential land stability issues where earthworks expose groundwater.
- 16.25** Paterson Pitts (2457.15) requests that Standard 25.5.21 is amended to delete the part that states earthworks should not expose any groundwater. Paterson Pitts notes there is the potential to come across springs or seepages during earthworks that would trigger a retrospective resource consent under Standard 25.5.21. Paterson Pitts considers it would be impractical and costly to stop work and apply for consent in this situation and potentially lead to worse outcome if site works are left while consent is processed. Paterson Pitts consider that dealing with unknown groundwater issues is an engineering matter that can be addressed as works progress.

#### *Analysis*

- 16.26** I note that the ODP includes a corresponding standard (22.3.3.v(c)(i)) to Standard 25.5.21 stating that earthworks shall not cause artificial drainage of any groundwater aquifer. The key difference in PDP Standard 25.5.21 from the corresponding standard in the ODP is a new requirement for earthworks not to “expose any groundwater”.
- 16.27** The rationale for this change is not explained in the s32 Report and the new standard is opposed by NZSki Limited and Patterson Pitts. The Oil Companies have also sought clarification that the purpose of Standard 25.5.21 is to address potential land stability when groundwater is

exposed during earthworks and that it does not duplicate ORC's controls in relation to groundwater.

- 16.28** I appreciate that ORC has specific functions in relation to groundwater and there are rules in the ORP:W to manage the effects of activities on groundwater which is acknowledged in Section 25.3.2 (with my recommended amendments).
- 16.29** I understand from Council that the intent of the reference to earthworks "shall not expose any groundwater" in Standard 25.5.21 is to manage the land stability effects associated with the exposure of groundwater during earthworks. For example, I am informed that earthworks can expose the terminal moraines around Wanaka, which are identified on the hazard register, and lead to piping issues. As the purpose of this part of Standard 25.5.21 is distinct from the rules in the ORP:W, I consider that it should be retained.
- 16.30** However, I am concerned that the standard as currently worded could cause compliance issues and require earthworks to be unnecessarily stopped mid-works and obtain resource consent. Therefore, I consider that it should be amended to state that earthworks shall not be undertaken below the water level of a groundwater aquifer. In my view, this will help to ensure the standard is more focused on avoiding adverse effects on groundwater aquifers, which is more consistent with the second component of the standard (and the ODP), and not require earthworks to be ceased and resource consent be sought unnecessarily when it is suspected that groundwater has been exposed. The recommended amendments are shown in **Appendix 1**.

#### **Earthworks that discover cultural sites, archaeological sites or evidence of contamination – 25.5.15**

##### *Submissions*

- 16.31** Lakes Hayes Limited (2377.33), Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (2381.16), Soho Ski Area Limited and Blackmans Creek No.1 LP (2384.14), Treble Cone Investments Limited (2373.16), Darby Planning LP (2376.37) and Glendhu Bay Trustees Limited (2382.17) support Standard 25.5.15

and request this is retained as notified. The submitters support the intent to establish a permissive approach for managing accidental discovery of archaeological sites and contaminated land through the relevant legislation applying rather than as a separate consent requirement.

- 16.32** Heritage New Zealand (2446.13) requests that Standard 25.5.15 is amended to remove '*b. any feature or archaeological material that predates 1900*'. Heritage New Zealand considers that this is required to avoid duplication with the archaeological site provisions of the Heritage New Zealand (Pouhere Taonga) Act 2014.
- 16.33** Heritage New Zealand considers that PDP should only provide additional regulation for archaeological sites in certain circumstances (i.e. where a heritage site is scheduled in the Inventory of Protected Features in Chapter 26 of the PDP). In all other circumstances, Heritage New Zealand considers that requirements of the Heritage New Zealand (Pouhere Taonga Act) 2014 provide an adequate management framework to manage the effects on archaeological sites discovered during earthworks.
- 16.34** Real Journeys Limited (2466.25), Cardrona Alpine Resort Limited (2492.19) and Go Orange Limited (2581.26) and Te Anau Developments Limited (2494.23) oppose Standard 25.5.15 and request this is deleted. The submitters consider that the standard is not required as the subject matter are addressed by other legislation (i.e. Heritage New Zealand (Pouhere Taonga Act) 2014). The submitters also consider that it is more appropriate to manage the subject issue through requiring resource consent for breaches to other standards, namely such as earthworks volume, cut or fill.
- 16.35** Remarkables Park Limited (2468.7, 2468.8) support the restricted discretionary status of Rule 25.5.15 and 25.5.22. No reasons are provided.

#### *Analysis*

- 16.36** The purpose of Standard 25.5.15 is to identify the situations where the standards and procedures in Schedule 25.10 'Accidental Discovery

Protocol' must be followed. Submissions on Schedule 25.10 are discussed under Issue 14 below.

- 16.37** In my opinion, the Accidental Discovery Protocol should be clearly linked to a regulatory standard to ensure it is complied with when required (i.e. when earthworks discover unknown Māori artefacts or an archaeological feature or material and that predates 1900). This is distinct from a situation where earthworks are going to take place within a known wāhi tapu, wāhi tupuna or scheduled heritage feature that requires a discretionary consent under Rule 25.4.5. I address submissions on Rule 25.4.5 earlier under Issue 6 and have recommended amendments to improve the linkages for scheduled heritage features and sites of significance to Māori and avoid duplication with the provisions of the Heritage New Zealand (Pouhere Taonga Act) 2014.
- 16.38** In this respect, I note Schedule 25.10 is not intended to duplicate the provisions of the Heritage New Zealand (Pouhere Taonga Act) 2014, but rather make plan users more aware of these requirements. Compliance with Standard 25.5.15 and Schedule 25.10 requires earthworks to cease when earthworks accidentally discover an archaeological site, Māori cultural artefact, human remains or kōiwi, inform Heritage New Zealand, and recommencement may only continue once an archaeological authority has been obtained or Heritage New Zealand confirm this is not required.
- 16.39** Accordingly, I recommend that Standard 25.5.15 is retained as notified and the submission of Heritage New Zealand requesting standard b. is deleted is rejected. I also recommend that the requests from Real Journeys Limited, Cardrona Alpine Resort Limited, and Go Orange Limited and Te Anau Developments Limited to delete Standard 25.5.15 are rejected for the reasons set out above.

### **Height of cut and fill and slope – 22.5.17 and 25.5.18**

#### *Submissions*

Federated Farmers (2540.51) and Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (2484.23)

support Standard 25.5.16 and request that it is adopted as proposed. Federated Farmers supports a permitted activity status up to the cut depth specified and a restricted discretionary consent required when this is exceeded, with matters of discretion restricted to those matters set out in Part 25.7.

- 16.40** Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (2484.7) support Standard 25.5.17 in part. However, the Oil Companies request that it is amended or clarified so that the limit on the permitted height of fill does not apply to backfilling of excavations. The Oil Companies consider this interpretation issue can be clarified by way of advice note and/or diagrams informing plan users how Standard 25.5.17 is to be applied.
- 16.41** The Oil Companies request this amendment as they are concerned about how Standard 25.5.17 could be interpreted. They note that the current wording would not allow a permitted cut of earthworks (maximum 2.4m) to be backfilled as a permitted activity given the maximum permitted height of fill is 2m. The Oil Companies submit that this would not be an inappropriate interpretation of the standards, as consent would be required every time a permitted cut greater than 2m is backfilled.
- 16.42** Federated Farmers (2540.52) support Standard 25.5.18 and request that it is adopted as proposed. Federated Farmers supports a permitted activity status for earthworks, farm tracks and access ways in these zones, provided the standards in clause a. to c. are met. Federated Farmers also supports a restricted discretionary activity status for non-compliance with Standard 25.5.18.
- 16.43** Darby Planning LP (2376.38), Lake Hayes Limited (2377.3), Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (2381.17) and Glendhu Bay Trustee Limited (2382.18) support Standard 25.5.18 in part but request that it is amended to ensure that private roads, and roads created by subdivision, are exempt from this standard. The submitters consider that it is unclear whether the reference 'access ways' are intended to capture roads created through subdivision. The relief sought by the submitters seeks to ensure the

effects of creating roads are appropriately managed through the broader consideration of subdivision and the other standards within the earthworks chapter.

- 16.44** Queenstown Park limited (2462.21) requests that Standard 25.5.18 be amended to allow a cut of up to 2m in height without resource consent and to delete the 1m width restriction.

*Analysis*

- 16.45** The PDP maximum cut and fill height standards have largely been carried over from the ODP, which included site standards that the maximum cut shall not exceed 2.4m and the maximum cut of any fill shall not exceed 2m (23.3.3.ii(b)(i) and 23.3.3.ii(b)(i)).

- 16.46** The Oil Companies seek clarification that the maximum fill standards do not apply to cuts that are backfilled, noting that this could potentially result in unnecessary resource consent requirements. It is my expectation that this is how the ODP rules are being interpreted in practice without resulting in any unnecessary resource consent requirements. This could potentially be clarified through an advice note or similar. However, in my opinion, advice notes should only be used when necessary in the interests of avoiding unnecessary clutter in plans. In this situation, I do not consider that an advice note is necessary and recommend no changes in response to the submission of the Oil Companies.

- 16.47** In terms of the submission on Standard 25.5.18 seeking clarification as to whether it extends to roads, I note that the wording of the standard is consistent with the corresponding standard in the ODP (23.3.3.ii(a)). My understanding that it is intended to manage cuts, batters, and fill from earthworks within zones that are largely rural and rural-residential in nature (along with some specific activity areas in Jacks Point Zone). I note however that Standard 23.3.3.ii(a) in the ODP referred to “road, track or accessway” whereas Standard 25.5.18 refers earthworks for “farm tracks and access ways”. Given that Standard 25.5.16 and 25.5.17 specifically exclude roads and Standard 25.5.18 only refers to farm tracks and access ways, my understanding is that earthworks associated roads are not also subject to 25.5.18.

**16.48** However, I consider that this could be clearer through a minor amendment to the Standard to also note that it does not apply to roads. This directly responds to the submissions of Darby Planning LP, Lake Hayes Limited, Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited and Glendhu Bay Trustee Limited seeking clarification on the application of Standard 25.5.18.

**16.49** The submission of Queenstown Park Limited is actually focused on the exemptions from the earthworks rules in Rule 25.3.4.5.m which relates to earthworks for fencing in the same zones listed in Standard 25.5.18 (with the exception of certain Jacks Point Zone activities areas). While I appreciate the concerns of the submitter that fencing is a necessary part of farming operations and should be able to be undertaken efficiently, providing an exemption for earthworks of up to 1m height (cut or fill) and 1m width for fencing is appropriate in my view. My expectation is that this would enable fencing to generally be carried out without the need to refer to the earthworks rules in Chapter 25. Earthworks for fencing that exceed these limits are not prevented but need to be assessed against the relevant earthworks standards, including the standards for height of cut and fill whereby the maximum cut must not exceed 2.4m (Standard 25.5.16). It therefore appears that the relief sought by Queenstown Park Limited is already provided for and I recommend this submission is accepted in part.

### **Setbacks from boundaries – 25.5.19**

#### *Submissions*

**16.50** Sean McLeod (2349.6) opposes Standard 25.5.19(b) and requests this is deleted. Mr McLeod considers that the requirement to obtain a resource consent or building consent for a low retaining wall is a money-making exercise. Mr McLeod notes there are a number of proprietary systems where the risk of subsidence is non-existent and compliance costs of obtaining resource consent can easily exceed the cost of a retaining wall.

**16.51** Paterson Pitts (2457.14) opposes the height limit in Standard 25.5.19 that triggers the setback requirement being reduced from 0.5m to 0.3m

and seeks clarification as to whether the rule applies to road boundaries. Specific concerns and requested amendments from Paterson Pitts are as follows:

- (a) Reducing the permitted height of cut or fill on the boundary from 500mm to 300mm will trigger more resource consents for minor work close to the boundary;
- (b) The standard may result in potential issues with empty land between batters and retaining walls to the boundary. An alternative approach is to:
  - (i) Include a batter angle where any resulting batter slopes that are less than 6 degrees in slope can be located right up to the boundary; and
  - (ii) Require that that earthworks steeper than 6 degrees should be set back at least 500mm from the boundary; and
- (c) It is not clear how this rule will apply to domestic scale landscaping. Paterson Pitts considers that it is considered unreasonable to require boundary setbacks in this scenario, particularly in relation to roads.

**16.52** Real Journeys Limited (2466.26), Te Anau Developments Limited (2494.24), Go Orange Limited (2581.26) and Cardrona Alpine Resort Limited (2492.20) oppose Standard 25.5.19 and request it is amended so that it is less onerous. The submitters request that the height is increased from 0.3m to 0.5m as per the ODP and that retaining walls that are authorised by a building or resource consent are exempt from the standard. The submitters consider no evidence has been provided that justifies why a reduced 0.3m height and depth limit for the setback requirements is required.

**16.53** In addition, the submitters request that Standard 25.5.19 is amended so that non-compliance is a controlled activity and the matters of control relate only to neighbouring properties. The submitters consider that the restricted discretionary matters specified in section 25.7 are too broad for this standard, and the matters for control should only be limited to the effects on neighbouring properties.

**16.54** Sean McLeod (2349.7, 2349.8, 2349.9, 2349.1) requests a number of changes to the diagrams in section 25.9 as he considers that requiring retaining walls to be set back from boundaries results in a waste of land. Mr McLeod requests that following amendments:

- (a) Diagram 25.4 is accepted but amended to state "distance is 1 x depth" instead of 1.5 x depth;
- (b) Diagram 25.5 is amended to show that the fill is allowed within 300 mm of the boundary similar to Diagram 25.4;
- (c) Diagram 25.6 is amended to allow walls to be constructed to the boundary as a permitted activity, or limit the height to 2.0 metres before requiring consent. Mr McLeod also considers that larger walls should only require a Geotech supervision and neighbours written approval; and
- (d) Diagram 25.7 is amended to allow a retaining wall to the boundary or limit a wall on the boundary to 2.0 meters.

*Analysis*

**16.55** In terms of Mr McLeod's submission opposing Standard 25.5.19.b, I note that the purpose is to provide more lenient setback requirements where cut or fill is supported by a retaining wall and exempt retaining walls when authorised by a building consent. This is illustrated in the interpretative diagrams – 'Cut Supported by Diagram' and 'Fill Supported by Diagram'. Mr McLeod appears to be concerned that Standard 25.5.19.b requires a resource consent to be obtained for all retaining walls and considers that that this is unnecessary and costly. This is not the intent or effect of Standard 25.5.19.b - resource consent will only be required under this standard when the setback requirements are not met (i.e. cut supported by retaining wall is closer to the boundary than the height of wall). I therefore recommend that the submission of Mr McLeod is accepted in part as I consider that his concerns are already addressed by the notified standard.

**16.56** In terms of the submissions raising concerns about the reduction in cut and fill height from 0.5m to 0.3m, I note that earthworks (depth or height) greater than 0.3m provides a threshold at which the setback to boundaries standards will apply. Earthworks height that result in cut or fill less than 0.3m are not required to comply with Standard 25.5.19. I understand from Council that this de minimis threshold is intended to

address issues with the corresponding ODP standard (22.3.3.ii(b)(iii)) that has been criticised for requiring unnecessary resource consents. For example, a very small cut for a driveway would not comply if directly adjacent to a boundary. I also understand from Council that Standard 25.5.19 is based off a similar provision in the proposed Dunedin City District Plan<sup>23</sup> and advice was sought on the appropriateness of the standards from Council engineering and building consent officers.

- 16.57** I note that the 0.5m height limit within ODP standard (22.3.3.ii(b)(iii)) relates only to cut and fill supported by a retaining wall. This allows the cut to be located right up to the boundary when the wall is less than 0.5m in height. In this respect, there seems to be some confusion from submitters about the how the setback to boundary standards are intended to operate.
- 16.58** I do acknowledge that the PDP approach for setbacks to boundaries is slightly more restrictive for earthworks supported by retaining walls as these apply where the depth or height is 0.3m, whereas the ODP allows retained cut and fill up to 0.5m to be located right up to the boundary. The purpose of standards 25.5.19.a and 25.5.19.c is to manage risk by ensuring that fill and cut above 0.3m is setback at appropriate distances to neighbouring properties with slightly different requirements for supported and unsupported cut and fill. While I appreciate the rationale for the changes in the PDP, it seems appropriate that fill and cuts that are supported by a retaining wall should have a slightly higher threshold before the requirements to be setback to the boundary apply. Therefore, I recommend that 25.5.19.b is amended to allow cut and fill that is equal to or less than 0.5m to be located up to the boundary.
- 16.59** This directly responds to the submissions of Paterson Pitts, Real Journeys Limited, Te Anau Developments Limited, Go Orange Limited and Cardrona Alpine Resort Limited requesting the height limit is increased to 0.5m consistent with the ODP approach and I recommend these submissions are accepted.

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<sup>23</sup> Rule 16.6.1.4.

**16.60** In terms of the activity status for non-compliance, I note that non-compliance with all other earthworks standard in PDP Chapter 25 (with my recommended amendments) will require a restricted discretionary consent and there are no controlled activity rules. In my opinion, it is desirable to adopt a consistent approach across the chapter and for Council to retain the discretion to decline applications if necessary. The restricted discretionary matters only need to be considered as relevant to proposed activity, which in the event of non-compliance with Standard 25.5.19 will logically be focused on the adverse effects on neighbouring properties. Accordingly, I recommend the submissions requesting that non-compliance with Standard 25.5.19 is a controlled activity are rejected.

**16.61** The amendment sought to the interpretative diagrams in section 25.9 by Mr McLeod is discussed in the evidence of Mr Sunich and he opposes the relief sought. The key points in his evidence are as follows:

- (a) The limits applied in the various interpretative diagrams assist in interpreting the cut and fill limits and are drawn from other plans.
- (b) Strict compliance with the requirements shown by these diagrams is not required. Non-compliance will require a restricted discretionary resource consent where matters such as land stability, erosion, effects on infrastructure and natural hazards can be considered and appropriately managed.
- (c) The diagrams are generally sound and the amendments sought by Mr McLeod would potentially reduce the stability and increase the safety risk of cut and fill. As such, the amendments sought do not support a risk-based approach to set appropriate permitted activity standard for earthworks.

**16.62** Based on the reasoning set out in the evidence of Mr Sunich, in my view, the interpretative diagrams in section 25.9 are appropriate and should be retained as notified. Accordingly, I recommend that the submissions of Mr McLeod to amend the interpretative diagrams in section 25.9 are rejected.

## **Cleanfill – 25.5.22**

### *Submissions*

- 16.63** Lakes Hayes Limited (2377.35), Glendhu Bay Trustee Limited (2382.2) and Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (2381.19) oppose Standard 25.5.22 and request that it is deleted. If this request is not accepted, Lake Hayes Limited (2377.35) and Glendhu Bay Trustee Limited (2382.2) request that the Standard is amended to relate to Rule 25.4.3 (discretionary activity rule for earthworks for the construction or operation of a cleanfill). The submitters consider that it is unclear how the rule is intended to operate when all earthworks to operate a cleanfill are a discretionary activity under Rule 25.4.3
- 16.64** Queenstown Central Limited (2460.21) also oppose Standard 25.5.22 and request it is deleted. Queenstown Central Limited notes that development in large sites often involves importing or exporting large volumes of cleanfill and that all restricted discretionary activities are required to be assessed against the matters in Part 25.7, which includes traffic generation and amenity effects associated with off-site deposition of cleanfill. As such, the appropriateness of any given volume of cleanfill to be deposited or transported off-site can be assessed and mitigated through the resource consent process. Queenstown Central Limited therefore considers that imposing an additional standard restricting the volume of cleanfill transported to or from the site is overly onerous.
- 16.65** Darby Planning LP (2376.42) opposes Standard 25.5.22 and requests the standard is deleted or amended to relate to Rule 25.4.3. Darby Planning LP considers it is unclear how this rule is intended to operate when all earthworks to operate a cleanfill are listed as a discretionary activity through Rule 25.4.3.

### *Analysis*

- 16.66** The submissions on Standard 25.5.22 clearly demonstrate its purpose and relationship with Rule 25.4.3 is unclear. Rule 25.2.3 relates to the earthworks for the *construction and operation* of a cleanfill whereas Standard 25.2.22 relates to the *transportation* of cleanfill material by roads to or from earthworks site. There is no corresponding standard

in the ODP and I understand the reason for introducing Standard 25.5.22 arose from a concern about where material from earthworks taken offsite is being deposited in the District and there being no ability to manage that.

**16.67** In my view, this clarification responds to submissions seeking that Standard 25.5.22 is amended to more clearly relate to Rule 25.4.3 and also explains why I do not agree that Standard 25.5.22 should be deleted as requested by the submitters. As such, I recommend these submissions are rejected. .

**16.68** The submission of Queenstown Central Limited appears to be concerned with large-scale earthworks sites where resource consent is required for other reasons (e.g. area and volume thresholds), which also involve the importation and exportation of large volumes of cleanfill. Although the matters of discretion and Assessment Matters clearly address amenity and traffic effects, I do not consider that this is a reason to delete Standard 25.5.22. In my view, it is appropriate and not overly onerous for large earthworks sites to require consent under two or more earthworks standards with an integrated assessment of effects made in accordance with the matters of direction in 25.5.7 and Assessment Matters. Accordingly, I recommend this submission is rejected.

**16.69** I do note however that, from an effects management perspective, I see no reason why Standard 25.5.22 should only relate to the transportation (and eventual deposition) of cleanfill material. As I understand, it is the volume, transportation and deposition of the material to and from earthworks sites that this standard is intended to manage rather than the actual material. In my view, it would therefore be more appropriate for the title of standard to be refer 'Transportation of material' and the standard refer to '300m<sup>3</sup> of material excavated during earthworks' rather than refer to cleanfill. However, there is no clear scope to make such a recommendation. As such, I recommend no changes to Standard 25.5.22.

## **17. ISSUE 11: NON-NOTIFICATION (25.6)**

### *Submissions*

- 17.1** Streat Developments Limited (2311.14) and Church Street Trustee Limited (2375.4) seek that the non-notification clause in section 25.6 be amended so that earthworks that exceed volume standards are also non-notified. No reasons are provided.
- 17.2** Paterson Pitts (2457.16) opposes the non-notification provisions in section 25.6 on the basis that the recent RMA amendments only preclude notification for controlled activities, boundary activities, residential activities, and subdivisions that are restricted discretionary/discretionary activities. Paterson Pitts requests that the non-notification clause 25.6.1 is replaced with the corresponding provision in the ODP or that it is amended to extend the range of earthworks activities that will be considered without public notification.

### *Analysis*

- 17.3** The ODP (22.3.2.6) precludes notification and limited notification for earthworks when the volume standards are exceeded (except where the site adjoins a residential zone or open space zone) and generally (except where special circumstances exist). The PDP precludes notification and limited notification where the area thresholds (Standard 25.5.11) are exceeded.
- 17.4** The s32 Report explains that the approach to notification has been proposed because the actual and potential adverse effects from non-compliance with the area thresholds (i.e. sediment run-off and dust) should be capable of being sufficiently avoided by the design and implementation of erosion and sediment controls and construction methods. Further, the restricted discretionary status is considered to provide Council with sufficient regulatory oversight to ensure these methods are adequate, or decline the application if not. The section 32 report also notes that this will ensure adverse effects on the environmental and other persons are managed (dust, sediment etc.) and, if not, notification could occur due to non-compliance with these standards.
- 17.5** In my opinion, it is generally preferable for councils to have full discretion to notify or limited notify an application on a case by case

basis in accordance with sections 95-95G of the RMA, which are now relatively prescriptive in terms of when notification is required or precluded. However, I acknowledge that precluding notification is appropriate in some situations and provides certainty to applicants.

**17.6** I do not consider it is helpful or appropriate to adopt the ODP approach to state that earthwork applications will not be notified except where 'special circumstances' exist. In my opinion, there are earthworks standards where non-compliance may warrant notification of an application, such as setbacks and discovery of Māori artefacts/archaeological sites. While I expect the majority of earthworks applications will continue to be processed without notification, in my view, Council should have the discretion to notify applications where resource consent is required without needing to demonstrate that 'special circumstances' exist.

**17.7** I am also of the view that exceedance of the earthworks volume thresholds may result in minor or more than minor adverse effects on amenity, landscape and land stability that may warrant an application to be notified in some circumstances. I also consider that the potential adverse effects associated with exceeding the earthworks volume thresholds are not addressed by the other earthworks standards to the same extent as they are for the area threshold standards. Accordingly, I recommend that the requests to preclude notification of applications that exceed the earthworks volume thresholds and/or adopt the OPD approach are rejected.

## **18. ISSUE 12: MATTERS OF DISCRETION AND ASSESSMENT MATTERS**

### **Matters of Discretion**

#### *Submissions*

**18.1** Federated Farmers (2540.53) support the matters of discretion in 25.7 and request that these are adopted. Federated Farmers supports the matters for discretion as notified, particularly the consideration of the functional aspects and positive effects of earthworks in matter of discretion 25.7.i.

- 18.2** Queenstown Airport Corporation (2618.7) also requests that the matters for discretion set out in 25.7 of the PDP are adopted as notified. The reasons given are consistent with other submission points from Queenstown Airport Corporation in support of the PDP earthworks provisions.
- 18.3** Otago Fish and Game Council (2455.18) generally considers that the matters of discretion are suitable to protect natural values. However, Otago Fish and Game Council request that reference to “‘indigenous’” biodiversity in matters of discretion 25.7.1e. be deleted as earthworks can cause significant adverse effects on non-indigenous biodiversity, including salmonids and waterfowl. Otago Fish and Game Council consider that:
- (a) These non-indigenous species are an important part of the region’s culture and tourism; and
  - (b) Referring to ‘biodiversity’ rather than ‘indigenous biodiversity’ will ensure the value of these species is recognised without detracting from the consideration of indigenous biodiversity.
- 18.4** Heritage New Zealand (2446.14) requests that matter of discretion 25.7.1.f is amended to also refer to heritage sites. Heritage New Zealand notes that there is potential for earthworks to adversely affect post-1900 heritage sites which are not captured by the reference to cultural and archaeological sites.
- 18.5** Real Journeys Limited (2466.28), Cardrona Alpine Resort Limited (2492.22), Te Anau Developments Limited (2494.26) and Go Orange Limited (2581.28) request that the matters of discretion in 25.7.1 are amended to:
- (a) Delete the reference to “*these matters are also applicable to a discretionary or non-complying activity*”;
  - (b) Refer to landscape and amenity values within matter of discretion 25.7.1.b; and
  - (c) Delete the reference to archaeological sites in matter of discretion 25.7.1.f.

### Analysis

- 18.6** The matters of discretion in 25.7 of Chapter 25 are broadly supported by submitters as they recognise both the adverse effects of earthworks and the positive effects.
- 18.7** I recommend that the submission of Heritage New Zealand is accepted and the matter of discretion 25.7.1.f refer to “cultural, heritage and archaeological sites. I consider that this terminology is better aligned with Chapter 26 and the RMA.
- 18.8** In terms of the submission of Otago Fish and Game Council to refer to ‘biodiversity’ rather than ‘indigenous biodiversity, I note that a similar submission was dealt with by Mr Barr in the Section 42A Report on Chapter 24 Wakatipu Basin in relation to the matters of discretion for Rule 24.5.7 (setback from waterbodies).<sup>24</sup> Mr Barr recommended that this request is accepted on the basis that deleting the reference to ‘indigenous’ would not reduce emphasis on indigenous biodiversity but rather broaden the range of the considerations and better achieve the intent of the rule. I agree with the reasoning of Mr Barr and think it is important to ensure consistency across the PDP when considering similar effects. Accordingly, I recommend that the submission of Otago Fish and Game Council is accepted.
- 18.9** In terms of the requested amendments from Real Journeys Limited, Cardrona Alpine Resort Limited, Te Anau Developments Limited and Go Orange Limited:
- (a) I agree to some extent that it should not be implied that all the matters of discretion for restricted discretionary activities **will always** apply to discretionary and non-complying activities – the relevance of each matter will depend on the nature and location of the earthworks proposed. However, rather than delete this statement entirely, I consider it should be amended to state “*these matters ~~are~~ may also be applicable to discretionary activities*”. I also considered deleting the reference to non-complying activities as a consequential amendment to my recommendations for Standards 25.5.12 - 25.5.14 but concluded that it should be retained for non-complying subdivisions under Chapter 27 that are assessed

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24 Paragraph 29.51.

against the matters in 25.7. These changes are shown in **Appendix 1**.

- (b) I do not consider that 25.7.1.b should refer to values and this is inconsistent with how the other matters of discretion are currently worded. In practice, I also consider this amendment is unnecessary as it is obvious that the values of an area or site (i.e. landscape or cultural sites) that should be focus when considering and managing the adverse effects of earthworks.
- (c) I recommend that the reference to archaeological sites in 25.7.1.f is retained. As discussed elsewhere in this report, the adverse effects of earthworks on historic heritage (including archaeological sites) is a matter of national importance under section 6(f) of the RMA, which the PDP must recognise and provide for. PDP Chapter 25 is also intended to complement (rather than duplicate) provisions to manage heritage sites in PDP Chapter 26 and the New Zealand Heritage (Pouhere Taonga) Act 2014. Accordingly, I recommend this part of the submission is rejected.

## **Assessment Matters**

### *Submissions*

- 18.10** Chorus (2194.13), Spark New Zealand Trading Limited (2195.12) and Vodafone New Zealand Limited (2478.13) support the Assessment Matters in 25.8, particularly 25.8.10 functional aspects and positive effects. The submitters consider that these assessment matters provide appropriate direction for the resource consent process where earthworks associated with infrastructure exceed the permitted standards.
- 18.11** Similarly, Aurora Energy Limited (2508.4) seeks that Assessment Matter 25.8.10 (functional aspects and positive effects) is retained as notified. Aurora Energy Limited supports these matters as earthworks are an essential component of their activities and they consider that the PDP needs to enable infrastructure activities and associated earthworks in an equally permissive manner.
- 18.12** Heritage New Zealand (2446.15) generally supports the Assessment Matters noting that 25.8.7 will provide clear guidance on matters to

consider when earthworks may affect historic heritage values. However, Heritage New Zealand requests that the heading of 25.8.7 is amended to also refer to heritage values.

- 18.13** DOC (2242.17) supports Assessment Matters 25.8.3, 25.8.6 and 25.8.10. DOC considers the matters relating to landscape, effects on water bodies, ecosystem services and indigenous biodiversity, firebreaks and enhancing recreational opportunities are appropriate as they will assist in giving effect to Objectives 25.2.1.2, 25.2.2.1 and Policies 25.2.1.2 and 25.2.2.1.
- 18.14** However, DOC (2242.16) requests that additional assessment matters are included relating to:
- (a) The effects on threatened native species and indigenous plant communities; and
  - (b) Avoiding adverse effects on significant natural areas.
- 18.15** Queenstown Airport Corporation (2618.8) request that Assessment Matters 25.8.4 (effects on infrastructure, adjacent sites and public roads), 25.8.8 (nuisance effects) and 25.8.10 (functional aspects and positive effects) are retained as notified. The reasons given are consistent with other submission points from Queenstown Airport Corporation in support of the PDP earthworks provisions.
- 18.16** New Zealand Transport Agency (2538.29, 2538.3, 2538.31) requests that Assessment Matters 25.8.4.c, 25.8.8.a and 25.8.10.a be retained as notified. Reasons given New Zealand Transport Agency are as follows:
- (a) It is appropriate to assess the traffic effects where earthworks material is disposed of off-site, to ensure the safety and efficiency of the transport network is maintained.
  - (b) The assessment of the listed nuisance effects is appropriate as these can adversely affect the safety and efficiency of the adjacent transport network.
  - (c) It is appropriate to for the assessment matters to recognise that earthworks are often required as part of the functional or operational requirements of transport networks.

- 18.17** Paterson Pitts (2457.17) request that Assessment Matter 25.8.3.d. be amended to delete reference to "other visual amenity landscapes". Paterson Pitts consider that this creates uncertainty over the landscape considerations for land that is not an identified Outstanding Natural Landscape, Outstanding Natural Feature or Rural Landscape Classification (e.g. Residential or Rural Lifestyle Zones). Paterson Pitts considers that the reference to "other visual amenity landscapes" could create additional complexity for landscape assessments required to support resource consent applications.
- 18.18** Otago Fish and Game Council (2455.19) generally considers that the assessment matters are suitable to protect natural values. However, they seek that Assessment Matter 25.8.6 be amended to remove reference to "indigenous". The same reasons are provided as their similar request to matter of discretion 25.7.1.e (as discussed under Issue 13 above).
- 18.19** Aurora Energy Limited (2508.3) supports Assessment Matter 25.8.4(b) and request this is retained. Aurora Energy Limited support the need to protect critical network utilities from the effects of encroaching development and potential reverse sensitivity issues.
- 18.20** Real Journeys Limited (2466.29), Cardrona Alpine Resort Limited (2492.23), Te Anau Developments Limited (2494.27) and Go Orange Limited (2581.29) request that all the Assessment Matters are deleted. The submitters consider that there is no need to provide assessment matters for resource consent applications as there is sufficient guidance provided in the applicable objectives, policies and matters of discretion.

### *Analysis*

- 18.21** I understand that assessment matters have generally been removed from the PDP in the interest of streamlining the plan and so activities can be assessed through the relevant objectives and policies. However, they have been retained in the earthworks chapter – the reasons for which are outlined in the s32 Report (pg.42)<sup>25</sup>, namely because the Assessment Matters articulate a finer level of detail than

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<sup>25</sup> S32 report, Chapter 25.

the policies in terms of how earthworks activities should be designed and undertaken to be consistent with the relevant policies.

- 18.22** For these reasons and the fact that most submitters support the Assessment Matters, I recommend that the requests to delete the Assessment Matters from Real Journeys Limited, Cardrona Alpine Resort Limited, Te Anau Developments Limited and Go Orange Limited are rejected. I consider that the Assessment Matters provide useful direction to applicants and Council on the key effects to manage to inform the design of the earthworks, the preparation of resource consent applications and the imposition of appropriate consent conditions.
- 18.23** I recommend that the submission from Heritage New Zealand is accepted and the heading of Assessment Matters 25.8.8 is amended to refer to “Cultural, heritage and archaeological values”. As noted earlier, I consider that this language is more consistent with Chapter 26 and that used in the RMA.
- 18.24** I agree with the submission of Paterson Pitts that the reference to ‘other visual amenity landscapes’ creates some uncertainty in terms of landscapes it is intended to capture. I discuss this issue in relation to Policy 25.2.1.2 (see discussion above) and consider the same reasoning applies here. Accordingly, I recommend this submission is accepted and the reference to “other amenity landscape” is removed from Assessment Matter 25.8.3.d. This change is shown in **Appendix 1**.
- 18.25** In terms of the submission of Otago Fish and Game Council to refer to “biodiversity” rather than “indigenous biodiversity” in the heading of Assessment Matter 25.8.6, I recommend this is accepted for the same reason given in relation to the corresponding matters of discretion (see discussion above). I also note that Assessment Matter 25.8.6.c refers to biodiversity values rather than indigenous biodiversity values so this amendment provides more consistency.
- 18.26** In terms of the submission of DOC, I recommend this is accepted in part. I agree that Assessment Matters 25.6.8 that relate to effects on

waterbodies, ecosystem services and biodiversity should incorporate consideration of significant natural areas that are addressed through Chapter 33 of the PDP and are a recognised section 6(c) RMA matter. However, I consider the reference to “effects on threatened native species and indigenous plant communities” could create some uncertainty in terms of the species this is intended to apply to, so I do not recommend any changes in response to this request, and recommend the submission is rejected.

## **19. ISSUE 13: ACCIDENTAL DISCOVERY PROTOCOL**

### *Submissions*

- 19.1** Streat Developments Limited (2311.15) support the use of an agreed accidental protocol. No reasons are provided.
- 19.2** Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited (the Oil Companies) (2484.22) seek that Schedule 25.10 is retained without further modification. The Oil Companies support the schedule noting that it is consistent with other recently adopted Accidental Discovery Protocols (such as within the Auckland Unitary Plan).
- 19.3** Darby Planning LP (2376.43) and Lake Hayes Limited (2377.36); Henley Downs Farm Holdings Limited Henley Downs Land Holdings Limited (2381.2) and Glendhu Bay Trustees Limited (2382.21) support the Accidental Discovery Protocol set out in 25.10 provided this has been agreed to by the relevant agencies and Mana Whenua.
- 19.4** Sean McLeod (2349.2) seeks that 25.10.f.(vi) and 25.10.f.(vii) be deleted. Mr McLeod opposes 25.10.f.(vi) on the basis it creates doubt (i.e. it is hard to prove after the fact and an excavator operator should not have to make this assessment). Mr McLeod opposes 25.10.f.(vii) as he considers minor changes are expected and should be allowed. Mr McLeod also notes that requiring resource consent before continuing works is costly and time consuming. Further, if there is already a consent in place with conditions that have to be followed, requiring a new consent is unlikely to change any requirements already in place.

- 19.5** Real Journeys Limited (2466.3), Cardrona Alpine Resort Limited (2492.24), Te Anau Developments Limited (2494.28) and Go Orange Limited (2581.3) request that the Accidental Protocol Provisions set out in Schedule 25.10 is deleted. The submitters consider that this protocol does not need to be within the District Plan and a more appropriate approach would be to provide a standardised, readily updateable accidental discovery protocol within a guidance document or factsheet.

*Analysis*

- 19.6** I have explained the rationale for Schedule 25.10 and its relationship with Standard 25.5.15 in relation to submissions on that standard. The key point is that these provisions are not intended to duplicate requirements elsewhere but rather alert plan users to those requirements and provide certainty on the procedures to follow when earthworks discover archaeological sites, Māori artefacts or contaminants. I note this approach is broadly supported by submitters and I recommend these are accepted.
- 19.7** I do not agree that it is more appropriate to have the accidental discovery protocol within a guidance document or factsheet. This increases the risk it is overlooked or ignored. In my opinion, Schedule 25.10 best sits within the PDP with a clear link to a regulatory standard. Accordingly, I recommend that the submissions of Real Journeys Limited, Cardrona Alpine Resort Limited, Te Anau Developments Limited and Go Orange Limited are rejected.
- 19.8** In relation to the submissions of Mr McLeod, I note these requirements apply when earthworks discover a site with archaeological or cultural values or contaminants – where the presence of which was not known at the time the earthworks commenced. In these situations, I consider that it appropriate to cease works and not recommence until the appropriate authorisations have been obtained. While I acknowledge there may be costs to developers to stop work, allowing works to continue could result in significant and potentially unacceptable adverse effects. Accordingly, I recommend that the submissions of Mr McLeod on Schedule 25.10 are rejected.

## 20. MISCELLANEOUS

### Definitions

#### *Submissions*

- 20.1** Federated Farmers (2540.54) request that the definition of earthworks is amended to exclude low impact, practical and common practices addressed as exclusions under proposed Rule 25.3.4.5. Federated Farmers considers that this would provide clarity.
- 20.2** Z Energy Limited, BP Oil New Zealand Limited and Mobile Oil New Zealand Limited (2484.10) support the definition of 'earthworks' and request this is retained. No reasons are provided.
- 20.3** Transpower New Zealand Limited (2442.12) supports the definition of 'earthworks' in part and requests that this is amended to include the deposition and removal of 'rock or soil' in addition to cleanfill to ensure that these activities are clearly captured in the definition. Transpower New Zealand Limited generally supports the definition of 'earthworks' to the extent that it is consistent with the relief sought in the Stage 1 of the PDP to exclude a number of activities from the definition of earthworks as these activities should be subject to the National Grid corridor rules.
- 20.4** Darby Planning LP (2376.44), Lake Hayes Limited (2377.37), Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd (2381.21) and Glendhu Bay Trustees Ltd (2382.22) oppose the definition of earthworks. The submitters request that the definition is amended to remove the deposition and removal of cleanfill, as cleanfill is separately defined in the PDP and has a separate discretionary activity rule regardless of volume.
- 20.5** Federated Farmers (2540.55) support the definition of 'landfill' and request that this is accepted. Federated Farmers considers the proposed definition is an accurate description of a landfill, and support the definition excluding offal pits, silage pits and silage stacks that are part of a farming activity.

- 20.6** Federated Farmers (2540.56) and Z Energy Limited, BP Oil New Zealand Limited and Mobile Oil New Zealand Limited (2484.8) support the definition of ‘cleanfill’ and request that this is accepted without modification. The Oil Companies note that proposed definition is consistent with the definition contained in the Ministry for the Environment’s Cleanfill Guidelines.<sup>26</sup> Federated Farmers consider that the definition proposed is an accurate description of a cleanfill
- 20.7** Transpower New Zealand Limited (2442.13) supports the definition of ‘Regionally Significant Infrastructure’ and requests this is retained. Transpower New Zealand Limited supports the definition as:
- (a) It includes ‘electricity transmission infrastructure forming the National Grid’ and gives effect to the NPSET and ORPS; and
  - (b) reflects the definition that was proposed by Transpower in *their original submission on the Stage 1 Review of the PDP*.
- 20.8** Queenstown Airport Corporation (2618.9) supports the definition of Regionally Significant Infrastructure but requests that the use of “and” between clauses is removed.

#### *Analysis*

- 20.9** In terms of the request from Federated Farmers to amend the definition of earthworks to exclude low impact farming activities, my understanding is that the PDP deliberately aims to avoid using definitions as quasi-rules / standards. Rather the approach is to set out exemptions from rules through the general rules in each chapter.
- 20.10** In terms of earthworks and exemptions for low impact farming activities, this is provided for General Rule 25.3.4.5, which Federated Farmers supports (as discussed above). Repeating those exemptions within the earthworks definition would therefore, in my view, result in unnecessary duplication and potential confusion in the application of the earthworks rules. Accordingly, I recommend no change to the earthworks definition in response to the submission of Federated Farmers.

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<sup>26</sup> Ministry for the Environment (2002), ‘A Guide to the Management of Cleanfills’.

**20.11** The other submissions on the earthworks definition seek for it to exclude cleanfill or conversely to specifically refer to the deposition and removal of 'rock or soil'. In responding to these submissions, I note that following definitions of earthworks and land disturbance in the draft National Planning Standards, which are due to be gazetted in April 2019:

***Earthworks:*** means any land disturbance that changes the existing ground contour or ground level.

***Land disturbance:*** means the alteration to land, including by moving, cutting, placing, filling or excavation of soil, cleanfill, earth or substrate land.

**20.12** While the National Planning Standards are in draft and may be subject to change following public consultation and submissions, I note that (when combined) the definitions specifically refer to excavation of soil, cleanfill and earth, which is similar to the relief sought by Transpower New Zealand Limited. While no weight can be placed on the draft National Planning Standards, it certainly implies most earthworks definitions incorporate cleanfill as the standards are based on existing plan definitions. I therefore recommend that this submission is accepted in part and the definition of earthworks is amended to refer to "*the excavation and removal of soil, cleanfill and land*". I consider that this is implicit within the existing earthworks definition but this minor amendment would avoid any doubt.

**20.13** For similar reasons, I recommend that the submissions requesting that cleanfill is removed from the earthworks definition are rejected. These submissions seemed to be based on a misunderstanding of the purpose of Rule 25.4.3 which relates to earthworks for the purpose of *constructing or operating a cleanfill*. Earthworks may (and often will) involve the excavation of cleanfill that is not be related to a 'cleanfill facility' as such. As discussed above, I have recommended an amendment to Rule 25.4.3 so that it refers to a cleanfill facility, which may help improve the understanding of the purpose and applicability of this rule.

**20.14** In terms of the definition of regionally significant infrastructure, I agree with the requested amendment from Queenstown Airport Corporation to remove the use of "and" between each clause as it could be

interpreted to mean regionally significant infrastructure must meet each clause. Accordingly, I recommend this submission is accepted.

- 20.15** My understanding is that the definition of regionally significant infrastructure is intended to be aligned with the corresponding definition in the ORPS. I note that consent orders have recently been issued on the Infrastructure provisions of the PORPS. The PORPS includes definitions for municipal infrastructure,<sup>27</sup> electricity distribution infrastructure,<sup>28</sup> electricity sub-transmission Infrastructure,<sup>29</sup> Electricity transmission infrastructure<sup>30</sup> which are also relevant to the PDP definition of regionally significant infrastructure. However, in my view, the only amendment required to the definition of Regionally Significant Infrastructure is a consequential amendment to refer to the PORPS in the advice note when this becomes operative.

## **Definitions - from the Stage 1 Review of the Proposed District Plan**

### *Submissions*

- 20.16** HW Richardson Group (252.2) support the proposed definition of 'mining activity.'
- 20.17** New Zealand Tungsten Mining Limited (519.3) opposes the definition of 'mining' and requests that the definition is amended to align with the definition of 'mining operations' from the Crown Minerals Act 1991. New Zealand Tungsten Mining Limited considers that the definition creates ambiguity as it includes the activity of prospecting and exploration, but the definition of exploration is not defined.

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27 Defined as "Municipal infrastructure Infrastructure for: a) Conveyance of untreated water from source to, and including, the point of its treatment to potable standard for an urban environment (see below), but excluding its distribution within that urban environment; b) Treatment of wastewater from a reticulated system in an urban environment (see below) and conveyance for its disposal, but excluding its pre-treatment collection within that urban environment; c) Treatment of stormwater from a reticulated system in an urban environment (see below) and conveyance for its disposal, but excluding its pre-treatment collection within that urban environment. Urban Environment means:a) Dunedin, Queenstown, Oamaru and any other urban area within Otago that qualifies as an urban environment as defined by the National Policy Statement on Urban Development Capacity 2016. b) An area of land containing, or intended to contain, a concentrated settlement of 10,000 people or more and any associated business land, irrespective of local authority or statistical boundaries).

28 Defined as "Lines and associated equipment used for the conveyance of electricity on lines other than the National Grid or electricity sub-transmission infrastructure

29 Defined as: "Means electricity infrastructure which conveys electricity between the National Grid and renewable energy generation sources to zone substations and between zone substations".

30 Defined as "National Grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.

- 20.18** Z Energy Limited, BP Oil New Zealand Limited and Mobile Oil New Zealand Limited (The Oil Companies - 768.3) request that the definition of 'earthworks' is deleted and replaced with the definition from the decision on Plan Change 49 in the ODP. The recommended definition of earthworks is as follows:

*“Means the disturbance of land by the removal or depositing of material. Earthworks include excavation, fill, cuts, batters and formation of roads, access and tracks, and the use of Cleanfill, but does not include the cultivation of land, planting of vegetation including trees, Mining Activities and Cleanfill Facilities.”*

#### *Analysis*

- 20.19** In terms of the submission on the definition of mining activity, I note that the variation to the Stage 1 definition of 'mining activity' has amended this to be aligned with the definition sought by the submitter and the definition of 'mining operations' in the Crown Minerals Act 1991. Separate definitions have also been provided in Stage 2 PDP for 'mineral exploration' and 'mineral prospecting' which also align with the corresponding definitions in the Crown Minerals Act 1991. This addresses the relief sought by New Zealand Tungsten Mining Limited and I recommend that this submission is accepted.
- 20.20** In terms of the submission from the Oil Companies on the definition of earthworks, I note that the variation to the Stage 1 definition of earthworks generally aligns with the wording sought by the submitters. The main difference being that it does not list specific exclusions from the definition (i.e. that it *“does not include the cultivation of land, planting of vegetation including trees, Mining Activities and Cleanfill Facilities”*). In my response to a similar submission on the earthworks definition from Federated Farmers, I explain that the PDP seeks to avoid including exemptions within definitions but rather set out exemptions with the general rules. I consider the same reasoning applies here and therefore recommend that the submission from the Oil Companies is accepted in part.

