

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Stream 15 Report

Report and Recommendations of Independent Commissioners Regarding Chapters 25, 29, 31, 38, and Visitor Accommodation

Report 19.3 – Chapter 25 Earthworks

Commissioners

Denis Nugent (Chair)

Sarah Dawson

Calum MacLeod

Robert Nixon

CONTENTS

1.	<u>PRELIMINARY.....</u>	<u>1</u>
1.1	INTRODUCTION	1
1.2	TERMINOLOGY IN THIS REPORT	1
1.3	BACKGROUND	2
1.4	GENERAL SUBMISSIONS	3
1.5	DUPLICATION WITH CONTROLS OVER EARTHWORKS BY ORC, DoC OR OTHER CHAPTERS OF THE PDP	5
1.6	CHANGES FROM PLAN CHANGE 49 TO THE ODP	11
2.	<u>SECTION 25.1 - PURPOSE.....</u>	<u>13</u>
3.	<u>SECTION 25.2 - OBJECTIVES AND POLICIES</u>	<u>14</u>
3.1	INTRODUCTION	14
3.2	OBJECTIVES - GENERAL	14
3.3	OBJECTIVE 25.2.1	16
3.4	POLICIES 25.2.1.1, 25.2.1.3, 25.2.1.4 & 25.2.1.5.....	17
3.5	POLICY 25.2.1.2.....	18
3.6	OBJECTIVE 25.2.2.....	21
3.7	POLICY 25.2.2.1.....	21
3.8	POLICIES 25.2.2.2 - 25.2.2.3 (RENUMBERED IN THE REPLY VERSION AS POLICIES 25.2.1.6 - 25.2.1.11...)	22
3.9	ADDITIONAL OBJECTIVE AND POLICIES FOCUSED ON ENABLING EARTHWORKS IN SASZ	22
4.	<u>SECTION 25.3 - OTHER PROVISIONS AND RULES.....</u>	<u>23</u>
4.1	OVERVIEW.....	23
4.2	ADVICE NOTES.....	23
4.3	GENERAL EXEMPTIONS (OTHER THAN FOR SASZs).....	24
4.3.1	EXEMPTIONS FOR EARTHWORKS ASSOCIATED WITH SUBDIVISION	24
4.3.2	EXEMPTIONS FOR FORESTRY EARTHWORKS IN OPEN SPACE AND RECREATION ZONES	25
4.3.3	OTHER EXEMPTIONS	27
4.4	EXEMPTIONS FOR EARTHWORKS IN SASZs.....	28
5.	<u>SECTION 25.4 RULES – ACTIVITIES</u>	<u>31</u>
6.	<u>SECTION 25.5 RULES – STANDARDS.....</u>	<u>33</u>
6.1	TABLE 25.2 MAXIMUM VOLUME	33
6.1.1	OVERVIEW OF ISSUES	33
6.1.2	MILLBROOK RESORT ZONE	33
6.1.3	BEN LOMOND SUB-ZONE	34
6.2	TABLE 25.3 STANDARDS.....	38
6.2.1	OVERVIEW OF ISSUES	38
6.2.2	STANDARD 25.5.12 - EROSION AND SEDIMENT CONTROL MEASURES	38

6.2.3	STANDARD 25.5.13 – DEPOSITION OF MATERIAL ON ROADS	40
6.2.4	STANDARD 25.5.14 – DUST CONTROL	40
6.2.5	STANDARD 25.5.19 – EARTHWORKS SETBACKS FROM SITE BOUNDARIES	41
6.2.6	STANDARD 25.5.20 – WATERBODIES	42
6.2.7	STANDARD 25.5.22 - CLEANFILL	45
7.	<u>SECTION 25.6 NON-NOTIFICATION OF APPLICATIONS</u>	<u>46</u>
8.	<u>SECTIONS 25.7 MATTERS OF DISCRETION AND 25.8 ASSESSMENT MATTERS</u>	<u>47</u>
9.	<u>SCHEDULE 25.9 INTERPRETATIVE DIAGRAMS</u>	<u>48</u>
10.	<u>SCHEDULE 25.10 ACCIDENTAL DISCOVERY PROTOCOL.....</u>	<u>48</u>
11.	<u>VARIATION TO STAGE 1 PDP CHAPTER 2 DEFINITIONS.....</u>	<u>49</u>
12.	<u>VARIATION TO STAGE 1 PDP CHAPTER 27 SUBDIVISION AND DEVELOPMENT</u>	<u>50</u>
13.	<u>VARIATION TO STAGE 1 CHAPTER 41 JACKS POINT ZONE</u>	<u>50</u>
14.	<u>RECOMMENDED AMENDMENTS PURSUANT TO CLAUSE 16(2)</u>	<u>50</u>
15.	<u>OVERALL RECOMMENDATION</u>	<u>51</u>

Appendix 1: Chapter 25 and Variations to Chapters 2, 27 and 41 as Recommended

Appendix 2: Recommendations on Submissions and Further Submissions

1. PRELIMINARY

1.1 Introduction

1. This report needs to be read in conjunction with Report 19.1. That report sets out the appearances and procedural matters for Stream 15. It also contains our recommendations on matters applicable generally to all the provisions covered by Stream 15.

1.2 Terminology in this Report

2. The majority of the abbreviations used in this report are set out in Report 19.1. In addition, throughout this report, we use the following abbreviations:

District	Queenstown Lakes District
DoC	Department of Conservation
Federated Farmers	Federated Farmers of New Zealand Inc
Fish and Game	Otago Fish and Game Council
HNZ	Heritage New Zealand
Jacks Point Group	Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited ¹ ; and Darby Planning LP ²
JPZ	Jacks Point Zone
Kāi Tahu	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
Millbrook	Millbrook Country Club
MRZ	Millbrook Resort Zone
NES-PF	National Environmental Standards for Plantation Forestry
NZSki	NZSki Limited
ONL	Outstanding Natural Landscape as shown on the Planning Maps of the PDP (Decisions Version)
ORC	Otago Regional Council
PC49	Plan Change 49 to the ODP

¹ Submission 2381

² Submission 2376

PDP	Proposed District Plan
Reply Version	The version of Chapter 25 attached to the Reply Evidence of J Wyeth
Skyline	Skyline Enterprises Limited
Treble Cone Group	Treble Cone Investments Limited ³ ; Soho Ski Area Ltd and Blackmans Creek No. 1 LP ⁴ ; Darby Planning LP ⁵
Water Plan	Regional Plan: Water for Otago
WBRAZ	Wakatipu Basin Rural Amenity Zone
ZJV	ZJV (NZ) Limited

1.3 Background

3. This report deals with the submissions and further submissions lodged in respect of Chapter 25 Earthworks, the variation to Chapter 2 Definitions notified with Chapter 25, and the variations to Chapter 27 Subdivision and Development and Chapter 41 Jacks Point Zone notified with Chapter 25.
4. Mr Jerome Wyeth, a planning consultant engaged by the Council, prepared a Section 42A Report, rebuttal evidence and a reply statement. This was supported by expert evidence from Mr Trent Sunich, an environmental consultant engaged by the Council. We also had the benefit of evidence from several submitters. Mr Wyeth advised us that he had not had any prior direct involvement in the development of Chapter 25 as notified. His company had prepared a technical report for the Council, to inform the development of the chapter, which he had not been involved with.
5. The hearings proceeded as described in Report 19.1.
6. There were a large number of submissions received on Chapter 25 and the associated variations to Chapter 2, 27 and 41. As stated in Report 1⁶, it is not necessary for the Hearing Commissioners to address each submission individually, rather the Hearing Panel's report can address decisions by grouping submissions. This is the approach taken in this Report. When discussing each section and/or provision, not every aspect of the submissions, as categorised by Council staff, is mentioned. In addition, where the Council's evidence supports a submission and there is no conflicting evidence, we have not specifically referred to that matter in the Report. That is so the Report is not unnecessarily wordy. However, in each case the Hearing Panel has considered all the submissions and further submissions on Chapter 25 and the variations. We set out in Appendix 2 a list of the submissions and further submissions and our recommendation in respect of each one.

³ Submission 2373

⁴ Submission 2384

⁵ Submission 2376

⁶ Report 1 para [52]-[53]

1.4 General Submissions

7. As set out in Report 19.1, where a submission seeking a change to Chapter 25 was only considered in evidence from the Council, without the benefit of evidence from the submitter or from a submitter on a related submission, we have no basis in evidence to depart from the recommendation of the Council's witness and recommend accordingly.
8. Several submissions on PDP (Stage 1) were carried over to be heard in conjunction with Chapter 25 and the variation to Chapter 41 Jacks Point Zone notified with Chapter 25. These were listed and addressed under Issue 14 of the Section 42A Report prepared by Mr Wyeth. The submissions relate to the maximum earthworks volumes, cut and fill height restrictions and set-backs from artificial water bodies in the Jacks Point Zone. The evidence for the Jacks Point Group⁷ was that they generally supported the integration of all earthworks provisions into the standalone Chapter 25. In terms of the specific provisions in Chapter 25 for earthworks in the Jacks Point Zone, general agreement was reached between Mr Wyeth (through the amendments he recommended) and the evidence for the Jacks Point Group⁸. Accordingly, we have not needed to address these submissions further in this report.
9. Before discussing the provisions in Chapter 25 and the variations, and the submissions on those provisions, we will discuss two general matters raised in several submissions:
 - whether it is appropriate for earthworks to be managed through Chapter 25 of the PDP, when there are already adequately managed by ORC, DoC or through other chapters of the PDP; and
 - whether or not the PDP can, or should, include earthworks provisions that are more stringent than those in Plan Change 49 to the ODP (PC49).
10. Some submissions supported Chapter 25 generally⁹; in relation to specific zones¹⁰; or in relation to a broad range of provisions¹¹. As we are recommending some changes to the provisions, we recommend these submissions be accepted in part.
11. Some submissions opposed Chapter 25 and requested that the ODP earthworks provisions are retained¹², on the basis that they were recently made operative under PC49. The ODP is being replaced, in stages, by the PDP. Even if we were to recommend rejection of Chapter 25 in its entirety, the provisions for earthworks would not revert to those under the ODP. On this basis, we recommend that these submissions be rejected. However, we note that aspects of the approach under the ODP have been specifically requested as amendments to Chapter 25, including: exclusion of the Ski Area Sub-Zones (SASZs); retaining earthworks volume thresholds from the ODP; and deletion of some new standards included in notified Chapter 25. We address these aspects later in this Report, as we consider each Chapter 25 provision.
12. Some submitters suggested alternative approaches to dealing with impacts from earthworks in the District. These included Council website notification of locations and time of major earthworks to better inform the public¹³; not requiring earth bunds and mounds screening

⁷ R Henderson, EiC, paragraph 17

⁸ R Henderson, EiC, paragraph 106-108

⁹ For example: Submissions 2019 and 2495

¹⁰ Refer J Wyeth, Section 42A Report, paragraphs 6.2-6.5

¹¹ For example: Submissions 2455, 2618, 2446, 2484, 2540, 2242, 2194, 2195, 2478, 2538 and 2442

¹² For example: Submissions 2448, 2465, 2552, 2560 and 2549

¹³ Submission 2495

dwellings¹⁴; and regular water testing above and below site development boundaries as part of resource consent conditions¹⁵. We agree with Mr Wyeth¹⁶ that it is outside the scope of the PDP to require the Council to notify the public about earthworks. We note and accept Mr Wyeth's statement¹⁷ that there is no requirement in the PDP for screening dwellings with bunds. We also agree with Mr Wyeth's evidence that requirements for water quality monitoring for developments involving earthworks are best determined on a case-by-case basis through the resource consent processes required through Chapter 25, rather than generic requirements being specified in the PDP. We consider the Matters of Discretion and Assessment Matters included in 25.7 and 25.8 of Chapter 25 would enable such conditions to be imposed. On this basis, we recommend these submissions be rejected.

13. Glendhu Bay Trustees Limited¹⁸ requested that, in the event that the decisions on Stage 1 of the PDP agree to the creation of the Glendhu Station Zone, those provisions are incorporated into Chapter 25. The proposed Glendhu Station Zone was rejected through the PDP Stage 1 Decisions¹⁹. Trojan Helmet Limited²⁰ also requested specific earthworks provisions for its proposed The Hills Zone. This rezoning request has been considered in Hearing Stream 14 and it has been recommended that it be rejected²¹. Chapter 25 does not, therefore, include separate earthworks provisions for these areas. We recommend that these submissions be rejected.
14. ORC²² asked that Chapter 25 better recognises and gives effect to the relevant objectives and policies of the Proposed RPS, specifically Objectives 3.1 and 3.2. The submission stated that the Proposed RPS contains a number of objectives and policies related to recognising, protecting and enhancing areas of significant vegetation and habitats, and indigenous vegetation generally. ORC recognised that the notified Chapter 25 gives some effect to these issues in its assessment matters (25.8.6 (c)), but states that the assessment matters need to also cover terrestrial areas. We did not hear evidence on behalf of ORC at the hearing. Mr Jerome Wyeth²³ addressed this submission in his Section 42A Report, summarising the relevant Proposed RPS provisions and recommending amendments to better give effect to it. We accept Mr Wyeth's amendments and do not consider any additional amendments are required. We recommend the submission is accepted in part.
15. Mr Wyeth addressed the submission²⁴ from 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). This seeks a number of amendments to the PDP to better provide for the cultural values, rights and interests of Kāi Tahu and better achieve the purpose of the Act. The submission from Kāi Tahu was generally supported by three further submissions. Mr Wyeth summarised the amendments sought by Kāi Tahu and agreed that the PDP needs to recognise Kāi Tahu's cultural values and interests. He noted that Chapter 5 specifically relates to Kāi Tahu's values and interests and the strategic directives in

¹⁴ Submission 2133

¹⁵ Submission 2140

¹⁶ J Wyeth, Section 42A Report, paragraph 20.34

¹⁷ J Wyeth, Section 42A Report, paragraph 20.35

¹⁸ Submission 2382

¹⁹ Report 16.16

²⁰ Submission 2387

²¹ Report 18.7

²² Submission 2497

²³ J Wyeth, Section 42A Report, paragraphs 6.8-6.9

²⁴ J Wyeth, Section 42A Report, paragraphs 6.16-6.22

that chapter need to be given effect to throughout the PDP chapters, including Chapter 25. Although Mr Wyeth considered that Chapter 25 already includes a number of relevant provisions, he agreed that improvements could be made. He recommended improved linkages between Chapters 5 and 25, and greater consistency and specificity in the way sites of significance to Kāi Tahu are referred to. We did not hear evidence on behalf of Kāi Tahu at the hearing. We accept Mr Wyeth's amendments to the Purpose of Chapter 25, Policy 25.2.1.2, and Rule 25.4.5. We recommend the submission from Kāi Tahu is accepted in part.

16. A group of submitters²⁵ made general submissions seeking that SASZs be exempt from all earthworks rules in Chapter 25, particularly where the ski areas are located on conservation or public lands; or where there is overlap with controls from ORC²⁶. We address these submissions below in relation to duplication with controls over earthworks by ORC and/or DoC, as well as later in this Report where we consider each of the Chapter 25 provisions.