#### **Purpose – 25.1**

#### *Submissions*

**20.21** Transpower New Zealand Limited (2442.6) supports the purpose section of PDP Chapter 25 but requests it is amended as follows:

*Earthworks are often a necessary component of the use and development of rural and urban land, and are often an integral part of the ~~installation~~ development, operation and maintenance and upgrading of infrastructure.*

**20.22** Transpower New Zealand Limited generally supports the purpose in Section 25.1 as it recognises that earthworks are important for the continued use and development of rural and urban land, and an integral part of the development and maintenance of infrastructure. However, Transpower New Zealand Limited considers that the wording should be amended to be consistent with the terminology used in the NPSET to ensure different components of infrastructure and development are captured.

**20.23** Federated Farmers (2540.33) supports the purpose in Section 25.1 in part. However, Federated Farmers requests the wording is amended to acknowledge:

- (a) That the ORP:W sets out the water quality responsibilities of resource users; and
- (b) In rural areas some smaller scale earthworks are required to ensure the ongoing viability of rural land uses.

**20.24** Federated Farmers consider that the ORP:W is the better regulatory mechanisms for setting out expectations for water quality standards and water quality issues (including sediment from earthworks) are addressed through a single regulatory mechanism. To achieve this, Federated Farmers requests that waterbodies is deleted from the second paragraph and the PDP only refer to the margin of waterbodies.

**20.25** Paterson Pitts (2457.2) requests that paragraph four of Section 25.1 is amended to include 'cut and fill'. Paterson Pitts considers paragraph four should state 'volume, cut and fill' to align with Rule 25.3.4.1 in terms of the standards that earthworks associated with subdivisions are exempt from.

*Analysis*

**20.26** I consider that the amendments recommended by Transpower New Zealand Limited are a helpful addition to clarify the different types of infrastructure development. Accordingly, I recommend this submission is accepted. Those changes are set out in **Appendix 1**.

**20.27** I also support the requested amendment to the purpose statement from Federated Farmers to recognise some smaller scale earthworks are required to ensure the ongoing viability of rural land uses. I note that the first paragraph recognises that earthworks are required in urban areas for certain purposes but there is no corresponding statement in relation to earthworks within rural areas. Accordingly, I recommend this submission is accepted and the following sentence is added to the end of the first paragraph of the purpose statement, which is also shown in **Appendix 1**:

*Within rural areas, some smaller scale earthworks are required to ensure the ongoing viability of rural land uses.*

**20.28** However, I do not agree with Federated Farmers that ORC is the only agency responsible for managing effects on waterbodies and that the PDP has no role in managing effects of earthworks on waterbodies. I discuss this matter in more detail under Issue 3 where I emphasise that, while ORC has the primary responsibility for managing the effects of discharges on waterbodies, Council must manage the effects of land use and development of which includes the effects of sediment runoff from earthworks. Accordingly, I recommend this part of Federated Farmers submission is rejected.

**20.29** I agree with Paterson Pitts that the first sentence of paragraph four of the purpose statement should refer to “volume, cut and fill” to be better aligned with Rule 25.3.4.1. I agree that the recommended amendment by Paterson Pitts is better aligned with Rule 25.3.4.1 and recommend this is accepted. This amendment is shown in **Appendix 1**.

## **Other**

### *Submissions*

**20.30** Young Changemakers – Wakatipu Youth Trust Advisory Group (2495.1) requests that the Council dedicates a part of their website to notifying people when there are major earthworks and how these may

affect the public. They note that earthworks can create a significant inconvenience and create longer journeys for the public, and that having all information in one place would be beneficial to the public.

**20.31** Tonnie and Erna Spijkerbosch (2133.1) requests that the earthworks provisions are amended to not require earth bunds and mounds to screen dwellings from view. Tonnie and Erna Spijkerbosch considers that the earth bunds and mounds are an eyesore, do not look natural, and stand out in the landscape of the District.

**20.32** Friends of Lake Hayes Society Inc (2140.4) request that regular water testing is undertaken both below and above site development boundaries as part of resource consent conditions. Reasons given by Friends of Lake Hayes Society Inc include:

- (a) Resource consent for earthworks under the PDP is only required for works exceeding 2500m<sup>2</sup> on sloping sites or 10,000m<sup>2</sup> on flat sites, and these thresholds indicate when an erosion and sediment management plan might be required to mitigate temporary effects of earthworks.
- (b) There is a large amount of earthworks currently occurring in the Lake Hayes catchment and that existing controls to manage sediment are not effective as there are high sediment loads entering the Lake.
- (c) The general ineffectiveness of current earthworks controls in the ODP were identified in the s32 Report.
- (d) ORC do not monitor water quality in Mill Stream and only summarises impacts after rainfall events and does not identify where consent condition breaches occur.

**20.33** Glendhu Bay Trustees Ltd (2382.1) requests that in the event that the decision on the Stage 1 Upper Clutha Mapping hearings of the PDP agree to the creation of the Glendhu Station Zone, that those provisions are incorporated into Chapter 25 Earthworks.

#### *Analysis*

**20.34** In relation to the submission of Young Changemakers – Wakatipu Youth Trust Advisory Group, I note it is outside the scope of this district plan review to require Council to notify the public when larger scale

earthworks are taking place. I therefore recommend that this submission is rejected.

**20.35** In relation to the submission of Tonnie and Erna Spijkerbosch, I note that there is no requirement in PDP Chapter 25 that earth bunds and mounds be established during earthworks to screen dwellings from view. A landowner or developer may establish an earth bund during earthworks for a range of reasons and, in my view, the PDP should not restrict this provided the relevant earthworks standards (setbacks, dust etc.) are complied with. I also note that effects on visual amenity and landscapes is a specific consideration when resource consent is required for earthworks, which will help to ensure the visual effects of any earth bunds are appropriately considered and managed.

**20.36** I acknowledge the concerns of Friends of Lake Hayes Society Incorporated in relation to sediment discharges into Lakes Hayes. As noted throughout this report, the PDP earthworks provisions are aimed at improving sediment control practices in the District in order to address some of the concerns raised by the submitters. However, in my view, the requirements for water quality monitoring for developments involving earthworks is best determined on a case by case basis through the resource consent process. This allows the monitoring requirements to be tailored to the nature and scale of the works and the sensitivities of the receiving environments. I also note that it is role of ORC to monitor freshwater in the region. I therefore recommend that this submission is rejected.

**20.37** In relation to the submission of Glendhu Bay Trustees Ltd, as noted earlier in this report, the Hearing Panel did not agree to the create of the Glendu Station Zone. As such, Chapter 25 does not include separate earthworks provisions for this area. I therefore recommend that this submission is rejected.

## ISSUE 14: JACKS POINT ZONE - FROM THE STAGE 1 OF THE PROPOSED DISTRICT PLAN

### *Submissions*

**20.38** Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited and Willow Pond Farm Limited (762.12) support Rule 41.5.4.1 in part but request that it is amended so that the maximum earthworks volume in the Village Activity Area changes from 500m<sup>3</sup> to 'no maximum'. The submitter notes that further earthworks are proposed in the Village Activity Area to expand and change the shape of Lake Tewa, and the proposed maximum earthworks volume threshold of 500m<sup>3</sup> is unrealistic for this work to occur.

**20.39** Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited and Willow Pond Farm Limited (762.13) support Rule 41.5.4.5 in part and request this is amended to include exemptions to man made water bodies as follows:

*“a. Earthworks within 7m of the bed of any water body shall not exceed 20m<sup>3</sup> in total volume, except any man made water body (e.g. Lake Tewa), within one consecutive 12 month period.*

*b. Any material associated with earthworks activity shall not be positioned within 7m of the bed of any water body, except any man made water body (e.g. Lake Tewa) or where it may dam, divert or contaminate water.*

*c. Earthworks shall not:*

- cause artificial drainage of any groundwater aquifer;*
- cause temporary ponding of any surface water.”*

**20.40** The submitter notes that Lake Tewa is an entirely man-made lake and earthworks within the setbacks will not impact on the natural character of any natural lake, river or other water body. Further, the submitter

considers the amendments sought are required to enable further changes to the shape of Lake Tewa.

- 20.41** Wild Grass Partnership, Wild Grass Investments No 1 Limited and Horizons Investment Trust (567.12) opposes rules 41.5.4.1 and 41.5.4.2 as these relate to the Lodge Activity Area and requests these are deleted and replaced with Rule 12.2.3.3 of the ODP. No reasons are provided.
- 20.42** RCL Queenstown Pty Ltd, RCL Henley Downs Ltd and RCL Jacks (632.77, 632.78) requests Rule 41.5.4.1 and 41.5.4.2 are amended to:
- (a) Include the Open Space Community and Recreation Activity Area to the table where 1000m<sup>3</sup> is the maximum volume (Rule 41.5.4.1); and
  - (b) Include the Open Space Community and Recreation Activity Area in the wording of Rule 41.5.4.2.
- 20.43** The submitter considers that the amendments sought are appropriate for the Open Space Community and Recreation Activity Area part of the zone given its characteristics.

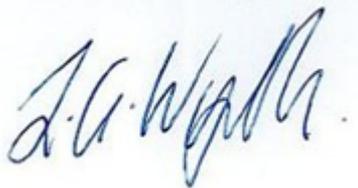
#### *Analysis*

- 20.44** In relation to the request to move the Village Activity Area into the no maximum earthworks threshold category in Standard 25.5.10, I recommend this submission is accepted. The reasons are set out in my discussion of similar submissions on the earthwork volume thresholds for Jacks Point Zone in Issue 7.
- 20.45** In terms of the submission requesting man-made water bodies are excluded Rule 41.5.4.5 (now Standard 25.5.20), I have recommended amendments to Standard 25.5.20 to clarify the water bodies it applies to and excludes. This makes it clear the standard does not apply to artificial water bodies (watercourses, lakes, ponds or wetlands) unless these flow into a natural lake or wetland. I also note that Standard 25.5.20 specifically refers to Lake Tewa being excluded. However, I recommend that the wording is slightly refined to state “including” rather than “and includes” to clarify intent. Accordingly, I recommend

the submission of Jacks Point Residential No.2 Ltd et al on Rule 41.5.4.5 is accepted.

**20.46** Wild Grass Partnership, Wild Grass Investments No 1 Limited and Horizons Investment Trust oppose the volume thresholds and cut and fill height limits for Jacks Point Zone which are Standards 25.5.8 – 25.5.10 and 25.5.16 – 25.5.18 in Chapter 25. The submitter request that these standards are replaced with Rule 12.2.3.3 of the ODP which is a restricted discretionary rule for subdivision, commercial activities, community activities and visitor accommodation in the Jacks Point Zone. The purpose of the earthworks standards and the rule referred to by the submitter are quite different, as are the effects they seek to manage. I have discussed the purpose and importance of the earthworks volume thresholds and cut and fill height restrictions earlier in this report and consider that this also applies to the Jacks Point Zone. I therefore recommend this submission is rejected.

**20.47** RCL Queenstown Pty Ltd, RCL Henley Downs Ltd and RCL Jacks make a number of requests relating to Open Space Community and Recreation Activity Area. I note that neither the Jacks Point Zone earthworks rules or Chapter 25 make reference to this activity area. The submitter sought inclusion of this activity area within the Jacks Point Zone through Stage 1 of the PDP. However, in its decision of Chapter 41, the Hearing Panel declined this request on the basis that the proposal included too many uncertainties and concerns about the potential adverse visual effects of the proposed development on adjoining landowners. As such, there is no need to amend Chapter 25 to reference an activity area within Jacks Point Zone that does not exist. Accordingly, I recommend this submission is accepted in part.



**Jerome Wyeth**

**23 July 2018**

**APPENDIX 1**  
**Revised Chapter 25**

## Appendix 1

### S42A Recommended Chapter

#### Key:

Recommended changes to notified chapter are shown in red underlined text for additions and ~~red strike-through~~ text for deletions.

## 25 Earthworks

### 25.1 Purpose

Earthworks are often a necessary component of the use and development of rural and urban land, and are often an integral part of the installation development, operation, and maintenance and upgrading of infrastructure. Within urban areas, some modification of the landscape is inevitable in order to provide for development, including creating functional, safe and stable building sites, as well as roads and access ways with appropriate gradients. Within rural areas, some smaller scale earthworks are required to ensure the ongoing viability of rural land uses.

Commented [JW1]: 2442

Commented [JW2]: 2540

Within both rural and urban locations earthworks have the potential for adverse effects on landscape and visual amenity values and require management to ensure the District's Outstanding Natural Features, Landscapes, amenity values, cultural values, waterbodies and their margins are protected from inappropriate development.

Commented [JW3]: 2329

Earthworks associated with construction, subdivision, land use and development can cause erosion of land and sedimentation of stormwater. Unless appropriately managed this could affect stormwater networks, or result in sediment entering wetlands, rivers and lakes. Earthworks can also create temporary nuisance effects from dust, noise and vibration that require management.

The volume cut and fill limits in the Earthworks Chapter do not apply to earthworks associated with subdivisions proposals with a Controlled or Restricted Discretionary activity status because earthworks and the adverse effects associated with these activities are contemplated and managed by the policies and matters of discretion in the Earthworks Chapter and Subdivision Chapter 27. All other rules in the Earthworks Chapter apply to applications for subdivisions consent to manage potential adverse effects from for instance, earthworks near water bodies or cut and fill adjacent to neighbouring properties. Subdivisions involving earthworks shall also be considered against the matters of discretion and assessment matters in this chapter.

Commented [JW4]: 2457

Commented [JW5]: Clause 16(2)

Commented [JW6]: Clause 16(2)

Earthworks in this plan encompass the defined activities of earthworks but exclude cultivation, mineral prospecting, exploration and mining activity.

#### **Pursuant to Section 86B (3) of the Act the following rules have immediate legal effect:**

- Rule 25.5.11;
- Rule 25.5.12;
- Rule 25.5.15 where related to historic heritage;
- Rule 25.5.20; and
- Rule 25.5.21.

## 25.2 Objectives and Policies

- 25.2.1 Objective – Earthworks are undertaken in a manner that minimises adverse effects on the environment, protects people and communities and maintains landscape and visual amenity values.

Commented [JW7]: 2388 et al

### Policies

- 25.2.1.1 Ensure earthworks minimises erosion, land instability, and sediment generation and off-site discharge during construction activities associated with subdivision and development.
- 25.2.1.2 ~~Protect~~ Manage the adverse effects of earthworks to avoid the following valued resources including those that are identified in the District Plan from the inappropriate adverse effects and minimise other adverse effects to of earthworks:
- Protect the values of Outstanding Natural Features and Landscapes;
  - Maintain and enhance the amenity values of Rural Landscapes ~~and other identified amenity landscapes~~;
  - Protect the values of Significant Natural Areas and the margins of lakes, rivers and wetlands;
  - Minimise the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wanaka Basin and Cardrona alluvial ribbon aquifers;
- Advice note:** These aquifers are identified in the Otago Regional Plan: Water for Otago 2004.
- Protect Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori; the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;
  - Protect the values of heritage sites, precincts and landscape overlays; and
  - Maintain and enhance public access to and along lakes and rivers.

Commented [JW8]: 2384 et al

Commented [JW9]: 2457

Commented [JW10]: 2329

25.2.1.3 Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.

25.2.1.4 Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas.

25.2.1.5 Design earthworks to recognise the constraints and opportunities of the site and environment.

25.2.1.6 Ensure that earthworks are designed and undertaken in a manner that does not adversely affect infrastructure, buildings and the stability of adjoining sites.

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25.2.1.7 Encourage limiting the area and volume of earthworks being undertaken on a site at any one time to minimise adverse effects on water bodies and nuisance effects of adverse construction noise, vibration, odour, dust and traffic effects.

25.2.1.8 Undertake processes to avoid adverse effects on cultural heritage, including wāhi tapu, wāhi tūpuna and other taonga, and

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archaeological sites, or where these cannot be avoided, effects are remedied or mitigated.

**25.2.1.9** Manage the potential adverse effects arising from exposing or disturbing accidentally discovered material by following the Accidental Discovery Protocol in Schedule 25.10.

**25.2.1.10** Ensure that earthworks that generate traffic movements maintain the safety of roads and accesses, and do not degrade the amenity and quality of surrounding land.

**25.2.1.11** Ensure that earthworks minimises natural hazard risk to people, communities and property, in particular earthworks undertaken to facilitate land development or natural hazard mitigation.

**25.2.2 Objective – The social, cultural and economic well being of people and communities benefit from earthworks while being protected from adverse effects.**

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**Policies**

**25.2.2.1** ~~Subject to Objective 25.2.1, e~~ Enable earthworks that are necessary to provide for people and communities wellbeing, having particular regard to the importance of:

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- a. Nationally and Regionally Significant Infrastructure;
- b. tourism infrastructure and activities, including the continued operation, and provision for future sensitive development of recreation and tourism activities within the Ski Area Sub Zones and the vehicle testing facility within the Waitorau Ski Area Sub Zone;
- c. minimising the risk of natural hazards;
- d. enhancing the operational efficiency of farming including maintenance and improvement of track access and fencing; and
- e. the use and enjoyment of land for recreation, including public walkways and trails.

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**25.3 Other Provisions and Rules**

**25.3.1 District Wide**

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
26 Historic Heritage	27 Subdivision	28 Natural Hazards
29 Transport	30 Energy and Utilities	31 Signs
32 Protected Trees	33 Indigenous Vegetation and Biodiversity	34 Wilding Exotic Trees
35 Temporary Activities	36 Noise	37 Designations

and Relocated Buildings		
Planning Maps		

25.3.1.1 Refer to Chapter 33 Indigenous Vegetation and Biodiversity for land disturbance activities within Significant Natural Areas. ~~No~~The provisions of this chapter do not prevail over those of Chapter 33 Indigenous Vegetation and Biodiversity.

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25.3.1.2 Earthworks are also managed as part of development activities and modifications to Historic Heritage items and settings identified on the Planning Maps and in Chapter 26 Historic Heritage. ~~No~~The provisions of this chapter do not prevail over those of Chapter 26 Historic Heritage.

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25.3.1.3 The provisions in this chapter do not apply to the following activities ~~are managed~~ in Chapter 30 Energy and Utilities:

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- a. Earthworks, buildings, structures and National Grid sensitive activities undertaken within the National Grid Yard;
- b. Earthworks for the placement of underground electricity cables or lines.
- c. Earthworks for the construction, alteration, or addition to underground lines.

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25.3.1.4 The rules relating to construction noise and vibration are managed in Chapter 36: Noise. Consideration of construction noise and vibration associated with earthworks are included as matters of discretion in Part 25.7 and assessment matters in Part 25.8 as a component of the management of the potential adverse effects of earthworks.

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**25.3.2 Advice Notes - Regional Council Provisions**

25.3.2.1 Some land disturbance activities including those that:

- a. involve the diversion of water; including any earthworks structures used for flood hazard mitigation; or
- b. discharge of stormwater with sediment; or
- c. modification to water bodies including wetlands; or
- d. results in the exposure of groundwater aquifers;

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are subject to the Otago Regional Council Regional Plan: Water for Otago 2004.

25.3.2.2 Cleanfill and Landfill activities are also subject to the Otago Regional Council Regional Plan: Waste for Otago 1997.

**25.3.3 Advice Notes**

25.3.3.1 ~~Volume shall mean the sum of all earth that is moved within a site and includes the total of any combined cut and fill. Refer to Interpretive Diagrams 25.1 to 25.3 located within Schedule 25.9. For all restricted discretionary applications, discretion is restricted to the matters set out in 25.7.~~

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25.3.3.2 The rules for any zone include any subzone or overlay applicable to that zone, except where otherwise specified.

25.3.3.3 ~~Refer to Chapter 33 Indigenous Vegetation and Biodiversity for land disturbance activities within Significant Natural Areas. No provisions of this chapter prevail over those of Chapter 33 Indigenous Vegetation and Biodiversity.~~

25.3.3.4 ~~Earthworks are also managed as part of development activities and modifications to Historic Heritage items and settings identified on the Planning Maps and in Chapter 26 Historic Heritage. No provisions of this chapter prevail over those of Chapter 26 Historic Heritage.~~

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25.3.3.5 Those who wish to undertake earthworks in the vicinity of Queenstown Airport or Wanaka Airport are referred to Figures 1 to 4 of the Planning Maps which identify the Airport Approach and Protection Measures, and Airport Protection Inner Horizontal and Conical Surfaces for Queenstown Airport and Wanaka Airport. Land use restrictions within these areas are further described in Chapter 37: Designations, Parts D.3 and E.2. Persons who wish to undertake earthworks are advised to consult with the relevant requiring authority and the Civil Aviation Authority.

25.3.3.6 Part I of the Heritage New Zealand Pouhere Taonga Act 2014 states that no work may be undertaken on an archaeological site (whether recorded or unrecorded) until an archaeological authority to destroy, damage or modify a site has been granted by Heritage New Zealand Pouhere Taonga in accordance with that Act. Note: A recorded site is an archaeological site recorded via the New Zealand Archaeological Association's Site Recording Scheme and information is available at [www.archsite.org.nz](http://www.archsite.org.nz).

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25.3.3.7 Attention is drawn to the following iwi management plans that should be taken into account of and given regard to when assessing resource consent applications:

- a. Te Tangi a Taurira: The Cry of the People, the Ngāi Tahu ki Murihiku Iwi Management Plan for Natural Resources 2008.
- b. Kāi Tahu ki Otago Natural Resource Management Plans 1995 and 2005.

25.3.3.8 Resource consent may be required for earthworks under the following National Environmental Standards:

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- a. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. In particular for earthworks associated with the removal or replacement of fuel storage tanks, earthworks associated with sampling or disturbance of land identified in the Listed Land Use Register held by the Otago Regional Council. In these instances, the NES applies instead of the District Plan provisions.
- b. ~~Resource consent may be required for earthworks under t~~he Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016. In particular for earthworks associated with antennas and cabinets. Refer to Chapter 30 Energy and Utilities for clarification as to whether the NES applies instead of the District Plan provisions.
- c. ~~Resource consent may be required for earthworks under t~~he Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009. Refer to Chapter 30 Energy and Utilities for clarification as to whether the NES applies instead of the District Plan provisions.
- d. The Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

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Commented [JW30]: Clause 16(2)

25.3.3.9 The following activities are managed in Chapter 30 Energy and Utilities:

- a. ~~Earthworks, buildings, structures and National Grid sensitive activities undertaken within the National Grid Yard;~~
- b. ~~Earthworks for the placement of underground electricity cables or lines.~~

25.3.3.10 ~~The rules relating to construction noise and vibration are managed in Chapter 36: Noise. Consideration of construction noise and vibration associated with earthworks are included as matters of discretion in Part 25.7 and assessment matters in Part 25.8 as a component of the management of the potential adverse effects of earthworks~~

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#### 25.3.4 General Rules

25.3.4.1 Earthworks ~~associated with~~ subject to resource consent applications for ~~Controlled or Restricted Discretionary Activity~~ subdivisions under Chapter 27 pursuant to section 11 of the Act are exempt from the following Rules:

- a. Table 25.2 volume;
- b. Rule 25.5.16 cut; and
- c. Rule 25.5.17 fill.

Applications for subdivision involving any earthworks shall be considered against the matters of discretion for earthworks in Part 25.7 and assessment matters in Part 25.8.

All other rules in the Earthworks Chapter apply to ~~applications for subdivisions~~ consent.

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25.3.4.2 Earthworks ~~for Ski Area Activities~~ within the Ski Area Sub Zones and vehicle testing facilities within the Waipirau Ski Area Sub Zone are exempt from the earthworks rules, with the exception of the following ~~rules~~ standards that apply:

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Commented [JW34]: Clause 16(2)

- a. Rules 25.5.12 to 25.5.14 that control erosion and sediment, deposition of material on Roads and dust;
- b. Rule 25.5.20 setbacks from waterbodies; and
- c. Rule 25.5.21 exposing groundwater.

25.3.4.3 Earthworks shall be calculated as follows:

- a. The maximum volume and area of earthworks shall be calculated per site, within ~~one any~~ consecutive 12 month period
- b. ~~Volume shall mean the sum of all earth that is moved within a site and includes the total of any combined cut and fill. Refer to Interpretive Diagrams 25.1 to 25.3 located within Schedule 25.9 The maximum volume and area of earthworks shall be calculated per site, within one consecutive 12 month period.~~

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25.3.4.4 Earthworks within the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone to facilitate the construction of a building and landscaping authorised by resource consent within an approved building platform are exempt from the following rules:

- a. Table 25.2 volume standards;

- b. Rule 25.5.16 cut standards; and
- c. Rule 25.5.17 fill standards.

**25.3.4.5** Earthworks for the following shall be exempt from the rules in Tables 25.1 to 25.3:

- a. Erosion and sediment control except where subject to Rule 25.5.20 setback from waterbodies.
- a. The digging of holes for offal pits.
- b. Fence posts.
- c. Drilling bores.
- d. Mining Activity, Mineral Exploration or Mineral Prospecting.
- e. Planting riparian vegetation.
- f. Internments within legally established burial grounds.
- g. Maintenance of existing **and-in-service** vehicle **and recreational** accesses and tracks, excludes their expansion.
- h. Deposition of spoil from drain clearance work within the site the drain crosses.
- i. 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.
- j. Firebreaks not exceeding 10 metres width.
- k. Cultivation and cropping.
- l. Fencing in the Rural Zone, Wakatipu Basin Rural Amenity Zone (excluding the Precinct), Rural Lifestyle Zone and Gibbston Character Zone where any cut or fill does not exceed 1 metre in height or any land disturbance does not exceed 1 metre in width.
- m. Earthworks where the following National Environmental Standards have regulations that prevail over the District Plan:
  - i. Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.
  - ii. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
  - iii. Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.
  - iv. Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2016.

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## 25.4 Rules – Activities

Table 25.1 Earthworks Activities		Activity Status
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	<b>Table 25.1 Earthworks Activities</b>	<b>Activity Status</b>
<b>25.4.1</b>	Earthworks that comply with all of the activities and standards in Tables 25.1 to 25.3.	P
<b>25.4.2</b>	Earthworks that do not comply with the volume of earthworks standards in Table 25.2. Discretion is restricted to the matters set out in Part 25.7.	RD
<b>25.4.3</b>	Earthworks for the construction or operation of a Cleanfill <del>Facility</del> .	<del>RD</del>
<b>25.4.4</b>	Earthworks for the construction or operation of a Landfill.	D
<b>25.4.5</b>	Earthworks that modify, damage or destroy: <u>a.</u> a wāhi tapu, wāhi <del>tūpuna or other site of significance to Māori taonga or archaeological site</del> whether identified on the Planning Maps or not; <del>or</del> <u>b.</u> <del>a listed heritage feature, included in the Inventory of Listed Heritage Features in Chapter 26 Historic Heritage.</del>	D
<b>25.4.6</b>	Earthworks within a Statutory Acknowledgment Area, Tōpuni or Nohoanga identified on Planning Map 40.	D

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## 25.5 Rules – Standards

	<b>Table 25.2 Maximum Volume</b>	<b>Maximum Total Volume</b>
<b>25.5.1</b>	Arrowtown Residential Historic Management Zone Arrowtown Town Centre Zone Open Space and Recreation Zones	100m <sup>3</sup>
<b>25.5.2</b>	Heritage Landscape Overlay Area Heritage Precinct Outstanding Natural Feature	10m <sup>3</sup>
<b>25.5.3</b>	Low Density Residential Zone Medium Density Residential Zone High Density Residential Zone Waterfall Park Zone Millbrook Resort Zone	300m <sup>3</sup>
<b>25.5.4</b>	Large Lot Residential Zone Rural Residential Zone	400m <sup>3</sup>

	<b>Table 25.2 Maximum Volume</b>	<b>Maximum Total Volume</b>
	Rural Lifestyle Zone Wakatipu Basin Rural Amenity Zone and Precinct	
<b>25.5.5</b>	Queenstown Town Centre Zone Wanaka Town Centre Zone Local Shopping Centre Zone Business Mixed Use Zone <del>Queenstown Airport Mixed Use Zone</del> <del>Airport Zone (Queenstown)</del>	500m <sup>3</sup>
<b>25.5.6</b>	Rural Zone Gibbston Character Zone <del>Airport Zone (Wanaka)</del>	1000m <sup>3</sup>
<b>25.5.7</b>	a. Roads b. Roads located within an Outstanding Natural Feature identified on the Planning Maps	(a) No limit (b) 10m <sup>3</sup>
	<b>Jacks Point Zone</b>	
<b>25.5.8</b>	Residential Activity Areas <del>Village</del> <del>Village Homestead Bay</del> Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area	500m <sup>3</sup>
<b>25.5.9</b>	Open Space Landscape Open Space Amenity <del>Farm Preserve 1 and 2</del> Homesite	1000m <sup>3</sup>
<b>25.5.10</b>	Open Space Golf Education <del>Education Innovation Campus</del> Lodge <del>Village</del> <del>Village Homestead Bay</del>	No maximum

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Commented [JW45]: Clause 16(2)

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Table 25.3 Standards		Non-Compliance
<b>Nuisance effects, erosion, sediment generation and run-off</b>		
25.5.11	<p>Earthworks shall not exceed the following area:</p> <p>a. 2,500m<sup>2</sup> where the slope is 10° or greater.</p> <p>b. 10,000m<sup>2</sup> where the slope is less than 10°.</p> <p><del>Discretion is restricted to the matters set out in Part 25.7.</del></p>	RD
25.5.12	<p><del>Earthworks must be undertaken in a way that prevents 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. or going across the boundary of the site.</del></p>	NC RD
25.5.13	<p><del>No material being transported from one site to another shall be deposited on any Road. Earthworks and associated transport activities shall be managed to avoid the deposition of material from earthworks on public roads or minimise this to the extent that it does not cause nuisance effects.</del></p>	NC RD
25.5.14	<p><del>Any person carrying out earthworks shall implement dust control measures to minimise nuisance effects of dust beyond the boundary of the site. Earthworks shall be managed so that dust beyond the boundary of the site is avoided or minimised to the extent that it does not cause nuisance effects.</del></p>	NC RD
25.5.15	<p>Earthworks that discovers any of the following:</p> <p>a. kōiwi tangata (human skeletal remains), wāhi taoka (resources of importance), wāhi tapu (places or features of special significance) or other Māori artefact material, or</p> <p>b. any feature or archaeological material that predates 1900, or</p> <p>c. evidence of contaminated land (such as discolouration, vapours, landfill material, significant odours),</p> <p>that is not provided for by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, any resource consent or other statutory authority must comply with the standards and procedures in Schedule 25.10 'Accidental Discovery Protocol'.</p> <p><del>Discretion is restricted to the matters set out in Part 25.7.</del></p>	RD
<b>Height of cut and fill and slope</b>		
25.5.16	<p>The maximum depth of any cut shall not exceed 2.4 metres.</p> <p>a. This rule shall not apply to roads.</p> <p><del>Discretion is restricted to the matters set out in Part 25.7.</del></p>	RD

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Commented [JW57]: Clause 16(2)

	<b>Table 25.3 Standards</b>	<b>Non-Compliance</b>
<b>25.5.17</b>	<p>The maximum height of any fill shall not exceed 2 metres.</p> <p>a. This rule shall not apply to roads.</p> <p><del>Discretion is restricted to the matters set out in Part 25.7.</del></p>	RD
<b>25.5.18</b>	<p>Earthworks for farm tracks and access ways in the following Zones and Activity Areas shall comply with rules (a) to (c):</p> <ul style="list-style-type: none"> <li>• Rural Zone</li> <li>• Wakatipu Basin Rural Amenity Zone</li> <li>• Gibbston Character Zone</li> <li>• Jacks Point Zone Activity Areas: <ul style="list-style-type: none"> <li>- Open Space Landscape</li> <li>- Open Space Golf</li> <li>- Open Space Amenity</li> <li>- Homesite</li> <li>- Education</li> <li>- Lodge</li> </ul> </li> </ul> <p>a. No farm track or access way shall have an upslope cut or batter greater than 1 metre in height.</p> <p>b. All cuts and batters shall not be greater than 65 degrees.</p> <p>c. The maximum height of any fill shall not exceed 2 metres.</p> <p><del>This standard shall not apply to roads.</del></p> <p><del>Discretion is restricted to the matters set out in Part 25.7.</del></p>	RD

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	<b>Setbacks from boundaries</b>	
<b>25.5.19</b>	<p>Earthworks greater than 0.3 metres in height or depth shall be set back from the site boundary the following minimum distances:</p> <p>a. Earthworks not supported by retaining walls:</p> <ol style="list-style-type: none"> <li>a distance at least equal to the maximum height of the fill, as measured from the toe of the fill; or</li> <li>300mm plus a distance at least equal to 1.5 times the maximum depth of the cut, as measured from the crest of the cut.</li> </ol> <p>Refer to Interpretive Diagrams 25.4 and 25.5 located within Schedule 25.9.</p> <p>b. Earthworks supported by retaining walls:</p> <ol style="list-style-type: none"> <li>Cut or fill supported by a retaining wall must be setback a distance at least equal to the height of the retaining wall; except</li> <li>Retaining walls that have been granted building consent are exempt from this rule (25.5.19(b) i).</li> <li><u>Cut and fill equal to or less than 0.5m in height is exempt from this rule.</u></li> </ol> <p>Refer to Interpretive Diagrams 25.6 and 25.7 located within Schedule 25.9.</p> <p><u>Discretion is restricted to the matters set out in Part 25.7.</u></p>	RD
	<b>Water bodies</b>	
<b>25.5.20</b>	<p><u>Earthworks shall be setback a minimum distance of 10 metres from the bed of any water body; Earthworks within 10m of the bed of any water body, or any drain or water race that flows to a lake or river, shall not exceed 5m<sup>3</sup> in total volume, within any consecutive 12-month period.</u></p> <p>This rule shall not apply to any artificial water body (watercourse, lake, pond or wetland) that does not flow to a lake or river, and including Lake Tewa within the Jacks Point Zone.</p> <p><b>Advice Note:</b> Water body has the same meaning as in the RMA, and also includes any drain or water race that goes to a lake or river.</p> <p><u>Discretion is restricted to the matters set out in Part 25.7.</u></p>	RD
<b>25.5.21</b>	<p>Earthworks shall not <u>expose be undertaken below any</u> groundwater <u>aquifer</u>, or cause artificial drainage of any groundwater aquifer.</p> <p><u>Discretion is restricted to the matters set out in Part 25.7.</u></p>	RD
	<b>Cleanfill</b>	
<b>25.5.22</b>	<p>Earthworks where more than 300m<sup>3</sup> of Cleanfill is transported by road to or from the area subject to Earthworks.</p> <p><u>Discretion is restricted to the matters set out in Part 25.7.</u></p>	RD

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Commented [JW63]: Clause 16(2)

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Commented [JW67]: Clause 16(2)

Commented [JW68]: Clause 16(2)

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## 25.6 Non-Notification of Applications

All applications for resource consent for the following matters shall not require the written consent of other persons and shall not be notified or limited-notified:

- 25.6.1 Rule 25.5.11 for restricted discretionary activities that exceed the area (m<sup>2</sup>) standard.

## 25.7 Matters of Discretion

- 25.7.1 For all restricted discretionary activities discretion shall be restricted to the following matters. These matters **may** **are** also **be** applicable to any discretionary or non-complying activity.

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- a. Soil erosion, generation and run-off of sediment.
- b. Landscape and visual amenity.
- c. Effects on infrastructure, adjacent sites and public roads.
- d. Land stability.
- e. Effects on water bodies, ecosystem services and **indigenous** biodiversity.
- f. Cultural **heritage** and archaeological sites.
- g. Nuisance effects.
- h. Natural Hazards.
- i. Functional aspects and positive effects.

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## 25.8 Assessment Matters

- 25.8.1 In considering whether or not to grant consent or impose conditions on a resource consent, regard shall be had, but not be limited by the following assessment matters which are listed in the order of the matters of discretion.

### 25.8.2 Soil erosion and generation of sediments

- a. The extent to which the proposal achieves effective erosion and sediment management.
- b. Whether earthworks will be completed within a short period, reducing the risk of actual and potential adverse effects.
- c. Whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the season or staging of when such works occur.
- d. Where applicable due to matters associated with the scale, area, duration of the works or the sensitivity of receiving environment. Whether the proposal is supported with erosion and sediment management design by a suitably qualified person. In particular where resource consent is required for non-compliance with Rule 25.5.11.

### 25.8.3 Landscape and visual amenity

- a. Whether the design of the earthworks is sympathetic to natural topography.
- b. Whether any rehabilitation is proposed and to what extent rehabilitation, revegetation or future buildings would mitigate adverse effects, including any re-vegetation or landscaping.
- c. The duration of earthworks and any timeframes proposed for remedial works and revegetation.
- d. Within Outstanding Natural Features and Landscapes ~~and~~ the Rural Landscape ~~and other visual amenity~~ landscapes, whether and to what extent earthworks avoid, remedy or mitigate adverse effects or improve landscape quality and character, taking into account:
  - (i) physical attributes including geological, topographical features, waterbodies and formative processes of the landscape;
  - (ii) visual attributes including legibility, existing land management patterns, vegetation patterns, ridgelines or visually prominent areas; and
  - (iii) cultural attributes including Tangata whenua values, historic and heritage associations.
- e. The sensitivity of the landscape to absorb change, and whether the earthworks will change the character or quality of the landscape.
- f. The potential for cumulative effects on the natural form of the landscape.
- g. Whether the design or location of any new tracks or roads can be modified in order to decrease the effects on the stability, visual quality and amenity values of the landscape.
- h. The extent earthworks will affect visual amenity values including public or private views and whether the land disturbance will be remediated, and the final form of the area affected is consistent with natural topography and land use patterns.

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### 25.8.4 Effects on infrastructure, adjacent sites and public roads

- a. Whether the earthworks will affect stormwater and overland flows, and the extent to which this creates adverse effects off-site and increases stormwater flows onto other properties, including whether this will exceed existing stormwater design or stormwater management of those properties.
- b. Whether the earthworks or final ground levels will adversely affect existing infrastructure, utility services and assets.

- c. Where there will need to be off-site disposal of excess material or cleanfill, traffic generation effects limited to access, road network performance and safety, damage to the carriageway and amenity effects.
- d. Whether the use of legal instruments are necessary, such as a bond to ensure works are completed, the land disturbance area is rehabilitated, or for damage to roads.
- e. Any other measures employed to reduce the impact on other sensitive receivers such as aircraft operating in the Airport Protection Inner and Conical Surfaces for Queenstown and Wanaka Airports.

**25.8.5 Land stability**

- a. The extent to which any proposal demonstrates that fill associated with buildings, retaining, accesses and parking areas comply with the QLDC Land Development and Subdivision Code of Practice, where these matters have not already been addressed through a subdivision consent or building consent pursuant to Building Act 2004.
- b. Where earthworks are proposed on a site gradient greater than 18.5 degrees (1 in 3), whether advice from a suitably qualified person has been provided to address the stability of the earthworks.
- c. Whether cut, fill and retaining are designed and undertaken in accordance with the QLDC Land Development and Subdivision Code of Practice.
- d. Whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures.

**25.8.6 Effects on water bodies, ecosystem services and indigenous biodiversity**

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- a. The effectiveness of sediment control techniques to ensure sediment run-off does not leave the development site or enter water bodies.
- b. Whether and to what extent any groundwater is likely to be affected, and mitigation measures are proposed to address likely effects.
- c. The effects of earthworks on the natural character, ecosystem services and biodiversity values of wetlands, lakes and rivers and their margins.

d. The effects on significant natural areas

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#### **25.8.7 Cultural heritage and archaeological values**

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- a. The extent to which the activity modifies or damages wāhi tapu or wāhi taonga, whether tangata whenua have been notified and the outcomes of any consultation.
- b. The extent to which the activity affects Ngāi Tahu's cultural, spiritual, historic and traditional association with a Statutory Acknowledgment Area having regard to the relevant provisions of the iwi management plans identified in Advice Note 25.3.3.7.
- c. The extent to which a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin or other archaeological items has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made. Using the Accidental Discovery Protocol in Schedule 25.10 as a guide.
- d. Whether the proposal protects the relationship of Mana Whenua with their cultural heritage.
- e. Whether the area subject to earthworks contains a recorded archaeological site, and if so the extent to which the proposal would affect any such site and whether any necessary archaeological authority has been obtained from Heritage New Zealand Pouhere Taonga.
- f. The extent to which earthworks and vibration adversely affect heritage items.

#### **25.8.8 Nuisance effects**

- a. The extent to which earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures, including whether a management plan has been submitted as part of the application.
- b. Duration and hours of operation, including whether the activity will generate noise and vibration effects, which detract from the amenity values of the surrounding area to an extent greater than anticipated to accommodate development otherwise provided for by the District Plan.

#### **25.8.9 Natural Hazards**

- a. Whether the earthworks are necessary to avoid, remedy or mitigate the risk of any natural hazard.
- b. Where the proposal is affected by, or potentially affected by, natural hazards as identified in the Council's natural hazards database, particular regard shall be had to the Natural Hazards Chapter 28, in particular Policies 28.3.2.1, 28.3.2.2, 28.3.2.3.

- c. Whether the earthworks and final ground levels will adversely affect an aquifer or an overland flow path or increase the potential risk of flooding within the site or surrounding sites.
- d. The extent earthworks affect the risk of natural hazards and whether the risk is reduced or not increased.

**25.8.10 Functional aspects and positive effects**

- a. Whether the earthworks are necessary for the functional or operational requirements of infrastructure, including network utility installation, repair or maintenance.
- b. The extent to which the earthworks are necessary to accommodate development otherwise provided for by the District Plan.
- c. Whether the earthworks are associated with farming activities and will enhance operational efficiency including maintenance and improvement of track access, safety and fencing.
- d. Whether the earthworks are for the purposes of a fire break and the extent of the fire break is necessary.
- e. Whether the earthworks are for the purposes of public recreation trails that enhance recreational opportunities and access.
- f. Whether the earthworks are necessary for the remediation of contaminated land and facilitate the efficient use of the land resource.

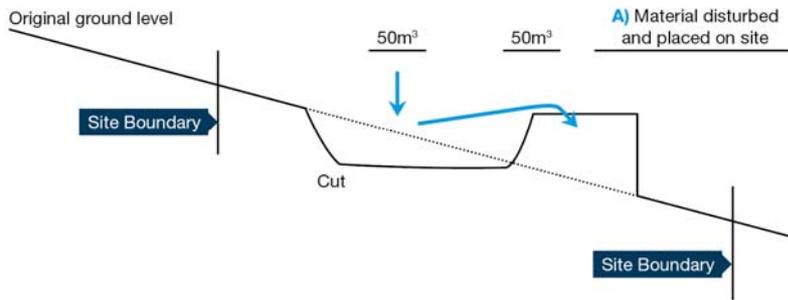
## 25.9 Schedule 25.9 Interpretive Diagrams

25.1

### Interpretive Diagram: Volume scenario A Elevation View

The total volume of earthworks means 'the total volume of all material that is moved within a site'

**A) Total Volume =  $50\text{m}^3$  (Cut) +  $50\text{m}^3$  (Fill)**  
**=  $100\text{m}^3$**

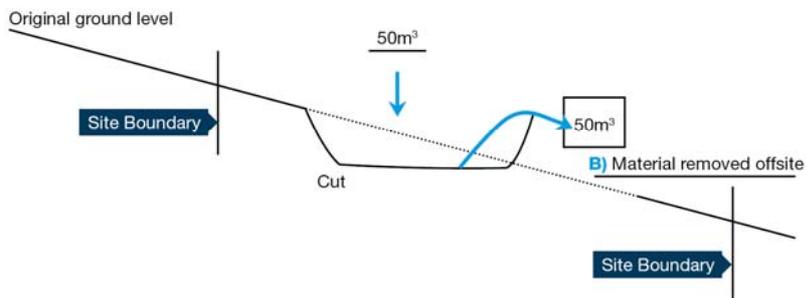


25.2

### Interpretive Diagram: Volume scenario B Elevation View

The total volume of earthworks means 'the total volume of all material that is moved within a site'

**B) Total Volume =  $50\text{m}^3$  (Cut) removed off-site**  
**=  $50\text{m}^3$**

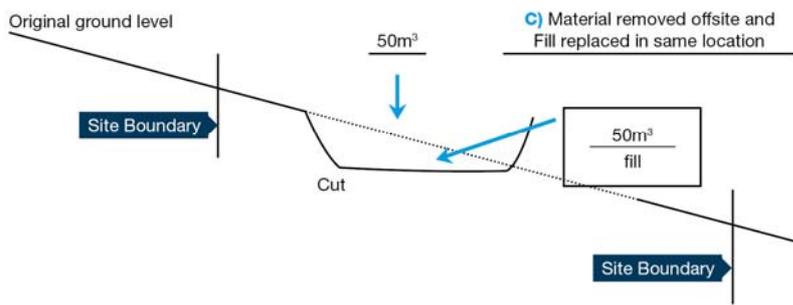


**25.3**

**Interpretative Diagram: Volume scenario C**  
Elevation View

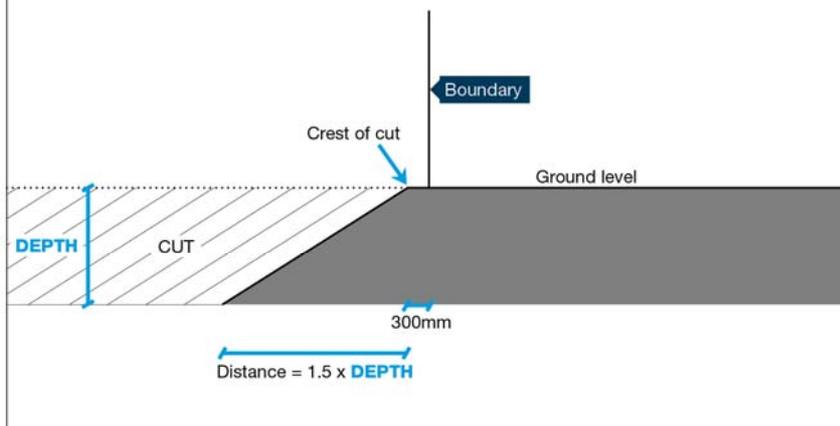
The total volume of earthworks means 'the total volume of all material that is moved within a site'

- C) Total Volume = 50m<sup>3</sup> (Cut)  
= 50m<sup>3</sup> material placed in same location (i.e. compacted fill)  
= 100m<sup>3</sup>



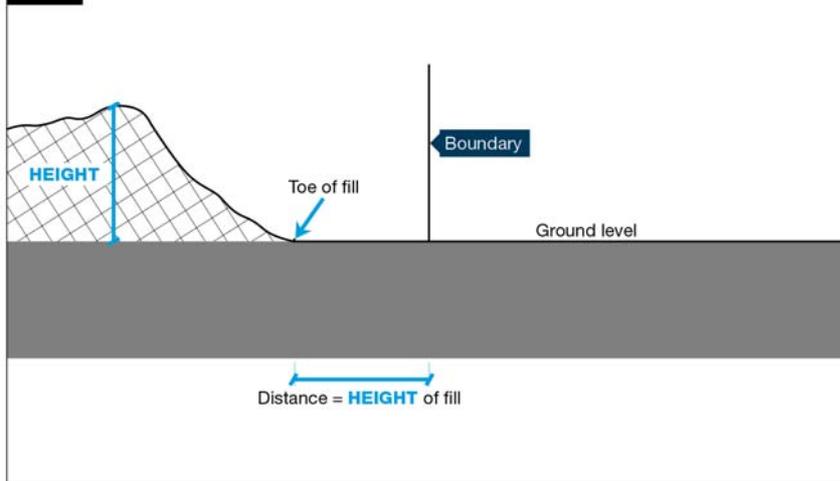
**25.4**

**Interpretative Diagram: Unsupported Cut**  
Elevation View



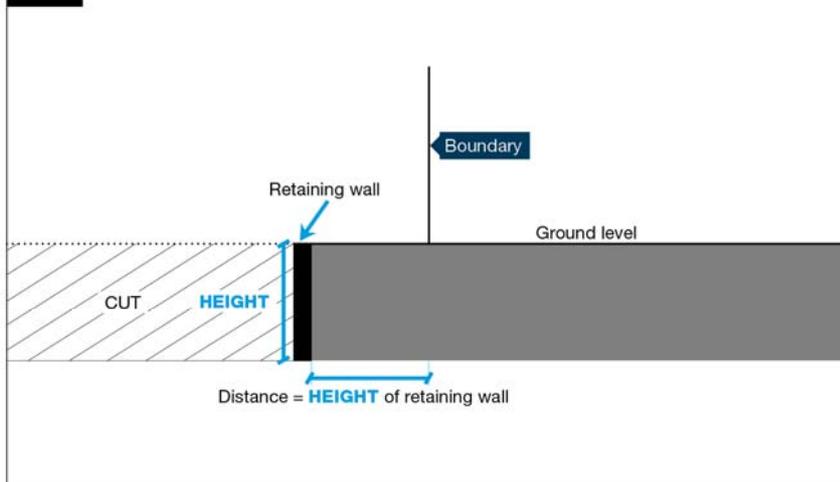
25.5

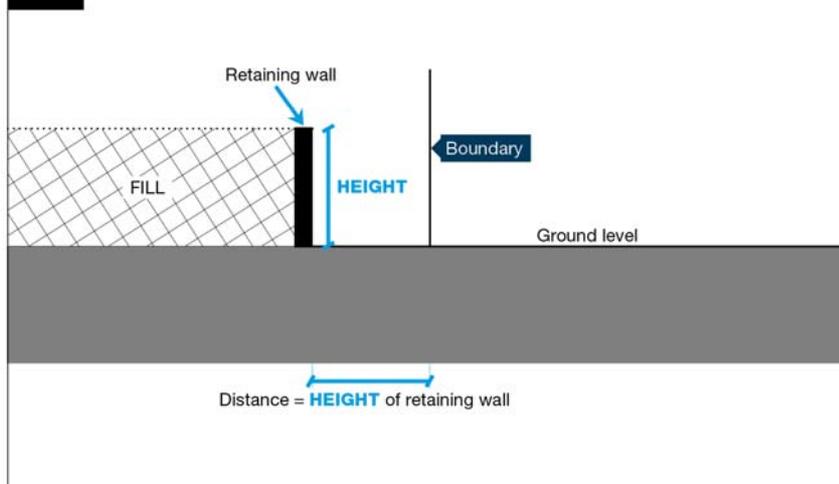
**Interpretative Diagram: Unsupported Fill**  
Elevation View



25.6

**Interpretative Diagram: Cut Supported by Retaining**  
Elevation View



**25.7****Interpretative Diagram: Fill Supported by Retaining  
Elevation View****25.10 Schedule 25.10 Accidental Discovery Protocol**

Upon discovery of any material listed in Rule 25.5.15, the owner of the site or the consent holder must take the following steps:

**Cease works and secure the area**

- a. Immediately cease all works within 20m of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earth moving activities, and in the case of evidence of contaminated land apply controls to minimise discharge of contaminants into the environment.
- b. Secure the area of the discovery, including a sufficient buffer area to ensure that all discovered material remains undisturbed.

**Inform relevant authorities and agencies**

- c. Inform the following parties immediately of the discovery:
  - (i) the New Zealand Police if the discovery is of human remains or kōiwi;
  - (ii) the Council in all cases;
  - (iii) Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi;
  - (iv) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

**Wait for and enable inspection of the site**

- d. Wait for and enable the site to be inspected by the relevant authority or agency:
- (i) if the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
  - (ii) if the discovery is of other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives; or
  - (iii) if the discovery is evidence of contaminants, a suitably qualified person is required to complete an initial assessment and provide information to the Council on the assessment and response.
- e. Following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of (f) are met.

#### **Recommencement of work**

- f. Work within the area determined by the Council at (e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
- (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
  - (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
  - (iii) the requirements of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;
  - (iv) any material of scientific or educational importance must be recorded and if appropriate recovered and preserved;
  - (v) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
    - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
    - any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values.
  - (vi) any necessary resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent.
  - (vii) there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by Heritage New Zealand Pouhere Taonga Act 2014.

## Variation to Stage 1 PDP Chapter 2 Definitions:

Underlined text for additions and strike through text for deletions.

<b>Earthworks</b>	<p>Means the disturbance of land <del>surfaces</del> by the removal or <u>deposition on or change to the profile of land.</u></p> <p><u>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> <del>depositing of material; excavation, filling or the formation of roads, banks, and tracks.</del> Excludes the cultivation of land and the digging of holes for offal pits and the erection of posts or poles or the planting of trees.</p>
<b>Landfill</b>	<p><del>Means a site used for the deposit of solid wastes onto or into land.</del></p> <p><u>Means the use of land for the primary purpose of providing a disposal facility for the controlled deposit of solid wastes, household wastes and green waste onto or into land. Excludes offal pits, silage pits and silage stacks that are part of a farming activity.</u></p>
<b>Mining Activity</b>	<p><del>Means the use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation, taking and associated processing of minerals and includes prospecting and exploration.</del></p> <p><u>Means operations in connection with mining for any mineral; and includes, when carried out at or near the site where the mining is undertaken:</u></p> <ul style="list-style-type: none"> <li>• <u>the extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral; and</u></li> <li>• <u>the construction, maintenance, and operation of any works, structures, and other land improvements, and of any related machinery and equipment connected with the operations; and</u></li> <li>• <u>the removal of overburden by mechanical or other means, and the stacking, deposit, storage, and treatment of any substance considered to contain any mineral; and</u></li> <li>• <u>the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations.</u></li> </ul> <p><u>Mineral extraction, extraction or extractive activities shall have the same meaning.</u></p>

### New Definitions Stage 2 PDP:

<b><u>Cleanfill</u></b>	<p><u>Means material that, when buried, will have no adverse effects on people or the environment. Cleanfill material includes virgin natural materials such as clay, soil and rock, and other inert materials, such as concrete or brick, that are free of:</u></p>
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	<p>(a) <u>combustible, putrescible, degradable or leachable components;</u></p> <p>(b) <u>hazardous substances;</u></p> <p>(c) <u>products or materials derived from hazardous waste treatment, hazardous waste stabilisation, or hazardous waste disposal practices;</u></p> <p>(d) <u>materials that may present a risk to human or animal health, such as medical and veterinary waste, asbestos or radioactive substances; or</u></p> <p>(e) <u>liquid waste.</u></p>
<b><u>Cleanfill Facility</u></b>	<u>Means land used solely for the disposal of cleanfill. A cleanfill facility may include stockpiling, rehabilitation and landscaping.</u>
<b><u>Mineral Exploration</u></b>	<u>Means an activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence.</u>
<b><u>Mineral Prospecting</u></b>	<p><u>Means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and includes the following activities:</u></p> <ul style="list-style-type: none"> <li>• <u>geological, geochemical, and geophysical surveys;</u></li> <li>• <u>the taking of samples by hand or hand held methods;</u></li> <li>• <u>aerial surveys.</u></li> </ul>
<b><u>Regionally Significant Infrastructure</u></b>	<p><u>Means:</u></p> <ul style="list-style-type: none"> <li>• <u>renewable electricity generation facilities, where they supply the National Grid and local distribution network and are operated by an electricity operator; and</u></li> <li>• <u>electricity transmission infrastructure forming the National Grid;</u></li> <li>• <u>electricity Distribution Lines identified on the Planning Maps; and</u></li> <li>• <u>telecommunication and radio communication facilities*; and</u></li> <li>• <u>municipal infrastructure**; and</u></li> <li>• <u>roads classified as being of national or regional importance; and</u></li> <li>• <u>Queenstown and Wanaka airports.</u></li> </ul> <p><u>* As defined by the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.</u></p> <p><u>** As defined by the Otago Regional Policy Statement 2015.</u></p>

Commented [JW79]: 2618

## Variation to Stage 1 Subdivision and Development Chapter 27:

Underlined text for additions and ~~strike-through~~ text for deletions.

### 27.3.2 Earthworks associated with subdivision

- 27.3.2.1 Refer to Earthworks Chapter 25, Rule 25.3.4.1. Subdivisions involving earthworks are subject to the earthworks standards (except the volume, cut and fill limits) and shall be assessed against the matters of discretion in Earthworks Chapter 25. ~~Earthworks undertaken for the development of land associated with any subdivision shall not require a separate resource consent under the rules of the District Wide Earthworks Chapter, but shall be considered against the matters of control or discretion of the District Wide Earthworks Chapter as part of any subdivision activity.~~

Commented [JW80]: 2376 et all

## Variation to Stage 1 Jacks Point Zone Chapter 41:

Underlined text for additions and ~~strike through~~ text for deletions.

### Page 41-3:

41.3.2.2 — Earthworks undertaken for the development of land associated with any subdivision shall be governed by Chapter 27: Subdivision and Development.

### Pages 41-13 to 41-15:

Rule 41.5.4 Delete in entirety.

Earthworks (excluding earthworks associated with a subdivision)		RD								
<p>41.5.4.1 Volume of Earthworks</p> <p>The maximum total volume of earthworks (m<sup>3</sup>) shall not exceed that specified in the table below:</p> <p><del>a.</del> The maximum total volume of earthworks shall be calculated per site, within one consecutive 12 month period.</p> <p><del>b.</del> Volume shall mean the sum of all earth that is moved within a site and includes any combination of cut and fill, removing fill off site and replacing fill on site — refer Interpretive Diagrams 5 (a), (b) and (c) of the Earthworks Chapter of the Operative District Plan.</p>										
<table border="1"> <thead> <tr> <th>Activity Area</th> <th>Maximum Total Volume</th> </tr> </thead> <tbody> <tr> <td>Residential Activity Areas Village Village Homestead Bay Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area</td> <td>500 m<sup>3</sup></td> </tr> <tr> <td>Open Space Landscape Open Space Amenity Farm Preserve 1 and 2 Homesite</td> <td>1,000 m<sup>3</sup></td> </tr> <tr> <td>Open Space Golf Education Education Innovation Campus Lodge</td> <td>No maximum</td> </tr> </tbody> </table>	Activity Area	Maximum Total Volume	Residential Activity Areas Village Village Homestead Bay Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area	500 m <sup>3</sup>	Open Space Landscape Open Space Amenity Farm Preserve 1 and 2 Homesite	1,000 m <sup>3</sup>	Open Space Golf Education Education Innovation Campus Lodge	No maximum		
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Open Space Landscape Open Space Amenity Farm Preserve 1 and 2 Homesite	1,000 m <sup>3</sup>									
Open Space Golf Education Education Innovation Campus Lodge	No maximum									
<p>41.5.4.2 — Height of cut and fill and slope</p> <p>OSL, OSG, OSA, FP-1 and 2, HS, E, EIC and L Activity Areas:</p> <ul style="list-style-type: none"> <li>• No road, track or access way shall have an upslope cut or batter greater than 1 metre in height, measured vertically.</li> <li>• All cuts and batters shall be laid back such that their angle from the horizontal is no more than 65 degrees.</li> <li>• The maximum height of any fill shall not exceed 2 metres.</li> </ul>										

~~e.~~ All other Activity Areas:

- ~~• The maximum height of any cut shall not exceed 2.4 metres.~~
- ~~• The maximum height of any fill shall not exceed 2 metres.~~
- ~~• The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see Interpretative Diagram 6 of the Earthworks Chapter of the Operative District Plan), except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5 metre in height.~~

~~41.5.4.3 Fill~~

~~All fill for residential building platforms and associated retaining walls is to be in accordance with the requirements of NZS 4404:2010 and/or NZS 4431:1989 as appropriate.~~

~~41.5.4.4 Environmental Protection Measures~~

~~Any person carrying out earthworks shall implement sediment and erosion control measures to avoid sediment effects beyond the boundary of the site.~~

~~d.~~ Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site.

~~e.~~ Areas of exposed soil are to be vegetated / re-vegetated within 12 months from the completion of works.

~~41.5.4.5 Water bodies~~

~~Earthworks within 7m of the bed of any water body shall not exceed 20m<sup>3</sup> in total volume, within one consecutive 12 month period.~~

~~f.~~ Any material associated with earthworks activity shall not be positioned within 7m of the bed of any water body or where it may dam, divert or contaminate water.

~~g.~~ Earthworks shall not:

- ~~• cause artificial drainage of any groundwater aquifer;~~
- ~~• cause temporary ponding of any surface water.~~

~~41.5.4.6 Cultural heritage and archaeological sites~~

~~Earthworks shall not modify, damage or destroy any waahi tapu, waahi taonga or identified feature in Chapter 26, or any archaeological site.~~

~~Discretion is restricted to all of the following:~~

- ~~• The nature and scale of the earthworks~~
- ~~• Environmental protection measures~~
- ~~• Remedial works and revegetation~~
- ~~• The effects on landscape and visual amenity values~~

<ul style="list-style-type: none"><li>• The effects on land stability and flooding</li><li>• The effects on water bodies</li><li>• The effects on cultural and archaeological sites</li><li>• Noise</li></ul>	
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## **APPENDIX 2**

### **Summary of Submissions and my Recommendation**

Re-sort	Original Submission No	Further Submission No	Agent	Submitter	Provision	Position	Submission Summary	Planner Recommendation	Transferred	Issue Ref
1	2019.2			Jonathan Holmes	2-Chapter 25 - Earthworks	Support	Supports the Chapter 25 Earthworks.	Accept		
2	2224.1		Brown & Company Planning Group	MOUNT CARDRONA STATION LIMITED	2-Chapter 25 - Earthworks	Support	Supports the exclusion of the Mount Cardrona Station Special Zone from Earthworks Chapter 25.	Accept		
3	2229.19		Brown & Company Planning Group	R & M DONALDSON	2-Chapter 25 - Earthworks	Support	Supports the provisions of Chapter 25 where they relate to the Wakatipu Basin Lifestyle Precinct.	Accept		
4	2290.4		Brown & Company Planning Group	KAWARAU JET SERVICES HOLDINGS LIMITED	2-Chapter 25 - Earthworks	Support	That the proposed provisions of Chapter 25 Earthworks are supported for the Open Space and Recreation Zones	Accept		
5	2290.4	FS2752.17	Anderson Lloyd	Go Orange Limited	2-Chapter 25 - Earthworks	Support	That the relief sought to amend provisions of chapter 38 are supported.	Accept		
6	2290.4	FS2760.197	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks	Support	That the relief sought is supported.	Accept		
7	2291.8		Brown & Company Planning Group	LAKE HAYES INVESTMENTS LIMITED	2-Chapter 25 - Earthworks	Support	That the Chapter 25 Earthworks provisions be supported in relation to the Wakatipu Lifestyle Precinct, the Rural Residential Zone and the Rural Lifestyle Zone.	Accept		
8	2291.8	FS2787.8	Brown and Company Planning Group	P Chittock	2-Chapter 25 - Earthworks	Support	That original submission 2291 is accepted.	Accept		
9	2291.8	FS2748.73	Anderson Lloyd	Len McFadgen	2-Chapter 25 - Earthworks	Support	That the amendments sought to the provisions of chapters 24 and 27 are supported to the extent these are consistent with the further submitter's original submission.	Accept		
10	2291.8	FS2750.59	Anderson Lloyd	Wakatipu Equities Limited	2-Chapter 25 - Earthworks	Support	That the amendments sought to the provisions of chapters 24 and 27 are supported to the extent these are consistent with the further submitter's original submission.	Accept		
11	2292.7		Brown & Company Planning Group	M McGuinness	2-Chapter 25 - Earthworks	Support	That Chapter 25 Earthworks provisions be supported in relation to the Rural Residential, Rural Lifestyle and Wakatipu Lifestyle Precinct.	Accept		
12	2308.10		Brown & Company Planning Group	Jon Waterston	2-Chapter 25 - Earthworks	Other	That Chapter 25 Earthworks provisions are supported where they relate to the Wakatipu Lifestyle Precinct, the Rural Residential Zone and the Rural Lifestyle Zone.	Accept		
13	2314.11		Brown & Company Planning Group	STONERIDGE ESTATE LIMITED	2-Chapter 25 - Earthworks	Support	That Chapter 25 Earthworks provisions are supported where they relate to the Wakatipu Basin Lifestyle Precinct, the Rural Residential Zone and the Rural Lifestyle Zone.	Accept		
14	2315.11		Brown & Company Planning Group	R G DAYMAN	2-Chapter 25 - Earthworks	Support	That Chapter 25 Earthworks is supported where it relates to the Wakatipu Lifestyle Precinct, the Rural Residential Zone and the Rural Lifestyle Zone.	Accept		
15	2315.11	FS2787.35	Brown and Company Planning Group	P Chittock	2-Chapter 25 - Earthworks	Support	That original submission 2315 is accepted.	Accept		
16	2316.11		Brown & Company Planning Group	TUI TRUSTEES (2015) LIMITED	2-Chapter 25 - Earthworks	Support	That the Chapter 25 Earthworks provisions be supported where they relate to the Wakatipu Lifestyle Precinct, the Rural Residential Zone and the Rural Lifestyle Zone.	Accept		
17	2316.11	FS2787.61	Brown and Company Planning Group	P Chittock	2-Chapter 25 - Earthworks	Support	That original submission 2316 is accepted.	Accept		
18	2317.11		Brown & Company Planning group	MANDEVILLE TRUST / S LECK	2-Chapter 25 - Earthworks	Support	That the Chapter 25 Earthworks provisions are supported where they relate to the Wakatipu Lifestyle Precinct, the Rural Residential Zone and the Rural Lifestyle Zone.	Accept		

19	2317.11	FS2725.41	Southern Planning Group	Guenther Raedler	2-Chapter 25 - Earthworks	Support	That the submission be allowed as it relates to the following: - Rezone the submitter's land WB – Lifestyle Precinct 'B'; - Change to the Zone Purpose; - New Objective 24.2.2 and Policies 24.2.2.1 and 24.2.2.2; - Modification of Objective 24.2.5; - Modification of Policies 24.2.5.1, 24.2.5.2 and 24.2.5.4; - New Rule 24.2.27; - Modification of Standards 24.5.1, 24.5.3 and 24.5.17; - Deletion of Standard 24.5.15; - Changes to Rule 24.7.2: Assessment Matters - Amendments to Schedule 24.8 – Landscape Character Unit 13: Lake Hayes Slopes; - Modification of Rule 27.5.1; and - Addition of (f) to Rule 6.4.1.3.	Accept		
20	2317.11	FS2787.87	Brown and Company Planning Group	P Chittock	2-Chapter 25 - Earthworks	Support	That original submission 2317 is accepted.	Accept		
21	2318.11		Brown & Company Planning Group	C BATCHELOR	2-Chapter 25 - Earthworks	Support	That the Chapter 25 Earthworks provisions are supported where they relate to the Wakatipu Lifestyle Precinct, the Rural Residential Zone and the Rural Lifestyle Zone.	Accept		
22	2318.11	FS2783.149	Boffa Miskell Ltd	Lake Hayes Cellar Limited	2-Chapter 25 - Earthworks	Support	That the amendments are supported.	Accept		
23	2319.11		Brown & Company Planning Group	D D & J C DUNCAN	2-Chapter 25 - Earthworks	Support	That the Chapter 25 Earthworks provisions are supported where they relate to the Wakatipu Basin Lifestyle Precinct , the Rural Residential Zone and the Rural Lifestyle Zone.	Accept		
24	2319.11	FS2725.15	Southern Planning Group	Guenther Raedler	2-Chapter 25 - Earthworks	Support	That the submission be allowed as it relates to the following: - Rezone the submitter's land WB – Lifestyle Precinct 'B'; - Change to the Zone Purpose; - New Objective 24.2.2 and Policies 24.2.2.1 and 24.2.2.2; - Modification of Objective 24.2.5; - Modification of Policies 24.2.5.1, 24.2.5.2 and 24.2.5.4; - New Rule 24.2.27; - Modification of Standards 24.5.1, 24.5.3 and 24.5.17; - Deletion of Standard 24.5.15; - Changes to Rule 24.7.2: Assessment Matters - Amendments to Schedule 24.8 – Landscape Character Unit 13: Lake Hayes Slopes; - Modification of Rule 27.5.1; and - Addition of (f) to Rule 6.4.1.3.	Accept		
25	2319.11	FS2787.113	Brown and Company Planning Group	P Chittock	2-Chapter 25 - Earthworks	Support	That original submission 2319 is accepted.	Accept		
26	2320.10		Brown & Company Planning Group	G WILLS & T BURDON	2-Chapter 25 - Earthworks	Support	That the Chapter 25 Earthworks provisions are supported where they relate to the Wakatipu Basin Lifestyle Precinct, the Rural Residential Zone and the Rural Lifestyle Zone.	Accept		
27	2329.1		Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua and Te Runanga o Oraka-Aparima (Kai Tahu)	2-Chapter 25 - Earthworks	Other	The earthworks chapter is generally supported, however the following relief is sought: a) Objectives, policies and rules are required to recognise and address the effects of landfills, cemeteries and crematoriums on tangata whenua values throughout the District; b) Objectives, policies and rules are required to recognise and address the effects of activities on the values of mapped wahi tupuna areas and that activities identified as threats to the values of mapped wahi tupuna areas should be discretionary, requiring notification to tangata whenua; c) References to Kai Tahu values in the PDP policies lack detail and the linkages to the Tangata Whenua Chapter and mapped wahi tupuna areas are lacking; d) There needs to be consistent cross referencing to the Tangata Whenua Chapter and mapped wahi tupuna areas and provisions throughout the PDP chapters; e) Tangata whenua values should be specifically referenced as a matter of consideration to raise the visibility of tangata whenua values and ensure they are specifically addressed, pursuant to section 6e of the Resource Management Act.	Accept in Part		

28	2329.1	FS2788.13	Boffa Miskell Ltd	Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks	Support	That the submission is generally supported.	Accept in Part		
29	2329.1	FS2789.13	Boffa Miskell Ltd	Soho Ski Area Ltd and Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks	Support	That the submission is generally supported.	Accept in Part		
30	2329.1	FS2790.13	Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks	Support	That the submission is generally supported.	Accept in Part		
31	2329.5		Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua and Te Runanga o Oraka-Aparima (Kai Tahu)	2-Chapter 25 - Earthworks	Other	That there should be specific reference to the wahi tupuna mapped areas to alert applicants seeking earthworks consent that there are tangata whenua values; and rules and assessment criteria should trigger a requirement for consultation with tangata whenua when earthworks exceed specified thresholds or adversely impact on the values of the wahi tupuna mapped areas.	Accept in Part		
32	2349.1			Sean McLeod	2-Chapter 25 - Earthworks	Oppose	That a permitted activity earthworks rule is added for 1 or 2 residential units in a residential zone site.	Reject		
33	2381.39		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks	Other	that any further consequential changes to the maximum volume triggers from decisions on Stage 1 hearing for the Jacks Point Zone be integrated into Table 25.2.	Accept		
34	2382.1		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks	Oppose	Make consequential changes to Chapter 25 to reflect the outcome of the Stage 1 rezoning 'Glendhu Bay Special Zone'.	Accept		
35	2385.15		Brown & Company Planning Group	BOXER HILLS TRUST	2-Chapter 25 - Earthworks	Support	That chapter 25, as it relates to the Wakatipu Lifestyle Precinct, be supported.	Accept		
36	2386.17		Brown & Company Planning Group	BOXER HILL TRUST	2-Chapter 25 - Earthworks	Support	that Rule 25.5.4 as it relates to the Wakatipu Basin Lifestyle Precinct be supported.	Accept		
37	2386.17	FS2769.44	Anderson Lloyd	Arrowtown Retirement Village Joint Venture	2-Chapter 25 - Earthworks	Support	That the relief sought is supported.	Accept		
38	2386.20		Brown & Company Planning Group	BOXER HILL TRUST	2-Chapter 25 - Earthworks	Oppose	That Rule 25.5.4 as it relates to the Wakatipu Basin Amenity Zone be amended from 400m3 to 1000m3	Reject		
39	2386.20	FS2743.99	Anderson Lloyd	Morven Ferry Limited	2-Chapter 25 - Earthworks	Support	That the relief sought is supported.	Reject		
40	2386.20	FS2769.47	Anderson Lloyd	Arrowtown Retirement Village Joint Venture	2-Chapter 25 - Earthworks	Support	That the relief sought is supported.	Reject		
41	2386.20	FS2749.104	Anderson Lloyd	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	2-Chapter 25 - Earthworks	Support	That the relief sought is supported.	Reject		
42	2388.2		Brown & Company Planning Group	WATERFALL PARK DEVELOPMENTS LIMITED	2-Chapter 25 - Earthworks	Oppose	That objective 25.2.2 be amended.	Accept in Part		
43	2388.2	FS2710.14	John Edmonds + Associates Ltd	McGuinness Pa Limited	2-Chapter 25 - Earthworks	Oppose	That the submission is opposed insofar as it seeks to support or promote subdivision and development on land which is currently zoned Rural General under the Operative District Plan.	Reject		
44	2388.2	FS2772.12	Land Landscape Architects	R Hadley	2-Chapter 25 - Earthworks	Oppose	That the land shown as Wakatipu Lifestyle Precinct on Attachment 1, PDP Stage 2 Notification Map 26 is rezoned as Wakatipu Basin Rural Amenity Zone.	Reject		
45	2389.11		Brown & Company Planning Group	WATERFALL PARK DEVELOPMENTS LIMITED	2-Chapter 25 - Earthworks	Support	That Earthworks insofar as it relates to the WBLP, the Rural Residential Zone and the Rural Lifestyle Zone are supported	Accept		
46	2448.2		John Edmonds + Associates Ltd	Millennium & Copthorne Hotels NZ Ltd	2-Chapter 25 - Earthworks	Oppose	Submitter opposes Chapter 25, they seek for the current ODP earthworks to remain, 'except for those that would remove unnecessary requirements for resource consent'	Accept in Part		

47	2454.8		Southern Planning Group	NZSki Ltd	2-Chapter 25 - Earthworks	Oppose	that a total exemption from the earthworks Rules and Standards in Chapter 25 apply to Ski Area Sub-Zones that are located on Public Conservation Land administered by the Department of Conservation.	Reject		
48	2454.8	FS2728.10	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks	Oppose	That the submission that earthworks within ski fields be exempt from requiring resource consent is opposed.	Accept		
49	2454.8	FS2789.26	Boffa Miskell Ltd	Soho Ski Area Ltd and Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks	Support	That the relief sought is supported.	Reject		
50	2454.8	FS2790.26	Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks	Support	That the relief sought is supported.	Reject		
51	2454.8	FS2760.19 3	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks	Support	That the relief sought is supported.	Reject		
52	2462.2		Remarkables Park Ltd	Queenstown Park Limited	2-Chapter 25 - Earthworks	Not Stated	That chapter 25 be amended to provide for 'bulk earthworks' as an RD activity	Accept in Part		
53	2462.6		Remarkables Park Ltd	Queenstown Park Limited	2-Chapter 25 - Earthworks	Other	That rules 25.4 be amended to enable improvement and formation/creation of track access as a permitted activity in all zones	Reject		
54	2462.6	FS2751.1	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks	Oppose	That the submission be rejected and retain provisions as notified in relation to the construction of new walking and cycling trails.	Accept		
55	2462.6	FS2752.4	Anderson Lloyd	Go Orange Limited	2-Chapter 25 - Earthworks	Support	That the submission is supported.	Reject		
56	2462.6	FS2800.61	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks	Support	That the submission is supported.	Reject		
57	2462.6	FS2760.46 4	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks	Support	That the relief sought is supported.	Reject		
58	2462.7		Remarkables Park Ltd	Queenstown Park Limited	2-Chapter 25 - Earthworks	Other	That requirements for erosion and sediment control management plans be deleted and only apply to bulk earthworks over 50,000m3	Reject		
59	2462.7	FS2759.7	Mitchell Daysh Limited	Queenstown Airport Corporation	2-Chapter 25 - Earthworks	Oppose	That the inclusion of the requirement for erosion and sediment control management plans as notified is supported.	Accept		
60	2465.2		John Edmonds + Associates Ltd	RCL Henley Downs Ltd	2-Chapter 25 - Earthworks	Oppose	That the provisions in the ODP for earthworks be retained except those that remove unnecessary requirements for resource consent	Accept in Part		
61	2466.8		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks	Oppose	That rules 25.5.12, 25.5.13, 25.5.14 and 25.5.20 be deleted to avoid overlap with regional council functions.	Reject		
62	2466.8	FS2746.31		Federated Farmers of New Zealand	2-Chapter 25 - Earthworks	Support	That the submission is supported.	Reject		
63	2466.8	FS2753.10	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Reject		
64	2466.9		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks	Oppose	That earthworks undertaken for the purposes of recreation near or within water bodies is a permitted, controlled, restricted discretionary or discretionary activity.	Accept in Part		
65	2466.9	FS2753.11	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Accept in Part		
66	2466.152		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks	Oppose	That the earthworks chapter provides for the construction of walking and cycle trails in any zone.	Accept in Part		
67	2466.152	FS2751.2	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks	Oppose	That the submission be rejected and retain provisions as notified in relation to the construction of new walking and cycling trails.	Accept in Part		
68	2466.152	FS2754.59		Remarkables Park Limited	2-Chapter 25 - Earthworks	Support	That the submission is supported.	Accept in Part		
69	2466.152	FS2755.58		Queenstown Park Limited	2-Chapter 25 - Earthworks	Support	That the submission is supported.	Accept in Part		
70	2466.152	FS2753.15 2	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Accept in Part		

71	2468.2		Remarkables Park Ltd	Remarkables Park Ltd	2-Chapter 25 - Earthworks	Other	That objective 25.2.1 be amended to delete 'minimise' and use 'avoid, remedy and mitigate' instead.	Accept in Part		
72	2468.2	FS2799.1	Burton Planning Consultants Limited	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks	Support	That Objective 25.2.1 is retained.	Accept		
73	2468.3		Remarkables Park Ltd	Remarkables Park Ltd	2-Chapter 25 - Earthworks	Not Stated	That 'bulk earthworks' (as described under the ODP) be provided for as a restricted discretionary activity	Accept in Part		
74	2485.11		Brookfields Lawyers	ZIV (NZ) Limited	2-Chapter 25 - Earthworks	Support	That the provisions are adopted as they relate to the Open Space and Recreation Zone Chapter 38.	Accept		
75	2485.11	FS2756.8	Anderson Lloyd	Kiwi Birdlife Park Limited	2-Chapter 25 - Earthworks	Support	That the submission is supported.	Accept		
76	2485.11	FS2777.11	Southern Planning Group	Skyline Enterprises Limited	2-Chapter 25 - Earthworks	Oppose	That the whole submission be disallowed.	Accept		
77			John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks	Oppose	That all earthworks undertaken during the operation of ski fields including the making of tracks for summer recreation such as mountain biking are exempt from requiring resource consent.	Accept in Part		
78	2492.1	FS2728.11	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks	Oppose	That the submission that earthworks within ski fields be exempt from requiring resource consent is opposed.	Accept in Part		
79	2492.1	FS2760.20 1	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks	Support	That the relief sought is supported.	Accept in Part		
80	2492.2		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks	Oppose	That earthworks undertaken for the purpose of constructing, maintaining or upgrading private roads and parking areas associated with accessing Ski Area Sub Zones are exempt from requiring a resource consent.	Accept in Part		
81	2492.2	FS2751.6	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks	Oppose	That the submission be rejected and retain provisions as notified in relation to earthworks associated with the provision of access to ski area sub-zones.	Accept in Part		
82	2492.2	FS2760.20 2	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks	Support	That the relief sought is supported.	Accept in Part		
83	2494.6		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks	Oppose	That the earthworks chapter avoids overlap with regional council functions.	Reject		
84	2494.6	FS2760.32 6	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks	Support	That the relief sought is supported.	Reject		
85	2494.7		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks	Oppose	That earthworks undertaken in relation to day-to-day farming activities in the Rural General Zone be permitted.	Reject		
86	2494.7	FS2760.32 7	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks	Support	That the relief sought is supported.	Reject		
87	2494.149		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks	Oppose	Provide for the construction of walking and cycling trails in any zone.	Accept in Part		
88	2494.149	FS2751.3	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks	Oppose	That the submission be rejected and retain provisions as notified in relation to the construction of new walking and cycling trails.	Accept in Part		
89	2494.149	FS2760.44 9	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks	Support	That the relief sought is supported.	Accept in Part		
90	2495.2			Young Changemakers - Wakatipu Youth Trust Advisory Group	2-Chapter 25 - Earthworks	Support	The Chapter is confirmed.	Accept		
91	2495.10			Young Changemakers - Wakatipu Youth Trust Advisory Group	2-Chapter 25 - Earthworks	Oppose	That the Council dedicates their website and social media to notifying people of disruptions when major earthworks are being undertaken.	Reject		
92	2497.3			Otago Regional Council	2-Chapter 25 - Earthworks	Oppose	That the QLDC ensure that the Earthworks Chapter gives effect to Objectives 3.1 and 3.2 of the Proposed Regional Policy Statement for Otago.	Accept in Part		
93	2540.54			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks	Oppose	That the definition of Earthworks is amended to exclude low impact, practical and common practices addressed as exclusions under proposed rule 25.3.4.5.	Reject		

94	2540.54	FS2757.5	Beca	Transpower New Zealand Limited	2-Chapter 25 - Earthworks	Oppose	That the submission be rejected in part.	Accept		
95	2540.55			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks	Support	That the definition of Landfill is accepted.	Accept		
96	2540.56			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks	Support	That the definition of Cleanfill is accepted.	Accept		
97	2549.2		John Edmonds + Associates Ltd	Glentui Heights Limited	2-Chapter 25 - Earthworks	Oppose	That the proposed Chapter 25 relating to earthworks be rejected in its entirety and the operative earthworks provisions be maintained.	Accept in Part		
98	2552.2		John Edmonds + Associates Ltd	Greenwood Group Ltd	2-Chapter 25 - Earthworks	Oppose	Opposes changing the earthworks chapter, unless that would remove unnecessary resource consent requirements	Accept in Part		
99	2552.2	FS2743.156	Anderson Lloyd	Morven Ferry Limited	2-Chapter 25 - Earthworks	Support	That the relief sought to oppose new chapter 25 and continue to administer Plan Change 49 from the Operative Plan is supported.	Accept in Part		
100	2552.2	FS2749.161	Anderson Lloyd	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	2-Chapter 25 - Earthworks	Support	That the relief sought to oppose new chapter 25 and continue to administer Plan Change 49 from the Operative Plan is supported.	Accept in Part		
101	2560.3		John Edmonds + Associates Ltd	Jade Lake Queenstown Ltd	2-Chapter 25 - Earthworks	Oppose	Generally opposes chapter 25. Would like to see no changes to the current rules except for those "that would remove unnecessarily requirements for resource consent"	Accept in Part		
102	2581.8		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks	Oppose	That the earthworks chapter avoids overlap with regional council functions.	Reject		
103	2581.8	FS2753.165	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Reject		
104	2581.9		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks	Oppose	That earthworks undertaken for the purposes of recreation near or within water bodies is a permitted, controlled, restricted discretionary or discretionary activity.	Reject		
105	2581.9	FS2753.166	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Reject		
106	2584.8		John Edmonds + Associates Ltd	Slopehill Properties Limited	2-Chapter 25 - Earthworks	Oppose	That the Earthworks Chapter rules and standards that apply to the Wakatipu Basin Rural Amenity Zone are amended so they are the same as the operative Rural General Zone.	Reject		
107	2584.8	FS2719.173		BSTGT Limited	2-Chapter 25 - Earthworks	Support	That, insofar as it addresses, opposes and seeks changes to the WBRAZ, the submission be accepted.	Reject		
108	2133.1			Tonnie & Erna Spijkerbosch	2-Chapter 25 - Earthworks > 2.1-25.1 - Purpose	Oppose	That the earthworks provisions not require earth bunds to screen dwellings from view.	Reject		
109	2442.6		Beca Limited	Transpower New Zealand Limited	2-Chapter 25 - Earthworks > 2.1-25.1 - Purpose	Oppose	Amend to better reflect the language used in the NPSET where relevant to infrastructure and the National Grid.	Accept		
110	2457.2			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.1-25.1 - Purpose	Not Stated	That Para 4 be amended to insert a reference to volume 'cut, and fill' consistent with rule 25.3.4.1	Reject		
111	2540.33			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.1-25.1 - Purpose	Oppose	That the purpose is amended to acknowledge that the Otago Water Plan sets out the water quality responsibilities of rural resource users and in rural areas some smaller scale earthworks are required to ensure the ongoing viability of rural land uses.	Accept in Part		
112	2384.28		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Oppose	the structure of the objectives and policies that fail to sufficiently balance social and economic benefits of enabling earthworks with the SASZs.	Accept in Part		
113	2384.28	FS2800.34	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Support	That the submission is supported.	Accept in Part		
114	2384.28	FS2760.159	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Support	That the submission is supported generally.	Accept in Part		
115	2446.7			Heritage New Zealand	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Support	Submitter supports objectives and policies	Accept		
116	2454.6		Southern Planning Group	NZSki Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Other	that there should be a new objective and supporting policies which enables earthworks and commercial recreational activities in Ski Area Sub-zones.	Reject		
117	2454.6	FS2800.5	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Support	That the submission is supported.	Reject		
118	2454.6	FS2789.27	Boffa Miskell Ltd	Soho Ski Area Ltd and Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Support	That the relief sought is supported.	Reject		

119	2454.6	FS2790.27	Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Support	That the relief sought is supported.	Reject		
120	2454.6	FS2760.19 1	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Support	That the relief sought is supported.	Reject		
121	2455.16			Otago Fish and Game Council	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Support	That objectives 25.2.1 - 25.2.7 and the relating policies be retained	Accept		
122	2462.3		Remarkables Park Ltd	Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Not Stated	That objective 25.2.2 be amended to delete the reference to 'while being protected from adverse effects'	Accept in Part		
123	2484.1		Burton Planning Consultants Ltd	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Support	Retain Objective 25.2.1 without modification.	Accept		
124	2575.6		John Edmonds + Associates Ltd	Queenstown Trails Trust	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Other	that objective 25.2.2 is amended by deleting the words "...while being protected from adverse effects."; and	Accept in Part		
125	2618.2		Mitchell Daysh Limited	Queenstown Airport Corporation	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Not Stated	That Objectives 25.2.1 and 25.2.2 and policies 25.2.1.1, 25.2.1.2, 25.2.2.1, 25.2.2.2, 25.2.2.3 be retained as notified.	Accept		
126	2618.2	FS2757.4	Beca	Transpower New Zealand Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Oppose	That the submission be rejected in part.	Reject		
127	2618.2	FS2754.36		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Oppose	That the submission is opposed.	Reject		
128	2618.2	FS2755.35		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies	Oppose	That the submission is opposed.	Reject		
129	2242.12			Department of Conservation	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That objective 25.2.1 be modified to read as follows: "Earthworks are undertaken in a manner that <u>avoid adverse effects on outstanding features and landscapes, significant natural areas, wetlands, and the margins of lakes and rivers, and otherwise remedies or</u> minimises adverse effects on the environment to maintain landscape and visual amenity values".	Reject		
130	2242.12	FS2758.6		New Zealand Tungsten Mining Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the relief sought to include reference to 'outstanding features and landscapes, significant natural areas, wetlands and the margins of lakes and rivers' in objective 25.2.1 is opposed.	Accept		
131	2242.12	FS2759.5	Mitchell Daysh Limited	Queenstown Airport Corporation	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission is opposed to the extent that it is inconsistent with the higher order policy directives set out in the Proposed Otago Policy Statement.	Accept		
132	2242.12	FS2788.2	Boffa Miskell Ltd	Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the amendment is opposed.	Accept		
133	2242.12	FS2789.2	Boffa Miskell Ltd	Soho Ski Area Ltd and Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the suggested amendment to Objective 25.2.1 is opposed.	Accept		
134	2242.12	FS2790.2	Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the suggested amendment to Objective 25.2.1 is opposed.	Accept		
135	2242.12	FS2746.32		Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission is opposed in part.	Accept		
136	2242.13			Department of Conservation	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That Policy 25.2.1.2 be retained.	Accept		
137	2295.4		JEA	Millbrook Country Club	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Other	That repetition of issues in proposed Policy 25.2.1.3 in Policy 25.2.1.2 be deleted.	Reject		
138	2295.4	FS2745.4	Anderson Lloyd	Juie QT Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the part of the submission that references the further submitter's land and requests that it retain a WBRA zoning is opposed.	Accept		

139	2295.4	FS2710.33	John Edmonds + Associates Ltd	McGuinness Pa Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the submission is supported insofar as it seeks to discourage new development on land near 493 Speargrass Flat Road zoned Rural General under the Operative District Plan.	Reject		
140	2295.4	FS2720.116	Southern Planning Group	Boundary Trust	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission be rejected in its entirety.	Accept		
141	2295.4	FS2723.116	Southern Planning Group	Spruce Grove Trust - Malaghans Road	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission be rejected in its entirety.	Accept		
142	2295.4	FS2724.116	Southern Planning Group	Spruce Grove Trust - Butel Road	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission be rejected in its entirety.	Accept		
143	2295.5		JEA	Millbrook Country Club	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Other	That proposed Policy 25.2.1.5 be amended for clarified and not repeat matters in the proposed assessment matters.	Reject		
144	2295.5	FS2745.5	Anderson Lloyd	Juie QT Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the part of the submission that references the further submitter's land and requests that it retain a WBRA zoning is opposed.	Accept		
145	2295.5	FS2710.34	John Edmonds + Associates Ltd	McGuinness Pa Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the submission is supported insofar as it seeks to discourage new development on land near 493 Speargrass Flat Road zoned Rural General under the Operative District Plan.	Reject		
146	2295.5	FS2720.117	Southern Planning Group	Boundary Trust	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission be rejected in its entirety.	Accept		
147	2295.5	FS2723.117	Southern Planning Group	Spruce Grove Trust - Malaghans Road	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission be rejected in its entirety.	Accept		
148	2295.5	FS2724.117	Southern Planning Group	Spruce Grove Trust - Butel Road	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission be rejected in its entirety.	Accept		
149	2373.4		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That Policy 25.2.1.2 be amended to remove the reference to protection.	Accept in Part		
150	2373.4	FS2728.13	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission to amend Policy 25.2.1.2 is opposed.	Accept in Part		
151	2373.4	FS2751.11	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission be rejected and retain provision as notified.	Accept in Part		
152	2373.4	FS2800.38	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the submission is supported.	Accept in Part		
153	2373.4	FS2760.163	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the relief sought is supported.	Accept in Part		
154	2376.20		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That Policy 25.2.1.2 be amended to remove the reference to protection.	Accept in Part		
155	2376.20	FS2728.14	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission to amend Policy 25.2.1.2 is opposed.	Reject		
156	2376.20	FS2751.12	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission be rejected and retain provision as notified.	Reject		

157	2377.21		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	Amend Policy 25.2.1.2 so that the effects of earthworks are 'minimised' on identified valued resources, rather than 'protected'.	Accept in Part		
158	2377.21	FS2728.15	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission to amend Policy 25.2.1.2 is opposed.	Reject		
159	2377.21	FS2751.13	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission be rejected and retain provision as notified.	Reject		
160	2381.4		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	Amend Policy 25.2.1.2 so that the effects of earthworks are 'minimised' on identified valued resources, rather than 'protected'.	Accept in Part		
161	2381.4	FS2728.16	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission to amend Policy 25.2.1.2 is opposed.	Reject		
162	2381.4	FS2751.14	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission be rejected and retain provision as notified.	Reject		
163	2382.5		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	Amend Policy 25.2.1.2 so that the effects of earthworks are 'minimised' on identified valued resources, rather than 'protected'.	Accept in Part		
164	2382.5	FS2771.4	Southern Adventures	John May	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission be rejected.	Reject		
165	2382.5	FS2728.17	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission to amend Policy 25.2.1.2 is opposed.	Reject		
166	2382.5	FS2751.15	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission be rejected and retain provision as notified.	Reject		
167	2384.4		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	Amend Policy 25.2.1.2 so that the effects of earthworks are 'minimised' on identified valued resources, rather than 'protected'.	Accept in Part		
168	2384.4	FS2728.18	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission to amend Policy 25.2.1.2 is opposed.	Reject		
169	2384.4	FS2751.16	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission be rejected and retain provision as notified.	Reject		
170	2384.4	FS2800.10	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the submission is supported.	Accept in Part		
171	2384.4	FS2760.135	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the submission is supported generally.	Accept in Part		
172	2457.3			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That objective 25.2.1 be retained	Accept		
173	2457.4			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Not Stated	That policy 25.2.1.2 (b) be amended to delete reference to 'other amenity landscapes'	Accept		

174	2457.4	FS2746.33		Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the submission is supported.	Accept		
175	2462.1		Remarkables Park Ltd	Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	submitter opposes the word 'minimize' in 25.2.1 and seeks the words 'avoid, remedy and mitigate' instead	Accept in Part		
176	2462.1	FS2799.2	Burton Planning Consultants Limited	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the submission is supported insofar as Objective 25.2.1 is retained.	Accept in Part		
177	2466.15		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the word 'appropriately' is added to Objective 25.2.1.	Reject		
178	2466.15	FS2753.17	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Reject		
179	2466.54		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	Amend Policy 25.2.1.2 to ensure the matters are identified as 'values' and not 'resources'.	Accept		
180	2466.54	FS2746.34		Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the submission is supported.	Accept		
181	2466.54	FS2753.54	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Accept		
182	2468.1		Remarkables Park Ltd	Remarkables Park Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Other	submitter opposes the word 'minimize' in provision 25.2.1, and seeks the words 'avoid, remedy and mitigate'	Accept in Part		
183	2484.2		Burton Planning Consultants Ltd	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	Retain Policy 25.2.4.1 without modification.	Accept		
184	2492.9		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the word 'appropriately' is added to Objective 25.2.1.	Reject		
185	2492.9	FS2760.209	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the relief sought is supported.	Reject		
186	2492.48		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	that Policy 25.2.1.2 be amended to ensure the matters are identified as 'values' and not 'resources'.	Accept		
187	2492.48	FS2760.248	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the relief sought is supported.	Accept		
188	2494.13		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the word 'appropriately' is added to Objective 25.2.1.	Reject		
189	2494.13	FS2760.331	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the relief sought is supported.	Reject		
190	2494.52		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	Amend Policy 25.2.1.2 to ensure the matters are identified as 'values' and not 'resources'.	Accept		
191	2494.52	FS2760.370	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the relief sought is supported.	Accept		
192	2497.1			Otago Regional Council	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the Advice Note within Objective 25.2.1 (specifically Policy 25.2.1.2) is amended to note that any activity resulting in an exposure to groundwater requires consent from the ORC under the Regional Plan: Water.	Reject		
193	2497.1	FS2746.35		Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the submission is supported.	Reject		