1.5 Duplication with Controls over Earthworks by ORC, DoC or other Chapters of the PDP

17. As stated above, a group of submitters with interests in the District's ski areas made submissions seeking that SASZs be exempt from the earthworks rules in Chapter 25, on the grounds that earthworks are already adequately controlled by the Department of Conservation (DoC) where the ski areas are on conservation land; by ORC through the Otago Regional Plan: Water (the Water Plan); or through other chapters of the PDP, such as Chapter 33. Before we consider submissions on the detailed provisions of Chapter 25 (including within SASZs), we will generally consider whether it is appropriate for earthworks to be managed through Chapter 25 of the PDP, rather than the alternatives of management by ORC, DoC or through other chapters of the PDP.
18. We received legal submissions on this matter from Maree Baker-Galloway on behalf of the group of submitters²⁷ (other than for NZSki Limited (NZSki) and Skyline Enterprises Limited (Skyline)). She submitted that it was generally less efficient, and unnecessary, to duplicate regulation in the District Plan where that is otherwise adequately managed through Regional Plans. In addition, it was her submission that other regulation over earthworks, as a result of the underlying nature or tenure of a landholding (such as licences or leases with Land Information New Zealand, or concessions from DoC), mean that earthworks in such areas should not be subject to additional, unnecessary regulation, unless there is evidence of the need to control specific effects. Ms Baker-Galloway referred us to section 75 of the Act, requiring the district plan to give effect to an RPS, and not be inconsistent with a regional plan, indicating that this would be ensured by avoiding duplication of controls.
19. Mr Wakefield also addressed us on these matters in his opening and reply representations / legal submissions for the Council²⁸.
20. Firstly, in relation to overlap with ORC functions, he stated the Council recognised the management of the effects on water quality (i.e. sedimentation) is a function that primarily rests with regional councils under section 30 of the Act. However, he submitted that the management of earthworks, and effects associated with earthworks (i.e. arising from land use activities), are a function of both the Council and ORC, engaging directly with the Council's

²⁵ Submissions 2454, 2493, 2466, 2494, 2581, 2492, 2373, 2384 and 2376

²⁶ Notified Chapter 25 included an exemption from all except Rules 25.5.12 to 25.5.14, 25.5.20 and 25.5.21

²⁷ Maree Baker-Galloway, Legal submissions for the Treble Cone Group and for the Real Journeys Group

²⁸ M Wakefield, Opening Representations / Legal Submissions for the Council, paragraphs 7.2-7.15; and Reply Representations / Legal Submissions for the Council, paragraphs 5.7-5.11

functions under section 31 of the Act. He stated that, while there may be overlaps between their respective functions, in certain cases duplication is an appropriate outcome to ensure proper regulation of activities.

21. Mr Wakefield's opening and reply submissions referred us to two decisions of the Environment Court²⁹ which identified the potential for such an overlap. He submitted the *Telecom* case recognised that there might be overlapping jurisdiction between regional and district councils provided each is acting within its respective functions under the Act; and this position was supported by the *Wanaka Landfills* case. He submitted the latter decision disagreed that "*there is nothing in the Act that suggests the potential for overlap of the control of activities in a river bed in the manner contemplated by QLDC*" and refused to make a declaration that QLDC has "*no legal jurisdiction to consider and decide the effects of gravel extraction activities in the river bed*". It was his submission that the Council was not striving to create unnecessary duplication, but provide for district-wide regulation where a matter is not being adequately managed elsewhere.
22. Mr Wakefield also referred us to the Proposed RPS which he submitted requires the Council to manage the potential effects of erosion and sedimentation from land use activities through its district plan. He referred us to Policies 3.1.7 (Soil Values) and 3.1.8 (Soil Erosion), and Method 4.1.4 which states that city and district plans "*will set objectives, policies and methods to implement*" those policies "*by including provisions to manage the discharge of dust, and silt and sediment associated with earthworks and land use*". Mr Wakefield submitted that it is reasonable and appropriate for the Council to seek to manage the effects of earthworks, particularly given the significance the PDP places on protecting amenity values associated with the District's lakes and rivers.
23. Secondly, in relation to duplication with the concessions process under the Conservation Act 1987, Mr Wakefield referred us to a previous Report of a separate PDP Hearings Panel regarding the clearance of indigenous vegetation within SASZ³⁰. It was Mr Wakefield's submission to us that the previous Panel found there was no evidence presented to it that gave it confidence any concession approval required from DoC would amount to a duplication of Resource Management Act processes. However, we think Mr Wakefield may have misunderstood what the Panel was saying in that report. The Panel stated that there was little to be gained from duplicating approval processes under the Conservation Act with consent requirements under the Resource Management Act. The Panel went on to state that it had no evidence that approvals under the Land Act or the Reserves Act would amount to duplication with resource consent processes³¹. In the case of earthworks, it was the Council's position that there is no evidence the DoC concession process will adequately assess the risks of sediment discharge from earthworks.
24. Evidence on the matter of duplication of functions was provided by Mr Sean Dent for NZSki and Skyline; Mr Ralph Henderson for the Treble Cone Group; and Mr Ben Farrell for the Real Journeys Group; and well as by Mr Wyeth for the Council.
25. It was Mr Dent's evidence³² that earthworks and the subsequent discharge of sediment are adequately controlled by the ORC through the Water Plan; and often controlled by DoC

²⁹ *Telecom New Zealand Limited v Environmental Protection for Children Trust* C36/2003; and *Wanaka Landfills Limited v Queenstown-Lakes District Council* [2010] NZEnvC 299

³⁰ Report 4A: Stream 2 Rural, dated 30 March 2018, paragraphs 1637-1648

³¹ *ibid*, at paragraph 1645

³² S Dent, EiC, paragraphs 48-65

through lease terms or concession requirements. He accepted the Council has relevant functions in terms of section 31 of the Act but, in his opinion, the processing of resource consents for earthworks by the Council would represent an expensive duplication of the concessions and approvals issued by DoC (and the ORC where consent is triggered under the Water Plan). Mr Dent referred us to the protocol developed between NZSki and DoC for the rehabilitation of natural alpine environments following ski area development. He also provided us with an example of a concession issued by DoC for works within ski areas. He informed us about a development proposal involving major earthworks within a ski area, that he was involved with, which he considered required unnecessary duplication of assessment and approvals from DoC, ORC and the Council. Mr Dent also referred us to the previous Panel's Report on Chapter 33, which accepted that, in the case of approvals for indigenous vegetation clearance granted by DoC on Public Conservation Land, exemptions from Council consenting requirements for the same activity may be appropriate.

26. Mr Henderson³³ agreed that the Council is able to regulate the effects of earthworks through the PDP, but he did not consider it is likely to be more effective than the existing regulation through the Water Plan, and the duplication will be less efficient. He did not, however, provide any evidence to support this opinion. In answer to the Panel's questions, he agreed that the standards in the PDP provide a more focussed and specific direction for managing earthworks than relying on the ORC Water Plan discharge rules. Mr Henderson also pointed us to the clearance of indigenous vegetation rules in Chapter 33 of the PDP. It was his opinion that any earthworks clearance in a SASZ would also require resource consent for indigenous vegetation clearance, and further regulation through the proposed earthworks rules would result in an inefficient duplication of process.
27. Mr Farrell³⁴ acknowledged that regional and district council are able to duplicate / overlap provisions and responsibilities, provided there is no conflict between them.
28. We also note the evidence we received from Mr Nigel Paragreen, from Otago Fish and Game Council (Fish and Game)³⁵. Fish and Game had supported the Council's stricter approach to earthworks management through Chapter 25. We will refer further to Mr Paragreen's evidence later in this Report. Here we pay particular attention to his recent examples of adverse effects from sediment discharges into waterways in the District³⁶, regardless of the ORC Water Plan and/or its enforcement. He expressed a wariness at the Council leaving the management to "*someone else*". In his opinion, management of the effects of earthworks is a key function of the Council and that, given his recent experiences, now is not the time to reduce regulatory involvement.
29. Mr Wyeth³⁷ also acknowledged the overlap in functions under the Act between regional and district councils, but considered this was unavoidable in order to manage earthworks and associated adverse effects. He noted that 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. In his view, there was no 'hard and fast' demarcation of the adverse effects from earthworks and the associated management responsibilities. Mr Wyeth also pointed to the District's highly valued lakes and rivers, with typically very high amenity, as articulated in the Strategic Directions of

³³ R Henderson, EiC, paragraphs 88-91

³⁴ B Farrell, EiC, paragraph 22

³⁵ Submission 2455

³⁶ N Paragreen, Evidence, paragraphs 3-4, and answers to questions from the Panel

³⁷ J Wyeth, Section 42A Report, Section 7

Chapter 3, and the resulting need for a comprehensive management approach from both the ORC and the Council.

30. It was Mr Wyeth's firm opinion³⁸ that Method 4.1.4 of the Proposed RPS (combined with Policies 3.1.7 & 3.1.8) places an obligation on territorial authorities to manage the effects of erosion and sedimentation from land use activities through district plans. In the absence of a dedicated regional earthworks or soil conservation plan, it was Mr Wyeth's opinion that the Proposed RPS indicates it is intended that sediment associated with land use is to be managed primarily by district plans. He considered that Chapter 25 implements Method 4.1.4.
31. In relation to the Water Plan, it was Mr Wyeth's evidence that it does not manage land use activities for soil conservation or water quality purposes, but instead manages the discharge of sediment from disturbed land. He considered this differs from the approach taken by other regional councils in New Zealand which manage large scale earthworks (often through land plans)³⁹. He noted that the controls in the Water Plan focus on the point at which the sediment enters water, rather than the land disturbance activity itself, giving limited opportunity to proactively manage potential effects.
32. In relation to DoC approvals, in Mr Wyeth's opinion⁴⁰, the Conservation Act 1987 and the Act have different purposes and require different considerations through their approval processes. He considered there would need to be clear grounds to exempt activities from the Act's requirements on the basis that environmental effects would be adequately addressed through the concession process. In terms of the recommendation of the previous Hearing Panel relating to indigenous vegetation clearance, he noted that Panel concluded that there was little to be gained from duplicating the two processes. However, he did not have confidence or certainty that the same situation would apply with earthworks approvals.
33. Following receipt of the ski area concession example from Mr Dent, Mr Wyeth reviewed⁴¹ the DoC officer report and the concession (with its conditions). However, whilst it referred to sediment management, Mr Wyeth would have expected a more detailed set of conditions to manage erosion and sediment run-off from such large-scale earthworks. He did not consider Mr Dent's example provided sufficient evidence that adverse effects associated with earthworks would be appropriately managed through a DoC concession process. Mr Wyeth also pointed out that DoC supported the provisions in the notified PDP, with no evidence from DoC requesting that earthworks on public conservation land be exempt. He considered that, while there may be some duplication, this can be managed through the respective agencies working together to align their processes.
34. In relation to an overlap with the indigenous vegetation clearance rules in Chapter 33, Mr Wyeth⁴² considered that Chapter 33 has quite a distinct and separate focus from Chapter 25. Chapter 33 focuses on the protection, maintenance and enhancement of indigenous biodiversity values; whereas Chapter 25 focusses on the adverse effects and benefits of earthworks. He stated that Chapter 33 only regulates earthworks within identified Significant Natural Areas; and the rules for indigenous vegetation clearance in alpine environments specifically do not manage the effects of earthworks. In Mr Wyeth's opinion, there would be

³⁸ J Wyeth, Section 42A Report, paragraph 4.26-4.27

³⁹ Appendix 3 to the Section 32 Report reviewed approaches to managing earthworks in regional and district plans.

⁴⁰ J Wyeth, Rebuttal Evidence, paragraphs 5.2-5.8

⁴¹ J Wyeth, Reply Evidence, paragraphs 6.1-6.6

⁴² J Wyeth, Rebuttal Evidence, paragraphs 3.5-3.10

limited duplication in the matters to consider when preparing and assessing applications for consent under each Chapter.

35. In considering this issue, we start by accepting the position of the parties that, in principle, the provisions of Chapter 25 that seek to manage adverse effects associated with earthworks (as land use activities) fall within the Council's functions under section 31. We agree with the submissions of Mr Wakefield that management of earthworks, and effects associated with earthworks (arising from land use activities), are a function of both the Council and ORC. This may result in an overlap of functions between the regional and district councils, but there is no jurisdictional barrier to that, provided each is acting within its respective functions under the Act. We also accept the submissions from Mr Wakefield that it is reasonable and appropriate for the Council to seek to ensure that the effects of earthworks are adequately managed, in particular given the significance the PDP places on protecting the values associated with the District's lakes and rivers.
36. We have then addressed consistency with the higher order statutory documents, in this case the Proposed RPS. As described in Report 19.1, Ms Scott, for the Council, provided the Panel with a memorandum⁴³ advising the status of the Proposed RPS, and providing us with relevant Environment Court consent orders and draft consent order documentation relating to Chapter 3. We understand there are also two outstanding appeals awaiting decisions from the Court. Having reviewed that information, we are satisfied that Policy 3.1.8, which relates to minimising soil erosion, is subject to only a minor change in the consent memorandum on Chapter 3 (yet to be signed off by the Court). Method 4.1.4 does not appear to be subject to appeal, and there are no proposals to modify it in the consent memorandum. Although we note that the Regional Council did not make this method operative on 14 January 2019.
37. We are satisfied that Policy 3.1.8 is a relevant policy in the Proposed RPS to be implemented through Chapter 25. Policy 3.1.8 reads as follows (the underlined words are subject to the consent memorandum):

Policy 3.1.8 Soil erosion

Minimise soil erosion resulting from activities, by undertaking all of the following:

- a) Using appropriate erosion controls and soil conservation methods;*
- b) Maintaining vegetative cover on erosion prone land;*
- c) Remediating land where significant soil erosion has occurred;*
- d) Encouraging activities that enhance soil retention.*

As Policy 3.1.8 is now beyond further challenge, we consider we must have sufficient regard to it to ensure the PDP will give effect to it once the RPS is operative.

38. Method 4.1.4, which applies to this policy, clearly requires territorial authorities to "*set objectives, policies and methods to implement policies in the RPS as they relate to the ... District Council areas of responsibility.*", and states that those objectives, policies and methods are to implement the following "*Policies 3.1.7, 3.1.8 and 5.4.1: by including provisions to manage the discharge of dust, silt and sediment associated with earthworks and land use.*" Given the plain reading of these provisions, we agree with the evidence of Mr Wyeth that Method 4.1.4, combined with Policy 3.1.8, places an obligation on the Council to include objectives, policies and methods in the district plan to minimise soil erosion, through managing the effects of dust,

⁴³ Memorandum of Counsel for Queenstown Lakes District Council Advising Panel and Submitters of PORPS Status, 22 August 2018

silt and sediment associated with earthworks and land use. We consider that, not to do so, would not give effect to, or implement, the Proposed RPS.

39. The Panel accepts that the methods in the district plan, as required by Method 4.1.4, are not limited to rules. The RPS gives some discretion to the Council as to how it gives effect to the policy and what methods it considers most appropriate. However, any alternative methods would need to give effect to Policy 3.1.8 and Method 4.1.4 and ensure that soil erosion from land use activities is minimised.
40. We have taken into account the policies set out by Mr Wyeth⁴⁴ from the two relevant iwi management plans⁴⁵. We agree with Mr Wyeth that these policies are relevant to district plans. They seek to maintain water in the best possible condition, and to discourage activities that increase the silt loading in waterways.
41. We referred above to the significance the PDP places on protecting the values associated with the District's lakes and rivers. Chapter 3 Strategic Directions includes numerous objectives and policies which seek to protect the District's natural environments, ecosystems, natural character and nature conservation values of waterways, outstanding natural landscapes and natural features, and Ngai Tahu values⁴⁶. In particular, Strategic Policies 3.3.19 and 3.3.26, which must be implemented throughout the PDP, read as follows:

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.

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.

We consider these Strategic Policies, in combination with the other Strategic Objectives and Policies identified by Mr Wyeth, give a strong direction to Chapter 25 in terms of the Council's obligation to ensure that earthworks are undertaken in a way that minimises soil erosion, sediment generation and other adverse effects, including on water quality, landscape and natural character.

42. We have considered the alternative methods put forward by Mr Henderson, Mr Dent and Mr Farrell, for giving effect to the RPS and implementing the Strategic Directions of the PDP, and Mr Wyeth's responses to those methods. We considered the provisions of the Water Plan and have reviewed the concession documentation provided by Mr Dent. We accept the evidence of Mr Wyeth in relation to the alternative of reliance on the ORC and its Water Plan, or on DoC approvals under the Conservation Act for public conservation land.