194	2540.34			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That Objective 25.2.1 is accepted.	Accept		
195	2540.35			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That Policy 25.2.1.1 is accepted.	Accept		
196	2540.36			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That policy 25.2.1.2 is amended to " <u>Protect Maintain or enhance</u> "	Accept in Part		
197	2540.36	FS2751.17	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the submission be rejected and retain provision as notified.	Accept in Part		
198	2540.37			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Not Stated	That Policy 25.2.1.3 is deleted.	Reject		
199	2581.15		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	That the word 'appropriately' is added to Objective 25.2.1.	Reject		
200	2581.15	FS2753.17 2	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Reject		
201	2581.54		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Oppose	Amend Policy 25.2.1.2 to ensure the matters are identified as 'values' and not 'resources'.	Accept		
202	2581.54	FS2753.20 9	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.1-25.2.1 - Objective 1	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Accept		
203	2194.8		Incite	Chorus	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That Policy 25.2.2.1 is retained.	Accept		
204	2195.8		Incite	Spark New Zealand Trading Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That Policy 25.2.2.1 is retained.	Accept		
205	2242.14			Department of Conservation	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That Policy 25.2.2.1 be retained.	Accept		
206	2295.6		JEA	Millbrook Country Club	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Other	That Policy 25.2.2.1 should be amended to delete reference to the policy being subject to objective 25.2.1.	Accept		
207	2295.6	FS2745.6	Anderson Lloyd	Juie QT Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That the part of the submission that references the further submitter's land and requests that it retain a WBRA zoning is opposed.	Reject		
208	2295.6	FS2710.35	John Edmonds + Associates Ltd	McGuinness Pa Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the submission is supported insofar as it seeks to discourage new development on land near 493 Speargrass Flat Road zoned Rural General under the Operative District Plan.	Accept		
209	2295.6	FS2720.11 8	Southern Planning Group	Boundary Trust	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That the submission be rejected in its entirety.	Reject		
210	2295.6	FS2723.11 8	Southern Planning Group	Spruce Grove Trust - Malaghans Road	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That the submission be rejected in its entirety.	Reject		
211	2295.6	FS2724.11 8	Southern Planning Group	Spruce Grove Trust - Butel Road	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That the submission be rejected in its entirety.	Reject		
212	2295.7		JEA	Millbrook Country Club	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Other	That Policy 25.2.2.1(b) be amended to specifically refer to the Millbrook Resort Zone, or that golf tourism be included as an example of 'tourism infrastructure'.	Reject		
213	2295.7	FS2745.7	Anderson Lloyd	Juie QT Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That the part of the submission that references the further submitter's land and requests that it retain a WBRA zoning is opposed.	Accept		

214	2295.7	FS2710.36	John Edmonds + Associates Ltd	McGuinness Pa Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the submission is supported insofar as it seeks to discourage new development on land near 493 Speargrass Flat Road zoned Rural General under the Operative District Plan.	Reject		
215	2295.7	FS2720.119	Southern Planning Group	Boundary Trust	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That the submission be rejected in its entirety.	Accept		
216	2295.7	FS2723.119	Southern Planning Group	Spruce Grove Trust - Malaghans Road	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That the submission be rejected in its entirety.	Accept		
217	2295.7	FS2724.119	Southern Planning Group	Spruce Grove Trust - Butel Road	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That the submission be rejected in its entirety.	Accept		
218	2327.1			Ian Dee	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Not Stated	That policy 25.2.2 is strengthened to reduce the destruction of the soil due to earthworks.	Accept in Part		
219	2327.1	FS2788.1	Boffa Miskell Ltd	Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That the notified version of Objective 25.2.2 is supported.	Accept in Part		
220	2327.1	FS2789.1	Boffa Miskell Ltd	Soho Ski Area Ltd and Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That the notified version of Objective 25.2.2 is supported.	Accept in Part		
221	2327.1	FS2790.1	Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That the notified version of Objective 25.2.2 is supported.	Accept in Part		
222	2373.5		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That Policy 25.2.2.1 be amended to remove the reference to Objective 25.2.1.	Accept		
223	2373.5	FS2800.39	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the submission is supported.	Accept		
224	2373.5	FS2760.164	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
225	2376.21		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That Policy 25.2.2.1 be amended to remove the reference to Objective 25.2.1.	Accept		
226	2377.22		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	Amend Policy 25.2.2.1 to remove the reference to Objective 25.2.1.	Accept		
227	2381.5		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	Amend Policy 25.2.2.1 to remove the reference to Objective 25.2.1.	Accept		
228	2382.6		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	Amend Policy 25.2.2.1 to remove the reference to Objective 25.2.1.	Accept		
229	2384.5		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	Amend Policy 25.2.2.1 to remove the reference to Objective 25.2.1.	Accept		
230	2384.5	FS2800.11	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the submission is supported.	Accept		
231	2384.5	FS2760.136	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the submission is supported generally.	Accept		
232	2388.3		Brown & Company Planning Group	WATERFALL PARK DEVELOPMENTS LIMITED	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.1 be amended.	Accept		

233	2388.3	FS2710.15	John Edmonds + Associates Ltd	McGuinness Pa Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That the submission is opposed insofar as it seeks to support or promote subdivision and development on land which is currently zoned Rural General under the Operative District Plan.	Reject		
234	2388.3	FS2772.13	Land Landscape Architects	R Hadley	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That the land shown as Wakatipu Lifestyle Precinct on Attachment 1, PDP Stage 2 Notification Map 26 is rezoned as Wakatipu Basin Rural Amenity Zone.	Reject		
235	2442.7		Beca Limited	Transpower New Zealand Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	Retain Policy 25.2.2.1 as notified.	Accept		
236	2442.8		Beca Limited	Transpower New Zealand Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	Retain Policy 25.2.2.2 as notified.	Accept		
237	2457.5			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Not Stated	That policy 25.2.2.1(b) be amended to correct the spelling of "Waiorau"	Accept		
238	2457.6			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That policy 25.2.2.3 be retained	Accept		
239	2462.4		Remarkables Park Ltd	Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Not Stated	That Policy 25.2.2.1 be amended to delete reference to being "subject to Objective 25.2.1"	Accept		
240	2462.5		Remarkables Park Ltd	Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That references to the need to provide for the operational efficiency of farming be amended to also refer to other activities	Accept in Part		
241	2466.55		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That Objective 25.2.2 be amended to delete 'while being protected from adverse effects'.	Accept in Part		
242	2466.55	FS2753.55	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Accept in Part		
243	2466.56		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	Amend Policy 25.2.2.1 to remove the reference to being subject to Objective 25.2.1.	Accept		
244	2466.56	FS2753.56	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Accept		
245	2468.4		Remarkables Park Ltd	Remarkables Park Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Other	That rule 25.2.2 be amended to delete the words ' while being protected from adverse effects'	Accept in Part		
246	2468.5		Remarkables Park Ltd	Remarkables Park Ltd	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Not Stated	That policy 25.2.2.1 be amended to delete the reference to the policy being 'subject to objective 25.2.1'	Accept		
247	2478.8		Incite	Vodafone New Zealand Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That Policy 25.2.2.1 is retained.	Accept		
248	2492.49		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Objective 25.2.2 be amended deleting the words 'while being protected from adverse effects'.	Accept in Part		
249	2492.49	FS2760.249	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept in Part		
250	2492.50		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	Amend Policy 25.2.2.1 to remove the reference to being subject to Objective 25.2.1.	Accept		
251	2492.50	FS2760.250	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
252	2492.115		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.2 is more appropriately located under Objective 25.2.1.	Accept		

253	2492.115	FS2760.315	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
254	2492.116		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.3 is more appropriately located under Objective 25.2.1.	Accept		
255	2492.116	FS2760.316	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
256	2492.117		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That Policy 25.2.2.4 be more appropriately located under Objective 25.2.1.	Accept		
257	2492.117	FS2760.317	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
258	2492.118		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.5 be more appropriately located under Objective 25.2.1.	Accept		
259	2492.118	FS2760.318	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
260	2492.119		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.6 be more appropriately located under Objective 25.2.1.	Accept		
261	2492.119	FS2760.319	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
262	2492.120		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.7 be more appropriately located under Objective 25.2.1.	Accept		
263	2492.120	FS2760.320	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
264	2494.53		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	Amend Objective 25.2.2 so that the enabling component is not subject to qualifiers to 'while being protected from adverse effects'.	Accept in Part		
265	2494.53	FS2760.371	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept in Part		
266	2494.54		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	Amend Policy 25.2.2.1 to remove the reference to being subject to Objective 25.2.1.	Accept		
267	2494.54	FS2760.372	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
268	2494.153		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.2 is more appropriately located under Objective 25.2.1.	Accept		
269	2494.153	FS2760.453	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
270	2494.154		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.3 is more appropriately located under Objective 25.2.1.	Accept		
271	2494.154	FS2760.454	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
272	2494.155		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.4 is more appropriately located under Objective 25.2.1.	Accept		

273	2494.155	FS2760.45 5	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
274	2494.156		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.5 is more appropriately located under Objective 25.2.1.	Accept		
275	2494.156	FS2760.45 6	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
276	2494.157		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.6 is more appropriately located under Objective 25.2.1.	Accept		
277	2494.157	FS2760.45 7	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
278	2494.158		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.7 is more appropriately located under Objective 25.2.1.	Accept		
279	2494.158	FS2760.45 8	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought is supported.	Accept		
280	2538.23			NZ Transport Agency	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That Objective 25.2.2 is accepted.	Accept		
281	2538.23	FS2760.24	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the submission is supported generally.	Accept		
282	2538.24			NZ Transport Agency	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That Policy 25.2.2.1.a is accepted.	Accept		
283	2538.24	FS2760.25	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the submission is supported generally.	Accept		
284	2538.25			NZ Transport Agency	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That Policy 25.2.2.2 is retained.	Accept		
285	2538.25	FS2760.26	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the submission is supported generally.	Accept		
286	2538.26			NZ Transport Agency	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That Policy 25.2.2.6 is accepted.	Accept		
287	2538.26	FS2760.27	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the submission is supported generally.	Accept		
288	2540.38			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That Objective 25.2.2 is amended to provide for the appropriate management rather than the protection from adverse effects.	Accept		
289	2540.38	FS2751.18	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That the submission be rejected and retain provision as notified.	Accept		
290	2540.39			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That Policy 25.2.2.1 is accepted.	Accept		
291	2540.40			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That Policy 25.2.2.7 is accepted.	Accept		
292	2575.19		John Edmonds + Associates Ltd	Queenstown Trails Trust	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	That Policy 25.2.2.1 be amended by deleting the reference "Subject to Objective 25.2.1".	Accept		

293	2581.55		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	Amend Objective 25.2.2 so that the enabling component is not subject to qualifiers to 'while being protected from adverse effects'.	Accept in Part		
294	2581.155	FS2753.210	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Accept in Part		
295	2581.56		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	Amend Policy 25.2.2.1 to remove the reference to being subject to Objective 25.2.1.	Accept		
296	2581.156	FS2753.211	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Accept		
297	2581.153		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.2 is more appropriately located under Objective 25.2.1.	Accept		
298	2581.153	FS2753.308	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Accept		
299	2581.154		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.3 is more appropriately located under Objective 25.2.1.	Accept		
300	2581.154	FS2753.309	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Accept		
301	2581.155		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.4 is more appropriately located under Objective 25.2.1.	Accept		
302	2581.155	FS2753.310	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Accept		
303	2581.156		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.5 is more appropriately located under Objective 25.2.1.	Accept		
304	2581.156	FS2753.311	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Accept		
305	2581.157		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.6 is more appropriately located under Objective 25.2.1.	Accept		
306	2581.157	FS2753.312	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Accept		
307	2581.158		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Oppose	that Policy 25.2.2.7 is more appropriately located under Objective 25.2.1.	Accept		
308	2581.158	FS2753.313	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.2-25.2 - Objectives and Policies > 2.2.2-25.2.2 - Objective 2	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Accept		
309	2194.10		Incite	Chorus	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Support	That 25.3 Other Provisions and Rules are accepted.	Accept		
310	2195.10		Incite	Spark New Zealand Trading Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Not Stated	That 25.3 Other Provisions and Rules are accepted.	Accept		
311	2466.153		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Oppose	Ensure that earthworks within the Ski Area Sub Zones, including the making of tracks for summer recreation activities are exempt from requiring resource consent.	Accept in Part		
312	2466.153	FS2753.153	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Accept in Part		
313	2466.154		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Oppose	Ensure earthworks for the purpose of constructing and maintaining private roads and parking in the Ski Area Sub Zones are exempt from requiring resource consent.	Accept in Part		

314	2466.154	FS2728.19	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Oppose	That the submission to exempt Ski Area Sub Zones from requiring resource consent is opposed.	Accept in Part		
315	2466.154	FS2753.154	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Accept in Part		
316	2478.10		Incite	Vodafone New Zealand Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Support	That 25.3 Other Provisions and Rules are accepted.	Accept		
317	2575.7		John Edmonds + Associates Ltd	Queenstown Trails Trust	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Other	That General Rule 23.3.4 (exemptions) is amended to exempt the formation and maintenance of publicly accessible cycle and walking trails.	Reject		
318	2575.7	FS2751.4	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Oppose	That the submission be rejected and retain provisions as notified in relation to the construction of new walking and cycling trails.	Accept		
319	2575.7	FS2728.20	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Oppose	That the submission to amend Rule 23.3.4 is opposed.	Accept		
320	2575.7	FS2754.60		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Support	That the submission is supported.	Reject		
321	2575.7	FS2755.59		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Support	That the submission is supported.	Reject		
322	2618.3		Mitchell Daysh Limited	Queenstown Airport Corporation	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Not Stated	That advice note 25.3.3.5 be retained as notified	Accept		
323	2618.3	FS2754.37		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Oppose	That the submission is opposed.	Reject		
324	2618.3	FS2755.36		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules	Oppose	That the submission is opposed.	Reject		
325	2377.23		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.1-25.3.1 - District Wide	Oppose	Amend Provision 25.3.3.1 so that the earthworks limits are measured at the completion of the work.	Reject		
326	2381.6		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.1-25.3.1 - District Wide	Oppose	Amend Advice Note 25.3.3.1 so that the earthworks limits are measured at the completion of the work.	Reject		
327	2382.7		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.1-25.3.1 - District Wide	Oppose	Amend Provision 25.3.3.1 so that the earthworks limits are measured at the completion of the work.	Reject		
328	2384.6		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.1-25.3.1 - District Wide	Oppose	Amend Provision 25.3.3.1 so that the earthworks limits are measured at the completion of the work.	Reject		
329	2384.6	FS2800.12	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.1-25.3.1 - District Wide	Support	That the submission is supported.	Reject		
330	2384.6	FS2760.137	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.1-25.3.1 - District Wide	Support	That the submission is supported generally.	Reject		
331	2497.2			Otago Regional Council	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.2-25.3.2 - Advice Notes - Regional Council Provisions	Oppose	That 25.3.2.1 is amended provide for a wider range of activities that are subject to the Otago Regional Plan: Water.	Accept		
332	2194.9		Incite	Chorus	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That Advice note 25.3.3.11 is amended to add "c. Earthworks for the construction, alteration or addition to underground lines for telecommunications, radio communication, navigation or meteorological activities"	Accept in Part		
333	2195.9		Incite	Spark New Zealand Trading Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That Advice note 25.3.3.11 is amended to add 'c. Earthworks for the construction, alteration or addition to underground lines for telecommunications, radio communication, navigation or meteorological activities'	Accept in Part		

334	2373.6		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	That Advice Note 25.3.3.1 be amended to specify that volumes are measured at the completion of works.	Reject		
335	2373.6	FS2800.40	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the submission is supported.	Reject		
336	2373.6	FS2760.16 5	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the relief sought is supported.	Reject		
337	2373.7		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	That advice note 25.3.3.3 be amended to better express its meaning.	Accept		
338	2373.7	FS2800.41	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the submission is supported.	Accept		
339	2373.7	FS2760.16 6	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the relief sought is supported.	Accept		
340	2373.8		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	That advice note 25.3.3.4 be amended to better express its meaning.	Accept		
341	2373.8	FS2800.42	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the submission is supported.	Accept		
342	2373.8	FS2760.16 7	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the relief sought is supported.	Accept		
343	2373.9		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	That Advice Note 25.3.3.11 be amended to better express its meaning.	Accept		
344	2373.9	FS2800.43	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the submission is supported.	Accept		
345	2373.9	FS2760.16 8	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the relief sought is supported.	Accept		
346	2376.22		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	That Advice Note 25.3.3.1 be amended to specify that volumes are measured at the completion of works.	Reject		
347	2376.23		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	That Advice Note 25.3.3.3 be amended to better express its meaning.	Accept		
348	2376.24		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	That Advice Note 25.3.3.4 be amended to better express its meaning.	Accept		
349	2376.25		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	That Advice Note 25.3.3.11 be amended to better express its meaning.	Accept		
350	2377.24		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Amend 25.3.3.3 for grammatical clarification.	Accept		
351	2377.25		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Amend Advice Note 25.3.3.4 for grammatical clarification.	Accept		

352	2377.26		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Amend Provision 25.3.3.11 for grammatical clarification.	Accept		
353	2381.7		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Amend Advice Note 25.3.3.3 for grammatical clarification.	Accept		
354	2381.8		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Amend Advice Note 25.3.3.4 for grammatical clarification.	Accept		
355	2381.9		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Amend Provision 25.3.3.11 for grammatical clarification.	Accept		
356	2382.8		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Amend 25.3.3.3 for grammatical clarification.	Accept		
357	2382.9		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Amend Advice Note 25.3.3.4 for grammatical clarification.	Accept		
358	2382.10		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Amend Provision 25.3.3.11 for grammatical clarification.	Accept		
359	2384.7		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Amend 25.3.3.3 for grammatical clarification.	Accept		
360	2384.7	FS2800.13	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the submission is supported.	Accept		
361	2384.7	FS2760.138	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the submission is supported generally.	Accept		
362	2384.8		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Amend Advice Note 25.3.3.4 for grammatical clarification.	Accept		
363	2384.8	FS2800.14	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the submission is supported.	Accept		
364	2384.8	FS2760.139	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the submission is supported generally.	Accept		
365	2384.9		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Amend Provision 25.3.3.11 for grammatical clarification.	Accept		
366	2384.9	FS2800.15	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the submission is supported.	Accept		
367	2384.9	FS2760.140	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the submission is supported generally.	Accept		
368	2442.9		Beca Limited	Transpower New Zealand Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	Retain Advice Note 25.3.3.10 as notified.	Accept		
369	2442.10		Beca Limited	Transpower New Zealand Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	Retain Advice Note 25.3.3.11 as notified.	Accept		
370	2446.8			Heritage New Zealand	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	Submitter supports 25.3.3.6 with the following amendment HNZ requests explanatory note as per ODP provision 22.4.vii to assist plan user to understand that the primary source of information regarding recorded archaeological sites is the New Zealand Archaeological Association database rather than the District Plan	Accept		

371	2466.16		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Relocate all advice notes to the end of the Chapter.	Reject		
372	2466.16	FS2753.18	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Reject		
373	2478.9		Incite	Vodafone New Zealand Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	That Advice note 25.3.3.11 is amended to add 'c. Earthworks for the construction, alteration or addition to underground lines for telecommunications, radio communication, navigation or meteorological activities'	Accept in Part		
374	2484.3		Burton Planning Consultants Ltd	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	Retain Advice Note 25.3.3.8 without modification.	Accept		
375	2492.10		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Relocate all advice notes to the end of the Chapter.	Reject		
376	2492.10	FS2760.210	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the relief sought is supported.	Reject		
377	2494.14		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	Relocate all advice notes to the end of the Chapter.	Reject		
378	2494.14	FS2760.332	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the relief sought is supported.	Reject		
379	2581.16		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Oppose	that all advice notes be relocated to the end of the Chapter.	Reject		
380	2581.16	FS2753.173	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.3-25.3.3 - Advice Notes	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Reject		
381	2242.15			Department of Conservation	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That Rule 25.3.4.2 be retained.	Accept		
382	2311.12		Tieke Consulting Limited	Streat Developments Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Other	That Rule 25.3.4 be amended to remove references to controlled and restricted discretionary and the application of other rules in the chapter.	Accept in Part		
383	2373.10		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	That Rule 25.3.4.1 be amended so that it applies to all subdivision activities, to amend the structure of the rule, and exempt the earthworks associated with subdivision.	Accept in Part		
384	2373.10	FS2800.44	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported.	Accept in Part		
385	2373.10	FS2760.169	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought is supported.	Accept in Part		
386	2373.11		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	That Rule 25.3.4.2 be amended so that it applies to all of the standards within Chapter 25 - Earthworks.	Reject		
387	2373.11	FS2800.45	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported.	Reject		
388	2373.11	FS2760.170	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought is supported.	Reject		
389	2373.12		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	That Rule 25.3.4.3 be amended to enable earthworks volumes to be calculated across 'any' consecutive 12 month period.	Accept		
390	2373.12	FS2746.36		Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported but also support the proposed change to 'any'.	Accept		

391	2373.12	FS2800.46	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported.	Accept		
392	2373.12	FS2760.17 1	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought is supported.	Accept		
393	2376.26		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	That Rule 25.3.4.1 be amended so that it applies to all subdivision activities, to amend the structure of the rule, and the exempt earthworks associated with subdivision.	Accept in Part		
394	2376.26	FS2754.62		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported.	Accept in Part		
395	2376.26	FS2755.61		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported.	Accept in Part		
396	2376.27		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	That Rule 25.3.4.2 be amended so that it applies to all of the standards within Chapter 25 - Earthworks.	Reject		
397	2376.28		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	That Rule 25.3.4.3 be amended to enable earthworks volumes to be calculated across 'any' consecutive 12 month period.	Accept		
398	2377.27		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.1 so that it applies to all subdivision, not just subdivision with a controlled or restricted discretionary status.	Accept		
399	2377.28		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.3 for grammatical clarification.	Accept		
400	2381.10		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.1 so that it applies to all subdivision, not just subdivision with a controlled or restricted discretionary status.	Accept		
401	2381.11		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.3 for grammatical clarification.	Accept		
402	2382.11		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.1 so that it applies to all subdivision, not just subdivision with a controlled or restricted discretionary status.	Accept		
403	2382.12		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.3 for grammatical clarification.	Accept		
404	2384.10		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.1 so that it applies to all subdivision, not just subdivision with a controlled or restricted discretionary status.	Accept		
405	2384.10	FS2800.16	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported.	Accept		
406	2384.10	FS2760.14 1	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported generally.	Accept		
407	2384.11		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.3 for grammatical clarification.	Accept		
408	2384.11	FS2800.17	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported.	Accept		
409	2384.11	FS2760.14 2	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported generally.	Accept		
410	2384.17		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend 25.3.4.2 so that the all earthworks are exempt in the Ski Area Sub Zone.	Reject		

411	2384.17	FS2800.23	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported.	Reject		
412	2384.17	FS2760.148	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported generally.	Reject		
413	2442.11		Beca Limited	Transpower New Zealand Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	Retain Rule 25.3.4.5 (n) (i) as notified.	Accept		
414	2454.7		Southern Planning Group	NZSki Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	that Rule 25.3.4.2 be amended to include commercial recreation activities, an exemption to any Ski Area Sub-Zone administered by the Department of Conservation, removing of reference to Rules 25.5.13 to 25.5.14 and the replacement of the words 'deposition of material on Roads and dust' with entering water bodies.	Accept in Part		
415	2454.7	FS2800.6	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported.	Accept in Part		
416	2454.7	FS2760.192	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought is supported.	Accept in Part		
417	2457.10			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Not Stated	That rule 25.3.4.1 be amended to clarify reasoning for exemptions from C or RD subdivisions.	Accept in Part		
418	2466.17		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.2 so it does not only apply to Ski Area and Activities.	Accept		
419	2466.17	FS2753.19	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Accept		
420	2466.18		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.5 (f) so that the earthworks exemption does not only apply to planting of riparian vegetation.	Reject		
421	2466.18	FS2753.20	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Reject		
422	2466.19		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.5 so that the construction and maintenance of a road within legal road is exempt from the earthworks rules.	Reject		
423	2466.19	FS2751.7	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	That the submission be rejected and retain provisions as notified in relation to earthworks associated with the construction of roads.	Accept		
424	2466.19	FS2753.21	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Reject		
425	2468.9		Remarkables Park Ltd	Remarkables Park Ltd	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Not Stated	That rule 25.3.4.5 be amended to make the 'improvement and formation/creation' of track access' permitted and 'maintenance, improvement and creation' of recreational trails permitted in the Rural zone and ONL's	Accept in Part		
426	2468.9	FS2751.5	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	That the submission be rejected and retain provisions as notified in relation to the construction of new walking and cycling trails.	Accept in Part		
427	2468.9	FS2760.460	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought is supported.	Accept in Part		
428	2484.4		Burton Planning Consultants Ltd	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	Retain General Rule 25.3.4.5 (n) without modification.	Accept		
429	2492.11		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.2 so it does not only apply to Ski Area Activities.	Accept		

430	2492.11	FS2760.21 1	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought is supported.	Accept		
431	2492.12		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.5 (f) so that the earthworks exemption does not only apply to planting of riparian vegetation.	Reject		
432	2492.12	FS2760.21 2	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought is supported.	Reject		
433	2492.13		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.5 so that the construction and maintenance of a road within legal road is exempt from the earthworks rules.	Reject		
434	2492.13	FS2751.8	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	That the submission be rejected and retain provisions as notified in relation to earthworks associated with the construction of roads.	Accept		
435	2492.13	FS2754.61		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported.	Reject		
436	2492.13	FS2755.60		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported.	Reject		
437	2492.13	FS2760.21 3	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought is supported.	Reject		
438	2493.11		Southern Planning Group	Skyline Enterprises Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Add a new provision that earthworks associated with the harvesting and management of existing forestry within the Open Space and recreation Zones are exempt from the earthworks rules and standards.	Reject		
439	2493.11	FS2767.11	Anderson Lloyd	Queenstown Commercial Parapenters	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported insofar as it does not undermine the relief sought in the further submitter's original submission.	Reject		
440	2494.15		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.2 so it does not only apply to Ski Area and Activities.	Accept		
441	2494.15	FS2760.33 3	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought is supported.	Accept		
442	2494.16		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.5 (f) so that the earthworks exemption does not only apply to planting of riparian vegetation.	Reject		
443	2494.16	FS2746.37		Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported.	Reject		
444	2494.16	FS2754.63		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported.	Reject		
445	2494.16	FS2755.62		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the submission is supported.	Reject		
446	2494.16	FS2760.33 4	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought is supported.	Reject		
447	2494.17		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.5 so that the construction and maintenance of a road within legal road is exempt from the earthworks rules.	Reject		
448	2494.17	FS2751.9	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	That the submission be rejected and retain provisions as notified in relation to earthworks associated with the construction of roads.	Accept		
449	2494.17	FS2760.33 5	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought is supported.	Reject		

450	2540.41			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That Rule 25.3.4.3 is accepted.	Accept		
451	2540.42			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That Rule 25.3.4.4 is accepted.	Accept		
452	2540.43			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That Rule 25.3.4.5 is accepted.	Accept		
453	2581.17		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.2 so it does not only apply to Ski Area and Activities.	Accept		
454	2581.17	FS2753.17 4	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Accept		
455	2581.18		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.5 (f) so that the earthworks exemption does not only apply to planting of riparian vegetation.	Reject		
456	2581.18	FS2753.17 5	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Reject		
457	2581.19		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	Amend Rule 25.3.4.5 so that the construction and maintenance of a road within legal road is exempt from the earthworks rules.	Reject		
458	2581.19	FS2751.10	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Oppose	That the submission be rejected and retain provisions as notified in relation to earthworks associated with the construction of roads.	Accept		
459	2581.19	FS2753.17 6	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.3-25.3 - Other Provisions and Rules > 2.3.4-25.3.4 - General Rules	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Reject		
460	2194.11		Incite	Chorus	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That 25.4 Rules- Activities is accepted.	Accept		
461	2195.11		Incite	Spark New Zealand Trading Ltd	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That 25.4 Rules- Activities is accepted.	Accept		
462	2295.8		JEA	Millbrook Country Club	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Other	Table 25.1 be amended to apply a 500m3 threshold in the Residential Village, Resort Services, Landscape Protection, Landscape Protection (Malaghan) Activity Areas and no maximum in the Golf Course and Open Space, Recreation Facilities, Helepad Activity Areas	Reject		
463	2295.8	FS2745.8	Anderson Lloyd	Juie QT Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the part of the submission that references the further submitter's land and requests that it retain a WBRA zoning is opposed.	Accept		
464	2295.8	FS2710.37	John Edmonds + Associates Ltd	McGuinness Pa Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That the submission is supported insofar as it seeks to discourage new development on land near 493 Speargrass Flat Road zoned Rural General under the Operative District Plan.	Reject		
465	2295.8	FS2720.12 0	Southern Planning Group	Boundary Trust	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the submission be rejected in its entirety.	Accept		
466	2295.8	FS2723.12 0	Southern Planning Group	Spruce Grove Trust - Malaghans Road	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the submission be rejected in its entirety.	Accept		
467	2295.8	FS2724.12 0	Southern Planning Group	Spruce Grove Trust - Butel Road	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the submission be rejected in its entirety.	Accept		
468	2446.9			Heritage New Zealand	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Other	Amendment sought to reduce scope of 25.4.5 to read: Earthworks that modify, damage or destroy wahi tapi, wahu taonga <u>whether identified on the Planning Maps or not, or an archaeological site included in the Inventory of Protected Features in Chapter 26 Historic Heritage.</u>	Accept in Part		
469	2446.9	FS2758.1		New Zealand Tungsten Mining Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That the amendment proposed is supported if this rule should become operative.	Accept in Part		
470	2446.9	FS2788.7	Boffa Miskell Ltd	Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That the submission is supported.	Accept in Part		

471	2446.9	FS2789.7	Boffa Miskell Ltd	Soho Ski Area Ltd and Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That the proposed changes are supported.	Accept in Part		
472	2446.9	FS2790.7	Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That the intent of the proposed changes is supported.	Accept in Part		
473	2446.9	FS2760.507	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That the amendments proposed are supported if the rule should become operative.	Accept in Part		
474	2446.10			Heritage New Zealand	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Other	Submitter seeks for a new rule to be added to Table 25.1 to read as follows: Earthworks within the setting/curtilage/ extent of place of any Building, Structure or feature listed in Schedule 26.9 of the district Plan should be a discretionary activity	Accept in Part		
475	2446.10	FS2758.2		New Zealand Tungsten Mining Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the relief sought is opposed.	Reject		
476	2446.10	FS2788.8	Boffa Miskell Ltd	Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the submission is supported in part but the proposed wording leaves considerable uncertainty to determine compliance and an exemption should be introduced where an archaeological authority is obtained.	Reject		
477	2446.10	FS2789.8	Boffa Miskell Ltd	Soho Ski Area Ltd and Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the addition of a new rule is supported in part the wording is opposed and an exemption should be introduced where an archaeological authority is obtained.	Reject		
478	2446.10	FS2790.8	Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the addition of a new rule is supported in part but the wording is uncertain and an exemption should be introduced where an archaeological authority is obtained.	Reject		
479	2446.10	FS2760.506	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the relief sought is opposed.	Reject		
480	2457.7			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That rule 25.4.2 is retained	Accept		
481	2457.8			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Not Stated	regarding rule 25.4.3 submitter seeks an amendment to 'cleanfill facility'	Accept		
482	2466.20		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	Amend Rule 25.4.5 so that archaeological sites managed by other legislation are not covered by the Earthworks rules.	Accept in Part		
483	2466.20	FS2728.1	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the submission seeking to amend Rule 25.4.5 is opposed.	Reject		
484	2466.20	FS2751.19	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the submission be rejected in that it seeks to entirely remove reference to archaeological sites from the rule.	Reject		
485	2466.20	FS2753.22	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Accept in Part		
486	2478.11		Incite	Vodafone New Zealand Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That 25.4 Rules- Activities is accepted.	Accept		
487	2492.14		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	Amend Rule 25.4.5 so that archaeological sites managed by other legislation are not covered by the Earthworks rules.	Accept in Part		
488	2492.14	FS2728.2	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the submission seeking to amend Rule 25.4.5 is opposed.	Reject		
489	2492.14	FS2751.20	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the submission be rejected in that it seeks to entirely remove reference to archaeological sites from the rule.	Reject		
490	2492.14	FS2760.214	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That the relief sought is supported.	Accept in Part		
491	2494.18		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	Amend Rule 25.4.5 so that archaeological sites managed by other legislation are not covered by the Earthworks rules.	Accept in Part		

492	2494.18	FS2728.3	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the submission seeking to amend Rule 25.4.5 is opposed.	Reject		
493	2494.18	FS2751.21	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the submission be rejected in that it seeks to entirely remove reference to archaeological sites from the rule.	Reject		
494	2494.18	FS2788.12	Boffa Miskell Ltd	Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That the submission is supported.	Accept in Part		
495	2494.18	FS2789.12	Boffa Miskell Ltd	Soho Ski Area Ltd and Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That the changes to the rule are supported.	Accept in Part		
496	2494.18	FS2790.12	Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That changes to the rule are supported.	Accept in Part		
497	2494.18	FS2760.33 6	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That the relief sought is supported.	Accept in Part		
498	2508.3			Aurora Energy Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That rule 25.8.4 be retained	Accept		
499	2540.44			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That Rule 25.4.1 is accepted.	Accept		
500	2540.45			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That Rule 25.4.2 is accepted.	Accept		
501	2540.46			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That Rule 25.4.3 is amended from discretionary to restricted discretionary with matters of discretion similar to those proposed in 25.7	Accept		
502	2540.47			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That Rule 25.4.4 is amended from discretionary to restricted discretionary activity status.	Reject		
503	2581.20		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	Amend Rule 25.4.5 so that archaeological sites managed by other legislation are not covered by the Earthworks rules.	Accept in Part		
504	2581.20	FS2728.4	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the submission seeking to amend Rule 25.4.5 is opposed.	Reject		
505	2581.20	FS2751.22	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the submission be rejected in that it seeks to entirely remove reference to archaeological sites from the rule.	Reject		
506	2581.20	FS2753.17 7	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Accept in Part		
507	2618.4		Mitchell Daysh Limited	Queenstown Airport Corporation	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Not Stated	That rules 25.4.1 and 25.4.2 be retained as notified	Accept		
508	2618.4	FS2754.38		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the submission is opposed.	Reject		
509	2618.4	FS2755.37		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.4-25.4 - Rules - Activities	Oppose	That the submission is opposed.	Reject		
510	2140.4			Friends of Lake Hayes Society Inc	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That regular water testing both below and above site development boundaries is undertaken as part of building consent and resource consent conditions.	Reject		
511	2194.12		Incite	Chorus	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That 25.5 Rules-Standards are accepted.	Accept		
512	2195.12		Incite	Spark New Zealand Trading Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That 25.5 Rules-Standards are accepted.	Accept		
513	2349.23			Sean McLeod	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That Rule 25.5.4 be amended to have the Maximum Total Value doubled.	Reject		
514	2349.24			Sean McLeod	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That Rule 25.5.5 be amended to have the Maximum Total Value doubled.	Reject		

515	2349.25			Sean McLeod	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That Rule 25.5.6 be amended to have the Maximum Total Value doubled.	Reject		
516	2373.26		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	tha Rule 25.5.12 be amended to add an exemption relating to ski area activities located within the Ski Area Sub Zone.	Reject		
517	2373.26	FS2800.60	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the submission is supported.	Reject		
518	2373.26	FS2760.185	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the relief sought is supported.	Reject		
519	2375.17		Tieke Consulting Limited	Church Street Trustee Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That Rule 25.5.2 be amended.	Reject		
520	2377.29		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rule 25.5.11 so that the Wakatipu Basin Amenity Zone is exempt from this rule.	Reject		
521	2377.30		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	that rule 25.5.18 be amended to ensure that private roads and roads to vest are exempt from this rule.	Accept		
522	2377.31		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rule 25.5.12 to make the activity status restricted discretionary.	Accept		
523	2377.31	FS2799.4	Burton Planning Consultants Limited	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the submission is supported in part insofar as the retention of the Rule and acknowledging the Rule does not follow from the wording of the relevant policies.	Accept		
524	2377.32		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That Rule 25.5.13 is amended so the activity status is restricted discretionary.	Accept		
525	2377.33		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	Retain Rule 25.5.15 as notified.	Accept		
526	2377.34		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rule 25.5.20 so that earthworks up to 20m3 are permitted within 7m of a waterbody.	Accept in Part		
527	2377.35		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Delete or amend Rule 25.5.22 Cleanfill	Reject		
528	2377.35	FS2764.1	Barker & Associates Ltd	Queenstown Central Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the submission is supported.	Accept in Part		
529	2381.12		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rule 25.5.8 to remove village	Reject		
530	2381.13		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That Rule 25.5.11 be amended so that the Jacks Point Zone is exempt from the area thresholds to control erosion and sediment.	Reject		
531	2381.14		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rule 25.5.12 to make the activity status restricted discretionary.	Accept		
532	2381.15		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That Rule 25.5.13 is amended so the activity status is restricted discretionary.	Accept		
533	2381.16		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	Retain Rule 25.5.15 as notified.	Accept		
534	2381.17		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rule 25.5.18 to ensure that roads to vest or private roads created by subdivision are provided for in the rule.	Accept		
535	2381.18		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rule 25.5.20 so that earthworks up to 20m3 are permitted within 7m of a waterbody.	Accept in Part		
536	2381.19		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Delete or amend to Relate to Rule 25.4.3	Reject		
537	2381.37		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rule 25.5.9 to remove Farm Preserve 1 and 2 and amend Homesite to refer to Preserve Homesite	Accept in Part		
538	2381.38		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rule 25.5.10 to remove Education and Education Innovation Campus and add in the "Village".	Accept in Part		
539	2382.13		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rules within Table 25.2 to ensure the volume amounts are consistent with the positions advanced by the submitter.	Reject		
540	2382.13	FS2771.5	Southern Adventures	John May	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That the submission be rejected.	Accept		
541	2382.14		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That the Glendhu Zone Stage 1 rezoning request) is exempt from the area thresholds to control erosion and sediment.	Reject		

542	2382.15		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rule 25.5.12 to make the activity status restricted discretionary.	Accept		
543	2382.16		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That Rule 25.5.13 is amended so the activity status is restricted discretionary.	Accept		
544	2382.17		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	Retain Rule 25.5.15 as notified.	Accept		
545	2382.18		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rule 25.5.18 to ensure that roads to vest or private roads created by subdivision are provided for in the rule.	Accept		
546	2382.19		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rule 25.5.20 so that earthworks up to 20m3 are permitted within 7m of a waterbody.	Accept in Part		
547	2382.19	FS2754.64		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Not Stated	That there are instances where earthworks within 10 metres of a water body are required. Small volumes, as proposed by the submitter, should be permitted.	Accept in Part		
548	2382.19	FS2755.63		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Not Stated	That there are instances where earthworks within 10 metres of a water body are required. Small volumes, as proposed by the submitter, should be permitted.	Accept in Part		
549	2382.20		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Delete or amend Rule 25.5.22 Cleanfill	Reject		
550	2384.12		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rule 25.5.12 to make the activity status restricted discretionary.	Accept		
551	2384.12	FS2800.18	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the submission is supported.	Accept		
552	2384.12	FS2760.14 3	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the submission is supported generally.	Accept		
553	2384.13		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That Rule 25.5.13 is amended so the activity status is restricted discretionary.	Accept		
554	2384.13	FS2800.19	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the submission is supported.	Accept		
555	2384.13	FS2760.14 4	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the submission is supported generally.	Accept		
556	2384.14		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	Retain Rule 25.5.15 as notified.	Accept		
557	2384.14	FS2800.20	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the submission is supported.	Accept		
558	2384.14	FS2760.14 5	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the submission is supported generally.	Accept		
559	2384.15		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Amend Rule 25.5.20 so that earthworks up to 20m3 are permitted within 7m of a waterbody.	Accept in Part		
560	2384.15	FS2800.21	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the submission is supported.	Accept in Part		
561	2384.15	FS2760.14 6	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the submission is supported generally.	Accept in Part		
562	2384.16		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That Ski Area Activities within Ski Area Sub Zones are exempt from Rule 25.5.21	Reject		
563	2384.16	FS2800.22	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the submission is supported.	Accept		
564	2384.16	FS2760.14 7	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the submission is supported generally.	Accept		
565	2446.13			Heritage New Zealand	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Other	Amendment sought to Rule 25.5.15 to remove: 'b. any feature or archaeological material that predates 1900, or'	Reject		
566	2446.13	FS2758.3		New Zealand Tungsten Mining Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the amendments proposed are supported, if this rule should become operative.	Reject		
567	2446.13	FS2788.9	Boffa Miskell Ltd	Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That the submission is opposed.	Accept		
568	2446.13	FS2789.9	Boffa Miskell Ltd	Soho Ski Area Ltd and Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That the changes sought to this rule are opposed.	Accept		
569	2446.13	FS2790.9	Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That the changes sought to this rule are opposed.	Accept		

570	2446.13	FS2760.508	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the amendments proposed are supported if the rule should become operative.	Reject		
571	2457.9			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That the area control in rule 25.5.11 be deleted and replaced with an alternative method of achieving the outcome of better site management procedures.	Reject		
572	2457.9	FS2799.3	Burton Planning Consultants Limited	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That the retention of Standard 25.5.11 subject to a minor amendment for clarity of interpretation is sought.	Accept in Part		
573	2462.21		Remarkables Park Ltd	Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Not Stated	That rule 25.5.18 be amended to allow a cut of up to 2m in height without resource consent and to delete the 1m width restriction.	Accept in Part		
574	2466.151		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	Clarify that the setback from water bodies standard does not apply to a setback from artificial watercourses.	Accept in Part		
575	2466.151	FS2753.151	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Accept in Part		
576	2478.12		Incite	Vodafone New Zealand Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That 25.5 Rules-Standards are accepted.	Accept		
577	2484.21		Burton Planning Consultants Ltd	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	that Rule 25.5.21 be retained.	Accept		
578	2484.23		Burton Planning Consultants Ltd	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	that Rule 25.5.16 be retained.	Accept		
579	2487.14		Lane Neave	BSTGT Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That Rule 25.5.4 is amended so that the maximum limit is 1000m3 and there is no limit for golf course earthworks.	Reject		
580	2487.14	FS2782.45	Boffa Miskell Ltd	Glencoe Station Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the relief sought by the submitters to amend Chapter 24 and LCU 20 (Crown Terrace) is supported insofar as this is consistent with the further submitter's original submission.	Reject		
581	2539.1		Southern Ventures	Eco Sustainability Development Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That Rule 25.5.12 be deleted.	Accept in Part		
582	2539.1	FS2799.5	Burton Planning Consultants Limited	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Support	That the submission is supported in part insofar as the current wording of Rule 25.5.12 is absolute.	Accept in Part		
583	2539.2		Southern Ventures	Eco Sustainability Development Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	that Rule 25.5.13 be deleted.	Accept in Part		
584	2539.3		Southern Ventures	Eco Sustainability Development Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	that Rule 25.5.14 be deleted.	Reject		
585	2618.5		Mitchell Daysh Limited	Queenstown Airport Corporation	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Not Stated	That rules 25.5.5 and 25.5.6 be amended be amended to apply a 2500m3 permitted threshold for Wanaka and Wueenstown Airports	Reject		
586	2618.5	FS2754.39		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That the submission is opposed.	Accept		
587	2618.5	FS2755.38		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That the submission is opposed.	Accept		
588	2618.6		Mitchell Daysh Limited	Queenstown Airport Corporation	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Not Stated	That Rule 25.5.14 be retained as notified	Accept		
589	2618.6	FS2754.40		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That the submission is opposed.	Reject		
590	2618.6	FS2755.39		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards	Oppose	That the submission is opposed.	Reject		
591	2222.4		Brown & Company Planning Group	Broadview Villas Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That the permitted volume of earthworks within the Low Density Residential Zone be modified so that 300 m3 of material can be disturbed for every 450 m2 of site area.	Reject		
592	2222.5		Brown & Company Planning Group	Broadview Villas Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That Table 25.2 be modified to provide for earthworks volumes which are proportional to the size of the site in zones other than Low Density Residential.	Accept		
593	2222.6		Brown & Company Planning Group	Broadview Villas Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That a typographical error in the third title column of Table 25.2 be corrected from 'Maximum Total Value' to 'Maximum Total Volume'.	Accept		
594	2228.4		Brown & Company Planning Group	T. ROVIN	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That the permitted volume of earthworks within the Low Density Residential Zone be modified so that 300 m3 of material can be disturbed for every 450 m2 of site area.	Reject		

595	2228.5		Brown & Company Planning Group	T. ROVIN	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That Table 25.2 be modified to provide for earthworks volumes which are proportional to the size of the site.	Reject		
596	2228.6		Brown & Company Planning Group	T. ROVIN	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That a typographical error in the third title column of Table 25.2 be corrected from 'Maximum Total Value' to 'Maximum Total Volume'.	Accept		
597	2230.4		Brown & Company Planning Group	THE ESCARPMENT LIMITED	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That the permitted volume of earthworks within the Low Density Residential Zone be modified so that 300 m3 of material can be disturbed for every 450 m2 of site area.	Reject		
598	2230.5		Brown & Company Planning Group	THE ESCARPMENT LIMITED	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That Table 25.2 be modified to provide for earthworks volumes which are proportional to the size of the site.	Reject		
599	2230.6		Brown & Company Planning Group	THE ESCARPMENT LIMITED	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That a typographical error in the third title column of Table 25.2 be corrected from 'Maximum Total Value' to 'Maximum Total Volume'.	Accept		
600	2311.13		Tieke Consulting Limited	Streat Developments Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Other	That Rule 25.5.4 and the 400m3 maximum volume is supported	Accept		
601	2349.5			Sean McLeod	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That Rule 25.5.3 be amended to have the Maximum Total Value doubled.	Reject		
602	2375.3		Tieke Consulting Limited	Church Street Trustee Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That the heading for Table 25.2 be amended ('corrected').	Accept		
603	2376.29		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That Rule 25.5.8 be amended to remove 'Village'.	Accept		
604	2376.30		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That Rule 25.5.9 be amended to remove 'Farm Preserve 1 and 2' and to replace 'Homesite' with 'Preserve Homesite'.	Accept in Part		
605	2376.31		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That Rule 25.5.10 be amended to remove 'Education' and 'Education Innovation Campus' and add in 'Village'.	Accept		
606	2376.32		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That Rule 25.5.2 be amended to introduce maximum volume thresholds for the Glendu Station Zone.	Reject		
607	2384.18		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That Ski Area Sub Zones are exempt from Rule 25.5.11.	Reject		
608	2384.18	FS2800.24	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	That the submission is supported.	Reject		
609	2384.18	FS2760.149	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	That the submission is supported generally.	Reject		
610	2387.16		Brown & Company Planning Group	TROJAN HELMET LIMITED	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That rule 25.5.4 be amended to increase the total permitted volume of earthworks	Reject		
611	2387.16	FS2701.16		Murray & Clare Doyle	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	Allow the whole submission for the Hills Resort Zone.	Reject		