⁴⁴ J Wyeth, Section 42A Report, pages 12 & 13

⁴⁵ *The Cry of the People, Te Tangi a Tauira*: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008; and *Kāi Tahu ki Otago* Natural Resource Management Plan 2005

⁴⁶ J Wyeth, Section 42A Report, pages 14 & 15, set out objectives and policies from Chapter 3 Strategic Directions which he considered particularly relevant to Chapter 25. We agree with the objectives and policies identified by Mr Wyeth and with his evidence that all other chapters in the PDP must align with, and help implement, the Strategic Directions.

43. We agree with Mr Wyeth that the Water Plan focusses on managing the discharge of sediment from disturbed land, at the point sediment enters a waterbody; but it does not directly manage the land disturbance activities themselves for soil conservation or water quality purposes. We consider this approach to be largely reactive and retrospective, in relation to unanticipated discharges to waterbodies from earthworks. It is limited in its ability to implement a proactive, anticipatory approach, to ensure that earthworks are managed in a way that such discharges, and their effects, are minimised. This appears to us to be the role of the district plan through land use controls, as required by Method 4.1.4. We do not consider the provisions of the Water Plan would be sufficient, or effective, to ensure that Policy 3.1.8 of the RPS is given effect to, or to implement the relevant Strategic directions of the PDP. We are satisfied that Chapter 25 (subject to our specific recommendations to follow), provides a more appropriate and effective method than reliance on the Water Plan for achieving these objectives. We do not consider that this results in duplication with ORC processes, but rather they complement one another.
44. We also agree with Mr Wyeth that the Conservation Act 1987 and the Act have different purposes and require different considerations through their approval processes. We do not have any confidence or certainty from the information provided to us that adverse effects associated with earthworks would be appropriately managed through a DoC concession process. While there may be some duplication, we consider this can be managed through the respective agencies working together to align their processes.
45. Finally, we agree with Mr Wyeth that the indigenous vegetation clearance provisions in Chapter 33 have a distinct and separate focus from Chapter 25. Chapter 33 focuses on the protection, maintenance and enhancement of indigenous biodiversity values; whereas Chapter 25 focusses on the adverse effects and benefits of earthworks. We do not consider that reliance on consents under Chapter 33 would be sufficient, or effective, to ensure that Policy 3.1.8 of the RPS is given effect to, or to implement the relevant Strategic directions of the PDP.
46. Having considered the alternative methods put before us, we are satisfied that Chapter 25 (subject to our specific recommendations to follow) provides the more appropriate and effective method for achieving these objectives. In terms of efficiency, we do not consider Chapter 25 results in unnecessary or undue duplication with ORC or DoC processes (or other requirements of the PDP), but rather they complement each other. We consider not including controls over earthworks in the PDP (and relying on these alternative processes) would be a significant risk in terms of adverse effects on water quality, landscape, natural character, biodiversity and amenity values (amongst other adverse effects).

1.6 Changes from Plan Change 49 to the ODP

47. It was put to us, by the group of submitters with interests in the ski areas, that a change from the exemptions for ski area earthworks in Plan Change 49 (PC49) to the ODP is not only contrary to case law, it is not justified. Before we consider submissions on the detailed provisions of Chapter 25 (including within SASZs), we will generally consider whether or not the PDP can, or should, include earthworks provisions that are more stringent than those in PC49.
48. The legal submissions from Ms Baker-Galloway⁴⁷, on behalf of the Treble Cone and Real Journeys Groups, submitted that subjecting earthworks within SASZs to greater regulation as

⁴⁷ Legal submissions from Maree Baker-Galloway, for the Treble Cone Group, paragraphs 13-16. The legal submissions on behalf of the Real Journeys Group were the same

compared with the ODP (PC49) is contrary to case law which supports a less restrictive regime that meets the purpose of the Act and the objectives of a Plan⁴⁸. In addition, she submitted that such an approach is not justified in the sense that it represents a fundamental change to the (recently) approved Operative earthworks chapter. Ms Baker-Galloway pointed out that the Operative earthworks chapter was only made operative on 30 June 2016. She questioned the need for /efficiency of completely reviewing that chapter again, particularly as she considered it was not clear from the Section 32 Reports what effects have changed such as to justify the need to change the regulation.

49. Ms Baker-Galloway provided us with quotes from the Commissioner's Report on PC49 which accepted that earthworks in SASZs should be exempt from the PC49 provisions, carrying over this exemption from the previous plan provisions. She submitted that the situation has not changed in the last 2 years, and that we would be justified in coming to the same conclusion as the PC49 Commissioner. Having reviewed the Commissioner's Report on PC49, we considered Ms Baker-Galloway was selective in the interpretation she provided to us. She did not disclose the circumstances that led the Commissioner to make the recommendation he did, in particular that all parties involved agreed to exempt the SASZs from the PC49 earthworks provisions and there was no evidence before the Commissioner to enable him to consider the costs and benefits / effectiveness and efficiency of this approach compared with alternative approaches. However, in answer to questions from the Panel, Ms Baker-Galloway accepted that there is no legal bar to this Panel reconsidering the provisions in PC49. She also agreed that the district-wide audit of current earthworks management, undertaken for the Council by 4Sight Consulting⁴⁹ as part of the Council's Section 32 evaluation of alternative approaches for the PDP, is a relevant matter for us to consider when evaluating the PC49 provisions.
50. In his Reply representations / legal submissions for the Council⁵⁰, Mr Wakefield responded to the submissions from Ms Baker-Galloway on PC49. In its opening legal submissions for Stream 15, the Council had addressed a similar situation in relation to a recently approved plan change for signs (PC48). Mr Wakefield submitted that the same analysis applies in respect of PC49. The Council's opening submissions set out a number of factors that go to whether it is reasonable to have regard to, and place some weight on, a decision recently issued by the Court in relation to the same matter now being heard as part of a plan change hearing, including:
 - the relatively recent consideration by the Court of very similar issues;
 - the level of scrutiny by the Court in relation to the provisions and alternatives; and
 - the Council's intention to effectively integrate the plan change approach into the structure and style of the plan.
51. It was Mr Wakefield's submission that there are several reasons why placing reliance on PC49 should be approached with caution, namely:
 - Although PC49 was determined recently, it was determined by a Commissioner appointed by the Council and did not have Court scrutiny;
 - The Council has now notified and recommended a different planning approach for a range of matters across the PDP (both Stages 1 and 2), which it has justified in terms of Section 32 of the Act;

⁴⁸ Refer to Report 19.1, Section 2.1

⁴⁹ 4Sight Consulting. Queenstown Lakes District Council Proposed District Plan: Assessment of Thresholds for Earthworks. September 2017

⁵⁰ Reply Representations / Legal Submissions for the Council, dated 15 October 2018

- The proposed earthworks provisions in Chapter 25 do not “reinvent the wheel” for the entire approach to regulating earthworks. Instead, as noted by Mr Wyeth, the proposed provisions build on and seek to improve the operative earthworks provisions, in order to give effect to the new higher order directions included in Stage 1.

The Panel also notes here that the new higher order direction in the Proposed RPS has also become beyond challenge since PC49 was considered.

52. Mr Wakefield’s legal submissions in reply were supported by reply evidence from Mr Wyeth⁵¹, who explained that the PDP has been developed in a different planning context to PC49. He considered it was timely for the Council to reconsider the earthworks provisions, including the exemption for SASZ in PC49, in the context of the Strategic Directions of the PDP. Mr Wyeth stated that the notified Chapter 25 provided considerable flexibility for ski areas, but he did not support a complete return to the approach in PC49.
53. We have considered the submissions from Ms Baker-Galloway and Mr Wakefield, and the evidence from Mr Wyeth. We agree that there is no legal bar to this Panel reconsidering the provisions in PC49. We accept the caution expressed by Mr Wakefield regarding relying heavily on the provisions of PC49, given it was decided by a Commissioner sitting alone, with little opposing evidence and, therefore, no need for the Commissioner to carefully weigh the evidence. We agree with Mr Wakefield that the evidence from Mr Wyeth and Mr Sunich set out the background research undertaken by the Council in preparing the notified Chapter 25, including a district-wide audit of earthworks management, and the Council’s Section 32 evaluations of alternative approaches. On this basis, we are satisfied that the PDP can include earthworks provisions that are more stringent than those in PC49. Whether or not any particular provision is more appropriate than the equivalent in PC49 will be the subject of our evaluation of the evidence in terms of the statutory tests and Section 32 of the Act, as set out in the balance of this Report.

2. SECTION 25.1 - PURPOSE

54. Other than from Mr Wyeth and Ms Kim Reilly from Federated Farmers of New Zealand Inc (Federated Farmers)⁵² (whom we refer to below), we did not hear any specific evidence on the amendments sought by submitters to the Chapter 25 Purpose. Mr Wyeth’s evidence⁵³ addressed the specific amendments sought by some submitters⁵⁴. Resulting from his consideration of submissions, he recommended amendments and additions to the Chapter Purpose through the updated version attached to his Reply evidence (the Reply Version). He also included amendments resulting from his consideration of the Kāi Tahu submission that we have discussed earlier in this Report. We accept Mr Wyeth’s evidence on these matters. We recommend his changes to the Chapter Purpose in the Reply Version be accepted, and the submissions accepted accordingly.
55. Ms Reilly lodged a statement of evidence in support of Federated Farmers’ submission, although she was unable to attend the hearing to present this to us. Having read Mr Wyeth’s evidence, Ms Reilly⁵⁵ supported the recommended addition from Mr Wyeth relating to smaller scale earthworks in rural areas. Federated Farmers’ submission had also requested that reference to waterbodies be deleted from the Chapter Purpose. Ms Reilly’s evidence

⁵¹ J Wyeth, Reply Evidence, section 14

⁵² Submission 2540

⁵³ J Wyeth, EiC, paragraphs 20.21-20.29

⁵⁴ Submissions 2442, 2540 and 2457

⁵⁵ K Reilly, EiC

expressed concern at the Purpose referring to the impacts of earthworks on water quality. In her opinion, the ORC (through its Water Plan) sets out the water quality responsibilities of rural resource users, and she considered matters relating to water quality would be better addressed through the Water Plan alone. We have already discussed the inter-related roles of the ORC and the Council in managing the effects of earthworks activities. We have found this is a shared function and that Chapter 25 provides a more appropriate and effective method than reliance on the ORC's Water Plan alone for achieving the PDP's objectives. We do not consider this results in duplication with ORC processes, but rather they are complementary processes. We recommend that this aspect of the submission from Federated Farmers be rejected.

3. SECTION 25.2 - OBJECTIVES AND POLICIES

3.1 Introduction

56. The notified Chapter 25 included 2 objectives and twelve policies. Objective 25.2.1 and its five policies related to management of adverse effects from earthworks on the environment, landscape and amenity values. Objective 25.2.2 related to both recognising the benefits from earthworks for social, cultural and economic wellbeing of people and communities; as well as ensuring that people and communities are protected from adverse effects such as land stability and nuisance effects. Several of its seven policies referred to the latter aspect.
57. Mr Wyeth's evidence considered the amendments sought by submitters. He recommended⁵⁶ amendments to, and reconfiguring of, the notified objectives and policies through the updated versions of Chapter 25 attached to his evidence. We have considered his evidence, as well as the submissions themselves, and the evidence from submitters presented to us at the hearing. We have used the version attached to Mr Wyeth's Reply evidence as the basis for our consideration of the relevant submissions (the Reply Version).

3.2 Objectives - General

58. The notified Objectives 25.2.1 and 25.2.2 read as follows:

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

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

59. Mr Wyeth considered there would be benefits in terms of plan clarity from moving the direction in Objective 25.2.2, and its associated policies, relating to "*protection of people and communities (and infrastructure)*" to Objective 25.2.1. He considered this would assist with plan interpretation and implementation without changing the underlying intent and effect of the notified objectives and policies. Objective 25.2.2 and its remaining Policy 25.2.2.1, would then be clearly focussed on recognising the benefits of earthworks, addressing relief sought by several submitters⁵⁷. In the Reply Version, Objectives 25.2.1 and 25.2.2 read as follows:

⁵⁶ J Wyeth, Section 42A Report, paragraphs 10.5-10.9

⁵⁷ For example, the Real Journeys Group, the Treble Cone Group, and Submissions 2388, 2575, 2468 and 2462

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.*

With eleven supporting policies, including relocated notified Policies 25.2.2.2 – 25.2.2.7.

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

With one remaining supporting Policy 25.2.2.1.

60. We accept Mr Wyeth’s evidence on this reconfiguration. Subject to the specific wording amendments we discuss below, we recommend the reconfiguration of the objectives and policies included in the Reply Version of Chapter 25 be accepted and the submissions accepted accordingly.
61. Fish and Game⁵⁸ supported Objectives 25.2.1 and 25.2.2 and all supporting policies, requesting they be retained, on the basis that they provide an appropriate framework to protect environmental values, maintain landscape and visual amenity values, while also allowing people and communities to benefit from earthworks. We received evidence from Mr Paragreen on behalf of Fish and Game⁵⁹. We have previously referred to Mr Paragreen’s evidence regarding recent examples of adverse effects from sediment discharges into waterways in the District from land development earthworks. It was his opinion that, at the moment, adverse effects on waterways from sediment discharge in Wanaka are not being “minimised” and are greater than they have ever been. He supported a strong approach to minimising adverse effects being taken through Chapter 25.
62. Support for both objectives and their policies also came from Queenstown Airport Corporation (QAC)⁶⁰ and Heritage New Zealand (HNZ)⁶¹. Mr John Kyle, on behalf of QAC, stated in his evidence⁶² that he generally supported the amendments suggested by Mr Wyeth and considered they would appropriately address the adverse effects of earthworks. Ms Denise Anderson gave evidence on behalf of HNZ. She expressed⁶³ general support for the revised chapter attached to Mr Wyeth’s evidence. Her one outstanding matter did not relate to the objectives and policies. In her evidence for Federated Farmers, Ms Reilly also supported⁶⁴ Mr Wyeth’s recommended amendments to Objectives 25.2.1 and 25.2.2.
63. The Oil Companies⁶⁵, Paterson Pitts⁶⁶ and Federated Farmers⁶⁷ supported Objective 25.2.1 and requested it be retained. They considered it was appropriate for the objective to focus on minimising adverse effects of earthworks, rather than avoiding adverse effects, as this is not

⁵⁸ Submission 2495

⁵⁹ N Paragreen, Evidence, paragraphs 3-5

⁶⁰ Submission 2618

⁶¹ Submission 2446

⁶² J Kyle, EIC, paragraph 8.3.1

⁶³ D Anderson, EIC, paragraph 5.2

⁶⁴ K Reilly, EIC, paragraphs 14 & 27

⁶⁵ Submission 2484 lodged jointly by Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited. The statement from Mr John McCall on behalf of the Oil Companies supported the recommendations of Mr Wyeth in relation to the objectives and policies.

⁶⁶ Submission 2457

⁶⁷ Submission 2540

possible in all instances. The New Zealand Transport Agency (NZTA)⁶⁸ supported Objective 25.2.2 and its policies (some of which Mr Wyeth transferred to Objective 25.2.1). Mr Anthony MacColl gave evidence for NZTA. He supported⁶⁹ Mr Wyeth's recommendations including his amendments.

64. On the basis that we generally recommend the objectives and policies contained in the Reply Version of Chapter 25 are accepted (subject to our specific considerations below), we recommend these submissions in support of the objectives and policies be accepted.

3.3 Objective 25.2.1

65. Remarkables Park Limited (RPL)⁷⁰ and Queenstown Park Limited (QPL)⁷¹ opposed the use of "*minimise*" in Objective 25.2.1 and requested that it be replaced with "*avoid, remedy and mitigate*". We have noted above the support for "*minimise*" from other submitters.
66. Legal submissions on behalf of RPL and QPL were presented by Ms Rachel Ward. It was her submission⁷² that the requirement to "*minimise*" adverse effects creates uncertainty for plan users, in that it requires a reduction of an adverse effects to an indeterminable level. Even a minor effect may be able to be minimised further. Council officers could challenge whether or not an effect is sufficiently minimised. She submitted that this provides a "quasi-avoidance" regime. Ms Ward supported the concept of "*management*" as being more appropriate, as it lies at the heart of the Act and involves weighing often conflicting considerations to determine, overall, an appropriate outcome in the circumstances.
67. Mr Timothy Williams gave evidence on behalf of RPL and QPL⁷³. In his opinion, the use of the words "*minimise*" and "*protect*" in Mr Wyeth's amended objective set too high a test, whereas "*management*" with "*remediation or mitigation*" would better reflect a practical and workable approach to earthworks. He acknowledged that "*minimise*" might be the most appropriate approach at a particular policy level, but not across the board at an objective level. He preferred the objective to refer to – "*manage effects on the environment ...*".
68. Mr Wyeth responded to the legal submissions and the evidence of Mr Williams in both his Rebuttal and Reply evidence, in relation to both Objective 25.2.1 and Policy 25.2.1.2 (which we discuss later in this Report). Mr Wyeth disagreed⁷⁴ with Mr Williams that the word "*minimise*" precludes mitigation and remediation as management options for earthworks, as a range of actions to avoid, mitigate or remediate may be involved, so that the residual adverse effects are the smallest extent practical⁷⁵. It was Mr Wyeth's opinion⁷⁶ that the word "*manages*" does not provide sufficient clear direction as to how adverse effects of earthworks are intended to be managed. In his Reply evidence⁷⁷, Mr Wyeth noted that "*minimise*" is used in the Strategic Directions Chapters of the PDP, is supported by other submitters, and is used

⁶⁸ Submission 2538

⁶⁹ A MacColl. EIC, paragraphs 5.2-5.3

⁷⁰ Submission 2468

⁷¹ Submission 2462

⁷² Legal submissions from Rachel Ward, paragraphs 4.1-4.4

⁷³ T Williams, EIC, paragraphs 5.1-5.6

⁷⁴ J Wyeth, Rebuttal Evidence, paragraph 6.3

⁷⁵ J Wyeth, Section 42A Report, paragraph 9.10, where he provides the plain meaning of "*minimise*" being to reduce (something) to the smallest possible amount or degree.

⁷⁶ J Wyeth, Rebuttal Evidence, paragraphs 6.4 & 6.7

⁷⁷ J Wyeth, Reply Evidence, section 15

in other national regional and district planning documents without (in his experience) creating the issues in practice suggested by Ms Ward and Mr Williams.

69. We have considered the evidence of Mr Williams and Mr Wyeth, and the legal submissions from Ms Ward, as to the use of the words “*minimise*” or “*manage*” in Objective 25.2.1. We agree with the evidence of Mr Wyeth that it is the role of an objective to express a clear direction or outcome, as to how adverse effects of earthworks are to be managed. We consider the use of the word “*manage*” does not provide this direction. It does not give any indication as to the purpose, outcome, extent or nature of the “*management*” required. We do not consider this is good practice wording for a plan objective.
70. In addition, we have considered the relevant Strategic Direction in Chapter 3. The relevant objectives and policies provide direction such as “avoid or minimise adverse effects on water quality”; “maintain/sustain/preserve or enhance life-supporting capacity and natural character (of waterbodies); “maintain or enhance water quality”; “protect Kāi Tahu values”⁷⁸. We consider these give a strong direction to Chapter 25 in relation to sediment generation and other adverse effects, including on water quality, landscape, natural character and Ngāi Tahu values. In order to implement the higher order strategic direction, we agree with Mr Wyeth that the objectives in Chapter 25 need to take this direction further by providing clarity as to the outcomes to be achieved. We do not consider that using the word “manage” in Objective 25.2.1 would achieve this direction, nor give sufficient certainty that the strategic direction in Chapter 3 would be achieved. We consider the wording recommended by Mr Wyeth to be more appropriate and more effective in achieving the higher order strategic objectives and policies of Chapter 3. We recommend it be accepted and the submissions from RPL and QPL be rejected.
71. Submissions from DoC⁷⁹ and the Real Journeys Group also sought wording amendments to Objective 25.2.1, however, we received no evidence from them on this matter. Accordingly, we accept Mr Wyeth’s recommended wording for this objective in the Reply Version of Chapter 25, and recommend these submissions be rejected.

3.4 Policies 25.2.1.1, 25.2.1.3, 25.2.1.4 & 25.2.1.5

72. Submissions were received on these policies from a range of parties. However, apart from Mr Wyeth, we heard little evidence relating to them.
73. In her evidence for Federated Farmers, Ms Reilly supported⁸⁰ Policy 25.2.1.1. She supported its practical focus on minimising effects of earthworks, rather than avoidance, which she stated is not always achievable.
74. Ms Reilly also commented on Policy 25.2.1.3, which Federated Farmers sought to be deleted. She considered the wording of this policy – “*avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines*”, would entrap standard farming activities such as the maintenance or formation of farm tracks. She considered it would also require landowners to identify all “*visually prominent slopes, natural landforms and ridgelines*”. As Ms Reilly was unable to attend the hearing, we were unable to question her further on this policy. Mr Wyeth responded to Ms Reilly in his Rebuttal evidence⁸¹. He noted that the policy only becomes a relevant

⁷⁸ Strategic Objectives 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 & 3.2.7.1 and Strategic Policies 3.3.21 & 3.3.26

⁷⁹ Submission 2242

⁸⁰ K Reilly, EiC, paragraph 12-14

⁸¹ J Wyeth, Rebuttal Evidence, paragraphs 7.1-7.3

consideration when one of the earthworks standards is exceeded (for example: 1000m³ volume threshold in the Rural Zone) and a consent is required. We also note that the maintenance of existing tracks is specifically excluded from the application of the Chapter 25 by Rule 25.3.4.5g. It was Mr Wyeth's opinion that the assessment of effects required for a consent application would enable consideration of this policy without undue mapping or cost implications, or constraints on existing farming activities. We accept the evidence of Mr Wyeth. We agree this policy would not be relevant for farming activities that are exempt from consent requirements, such as maintenance of existing tracks, and earthworks less than 1000m³ in volume. We are not persuaded by Ms Reilly's evidence that it would result in unnecessary costs and consenting requirements for standard farming activities. We recommend that Federated Farmers' submission on Policy 25.2.1.3 be rejected.

75. Millbrook Country Club (Millbrook)⁸² requested that Policy 25.2.1.5 be amended to provide clarity and not repeat assessment matters. In his evidence for Millbrook, Mr John Edmonds stated⁸³ his view that the policy is unnecessary and provides no beneficial assistance or direction. Mr Wyeth agreed⁸⁴ in part that the policy is covered by the Assessment Matters in 25.8 or the other policies. However, he considered the policy still provides useful direction on the need to recognise both the constraints and opportunities of the site and surrounding environment when designing earthworks. We were not persuaded by Mr Edmonds' limited evidence on this policy and accept the evidence of Mr Wyeth that, although its usefulness is limited, it still provides helpful direction when considering resource consents for large-scale earthworks. We recommend this submission from Millbrook be rejected.

3.5 Policy 25.2.1.2

76. Policy 25.2.1.2 addresses management of the effects of earthworks on the valued resources of the District. From the Reply Version, it reads as follows:

25.2.1.2 Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects to:

- a. Protect the values of Outstanding Natural Features and Landscapes;*
- b. Maintain the amenity values of Rural Landscapes;*
- c. Protect the values of Significant Natural Areas and 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;*

Advice note: *These aquifers are identified in the Otago Regional Plan: Water for Otago 2004.*

- e. Protect Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori;*
- f. Protect the values of heritage sites, precincts and landscape overlays from inappropriate subdivision, use and development; and*
- g. Maintain public access to and along lakes and rivers.*

77. DoC⁸⁵ supported the policy and requested that it be retained as it would protect outstanding natural features and landscapes from adverse effects.

⁸² Submission 2295

⁸³ J Edmonds, EiC, paragraph 14

⁸⁴ J Wyeth, Section 42A Report, paragraphs 9.34-9.35

⁸⁵ Submission 2242

78. The Real Journeys Group requested that the notified policy be amended to ensure the matters are identified as “values” rather than “resources”, better reflecting the range of matters included in the policy. A number of submitters⁸⁶ requested that Policy 25.2.1.2 be amended to replace “protect” with “minimise” as they considered “protect” was overly restrictive. Similarly, Federated Farmers requested that “protect” be replaced with “maintain or enhance”. Paterson Pitts requested that clause b. of the notified policy be amended by deleting the reference to other identified amenity landscapes, as it was unclear what landscapes were being referred to.
79. Having considered this group of submissions, Mr Wyeth agreed that the notified Policy 25.2.1.2 could be refined to better reflect the direction in Objective 25.2.1 and better align with sections 6 and 7 of the Act. He agreed with the suggestion from the Real Journeys Group to refer to the values of the resources, rather than the features themselves. He agreed with Paterson Pitts and amended the wording of clause b. to refer to Rural Landscapes which are mapped⁸⁷. In addition, Mr Wyeth recommended rewording the introductory lines of the policy to focus on managing adverse effects from earthworks, rather than protecting the identified valued resources themselves; and refining the first words of each clause to better align with the Act. Mr Wyeth’s recommended amendments are included in the Reply Version set out above.
80. With the changes recommended by Mr Wyeth, Mr Henderson for the Treble Cone Group⁸⁸ and Ms Reilly for Federated Farmers⁸⁹ supported the amended wording of Policy 25.2.1.2.
81. As with his evidence on Objective 25.2.1, Mr Williams for RPL and QPL⁹⁰ supported restricting the wording of Policy 25. 2.1.2 to “*Manage the adverse effects of earthworks ..*” (followed by the series of clauses) and removing the words referring to avoidance or minimising adverse effects. Mr Williams noted that the introductory wording of Policy 25.2.1.2 is followed by a number of sub-clauses dealing with specific identified valued resources, with varying degrees of management control for each. He considered the first part of the policy could be better worded to acknowledge the management of adverse effects, but then letting each of the sub-clauses address the particular degree of management. Mr Williams also pointed out that clause b. relating to amenity values of Rural Landscapes, and clause g. relating to public access, both included the words “maintain and enhance” in the notified policy. In his opinion, the use of “enhance” does not sit comfortably with a proposal for an earthworks activity, where typically it is the maintenance of amenity or public access that is to be achieved, and enhancement would be an unnecessary requirement. Mr Williams supported the deletion of the words “*and enhance*” from both of these clauses.
82. We have partly discussed Mr Wyeth’s evidence in response to Mr Williams above, as it related to Objective 25.2.1. In that discussion, we agreed that the use of the word “*manage*” would not provide a clear direction or outcome as to how adverse effects of earthworks are to be managed. We also found that “*manage*” would not achieve the strong direction contained in the Strategic Objectives and Policies, nor give sufficient certainty that the strategic direction

⁸⁶ Including the Treble Cone Group and associated Submissions 2377, 2381 & 2382; Submissions 2468 and 2462)

⁸⁷ We note that these are now mapped as Rural Character Landscapes in PDP (Decisions Version)

⁸⁸ R Henderson, EiC, paragraph 66

⁸⁹ K Reilly, EiC, paragraph 19

⁹⁰ T Williams, EiC, paragraphs 5.4-5.6

in Chapter 3 would be achieved. In addition, in relation to Policy 25.2.1.2, Mr Wyeth stated⁹¹ that the reference to “*inappropriate adverse effects*” (from the notified version of the policy) should be read in the context of the clauses that follow. In his view, these clauses provide added direction that inappropriate adverse effects are those effects that do not protect or maintain the values and areas referred to in those clauses, and that it is these adverse effects that should be avoided. Mr Wyeth considered this wording provides clearer direction than the wording recommended by Mr Williams. Mr Wyeth did, however, agree with Mr Williams about the reference to “*enhance*” in clauses b. and g., and recommended their deletion.

83. For the Real Journeys Group, Mr Farrell⁹² generally supported Mr Wyeth’s recommended amendments to Policy 25.2.1.2, except he considered the word “help” should be added to the end of the introductory two lines, in order to prevent the policy being too onerous. Mr Wyeth did not agree⁹³ with Mr Farrell on this matter, stating that the inclusion of the qualifier “help” is unnecessary and would inappropriately ‘water down’ the policy. In his opinion, Policy 25.2.1.2 is intended to focus on protecting the values that contribute to the outstanding and significant nature of the District’s features, landscapes and areas. He considered the structure of the policy, with the phrase “*avoid inappropriate adverse effects and minimise other adverse effects*” in the introductory lines, makes it clear that absolute avoidance of adverse effects is not required to protect these values. However, on reflection, Mr Wyeth considered that the use of the word “*protect*” (as notified) in relation to heritage sites, precincts and landscape overlays may be overly restrictive, and he recommended a qualification be added to clause f.
84. The remaining disagreements are between Mr Wyeth, Mr Farrell and Mr Williams. Otherwise, all the planning evidence and associated legal submissions support the amended wording for Policy 25.2.1.2 recommended by Mr Wyeth in the Reply Version.
85. The Panel has considered the evidence of Mr Williams and Mr Wyeth regarding this introductory wording for Policy 25.2.1.2. As we have stated above, we do not agree that just referring to the “management” of adverse effects would be effective in achieving Objective 25.2.1 or the higher order strategic objectives and policies of Chapter 3. In saying that, we also acknowledge Mr Williams’ concern about interpreting the somewhat convoluted wording of Policy 25.2.1.2. We agree with Mr Wyeth that the reference to “*inappropriate adverse effects*” should be read in the context of the clauses that follow, meaning that inappropriate adverse effects are those effects that do not protect or maintain the values and areas, as referred to in the following clauses. It is our understanding that this is generally consistent with the way that similar wording has been interpreted in higher order planning documents, such as Policies 13 and 15 of the New Zealand Coastal Policy Statement. However, we consider the addition of the words “*in a way that*” at the end of the opening phrase of the policy would further clarify the connection between this opening phrase and the subsequent clauses, and allow it to be more readily interpreted in the way Mr Wyeth explained.
86. In relation to Mr Farrell’s final suggested amendment, we did not find his evidence sufficiently detailed or persuasive and we prefer the approach of Mr Wyeth. We agree with Mr Wyeth that the structure and detailed wording of the policy has now been considerably improved from the notified version, and it is clear from the wording of the policy that absolute avoidance of adverse effects is not required to protect the identified values.

⁹¹ J Wyeth, Rebuttal Evidence, paragraphs 6.6-6.9

⁹² B Farrell, EiC, paragraphs 19-20

⁹³ J Wyeth, Rebuttal Evidence, paragraphs 4.1-4.3

87. As a result, we recommend that Mr Wyeth's recommended Policy 25.2.1.2 in the Reply Version is accepted, subject to minor rewording, and that the associated submissions are accepted, other than those from the Real Journeys Group, RPL and QPL which are accepted in part.

3.6 Objective 25.2.2

88. We have previously discussed most of the submissions on Objective 25.2.2, when we considered the reconfiguration of this objective and its associated policies, with Objective 25.2.1. We have recommended the reconfiguration of the objectives and policies included in the Reply Version be accepted and the submissions accepted accordingly. There are two remaining submissions on Objective 25.2.2 for us to consider.

89. Federated Farmers⁹⁴ supported Objective 25.2.2 in part, but requested the wording be amended to provide for "appropriate management" rather than "protection" from adverse effects. This aspect of the notified objective referred to "*the wellbeing of people and communities*" being "*protected from adverse effects*". Mr Wyeth's reconfiguration of this Objective resulted in this part being transferred to Objective 25.2.1, with the relevant wording being slightly reconfigured to read – "*Earthworks are undertaken in a manner that ... protects people and communities, ...*". With the amendments from Mr Wyeth, Ms Reilly's evidence supported⁹⁵ the Reply Version of Objective 25.2.2.

90. Ian Dee⁹⁶ requested Objective 25.2.2 be strengthened to reduce the destruction of soil during earthworks. Mr Dee was concerned at the destruction of soil structure and physical properties that have taken thousands of years to form. He did not present evidence to us. Mr Wyeth addressed this submission but did not consider any amendments were needed as a result. We accept Mr Wyeth's evidence on this, and recommend this submission be rejected. We recommend that Objective 25.2.2 included in the Reply Version be accepted.