612	2387.16	FS2733.16	Mitchell Daysh Limited	A Feeley, E Borrie and LP Trustees Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	That the whole of the submission be allowed.	Reject		
613	2387.17		Brown & Company Planning Group	TROJAN HELMET LIMITED	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That Rule 25.5.10 be added to include a provision that there be no maximum volume of earthworks for the proposed Hills (LUC22) of the WBAZ	Reject		
614	2387.17	FS2701.17		Murray & Clare Doyle	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	Allow the whole submission for the Hills Resort Zone.	Reject		
615	2387.17	FS2733.17	Mitchell Daysh Limited	A Feeley, E Borrie and LP Trustees Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	That the whole of the submission be allowed.	Reject		
616	2460.1		Barker & Associates	Queenstown Central Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That rule 25.2 be amended to address the Frankton Flats B zone	Reject		
617	2466.21		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	Reject rule 25.5.2 that limits the volume of earthworks within Heritage Landscapes, Heritage Precincts and Outstanding Natural Features to 10 cubic metres.	Reject		
618	2466.21	FS2751.23	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That the submission be rejected and the provision retained as notified.	Accept		
619	2466.21	FS2753.23	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Reject		
620	2492.15		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	Reject rule 25.5.2 that limits the volume of earthworks within Heritage Landscapes, Heritage Precincts and Outstanding Natural Features to 10 cubic metres.	Reject		
621	2492.15	FS2760.215	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	That the relief sought is supported.	Reject		
622	2493.12		Southern Planning Group	Skyline Enterprises Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	Amend Rule 25.5.1 that exempts the Ben Lomond Sub-Zone from the 100m <sup>3</sup> earthworks limit.	Reject		
623	2493.12	FS2767.13	Anderson Lloyd	Queenstown Commercial Parapenters	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	That the submission is supported insofar as it does not undermine the relief sought in the further submitter's original submission.	Reject		
624	2493.13		Southern Planning Group	Skyline Enterprises Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	Amend Rule 25.5.6 to provide for the Ben Lomond Sub Zone and maximum permitted limit of 1000m <sup>3</sup> .	Reject		
625	2493.13	FS2767.12	Anderson Lloyd	Queenstown Commercial Parapenters	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	That the submission is supported insofar as it does not undermine the relief sought in the further submitter's original submission.	Reject		
626	2494.19		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	Reject rule 25.5.2 that limits the volume of earthworks within Heritage Landscapes, Heritage Precincts and Outstanding Natural Features to 10 cubic metres.	Reject		
627	2494.19	FS2760.337	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	That the relief sought is supported.	Reject		
628	2538.27			NZ Transport Agency	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	That Rule 25.5.7.a is accepted.	Accept		
629	2538.27	FS2760.28	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	That the submission is supported generally.	Accept		
630	2540.48			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	That Rule 25.5.6 is accepted.	Accept		
631	2581.21		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	Reject rule 25.5.2 that limits the volume of earthworks within Heritage Landscapes, Heritage Precincts and Outstanding Natural Features to 10 cubic metres.	Reject		

632	2581.21	FS2751.24	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Oppose	That the submission be rejected and the provision retained as notified.	Accept		
633	2581.21	FS2753.178	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.1-25.5 - Rules - Standards - Table 25.2	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Reject		
634	2140.3			Friends of Lake Hayes Society Inc	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That a higher threshold (lower permitted limits) is set for earthworks in the Lake Hayes Catchment to account for the special risk to Lake Hayes water quality posed by nutrient and sediment inputs.	Reject		
635	2239.6			QLDC Chief Executive - submitting on behalf of Queenstown Lakes District Council	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Other	That rules and/or any required provisions be provided to exempt/permit minor dredging or excavation around Council docking facilities.	Reject		
636	2239.6	FS2754.65		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
637	2239.6	FS2755.64		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
638	2239.7			QLDC Chief Executive - submitting on behalf of Queenstown Lakes District Council	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Other	That rules and/or any required provisions be provided to facilitate dredging or excavation around Council docking facilities.	Reject		
639	2239.7	FS2754.66		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
640	2239.7	FS2755.65		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
641	2349.6			Sean McLeod	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.19(b) be removed from the plan.	Accept in Part		
642	2373.13		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.11 be amended to exempt Ski Area Activities located within the Ski Area Sub-Zones.	Reject		
643	2373.13	FS2800.47	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
644	2373.13	FS2760.172	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
645	2373.14		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.12 be amended so that the status of non-compliance is restricted discretionary.	Accept		
646	2373.14	FS2800.48	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Accept		
647	2373.14	FS2760.173	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Accept		
648	2373.15		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.13 be amended to change the status of non-compliance to restricted discretionary activity.	Accept		
649	2373.15	FS2800.49	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Accept		
650	2373.15	FS2760.174	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Accept		
651	2373.16		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	Supports Rule 25.5.15.	Accept		

652	2373.16	FS2800.50	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Accept		
653	2373.16	FS2760.17 5	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Accept		
654	2373.17		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.18 be amended to provide an exemption to ski area activities located within Ski Area Sub-Zones.	Reject		
655	2373.17	FS2800.51	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
656	2373.17	FS2760.17 6	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
657	2373.18		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.20 be amended to provide an exemption for ski area activities located within the Ski Area Sub Zones.	Reject		
658	2373.18	FS2800.52	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
659	2373.18	FS2760.17 7	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
660	2373.19		Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.21 be amended to provide an exemption for ski area activities located within the Ski Area Sub Zones.	Reject		
661	2373.19	FS2800.53	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
662	2373.19	FS2760.17 8	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
663	2376.33		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.11 be amended to exempt the Wakatipu Basin Rural Amenity Zone (including Lifestyle and Lake Hayes Cellar Precincts, Ski Aea Sub Zones, Jacks Point Zone or the Glendhu Station Zone from the threshold limits.	Reject		
664	2376.34		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.12 be amended so that the status of non-compliance is restricted discretionary.	Accept		
665	2376.35		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.12 be amended to add an exemption relating to ski area activities located within the Ski Area Sub Zones.	Reject		
666	2376.36		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.13 be amended to change the status of non-compliance to restricted discretionary.	Accept		
667	2376.37		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	Supports Rule 25.5.15.	Accept		
668	2376.38		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.18 be amended to ensure that private roads and roads to vest are exempt from this rule.	Accept		
669	2376.39		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.20 be amended so that the minimum set back distance from water bodies is 7 metres where earthworks exceed 20 m3.	Accept in Part		
670	2376.40		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.20 be amended to provide an exemption from this rule for ski area activities located within Ski Area Sub Zones.	Reject		

671	2376.41		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.21 be amended to provide an exemption for ski area activities located within Ski Area Sub Zones.	Reject		
672	2376.42		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.22 be deleted or amended to relate to Rule 25.4.3.	Reject		
673	2384.19		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Ski Area Activities within the Ski Area Sub Zone are exempt from Rule 25.5.12.	Reject		
674	2384.19	FS2800.25	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
675	2384.19	FS2760.150	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported generally.	Reject		
676	2384.20		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Ski Area Activities within the Ski Area Sub Zones are exempt from Rule 25.5.18.	Reject		
677	2384.20	FS2800.26	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
678	2384.20	FS2760.151	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported generally.	Reject		
679	2384.21		Boffa Miskell Ltd	Soho Ski Area Limited, Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Ski Area Activities located within the Ski Area Sub Zones are exempt from Rule 25.5.20.	Reject		
680	2384.21	FS2800.27	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
681	2384.21	FS2760.152	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported generally.	Reject		
682	2446.11			Heritage New Zealand	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	Support Rule 25.5.1 with amendment; Reduce maximum of total volume permitted to 10m3 in ARHMZ and ATCZ	Reject		
683	2446.12			Heritage New Zealand	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	Support provisions in Table 25.2	Accept		
684	2454.1		Southern Planning Group	NZSki Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	that Ski Area Sub-Zones on public conservation land administered by the Department of Conservation be exempt from Rule 25.5.12	Reject		
685	2454.1	FS2800.1	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
686	2454.1	FS2760.186	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
687	2454.2		Southern Planning Group	NZSki Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Not Stated	that Rule 25.3.4.2 does not need to reference compliance with standard 25.5.13 for earthworks in the Ski Area Sub-Zone to be a permitted activity.	Reject		
688	2454.2	FS2800.2	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
689	2454.2	FS2760.187	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
690	2454.3		Southern Planning Group	NZSki Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	that Rule 25.3.4.2 does not need to reference compliance with Standard 25.5.14 for earthworks in the Ski Area Sub-zone to be a permitted activity	Reject		

691	2454.3	FS2800.3	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
692	2454.3	FS2760.188	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
693	2454.4		Southern Planning Group	NZSki Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	that Rule 25.5.20 be rejected, requiring resource consent from QLDC for earthworks within 10m of a water body is unnecessary as this assessment is already undertaken by DOC and ORC	Reject		
694	2454.4	FS2800.4	Anderson Lloyd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Reject		
695	2454.4	FS2760.189	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
696	2454.5		Southern Planning Group	NZSki Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	that Rule 25.5.21 be rejected, as requiring resource consent under the district plan for such activities is unnecessary and ineffective	Reject		
697	2454.5	FS2799.8	Burton Planning Consultants Limited	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission to delete Rule 25.5.21 is supported.	Reject		
698	2454.5	FS2760.190	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
699	2455.13			Otago Fish and Game Council	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That Rule 25.5.11 be retained	Accept		
700	2455.14			Otago Fish and Game Council	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That rule 25.5.12 be retained	Accept		
701	2455.15			Otago Fish and Game Council	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That rule 25.5.21be retained	Accept		
702	2455.17			Otago Fish and Game Council	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Other	That rule 25.5.20 be accepted in part and amended so that the exemption from the rule for lakes and wetlands that don't flow to lakes or rivers is removed.	Accept in Part		
703	2455.17	FS2746.38		Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That the submission is opposed.	Accept in Part		
704	2455.17	FS2760.514	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That the relief sought is opposed.	Accept in Part		
705	2457.11			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That rule 25.5.12. be deleted	Accept in Part	Reject in part - also covers pc	
706	2457.11	FS2799.6	Burton Planning Consultants Limited	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That the submission is supported insofar as to retain the rule and replace the word 'prevents' with 'minimises' but the additional wording at the end of the rule is opposed.	Accept in Part		
707	2457.12			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That rule 25.5.13 be amended to change non-compliance status to RD and add exemption for earthworks undertaken with best practise, approved site management plan or in accordance with pre-approved erosion and sediment controls.	Accept in Part		
708	2457.13			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That rule 25.5.14 be amended so that non-compliance is a RD activity	Accept in Part		
709	2457.14			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That rule 25.5.19 be amended to change the high standard and clarify the application of the rule on road boundaries	Reject		

710	2457.15			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That rule 25.5.21 be amended to delete part of the rule which states 'expose any groundwater, or'.	Accept in Part		
711	2457.15	FS2799.9	Burton Planning Consultants Limited	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported.	Accept in Part		
712	2460.2		Barker & Associates	Queenstown Central Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That rule 25.5.22 be deleted or amended to increase the cleanfill threshold.	Reject		
713	2466.22		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.12 is rejected.	Accept in Part		
714	2466.22	FS2799.7	Burton Planning Consultants Limited	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the deletion is not opposed.	Accept in Part		
715	2466.22	FS2753.24	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Accept in Part		
716	2466.23		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.13 is rejected.	Accept in Part		
717	2466.23	FS2753.25	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Accept in Part		
718	2466.24		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.14is rejected.	Reject		
719	2466.24	FS2753.26	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Reject		
720	2466.25		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.15 is rejected.	Reject		
721	2466.25	FS2751.25	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That the submission be rejected.	Accept		
722	2466.25	FS2753.27	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Reject		
723	2466.26		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	Amend Rule 25.5.19 so that it is less onerous, that non-compliance is a controlled activity and that the matters of control relate only to neighbouring properties.	Reject		
724	2466.26	FS2753.28	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Reject		
725	2466.27		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	Amend Rule 25.5.20 so that it better integrates with the Otago Regional Plan: Water.	Reject		
726	2466.27	FS2753.29	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Reject		
727	2468.6		Remarkables Park Ltd	Remarkables Park Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	submitter supports RD status of 25.5.11	Accept		
728	2468.7		Remarkables Park Ltd	Remarkables Park Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	submitter supports Restricted discretionary status of 25.5.15	Accept		
729	2468.8		Remarkables Park Ltd	Remarkables Park Ltd	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	submitter supports the restricted discretionary status of 25.5.22	Accept		

730	2484.5		Burton Planning Consultants Ltd	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	Rule 25.5.11 is amended to apply the average ground slope.	Reject		
731	2484.6		Burton Planning Consultants Ltd	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	Amend Rule 25.5.12 to replace the word 'prevents' with 'minimises'.	Accept		
732	2484.7		Burton Planning Consultants Ltd	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	Amend Rule 25.5.17 so that the rules limiting the permitted height of fill do not apply to backfilling of excavations.	Reject		
733	2492.16		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.12 is rejected.	Accept in Part		
734	2492.16	FS2760.216	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Accept in Part		
735	2492.17		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.13 is rejected.	Accept in Part		
736	2492.17	FS2760.217	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Accept in Part		
737	2492.18		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.14 is rejected.	Reject		
738	2492.18	FS2760.218	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Accept		
739	2492.19		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.15 is rejected.	Reject		
740	2492.19	FS2728.21	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That the rule be retained.	Accept		
741	2492.19	FS2751.26	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That the submission be rejected.	Accept		
742	2492.19	FS2760.219	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
743	2492.20		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	Amend Rule 25.5.19 so that it is less onerous, that non-compliance is a controlled activity and that the matters of control relate only to neighbouring properties.	Reject		
744	2492.20	FS2760.220	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
745	2492.21		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	Amend Rule 25.5.20 so that it better integrates with the Otago Regional Plan: Water.	Reject		
746	2492.21	FS2760.221	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
747	2494.20		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.12 is rejected.	Accept in Part		
748	2494.20	FS2760.338	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Accept in Part		

749	2494.21		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.13 is rejected.	Accept in Part		
750	2494.21	FS2760.339	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Accept in Part		
751	2494.22		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.14 is rejected.	Accept in Part		
752	2494.22	FS2760.340	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Accept in Part		
753	2494.23		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.15 is rejected.	Reject		
754	2494.23	FS2728.22	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That the rule be retained.	Accept		
755	2494.23	FS2751.27	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That the submission be rejected.	Accept		
756	2494.23	FS2760.341	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
757	2494.24		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	Amend Rule 25.5.19 so that it is less onerous, that non-compliance is a controlled activity and that the matters of control relate only to neighbouring properties.	Reject		
758	2494.24	FS2760.342	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
759	2494.25		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	Amend Rule 25.5.20 so that it better integrates with the Otago Regional Plan: Water.	Reject		
760	2494.25	FS2760.343	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought is supported.	Reject		
761	2538.28			NZ Transport Agency	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That Rule 25.5.13 is accepted.	Accept		
762	2538.28	FS2760.29	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the submission is supported generally.	Accept		
763	2540.49			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That Rule 25.5.11 is accepted.	Accept		
764	2540.50			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.13 is amended to use 'remain' rather than 'deposited' and that it be specified to relate to formed road.	Accept in Part		
765	2540.51			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That Rule 25.5.16 is accepted.	Accept		
766	2540.52			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That Rule 25.5.18 is accepted.	Accept		
767	2581.22		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.12 is rejected.	Accept in Part		

768	2581.22	FS2753.179	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Accept in Part		
769	2581.23		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.13 is rejected.	Accept in Part		
770	2581.23	FS2753.180	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Accept in Part		
771	2581.24		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.14 is rejected.	Reject		
772	2581.24	FS2753.181	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Reject		
773	2581.25		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That Rule 25.5.15 is rejected.	Reject		
774	2581.25	FS2728.23	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That the rule be retained.	Accept		
775	2581.25	FS2751.28	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	That the submission be rejected.	Accept		
776	2581.25	FS2753.182	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Reject		
777	2581.26		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	Amend Rule 25.5.19 so that it is less onerous, that non-compliance is a controlled activity and that the matters of control relate only to neighbouring properties.	Reject		
778	2581.26	FS2753.183	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Reject		
779	2581.27		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Oppose	Amend Rule 25.5.20 so that it better integrates with the Otago Regional Plan: Water.	Reject		
780	2581.27	FS2753.184	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.5-25.5 - Rules - Standards > 2.5.2-25.5 - Rules - Standards - Table 25.3	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Reject		
781	2311.14		Tieke Consulting Limited	Streat Developments Limited	2-Chapter 25 - Earthworks > 2.6-25.6 - Non-Notification of Applications	Other	That Rule 25.6.1 be amended to allow for earthworks that exceed volume standards to be non-notified.	Reject		
782	2375.4		Tieke Consulting Limited	Church Street Trustee Limited	2-Chapter 25 - Earthworks > 2.6-25.6 - Non-Notification of Applications	Oppose	That an additional rule be added that restricted discretionary activities identified in Table 25.2 be non-notified.	Reject		
783	2457.16			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.6-25.6 - Non-Notification of Applications	Oppose	That rule 25.6 be deleted and replaced with wording from rule 22.3.2.6 in the ODP	Reject		
785	2446.14			Heritage New Zealand	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Oppose	Adopt 25.7.1 with amendment to read: Cultural, heritage and archaeological sites.	Accept		
786	2446.14	FS2758.4		New Zealand Tungsten Mining Limited	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Oppose	That the relief sought to include the word 'heritage' in these rules is opposed.	Reject		
787	2455.18			Otago Fish and Game Council	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Other	That matters for discretion 25.7.1 (e) be amended to delete reference to 'indigenous' biodiversity.	Accept		
788	2455.18	FS2746.39		Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Oppose	That the submission is opposed.	Reject		
789	2455.18	FS2788.10	Boffa Miskell Ltd	Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Oppose	That an additional assessment matter to specifically address the habitat of trout and salmon would better provide for the concerns of the submitter.	Reject		
790	2455.18	FS2789.10	Boffa Miskell Ltd	Soho Ski Area Ltd and Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Oppose	That an additional assessment matter would better provide for the concerns raised by the submitter.	Reject		

791	2455.18	FS2790.10	Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Oppose	That an additional assessment matter would better provide for the concerns raised by the submitter.	Reject		
792	2466.28		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Oppose	Amend the text in Rule 25.7.1.	Accept in Part		
793	2466.28	FS2751.29	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Oppose	That the submission be rejected.	Reject		
794	2466.28	FS2753.30	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Accept in Part		
795	2492.22		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Oppose	Amend the text in Rule 25.7.1.	Accept in Part		
796	2492.22	FS2760.22 2	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Support	That the relief sought is supported.	Accept in Part		
797	2494.26		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Oppose	Amend the text in Rule 25.7.1.	Accept in Part		
798	2494.26	FS2760.34 4	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Support	That the relief sought is supported.	Accept in Part		
799	2540.53			Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Support	That 25.7 Matters of discretion is accepted.	Accept		
800	2581.28		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Oppose	Amend the text in Rule 25.7.1.	Accept in Part		
801	2581.28	FS2753.18 5	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Accept in Part		
802	2618.7		Mitchell Daysh Limited	Queenstown Airport Corporation	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Not Stated	That rule 25.7 Matters of Discretion be retained as notified	Accept		
803	2618.7	FS2754.41		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Oppose	That the submission is opposed.	Reject		
804	2618.7	FS2755.40		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.7-25.7 - Matters of Discretion	Oppose	That the submission is opposed.	Reject		
805	2194.13		Incite	Chorus	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Support	That 25.8 Assessment Matters are accepted.	Accept		
806	2195.13		Incite	Spark New Zealand Trading Ltd	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Support	That 25.8 Assessment Matters are accepted.	Accept		
807	2242.17			Department of Conservation	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Support	Supports 25.8.3 and 25.8.10.	Accept		
808	2466.29		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Oppose	That the entire part 25.8 and all assessment matters are deleted.	Reject		
809	2466.29	FS2751.30	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Oppose	That the submission be rejected.	Accept		
810	2466.29	FS2753.31	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Reject		
811	2478.13		Incite	Vodafone New Zealand Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Support	That 25.8 Assessment Matters are accepted.	Accept		
812	2492.23		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Oppose	That the entire part 25.8 and all assessment matters are deleted.	Reject		
813	2492.23	FS2751.31	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Oppose	That the submission be rejected.	Accept		
814	2492.23	FS2760.22 3	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Support	That the relief sought is supported.	Reject		
815	2494.27		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Oppose	That the entire part 25.8 and all assessment matters are deleted.	Reject		
816	2494.27	FS2751.32	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Oppose	That the submission be rejected.	Accept		
817	2494.27	FS2760.34 5	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Support	That the relief sought is supported.	Reject		
818	2508.4			Aurora Energy Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Support	That rule 25.8.10 be retained	Accept		

819	2581.29		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Oppose	That the entire part 25.8 and all assessment matters are deleted.	Reject		
820	2581.29	FS2751.33	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Oppose	That the submission be rejected.	Accept		
821	2581.29	FS2753.186	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Reject		
822	2618.8		Mitchell Daysh Limited	Queenstown Airport Corporation	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Not Stated	That rules 25.8.4 and 25.8.10 be retained as notified	Accept		
823	2618.8	FS2754.42		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Oppose	That the submission is opposed.	Reject		
824	2618.8	FS2755.41		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters	Oppose	That the submission is opposed.	Reject		
825	2457.17			Paterson Pitts (Wanaka)	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.3-25.8.3 - Landscape and visual amenity	Not Stated	That rule 25.8.3 be amended to delete reference to "other visual amenity landscapes"	Accept		
826	2538.29			NZ Transport Agency	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.4-25.8.4 - Effects on infrastructure, adjacent sites and public roads	Support	That Rule 25.8.4.c is accepted.	Accept		
827	2538.29	FS2760.30	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.4-25.8.4 - Effects on infrastructure, adjacent sites and public roads	Support	That the submission is supported generally.	Accept		
828	2242.16			Department of Conservation	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.6-25.8.6 - Effects on water bodies, ecosystem services and indigenous biodiversity	Oppose	That the following additions be made to 25.8.6: d) <u>The effects on the threatened native species and indigenous plant communities effected</u> e) <u>The avoidance of adverse effects on significant natural areas</u>	Accept in Part		
829	2242.16	FS2758.7		New Zealand Tungsten Mining Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.6-25.8.6 - Effects on water bodies, ecosystem services and indigenous biodiversity	Oppose	That the relief sought to include further subpoints under assessment matter 25.8.6 is opposed.	Reject		
830	2242.16	FS2788.3	Boffa Miskell Ltd	Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.6-25.8.6 - Effects on water bodies, ecosystem services and indigenous biodiversity	Oppose	That the submission is opposed.	Reject		
831	2242.16	FS2789.3	Boffa Miskell Ltd	Soho Ski Area Ltd and Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.6-25.8.6 - Effects on water bodies, ecosystem services and indigenous biodiversity	Oppose	That the avoidance of adverse effects as part of this assessment matter is opposed.	Reject		
832	2242.16	FS2790.3	Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.6-25.8.6 - Effects on water bodies, ecosystem services and indigenous biodiversity	Oppose	That the avoidance of adverse effects as part of this assessment matter is opposed.	Reject		
833	2242.16	FS2746.41		Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.6-25.8.6 - Effects on water bodies, ecosystem services and indigenous biodiversity	Oppose	That the submission is opposed in part.	Reject		
834	2242.16	FS2754.67		Remarkables Park Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.6-25.8.6 - Effects on water bodies, ecosystem services and indigenous biodiversity	Oppose	That the submission is opposed.	Reject		
835	2242.16	FS2755.66		Queenstown Park Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.6-25.8.6 - Effects on water bodies, ecosystem services and indigenous biodiversity	Oppose	That the submission is opposed.	Reject		

836	2455.19			Otago Fish and Game Council	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.6-25.8.6 - Effects on water bodies, ecosystem services and indigenous biodiversity	Other	That assessment matters 25.8.6 be accepted in part and amended to delete reference to "indigenous" biodiversity.	Accept		
837	2455.19	FS2746.40		Federated Farmers of New Zealand	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.6-25.8.6 - Effects on water bodies, ecosystem services and indigenous biodiversity	Oppose	That the submission is opposed.	Reject		
838	2455.19	FS2788.11	Boffa Miskell Ltd	Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.6-25.8.6 - Effects on water bodies, ecosystem services and indigenous biodiversity	Not Stated	That an additional assessment matter to specifically address the habitat of trout and salmon would better provide for the concerns of the submitter.	Reject		
839	2455.19	FS2789.11	Boffa Miskell Ltd	Soho Ski Area Ltd and Blackmans Creek No.1 LP	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.6-25.8.6 - Effects on water bodies, ecosystem services and indigenous biodiversity	Not Stated	That an additional assessment matter would better provide for the concerns raised by the submitter.	Reject		
840	2455.19	FS2790.11	Boffa Miskell Ltd	Treble Cone Investments Ltd	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.6-25.8.6 - Effects on water bodies, ecosystem services and indigenous biodiversity	Not Stated	That an additional assessment matter would better provide for the concerns raised by the submitter.	Reject		
841	2446.15			Heritage New Zealand	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.7-25.8.7 - Cultural and archaeological values	Oppose	Adopt 25.8.7 with amendment to read: Cultural, heritage and archaeological values.	Accept		
842	2446.15	FS2758.5		New Zealand Tungsten Mining Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.7-25.8.7 - Cultural and archaeological values	Oppose	That the relief sought to include the word 'heritage' in these rules is opposed.	Reject		
843	2538.30			NZ Transport Agency	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.8-25.8.8 - Nuisance effects	Support	That Rule 25.8.8.a is accepted.	Accept		
844	2538.30	FS2760.31	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.8-25.8.8 - Nuisance effects	Support	That the submission is supported generally.	Accept		
845	2538.31			NZ Transport Agency	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.8-25.8.8 - Nuisance effects	Support	That Rule 25.8.10.a is accepted	Accept		
846	2538.31	FS2760.32	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.8-25.8 - Assessment Matters > 2.8.8-25.8.8 - Nuisance effects	Support	That the submission is supported generally.	Accept		
847	2349.7			Sean McLeod	2-Chapter 25 - Earthworks > 2.9-25.9 - Interpretation Diagrams > 2.9.4-25.9 - Diagram 25.4	Oppose	That Interpretative Diagram 25.4 is accepted but amended to include "if the material is rock then the distance is 1 x depth instead of 1.5 x".	Reject		
848	2349.8			Sean McLeod	2-Chapter 25 - Earthworks > 2.9-25.9 - Interpretation Diagrams > 2.9.5-25.9 - Diagram 25.5	Oppose	That Diagram 25.5 be amended to show that the fill at 1 in 1.5 is allowed within 300 mm of the boundary similar to Diagram 25.4.	Reject		
849	2349.9			Sean McLeod	2-Chapter 25 - Earthworks > 2.9-25.9 - Interpretation Diagrams > 2.9.6-25.9 - Diagram 25.6	Oppose	That Diagram 25.6 is amended to allow walls to be constructed to the boundary as a permitted activity, or limit the height to 2.0 metres before requiring consent, larger walls should only require a Geotech supervision and neighbours written approval.	Reject		
850	2349.10			Sean McLeod	2-Chapter 25 - Earthworks > 2.9-25.9 - Interpretation Diagrams > 2.9.7-25.9 - Diagram 25.7	Oppose	That Diagram 25.7 be amended to allow a retaining wall to the boundary or limit a wall on the boundary to 2.0 meters.	Reject		
851	2311.15		Tieke Consulting Limited	Streat Developments Limited	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Support	That Rule 25.10 Accidental Discovery Protocol is supported.	Accept		
852	2349.2			Sean McLeod	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That Schedule 25.10 is amended to remove points 25.10(f)(vi) and 25.10(f)(vii).	Reject		
853	2349.2	FS2728.5	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the submission to amend Schedule 25.10 to remove points 25.10(f)(vi) and 25.10(f)(vii) is opposed.	Accept		

854	2349.2	FS2751.34	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the submission be rejected and Schedule 25.10 adopted as notified.	Accept		
855	2349.2	FS2799.10	Burton Planning Consultants Limited	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the submission to delete Clause f.(vi) and f.(vii) from Schedule 25.10 is opposed in part.	Accept		
856	2376.43		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Support	Supports provision 25.10.	Accept		
857	2377.36		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Support	That the Accidental Discovery Protocol (Provision 25.10) is retained.	Accept		
858	2381.20		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Support	That the Accidental Discovery Protocol (Provision 25.10) is retained.	Accept		
859	2382.21		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Support	That the Accidental Discovery Protocol is retained (Provision 25.10).	Accept		
860	2446.16			Heritage New Zealand	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Support	Adopt Schedule 25.10 - Accidental Discovery Protocol.	Accept		
861	2466.30		John Edmonds + Associates Ltd	Real Journeys Ltd	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the entire Schedule 25.10 'Accidental Discovery Protocol' is deleted.	Reject		
862	2466.30	FS2728.6	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the submission to remove entire ADP is opposed.	Accept		
863	2466.30	FS2751.35	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the submission be rejected and Schedule 25.10 adopted as notified.	Accept		
864	2466.30	FS2753.32	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 is supported.	Reject		
865	2484.22		Burton Planning Consultants Ltd	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Support	That Schedule 25.10 be retained.	Accept		
866	2492.24		John Edmonds + Associates Ltd	Cardrona Alpine Resort Limited	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the entire Schedule 25.10 'Accidental Discovery Protocol' is deleted.	Reject		
867	2492.24	FS2728.7	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the submission to remove entire ADP is opposed.	Accept		
868	2492.24	FS2751.36	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the submission be rejected and Schedule 25.10 adopted as notified.	Accept		
869	2492.24	FS2760.224	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Support	That the relief sought is supported.	Reject		
870	2494.28		John Edmonds + Associates Ltd	Te Anau Developments Limited	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the entire Schedule 25.10 'Accidental Discovery Protocol' is deleted.	Reject		
871	2494.28	FS2728.8	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the submission to remove entire ADP is opposed.	Accept		
872	2494.28	FS2751.37	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the submission be rejected and Schedule 25.10 adopted as notified.	Accept		
873	2494.28	FS2760.346	Anderson Lloyd	Real Journeys Limited	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Support	That the relief sought is supported.	Reject		
874	2581.30		John Edmonds + Associates Ltd	Go Orange Limited	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the entire Schedule 25.10 'Accidental Discovery Protocol' is deleted.	Reject		
875	2581.30	FS2728.9	Aukaha	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, Te Runanga o Oraka Aparima (collectively Kai Tahu)	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the submission to remove entire ADP is opposed.	Accept		

876	2581.30	FS2751.38	Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Oppose	That the submission be rejected and Schedule 25.10 adopted as notified.	Accept		
877	2581.30	FS2753.187	John Edmonds & Associates Ltd	Queenstown Water Taxis Limited	2-Chapter 25 - Earthworks > 2.10-25.10 - Accidental Discovery Protocol	Support	That the relief sought to the objectives, policies and rules of Chapters 29, 25, 31 and 38 are supported.	Reject		
878	2376.44		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.11-Chapter 25: Variation to Stage 1 PDP Chapter 2: Definitions	Oppose	That the definition of earthworks be amended to remove the deposition and removal of Cleanfill.	Reject		
879	2376.44	FS2799.12	Burton Planning Consultants Limited	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.11-Chapter 25: Variation to Stage 1 PDP Chapter 2: Definitions	Oppose	That the submission the submission (2376.44) to delete 'cleanfill' from the definition of 'earthworks' is opposed.	Accept		
880	2377.37		Boffa Miskell Ltd	Lake Hayes Ltd	2-Chapter 25 - Earthworks > 2.11-Chapter 25: Variation to Stage 1 PDP Chapter 2: Definitions	Oppose	Amend the definition of Earthworks to remove the deposition and removal of Cleanfill.	Reject		
881	2381.21		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.11-Chapter 25: Variation to Stage 1 PDP Chapter 2: Definitions	Oppose	Amend the definition of Earthworks to remove the deposition and removal of Cleanfill.	Reject		
882	2382.22		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.11-Chapter 25: Variation to Stage 1 PDP Chapter 2: Definitions	Oppose	Amend the definition of Earthworks to remove the deposition and removal of Cleanfill.	Reject		
883	2442.12		Beca Limited	Transpower New Zealand Limited	2-Chapter 25 - Earthworks > 2.11-Chapter 25: Variation to Stage 1 PDP Chapter 2: Definitions	Oppose	Amend the definition of Earthworks to include activities that are subject to the National Grid and require control under the Earthworks rules.	Accept in Part		
884	2442.12	FS2799.11	Burton Planning Consultants Limited	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.11-Chapter 25: Variation to Stage 1 PDP Chapter 2: Definitions	Support	That the submission is supported.	Accept in Part		
885	2442.13		Beca Limited	Transpower New Zealand Limited	2-Chapter 25 - Earthworks > 2.11-Chapter 25: Variation to Stage 1 PDP Chapter 2: Definitions	Support	Retain the definition of Regionally Significant Infrastructure.	Accept		
886	2484.8		Burton Planning Consultants Ltd	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.11-Chapter 25: Variation to Stage 1 PDP Chapter 2: Definitions	Support	Retain the definition of 'Cleanfill' without modification.	Accept		
887	2484.10		Burton Planning Consultants Ltd	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	2-Chapter 25 - Earthworks > 2.11-Chapter 25: Variation to Stage 1 PDP Chapter 2: Definitions	Support	Retain the definition of Earthworks without modification.	Accept		
888	2376.45		Boffa Miskell Ltd	Darby Planning LP	2-Chapter 25 - Earthworks > 2.12-Chapter 25: Variation to Stage 1 PDP Chapter 27:Subdivision	Oppose	That Rule 27.3.2.1 be amended to expand the cross reference to Chapter 25 - Earthworks.	Accept in Part		
889	2381.28		Boffa Miskell Ltd	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	2-Chapter 25 - Earthworks > 2.12-Chapter 25: Variation to Stage 1 PDP Chapter 27:Subdivision	Oppose	Amend Rule 27.3.2.1 to better cross reference with Rule 25.3.4.1.	Accept in Part		
890	2382.23		Boffa Miskell Ltd	Glendhu Bay Trustees Ltd	2-Chapter 25 - Earthworks > 2.12-Chapter 25: Variation to Stage 1 PDP Chapter 27:Subdivision	Oppose	Amend Rule 27.3.2.1 for clarification.	Accept in Part		
891	2618.9		Mitchell Daysh Limited	Queenstown Airport Corporation	2-Chapter 25 - Earthworks > 2.11-Chapter 25: Variation to Stage 1 PDP Chapter 2: Definitions	Not Stated	That the definition of regionally significant infrastructure be amended with minor grammatical changes.	Accept		

892				New Zealand Tungsten Mining Limited	Stage 1 Rural transferred to earthworks - mining definition	Clarify the definition of mining activity as follows: Mining Activity(a) means operations in connection with mining, exploring, or prospecting for any mineral; and(b) includes, when carried out at or near the site where the mining, exploration, or prospecting is undertaken-(i) the extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral; and(ii) the construction, maintenance , and operation of any works, structures, and other land improvements, and of any related machinery and equipment connected with the operations; and(iii) the removal of overburden by mechanical or other means, and treatment of any substance considered to contain any mineral; and(iv) the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations; and'	Accept		
893	519.3	FS1356.3		Cabo Limited	Stage 1 Rural transferred to earthworks - mining definition	All the relief sought be declined	Reject		
894	519.3	FS1015.39		Straterra	Stage 1 Rural transferred to earthworks - mining definition	I support this submission in its entirety as providing appropriately for minerals and mining activities in the District, in a way that is consistent with the letter and intent of the RMA.	Accept		
895	519.3	FS1040.23		Forest and Bird	Stage 1 Rural transferred to earthworks - mining definition	Oppose			
896	768.3			Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Stage 1 Rural transferred to earthworks - earthwoeks definition	Delete the definition of 'Earthworks' and adopt instead the definition provided in the Hearings Panel Decision on Plan Change 49, subject to any amendments through the appeals process. The decision version of the definition is as follows: <u>Means the disturbance of land by the removal or depositing of material. Earthworks include excavation, fill, cuts, batters and formation of roads, access and tracks, and the use of Cleanfill, but does not include the cultivation of land, planting of vegetation including trees, Mining Activities and Cleanfill Facilities.</u>	Accept in Part		
897	768.3	FS1015.13 4		Straterra	Stage 1 Rural transferred to earthworks - earthworks definition	I seek that 768.3 be allowed, subject to the proposed amendments below: "Means the disturbance of land by the removal or depositing of material. Earthworks include excavation, fill, cuts, batters and formation of roads, access and tracks, <u>relevant mining activities</u> , and the use of Cleanfill, but does not include the cultivation of land, planting of vegetation including trees, <del>Mining Activities</del> and Cleanfill Facilities."	Accept in Part		

**APPENDIX 3**

**Summary of Submissions transferred from State 1 Jacks Point Zone**

PDP (Stage 1) provision subject to Variation	Original Point No.	Further Submission No	Submitter	Lowest Clause	Submission Summary	Stage 1 hearing where recommendations were made	Stage 2 hearing topic that Stage 1 provision and submissions to be transferred to	Planner recommendation
41.5.4	567.12		Wild Grass Partnership, Wild Grass Investments No 1 Limited & Horizons Investment Trust	41.5.4	Delete the earthworks rules 41.5.4.1 and 41.5.4.2 as such relate to the Lodge Activity Area, with the replacement of these rules with the operative earthworks rule 12.2.3.3.	Stream 09 Jacks Point	Earthworks	Reject
41.5.4	567.12	FS1275.124	"Jacks Point" (Submitter number 762 and 856)	41.5.4	Supports. Believes that to the extent that the submission can integrate with the JPZ as notified, and is consistent with the principles of the Coneburn Study and submissions 762 and 856, the submission is supported. Seeks that to the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856 and addresses landscape, open space and amenity values, allow the submission.	Stream 09 Jacks Point	Earthworks	Reject
41.5.4	632.77		RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	41.5.4	Add the <u>Open Space Community and Recreation</u> Activity Area to the table where 1000m3 of earthworks is the maximum volume.	Stream 09 Jacks Point	Earthworks	Accept in part
41.5.4	632.77	FS1219.78	Bravo Trustee Company	41.5.4	The submitter opposes this submission and considers that operative provisions as they relate to the Jacks Point zone provide the most appropriate and effective controls to provide for sustainable resource management within Jacks Point. The submitter considers the re-zoning of open space land referred to as OSCR in submission 632 is inappropriate and would result in significant adverse effects that have not been quantified or assessed. The submission does not promote or give effect to Part 2 of the Act. Matters raised in the submission do not meet section 32 of the Act. Are not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits issues of existing roads within Jacks Point.	Stream 09 Jacks Point	Earthworks	Accept in part
41.5.4	632.77	FS1252.78	Tim & Paula Williams	41.5.4	The submitter opposes this submission and considers that operative provisions as they relate to the Jacks Point zone provide the most appropriate and effective controls to provide for sustainable resource management within Jacks Point. The submitter considers the re-zoning of open space land referred to as OSCR is inappropriate and would result in significant adverse effects that have not been quantified or assessed. The submission does not promote or give effect to Part 2 of the Act. Matters raised in the submission do not meet section 32 of the Act. Are not the most appropriate method for achieving the objectives. The submitter seeks the submission be disallowed.	Stream 09 Jacks Point	Earthworks	Accept in part
41.5.4	632.77	FS1275.251	"Jacks Point" (Submitter number 762 and 856)	41.5.4	Opposes. Agrees that the submission is opposed as it will not enable the efficient and effective development of the JPZ land in respect of which Jacks Point has an interest. Seeks that to the extent that the submission may inadvertently oppose the JPZ as notified as it affects land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, disallow the submission.	Stream 09 Jacks Point	Earthworks	Accept in part
41.5.4	632.77	FS1277.81	Jacks Point Residents and Owners Association	41.5.4	Opposes. Believes that the rezoning will have cumulative adverse effects on landscape values, creating potential lightspill effects in the absence of specific measures to avoid such effects, and will not maintain the character and amenity values of the residential environment. Seeks that the submission be disallowed.	Stream 09 Jacks Point	Earthworks	Accept in part
41.5.4	632.77	FS1283.191	MJ and RB Williams and Brabant	41.5.4	Reject submission	Stream 09 Jacks Point	Earthworks	Accept in part
41.5.4	632.77	FS1316.77	Harris-Wingrove Trust	41.5.4	Submission be disallowed	Stream 09 Jacks Point	Earthworks	Accept in part
41.5.4	632.78		RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	41.5.4	Amend as follows: Height of cut and fill and slope OSL, OSG, OSA, OSCR_FP-1 and 2, HS, E, EIC and L Activity Areas: ? No road, track or access way shall have an upslope cut or batter greater than 1 metre in height, measured vertically. ? All cuts and batters shall be laid back such that their angle from the horizontal is no more than 65 degrees. ? The maximum height of any fill shall not exceed 2 metres.	Stream 09 Jacks Point	Earthworks	Accept in part

PDP (Stage 1) provision subject to Variation	Original Point No.	Further Submission No	Submitter	Lowest Clause	Submission Summary	Stage 1 hearing where recommendations were made	Stage 2 hearing topic that Stage 1 provision and submissions to be transferred to	Planner recommendation
41.5.4	632.78	FS1219.79	Bravo Trustee Company	41.5.4	The submitter opposes this submission and considers that operative provisions as they relate to the Jacks Point zone provide the most appropriate and effective controls to provide for sustainable resource management within Jacks Point. The submitter considers the re-zoning of open space land referred to as OSCR in submission 632 is inappropriate and would result in significant adverse effects that have not been quantified or assessed. The submission does not promote or give effect to Part 2 of the Act. Matters raised in the submission do not meet section 32 of the Act. Are not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits issues of existing roads within Jacks Point.	Stream 09 Jacks Point	Earthworks	Accept in part
41.5.4	632.78	FS1252.79	Tim & Paula Williams	41.5.4	The submitter opposes this submission and considers that operative provisions as they relate to the Jacks Point zone provide the most appropriate and effective controls to provide for sustainable resource management within Jacks Point. The submitter considers the re-zoning of open space land referred to as OSCR is inappropriate and would result in significant adverse effects that have not been quantified or assessed. The submission does not promote or give effect to Part 2 of the Act. Matters raised in the submission do not meet section 32 of the Act. Are not the most appropriate method for achieving the objectives. The submitter seeks the submission be disallowed.	Stream 09 Jacks Point	Earthworks	Accept in part
41.5.4	632.78	FS1275.252	"Jacks Point" (Submitter number 762 and 856)	41.5.4	Opposes. Agrees that the submission is opposed as it will not enable the efficient and effective development of the JPZ land in respect of which Jacks Point has an interest. Seeks that to the extent that the submission may inadvertently oppose the JPZ as notified as it affects land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, disallow the submission.	Stream 09 Jacks Point	Earthworks	Accept in part
41.5.4	632.78	FS1277.82	Jacks Point Residents and Owners Association	41.5.4	Opposes. Believes that the rezoning will have cumulative adverse effects on landscape values, creating potential lightspill effects in the absence of specific measures to avoid such effects, and will not maintain the character and amenity values of the residential environment. Seeks that the submission be disallowed.	Stream 09 Jacks Point	Earthworks	Accept in part
41.5.4	632.78	FS1283.192	MJ and RB Williams and Brabant	41.5.4	Reject submission	Stream 09 Jacks Point	Earthworks	Accept in part
41.5.4	632.78	FS1316.78	Harris-Wingrove Trust	41.5.4	Submission be disallowed	Stream 09 Jacks Point	Earthworks	Accept in part
41.5.4	762.12		Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	41.5.4	Support in part Amend Rule 41.5.4.1 Volume of Earthworks, to shift the Village Activity Area out of the 500 m3 band to "no maximum".	Stream 09 Jacks Point	Earthworks	Accept
41.5.4	762.12	FS1277.158	Jacks Point Residents and Owners Association	41.5.4	Supports. The submitter supports in relation to properties yet to be developed to the extent they deliver reliable protection of open space, walking access and conservation benefits and the properties associated with the Jacks Point developer to fulfill the vision of an integrated community. In respect to all the R Activity Areas, such areas need not be part of the JPROA. The submitters generally support the provision for increased urban growth capacity subject to design controls for buildings and management of any adverse effects from lighting and there being no impact on JPROA administered infrastructure or reading capacity. The submitter supports the Henley Downs Village being now primarily for residential activities as this is important for the sustainability of one commercial village to service the wider JPZ.	Stream 09 Jacks Point	Earthworks	Accept
41.5.4	762.12	FS1316.139	Harris-Wingrove Trust	41.5.4	Submission be disallowed	Stream 09 Jacks Point	Earthworks	Reject

PDP (Stage 1) provision subject to Variation	Original Point No.	Further Submission No	Submitter	Lowest Clause	Submission Summary	Stage 1 hearing where recommendations were made	Stage 2 hearing topic that Stage 1 provision and submissions to be transferred to	Planner recommendation
41.5.4	762.13		Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	41.5.4	Support in part Amend Rule 41.5.4.5 Water bodies, as follows: a. Earthworks within 7m of the bed of any water body shall not exceed 20m <sup>3</sup> in total volume, <u>except any man made water body (e.g. Lake Tewa)</u> , within one consecutive 12 month period. b. Any material associated with earthworks activity shall not be positioned within 7m of the bed of any water body, <u>except any man made water body (e.g. Lake Tewa)</u> or where it may dam, divert or contaminate water. c. Earthworks shall not: • cause artificial drainage of any groundwater aquifer; • cause temporary ponding of any surface water.	Stream 09 Jacks Point	Earthworks	Accept
41.5.4	762.13	FS1277.159	Jacks Point Residents and Owners Association	41.5.4	Supports. The submitter supports in relation to properties yet to be developed to the extent they deliver reliable protection of open space, walking access and conservation benefits and the properties associated with the Jacks Point developer to fulfill the vision of an integrated community. In respect to all the R Activity Areas, such areas need not be part of the JPROA. The submitters generally support the provision for increased urban growth capacity subject to design controls for buildings and management of any adverse effects from lighting and there being no impact on JPROA administered infrastructure or reading capacity. The submitter supports the Henley Downs Village being now primarily for residential activities as this is important for the sustainability of one commercial village to service the wider JPZ.	Stream 09 Jacks Point	Earthworks	Accept
41.5.4	762.13	FS1316.140	Harris-Wingrove Trust	41.5.4	Submission be disallowed	Stream 09 Jacks Point	Earthworks	Reject

**APPENDIX 4**  
**Section 32 Report**

**Queenstown Lakes District Proposed District Plan  
Section 32 Evaluation  
Stage 2 Components October 2017**

For:

**Earthworks**

And consequential Variations to Proposed District Plan 26 August 2015:

**Chapter 2 Definitions**

**Chapter 27 Subdivision and Development**

**Chapter 41 Jacks Point**

**Report dated: 3 November 2017**

File Reference: PDP Stage 2: Earthworks

Contents:

1. Executive summary
2. Introduction
3. Background
4. Purpose of the report
5. Statutory policy context
6. Resource management issues
7. Scale and significance evaluation
8. Evaluation of proposed objectives section 32(1)(a)
9. Evaluation of the proposed provisions section 32 (1) (b)
10. The risk of not acting

- Appendix 1. Approaches to earthworks – Review of 7 District Plans within 3 regions and comparison of the relationship with the Regional Policy Statements and Plans, with particular regard to the management of soil erosion and sedimentation.
- Appendix 2. Review of management for erosion and sediment management.

## 1. EXECUTIVE SUMMARY

- 1.1. The Stage 2 Proposed District Plan Earthworks Chapter (**Earthworks Chapter**) seeks to manage the actual and potential adverse effects of earthworks on the environment. The Earthworks Chapter applies to all the land notified in Stages 1 and 2 of the district plan review.
- 1.2. The earthworks Chapter will assist the Council to fulfil its statutory functions and responsibilities as required by the Resource Management Act 1991 (**'the Act'** or **'the RMA'**) through the following objectives, policies and rules:
- (a) Objectives to minimise the adverse effects on natural and physical resources, including infrastructure and cultural values;
  - (b) Policies that address the variability of activities and potential adverse effects associated with earthworks;
  - (c) Rules that provide limitations on the volume, area and location of earthworks to ensure the adverse effects of earthworks are managed;
  - (d) Exempting certain earthworks or providing for resource consent applications to be processed on a non-notified basis where there is sufficient certainty that those processes are appropriate relative to the activity;

## 2. INTRODUCTION

- 2.1. Section 32 of the Act requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives.
- 2.2. Earthworks are an often necessary component of land use and development but can have adverse effects on landscape, nature conservation values and amenity values in both rural and urban locations, and adverse effects on heritage and cultural values.
- 2.3. Earthworks can cause nuisance effects in the form of dust and vibration which can be appropriately minimised through management during construction. Earthworks can also cause safety issues for people and property and infrastructure.
- 2.4. Soil erosion, sediment generation and run-off may result in adverse effects on surface water bodies and damage, or adverse effects on stormwater infrastructure and also needs to be managed. If not properly managed this may have significant adverse effects on water quality and flow and can damage ecosystems of flora and fauna within those water bodies. Damage to these environments can also lead to a loss of cultural values.