3.7 Policy 25.2.2.1

91. Following Mr Wyeth's recommended configuration, this would be the only policy remaining under Objective 25.2.2, focussing on enabling earthworks that are necessary to provide for the wellbeing of people and communities. In the Reply Version, Policy 25.2.2.1 read as follows:

- 25.2.2.1 Enable earthworks that are necessary to provide for people and communities wellbeing, having particular regard to the importance of:*
- 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 Waiorau 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.*

92. Several submissions⁹⁷, particularly those from the infrastructure companies, supported Policy 25.2.2.1 and asked that it be retained.

⁹⁴ Submission 2540

⁹⁵ K Reilly, EiC, paragraph 27

⁹⁶ Submission 2327

⁹⁷ For example Submissions 2242, 2194, 2195, 2478, 2538, 2442 and 2540)

93. A large number of submissions⁹⁸ requested that Policy 25.2.2.1 be amended to remove the notified reference to being “*Subject to Objective 25.2.1*”. In the notified version of this policy, Policy 25.2.2.1 was stated as being subject to Objective 25.2.1, such that the enabling of earthworks necessary to provide for the wellbeing of people and communities was subject to the direction in Objective 25.2.1 regarding the management of adverse effects from earthworks. Mr Wyeth agreed⁹⁹ with these submitters that the words “*subject to Objective 25.2.1*” should be removed from Policy 25.2.2.1. He stated that his understanding of the intent of the PDP, and from his experience in interpreting objectives and policies, is that all the relevant objectives and policies are to be read together, with appropriate weighting give to each depending on the subject matter and the level of direction given. In conjunction with his recommendations for reconfiguring the two objectives and their policies, Mr Wyeth considered that removing these words from Policy 25.2.2.1 would help ensure there is an appropriate balance between the policies under the two objectives. We accept the evidence on this matter from Mr Wyeth, with support from the evidence of Ms Reilly¹⁰⁰, Mr Henderson¹⁰¹ and Mr Farrell¹⁰². We agree with Mr Wyeth’s understanding as to how the objectives and policies should be interpreted. We recommend that the words “*Subject to Objective 25.2.1*” be removed from the notified Policy 25.2.2.1, and that these submissions be accepted.
94. Millbrook sought further recognition of tourism infrastructure in Policy 25.2.2.1b., in particular that golf tourism be referred to. Mr Wyeth did not recommend any amendments as a result of this submission, and in his evidence, Mr Edmonds¹⁰³ accepted Mr Wyeth’s recommended policy wording. We, therefore, recommend that this submission from Millbrook be rejected.
95. As a result, we recommend that the Reply Version of Policy 25.2.2.1 be accepted.
- 3.8 Policies 25.2.2.2 - 25.2.2.3 (renumbered in the Reply Version as Policies 25.2.1.6 - 25.2.1.11**
96. Other than on the matter of relocating these policies under Objective 25.2.1, we received very little evidence regarding them. Transpower New Zealand Limited supported Policy 25.2.2.2; Paterson Pitts supported Policy 25.2.2.3; and Federated Farmers supported Policy 25.2.2.7. We accept the evidence from Mr Wyeth on these policies¹⁰⁴ and recommend they be retained in Chapter 25, but relocated to sit under Objective 25.2.1, as we have discussed earlier. We recommend these submissions in support be accepted.
- 3.9 Additional Objective and Policies focussed on Enabling Earthworks in SASZ**
97. NZSki submitted that, in contrast to the ODP, notified Chapter 25 did not contain specific objectives and policies for the SASZs that support the notified exemptions from some of the rules for earthworks in those areas. The submission from NZSki provided recommended wording for a new objective and two supporting policies. Mr Wyeth¹⁰⁵ did not consider it was necessary or appropriate to include a specific set of objective and policies for earthworks in the SASZs. In his opinion, the Chapter 25 objectives and policies apply across the District and

⁹⁸ For example: the Real Journeys Group; the Treble Cone Group and associated Submissions 2377, 2381 & 2382; and Submissions 2388, 2575, 2468, 2462 and 2295

⁹⁹ J Wyeth, Section 42A Report, paragraphs 10.16-10.17

¹⁰⁰ K Reilly, EiC, paragraph 29

¹⁰¹ R Henderson, EiC, paragraph 66

¹⁰² B Farrell, EiC, paragraph 18

¹⁰³ J Edmonds, EiC, paragraph 15

¹⁰⁴ J Wyeth, Section 42A Report, paragraphs 10.20-10.25

¹⁰⁵ J Wyeth, Section 42A Report, paragraphs 8.6 & 8.27

are focussed on managing adverse effects of earthworks regardless of the zone, which also provided for the benefits of earthworks. He recommended the submission from NZSki be rejected. We also note that Policy 25.2.2.1 includes specific recognition of the importance of *“tourism infrastructure and activities, including the continued operation, and provision for future sensitive development of recreation and tourism activities in Ski Area Sub Zones.* We consider this to be sufficient recognition of the importance of SASZs and the earthworks required for their continued operation and future development. Mr Dent gave evidence for NZSki. Having considered Mr Wyeth’s opinion on this matter, Mr Dent agreed that the objectives and policies apply across the District and it is not necessary to add further provision to specifically identify the SASZs. We, therefore, recommend this submission be rejected.

4. SECTION 25.3 - OTHER PROVISIONS AND RULES

4.1 Overview

98. Section 25.3 includes a variety of general provisions and rules that apply within Chapter 25, including:

- Cross-references to other Chapters of the PDP where earthworks are also addressed, with explanation as to how they relate to each other;
- Advice notes regarding ORC provisions;
- Other Advice notes drawing attention to other relevant matters, both within the PDP and from other documents or statutes;
- General rules for earthworks associated with subdivision, including some exemptions;
- General rules for earthworks within SASZs, including some exemptions;
- How the volume and area of earthworks are to be calculated;
- Exemptions for some earthworks within the Rural, Gibbston Character and Rural Lifestyle Zones within approved building platforms;
- General exemptions from all rules and standards for earthworks associated with specified activities.

99. Before we consider the submissions on this section, the Panel notes that the format and headings for Section 25.3 are not consistent with the decided Stage 1 Chapters. A generally consistent approach was taken to these sections containing general provisions and rules, and this has not been picked up or recommended by the Council for these Stage 2 Chapters. We consider it would be beneficial for consistent understanding and interpretation of the PDP, if these sections in each Chapter were generally consistent. Accordingly, we have amended Section 25.3 in accordance with clause 16(2), without changing the intent and content of the Section.

4.2 Advice Notes

100. Mr Wyeth has recommended substantial changes to the layout and wording of the Advice Notes in Section 25.3 in response to submissions¹⁰⁶, or as minor or structural changes¹⁰⁷ that do not change the intent and effect of the provisions. These changes include:

- clarifying the paragraphs which describe the relationships between Chapter 25 and earthworks (and effects from earthworks) managed under Chapters 26, 30, 33 and 36;
- widening the range of activities listed as being subject to the Water Plan in the advice notes relating to the ORC’s provisions;
- adding an advice note regarding recorded archaeological sites;

¹⁰⁶ The Real Journeys Group; the Treble Cone Group and associated Submissions 2377, 2381 & 2382; and Submissions 2194, 2195, 2478, 2442, 2497, 2618, 2446 and 2484

¹⁰⁷ In accordance with Clause 16(2)

- adding an advice note referring to the NES-PF which applies to earthworks associated with plantation forestry;
- rationalising the extensive list of notified advice notes into:
 - those that are district wide information as to how the provisions in the different Chapters relate to each other, moving these under 25.3.1 District Wide;
 - those that are truly Advice Notes for Chapter 25; and
 - those that are general rules (the calculation of earthworks volume and area), moving these under 25.3.3 General Rules.

101. We heard little evidence on these matters, other than from Mr Wyeth and Mr Sunich¹⁰⁸. In the main, Mr Wyeth recommended the submissions be accepted.
102. Mr Farrell¹⁰⁹ for the Real Journeys Group considered that Mr Wyeth's initial amendments (to the general rules clarifying the relationships between Chapters) were still unclear and suggested some further amendments. The Panel also questioned the wording suggested by Mr Wyeth in his Rebuttal version of Chapter 25. Mr Wyeth reconsidered this in his Reply evidence and made further amendments, which we now consider are sufficiently clear and precise.
103. We recommend these submissions be accepted and Mr Wyeth's amendments be generally adopted, although as we stated above, we have recommended changes to the format and headings for Section 25.3 for consistency with the decided Stage 1 Chapters.

4.3 General Exemptions (other than for SASZs)

4.3.1 Exemptions for Earthworks associated with Subdivision

104. The relationship between Chapter 25 and subdivision consent applications that involve earthworks under Chapter 27 is set out in General Rule 25.3.4.1 and in Rule 27.3.2.1 (which was varied through Stage 2). The notified Rule 25.3.4.1 provided exemptions for earthworks associated with controlled and restricted discretionary activity subdivisions from earthworks standards relating to volume (Table 25.2), cut and fill (Rules 25.5.16 & 25.5.17). Mr Wyeth explained that the rationale for this exemption (from the Section 32 Report) is that the effects from these aspects of earthworks can be managed as part of the overall assessment of subdivision design and construction, however, other standards (such as setbacks from waterbodies) should be complied with irrespective of the reason for the earthworks.
105. Submitters¹¹⁰ sought that the exemption for subdivision earthworks be widened – to apply to all subdivisions, and to extend to other standards in Chapter 25; and that the related cross-references in both Chapters 25 and 27 should be clear and consistent. During questioning, the Panel also identified a number of issues associated with the relationship between the earthworks provisions in Chapter 25 and earthworks associated with subdivision.
106. Mr Wyeth¹¹¹ agreed with these submitters that the relationship between the two chapters, in terms earthworks associated with subdivision, is not clear and that the wording could be improved and made consistent between Chapters 25 and 27. Mr Wyeth considered this

¹⁰⁸ In relation to the method for calculating earthworks volumes, T Sunich, EiC, paragraphs 6.13-6.14. No evidence was presented on behalf of the Treble Cone Group opposing Mr Sunich's opinion on this matter.

¹⁰⁹ B Farrell, EiC, paragraph 21

¹¹⁰ The Treble Cone Group and associated Submissions 2377, 2381 & 2382; and Submission 2311

¹¹¹ J Wyeth, Section 42A Report, 8.28-8.47

relationship further in his Reply evidence¹¹². Given the limited scope available for amendments through the submissions, Mr Wyeth recommended minor amendments to Rule 25.3.4.1 to make a clearer distinction between subdivision consents under Chapter 27 and earthworks land use consents under Chapter 25. We accept Mr Wyeth's evidence on this matter. We recommend his amendments to Rule 25.3.4.1 and that these submissions be accepted. For the sake of consistency, we also recommend that the same, or closely similar, wording should be applied to Rule 27.3.2.1.

107. Mr Wyeth also agreed that all subdivisions, irrespective of the activity status, should be exempt from the volume, cut and fill standards, on the basis that there is no clear connection between the activity status and the need for compliance with these standards. We accept his evidence on this matter and recommend the submissions be accepted.
108. Mr Wyeth did not agree that subdivisions involving earthworks should be exempt from all earthworks standards. It was Mr Wyeth's preference that all Chapter 25 standards should be applied to earthworks associated with subdivision, including the volume, cut and fill standards. He referred to the evidence of Mr Sunich¹¹³ that it is established good practice throughout New Zealand to have a standalone set of earthworks rules to manage all earthworks activities through separate consent processes, irrespective of whether the earthworks are associated with subdivision or not. In his opinion, this recognises the unique set of effects from earthworks, that can occur at various stages of development. He also referred to Mr Sunich's recent review of erosion and sediment control practices for a cross-section of residential developments in the District, and that current practice was found to be limited and below best practice adopted elsewhere in New Zealand. However, Mr Wyeth acknowledged there was no scope in the submissions to apply all Chapter 25 standards to earthworks associated with subdivisions. Given his overall opinion, Mr Wyeth remained opposed to further exemptions for subdivisions. Mr Henderson gave evidence¹¹⁴ on this matter for the Treble Cone Group and associated submitters¹¹⁵. Having considered Mr Wyeth's evidence and his recommended amendments, he concluded that Mr Wyeth's amendments to Rule 25.3.4.1 were appropriate. We did not hear evidence from Streat Developments Limited on this matter and recommend its submission be rejected, with no further exemptions from the Chapter 25 standards being applied to earthworks associated with subdivision.

4.3.2 *Exemptions for Forestry Earthworks in Open Space and Recreation Zones*

109. Skyline¹¹⁶ requested that earthworks for forestry activities in the Open Space and Recreation Zones, including the Ben Lomond Sub-Zone, be exempt through Rule 25.3.4.5. Mr Dent gave evidence¹¹⁷ supporting this exemption, on the grounds that earthworks for this activity are able to be undertaken without consent via an approved Outline Plan under the existing designation for Ben Lomond; and that notified Chapter 38 provides for harvesting and management of forestry as a controlled activity in the Ben Lomond Sub-Zone with Council retaining control over earthworks (as well as soil erosion, sediment generation and run-off). In his opinion, making forestry earthworks a restricted discretionary activity in Chapter 25 defeats the purpose of the controlled activity status for the overall activity in Chapter 38.

¹¹² J Wyeth, Reply Evidence, section 9

¹¹³ T Sunich, EiC, paragraphs 4.2-4.4

¹¹⁴ R Henderson, EiC, paragraphs 72-74 & 93

¹¹⁵ Treble Cone Group and Submissions 2377, 2381 & 2382

¹¹⁶ Submission 2493

¹¹⁷ S Dent, EiC, paragraphs 111-117

110. Mr Jeffrey Brown provided rebuttal evidence, on behalf of ZJV (NZ) Limited (ZJV), to the evidence from Mr Dent on this matter. Mr Brown disagreed with Mr Dent that earthworks associated with forestry harvesting and management should be exempt from the earthworks rules and standards. In his opinion, the earthworks required for forest harvesting may involve large cuts and fills, on steep land, to create access for machinery. He considered this has the potential to adversely affect land resources and the other users of the Ben Lomond Reserve. He considered an assessment of the effects of earthworks should be a necessary component of the forestry harvesting consenting process.
111. In addressing the submission¹¹⁸, Mr Wyeth noted that rules relating to forestry activities in the PDP are now largely superseded by the National Environmental Standards for Plantation Forestry (NES-PF), which will manage earthworks, erosion and sedimentation associated with plantation forestry. Mr Wyeth acknowledged, however, these national standards would not apply in open space and recreation zones in urban areas (which he considered would include the Ben Lomond Sub-Zone). In his Rebuttal evidence¹¹⁹, Mr Wyeth stated that Mr Dent had provided no evidence to support this submission, either for the Ben Lomond Sub-Zone or for the Open Space and Recreation Zones as a whole. He retained his position that it is inappropriate to include specific exemptions for forestry earthworks in Rule 25.3.4.5.
112. We agree with Mr Wyeth that where a recently-introduced national regulation has established specific provisions for forestry earthworks, the PDP should not duplicate, and cannot circumvent, those national standards¹²⁰. Outside urban areas, the NES-PF now includes national rules relating to plantation forestry activities, which over-ride any provisions in the PDP. In other areas, or for forestry earthworks that fall outside the NES-PF, the PDP may include rules, and the NES-PF allows a plan to impose stricter rules in areas of outstanding natural features and landscapes and in significant natural areas.
113. We note that the Ben Lomond Sub-Zone falls substantially within an ONL. We consider that a full exemption from Chapter 25 for forestry earthworks in such an area would not be consistent with achieving the PDP's objectives and policies for ONL. The Section 32 Report prepared for the notified Chapter 25 considered the benefits and costs, effectiveness and efficiency of the notified range of exemptions in Rule 25.3.4.5. It stated that the exemptions are identified to facilitate small-scale activities that would have no, or only negligible, adverse effects. It concluded that the provisions would ensure that the effects from these activities are no more than minor and avoided as far as practicable. The rules were not considered to be overly-restrictive and commensurate with the sensitivity of the District's environment. We agree with Mr Wyeth that the evidence from Mr Dent is insufficient for us to consider¹²¹ an additional exemption for forestry earthworks in the Open Space and Recreation Zones or on Ben Lomond. We do not have evidence of the potential for adverse effects, and the costs and benefits involved, in order for us to properly assess their efficiency and effectiveness in achieving the relevant objectives and policies. We also agree with Mr Brown that such effects could be adverse on Ben Lomond. Accordingly, we recommend this submission from Skyline be rejected.

¹¹⁸ J Wyeth, Section 42A Report, paragraphs 8.67-8.71

¹¹⁹ J Wyeth, Rebuttal Evidence, paragraphs 5.19-5.21

¹²⁰ We note that Mr Wyeth has recommended including an Advice Note in 25.3.3 referring to the NES-PF, which we agree is appropriate

¹²¹ In terms of s32AA of the Act

4.3.3 Other Exemptions

114. Various other submitters either supported the exemptions from the earthworks provisions contained in Rules 25.3.4.4 and 25.3.4.5, or sought additional exemptions. These are summarised in the evidence of Mr Wyeth¹²² and we will not repeat them here. Mr Wyeth responded to each of the requests for extended exemptions¹²³. In terms of smaller scale farming activities, he considered that the volume thresholds for earthworks in the Rural Zone are set at a level that would enable day-to-day farming activities without a consent being required. He agreed that there should be further clarification that the exemption for maintenance of existing tracks, also applies to recreational tracks / trails. He also noted that there are no volume limits, or cut and fill standards, for earthworks associated with the construction and maintenance of roads within a legal road. The remaining disagreements between Mr Wyeth and submitters related to exemptions for planting (in addition to riparian planting) and the scale of cut and fill exemptions for earthworks associated with fencing.
115. Ms Fiona Black gave evidence¹²⁴ for the Real Journeys Group regarding the exemption sought for planting. Notified Rule 25.3.4.5f.¹²⁵ provided an exemption from the earthworks rules for planting riparian vegetation. Ms Black requested that this be extended to all planting, and not just riparian. She gave an example, and photographs, of an extensive restoration project Real Journeys is undertaking at Walter Peak, planting over 12,000 native trees and shrubs, with more to come throughout the 115 ha property. It was her opinion that such restoration projects should be able to proceed without the need for resource consent for the earthworks. Mr Wyeth responded to this submission¹²⁶ stating that the submitter had not provided any clear reasons why earthworks associated with planting should be exempt from the earthworks rules and, in his opinion, there was no policy justification for doing so. He considered that the focus of the exemption should remain on riparian planting. Whilst we acknowledge the point raised by Ms Black, we do not consider we have sufficient information regarding the costs and benefits of making this change to be able to undertake an evaluation in terms of s32AA of the Act. We are mindful that large areas of the District are identified as ONLs and ONF's and that the implications of such a change for achieving the PDP's landscape objectives and policies would need to be carefully considered. Accordingly, we recommend that this submission be rejected.
116. Mr Williams gave evidence for QPL¹²⁷ regarding earthworks exemptions for the maintenance and construction of fence lines. Notified Rule 25.3.4.5m.¹²⁸ provided an exemption from the earthworks rules for fencing in the rural zones, provided any cut or fill does not exceed 1 metre in height and any land disturbance does not exceed 1 metre in width. Mr Williams sought that the provisos be extended to relax the 1 metre cut threshold, to a maximum of 2 metres width but not exceeding an average of 1 metre along the length of the fence line. He considered this would be a more practical and useful exemption. Mr Williams gave examples from fence lines QPL is developing on hill slopes on its property, where it is difficult to form an adequate bench for the fence line within a 1 metre width and where the 1m cut height is so restrictive as to largely prohibit the construction of new fences. As an alternative, Mr Williams suggested a controlled activity status for fencing that exceeds the exemption thresholds.

¹²² J Wyeth, Section 42A Report, paragraphs 8.48-8.58

¹²³ *ibid*, paragraphs 8.59-8.66

¹²⁴ F Black, EiC, paragraph 48

¹²⁵ Rule 25.3.4.5e. in the Reply Version

¹²⁶ J Wyeth, Section 42A Report, paragraph 8.66

¹²⁷ T Williams, EiC, paragraphs 5.9-5.16

¹²⁸ Rule 25.3.4.5l. in the Reply Version

117. Mr Wyeth responded to Mr Williams in his Rebuttal and Reply evidence. He considered¹²⁹ the exemption for fencing in Rule 25.3.4.5 (from all Chapter 25 rules and standards) is appropriate and noted that fencing that exceeds the exemption is not prohibited and neither will it necessarily require a consent. Beyond the exemption threshold, if earthworks associated with fencing meet the earthworks volume threshold for the zone (1000m³ in the Rural Zone) as well as the other standards in Rule 25.5, it would not require a consent. With respect to the alternative controlled activity regime, Mr Wyeth expressed concern¹³⁰ that this would require amendments to the earthworks volume, cut and fill thresholds in Tables 25.2 and 25.3, so that non-compliance is a controlled activity for fencing earthworks, whereas it is a restricted discretionary for all other earthworks. He considered this distinction would be difficult to justify from an effects' perspective, and on the evidence presented by Mr Williams.
118. Having considered the legal submissions and evidence on behalf of QPL and the responses from Mr Wyeth, we find that we agree with Mr Wyeth. We consider the notified exemption for fencing in Rule 25.3.4.5 is sufficient. We have not received sufficient justification from Mr Williams to satisfy us regarding the nature and scale of effects on the environment from a wider exemption (which would be from all Chapter 25 standards), or that it would be more appropriate (efficient or effective) in achieving the objectives and policies of Chapters 3 and 25, in particular Objective 25.2.1 and Policies 25.2.1.1 to 25.2.1.4. We accept Mr Wyeth's evidence that there is an appropriate pathway for fencing earthworks that do not meet the exemption, either as a permitted or restricted discretionary activity. In terms of the controlled activity approach, we received insufficient evidence from Mr Williams as to how this would be integrated into the Chapter 25 provisions, or how it would more appropriately achieve the relevant objectives and policies. We recommend that this submission be rejected.

4.4 Exemptions for Earthworks in SASZs

119. As stated earlier in this Report, a group of submitters¹³¹, with interests in ski areas, made general submissions seeking that SASZs be exempt from the earthworks rules in Chapter 25, particularly where the ski areas are located on conservation or public lands; or where there is overlap with controls from ORC. We have already found that Chapter 25 (subject to our specific recommendations for any amendments) provides a more appropriate and effective method for achieving the relevant Strategic directions of the PDP, compared with relying on controls and approvals from ORC or DoC, or under other Chapters of the PDP. We were satisfied that Chapter 25 does not result in unnecessary or undue duplication with ORC or DoC processes (or with other requirements of the PDP), but rather they complement each other. We consider there would be a significant risk from not including controls over earthworks in the PDP (and relying on those alternative processes) in terms of adverse effects on water quality, landscape, natural character, biodiversity and amenity values (amongst other adverse effects). We are also satisfied that the PDP can include earthworks provisions that are more stringent than those in PC49, which provided a wide-ranging exemption from earthworks rules for SASZs.
120. We now turn to whether or not a full exemption for earthworks within SASZs, from all rules and standards in Chapter 25, is more appropriate than the partial exemption included in Rule 25.3.4.2 of the notified chapter¹³². We evaluate the evidence on these alternatives in terms

¹²⁹ J Wyeth, Rebuttal Evidence, paragraphs 6.10-6.12

¹³⁰ J Wyeth, Reply Evidence, section 16

¹³¹ Submissions 2454, 2493, 2466, 2494, 2581, 2492, 2373, 2384 and 2376

¹³² Rule 25.3.4.2 of the Notified Chapter provided an exemption for earthworks within the SASZ from all rules and standards except Rules 25.5.12 to 25.5.14, that control erosion and sediment, deposition of material on roads, and dust; Rule 25.5.20, setbacks from waterbodies; and Rule 25.5.21, exposing

of the statutory tests and Section 32 of the Act, bearing in mind that we have already found that controls through the ORC Water Plan, DoC approval processes and/or rules in other chapters of the PDP do not provide appropriate alternatives.

121. Mr Wyeth¹³³ provided a summary of the submissions received on Rule 25.3.4.2. We will not repeat that here, other than to note that DoC¹³⁴ supported the notified exemptions for SASZs in this rule, and the submissions seeking a wider exemption came predominantly from NZSki, the Real Journeys Group and the Treble Cone Group. The evidence and legal submissions from these submitters focussed predominantly on the alternative approaches we have already considered. Mr Henderson's evidence for the Treble Cone Group¹³⁵ on this matter supported the exemption for SASZs, on the basis of inefficient duplication of process with ORC, DoC and/or other PDP controls. Mr Farrell's evidence for the Real Journeys Group¹³⁶ on this matter focussed only on the matter of overlapping QLDC and ORC responsibilities. NZSki's submission was specific that an exemption for earthworks in a SASZ should only apply within public conservation land administered by DoC. Accordingly, Mr Dent's evidence¹³⁷ predominantly focussed on overlap with DoC approval processes¹³⁸. We have considered this evidence earlier in this Report and have not considered it further here.
122. We have considered the legal submissions on a full exemption for SASZs from Ms Baker-Galloway, on behalf of the Real Journeys Group and the Treble Cone Group, these submissions being very similar¹³⁹. Ms Baker-Galloway informed us that the exception from earthworks rules and standards in SASZs is intended to recognise the benefits of earthworks for the continued operation and development of ski areas, and the substantial contribution ski fields make to the social and economic well being of the District. She stated that earthworks are a necessary part of the development and ongoing operation of these areas, and that the exemption should be broad enough to enable and encompass all earthworks likely to be undertaken during the operation of modern ski-fields, which are now year-round alpine resorts. She pointed to some 'unique' factors relating to earthworks in SASZs, such as the need to undertake earthworks near waterbodies for snow making, reservoirs, diversion of streams, etc.
123. As we mentioned earlier, Ms Baker-Galloway referred us to case law which supports a less restrictive regime that meets the purpose of the Act and the objectives of a Plan. She also pointed to inefficiencies, in terms of drafting difficulties, uncertainty, potential costs and issues with enforcement, if the notified standards are applied within SASZs, making this level of regulation unnecessary and a complete exemption more appropriate.
124. With respect to dust controls in SASZs under Standard 25.5.14, it was Mr Dent 's evidence¹⁴⁰ that there are no operational issues relating to dust at NZSki's ski fields. The ski fields are generally located above 1300 masl and there are no sensitive receivers immediately adjacent

groundwater. We note, however, that Mr Wyeth has recommended deleting Rule 25.5.13, relating to deposition of material on roads, and this rule is shown as deleted in the Reply Version.

¹³³ J Wyeth, Section 42A Report, paragraphs 8.3-8.13

¹³⁴ Submission 2242

¹³⁵ R Henderson, EiC, paragraphs 88-91

¹³⁶ B Farrell, EiC, paragraph 22

¹³⁷ S Dent, EiC, paragraphs 48-65, 84-97

¹³⁸ We have considered Mr Dent's evidence relating to dust management within SASZs, Sean Dent, EiC, paragraphs 77-83

¹³⁹ Legal Submissions from Maree Baker-Galloway on behalf of the Real Journeys Group, paragraphs 16-20; and on behalf of the Treble Cone Group, paragraphs 6-12

¹⁴⁰ S Dent, EiC, paragraphs 77-83

to these SASZs that would typically be affected by nuisance effects from dust emissions beyond the SASZ boundaries. He considered the application of this standard would only ever be retrospective and would result in enforcement difficulties. We discuss this further later in this Report when we evaluate the specific wording of this Standard.

125. Mr Nigel Paragreen presented a written statement¹⁴¹ to the hearing on behalf of Fish and Game and answered questions from the Panel. As we noted earlier, Fish and Game had supported the Council's stricter approach to earthworks management through Chapter 25. The Panel asked Mr Paragreen about his experience with earthworks management within SASZs and the potential for adverse effects on the environment. He informed us that he was assessing a couple of applications relating to ski fields at the time of our hearing. He considered that earthworks associated with ski fields do have the potential for significant effects in the high country. He stated that the areas involved contain very sensitive ecosystems that merit protection under the Act and the PDP. On behalf of Fish and Game, he expressed his opposition to the Council having no involvement with managing earthworks in SASZs through the PDP.
126. Mr Wyeth responded to these submissions and the evidence. In his Section 42A Report¹⁴² he stated that he did not dispute the substantial contribution from ski fields to the social and economic wellbeing of the District, and that earthworks are a necessary part. As a result, he considered it was appropriate for the PDP to enable development and a range of activities within the SASZs, as recognised through the Chapter 21 Rural Zone provisions for SASZs. In terms of earthworks, he considered an enabling approach is achieved through exempting earthworks in SASZs from the majority of rules and standards in Chapter 25. He considered the exemptions from the volume, area, cut and fill thresholds provide considerable flexibility to ski field operators, recognising that the volume of earthworks required at ski fields can be significant, but that adverse effects can largely be internalised within the SASZs. However, Mr Wyeth could see no compelling reason why earthworks within 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, including riparian areas and waterbodies. In his opinion, these are standards that should apply equally throughout the District, regardless of the zone or activity involved.
127. Mr Wyeth pointed us to the purpose of SASZs in Chapter 21 Rural, which refers to effects of development within the SASZs being cumulatively minor. He considered there is a risk that exempting all earthworks within the SASZs from all rules and standards in Chapter 25 may result in adverse effects that are cumulatively more than minor, or which extend beyond the boundary of these areas or into sensitive areas.
128. Mr Wyeth also referred¹⁴³ to the Section 32 Report that sets out the rationale for the approach to SASZs. It states that the notified option permitted earthworks for activities within SASZs, except where there is potential for environmental effects on water bodies and roads. As we noted earlier in relation to earthworks in Open Space and Recreation Zones, the Section 32 Report concluded the provisions are both effective and efficient, with the levels of control commensurate with the sensitivity of the environment, and that they would ensure the effects from these activities are no more than minor and avoided as far as practicable.

¹⁴¹ N Paragreen, Evidence

¹⁴² J Wyeth, Section 42A Report, paragraphs 8.14-8.19

¹⁴³ J Wyeth, Section 42A Report, paragraph 8.2

129. We have considered the evidence before us, the legal submissions and our previous findings regarding alternative approaches to managing effects within the SASZs. Like Mr Wyeth, we do not dispute the substantial contribution from ski fields to the social and economic wellbeing of the District, and that earthworks are a necessary part of their ongoing operation and development. We consider that the considerable flexibility provided in notified Chapter 25, with exemptions from the majority of the rules and standards for earthworks in SASZs, appropriately recognises the scale of earthworks required in ski areas and that their adverse effects can, for many aspects, be managed internally or through the consents required for activities in the SASZs under the Rural Zone provisions. However, we agree with Mr Wyeth that we have received no evidence from the submitters which provides compelling justification for exempting earthworks within SASZs 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, including riparian areas and waterbodies.
130. We agree with Mr Wyeth and Mr Paragreen that the SASZs are located in sensitive alpine environments and in the heads of water catchments, where management of erosion, sediment runoff and water quality are important, as well as management of effects on landscape and natural character and biodiversity values. We have referred earlier in the Report to the significance the PDP places on protecting the values associated with the District's lakes and rivers. The Strategic Directions include numerous objectives and policies which seek to protect the District's natural environments, ecosystems, natural character and nature conservation values of waterways, outstanding natural landscapes and natural features, and Ngai Tāhu values. We have found these give a strong direction to Chapter 25, in terms of the Council's obligations for managing the effects of earthworks. This is reflected in the objectives and policies for Chapter 25 which apply across the District, seeking to ensure that adverse effects on the environment are minimised, landscape and visual amenity values maintained, and people and communities protected, whilst enabling earthworks that are necessary to provide for the well being of people and communities.
131. We consider there would be a significant risk if no controls over earthworks in SASZs were included in Chapter 25, in terms of adverse effects on water quality, landscape, natural character, biodiversity and amenity values (amongst other adverse effects). We are not satisfied on the evidence before us that having no controls over earthworks in SASZs would be effective in achieving the relevant strategic and rural objectives and policies. We are satisfied that Chapter 25 contains appropriate flexibility for earthworks within SASZs, to enable their ongoing operation and development, and in a manner that recognises their importance to the well being of people and communities in the District. We do not consider that compliance with important District-wide environmental standards relating to erosion and sediment control, dust management, setbacks from waterbodies, and groundwater would result in unnecessary or undue inefficiencies. We consider that Chapter 25 (subject to our specific recommendations for amendments) provides a more appropriate and effective method for achieving the relevant Strategic directions of the PDP and the objectives of Chapter 25. We, therefore, recommend the submissions seeking full exemption from all earthworks rules in the SASZ be rejected.