- 2.5. The evaluation of the appropriateness of the Earthworks Chapter is based upon the following three issues
- Issue 1 – Earthworks and landscape, visual amenity and nature conservation values.
  - Issue 2 – Earthworks and people, safety and cultural values.
  - Issue 3 – Earthworks and soil erosion, sediment and generation of run-off.
- 2.6. This District Wide Earthworks Chapter 25 applies to all land notified in Stage 1<sup>1</sup> of the Proposed District Plan on 26 August 2015, and all additional land notified in Stage 2. This land collectively forms the geographic area currently subject to Volume A of the District Plan. The District Wide Earthworks Chapter 25 applies to all land identified as Stage 1 and Stage 2 land on the Planning Maps attached to the Stage 2 notification bundle. The District Wide Earthworks Chapter 25, forms part of Stage 2 of the Proposed District Plan.
- 2.7. For clarity, **Table 1** below identifies the land area (generally described by way of zone) and various components of the PDP that together comprise Volume A of the District Plan at Stage 2 of the District Plan review as it relates to the Earthworks Chapter 25. All other land within the District continues to fall into Volume B of the District Plan.

**Table 1. District Plan Volume A components, showing Stage 2 components as related to the Earthworks Chapter.**

<b>Volume A</b>	
<b>Stage 1 Proposed District Plan 26 August 2015</b>	<b>Stage 2 As it relates to the Earthworks Chapter only</b>
<b>Introduction</b>	
1. Introduction 2. Definitions	<ul style="list-style-type: none"> <li>• New Stage 2 definitions and variation to Stage 1 Definitions Chapter 2, as related to Stage 2 Earthworks components.</li> </ul>
<b>Strategy</b>	
3. Strategic Direction 4. Urban Development 5. Tangata Whenua 6. Landscapes	
<b>Urban Environment</b>	
7. Low Density Residential 8. Medium Density Residential 9. High Density Residential 10. Arrowtown Residential Historic Heritage Management Zone 11. Large Lot Residential 12. Queenstown Town Centre* (part withdrawn) 13. Wanaka Town Centre 14. Arrowtown Town Centre 15. Local Shopping Centres	

<sup>1</sup> With the exception of land formally withdrawn from the PDP (Plan Change 50 Queenstown Town Centre extension, Plan Change 41 Peninsula Bay North, Plan Change 45 Northlake Special Zone, Plan Change 46 Ballantyne Road Industrial and Residential extension).

16. Business Mixed Use Zone 17. Queenstown Airport Mixed Use  Variation 1: Arrowtown Design Guidelines 2016	
<b>Rural Environment</b>	
21. Rural Zone 22. Rural Residential and Lifestyle 23. Gibbston Character Zone	
<b>District Wide Matters</b>	
26. Historic Heritage 27. Subdivision and Development 28. Natural Hazards 30. Energy and Utilities 32. Protected Trees 33. Indigenous Vegetation and Biodiversity 34. Wilding Exotic Trees 35. Temporary Activities and Relocated Buildings 36. Noise 37. Designations	<ul style="list-style-type: none"> <li>• Stage 2 Earthworks Chapter 25.</li> <li>• Variation to Stage 1 Subdivision Chapter 27, as related to Stage 2 Earthworks components.</li> </ul>
<b>Special Zones</b>	
41. Jacks Point 42. Waterfall Park 43. Millbrook	<ul style="list-style-type: none"> <li>• Variation to Stage 1 Jacks Point Zone Chapter 41, as related to Stage 2 Earthworks components.</li> </ul>

### 3. BACKGROUND

#### District Plan Review

3.1. The review of the Operative District Plan is being undertaken in stages. Stage 1 commenced in April 2014 and was publicly notified on 26 August 2015. Hearings on Stage 1 components comprising ten individual hearing streams for 33 chapters, 1 variation<sup>2</sup> and three separate hearing streams for rezoning requests and mapping annotations<sup>3</sup> were held from March 2016 to September 2017.

3.2. On 29 September 2016 the Council approved the commencement of Stage 2 of the review of the Operative District Plan. As part of the 29 September 2016 resolutions, the Council addressed what the plan outcome would be at the end of the partial review, and approved the separation of the District Plan into two volumes, Volume A and Volume B. Volume A (at the point in time of notification of Stage 2) consists of the Proposed District Plan chapters notified in Stages 1 and 2 of the proposed District Plan, which includes variations to Stage 1, and all the

<sup>2</sup> Variation 1 – Arrowtown Design Guidelines 2016

<sup>3</sup> Ski Area Sub Zones, Upper Clutha Area and the Queenstown Area (excluding the Wakatipu Basin).

land as identified in the Planning Maps forming the Stage 2 notification bundle, as discussed above.

- 3.3. All other land currently forms Volume B of the District Plan. This includes zones that have not yet been reviewed and notified (i.e. Township Zone, Industrial A and B Zones, Rural Visitor Zone), land that has been withdrawn from the district plan review (i.e. the land subject to Plan Changes 46 - Ballantyne Road Industrial and Residential extensions, 50 - Queenstown Town Centre extension and 51 – Peninsula Bay North) and the Frankton Flats B Special Zone and the Remarkables Park Special Zone. All Volume B land is subject to the Operative District Plan.

### **Earthworks**

- 3.4. The Operative District Plan earthworks provisions were reviewed and notified for submissions in July 2014, the Council's decision on submissions was made on 8 July 2015. Several appeals were received and these were ultimately withdrawn or settled by way of Consent Order<sup>4</sup> and made operative in April 2016. Prior to this, the various Earthworks components of the Operative District Plan sat throughout each zone chapter, and the majority of these components had been operative since 2005.
- 3.5. It was the initial intention of Council that the Earthworks chapter was notified ahead of notification of Stage 1 of the PDP, on the basis that as the various Stage 1 PDP components became operative, they would replace those existing operative components of the Operative District Plan and integrate with the Operative District Wide Chapter 22 Earthworks Chapter. However, as a consequence of the separation of the District Plan into two volumes, each Volume requires a district wide earthworks chapter. The existing Operative Earthworks Chapter 22 sits in Volume B of the District Plan, Volume A of the District Plan, which will also encompass the vast majority of land in the District, requires an earthworks chapter. No 'broad options' have been assessed in this evaluation because there are not considered any other practicable options, other than to include earthworks rules in Volume A of the PDP by way of this Earthworks Chapter 25.

### **Jurisdictional Matters**

- 3.6. No decision has been made on the Proposed District Plan 2015 (Stage 1 and Variation 1) at the time of notification of Stage 2, and therefore this Stage 2 Earthworks Chapter 25 cannot anticipate what Panel recommendations and subsequently the Council's decision might be, in terms of notifying zone specific standards. The chapter therefore refers to PDP chapters/zones as notified in Stage 1 and any statutory changes made since notification<sup>5</sup>.

<sup>4</sup> ENV-2015-CHC-75 <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan-Changes/49/2016-04-13-Consent-Order.pdf>

<sup>5</sup> For instance, Variation 1 Arrowtown Design Guidelines, withdrawal of land subject to PC 46, PC 50 and PC 51.

3.7. Therefore, for instance, the Stage 2 Earthworks chapter does not refer to the Council recommended “Airport Zone”, which encapsulates the Wanaka airport (as well as the notified Queenstown airport), because the (Wanaka) Airport Zone is at this point in time is only recommended in response to Stage 1 submissions<sup>6</sup> and in the PDP at the zoning of Wanaka Airport at this point in time remains is Rural. Similarly, for example, the reference in the Council officers’ post-hearing reply version of Chapter 30 Energy and Utilities refers to ‘Electricity Distribution Corridor’ with an associated definition. Because this concept is not in the notified PDP, and Council has not yet released decisions on submissions to Stage 1 topics, it cannot be referred to in the Stage 2 Earthworks Chapter. The latter matter is considered particularly important to earthworks and the Earthworks Chapter because earthworks within these electricity distribution corridors are managed in Chapter 30 Energy and Utilities.

3.8. This is a consequence of the staged approach to the review, and can be addressed through either interested parties lodging a submission, or the Council itself lodging a submission on the Stage 2 Earthworks Chapter 25 to ensure the Stage 2 Earthworks chapter ultimately includes any necessary standards for any new zones or issues, included in the PDP by Council Stage 1 decisions. It is acknowledged that before any submission by Council on the Stage 2 components is lodged, it will need to be passed by a resolution of Council.

#### **4. PURPOSE OF THE REPORT**

4.1. Section 32 of the Act requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives. This report fulfils the obligations of the Council under section 32 of the Act. The analysis set out below should be read together with the text of Proposed Chapter 25 Earthworks and the The QLDC Best Practice Environmental Management Guidelines.

#### **5. STATUTORY POLICY CONTEXT**

##### **Resource Management Act 1991**

5.1. Section 5 sets out the purpose of the RMA, which requires an integrated planning approach and direction to promote the sustainable management of natural and physical resources. Guidance as to how the overall sustainable management purpose is to be achieved is provided in the other sections, including sections 6, 7 and 8 of Part 2 of the Act:

<sup>6</sup> Refer to submission of Queenstown Airport Corporation #433. Section 42A report Chapter 17 dated 2 November 2016- Hearing Stream 8 Business Zones.

## 5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

5.2. Section 6 of the RMA sets out a number of matters of national importance. Depending on the circumstances such as the location, scale and the manner in which earthworks are undertaken, earthworks and land disturbance activities can be applicable to all matters in section 6:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

5.3. Section 7 lists “other matters” that Council shall have particular regard to and those most relevant to the Earthworks Chapter including the following:

- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*

*(c) the maintenance and enhancement of amenity values:*

*(d) intrinsic values of ecosystems:*

*(f) maintenance and enhancement of the quality of the environment:*

*(g) any finite characteristics of natural and physical resources:*

*(h) the protection of the habitat of trout and salmon:*

*(i) the effects of climate change:*

5.4. Section 8 requires that Council take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The principles as they relate to resource management derive from Te Tiriti o Waitangi itself and from resource management case law and practice. They can be summarised as follows:

- a) That there must be active protection of the partnership between the two parties;
- b) That there is an obligation to act with reasonableness and good faith, with both parties being prepared to compromise;
- d) That dialogue and consultation will be the main way in which to give effect to the three principles outlined above.

5.5. A number of provisions have been included in the Earthworks Chapter in response to the requirements in Part 2 (such as section 6(e) – the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga).

5.6. Earthworks are an important part of the sustainable use and development of land but the potential adverse effects need to be managed to ensure the Council in exercising its functions gives effect to sections 6 and 7 of the Act. If left unchecked or poorly managed earthworks can have adverse effects on the important resources of the District, including the Outstanding Natural Features and Landscapes, amenity landscapes and built resource such as infrastructure, buildings and roads. Sedimentation arising from poorly managed erosion and sediment management can also reduce the capacity of the Council's stormwater network and infrastructure. This is important as the District is progressively changed through human activities and the consequences of climate change.

5.7. Section 31 of the RMA states (relevant areas underlined to emphasise the provisions relevant to this evaluation):

*31 Functions of territorial authorities under this Act*

- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:
- (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
  - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
    - (i) *the avoidance or mitigation of natural hazards; and*
    - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
    - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
    - (iii) *the maintenance of indigenous biological diversity:*
  - (c) *[Repealed]*
  - (d) *the control of the emission of noise and the mitigation of the effects of noise:*
  - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
  - (f) *any other functions specified in this Act.*
- (2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision*

5.8. The proposed earthworks provisions help to achieve the integrated management of natural and physical resources by enabling earthworks, subject to controls to ensure the actual and potential adverse effects of earthwork are effective.

5.9. The council's management of earthworks in the PDP Earthworks Chapter is integrated with and complementary to the Otago Regional Council's functions pursuant to section 30 of the Act, associated with the following components of s 30 in particular:

- (a) s30(c) (i) soil conservation;
- (b) s30(c) (ii) the maintenance and enhancement of the quality of water in water bodies and coastal water;
- (c) s30(e) the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body;
- (d) s30(f) the control of discharges of contaminants into or onto land, air, or water and discharges of water into water.

5.10. While acknowledging the function of the Otago Regional Council to control the discharge of stormwater, contaminants to water or land, and the diversion of water, it is also a function of the QLDC as a territorial authority to manage the effects of land use from earthworks, including the adverse effects of soil erosion and sedimentation of water. The relationship between the respective Otago Regional Council statements and plans (Regional Policy Statement Operative 1998 and Proposed 2015) and Regional Plan: Water for Otago 2004 and the extent it is appropriate for the Earthworks chapter to manage the erosion and sedimentation are discussed in below and in **Appendix 1**.

## **Local Government Act 2002**

5.11. Sections 14(c), (g) and (h) of the Local Government Act 2002 (LGA) are also of relevance in terms of policy development and decision making:

- (c) when making a decision, a local authority should take account of—*
  - (i) the diversity of the community, and the community's interests, within its district or region; and*
  - (ii) the interests of future as well as current communities; and*
  - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):*
  
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and*
  
- (h) in taking a sustainable development approach, a local authority should take into account—*
  - (i) the social, economic, and cultural interests of people and communities; and*
  - (ii) the need to maintain and enhance the quality of the environment; and*
  - (iii) the reasonably foreseeable needs of future generations*

5.12. The LGA emphasises a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

5.13. Section 14(g) is of relevance in so far as a planning approach emphasising that earthworks are an often essential prerequisite of land development but can also have adverse effects on natural and physical resources.

5.14. Having regard to these provisions, the approach through this review is to provide a balanced framework in the District Plan to manage these resources appropriately. Furthermore, no less important is the need to ensure the provisions are presented in a manner that is clearly interpreted to facilitate effective and efficient District Plan administration.

## **Other National Legislation or Policy Statements**

5.15. When preparing district plans, district councils must give effect to any National Policy Statement (NPS) or National Environmental Standard (NES). Government has produced the following 5 National Policy Statements that are in effect:

- (a) National Policy Statement on Urban Development Capacity 2016;
- (b) National Policy Statement for Freshwater Management 2014;

- (c) National Policy Statement for Renewable Electricity Generation 2011;
- (d) National Policy Statement on Electricity Transmission 2008; and
- (e) New Zealand Coastal Policy Statement 2010.

5.16. A National Policy Statement for Indigenous Biodiversity is in draft form. The National Policy Statements that are of most relevance to earthworks are the Freshwater Management and Electricity Transmission National Policy Statements.

#### **Freshwater Management (NPSFM)**

5.17. The NPSFM sets out the objectives and policies for freshwater management under the RMA. This national policy statement provides a National Objectives Framework to assist regional councils and communities to more consistently and transparently plan for freshwater objectives.

5.18. The NPSFM does not directly require specific provisions to be included within district plans, but the RMA requires district plans to give effect to national policy statements and regional policy statements. On 7 August 2017 the Government agreed to amend the National Policy Statement for Freshwater Management 2014. The amendments will come into force on 7 September 2017.

5.19. If a regional council adopts a policy in its regional policy statement directing the management of contaminants such as sediment or nutrients, and those contaminants could be associated with particular land uses (such as earthworks or urban development), the district council would need to give effect to those policies in rules controlling land use. An evaluation of the operative and proposed Regional Policy Statement for Otago and the Regional Plan: Water for Otago 2004 are set out later in this report.

#### **Electricity Transmission 2008 (NPSET)**

5.20. The NPSET requires local authorities to provide for electricity transmission activities at the local level. The NPSET provides a regulatory framework, which works in tandem with the National Environmental Standards for Electricity Transmission Activities (NESETA), discussed below.

5.21. The NPSET has a single objective which is:

*To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network.*

5.22. The NPSET is only applicable to the operation of the high voltage national grid as defined in the NPSET itself. The national grid is defined in that NPS as “the assets used or owned by Transpower NZ Limited”.

5.23. The rules relating to earthworks to provide for the National Grid and to protect the National Grid are located within PDP Stage 1 Chapter 30: Energy and Utilities. The PDP Stage 2 Earthworks Chapter recognises this by cross referencing to Chapter 30 Energy and Utilities for earthworks associated with the National Grid. It is noted that the Council’s reply version of the Utilities Chapter and PDP Stage 1 Subdivision Chapter 27 includes more refined rules associated with providing for the National Grid. It is not intended to replicate or locate those rules within the PDP Stage 2 Earthworks Chapter.

### **Iwi Management Plans**

5.24. When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council’s must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

5.25. The following iwi management plans are relevant:

*The Cry of the People, Te Tangi a Tauria: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)*

5.26. Section 3.4 Takitimu Me Ona Uri: High Country and Foothills contains the following policy that is relevant to earthworks:

#### *3.4.9 General Water Policy*

*Ngāi Tahu ki Murihiku recognise that the welfare of the people and the success of their activities within the environment depends on water being maintained in the best possible condition.*

#### 3.5.7 Subdivision and Development

5.27. Policies 1- 18 contain a range of policies that are relevant to Subdivision and Development cover iwi involvement in planning processing and plan development, interaction with developers and iwi, particularly where there may be significant effects, long term planning and cumulative effects, avoiding adverse effects on the natural environment and advocating for the use of esplanades reserves.

*Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)*

5.28. Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. Generic issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5 Otago Region.

5.29. Part 10.2.2 Wai Māori Issues in the Clutha/Mata-au Catchment, identifies sedimentation of waterways from urban development. Part 10.2.3 – Policies 5 to 8 are within the heading ‘*sediment and siltation*’ and are:

5. *To discourage activities that increases the silt loading in waterways or reaches of waterways.*
6. *To encourage the preparation of a sediment management strategy for the Clutha/Mata-au that describes patterns of deposition, movement, removal and flushing of sediment within the Catchment. Sediment must be managed on a Catchment basis and must be able to move through the system from the headwaters to replenish coastal habitats that are highly valued by Kā Papatipu Rūnaka. Ad-hoc proposals for sediment removal, gravel takes, engineering river reaches may not be supported if Kā Papatipu Rūnaka cannot see how they are part of a sediment management strategy.*
7. *To require Contact Energy and the Otago Regional Council to agree on flow levels at which the flushing of sediment is permitted in conjunction with Kā Papatipu Rūnaka.*
8. *To discourage any inappropriate flushing of sediment at times of low flow or where the impacts are not of a temporary nature.*

5.30. Policy 5 is directly relevant to district plans and the PDP Earthworks Chapter plays an important role in terms of managing the soil erosion and the generation of sediment and run-off from earthworks and land disturbance associated with land use activities, in particular subdivision and development. The iwi management plans have been taken into account as part of the preparation of the Section 32 report and Earthworks Chapter.

## **Regional Policy Statements**

### **Operative Regional Policy Statement 1998**

5.31. Section 74 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The operative Otago Regional Policy Statement 1998 (**RPS**) is the relevant regional policy statement to be given effect to within the District Plan.

5.32. The RPS identifies in Issue 5.3.3 (*Otago’s water resources may be adversely affected by land activities*) sedimentation associated with a range of land uses and activities.

5.33. Policy 5.5.5(c) seeks to minimise the adverse effects of land use activities on the quality and quantity of Otago's Water resource through...*(c) Avoiding, remedying or mitigating the degradation of groundwater and surface water resources caused by the introduction of contaminants in the form of chemicals, nutrients and sediments resulting from land use activities.*

5.34. A range of methods are identified in the RPS to manage the effects of earthworks and sedimentation from land use activities, however, there is not a distinctly identifiable obligation for either regional or district plans.

5.35. Method 5.6.21 is identified as being of relevance in terms of managing erosion and sediment which is *'Consider including provisions and conditions in district plans and on resource consents to avoid, remedy or mitigate soil degradation resulting from the subdivision use, development or protection of land'*.

5.36. Method 5.6.23 states *'Consider including provisions or conditions in district plans and on resource consents which seek to avoid, remedy or mitigate the adverse effects of land use activities on water resources'*.

5.37. These two methods in particular are considered to give direction to territorial authorities to manage the effects of erosion and sedimentation arising from land use activities.

5.38. In terms of managing the overall stability, landscape and amenity effects of earthworks, Objectives 5.4.1 to 5.4.4 (Land) are also relevant because they promote the sustainable management of Otago's land resource by:

- Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources;
- Meeting the present and reasonably foreseeable needs of Otago's people and communities;
- Avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource; and
- Protect outstanding natural features and landscapes from inappropriate subdivision, use and development.

5.39. The proposed earthworks provisions are consistent with, and give effect to, the relevant operative RPS provisions.

### **Proposed Regional Policy Statement 2015**

5.40. Section 74(2) of the RMA requires that a district plan prepared by a territorial authority shall "have regard to" any proposed regional policy statement. The Proposed Otago Regional Policy Statement (**PRPS**) was notified for public submissions on 23 May 2015, and decisions on submissions were released on 1 October 2016. The majority of the provisions of the Decisions

Version have been appealed and mediation is currently taking place. Accordingly, limited weight can be provided to the Decisions Version of the PRPS. However, the provisions of PRPS are relevant in highlighting the direction given toward local authorities managing the potential adverse effects of earthworks. The following is based on the PRPS Decision version: 1 October 2016

5.41. Policies 3.1.7 (Soil Values), 3.1.8 (Soil erosion) and 5.4.1 (Managing for urban growth and development) are to be given effect to by a range of Methods including via City and District Plans (Method 4.1.4).

5.42. In particular, the Methods for Policy 3.1.8 (Soil Erosion) do not identify any obligation through Regional Plans to manage erosion and sedimentation through land use activities.

5.43. Method 4.1.4 (District and City Plans) is:

*'Policies 3.1.7, 3.1.8, and 5.4.1 by including provisions to manage the discharge of dust, and silt and sediment associated with earthworks and land use'.*

5.44. The PRPS places a clear obligation on territorial authorities to manage the potential effects of erosion and sedimentation from land use activities through district plans. The Otago Regional Council currently do not have a dedicated regional earthworks or soil conservation plan and the Methods of the PRPS indicate that it is intended that erosion and sediment is managed primarily by District and City Plans.

5.45. The Earthworks Chapter 25 implements Method 4.1.4 of the PRPS and is considered to have sufficient regard to that document. It is also considered that in the case of the PRPS being made operative with the structure and inclusion of Method 4.1.4 to implement Policy 3.1.8 as set above, the Earthworks Chapter 25 would give effect to that document.

### **Regional Plans**

5.46. The Otago Regional Plan: Water for Otago (Operative 2004) contains the following provisions that relate to the discharge of water containing contaminants (including sediments) to water (Lakes/rivers/coast):

5.47. Rule 12.C.1.1 permits the discharge of water or any contaminant to water, or onto or into land which may result in a contaminant entering water is a permitted activity providing a range of qualifiers are met, including at (d) the discharge:

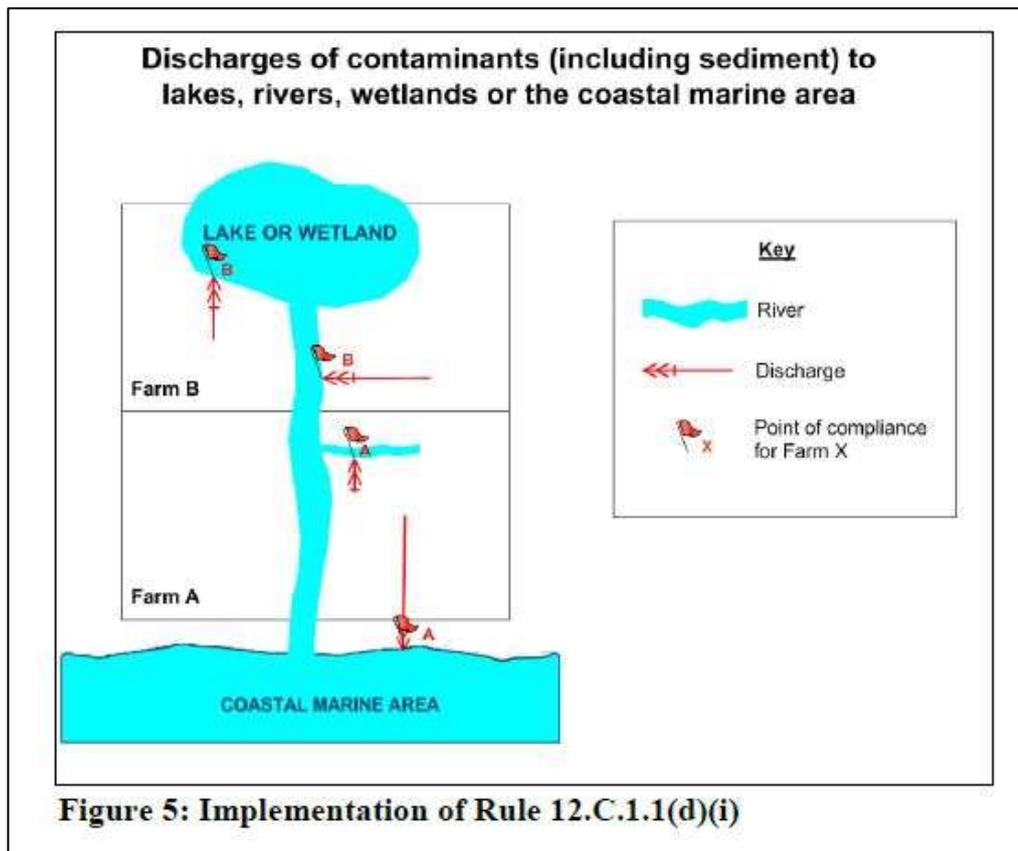
*(d)(i) Does not result in:*

*(1) A conspicuous change in colour or visual clarity; or*

- (2) A noticeable increase in local sedimentation, in the receiving water (refer to Figure 5); and
- (ii) Does not have floatable or suspended organic materials; and
- (iii) Does not have an odour, oil or grease film, scum or foam; and

...

5.48. In terms of activities achieving compliance associated with sediment discharge, Figure 5 from the Regional Plan: Water for Otago, makes it clear that the measurement/compliance point is where the sediment entrained water enters the river or lake and that for permitted status it must not result in 'a noticeable increase in local sedimentation, in the receiving environment'. Figure 5 is reproduced below:



5.49. Non-compliance would require a discretionary activity resource consent pursuant to Rule 12.C.3. Related Rule 12.C.0.3 holds a prohibited activity status for the discharge of sediment from disturbed land to water where no measure is taken to mitigate sediment runoff.

5.50. Typically therefore, run-off from a site with disturbed land is permitted providing any sediment laden water does result in either a conspicuous change in colour or visual clarity or a noticeable increase in local sedimentation in the receiving water.

5.51. If no measures are made the activity status is prohibited and no resource consent can be granted. Where there is non-compliance but where measures have been made resource consent is required as a discretionary activity.

5.52. While rules are in place in the Otago regional Plan: Water, these are suited to activities where it would be a pre-meditated action before the activity commenced to note that compliance with the permitted standards cannot be achieved and to apply for a resource consent. The prohibited limb of the rule framework makes it clear that no avenue is provided to discharge sediments to rivers and lakes without undertaking sediment management measures. Instances where a resource consent is applied for to discharge sediment laden water to a waterbody would be for works within or adjacent to a waterbody and while sediment management would be expected to be employed it is not possible to avoid all sediments entering the water stream and noticeable sedimentation of the water could occur. The types of activities that fall under these circumstances are drain maintenance, culvert and bridge pile installation and repair.

5.53. It is considered that because the Otago Regional Plan: Water does not control land disturbance activities, only the effects of a discharge, the opportunity to proactively manage the potential adverse effects of sedimentation entering rivers; lakes or onto land arising from temporary construction activities associated with land use activities is not as clearly articulated as it could be through a district plan and land use framework. It is unlikely that the proponents of a land based subdivision and development would apply for a discretionary activity through the Otago Regional Plan: Water on the off-chance permitted status could not be achieved. It could also be likely to be the case that the Otago Regional Council would encourage compliance with the permitted standards to minimise effects on the receiving environment, rather than grant a discretionary activity resource consent where compliance with Rule 12.C.1.1 can be achieved.

5.54. The Otago Regional Plan: Water does not directly intervene with land use activities to manage soil conservation or the potential effects of erosion and sedimentation, compared to other Regional Councils water plans<sup>7</sup>. The Otago Regional Plan: Water does not specify controls on land uses that result in the disturbance of land, but controls adverse effects on the environment through managing discharges.

### **Regional land use plan earthworks**

5.55. The Otago Regional Council does not have a land use plan to manage the effects of earthworks for soil conservation or sedimentation.

### **Relationship between district plans and Regional Plans/Policy Statements**

<sup>7</sup> Refer to Appendix 1 and comparison between the Canterbury Regional Land and Water Plan and Otago Regional Plan Water for Otago.

5.56. The management of sediment generation and run-off on sites from land disturbance activities, and to ensure that runoff from these sites complies with Rule 12.C.1.1 of the Otago Regional Plan: Water is a permitted activity, is considered to fall in large part on district and city plans. This obligation for district plans is reinforced by Method 4.1.4 of the PRPS 2015.

5.57. As discussed above the NPSFM does not require specific provisions to be included within district plans, but the obligations indicated by the Regional Plan: Water for Otago 2004, the Operative RPS and especially the Proposed RPS at Method 4.1.4 requires district plan rules to manage the effects of land uses on soil erosion and sedimentation as part of the district plans being consistent with regional plans, giving effect to operative RPS's and having regard to Proposed RPS's, which in turn must give effect to the NPSFM.

### **Resource Management National Environmental Standards Regulations (NES)**

5.58. National Environmental Standards (NES) are regulations made under the RMA that prescribe standards for specific activities. The NES have the effect of overriding district plans, unless otherwise stated within the NES. Section 44A(7) of the RMA states that every local authority and consent authority must observe national environmental standards.

5.59. Section 43A (5) of the RMA states:

*(5) If a national environmental standard allows an activity and states that a resource consent is not required for the activity, or states that an activity is a permitted activity, the following provisions apply to plans and proposed plans:*

*(a) a plan or proposed plan may state that the activity is a permitted activity on the terms or conditions specified in the plan; and*

*(b) the terms or conditions specified in the plan may deal only with effects of the activity that are different from those dealt with in the terms or conditions specified in the standard; and*

*(c) if a plan's terms or conditions deal with effects of the activity that are the same as those dealt with in the terms or conditions specified in the standard, the terms or conditions in the standard prevail.*

5.60. There are currently 5 NES in effect:

- (a) National Environmental Standards for Air Quality
- (b) National Environmental Standard for Sources of Drinking Water
- (c) National Environmental Standards for Telecommunication Facilities
- (d) National Environmental Standards for Electricity Transmission Activities
- (e) National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

5.61. In addition, the NES on Plantation Forestry has recently been developed and comes into effect on 1 May 2018.

5.62. Where the NES is relevant to earthworks they are discussed as follows:

#### **NES Telecommunication Facilities 2016 (NES-TF)**

5.63. The NES-TF contains standards relating to earthworks that enable earthworks with certain antennas (Subpart 6 - Earthworks) providing a range of standards are met, some of which include compliance with district plan rules for earthworks in certain locations, for instance at 'special places' as defined in the NES-TF. The permitted standards also require management plans that include measures to manage sediment run-off from the site, stability, dust and drainage<sup>8</sup>.

5.64. Earthworks for utilities, which include telecommunication activities subject to the NES-TF are managed in Stage 1 PDP Chapter 30: Energy and Utilities. The PDP Stage 2 Earthworks Chapter recognises this by cross referencing to Chapter 30 Energy and Utilities for earthworks associated with utilities and the NES-TF. It is the jurisdiction of Chapter 30: Energy and Utilities and the respective hearing stream 5 of Stage 1 of the PDP that deals with ensuring specific provisions accord with the NES-TF. It is not intended to replicate or relocate the earthworks rules for utilities and activities subject to the NES-TF rules within the PDP Stage 2 Earthworks Chapter.

#### **NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)**

5.65. The NES-CS seeks to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed to avoid risk to human health. This requires all territorial authorities to give effect to and enforce the requirements of the NES-CS. The PDP Stage 2 Earthworks Chapter recognises this by referencing to the NES-CS.

#### **NES Electricity Transmission Activities 2009 (NES-ETA)**

5.66. As set out above, the rules relating to earthworks to provide for the National Grid and to protect the National Grid are located within PDP Stage 1 Chapter 30: Energy and Utilities. The PDP Stage 2 Earthworks Chapter recognises this by cross referencing to Chapter 30 Energy and Utilities for earthworks associated with the National Grid. It is noted that the Council's reply

<sup>8</sup> NESTF 2016 Regulation 53 (4).

version of the Utilities Chapter and PDP Stage 1 Subdivision Chapter 27 includes more refined rules associated with providing for the National Grid. The majority of which were recommended by Transpower through their submissions on Stage 1 to the PDP<sup>9</sup>. It is not intended to replicate or locate those rules within the PDP Stage 2 Earthworks Chapter.

### **National Environmental Standard for Sources of Human Drinking Water 2005**

5.67. The NES requires regional councils to ensure that the effects of activities on drinking water sources (natural water bodies such as lakes, rivers and groundwater used to supply communities) are considered in decisions on resource consents and regional plans. While this is primarily a regional council issue, performance standards around sediment control and limiting earthworks near water bodies including earthworks that expose groundwater aim to assist toward protect these drinking sources from contamination.

### **National Environmental Standard for Plantation Forestry (NES-PF)**

5.68. The NES-PF was promulgated to reduce costs and operational complexity for the forestry sector. The NES-PF was confirmed in July 2017 and shall commence on 1 May 2018. The NES-PF permits forestry activities, subject to compliance with standards. The NES-PF covers 8 core plantation forestry activities:

- afforestation
- pruning and thinning-to-waste
- earthworks
- river crossings
- forest quarrying
- harvesting
- mechanical land preparation
- replanting.

5.69. The NES-PF will manage earthworks and erosion and sedimentation associated with plantation forestry. THE NES-PF enables district plans to impose stricter rules<sup>10</sup> where these relate to outstanding natural features and landscapes, significant indigenous vegetation and significant habitats of indigenous fauna.

5.70. Under the PDP as notified, forestry is a non-complying activity in the Outstanding Natural Features or Landscapes (Rule 21.4.1). The PDP is able to impose stricter rules than the NES-

<sup>9</sup> Submission 805 Transpower New Zealand Limited. In particular hearing streams 4 Subdivision Chapter 27, and Hearing Stream 5 District Wide.

<sup>10</sup> NESPF s 6 (2).

PF and the NES-PF within the ONF/L. Regulation 13 of the NESPF prescribes that forestry within amenity landscapes is a controlled activity.

5.71. On this basis, the Earthworks Chapter does not need to pre-empt any changes required to give effect to the NESPF when it commences on 1 May 2018.

## **Proposed District Plan**

### **Notified PDP 26 August 2015**

5.72. The following objectives and policies of the PDP (Part 2 Strategic) are relevant to earthworks, and the PDP Earthworks Chapter should take into account and give effect to these:

#### **Strategic Direction Chapter 3**

**3.2.2.2 Objective** - *Manage development in areas affected by natural hazards.*

*Policies*

3.2.2.2.1 *Ensure a balanced approach between enabling higher density development within the District's scarce urban land resource and addressing the risks posed by natural hazards to life and property.*

**3.2.4.1 Objective** - *Promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.*

**3.2.4.5 Objective** - *Preserve or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.*

*Policies*

3.2.5.4.1 *That subdivision and / or development which may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins be carefully managed so that life-supporting capacity and natural character is maintained or enhanced.*

**3.2.4.6 Objective** - *Maintain or enhance the water quality and function of our lakes, rivers and wetlands.*

*Policies*

3.2.4.6.1 *That subdivision and / or development be designed so as to avoid adverse effects on the water quality of lakes, rivers and wetlands in the District.*

**3.2.5.1 Objective** - *Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.*

**3.2.5.2 Objective** - *Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.*

**3.2.7.1 Objective** - *Protect Ngāi Tahu values, rights and interests, including taonga species and habitats, and wāhi tupuna.*

5.73. The Strategic Directions seek to enable development while protecting the valued natural and physical resources of the District. The Earthworks Chapter is inherently enabling and contemplative that earthworks is a necessary prerequisite of many land use and development activities. However, the Earthworks Chapter is required to impose controls to ensure protectionist components of the Strategic Directions are met, and in doing so will ensure the Strategic Directions give effect to the relevant RPS and ultimately, Part 2 of the Act.

#### **Urban Development Chapter 4:**

**4.2.3 Objective** – *Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.*

##### *Policies*

**4.2.3.2** *Enable an increased density of residential development in close proximity to town centres, public transport routes, community and education facilities.*

5.74. The PDP encourages consolidation of urban growth within the urban growth boundaries and existing settlements. This approach is likely to result, in some instances, an increasing intensity of earthworks to facilitate higher density development. The management of earthworks is important to ensure the environmental objectives in Chapter 3 Strategic Directions are realised.

#### **Tangata Whenua Chapter 5**

**5.4.3 Protect Ngāi Tahu taonga species and related habitats.**

##### *Policies*

**5.4.3.1** *Where adverse effects on taonga species and habitats of significance to Ngāi Tahu cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative.*

**5.4.5 Wāhi tūpuna and all their components are appropriately managed and protected.**

##### *Policies*

- 5.4.5.1 *Identify wāhi tūpuna and all their components on the District Plan maps and protect them from the adverse effects of subdivision, use and development.*
- 5.4.5.2 *Identify threats to wāhi tūpuna and their components in this District Plan.*
- 5.4.5.3 *Enable Ngai Tahu to provide for its contemporary uses and associations with wāhi tūpuna.*
- 5.4.5.4 *Avoid where practicable, adverse effects on the relationship between Ngāi Tahu and the wāhi tūpuna.*

5.75. The Earthworks Chapter gives effect to the Tangata Whenua Chapter 5 by imposing limitations on earthworks within areas that are of significance to Māori and by ensuring suitable erosion and sediment management is undertaken where necessary.

## **Landscapes Chapter 6**

**6.3.3**      **Objective** - *Protect, maintain or enhance the district's Outstanding Natural Features (ONF).*

*Policies*

- 6.3.3.1 *Avoid subdivision and development on Outstanding Natural Features that does not protect, maintain or enhance Outstanding Natural Features.*
- 6.3.3.2 *Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Landscapes adjacent to Outstanding Natural Features would not degrade the landscape quality, character and visual amenity of Outstanding Natural Features.*

**6.3.4**      **Objective** - *Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).*

*Policies*

- 6.3.4.1 *Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.*

**6.3.5**      **Objective** - *Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).*

*Policies*

- 6.3.5.1 *Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.*

5.76. The earthworks chapter gives effect to the PDP Landscape Chapter and sections 6(b) and 7(c) of the Act and 6 by managing the actual and potential adverse effects of earthworks where these could affect the District's landscape values.

### **Council Reply versions post hearings on submissions**

5.77. Following the consideration of submissions and hearings, Council filed updated PDP chapters with recommended amendments where supported by Council officers. These version do not have any statutory status, however they are important in the context of whether the Council's position on a matter has moved from the notified PDP.

5.78. The respective 'reply' versions of the PDP chapters are not considered to give cause for a change in approach to the management of earthworks, or fundamentally different appraisal of the notified objectives and policies identified above.

### **Non-Statutory Context**

5.79. Many Council's throughout the country use earthworks and erosion management guidelines and practice notes as a means of communicating the outcomes sought by managing the potential effects of earthworks, usually to avoid soil erosion, sediment generation and run-off. The Council are producing an erosion and sediment guideline to assist contractors and designers with information on small to medium scale erosion and sediment management. The guidelines are intended to assist those undertaking earthworks to comply with the standards that require sediment is retained on site, and does not cause run-off onto other properties or water bodies.

## **6. RESOURCE MANAGEMENT ISSUES**

### **Introduction**

6.1. The preceding discussion has identified that earthworks are an important component of land use and development, however the actual and potential adverse effects of earthworks need to be managed to ensure that sustainable management of natural and physical resources are promoted.

6.2. The following key issues have been identified as the central themes associated with earthworks in the Queenstown Lakes District.

## **Key Issues**

### **Issue 1 – Earthworks and landscape, visual amenity and nature conservation values.**

- 6.3. Earthworks can have adverse effects on the District's landscape resource, nature conservation values generally and amenity values in both rural and urban locations. It is important that earthworks are managed to ensure earthworks avoid adverse effects on landscape and where necessary for earthworks to be undertaken in visually sensitive areas, that earthworks are appropriately designed to be sympathetic and have regard to natural landforms and landscape values.

### **Issue 2 – Earthworks and people, safety and cultural values.**

- 6.4. Earthworks can cause nuisance effects in the form of dust and vibration which can be appropriately minimised through management during construction. Earthworks can also cause safety issues for people and property and infrastructure. Earthworks on steep sites or areas affected by water can lead to slope instability, and earthworks undertaken near buildings, adjacent to neighbouring properties and existing subject to surcharge such as driveways or retaining walls can also have adverse effects if not appropriately managed.
- 6.5. Earthworks associated with cleanfill and landfill operations also require oversight because the effects from these activities are likely to be for a longer duration than earthworks undertaken on a site as a means to an end for the construction of subdivisions or buildings.
- 6.6. Earthworks can also damage both known and previously unknown heritage sites and sites of significance to Tangata whenua. Separate provisions apply for these resources within the PDP Historic heritage Chapter 26 and Part I of the Heritage New Zealand Pouhere Taonga Act 2014 states that no work may be undertaken on an archaeological site (whether recorded or unrecorded) until an archaeological authority to destroy, damage or modify a site has been granted by Heritage New Zealand Pouhere Taonga in accordance with that Act. However, earthworks itself and the applicable district plan chapter should be alive to the management of this issue and provide guidance as to the appropriate processes when heritage items are discovered.

### **Issue 3 – Earthworks and soil erosion, sediment and generation of run-off.**

- 6.7. Some earthworks which do not control sediment generation and run-off may result in adverse effects on surface water bodies and damage, or adverse effects on stormwater infrastructure. This may have significant adverse effects on water quality and flow and can damage ecosystems of flora and fauna within those water bodies. Damage to these environments can also lead to a loss of cultural values.

6.8. As set out in the statutory framework discussion and in Appendix 1 the higher order regional planning documents for Otago place an obligation on district plans to manage erosion and sediment. The issue of erosion and sediment management is particularly relevant for territorial authorities in the Otago region due to the absence of a regional land and water or land plan to manage the potential effects of earthworks on water bodies.

## **7. SCALE AND SIGNIFICANCE EVALUATION**

7.1. The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to whether the objectives and provisions:

- Fulfil the Council's role and functions under the Act as required by ss 31 and 74(1)(b);
- Impose increased costs or restrictions on individuals, communities or businesses;
- Result in a significant variance from the existing baseline in Operative District Plan Chapter 22;
- Have effects on matters of national importance;
- Adversely affect those resources overseen by special interests groups and statutory bodies, i.e. Tangata Whenua, Royal Forest and Bird Protection Society of New Zealand, Farming lobby groups, Gaurdians of Lake Wanaka;
- Involve effects that have been considered implicitly or explicitly by higher order documents; and
- Whether the proposed provisions are more appropriate than the existing.

7.2. The level of detail of analysis in this report is moderate-high. Earthworks are an anticipated component of many land uses but the effects of earthworks need to be managed, while ensuring efficiency and levels of intervention that are reasonable. Earthworks rules have the potential to affect a wide range of persons. Additional consenting information requirements can impose additional costs, however the costs to the environment could also be high if activities are not appropriately managed.

## 8. EVALUATION OF PROPOSED OBJECTIVES SECTION 32(1)(a)

- 8.1. The identification and analysis of issues has helped define how Section 5 of the RMA should be articulated. This has informed determination of the most appropriate objectives to give effect to Section 5 of the RMA in light of the issues.
- 8.2. Section 32(1)(a) requires an examination of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act. The following objectives serve to address the key Strategic issues in the District:

<i>Proposed Objective</i>	<i>Appropriateness</i>
<p><b>25.2.1</b></p> <p><b>Earthworks are undertaken in a manner that minimises adverse effects on the environment and maintains landscape and visual amenity values.</b></p>	<p>The objective is the most appropriate way to meet the purpose of the RMA because it recognises and provides the basis for a policy framework to implement the Council's function required under s31 of the RMA. In particular the management of effects of natural landscapes and resources and management of erosion, sediment and run-off. The objective gives effect to the Strategic Direction objectives identified in part 5 of this evaluation.</p> <p>The objective contemplates that earthworks are a necessary prerequisite of land use, however seeks an outcome that adverse effects are minimised, in particular on landscape and visual amenity values, and waterbodies.</p> <p>Recognises the interrelationship between part 5 of the Act and managing resources as required by sections 6 (a), (b), (c) and has regard to sections 7(b),(c), (f) of the RMA.</p>
<i>Proposed Objective</i>	<i>Appropriateness</i>
<p><b>25.2.2</b></p> <p><b>The social, cultural and economic well being of people and communities benefit from earthworks while being protected from adverse effects.</b></p>	<p>The objective is the most appropriate way to meet the purpose of the RMA because it assists the Council to promote sustainable management through enabling earthworks, while ensuring adverse effects on people and their values are appropriately managed.</p> <p>As well as subdivision and development for construction, earthworks are necessary for a range of activities that communities in the Queenstown Lakes District benefit from including nationally and regionally significant infrastructure, tourism infrastructure, managing natural hazards, farming and recreation. The effects of these activities on people and on cultural values need to be managed.</p> <p>The objective gives effect to the Strategic Direction objectives identified in part 5 of this evaluation and will assist the</p>

	<p>Council to recognise and provide for the following:</p> <ul style="list-style-type: none"> <li>• Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</li> <li>• Section 6 (f) the protection of historic heritage from inappropriate subdivision, use, and development.</li> </ul>
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## 9. EVALUATION OF THE PROPOSED PROVISIONS SECTION 32(1)(b)

9.1. The following tables consider whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. The evaluation of the proposed provisions are grouped by the resource management issue, separate evaluations are set out for the provisions relating to the notification of applications:

- Table 1: Issues 1 and 3;
- Table 2: Issue 2;
- Table 3: Matters that will not be notified;
- Table 4: Matters that require an assessment to determine whether an application is processed on a notified basis.