5. SECTION 25.4 RULES – ACTIVITIES

132. Chapter 25 includes Table 25.1, which lists different earthworks activities and their activity status. Rule 25.4.1 provides for most earthworks, that comply with the standards in Tables 25.2 Maximum Volumes and 25.3 Standards, as permitted activities. Earthworks that do not comply with the maximum volume standards in Table 25.2 are specified in Rule 25.4.2 as

restricted discretionary activities¹⁴⁴. The activity status for not complying with each standard in Table 25.3 is specified in that table (in the Reply Version, they are all restricted discretionary activities). Table 25.1 also lists a small number of specific earthworks activities that are not permitted in accordance with Rule 25.4.1, including earthworks associated with cleanfill facilities and landfills; earthworks that affect sites of significance to Kāi Tahu or heritage features and settings; and earthworks within identified sites of Kāi Tahu importance.

133. Federated Farmers¹⁴⁵ requested the activity status for earthworks for the construction or operation of a landfill is changed from discretionary to restricted discretionary activity in Rule 25.4.4. Ms Reilly addressed this in her evidence for Federated Farmers¹⁴⁶. She noted that both cleanfill and landfill are important in the rural areas for the cost-effective disposal of clean waste. She considered that any concerns regarding control would be covered by the matters of discretion in Section 25.7 and did not accept that discretionary activity status was required to address the management of potential adverse effects. Mr Wyeth responded to this submission, stating that landfills introduce contaminants and a range of adverse effects that need to be considered and managed on a case-by-case basis. It was his opinion that this is best achieved through a discretionary activity resource consent process. We agree with Mr Wyeth that landfills can have a wide range of potential adverse effects, that require broad consideration, and their appropriateness depends on their scale, purpose, location and management. Landfill covers a much wider range of activities than on-farm disposal facilities for clean waste, as referred to by Ms Reilly. We agree with Mr Wyeth that the management of landfills, and the earthworks associated with their construction or operation, are appropriately addressed as a discretionary activity as proposed in Chapter 25. We note that this is consistent with the discretionary activity status applied to a landfill activity¹⁴⁷ itself in Chapter 30 Energy and Utilities. We recommend that this submission is rejected.
134. Heritage New Zealand¹⁴⁸ and the Real Journeys Group both sought amendments to Rule 25.4.5 relating to earthworks that affect sites of significance to Kāi Tahu or heritage features and settings. Mr Wyeth responded to those submissions in his Section 42A Report¹⁴⁹ and recommended changes to this rule which satisfied the submitters¹⁵⁰, other than one outstanding matter addressed in evidence by Ms Denise Anderson for Heritage New Zealand¹⁵¹. This appears to have been a misunderstanding by Mr Wyeth as to the specific relief sought by Heritage New Zealand regarding earthworks within the setting or extent of place of a listed heritage feature in Chapter 26.8. Mr Wyeth addressed Ms Anderson's concern in his Rebuttal evidence¹⁵² and the Reply Version now includes the wording she suggested. We recommend that this submission from Heritage New Zealand be accepted.

¹⁴⁴ In the Reply Version of Chapter 25 attached to Mr Wyeth's Reply evidence

¹⁴⁵ Submission 2540

¹⁴⁶ K Reilly, EiC, paragraphs 37-40

¹⁴⁷ Within the definition of "waste management facilities"

¹⁴⁸ Submission 2446

¹⁴⁹ J Wyeth, Section 42A Report, paragraphs 11.46-11.51

¹⁵⁰ D Anderson, EiC, paragraph 5.2; B Farrell, EiC, paragraph 18

¹⁵¹ D Anderson, EiC, paragraphs 5.3-5.8

¹⁵² J Wyeth, Rebuttal Evidence, section 8

6. SECTION 25.5 RULES – STANDARDS

6.1 Table 25.2 Maximum Volume

6.1.1 Overview of Issues

135. Following the analysis from Mr Wyeth and Mr Sunich on behalf of the Council, and their recommended amendments to Table 25.2 contained in the Reply Version, the only matters where we had conflicting evidence between submitters and the Council's witnesses related to requests by Millbrook Country Club¹⁵³ regarding the Millbrook Resort Zone (MRZ) (Rule 25.5.5) and Skyline¹⁵⁴ regarding the Ben Lomond Sub-Zone of the Informal Recreation Zone (Rule 25.5.1).

6.1.2 Millbrook Resort Zone

136. Millbrook requested amendments to the maximum volume thresholds applying to different areas within the MRZ, as shown on the Millbrook Structure Plan. The maximum volume in the notified Chapter 25 was 300m³ across the zone. Millbrook considered it would be more efficient and practical to create a separate rule for the MRZ with separate thresholds for the different areas within the zone, as is provided for the Jacks Point Zone. Millbrook sought an increased maximum volume threshold to 500m³ for several areas, and no threshold to apply to the Golf Course and Open Space, Recreation Facilities and Helipad Activity Areas. The submission pointed out that golf holes need to be regularly re-conditioned or re-routed and the golf resort needs to continue operating while the earthworks are undertaken effectively and efficiently.

137. Mr John Edmonds gave evidence on this matter on behalf of Millbrook¹⁵⁵. He was satisfied with Mr Wyeth's recommendation to increase the maximum volume to 500m³ across all the MRZ activity areas. However, he continued to remain concerned at the inequity between Millbrook and Jacks Point where the maximum volume threshold was notified as 1000m³ in the Open Space and Landscape areas and no limit within some other subzones (including the Golf Course). Mr Edmonds stated that the MRZ has always been exempt from earthworks rules, both in the operative plan, and the plan amended by Variation 8 or Plan Change 49. Unlike Mr Wyeth, Mr Edmonds did not find any rationale for distinguishing the situation at Jacks Point from that at Millbrook, and noted that the MRZ and the Jacks Point Zone (JPZ) were bundled together for the purpose of Chapter 31 Signage¹⁵⁶.

138. In relation to the Golf Course and Open Space, Recreation Facilities and Helipad Activity areas, Mr Wyeth responded to the submission and to Mr Edmonds' evidence in his Section 42A Report¹⁵⁷ and Rebuttal evidence¹⁵⁸. He noted that the earthworks volume thresholds for the JPZ in Chapter 25 had been carried over from the notified PDP Stage 1 Chapter 41 for JPZ, by way of a PDP Stage 2 Variation to Chapter 41, with no change in the maximum volume thresholds within the activity areas. Mr Wyeth expected that the earthworks volume limits for the different activity areas at Jacks Point would have been specifically considered as part of preparing Chapter 41. No earthworks limits were included in the notified Chapter 43 for the MRZ in Stage 1 of the PDP.

¹⁵³ Submission 2295

¹⁵⁴ Submission 2493

¹⁵⁵ J Edmonds, EiC, paragraphs 16-23

¹⁵⁶ Our recommendations on Chapter 31 mean that, in large part, the provisions relating to Jacks Point Zone are not the same as those for Millbrook Resort Zone.

¹⁵⁷ J Wyeth, Section 42A Report, paragraphs 12.38-12.41

¹⁵⁸ J Wyeth, Rebuttal Evidence, section 9

139. Mr Wyeth did not consider an unlimited earthworks threshold was appropriate for the golf course and other open space and recreation areas in the MRZ, given the outcomes sought for the zone and its location adjacent to the Wakatipu Basin Rural Amenity Zone (WBRAZ) which has a maximum volume threshold for earthworks of 400m³. In the interests of ensuring the adverse effects of larger scale earthworks are appropriately managed, and limiting the number of sub-zones and activity areas in Table 25.2, Mr Wyeth recommended the 500m³ maximum volume threshold continue to apply across the whole MRZ.
140. We are not persuaded by Mr Edmonds' evidence that there is any direct relationship between the earthworks volume thresholds for the JPZ and the MRZ. That they both contain golf courses, as well as houses and other facilities, and were both established by plan changes to the ODP, is not sufficient to convince us that the approach must be the same in both areas. We did not receive evidence from Mr Edmonds that supported similar approaches to managing the environmental effects in each zone, or in achieving the outcomes sought for each zone and their surroundings. There were no submissions before this Panel regarding the earthworks volume limits in the golf course and open space areas at Jacks Point, so we have not been required to turn our minds to the appropriateness of the thresholds that have been brought over from the notified Stage 1 of the PDP. Accordingly, we do not consider the limits for Jacks Point are relevant to our consideration at Millbrook.
141. The Stream 14 Hearings Panel heard evidence relating to the water quality of Mill Creek and Lake Hayes and associated effects from development in the catchment. Its findings are contained in section 2.8 of Report 18.1 and have relevance to our consideration of appropriate earthworks provisions at Millbrook. It found that water quality monitoring for Lake Hayes and Mill Creek reported consistent exceedances of nutrient related water quality limits in the Water Plan. Significant land disturbance activities in the Lake Hayes Catchment have likely resulted in sediment being transported into Mill Creek during heavy rainfall events. In its view, further degradation of Lake Hayes as a result of subdivision and development is to be avoided. That Panel considered there is evidence that the earthworks provisions of the ODP are not working effectively to control earthworks effects on water quality in the Lake Hayes Catchment, and noted it will be a matter for the Stream 15 Hearings Panel to determine whether it is possible to put a more effective regime in place through Chapter 25.
142. We have received no evidence from Mr Edmonds that having no maximum volume thresholds for these areas at Millbrook would be more effective in avoiding further degradation of Lake Hayes; nor that it would be appropriate to enable management of adverse environmental effects that achieve Objective 25.2.1, and the objectives and policies of the MRZ which recognise its sensitive values and the importance of reducing contaminants entering Mill Creek. We recommend that Mr Wyeth's recommendations for the MRZ as a whole be accepted (and that part of the submission from Millbrook), but that the submission from Millbrook seeking no threshold for the golf course and open space areas be rejected.
- 6.1.3 *Ben Lomond Sub-Zone*
143. Skyline requested that a specific maximum volume threshold of 1000m³ be included for the Ben Lomond Sub-Zone of the Informal Recreation Zone. In the notified Chapter 25, all Open Space and Recreation Zones were included in Rule 25.5.1 of Table 25.2, with a maximum volume threshold of 100m³. The submission noted that the ODP permits earthworks between 300 – 1000m³ within the Ben Lomond Sub-Zone, depending on the zoning of High Density Residential Zone or Rural Zone. Skyline did not consider there was any evidence of inappropriate landscape and visual effects to justify changing the threshold from that in the

ODP. ZJV¹⁵⁹ also lodged a submission in relation to the earthworks provisions for the Open Space and Recreation Zones, supporting the notified provisions.

144. Mr Sean Dent gave evidence on this matter on behalf of Skyline¹⁶⁰. Mr Dent acknowledged that the Ben Lomond Sub-Zone is within an identified ONL, but also stated that there is no specific evidence from the Council to demonstrate that the earthworks limits in the ODP are resulting in inappropriate landscape modification and visual effects. Mr Dent referred us to resource consents that have been granted to Skyline to carry out earthworks in the sub-zone in excess of 1000m³. In his opinion, the granting of these consents for rather substantial earthworks on a non-notified basis indicates that the sub-zone has the ability to absorb earthworks of a more significant volume than 100m³ per annum as a permitted activity in Table 25.2. Mr Dent also referred to the provisions for the Ben Lomond Sub-Zone, which contemplate further development within a more enabling planning framework than in other parts of the Informal Recreation Zone. He considered the 100m³ threshold to be too restrictive in that context.
145. Mr Jeffrey Brown gave evidence on earthworks within the Ben Lomond Sub-Zone on behalf of ZJV¹⁶¹. However, his evidence was confined to earthworks associated with forestry harvesting and management which we have addressed earlier in this Report. Mr Brown did not provide us with evidence relating to the maximum volume threshold for earthworks in this sub-zone.
146. Mr Wyeth responded to the submission and to Mr Dent's evidence in his Section 42A Report¹⁶² and Rebuttal evidence¹⁶³. Mr Wyeth noted that a threshold of 1000m³ would provide a significantly more lenient earthworks limit in the Ben Lomond Sub-Zone than in Open Space and Recreation Zones elsewhere in the District. He did not consider this was preferable in the interests of plan clarity and consistency. He did not find anything in the submission that supported an operational need for the increased earthworks threshold, or that demonstrated it would not result in adverse effects beyond the site.
147. Mr Wyeth disagreed with Mr Dent that the granting of resource consents (including the notification basis) was justification for increasing the threshold. He stated that a key function of the earthworks volumes in Table 25.2 is to define an acceptable threshold to trigger the need for resource consents when there is a risk of significant adverse effects. The resource consents then ensure that the potential for adverse effects is subject to proper assessment, control and monitoring where necessary via consent conditions. Mr Wyeth considered that this is quite distinct from the tests for notification in the Act.
148. The Panel noted the somewhat unusual situation with the zoning of this area throughout the course of Stage 1 and 2 of the PDP, and the consequences of this for the earthworks rules. In Stage 1 of the PDP, the area now proposed to be Ben-Lomond Sub-Zone was predominantly included within the Rural Zone. If this zoning had remained, the maximum volume threshold for earthworks from Table 25.2 would have been 1000m³. However, the Rural Zone was not confirmed over this land in the Council's decisions on Stage 1 as, in the meantime, the Stage 2 provisions had been notified. Stage 2 of the PDP introduced a new zoning for this area under Chapter 38, Open Space and Recreation Zones. The Ben Lomond land was included within the Informal Recreation Zone, and the Ben Lomond Sub-Zone. The maximum volume threshold

¹⁵⁹ Submission 2485

¹⁶⁰ S Dent, EiC, paragraphs 104-110

¹⁶¹ J Brown, Rebuttal Evidence, paragraph 4

¹⁶² J Wyeth, Section 42A Report, paragraphs 12.50

¹⁶³ J Wyeth, Rebuttal Evidence, paragraphs 5.22-5.24

for earthworks in all parts of the Open Space and Recreation Zones then became 100m³, a combined effect of the change of zoning from the notified Stage 1 and the introduction of the Earthworks Chapter 25 in Stage 2.