### Table 1:

#### **Issue 1 - Earthworks and landscape, visual amenity and nature conservation values.**

#### **Issue 3 – Earthworks and soil erosion, sediment and generation of run-off.**

All policies, rules, definitions and assessment matters are relevant. A summary of proposed provisions and components of the Earthworks Chapter that give effect to the objectives:

- Policy 25.2.1.1 – Ensure earthworks minimises erosion, land instability, and sediment generation and off-site discharge during construction activities associated with subdivision and development;
- Policy 25.2.1.2 – seeks protection of valued resources from inappropriate earthworks;
- Policy 25.2.1.3 – seeks to minimise effects on landforms;
- Policy 25.2.1.4 – seeks to manage the effects of earthworks on section amenity values;
- Policy 25.2.1.5 – that earthworks are designed to recognise the constraints and opportunities presented;
- Volume limits, matters of discretion and assessment matters to manage the environmental effects of earthworks;

<ul style="list-style-type: none"> <li>• Area limits matters of discretion and assessment matters to ensure where erosion and sediment management is necessary it is effective;</li> <li>• A range of permitted exemptions are identified to facilitate small scale activities that would have no adverse effects, or only negligible adverse effects;</li> <li>• Permitting the volume, cut and fill associated with earthworks that are part of a subdivision application, recognising that the management of earthworks in terms of design and construction related processes can be managed as part of the assessment of the subdivision design and construction programme;</li> <li>• Permitting earthworks for ski area activities and vehicle testing facilities within the ski area subzone, except where there is potential for environmental effects on water bodies and roads.</li> </ul>			
<b>Sub topic / Rule</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<p><b>Volume limitations</b></p> <p><b>Variation to Chapter 2 – Definitions:</b></p> <p><b>Earthworks, landfill, mining activity, cleanfill, cleanfill facility, mineral exploration,</b></p> <p><b>Mineral prospecting,</b></p>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>• Costs to the environment where activities are undertaken within the permitted limits. These costs are considered to be low.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>• Costs to persons undertaking earthworks to apply for consent where the permitted standards are not met.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>• None identified.</li> </ul>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>• Ability to manage potential effects on landforms, including Outstanding natural features and landscapes.</li> <li>• The policies and assessment matters require oversight of the design of earthworks to ensure earthworks are sympathetic to the receiving environment.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>• Management of environmental effects from earthworks will ensure the District’s drawcard as a tourism and visitor destination will be maintained.</li> <li>• The rules are not overly conservative and enable a reasonable degree of earthworks anticipated by the zone.</li> </ul>	<p><b>Effectiveness:</b></p> <p>The provisions enable earthworks while giving a clear indication through the policies, rules, matters of discretion and assessment matters as to the different effects which can arise as a result of the activity being undertaken.</p> <p>Appropriate controls are implemented to ensure that effects from these activities are no more than minor or are avoided where appropriate and practicable.</p> <p>The provisions ensure that adverse effects on landscape, amenity and character shall be managed appropriately in the context of the sensitivity of the environment, while also ensuring that earthworks do not increase or create risk of natural hazards.</p> <p><b>Efficiency</b></p>

<p><b>Regionally Significant Infrastructure.</b></p> <p><b>Variation to Subdivision Chapter 27.</b></p> <p><b>Variation to Jacks Point Chapter 41.</b></p>		<p><b><i>Social &amp; Cultural</i></b></p> <ul style="list-style-type: none"> <li>The earthworks rules will enable persons to undertake a range of land uses and developments on the basis reasonable and appropriate limitations are imposed.</li> </ul>	<p>The provisions provide the most appropriate approach to managing earthworks at various scales, while ensuring the adverse effects from earthworks are appropriately controlled.</p> <p>The rules do are not considered to be over-restrictive and the area limits in particular are considered commensurate to the sensitivity of the receiving environment.</p> <p>The provisions are also efficient in that they allow the earthworks rules in the Energy and Utilities Chapter 30 to prevail, and consequently any National Environmental Standard.</p>
<p><b>Area limitations</b></p> <p><b>Variation to Chapter 2 – Definitions:</b></p> <p><b>Earthworks, landfill,</b></p>	<p><b><i>Environmental</i></b></p> <ul style="list-style-type: none"> <li>Potential environmental cost associated with exempting earthworks for erosion and sediment management. This is considered to be a small cost and the procedures should be undertaken using best practice. The potential for harm is low.</li> </ul> <p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>Costs to persons who are required to source materials and undertake erosion</li> </ul>	<p><b><i>Environmental</i></b></p> <ul style="list-style-type: none"> <li>Provides a means to manage the potential effects of soil erosion and sedimentation from development on water bodies, stormwater networks and neighbouring properties.</li> </ul> <p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>The erosion and sediment management guidelines will assist those contemplating smaller scale activities to understand</li> </ul>	

<p>mining activity, cleanfill, cleanfill facility, mineral exploration,</p> <p>Mineral prospecting, Regionally Significant Infrastructure.</p> <p>Variation to Subdivision Chapter 27.</p> <p>Variation to Jacks Point Chapter 41.</p>	<p>management; however this is considered a small cost relative to not managing the potential harm.</p> <ul style="list-style-type: none"> <li>Costs where it is considered necessary to obtain a erosion and sediment design from a suitably qualified person, however this will mostly affect large scale developments with commensurately higher operational budgets. This cost is considered low relative to the potential for adverse effects associated with inadequate erosion and sediment management.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>None identified.</li> </ul>	<p>good principles and initiate basic erosion and sediment management. This will assist with reducing costs associated with compliance.</p> <ul style="list-style-type: none"> <li>Non-notification for activities that do not comply with the area standard. Recognising that this rule is to ensure processes and design is in place to minimise erosion, sediment and runoff.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Assists with safeguarding the life supporting capacity of water.</li> </ul>	
<p>Setback from waterbodies</p> <p>Variation to Chapter 2 – Definitions:</p> <p>Earthworks, landfill,</p>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>None identified. The setback is considered appropriate to safeguard potential effects. The safeguard is considered to be considerable more effective than the equivalent rule in the Operative District Plan that allows 20m<sup>3</sup> within the 7m of a waterbody.</li> </ul> <p><b>Economic</b></p>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Provides a basis to require consent and manage the actual and potential adverse effects where earthworks could affect water bodies and their margins.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Positive economic effect associated with ensuring potential adverse effects are managed and not allowing. Not managing potential effects through the</li> </ul>	

<p>mining activity, cleanfill, cleanfill facility, mineral exploration, Mineral prospecting, Regionally Significant Infrastructure.</p> <p>Variation to Subdivision Chapter 27.</p> <p>Variation to Jacks Point Chapter 41.</p>	<ul style="list-style-type: none"> <li>Costs to persons who are required to apply for resource consent; however this is considered a small cost relative to not managing the potential harm from uncontrolled earthworks within the margins of a waterbody.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>None identified.</li> </ul>	<p>earthworks chapter and resource consent could harm the environmental reputation of the District and result in increases to economic costs through remediation or delays to a project where earthworks are not appropriately managed.</p> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Assists with safeguarding the life supporting capacity of water.</li> </ul>	
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<p><b>Table 2.</b></p> <p><b><u>Issue 2 – Earthworks and people, safety and cultural values.</u></b></p> <p>All policies, rules and assessment matters are relevant. A summary of proposed provisions and components of the Earthworks Chapter that give effect to the objectives:</p> <ul style="list-style-type: none"> <li>Policy 25.2.2.1 – recognises the benefits of earthworks for specified activities;</li> </ul>
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<ul style="list-style-type: none"> <li>• Policy 25.2.2.2 - protects infrastructure, buildings and stability of other land;</li> <li>• Policy 25.2.2.3 – manages the nuisance and health effects from earthworks;</li> <li>• Policy 25.2.2.4 and 25.2.2.5 – manages necessary processes to avoid adverse effects on cultural heritage, including wāhi tapu, taonga, and archaeological sites, or where these cannot be avoided, effects are remedied or mitigated;</li> <li>• Policy 25.2.2.6 – manages effects on amenity and traffic generation associated with earthworks;</li> <li>• Policy 25.2.2.7 - seeks to ensure that natural hazard risk is managed;</li> <li>• Accidental discovery rule (25.5.14) process set out in Schedule 25.10; and</li> <li>• Setback from boundaries (Rule 25.5.18).</li> </ul>			
<b>Sub topic / Rule</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<p><b>Volume</b></p> <p><b>Setback from boundaries (land stability and natural hazards)</b></p> <p><b>Variation to Chapter 2 – Definitions:</b></p> <p><b>Earthworks, landfill, mining activity,</b></p>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>• None identified, the permitted thresholds are unlikely to generate environmental harm.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>• Costs to persons who are required to apply for resource consent; however this is considered a small cost relative to the alternative of not managing the potential harm from uncontrolled earthworks.</li> <li>• The permitted standards are considered reasonable and enable the battering of a cut slope up to within 300mm of the boundary, and allows cut and fill up to 300mm depth up to the boundary. This is more lenient and reasonable than the equivalent Chapter 22 Operative District Plan rules that for cuts, requires the crest of the cut is setback from the boundary the same distance as depth.</li> </ul> <p><b>Social &amp; Cultural</b></p>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>• The rules will ensure an appropriate level of intervention where cuts and fill could have adverse effects on land stability.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>• The intervention and requirement for a resource consent/limit for permitted activities are likely to prevent persons from undertaking earthworks that could undermine existing buildings, or areas with surcharge. The requirement for a resource consent will ensure that if necessary earthworks and stability issues are appropriately addressed. This will ensure that from an economic perspective earthworks are managed to prevent harm to existing built resources.</li> </ul> <p><b>Social &amp; Cultural</b></p>	<p><b>Effectiveness:</b></p> <p>The provisions enable earthworks while setting in place measures to protect, where necessary land and built resources from stability issues.</p> <p>The provisions also provide a clear and effective process for when an accidental discovery is made.</p> <p>Identified sites of significant to iwi will be protected by not allowing any earthworks as a permitted activity in these areas.</p> <p>Appropriate controls are implemented to ensure that effects from these activities are no more than minor or are avoided where appropriate and practicable.</p> <p><b>Efficiency</b></p>

<p>cleanfill, cleanfill facility, mineral exploration,</p> <p>Mineral prospecting, Regionally Significant Infrastructure.</p> <p>Variation to Subdivision Chapter 27.</p> <p>Variation to Jacks Point Chapter 41.</p>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>	<p>The provisions provide the most appropriate approach to managing earthworks where stability, hazards are at issue.</p> <p>Where earthworks affect a site of significance to iwi the process is not efficient as a Discretionary resource consent is required, however the level of intervention is appropriate to ensure section 6(e) of the RMA is provided for.</p> <p>The rules and policies are not considered to be overly-restrictive and are reasonable in the context of the likely sensitivity of the receiving environment.</p>
<p>Heritage and Tangata Wheua</p> <p>Variation to Chapter 2 –</p>	<p><b><i>Environmental &amp; Social &amp; Cultural</i></b></p> <ul style="list-style-type: none"> <li>None identified. The rules have a relatively high level of intervention and this is considered appropriate.</li> </ul> <p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>Potential costs for person undertaking</li> </ul>	<p><b><i>Environmental Social &amp; Cultural</i></b></p> <ul style="list-style-type: none"> <li>Appropriate level of intervention for safeguarding of heritage and arras of significance to Tangata Whenua.</li> </ul> <p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>Early and appropriate intervention could</li> </ul>	

<p><b>Definitions:</b></p> <p><b>Earthworks, landfill, mining activity, cleanfill, cleanfill facility, mineral exploration, Mineral prospecting, Regionally Significant Infrastructure.</b></p> <p><b>Variation to Subdivision Chapter 27.</b></p> <p><b>Variation to Jacks Point Chapter 41.</b></p>	<p>earthworks within an identified/protected area or where an accidental discovery is made. However the costs are low compared to the potential harm to heritage and cultural values.</p>	<p>save persons from further delays prosecution if the protocols in the accidental discovery advice in Schedule 25.10 are observed.</p>	
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**Table 3.**

**Matters that will not be notified**

Rule 25.6 states that activities that exceed the area (m<sup>2</sup>) limitation (Rule 25.5.11) shall not require the written consent of other persons and shall not be

notified or limited notified.

The principal reasons for the area limitation are to manage the potential adverse effects from land disturbance that are soil erosion, sediment generation and run-off, traffic effects and dust arising from earthworks that are of a relatively short term duration associated with construction activities.

The reason for making these activities not applicable to a 'notification assessment' and precluding any opportunity for involvement by other persons is that the actual and potential adverse effects should be able to be sufficiently avoided by the design and implementation of erosion and sediment methods and construction related methods to ensure that sediment and dust are managed. The restricted discretionary activity status provides the Council with sufficient power to decline applications that have insufficient design relating to erosion and sediment management, and providing the design is adequate there is a high degree of certainty that the environment and other persons would be subject to negligible adverse effects, through the implementation of the approved design and imposing conditions.

It is considered impractical and unlikely the non-notification elements of this rule could be used to circumvent an undesirable outcome on the environment or other persons because There are also other rules in the Earthworks Chapter that would require a resource consent to address the actual and potential environmental effects associated with uncontrolled land disturbance activities:

- Earthworks within a statutory acknowledgment Area (Rule 25.4.6), or accidentally discovers an archaeological site (Rule 25.5.18);
- Earthworks must be undertaken in a way that prevents sediment entering water bodies, stormwater networks or going across property boundaries (Rule 25.5.12);
- Material being transported shall be deposited on any Road (Rule 25.5.13); and
- Any person carrying out earthworks shall implement dust control measures to minimise nuisance effects of dust beyond the boundary of the site (Rule 25.5.14).

It is considered that applications relating to the area of land disturbed can be efficiently and effectively processed without notification because the matter is a process component should be able to designed sufficiently such that the activity complies with other standards.

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>• Potential where other persons are prevented from being involved, unless the case for a special circumstance arises.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>• Subsequent economic costs to those</li> </ul>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>• No direct environmental benefits.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>• Reduced economic costs through a curtailed resource consent process where non-notification is guaranteed and an abridged assessment and decision making reporting obligations under section 104 of</li> </ul>	<p><b>Effectiveness:</b></p> <p>The notification clause is a process related component of the PDP, rather than an environmental matter. However, better and more effective outcomes can be had where there is a wide range of input from parties other than the applicant and the Council.</p> <p><b>Efficiency</b></p> <p>The non-notification of these applications will ensure</p>

<p>persons precluded from the process where there is an economic cost to them (i.e. an adverse effect that diminishes their economic value in some way). However, given the other rules in the Earthworks Chapter that manage adverse effects and could result in notification, it is considered the economic costs are low.</p> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Cultural costs could be where environmental harm causes a cultural value (i.e. Tangata Whenua) to be affected. However it is considered that there are other rules in the earthworks chapter that ensure consent is required and potential for notification, especially where statutory acknowledgment areas are involved that would ensure notification processes are available, if required (i.e. Rule 25.5.19 setback from water bodies and Rules 25.5.14 and 25.4.5 and 25.4.6 relating to sites of significance to iwi.</li> </ul>	<p>the Act, instead of section 95, that often requires lengthier assessments to satisfy the respective tests to determine whether the application needs to be process on a notified or limited notified basis.</p> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>None identified.</li> </ul>	<p>efficiency in addressing potential adverse effects from temporary activities such as construction and land development that can be addressed through design with oversight from the Council alone.</p> <p>The non-notification of these activities will also fit with the status for subdivisions in Chapter 27 pf the PDP were many subdivisions that comply with the minimum allotment size or density rules will be processed on a non-notified basis. Rule 25.3.4.1 sets out that the area of land disturbance rule is applicable to subdivision activities. This is to reinforce and provide sufficient oversight of the importance of appropriate management of subdivision development, particularly large green-field subdivisions.</p> <p>The non-notification provision for these activities will improve efficiency with plan administration.</p>
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<p><b>Table 4.</b></p> <p><b><u>Matters that require an assessment to determine whether an application is processed on a notified basis.</u></b></p> <p>Table 3 above identifies and evaluates the activities that shall be processed without notification.</p> <p>All other earthworks activities would require an assessment under section 95 of the Act as to whether the adverse effects are such that the application is processed on a notified basis, or without notification but with notice served on specified persons.</p> <p>Although earthworks are contemplated as part of many land uses and land development activities. The adverse effects resulting from earthworks can be</p>
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significant if not appropriately managed or designed appropriately or undertaken within what is reasonably expected by the zone the earthworks are located within. There can also be a range of adverse effects on other persons and statutory agencies associated earthworks in sensitive locations, large scale earthworks that can have adverse effects on visual amenity, landforms and natural features.

It is considered appropriate that standards relating to earthworks near boundaries of properties could be notified for reasons relating to amenity generally, land stability effects and visual amenity from modification to the landform.

Overall, the requirement for applications to undergo a notification assessment and could be processed on a notified or non-notified basis is substantially less efficient than a non-notification provisions. However the costs associated with precluding other persons from the process not providing the opportunity for notification where adverse effects are significant is not appropriate and is not considered to be justifiable.

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>• None identified.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>• Costs to applicants where the activity has adverse effects on another person and written approval is required for the activity to be processed on a non-notified basis.</li> <li>• Potential substantial costs and time delays associated with applications being processed on a notified or limited basis, however this is commensurate to the likely scale or breadth of the activity.</li> <li>• Cost to Council and consent holders where notification decision are challenged through judicial review process.</li> </ul>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>• Could result in earthworks that are avoided or more sensitive with respect to effects on other persons.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>• Has potential for more sensitive and appropriately considered earthworks activities that in the longer terms, and from a District perspective</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>• Benefits to persons and community for ability for wider input through notified resource consent applications when these present.</li> </ul>	<p><b>Effectiveness:</b></p> <p>The ability for applications to be notified could result in more sensitive designs from the outset, particular in sensitive environments.</p> <p><b>Efficiency</b></p> <p>Requiring an assessment to determine whether an application is processed on a notified or limited notified basis is not as efficient as non-notification. The requirement for an application to be processed where submissions and/or a hearing is required can be very inefficient for the applicant. However, the process should be commensurate to the scale of the activity.</p>

<b>Social &amp; Cultural</b> <ul style="list-style-type: none"> <li>• None</li> </ul>		
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<b>Other reasonably practicable options for achieving the objectives (s32(1)(b)(i)):</b>
<b>Option 1</b> <b>Permitting earthworks within the footprint of a building</b> <p>Some Council's district plans permit earthworks irrespective of volume/location where it is associated with a dwelling that has building consent<sup>11</sup>. This method was considered but was not considered to achieve the objectives as well as the preferred rules for the following reasons:</p> <ul style="list-style-type: none"> <li>• The volume standards are relatively permissive and should address most residential construction scenarios to the extent contemplated in the respective zone;</li> <li>• Anecdotal advice received was the these rules acted as a disincentive to persons undertaking initial subdivision/land development to bench and contour sites in an integrated manner, and left the earthworks to the end developer/homebuilder, which lead to an ad-hoc outcome in terms of finished levels between adjoining properties;</li> <li>• There could be unintended adverse effects from exempting earthworks within a footprint and uncertainty with rule interpretation and plan administration.</li> </ul>
<b>Option 2</b> <b>A tiered rule framework for erosion and sediment management</b> <p>The Council has received advice on the most appropriate methods to manage soil erosion and sediment generation and run-off. That advice is to have a rule limiting the area of land disturbed both under (10,000m<sup>2</sup>) and over (2500m<sup>2</sup>) a specified slope of 10°, derived from an analysis of a soil loss equation based on parameters unique to the District.</p> <p>The advice also considered additional rules for various receiving environments however decided this was not necessary given the characteristics of the potential for soil loss in the District, sensitivity to receiving environments and the additional rules, including a setback of earthworks from waterbodies of 10 metres.</p>

<sup>11</sup> i.e. Christchurch Replacement District Plan, and Upper Hutt District Plan.

It was investigated whether additional rules were appropriate once earthworks over a certain scale required consent under a separate rule (i.e. area of land disturbed over 30,000m<sup>2</sup>), on the basis that it would be likely that there could be a higher potential for adverse effects and it indicated a higher level of oversight was required.

This option was rejected on the basis that irrespective of the scale of land disturbance the matters of discretion and assessment matters are suitable to address activities of all scales. The recommended area limitations are appropriate and no additional rules for large scale activities are considered necessary.

### **Option 3**

#### **Exempting all earthworks associated with a subdivision (operative District Plan Chapter 22)**

The Proposed Earthworks Chapter exempts the following earthworks where associated with a subdivision:

- a. volume standards in Table 25.2;
- b. Rule 21.5.15 cut standards; and
- c. Rule 21.5.16 fill standards.

The reason for this is because the volume of material exceedances is often not relevant in the context of the overall activity, particularly when the nature and scale of the subdivision is contemplated by the zone.

The Operative District Plan Earthworks Chapter 22 appears to exempt all earthworks associated with a subdivision. This option is not considered appropriate because there is not considered to be any reason why there is a difference in adverse effects on (for instance) an adjoining owner if earthworks undertaken within a property boundary setback, or setback from a water body for a subdivision, or for any other land use.

It is important that an assessment as to the effects on adjoining property owners is available where cut and fill adjacent to the boundary could have substantial adverse effects on these persons. Continuation of the operative regime is not the most appropriate way to meet the objectives.

### **Option 4**

#### **Setbacks of earthworks from other properties**

The Operative District Plan Chapter 22 requires that the crest of a cut is setback from a property the same distance as the cut (i.e. a 1 metre deep cut must be setback 1 metre from the boundary). The rule is considered to be potentially difficult to be complied with where driveways are located near a property boundary's and, the rule seems to encourage vertical cuts because of the requirement to ensure the crest of the cut is setback from the boundary the same distance as the depth.

It is considered more appropriate to enable cuts closer to a property boundary providing the cut does not undermine any structures or the land on neighbouring properties. The proposed rule enables a cut of 1:3 on the basis it is setback at least 300mm from the boundary. A cut of 1:3 is shallower than the Council's code of practice, however a gradient of 1:3 (expressed in Rule 25.5.19 as a requirement for the distance to be 1.5 times the depth) is considered suitable as a permitted rule. Continuation of the operative setback from boundary for cut is not considered the most appropriate way to meet the objective.

#### **Option 5**

##### **Not providing any assessment matters**

The approach through the PDP is to reduce assessment matters in favour of applying the consideration of activities through the policies themselves. It is the case with the earthworks Chapter and the wide variety of activities that earthworks are associated with, and range of zones and receiving environments that assessment matters were included. While this is a departure from other District Wide Chapters of the PDP it is considered the most appropriate way to achieve the objectives, in this instance.

Assessment matters can be ineffective where they do nothing more than mimic the policy, in this case the assessment matters articulate at a finer grain, how an activity is designed or will be undertaken and the extent this accords with the policy, the assessment matters in this instance provide added value and are considered the most appropriate way to meet the objective.

## **10. THE RISK OF NOT ACTING**

- 10.1. Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.
  
- 10.2. The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

**Appendix 1. Approaches to earthworks – Review of 7 District Plans within 3 regions and comparison of the relationship with the Regional Policy Statements and Plans, with particular regard to the management of soil erosion and sedimentation.**

## **Appendix 2. Review of management for erosion and sediment management**

Appendix 1. Approaches to earthworks – Review of 7 District Plans within 3 regions and comparison of the relationship with the Regional Policy Statements and Plans, with particular regard to the management of soil erosion and sedimentation

Region	Territorial Authority	District Plan	Rules	Generic Overview	Non Notification	Regional Council Policy Statements and Plans
Otago	Queenstown Lakes	Operative District Plan Chapter 22 (June 2016)	Volume limits	<ul style="list-style-type: none"> <li>300m<sup>3</sup> Residential Zones</li> <li>1000m<sup>3</sup> Rural General Zone</li> </ul>	Most earthworks non-notified except:	<p><b>Otago Regional Policy Statement</b></p> <p>The Operative Regional Policy Statement (1998) (<b>ORPS</b>) identifies in Issue 5.3.3 (Otago’s water resources may be adversely affected by land activities) sedimentation associated with a range of land uses and activities.</p> <p>Policy 5.5.5(c) seeks to minimise the adverse effects of land use activities on the quality and quantity of Otago’s Water resource through...<i>(c) Avoiding, remedying or mitigating the degradation of groundwater and surface water resources caused by the introduction of contaminants in the form of chemicals, nutrients and sediments resulting from land use activities.</i></p> <p>A range of methods are identified in the ORPS to manage the effects of earthworks and sedimentation from land use activities, however, there is not a distinctly identifiable obligation for either regional or district plans.</p> <p>Method 5.6.21 is identified as being of relevance in terms of managing erosion and sediment: <i>‘Consider including provisions and conditions in district plans and on resource consents to avoid, remedy or mitigate soil degradation resulting from the subdivision use, development or protection of land .</i></p> <p>Method 21.6.23 states <i>‘Consider including provisions or conditions in district plans and on resource consents which seek to avoid, remedy or mitigate the adverse effects of land use activities on water resources’.</i></p> <p>These two methods in particular are considered to give direction to territorial authorities to manage the effects of erosion and sedimentation arising from land use activities.</p> <p>The Proposed Regional Policy Statement 2015 (<b>PRPS</b>) (Decision version 1 October 2016) states that policies 3.1.7 (Soil Values), 3.1.8 (Soil erosion) and 5.4.1 (Managing for urban growth and development) are to be given effect to a range of Methods including via City and District Plans (Method 4.1.4).</p> <p>In particular, the Methods for Policy 3.1.8 (Soil Erosion) do not identify any obligation through Regional Plans to manage erosion and sedimentation through land use activities.</p> <p>Method 4.1.4 (District and City Plans) is <i>‘Policies 3.1.7, 3.1.8, and 5.4.1 by including provisions to manage the discharge of dust, and silt and sediment associated with earthworks and land use’.</i></p> <p>The PRPS places a clear obligation on territorial authorities to manage the potential effects of erosion and sedimentation from land use activities through district plans. The Otago Regional Council currently do not have a dedicated regional earthworks or soil conservation plan and the Methods of the PRPS indicate that it is intended that erosion and sediment is managed primarily by District and City Plans.</p>
			Area limits	<ul style="list-style-type: none"> <li>None</li> </ul>	Involving blasting or presence of substantial groundwater, earthworks located within an internal or road boundary (22.3.2.6(i)).	
			Other Rules	<ul style="list-style-type: none"> <li>&lt;20m<sup>3</sup> within 7m of waterbody.</li> <li>Not expose groundwater.</li> <li>Manage erosion and sediments</li> <li>Cut &lt;2.4m</li> <li>Fill &lt;2.0m</li> <li>Any person carrying out earthworks shall implement sediment and erosion control measures to avoid sediment effects beyond the boundary of the site. (22.3.3.iv(a)).</li> </ul>	Volume limitations except where specified zones adjoins a residential or Open Space – Landscape Protection (22.3.2.6(ii)).  Involvement with the National Grid	
						<p><b>Otago Regional Plans</b></p> <p>The Otago Regional Plan: Water for Otago (Operative 2004) contains the following provisions that relate to the discharge of water containing contaminants (including sediments) to water (Lakes/rivers/coast):</p>

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Rule 12.C.1.1 permits the discharge of water or any contaminant to water, or onto or into land which may result in a contaminant entering water is a permitted activity providing a range of qualifiers are met, including at (d) the discharge:

(d)(i) Does not result in:

- (1) A conspicuous change in colour or visual clarity; or
- (2) A noticeable increase in local sedimentation, in the receiving water (refer to Figure 5); and

(ii) Does not have floatable or suspended organic materials; and

(iii) Does not have an odour, oil or grease film, scum or foam; and

...

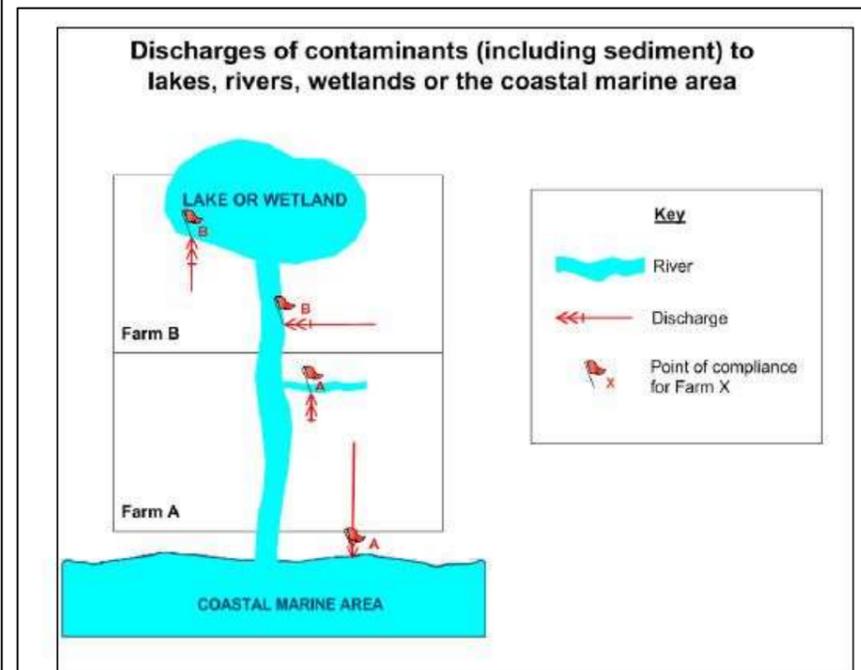


Figure 5: Implementation of Rule 12.C.1.1(d)(i)

In terms of achieving compliance associated with sediments entrained in water, Figure 5 makes it clear that the measurement/compliance point is where the sediment entrained water enters the river or lake and that for permitted status it must not result in (i)(2) 'a noticeable increase in local sedimentation, in the receiving environment'

Non-compliance would require discretionary activity resource consent pursuant to Rule 12.C.3.

Rule 12.C.0.3 holds a prohibited activity status for the discharge of sediment from disturbed land to water where no measure is taken to mitigate sediment runoff.

Typically therefore, water runoff from a site with disturbed land is permitted providing the sediment laden water does result in either a conspicuous change in colour or visual clarity or a noticeable increase in local sedimentation in the receiving water.

If no measures are made the activity status is prohibited and no resource consent can be granted. Where there is non-compliance but where measures have been made resource consent is required as a discretionary activity.

While rules are in place in the Otago regional Plan: Water, these are suited to activities where it would be a pre-meditated action before the activity commenced to note that compliance with the

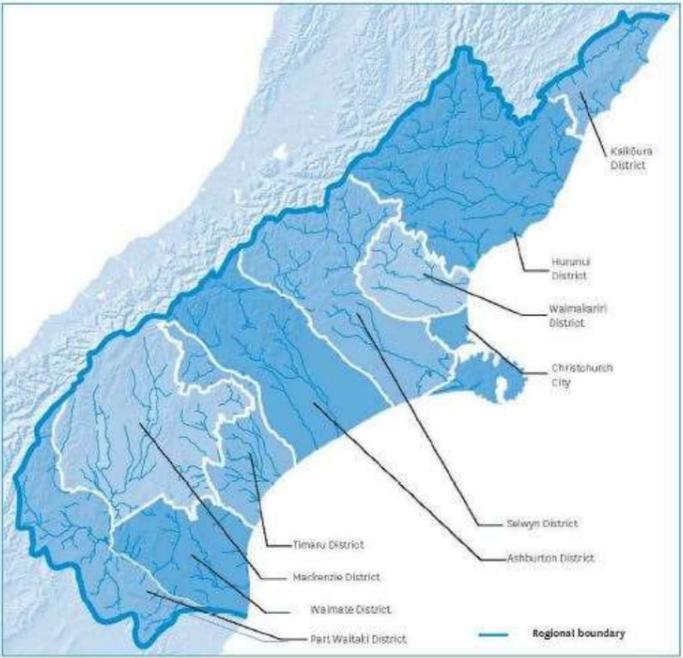
Appendix 1. Approaches to earthworks – Review of 7 District Plans within 3 regions and comparison of the relationship with the Regional Policy Statements and Plans, with particular regard to the management of soil erosion and sedimentation

						<p>permitted standards cannot be achieved and to apply for a resource consent. The prohibited limb of the rule framework makes it clear that no avenue is provided to discharge sediments to rivers and lakes without undertaking sediment management measures. Instances where a resource consent is applied for to discharge sediment laden water to a waterbody would be for works within or adjacent to a waterbody and while sediment management would expected to be employed it is not possible to avoid all sediments entering the water stream and noticeable sedimentation of the water could occur. The types of activities that fall under these circumstances are culvert and bridge pile installation and repair.</p> <p>It is considered that because the Otago Regional Plan: Water does not control land disturbance activities, only the effects of a discharge, the opportunity to proactively manage the potential adverse effects of sedimentation entering rivers; lakes or onto land arising from temporary construction activities associated with land use activities is limited. It is unlikely that the proponents of typical subdivision and development activities would apply for a discretionary activity through the Otago regional Plan: Water on the off-chance permitted status could not be achieved. It could also be the case that the Otago Regional Council would encourage compliance with the permitted standards to minimise effects on the receiving environment, rather than grant a discretionary activity resource consent where compliance with Rule 12.C.1.1 can be achieved.</p> <p>The Regional Plan Water does not directly intervene with land use activities to manage soil conservation or the potential effects of erosion and sedimentation. Instead, the Regional Plan Water does not specify controls on land uses or land disturbance activities, but controls adverse effects on the environment through managing discharges.</p> <p><b>Regional land use plan earthworks/land activities</b></p> <p>The Otago Council does not have a land use plan to manage the effects of earthworks for soil conservation or sedimentation.</p> <p>The management of sedimentation to water on sites with land disturbance activities, to ensure that runoff from these sites complies with Rule 12.C.1.1 of the Otago regional Plan: Water is a permitted activity is considered to fall on district and city plans. This is reinforced by Method 4.1.4 identified in the PRPS 2015.</p> <p><b>Relationship between the QLDC Operative Earthworks Chapter and Regional Plans/Policy Statements</b></p> <p>The Operative Earthworks chapter assists with the management of the potential adverse effects of erosion and sedimentation through the standard that requires erosion and sediment management is undertaken (Rule 22.3.3.iv(a)), and indirectly through limits on the volumes on a site and within 7 m of a waterbody.</p> <p>The Operative Earthworks Chapter provides for the management of potential adverse effects of erosion and sedimentation from land disturbance activities in the absence of a regional land use plan that directly specifies land use activities. However the level of intervention is not direct and is left to a single generic rule that requires erosion and sediment management is undertaken.</p>
Otago	Dunedin City	2GP notified October 2015 (DCC 2GP)  Residential Zones (Rule 15.6.2)	Volume limits	Ratio of volume per area, maximum allowed 30m <sup>3</sup> per 100m <sup>2</sup> of site, reducing as the gradient increases: i.e. >26° but <35° permits 0m <sup>3</sup> fill, 5m <sup>3</sup> cut per 100m <sup>2</sup> of site.	Rule 15.4. No non-notification provisions for earthworks.	<p><b>Refer to the above discussion on the Otago Regional Council Statements and Plans.</b></p> <p><b>Relationship between the DCC 2GP Earthworks Chapter and Regional Plans/Policy Statements</b></p> <p>The DCC 2GP includes controls to manage the areas of land disturbed and has additional emphasis in sensitive areas and receiving environments. The DCC 2GP provides for the management of potential adverse effects of erosion and sedimentation from land disturbance</p>

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			<b>Area limits</b>	Residential Area: (Nil) Urban conservation area (50m <sup>2</sup> ) Within 5m of a water body (25m <sup>2</sup> )		activities in the absence of a regional land use plan that directly specifies land use activities.  The DCC 2GP utilises area disturbance limits in sensitive receiving environments and has a generic rule that ensures erosion and sediment management is effective (Rule 15.6.2.7).
			<b>Other Rules</b>	< 1.5m change in ground level (cut/fill)  Earthworks must be undertaken in a way that prevents sediment entering water bodies, stormwater networks or going across property boundaries. (15.6.2.7)		
Otago	Central Otago	Operative 1 April 2008	<b>Volume limits</b>	<b>Section 7 Residential Resource Area</b>	None identified.	<b>Refer to the above discussion on the Otago Regional Council Statements and Plans.</b>  <b>Relationship between the Central Otago District Plan and Regional Plans/Policy Statements</b>
			<b>Area limits</b>	No earthworks rules identified with the exception of earthworks in relation to the National Grid (refer to District Wide Rules and Performance Standards Section 12).		The Central Otago District Plan has few controls to manage the areas of land disturbed and potential adverse effects of erosion and sedimentation from land disturbance activities in the absence of a regional land use plan that directly specifies land use activities.
			<b>Other limits</b>	Earthworks are a matter of control or discretion with subdivision.  <b>Section 5 Water Surface and Margin Resource Area</b> Rule 5.7.2 (b))Earthworks within 10m of a water body is a restricted discretionary activity.  <b>Rural Resource Area (Section 4)</b>  Earthworks shall not exceed 20m <sup>3</sup> within 10m of a water body. Rule 4.7.6.I.  Earthworks shall not exceed 2000m <sup>2</sup> or 3000m <sup>3</sup> . (Rule 4.7.6J(b))		
Otago And Canterbury	Waitaki	Operative May 2010	<b>Volume limits</b>	<b>Residential Rules (Part III Section 2)</b>	Earthworks greater than 100m <sup>3</sup> or 50m <sup>2</sup>	<b>Refer to the above discussion on the Otago Regional Council Statements and Plans.</b>  <b>Relationship between the Waitaki District Plan and Otago Regional Plans/Policy Statements</b>

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			<p>No earthworks rules identified.</p> <p><b>Rural Areas (Part III Section 4)</b>          &lt;100m<sup>3</sup> (controlled activity)          Rule 4.3.2(1)</p>		<p>The Waitaki District Plan has few controls to manage the areas of land disturbed and potential adverse effects of erosion and sedimentation from land disturbance activities in the absence of a regional land use plan that directly specifies land use activities.</p>
		<p><b>Area limits</b></p>	<p><b>Rural Areas (Part III Section 4)</b>          &lt; 50m<sup>2</sup> (controlled activity)          (Rule 4.32.(i).</p>		<p><b>Canterbury Region</b>  <b>Regional Policy Statement Revised February 2017</b></p>
		<p><b>Other limits</b></p>	<p><b>Subdivision (Part III Section 14)</b></p> <p>Matters of control and discretion for subdivision include stormwater runoff (7b)</p>		<p><b>Map of Canterbury region</b></p>  <p>The Waitaki District is located within both the Otago and Canterbury regions, as illustrated in the image above, sourced from the Canterbury Regional Policy Statement.</p> <p>Land uses causing soil and sediment run-off into water bodies and coastal water, and adversely affecting the quality of that water, are addressed in Chapter 7 - Fresh Water.</p> <p>Broadly, the relevant objectives are:</p> <ul style="list-style-type: none"> <li>• Objective 7.2.1 – Sustainable management of fresh water;</li> <li>• Objective 7.2.2 – Parallel processes for managing fresh water</li> <li>• Objective 7.2.3 Protection of intrinsic value of waterbodies and their riparian zones.</li> </ul> <p>Policy 7.3.7 – Water quality and land gives effect to these objectives and states:</p> <p><i>To avoid, remedy or mitigate adverse effects of changes in land uses on the quality of fresh water (surface or ground) by:</i></p> <ol style="list-style-type: none"> <li>1. identifying catchments where water quality may be adversely affected, either singularly or cumulatively, by increases in the application of nutrients to land or other changes in land use; and</li> <li>2. controlling changes in land uses to ensure water quality standards are maintained or where water quality is already below the minimum standard for the water body, it is improved to the minimum</li> </ol>

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						<p>The Methods state at (2) Local Authorities will ‘<i>Work together to manage the adverse effects of land uses on freshwater quality including appropriate controls on land uses in district or regional plans. This may include adopting a holistic approach to the management of the impacts of development such as low-impact urban design and development principles, and riparian management.</i>’</p> <p>The Canterbury RPS places as obligation on district councils to manage the effects of land uses on water quality.</p> <p><b>Canterbury Land and Water Regional Plan 2017 (CLWP 2017)</b></p> <p>The Canterbury Land and Water Regional Plan has jurisdiction over the diversion and discharge of stormwater, however it also manages the following land use activities that could also generate erosion and sedimentation:</p> <ul style="list-style-type: none"> <li>• Stormwater (Rules 5.93A – 5.97).</li> <li>• Earthworks and vegetation clearance in Riparian Areas (Rules 5.167 – 5.169).</li> <li>• Vegetation Clearance and Earthworks in Erosion - Prone Areas (Rules 5.170 – 5.171).</li> <li>• Burning of Vegetation (Rules 5.172 – 5.174).</li> </ul> <p><b>Stormwater (Rules 5.93A – 5.97)</b></p> <p>Rules 5.93A to 5.94 manage stormwater discharged from a reticulated stormwater system. A cascading rule framework is used to manage stormwater runoff from land disturbance, including ‘construction-phase stormwater’. Construction-Phase stormwater is defined in the CLWP 2017 as:</p> <p style="text-align: center;"><i>Means water, sediment and entrained contaminants resulting from precipitation on exposed or unstabilised land and which arises from construction or demolition activities, or the development of a building site.</i></p> <p>The discharge of stormwater or construction phase stormwater requires resource consent as a restricted discretionary activity if qualifiers are met including the preparation of a stormwater management plan and the discharge meets parameters set out in schedule 8 of the CLWP 2017. Activities that fail these are a non-complying activity (Rule 5.94).</p> <p>Rule 5.94A - B manages discharges of construction phase stormwater from non-reticulated stormwater systems.</p> <p>The discharge of construction phase stormwater in these circumstances is permitted if certain qualifiers relating to the area of land disturbed are met including:</p> <ul style="list-style-type: none"> <li>• The area of disturbed land from which the discharge is generated is less than 1000m<sup>2</sup> within an area identified in the planning maps as High Soil Erosion Risk, or</li> <li>• Two hectares in any other location (Rule 5.94 1 (b))</li> <li>• Limits on the concentration of suspended solids</li> <li>• Limits on the increase in the flow of any receiving waterbody</li> <li>• The discharge is not from a contaminated water body, contain hazardous substances and does not occur within a community drinking-water protection zone identified in the CLWP 2017.</li> </ul> <p>Non-compliance is a restricted discretionary activity (Rule 5.94B)</p> <p>Through these rules the CLWP 2017 controls land use to manage the potential effects of sedimentation from land disturbance.</p>
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						<p><b>Earthworks and vegetation clearance in Riparian Areas (Rules 5.167 – 5.169)</b></p> <p>Rule 5.167 controls the use of land for vegetation clearance outside the bed of a river, lake or adjacent to a wetland boundary, but within 10m of land identified as Hill and High Country or as High Soil Erosion Risk on the planning maps and any associated discharge of sediment or sediment laden water where it may enter surface water is a permitted activity providing conditions are met.</p> <p>Rule 5.168 controls earthworks in the same areas described above as a permitted activity providing conditions are met, including that earthworks are limited to 500m<sup>2</sup> or 10% of the area, the volume is less than 10m<sup>3</sup>.</p> <p>Non-compliance with Rules 5.167-5.168 is a restricted discretionary activity.</p> <p>These rules control land use to manage the potential effects of sedimentation from land disturbance.</p> <p><b>Vegetation Clearance and Earthworks in Erosion - Prone Areas (Rules 5.170 – 5.171)</b></p> <p>Specific land use activities are controlled within areas identified in the CLWP 2017 as High soil erosion risk to manage erosion and sedimentation. The activities and controls include:</p> <ul style="list-style-type: none"> <li>• Cultivation or spraying of slopes greater than 25° is limited to 200m<sup>2</sup></li> <li>• Creation or the maintenance of existing firebreaks limited to cuts of 0.5m</li> <li>• Construction of walking tracks up to 1.5m wide</li> <li>• Earthworks limited to 10m<sup>3</sup> per hectare and maximum depth of cut or fill is limited to 0.5m</li> <li>• Limits on the concentration of total suspended solids of discharges</li> </ul> <p><b>Burning of Vegetation (Rules 5.172 – 5.174)</b></p> <p>Burning of vegetation is a permitted activity providing conditions are met including:</p> <ul style="list-style-type: none"> <li>• Burning does not occur within 5m of the bed of a river where the wetted bed is more than 2m wide or a wetland boundary where the wetland is more than 0.5ha in area</li> <li>• Within an area to be burnt the area of bare ground is less than 20%, the slope is less than 35° and the land is less than 900m above sea level</li> <li>• The burnt area is either spelled from grazing for a minimum of 6 months following burning, or sown with pasture within 6 months of burning, or planted with trees within one year of burning.</li> </ul> <p>Where non-compliance is not achieved, a controlled activity is required providing a range of qualifiers are met. The matters of control relate to effects on water quantity and quality and soil conservation. The matters of control or discretion associated with non-compliance of the rule</p> <p>As well as managing the effects of sedimentation on water quality, the vegetation clearance and earthworks in erosion – prone areas and burning of vegetation rules (Rules 5.170 – 5.174) also address the Canterbury Regional Council's responsibility under section 30(1)(c) of the Act to control the use of land for the management of soil conservation.</p> <p><b>Relationship between the Waitaki District Plan and Canterbury Regional Plans/Policy Statements</b></p> <p>The Waitaki District Plan has few controls to manage the areas of land disturbed and potential adverse effects of erosion and sedimentation. However, as discussed above, the CLWP 2017 has land use rules that manage the potential adverse effects of soil erosion and sedimentation. The CLWP 2017 makes up for the apparent shortfall in the rules in the Waitaki District Plan where it is within the jurisdiction of the Canterbury Region.</p>
Canterbury	Christchurch	Christchurch Replacement District Plan	Volume limits	Table 9: maximum volumes <ul style="list-style-type: none"> <li>• Residential Zones 20m<sup>3</sup> site</li> </ul>	Controlled and restricted discretionary	<p><b>Refer to the above discussion on the Canterbury Regional Council Statements and Plans.</b></p> <p>Also note Policy 8.1.4.1.a. of the CRDP which is:</p>

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		(CRDP) Chapter 8 Subdivision, Development and Earthworks (part) Stage 2		<ul style="list-style-type: none"> <li>Commercial local and Banks Peninsula Zones 20m<sup>3</sup> site</li> <li>Commercial core/retail parks 1000m<sup>3</sup>/ha</li> <li>All rural zones 100m<sup>3</sup>/ha</li> <li>Transport no limit</li> </ul>	activities.	<p><i>Ensure earthworks do not result in erosion, inundation or siltation, and do not have an adverse effect on surface water or groundwater quality.</i></p> <p><b>Relationship between the CRDP and Canterbury Regional Plans/Policy Statements</b></p> <p>The CRDP does not have area limitations, however it has relatively conservative permitted thresholds and generic thresholds for steep slopes and waterbodies. The matters of discretion provide for the management of erosion and sedimentation.</p> <p>As discussed above, the CLWP 2017 has land use rules that also manage the potential adverse effects of soil erosion and sedimentation from land use activities. The CRDP rules provide an additional layer of management, primarily through the matters of discretion, however the rules of the CRDP do not duplicate the detailed rules of the CLWP 2017, in particular those relating to stormwater discharges related to 'construction-phase activities'.</p>
			Area limits	None		
			Other limits	<ul style="list-style-type: none"> <li>Earthworks shall not occur on land with a gradient steeper than 1 in 6 (Rule P1.iii).</li> <li>Chapter 6 City and Settlement Water Body Setbacks controls earthworks in within the bed of waterbodies.</li> </ul> <p>Matters of discretion include natural values and assessment matter 6.3.6.7.2 (c) includes any adverse effects of the discharge of sediment to the water body and downstream receiving environment.</p>		
Canterbury	Selwyn	Selwyn District Plan Operative 3 May 2016 (SDP)	Volume limits	<p>Township Volume:</p> <ul style="list-style-type: none"> <li>Not more than 2,000m<sup>3</sup> per project (Living Zones)</li> <li>Not more than 5,000m<sup>3</sup> per project (Business Zones)</li> </ul> <p>Rural Volume:</p> <ul style="list-style-type: none"> <li>Not more than 5,000m<sup>3</sup> per project</li> </ul>	No provisions identified	<p><b>Refer to the above discussion on the Canterbury Regional Council Statements and Plans.</b></p> <p><b>Relationship between the SDP and Canterbury Regional Plans/Policy Statements</b></p> <p>The SDP does not have area limitations or slope thresholds, and has relatively liberal permitted volume limits and generic setback rules for waterbodies. The matters of discretion are not particularly specific with regard to erosion and sediment management. For instance the most relevant matter of discretion (Rural Volume 2.1.5.3) is 'any mitigation measures proposed'. In the Rural Volume the matters of discretion do not specify erosion and sediment management but identify 'the effectiveness of any proposed mitigation measures' (Rural Volume 1.7.3.2).</p> <p>In the Rural Volume, Reasons for Rules (C1 Earthworks), states:</p> <p><i>Rules are needed to manage these effects because they often have effects on other people or other parts of the environment, rather than having a direct cost to the person undertaking the earthworks. The rules are included in the District Plan because: regional rules only apply to</i></p>
			Area limits	<p>Dust and siltation:</p> <ul style="list-style-type: none"> <li>Rule 1.7.1.4 Any stockpiling of earth, soil or other material</li> </ul>		

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				<p>within 100m of any dwelling, other than a dwelling erected on the same property as the earthworks, is to be kept moist and consolidated.</p>		<p><i>the Port Hills at present; and building consents are only required for earthworks related to dams over 20,000m<sup>3</sup> in size. Even when a building consent is required, it will only address matters relating to the stability of the excavation.</i></p> <p>It is uncertain whether this statement is currently accurate because the CLWP 2017 includes rules over all land areas, as discussed and identified above. It is noted that the SDP district plan review is underway however the replacement plan has not yet been notified.</p>
			<b>Other limits</b>	<p>Exemptions:</p> <p>1.7.1 (iii) any earthworks which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council.</p> <p>Township Volume:</p> <ul style="list-style-type: none"> <li>• Stockpiled material is kept consolidated or covered to avoid sediment run-off from rainfall (i.e. 2.1.1.2)</li> <li>• Setbacks from waterbodies of either 20m listed in Appendix 12 to the SDP or 10m of any other waterbody.</li> </ul> <p>Rural Volume</p> <ul style="list-style-type: none"> <li>• 20m setback of water bodies</li> <li>• 100m<sup>2</sup> within 5m of a water body over 5 years</li> <li>• 40m<sup>3</sup> within 5m of a water body over 5 years</li> </ul>		<p>As discussed above, the CLWP 2017 has land use rules that also manage the potential adverse effects of soil erosion and sedimentation from land use activities. The SDP rules provide limited additional complementary management, however the SDP does have regard to the CLWP 2017 and exempts earthworks that have a resource consent under the Canterbury Regional Land and Water Plan.</p>
<b>Wellington</b>	<b>Upper Hutt</b>	Operative	<b>Volume limits</b>	<ul style="list-style-type: none"> <li>• Rule 23.2 existing ground level cannot be altered by cuts more than 1.5m or fill of 0.5m, except these rules do not apply within 2 metres of the footprint of a dwelling.</li> </ul>	Activities shall be processed without notification unless Transpower New Zealand is identified as affected.	<p><b>Wellington Regional Policy Statement Operative 24 April 2013</b></p> <p><b>Section 4.1 Regulatory Policies – direction to district or regional plans and the Regional Land Use Transport Strategy</b></p> <p>The relevant policy is and explanation is copied in full:</p> <p><i>Policy 15: Minimising the effects of earthworks and vegetation disturbance – district and regional plans</i></p> <p><i>Regional and district plans shall include policies, rules and/or methods that control</i></p>
			<b>Area</b>	<ul style="list-style-type: none"> <li>• Rule 23.4 states that</li> </ul>		

Appendix 1. Approaches to earthworks – Review of 7 District Plans within 3 regions and comparison of the relationship with the Regional Policy Statements and Plans, with particular regard to the management of soil erosion and sedimentation

			<p><b>limits</b></p>	<p>the physical extent of earthworks shall not exceed 150m<sup>2</sup> in surface area on any one site within any continuous 12 month period.</p> <ul style="list-style-type: none"> <li>• Rule 23.13 states within an area identified as Southern Hills Overlay Area, the physical extent of earthworks shall not exceed 300m<sup>2</sup> in surface area on any one site within any continuous 12 month period. However this rule primarily relates to landscape effects.</li> </ul>	<p><i>earthworks and vegetation disturbance to minimise:</i></p> <p>(a) erosion; and (b) silt and sediment runoff into water, or onto land that may enter water, so that aquatic ecosystem health is safeguarded.</p> <p><i>Explanation</i> An area of overlapping jurisdiction between Wellington Regional Council and district and city councils is the ability to control earthworks and vegetation disturbance, including clearance. Large scale earthworks and vegetation disturbance on erosion prone land in rural areas and many small scale earthworks in urban areas – such as driveways and retaining walls – can cumulatively contribute large amounts of silt and sediment to stormwater and water bodies. This policy is intended to minimise erosion and silt and sedimentation effects associated with these activities.</p> <p>The policy and explanation make it clear that erosion and sediment management from land disturbance is both a regional council and territorial authority function.</p> <p><b>Wellington Regional Soil Plan Operative 9 October 2000</b></p> <p>The Regional Soil Plan applies to soil disturbance and vegetation disturbance on erosion prone land only. There are four rules in the Plan. These control:</p> <ul style="list-style-type: none"> <li>• roading and tracking (unless it is associated with works allowed by a subdivision consent)</li> <li>• disturbing more than 1000 cubic metres of soil clearing more than one hectare of vegetation</li> </ul> <p>Any development or use of land that is not specifically restricted by a rule in the Plan is allowed as of right (unless it is restricted by a rule in a district plan).</p> <p><b>Wellington Regional Freshwater Plan Operative December 1999</b></p> <p>Rule 2 ‘Stormwater discharges’ manages the discharge of sediment to stormwater into surface water providing conditions are met including:</p> <p>...</p> <p>(3) <i>The person responsible for the discharge shall ensure that, after reasonable mixing, the stormwater discharge will not give rise to any of the following effects:</i></p> <p>(a) <i>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or</i> (b) <i>any conspicuous change in the colour or visual clarity; or</i> (c) <i>any emission of objectionable odour; or</i> (d) <i>the rendering of fresh water unsuitable for consumption by farm animals; or</i> (e) <i>any significant adverse effects on aquatic life; and</i></p> <p>(3a) <i>The discharge does not originate from an area of bulk earthworks greater than 0.3 ha;</i></p> <p>Non-compliances would require a discretionary activity resource consent.</p> <p><b>Relationship between the Upper Hutt District Plan and Wellington Regional Plans/Policy Statements</b></p> <p>The key rule of the Wellington Regional Council Freshwater Regional Plan is that land disturbance limited to 0.3ha.</p> <p>The Upper Hutt District Plan identifies in Part 9.5.1 ‘Subdivision and Earthworks’ the need for performance standards and consent conditions to minimise the adverse effects of earthworks, including managing dust, water body siltation, soil erosion, effects on ground stability and other hazards.</p>
			<p><b>Other limits</b></p>	<ul style="list-style-type: none"> <li>• Rule 23.5 requires that a resource consent is required to undertake Earthworks on ‘erosion prone land’ identified as having a gradient steeper than 28°, or within 10m of such a slope.</li> <li>• Rule 23.6 requires that earthworks shall not be undertaken within 10m of a waterbody.</li> <li>• Rule 23.7 requires that Sediment retention and run-off controls shall be implemented to ensure there is no contamination of natural water by sediment.</li> <li>• Rule 23.8 states that earthworks which are not being</li> </ul>	

Appendix 1. Approaches to earthworks – Review of 7 District Plans within 3 regions and comparison of the relationship with the Regional Policy Statements and Plans, with particular regard to the management of soil erosion and sedimentation

				<p>worked for three months or more, shall be hydroseeded or sown in order to achieve ground cover.</p> <ul style="list-style-type: none"> <li>• Rule 23.10 states that Stormwater resulting from earthworks development is to be controlled and managed so as to avoid, remedy or mitigate adverse effects on other land.</li> </ul>	<p>The Upper Hutt District Plan contains controls on earthworks on steep land where stability and erosion issues are likely to be present if not managed (Rule 23.8), and has a relatively conservative rule that limits the area disturbed on a site to 150m<sup>2</sup> (Rule 23.4).</p> <p>The Upper Hutt District Plan has regard to the obligation set out in the Wellington Regional Policy Statement that erosion and sediment management is a function of both regional and district plans.</p>
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**Summary**

Within the Otago region, the Operative Queenstown Lakes, Dunedin 2 GP, Central Otago and Waitaki District Plans illustrate a wide divergence in the controls, which is indicative recognition of the absence of any land plan produced by the Otago Regional Council. The Queenstown and Dunedin District Plans include rules to manage erosion and sedimentation from land use activities. These rules fit within the role of the territorial authority in terms of section 31 of the Act and do not step across into a regional council function by way of setting limits as to the discharge of contaminants.

The Central Otago and Waitaki District plans do not contain sufficient provisions to manage the effects of erosion and sediment from land use activities. The Example of the Waitaki District Plan sharing regional council jurisdictions, and the difference in management between the Canterbury Regional Council’s Land and Water Regional Plan 2017, and the Otago Regional Council’s Regional Plan: Water for Otago illustrates where there is a potential shortcoming in the Waitaki District Plan in the area administered within the Otago Region, at least compared with the equivalent rules in the CLWP 2017.

The Operative Queenstown and Dunedin 2 GP District Plans contain provisions including rules requiring erosion and sediment management is undertaken. The Dunedin 2 GP has rules limiting the area disturbed based on slope, the greater the slope the lower the permitted clearance. The Operative Queenstown District Plan could have more emphasis through rules or assessment matters as to when in particular erosion and sediment management is a necessity, the receiving environment is sensitive or the scale of works are such that more oversight is required. The absence of an area control could contribute to this lack of oversight.

The portion of the Waitaki District within the jurisdiction of Canterbury Region, Christchurch District and Selwyn District also has a wide variance of intervention to manage erosion and sediment. All of these District’s sit within the ambit of the CLWP 2017 which has been identified above as possessing a range of detailed controls on land use activities that could affect soil conservation and if left unchecked could lead to sedimentation of water bodies.

District Plans sitting within the Canterbury Region have the benefit of the CLWP 2017 which provides in particular for ‘construction-phase stormwater’ in both reticulated and non-reticulated circumstances. Although the Otago region has provisions identified above in part 12 of the Otago Regional Plan: Water for Otago which manage the discharge of sediments to water and land, the linkage to managing the potential effects of land use activities and that these activities are often the generator of potential for soil erosion and sedimentation of water bodies needs to be stronger, owing to the absence in the Otago Regional Plan: Water for Otago of land use rules that specifically address soil conservation and the effects of sedimentation from land use activities.

The Upper Hutt District Plan has a relatively high level of intervention (compared to District Plans identified in the Otago region) that cover a wide range of potential adverse effects arising from land disturbance. The Wellington Regional Policy Statement places a clear obligation on territorial authorities to manage erosion and sedimentation from land use activities.



LAND. PEOPLE. WATER.



**Queenstown Lakes District Council Proposed  
District Plan:  
Assessment of Thresholds for Earthworks**

for

Queenstown Lakes District Council  
Planning and Development

September 2017

**REPORT INFORMATION AND QUALITY CONTROL**

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Appendix A: USLE Example

## 1 INTRODUCTION

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### 1.1 Introduction

The Queenstown Lakes District Council (QLDC) is preparing an earthworks chapter as part of its wider district plan review.

Currently, the operative district plan earthworks chapter focuses on amenity effects associated with earthworks, the rules are based on the volume of soil excavation and disturbance and there are no specific (area) land disturbance stormwater/erosion and sediment control rules. The general standards have erosion and sediment control obligations but these are broad and could be more effective. Additionally, the framework of the subdivision chapter and rules is such that the volume limits for earthworks are exempt where a subdivision is involved. While the Council have control over erosion and sediment management there are often large scale (60 lots + over 5 ha area) subdivisions that lack adequate attention to erosion and sediment management. Furthermore, the Otago Regional Council (ORC) does not have a land use plan/soil conservation plan that manages earthworks and associated erosion and the subsequent discharge of sediment. The ORC relies on general receiving environment standards for discharges and the respective territorial authority plans and earthworks controls – although it is noted that the discharge of sediment from disturbed land to water is prohibited if there are no measures taken to mitigate sediment runoff.

Recent cases in the district, for example where sediment from bulk earthworks associated with a subdivision entered a stream adjacent to a Fish and Game hatchery, have highlighted the need to review the rule framework. There has also been renewed interest from the public and elected representatives at a district council level on water/lake quality and associated concerns with the growth experienced in the district and associated adverse effects, including through the development phase. Nationally the implementation of erosion and sediment control practices is well established and has commonly been driven by development pressure and the management of the adverse effects of bulk earthworks on water quality, aquatic habitat and amenity.

QLDC have drafted an earthworks chapter for public notification in November 2017. 4Sight Consulting Limited (4Sight) has been commissioned by the QLDC to assist with recommending appropriate thresholds for the earthworks chapter. These thresholds define the point at which a resource consent is required.

### 1.2 Approach

It is important to recognise that there are a number of factors that influence soil erosion, the subsequent discharge of sediment from an earthwork site and the adverse effects that result. These include:

- Local climate conditions, particularly the frequency and intensity of rainfall events;
- Soil types and their erodibility, once exposed by earthworks;
- Topography – steep slopes are more susceptible to erosion than flat areas;
- The area of exposed soil, which influences the amount of soil that is eroded and discharged, and the duration of exposure;
- The application of erosion and sediment control measures to firstly minimise soil erosion and then to removed entrained sediment from runoff;
- The location and nature of receiving environments and their sensitivity to sediment-laden discharges.

Given this range of factors, there is no single measure that defines earthworks discharge ‘risk’. Rather it is a combination of factors that need to be considered and assessed to determine the threshold(s) at which the risk is sufficient large to justify a more comprehensive approach to erosion and sediment control management, including regulatory assessment and oversight through a resource consent process.

Our approach to defining the rule thresholds has been to:

- Assess the comparative sediment yield discharging from a site and the factors that increase risk. This has been done using the Universal Soil Loss Equation (USLE) with representative local rainfall, soil and slope characteristics.
- Assess thresholds adopted in other relevant plans;

- Assess current erosion and sediment control practices - including during a site visit of the district to see existing bulk earthworks sites, current erosion and sediment control practices and future areas of growth identified in the proposed district plan.

## 2 CONTEXT

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### 2.1 Environmental Setting

A site visit was undertaken with QLDC staff in August 2017 to assist with understanding the environmental conditions, earthworks risk profile, development potential and type and the amenity and receiving environment values to inform earthworks rule thresholds.

The freshwater receiving environments observed during the site visit (Lake Wakatipu, Shotover River, Kawarau River, Lake Wanaka, Clutha River and others) form an important part of the landscape providing both amenity and ecological habitat and were in generally in close proximity to existing and future land development areas. Streams and watercourses were observed in Wanaka as well as existing overland flowpaths and reticulated stormwater systems.

A cross section of sites in Queenstown, Wanaka and the Arrowtown/Millbrook area were observed either undergoing development under operative zone rules or are proposed development zones. Site slope (a contributing factor to erosion and sediment control assessments) was generally in the range of flat to gently undulating (0-3°), undulating (4-7°) or rolling (8-15°). A selection of sites proposed for residential development in Queenstown were particularly steep in the area surrounding Goldfield Heights with slopes ranging from strongly rolling (16-20°) to moderately steep (21-25°).

In terms of annual rainfall and rainfall patterns for the district, Niwa<sup>1</sup> reports rainfall is highest among the western ranges which have both high elevation and western exposure. Such high rainfall is primarily a result of the orographic effect such that there is a marked decrease eastwards in median annual rainfall beyond the Otago lakes and headwaters. Rainfall tends to be evenly distributed across the year in Queenstown and Wanaka, suggesting that there is no basis for seasonal restrictions on earthworks (as are in place for some other areas in New Zealand). Rainfall intensity is also similar across the district. Niwa's HIRDS<sup>2</sup> data is used as a factor in the USLE discussed in Section 3.

General observations were made during the site visit as to the type and characteristics of soil in the district and were verified more formally using Landcare's S-map online soil database. Again this data was used for the USLE where the generally high silt content is indicative of a highly erodible soil when exposed during earthworks activities.

### 2.2 Observed Erosion and Sediment Control Practices

An important component of the earthworks rule chapter proposed by QLDC will be the associated implementation of erosion and sediment control practices either as a permitted activity standard, or via the requirements of a resource consent. Accordingly, an aspect of the site visit was to understand the current earthworks practices in the district which will ultimately inform the recommendations in this report. Poor erosion and sediment control practice is another risk factor that may influence earthwork thresholds.

A cross section of residential development sites were observed in the Wanaka, Millbrook, Arthurs Point and Queenstown areas. Wanaka exhibited several earthworks sites (each estimated to exceed 1 ha of earthworks area) that were being undertaken entirely without sediment and erosion control practices or were utilising practices which appeared to be functioning poorly (e.g. silt ponds, sediment fences) compared to best practice.

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<sup>1</sup> The Climate and Weather of Otago. Niwa. 2015

<sup>2</sup> High Intensity Rainfall Design System v3. Niwa. <https://hirds.niwa.co.nz>

Examples of practices are illustrated below in Figures 1 to 7. Figures 2 and 3 show the same location visited during the site visit and the following day after rain, which resulted in a significant sediment discharge across adjoining land and the Clutha River approximately 1km downstream from the site.

On site erosion mitigation such as clean water diversions, slope length cut off drains and staging of earthworks and progressive stabilisation of completed sites to reduced exposed areas also appeared to be limited. In one case finished contours had been achieved with completed roads etc but exposed slopes remained (i.e. not grassed or mulched) and rill erosion was evident. Similarly, temporary and semi-permanent topsoil stockpiles were observed either with no sediment control, or no stabilisation to minimise erosion.

Overall observations from the site visit concluded that the current implementation of erosion and sediment control practice is limited and below current best practice. Accordingly improving earthworks management, using both regulatory and non-regulatory tools, is an important outcome for the new earthworks chapter and supporting technical guidance material.

### **2.3 Otago Regional Plan**

As indicated previously, the ORC does not have a land use plan/soil conservation plan that manages earthworks and associated erosion and the subsequent discharge of sediment. The ORC relies on general receiving environment standards for discharges. While the discharge of sediment from disturbed land to water is prohibited if there are no measures taken to mitigate sediment runoff (Rule 12.C.0.3), there is no indication of the extent of mitigation that is required.

Where not prohibited, the discharge of sediment laden water is a permitted activity, subject to meeting receiving environment water quality standards, including that the discharge does not result in a conspicuous change in colour or visual clarity to result in a noticeable increase in local sedimentation.

It is not clear from the plan what course of action is implemented where the permitted activity standards are breached 'after the event'. That is, where earthworks are undertaken under the permitted activity rule, but subsequently fails to meet the receiving environment standard.



Figure 1: Topsoil stockpiles with no sediment control



Figure 2: Outlet Road overland flow path and sediment fence  
(Twin culverts indicate flow potential from upstream catchment)



Figure 3: Outlet Road overland flow path and silt fence failure with sediment discharge to the Clutha River



Figure 4: Unstabilised slope with rill erosion.  
Note planted trees indicating works are complete with finished contours



Figure 5: Unstabilised topsoil stockpile



Figure 6: Open earthworks areas with no clear staging or progressive stabilisation



Figure 7: Sediment collected in a completed stormwater pond from Figure 6 catchment (the stormwater pipe was half full of sediment and will require extensive mucking out)

## 3 ASSESSMENT METHODOLOGY

---

### 3.1 Approach

Based on the risk associated with bulk earthworks activities, sediment discharges and the draft rule framework in the QLDC earthworks chapter we have sought to answer the following questions in respect of the development of a suitable threshold:

- 1) What is a suitable threshold for bulk earthworks activities to require resource consent, and associated more comprehensive erosion and sediment control;
- 2) Are there factors that significantly increase risk and hence require a more stringent threshold, including commonly utilised factors such as:
  - a) Slope; and
  - b) Proximity to a water body.

To answer these questions, we undertook the following tasks:

- A review of the current earthworks rule chapters from surrounding district councils and regional councils;
- The application of the sediment yield USLE with local rainfall, soil and slope characteristics using several area and slope scenarios; and
- Using observations from the site visit, we considered the practicalities of rule thresholds in the context of existing development and erosion and sediment control practices.

These matters are discussed in the following subsections.

### 3.2 Assessment of other Plans

An assessment of the earthworks controls in nearby district plans and regional plans from Canterbury and Wellington. Earthwork area thresholds of the type being developed for QLDC are not commonly included in district plans and this was confirmed by the assessment of plans. Accordingly, the reviewed district plans did not provide a comparable approach.

Earthworks and discharge provisions in the Canterbury and Wellington regional plans are more aligned to the approach being adopted by QLDC and the following thresholds were identified. It is acknowledged that these plans deal with different climate and soil conditions, and hence have only been utilised as being indicative area thresholds.

#### 3.2.1 Canterbury Land and Water Regional Plan 2017:

Permitted activity Rule 5.94A manages the discharge of 'construction phase stormwater'. It includes the following area thresholds of relevance:

- Less than 1,000m<sup>2</sup> for any construction-phase stormwater generated as a result of work carried out in an area shown as High Soil Erosion Risk on the Planning Maps; or
- Two hectares (20,000m<sup>2</sup>) in any other location;

The rule also contains water quality standards and other requirements. Non-compliance with the rule is a restricted discretionary activity (Rule 5.94B).

#### 3.2.2 Wellington Regional Freshwater Plan Operative December 1999

Pursuant to Rule 2, the discharge of stormwater into surface water is a Permitted Activity provided that the discharge complies with the specified conditions. Of relevance is Condition 3a, that requires that the discharge does not originate from an area of bulk earthworks greater than 0.3 ha (3,000m<sup>2</sup>). Non-compliance with this area threshold is a discretionary activity.

### 3.2.3 Wellington Regional Soil Plan Operative October 2000

The Wellington Regional Soil Plan applies to soil disturbance and vegetation disturbance on erosion prone land only. Pursuant to Rule 2, any soil disturbance on erosion prone land that involves the disturbance of greater than or equal to 1,000 m<sup>3</sup> of soil, within any 10,000 m<sup>2</sup> area and within any continuous 12-month period (excluding any soil disturbance associated with roading and tracking activities or undertaken in accordance with conditions on a subdivision consent) is a restricted discretionary activity.

## 3.3 Assessment sediment runoff potential

The USLE is a relatively simple model which was originally developed in the United States for agricultural practices. It has since been found to be suitable as a sediment yield estimation tool for a range of land disturbing activities, including earthworks and is a commonly used tool in parts of New Zealand to assist with resource consent applications and the specification of erosion and sediment control practices.

The USLE calculates the amount of sediment generated from an area and is expressed as sediment yield (measured in tonnes/hectare/year). The factors of rainfall, soil erodibility, slope, ground cover and duration of soil exposure combine to influence the amount of sediment that may be generated from an earthworks site. Application of the sediment delivery ratio and works duration then determines the sediment lost from the site. An important aspect of implementing the USLE is to use local data and in this assessment, the Landcare online GIS resources: S-map and Our Environment were used to respectively define local soil constituents (% of clay, silt and sand) and typical slope relative to operative and proposed development zones in the district. Local rainfall intensity data was obtained from the Niwa HIRDS database where the 2 year, 6 hour duration storm is specified for the USLE.

### 3.3.1 Considerations and Risks

For assessing bulk earthworks activities, the USLE is typically applied to a site and area to identify potential areas of risk in terms of sediment runoff allowing practitioners respond accordingly via erosion and sediment control design. In this case the USLE was used to test various area threshold scenarios (500m<sup>2</sup>, 1,000m<sup>2</sup>, 2,500m<sup>2</sup>, 5000m<sup>2</sup>, 10,000 m<sup>2</sup>, 20,000m<sup>2</sup> and 50,000m<sup>2</sup>) against a range of slope angles derived from the upper range of each slope classification in the Our Environment GIS tool. A sediment yield assessed in isolation provides little value to determine the effect of sediment discharging from a site. Therefore, the purpose of the assessment was to understand the relative sediment yield through changes in slope angle and earthworks area to help guide the establishment of thresholds.

A review of the soil types for the key development areas in the district (e.g. Wanaka, Queenstown, Millbrook/Arrowtown) indicated a typically high silt content with the soil profile being either silty loam or loam. Using the known silt/clay/sand percentage proportions from S-Map the USLE then defines soils erodibility (K) as an input. All soils reviewed exhibited a soil erodibility above 0.4 indicating high erodibility.

The USLE identifies slope is a slope angle is known risk factor and therefore for slope above 10° the USLE accounts for this by applying a higher sediment delivery ratio (SDR) which is a measure of how much sediment leaves a site relative to the volume which is entrained and redeposited within its boundaries. For example, a site with a slope angle of 8° with and sediment generation of 1000 tonnes/ha/year, 50% of sediment will leave the site (assuming no sediment controls). This increases to 70% for sites over 10°. While there is a stepwise increase in the SDR in the analysis discussed in Section 4, in reality the increase in slope angle relative to sediment lost would be incremental as slope increases. However, the 10% slope is a commonly used threshold for defining a point at which sediment loss, and hence risk, increases.

### 3.3.2 Key assumptions

To maintain consistency in application of the USLE and enable a viable comparison between area and slope scenarios, several assumptions were made for the input values. The key assumptions are listed below:

- As discussed above, all soil types reviewed exhibited a K soil erodibility factor above 0.4. Conservatively, the highest K value was selected and applied to all analysis scenarios;
- To derive the slope length (a USLE input value) for each area threshold scenario, the 'sites' were assumed to be square where the slope length was measured on the diagonal.

- The USLE uses a 2 year, 6 hour duration rainfall depth as an input value. Being the most conservative, the number for Queenstown (~26mm) was used for all area scenario calculations.
- The USLE allows duration of earthworks to be inputted thereby allowing a proportion of the annual sediment to yield to be calculated. For this analysis, all scenarios were calculated based on an earthworks duration of 1 year.

### 3.4 Practical considerations

As was observed during the site visit the implementation of erosion and sediment control practices does not currently meet best practice. An expectation in implementing the rule chapter (and a key driver for seeking to regulate bulk earthwork activities with area thresholds) is that erosion and sediment control practices will be applied through both permitted activity and consented earthworks.

Area thresholds are also linked to the sizing, design complexity and implementation of sediment control practices (e.g. sediment ponds and decanting earth bunds). That is, as earthworks sites become larger, and sediment laden water runoff is more significant, more sophisticated and comprehensive controls are required. These would generally require engineering design and operational oversight as failure of such systems leading to bulk sediment discharges can result in adverse environmental effects. As risk increases, compliance oversight by Council is also desirable to further reduce the risks associated with the implementation and management of controls.

Conversely, at the lower end of the risk scale, the Council is developing a set of guidelines for implementation on small sites where the erosion and sediment control practices are simple, fit for purpose and where implemented properly will contribute to the outcomes sought by the earthworks chapter.

In the USLE assessment, both untreated and treated sediment yields were considered. In the latter, a sediment removal of 50% was applied to areas less than 2,500 m<sup>2</sup> and 75% sediment removal applied for areas above 2,500m<sup>2</sup>. This reflects both the point at which more comprehensive controls are expected and the greater removal efficiency that results.

## 4 ANALYSIS

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### 4.1 USLE Results

The results from the USLE analysis are plotted in Figures 8, 9 and 10. Figure 8 plots the analysis data across each of the area threshold scenarios (500m<sup>2</sup>, 1,000m<sup>2</sup>, 2,500m<sup>2</sup>, 5,000m<sup>2</sup>, 10,000m<sup>2</sup>, 20,000m<sup>2</sup>, 50,000m<sup>2</sup>) with the corresponding influence of slope angle and sediment generation.

Figure 9 uses the same data set and assesses the influence of applying sediment control measures, although this assumes correct implementation and maintenance, which was generally not evident from the inspection of current earthwork sites. As indicated above, up to 2,500m<sup>2</sup> example best practice sediment control is to use silt fences or decanting earth bunds with a sediment removal efficiency of approximately 50%. For 2,500m<sup>2</sup> and above, the remaining area threshold scenarios are plotted assuming sediment ponds which typically exhibit a sediment removal efficiency of 75%. Figure 10 illustrates more clearly sediment loss for sites up to 2,500 m<sup>2</sup> and the influence of slope angle and sediment removal practices.

As was discussed earlier, the influence in increasing slope angle above 10° is evident in the plots where the sediment delivery ratio increases from 0.5 to 0.7 thus creating a step change increase in sediment leaving the site. Below 10° there is a general incremental and linear increase in sediment loss up to 50,000m<sup>2</sup>. As can be seen from the graphs, slope is a significant, and probably the most significant, determinant of sediment yield.

Slope length also has an influence for the larger area scenarios resulting in steeper curves for the higher slope angles and is evident above site sizes of 10,000m<sup>2</sup>. For larger site areas, in practice, slope lengths of up to 300m (50,000m<sup>2</sup> area scenario) would be unlikely as best practice is to construct slope cut-off drains to minimise runoff lengths. This analysis is useful nonetheless to demonstrate what sediment loss can occur at the upper end of the area/slope length slope angle spectrum.

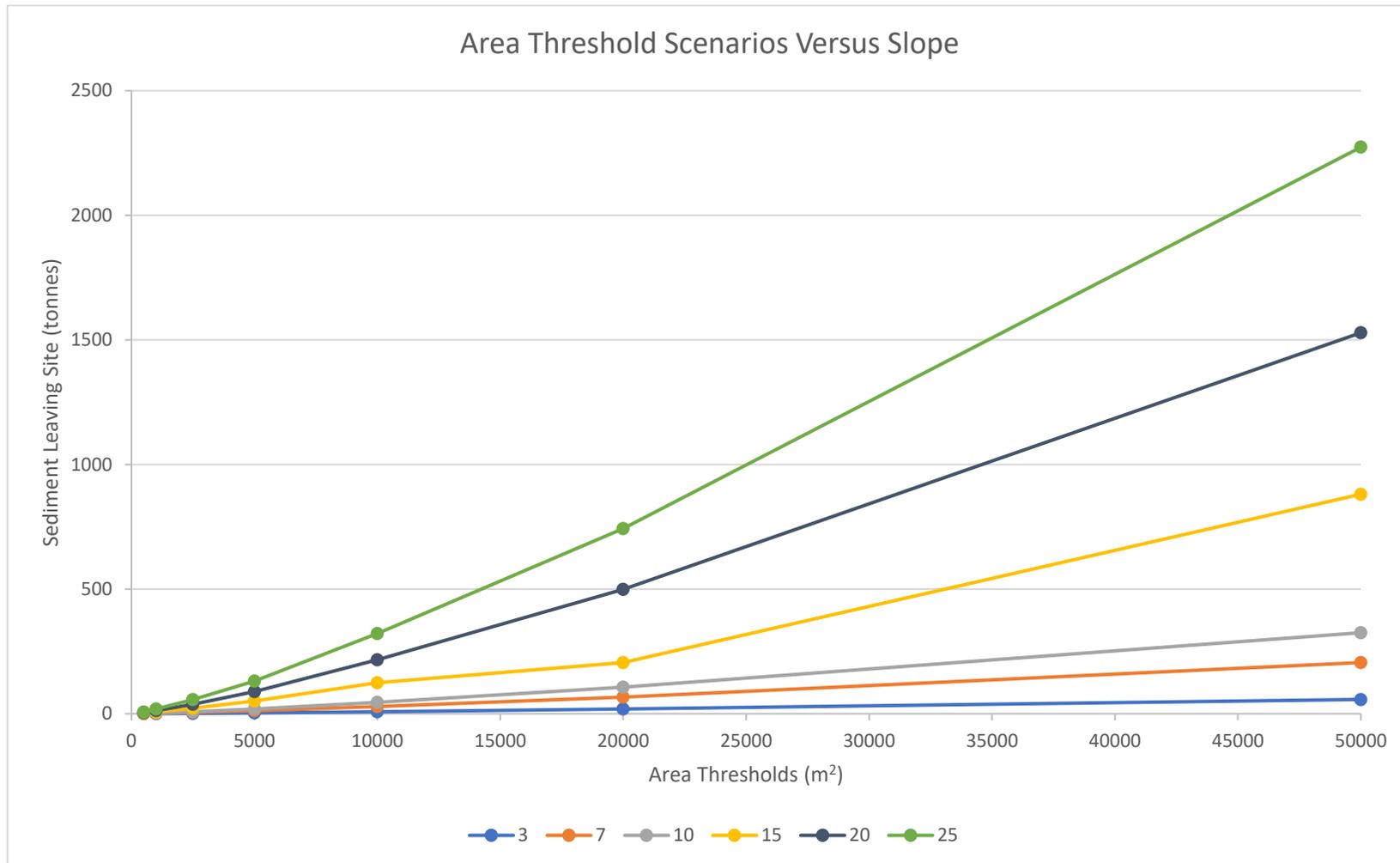


Figure 8: Area Threshold Scenarios Versus Slope

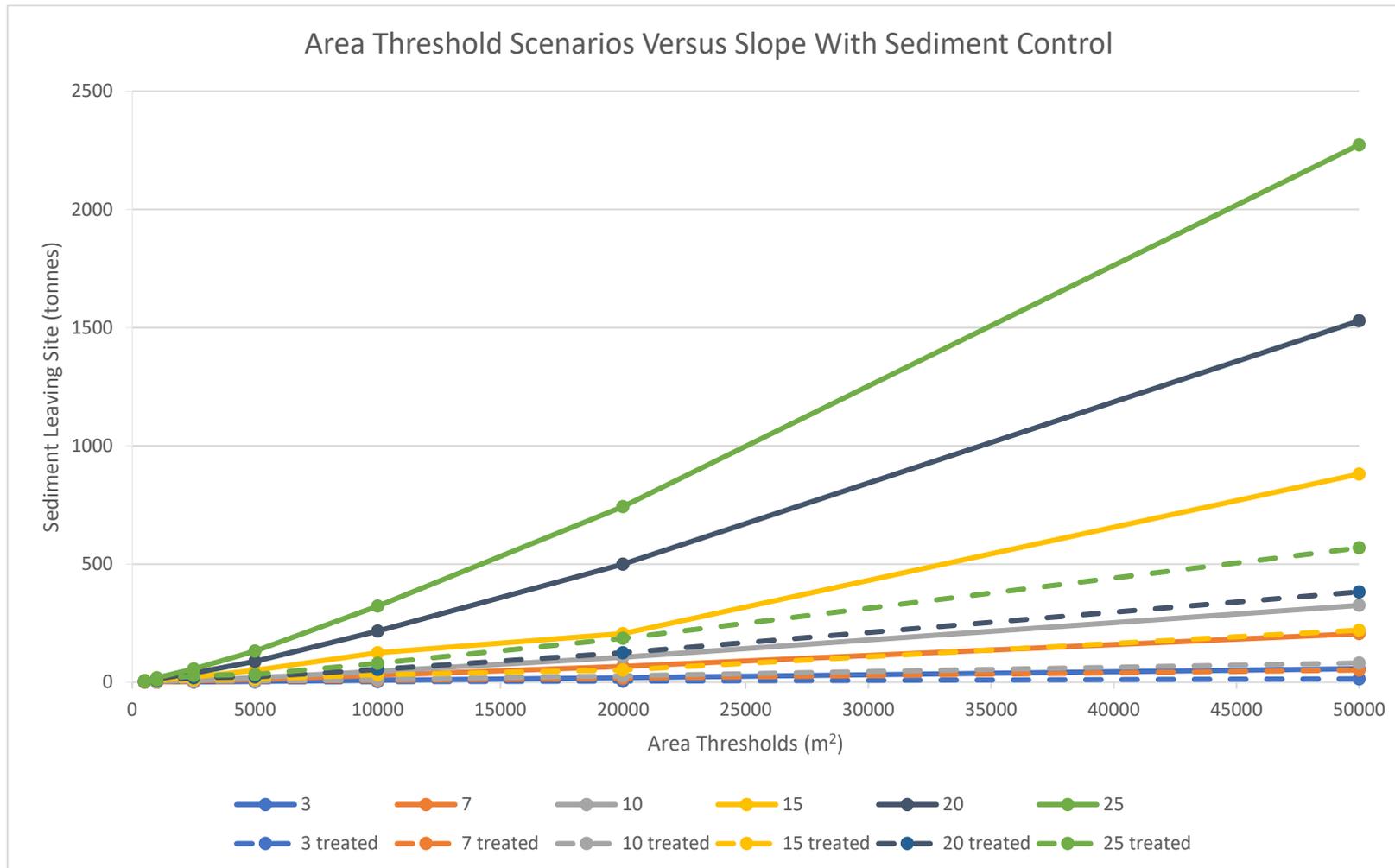


Figure 9: All Area Threshold Scenarios with Sediment Control

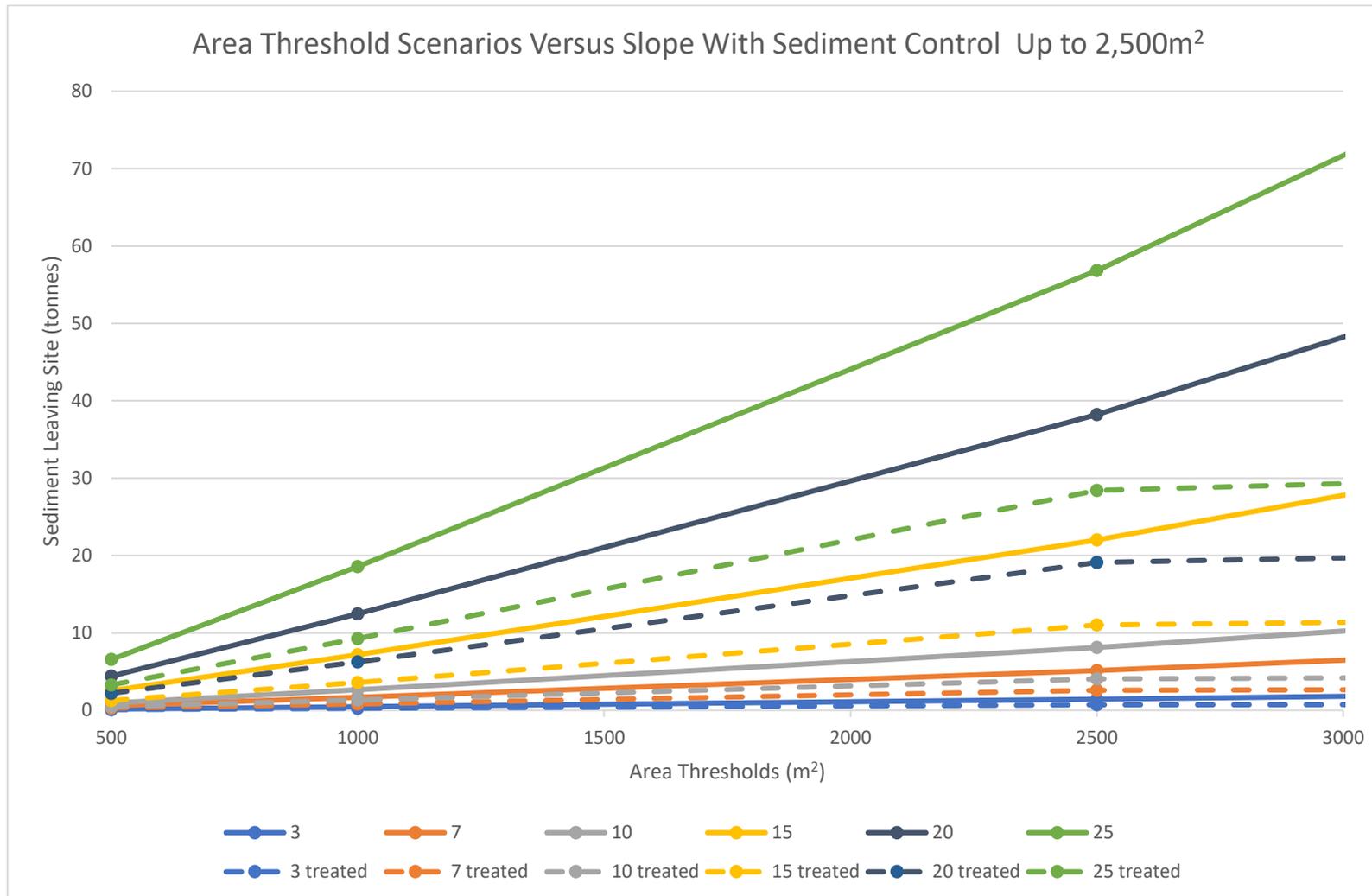


Figure 10: Area Threshold Scenarios with Sediment Control up to 2,500m<sup>2</sup>

## 4.2 Discussion

As indicated previously, the USLE provides a comparative rather than absolute assessment of sediment yield and cannot be used to ascertain a management threshold in the absence of other considerations and risks. The assessment assumes annual yields and cannot take into account factors such as the effects of discharged sediment on downstream properties and receiving environments. However, the following points are noted from the assessment including the site inspection and review of local soil and climate information:

- The soil types assessed and inputted into the USLE all exhibited high erodibility with a K value above 0.4. This means when exposed to rainfall, soil is easily detached, tends to crust and produces higher levels of sediment runoff relative to less erodible soils.
- Coupled with the high K soil erodibility factor, slope is a key determinant to increasing sediment runoff volume where the USLE introduces a higher sediment delivery ratio (sediment loss from a site) for slopes above 10°. The chart plots illustrate this effect markedly in comparison to lower slope angles where sediment loss is linear as site area increases.
- No seasonal restriction on earthworks is proposed in the new earthworks chapter. This is another consideration when determining area thresholds where the Niwa climate report for Otago reports rainfall is evenly distributed for Queenstown and Wanaka throughout the year.
- The proximity of a site to a waterbody (other than immediately adjacent to the waterbody) is not considered a significant determinant of sediment runoff risk. This was highlighted by the sediment discharge to the Clutha River from the Outlet Road site via an overland flow path some considerable distance from the waterbody and a visual assessment of topography/hydrology in other areas. Accordingly, no Sediment Control Protection Area, as found in some other plans, is proposed.
- The new earthwork chapter is seeking the outcome of managing the effects of bulk earthwork activities through area based thresholds and new consent requirements. Coupled with its implementation will be the requirement for the development industry (with advocacy from the Council) to significantly improve current erosion and sediment control practices. We consider this a relevant factor in setting consent area thresholds.
- The review of the district and regional plans rules from Canterbury and Wellington rule frameworks, while not directly transferrable to QLDC, has been helpful to gauge other Council practices. We note that while the thresholds for QLDC were assessed independently, the recommended thresholds are not dissimilar. While we acknowledge that there are different climatic and soil conditions, the soils in the subject area are defined as highly erodible and there are other risk factors that apply.

## 5 RECOMMENDATIONS

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QLDC is proposing a new earthworks chapter which in addition to volumetric consent triggers, will also seek to apply area thresholds in relation to earthworks activities to manage the effects of sediment leaving development sites. To inform a set of recommendations for the QLDC the following has been undertaken:

- A review of the operative and draft earthworks chapter;
- A review of summary information on earthwork provisions from several other council plans;
- A site visit to view development areas, the 'lie of the land', receiving environments and current industry erosion and sediment control practices;
- An assessment of comparative soil loss for different scenarios.

In respect of the question points identified earlier in this report we make the following recommendations:

1. **What is a suitable threshold for bulk earthworks activities to require resource consent, and associated more comprehensive erosion and sediment control?**

We agree with the QLDC proposal to establish an area resource consent threshold. We consider that earthworks area (combined with slope) is an appropriate metric to indicate the point at which earthworks scale, complexity and risk warrant regulatory oversight.

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

- Earthworks of up to 2,500 m<sup>2</sup> on land with a slope of over an area of 10° or more.
- Earthworks of up to 1 ha (10,000m<sup>2</sup>) 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.

**2) Are there factors that significantly increase risk and hence require a more stringent threshold, including commonly utilised factors such as:**

- a) Slope; and
- b) Proximity to a water body.

As indicated above, slope is a key factor in erosion and subsequent sediment discharge. Both the generation of sediment and the sediment delivery ratio (the amount leaving the site) increase notably for slopes above 10°. While the USLE has a stepwise change at 10°, and hence the graphs presented above accentuate the significance of this slope angle, it is considered an appropriate slope threshold to adopt – in part on the basis of the USLE's selection of this angle as a point of change. We also note that this is the slope angle applied in the Auckland Unitary Plan (Operative in Part) for earthworks. Accordingly, above, we have recommended a more stringent (lower) area threshold of 2,500 m<sup>2</sup> for slopes above 10°.

Earthwork activities close to a waterbody (e.g. stream or lake) are an additional area of risk and some councils have opted to require resource consents when working within certain distances from a water body. For example, the Auckland Unitary Plan regulates a sediment control protection area when working within 50m of a watercourse.

The site visit to the District was invaluable in assessing whether such a requirement would be appropriate for the QLDC earthworks chapter. Apart from the large river systems, the relative lack in abundance of smaller streams and function of overland flow paths in conveying sediment laden water rivers (as was observed at the Outlet Road site, where a sediment discharge occurred into the Clutha River via a natural overland flow path a significant distance from the site source) leads us to conclude that there is no significant additional risk that would be managed by having more stringent earthwork area thresholds in the general proximity of watercourses – other than immediately adjacent to the waterbody (a setback distance).

In respect of a setback distance, the operative QLDC district plan includes an earthworks setback distance of 7 m from a water body, within which no more than 20m<sup>3</sup> of earthworks can be undertaken as a permitted activity in any 12 month period. We recommend that an earthworks setback from a waterbody be retained, but that this is increased to 10 m to reflect practical considerations and current practice elsewhere in New Zealand:

- The greater distance provides:
  - additional protection, and buffer, for river and lake receiving environments;

- additional room to provide for erosion and sediment control (such as silt fences) to minimise and mitigate discharges to waterways;
- protection of the structure and function of the riparian margin.
- The Central Otago District Plan (Operative April 2008) has adopted an earthworks setback of 10m from a water body in Surface Water and Margin Resource Management Area and in a Rural Resource Area (20m<sup>3</sup> earthworks allowed).
- A 10 metre or more buffer has been adopted in the recent Auckland Unitary Plan (Operative in Part – November 2016)). This plan has established riparian yards of 10m and 20 m from the edge of intermittent and permanent rivers in urban and rural areas respectively. Earthworks within riparian yards are limited to less than 5m<sup>2</sup> or 5m<sup>3</sup> for general earthworks and less than 10m<sup>2</sup> or 5m<sup>3</sup> for the installation of new network utilities as a standard on all permitted, controlled and restricted activities.
- The Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 has established an (permitted activity) earthworks setback of 10m from a perennial river; wetlands larger than 0.25 ha; lakes larger than 0.25 ha; an outstanding freshwater body; or a water body subject to a water conservation order. We understand that this setback was determined on an assessment of current best practice around New Zealand.

We note that this does not preclude earthworks from being undertaken within 10 m of a water body, but that a resource consent would be required to ensure protection to the water body, its banks and margins.

**Appendix A:**

**USLE Example**

4Sight USLE Q73 working - Excel
Trent Sunich

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Calculated From:

$$LS = \left( \frac{65.41 \times s^2}{s^2 + 10,000} + \frac{4.56 \times s}{\sqrt{s^2 + 10,000}} + 0.065 \right) \times \left( \frac{l}{72.5} \right)^m$$

LS = topographic factor  
 l = Slope length, m  
 m = Slope steepness  
 Exponent dependent on slope steepness  
 0.2 for slopes < 1%, 0.3 for slopes 1-3%, 0.4 for slopes 3-5%, and 0.5 for slopes > 5%

**Table 2 Estimated non-point soil loss factors**

Treatment	C factor	P factor
Bare soil	1.0	1.0
contoured and smooth	1.0	1.0
track walked on contour	1.0	1.0
rough irregular surface	1.0	0.8
disked to 250 mm depth	1.0	0.8
Native vegetation (undisturbed)	0.1	1.0
Pasture (undisturbed)	0.1	1.0
Establishing grass	0.1	1.0
Mulch - on subsoil	0.15	1.0
Mulch - on topsoil	0.15	1.0

**Table 1 Correction factor when percent organic matter is**

C Value	0%	1%	2%	3%	4%
> 0.40	+ 0.14	+ 0.07	0	- 0.07	- 0.14
0.20 - 0.40	+ 0.10	+ 0.05	0	- 0.05	- 0.10
≤ 0.20	+ 0.06	+ 0.03	0	- 0.03	- 0.06

**USLE Factsheet 8**

USLE method to be used to identify variation in potential sediment yield across a site, rather than providing a numerically equal estimate of actual total sediment yield. While the overall estimate of yield is indicative of the magnitude of sediment likely to be discharged, the range of assumptions required in the USLE calculation means that it should not be relied on as an accurate assessment of actual total yield.

It is critical that a site is divided into logical sectors based on variations in gradient, slope length, soil type and surface cover. Other factors to consider are the proximity and nature of any waterbody in relation to the site. Once the sectors have been determined, a USLE calculation should be completed for each so that variations in sediment generation potential between sectors can be identified. This allows the erosion and sediment control methodology to be tailored to suit variations across the site.

**Triangular Nomograph for Estimating K Values**