149. The Panel accepts that this situation will have arisen for all land now zoned under Chapter 38, where different earthworks provisions may apply under Stage 2 from those applicable under the Stage 1 PDP zoning. All of the land in the Open Space and Recreation Zones is administered by the Council and predominantly designated as “Reserve”. The Council is commonly the main user and developer of the land in those zones. However, in the case of the Ben Lomond Sub-Zone, as Mr Dent has pointed out, there are multiple commercial users within this sub-zone, where further development is contemplated within a much more enabling planning framework than in other parts of the Informal Recreation Zone. Those users are reliant on the underlying zoning for this land, rather than the designation, and have been affected by the change of notified zoning from Rural to Informal Recreation. In this instance, the change of zoning has also affected the earthworks provisions that apply through Chapter 25. We consider we need to examine the basis for the change to the earthworks threshold, as a result in the change of zoning from Rural in Stage 1 to Informal Recreation in Stage 2.
150. We have considered the Section 32 Reports prepared by the Council for the notified Chapters 25 and 38, and relevant evidence provided by the Council.
151. The Section 32 Report for Chapter 25¹⁶⁴ did not refer to the volume thresholds for specific zones in its evaluation of costs and benefits / effectiveness and efficiency of the proposed and alternative options. The attached report from 4Sight Consulting¹⁶⁵ provided technical analysis to assist the Council’s decision as to an appropriate area threshold for earthworks (which are in addition to the volume thresholds in Table 25.2). That report did not evaluate the appropriate volume thresholds.
152. While the Section 32 Report for Chapter 38¹⁶⁶ did not refer specifically to the consequential changes arising through Chapter 25, it did recognise that the notified option would be a significant change from the ODP, with the rezoning of open space and recreation areas into specific zones and subzones, future removal of the designations, and establishing a specific rule framework for each zone. The costs and benefits / effectiveness and efficiency evaluation of the proposed option identified costs from the implementation of a new framework; but overall benefits for users; greater efficiency, clarity and certainty as to outcomes for each open space and recreation area; and a zoning hierarchy for open spaces that better reflects their use, significance and sensitivity. For the Ben Lomond Sub-Zone, in particular, the Chapter 38 Section 32 Report states that the overall suite of rules achieve an appropriate balance between providing a degree of certainty and foreshadowing what could be undertaken with the sub-zone, while still providing adequate scope to address the actual and potential adverse effects of activities.
153. Mr Sunich, a Senior Environmental Consultant at 4Sight Consulting, provided technical advice to the Council, and evidence on behalf of the Council to the Stream 15 hearing, in relation to the maximum volume thresholds. Mr Sunich has expertise in erosion and sediment

¹⁶⁴ Queenstown Lakes District Proposed District Plan, Section 32 Evaluation, Stage 2 Components October 2017, for Earthworks

¹⁶⁵ 4Sight Consulting. Queenstown Lakes District Council Proposed District Plan: Assessment of Thresholds for Earthworks. September 2017

¹⁶⁶ Queenstown Lakes District Proposed District Plan, Section 32 Evaluation, Stage 2 Components October 2017, for Open Space and Recreation Zones

management, stormwater quality management and integrated catchment management planning. The evidence from Mr Sunich¹⁶⁷ was that the general approach to setting permitted activity thresholds is to define a level which can be reasonably expected to accommodate and enable most building or land use requirements within each zone, without needing a resource consent. However, he considered this may not always be possible due to the sensitivity of some activities and the receiving environment. Mr Sunich stated that the Council had generally carried over the maximum volume thresholds from the ODP earthworks chapter. This indicated to him that the Council was generally comfortable with how the ODP earthworks chapter is being implemented in relation to volume thresholds. He noted that this is reflected in the limited commentary in the Section 32 Report regarding volume thresholds, as we have noted above.

154. Mr Sunich had reviewed the notified thresholds and concluded they are appropriate. For Rule 25.5.1 that sets the volume threshold of 100m³ for Open Space and Recreation Zones, Mr Sunich commented that the maximum volume recognises the sensitivity of the receiving environments and the need to be cognisant of historic values and special character. For the Rural Zone in Rule 25.5.6, he commented that the maximum volume of 1000m³ has been retained from the ODP and reflects typical rural land uses, while also providing for commercial and viticulture activities. He noted that sensitive landscapes, such as ONLs which cover most of the Ben Lomond Sub-Zone, are excluded from Rule 25.5.1 and included in Rule 25.5.2, where the maximum volume threshold is 10m³. Whilst he found no compelling reason to make any significant changes to the notified thresholds, Mr Sunich acknowledged 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 zones. In his opinion, they were fit for purpose.
155. In relation to the Ben Lomond Sub-Zone, Mr Sunich stated that the reduction in threshold to 100m³, from 1000m³ under a Rural Zone, aligns with the Council's intention to simplify and ensure consistency across zone types throughout the District. In addition, in his view, there was merit in reducing the maximum volume threshold for this sub-zone where effects on landscape and amenity need to be carefully managed and assessed through a resource consent process if the threshold is exceeded.
156. We are satisfied that the Council has appropriately assessed the costs and benefits of the change in the maximum earthworks threshold from the underlying the zones (in this case the Rural Zone) to open space and recreation zones. We consider the individual packages of rules for each open space and recreation zone have been appropriately evaluated in terms of their costs and benefits for risks of adverse environmental effects and for enabling the type and scale of development anticipated in each zone. This included consideration of the consequential changes to rules through other chapters, such as Chapter 25. We accept Mr Sunich's evidence that the earthworks thresholds specified for each group of zones are fit for purpose. We consider the notified 100m³ threshold applied to the Ben Lomond Sub-Zone appropriately takes into account that this is a sensitive and highly valued environment (being highly visible and predominantly within an ONL) and requires more restrictive controls. We note that within an ONL, the maximum threshold is specified as 10m³. We consider that the costs and benefits of applying the 100m³ threshold strike an appropriate balance between allowing anticipated use and development of the area and managing environmental effects. Accordingly, we recommend that Skyline's submission be rejected and the notified 100m³ maximum earthworks volume threshold be retained.

¹⁶⁷ T Sunich, EiC, paragraphs 5.2, 5.4-5.7 & 7.9-7.10

6.2 Table 25.3 Standards

6.2.1 Overview of Issues

157. Following the analysis from Mr Wyeth and Mr Sunich on behalf of the Council, and their recommended amendments to Table 25.3 contained in the Reply Version of Chapter 25, the outstanding matters of dispute between the submitters and the Council's witnesses related to:

- requests from several submitters to exempt earthworks in SASZs from all standards in Table 25.3, which we have already addressed earlier in this Report;
- the appropriate wording for Standards 25.5.12 – 25.5.14, or whether these Standards should be deleted, as requested by Paterson Pitts¹⁶⁸; the Real Journeys Group; the Treble Cone Group; and NZSKI¹⁶⁹;
- clarification of the wording of Standard 25.5.19 relating to earthworks setbacks from boundaries, as requested by Paterson Pitts¹⁷⁰;
- the standards for earthworks in setbacks from water bodies in Standard 25.5.20, as requested by Fish and Game¹⁷¹; the Real Journeys Group; and the Treble Cone Group and associated submitters¹⁷²;
- deletion or clarification of Standard 25.5.22 relating to cleanfill, as requested by Darby Planning LP¹⁷³; Lakes Hayes Limited¹⁷⁴; Glendhu Bay Trustee Limited¹⁷⁵; and Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited¹⁷⁶.

6.2.2 Standard 25.5.12 - Erosion and Sediment Control Measures

158. Submissions from Paterson Pitts and the Real Journeys Group, amongst other submitters, raised concerns about the onerous nature of notified Standard 25.5.12, which required earthworks to be undertaken in a way that “prevents” sediment from entering water bodies, stormwater networks or going across the boundary of the site. They stated that the standard was unduly onerous, and not practical to comply with all of the time, even with implementation of best management approaches. The lack of guidance on appropriate sediment control measures to comply with the standard was also mentioned.

159. In his evidence and in his presentation to the Panel¹⁷⁷, Mr Sunich described his observations of bulk earthworks being undertaken at sites across the District, where erosion and sediment control implementation is limited and does not, in his view, meet best practice. He referred to the role of erosion and sediment control guidelines that many councils are preparing and using, including the guidelines for the Auckland region that have been adopted by other councils across the country. He noted the Council is currently producing a guideline, which he considered is required to contribute to the outcomes sought by Chapter 25. In response to the concerns of the submitters, Mr Sunich agreed that, where erosion and sediment control measures have been designed, implemented and maintained in accordance with best practice, it is generally accepted that sediment leaving a site will be minimised to a practicable level, but it is not possible to remove 100% of sediment. He considered it is inefficient to seek to achieve 100% prevention, as required by notified Standard 25.5.12. Mr Sunich considered the

¹⁶⁸ Submission 2457

¹⁶⁹ Submission 2454

¹⁷⁰ Submission 2457

¹⁷¹ Submission 2455

¹⁷² Treble Cone Group and Submissions 2377, 2381 & 2382

¹⁷³ Submission 2376

¹⁷⁴ Submission 2377

¹⁷⁵ Submission 2382

¹⁷⁶ Submission 2381

¹⁷⁷ T Sunich, EiC, paragraphs 12.1-13.9

focus should be on minimising the amount of sediment exiting a site. However, he stated that prescribing erosion and sediment controls as permitted activity standards, that should apply to all sites and circumstances, is not possible due to the variability of earthworks sites and receiving environments. Controls need to be customised to the site and earthworks areas, highlighting the role of guidelines to achieve this.

160. In his section 42A Report¹⁷⁸, Mr Wyeth did not agree with deleting Standard 25.5.12 in its entirety, on the basis of Mr Sunich's observations of current practices in the District. Mr Wyeth did agree that the notified wording of the standard is uncertain, impractical and needs refinement, although he acknowledged that such refinement is problematic to monitor and enforce as a permitted activity standard. Mr Wyeth suggested alternative wording in his Section 42A Report, which then became the subject of evidence and questions from the Panel through the course of the hearing. The Panel, in its questions of Mr Wyeth, expressed concern regarding his amended wording for this, and other, standards that did not appear to be sufficiently certain or clear enough for permitted activity standards. Mr Wyeth accepted that in trying to draft standards that were more achievable than the notified standards, they had become less certain.
161. Mr Wyeth returned to the certainty of Standards 25.5.12 and 25.5.14 in his Reply evidence¹⁷⁹. In order to improve the certainty and implementation of these standards, he recommended including reference to the erosion and sediment control guideline produced by the Auckland Council (GD05)¹⁸⁰. He and Mr Sunich considered this is recognised as the most comprehensive guideline in New Zealand, with its predecessor (TD90)¹⁸¹ having been widely used by councils throughout the country. He noted that GD05 also includes guidance on dust control. Mr Wyeth recommended this as an interim approach, in the absence of guidance having yet been developed by the Council for this District.
162. Mr Wyeth recommended reference to GD05 be included as a Note, in the same manner and with the same wording as is used in the Auckland Unitary Plan, whereby compliance with the standard is "*generally deemed to be compliance with*" GD05. He acknowledged that reference to this guideline as a Note does not fully address the Panel's concerns regarding the use of the word "minimise" as part of a permitted activity standard. However, in his opinion, this is the preferable alternative, avoiding the use of an absolute term (such as the notified "prevent") and providing a degree of flexibility in the selection and implementation of control measures from GD05.
163. We note here that we received evidence on Standard 25.5.12 from Mr Botting from Paterson Pitts¹⁸² and Mr Henderson on behalf of the Treble Cone Group¹⁸³, who both generally supported Mr Wyeth's amendments to Standard 25.5.12 in his Section 42A Report.
164. Having considered the evidence before us, and the amendments recommended by Mr Wyeth in the Reply Version, we accept the evidence of Mr Wyeth and Mr Sunich. We accept that, in

¹⁷⁸ J Wyeth, Section 42A Report, paragraphs 14.1-14.15

¹⁷⁹ J Wyeth, Reply Evidence, section 3

¹⁸⁰ Recommended citation: Leersnyder, H., Bunting, K., Parsonson, M., and Stewart, C. (2016). *Erosion and sediment control guide for land disturbing activities in the Auckland region*. Auckland Council Guideline Document GD2016/005. Prepared by Beca Ltd and SouthernSkies Environmental for Auckland Council

¹⁸¹ Technical Publication No. 90, *Erosion and Sediment Control: Guidelines for Land Disturbing Activities*, Auckland Regional Council, 2007

¹⁸² M Botting, Evidence presented at the hearing, paragraph 6

¹⁸³ R Henderson, EiC, paragraphs 136 & 153

the absence of Council-prepared erosion and sediment control guidelines for this District, reference to the Auckland guidelines as a means of compliance with Standard 25.5.12 is the most appropriate means of ensuring that sediment leaving an earthworks site is minimised to a practicable level, and Objective 25.2.1 achieved. We recommend that Standard 25.5.12 as set out in the Reply Version is accepted and the submissions from Paterson Pitts, the Real Journeys Group and the Treble Cone Group are accepted in part.

6.2.3 Standard 25.5.13 – Deposition of Material on Roads

165. Submissions from Paterson Pitts, Federated Farmers, the Real Journeys Group and NZSki, amongst other submitters, raised similar concerns to those discussed above, regarding about the onerous nature of notified Standard 25.5.13, which required that no material being transported from one site to another be deposited on roads. They stated that the standard was overly onerous, and not practical to comply with all of the time as earthworks on occasions can result in material being deposited on roads, even if it is immediately cleaned-up.
166. In his Section 42A Report¹⁸⁴, Mr Wyeth agreed with some of the concerns of the submitters regarding the wording of the standard. Although he acknowledged his suggestion was not ideal, he recommended amended wording requiring earthworks to be managed to avoid deposition on public roads or minimise it to the extent it does not cause nuisance effects. As with the previous standard, the Panel, in its questions of Mr Wyeth, expressed concern regarding his amended wording that did not appear to be sufficiently certain or clear enough for a permitted activity standard.
167. Mr Wyeth returned to the certainty of Standard 25.5.13 in his Reply evidence¹⁸⁵. On further reflection, he considered that this standard was unnecessary as it is only likely to be relevant for larger earthworks sites that would require resource consent for non-compliance with other standards, such as the volume or area thresholds. In those circumstances, the management of adverse effects on roads can be addressed through consent conditions. Mr Wyeth recommended the deletion of Standard 25.5.13 and did not include it in his Reply Version.
168. We also received evidence on Standard 25.5.13 from Mr Botting from Paterson Pitts¹⁸⁶ and Mr Henderson on behalf of the Treble Cone Group¹⁸⁷, who both generally supported Mr Wyeth's amendments to Standard 25.5.13 in his Section 42A Report.
169. We accept Mr Wyeth's evidence and his recommendation to delete Standard 25.5.13. We agree that the standard is unnecessary as it is only likely to be relevant for earthworks that require resource consent, when the management of adverse effects on roads can be addressed through consent conditions. We agree that this would overcome the Panel's concerns regarding the uncertainty of the wording and the difficulties this would cause with enforcement. We recommend deletion of Standard 25.5.13 as set out in the Reply Version and that the submissions from Paterson Pitts, the Real Journeys Group and the Treble Cone Group are accepted in part.

6.2.4 Standard 25.5.14 – Dust Control

170. We have already partially addressed Standard 25.5.14, when considering Standard 25.5.12 above, as Mr Wyeth has recommended similar amendments in the Reply Version. Similar submissions were received from Paterson Pitts, the Real Journeys Group and NZSki, amongst

¹⁸⁴ J Wyeth, Section 42A Report, paragraphs 15.1-15.15

¹⁸⁵ J Wyeth, Reply Evidence, section 10

¹⁸⁶ M Botting, Evidence presented at the hearing, paragraph 6

¹⁸⁷ R Henderson, EiC, paragraphs 136 & 153

other submitters, as for Standards 25.5.12 – 25.5.13. Evidence on Standard 25.5.14 from Mr Botting from Paterson Pitts¹⁸⁸ supported the amendments made by Mr Wyeth in his Section 42A Report.

171. Mr Wyeth initially responded in his Section 42A Report¹⁸⁹, stating that it is appropriate for the PDP to retain a permitted activity standard relating to dust control during earthworks, as earthworks can give rise to dust which has the potential to have nuisance effects beyond the boundary of the site. He considered a standard is appropriate to help achieve Objective 25.2.1 to protect people and communities from the effects of earthworks. Mr Wyeth did not consider that the standard would be overly onerous and impractical to comply with, but did accept that the wording could be slightly refined. In his Reply evidence¹⁹⁰, Mr Wyeth recommended including the same Note as for Standard 25.5.12, referring to the Auckland guidance document and, on further reflection, considered that the wording of Standard 25.5.14 could be simplified to state that dust shall not cause nuisance effects beyond the boundary of the site. He considered this would reduce the level of discretion in the standard and focus it on the performance standard to be achieved, along with the Note referring to GD05 as a means of compliance.
172. We accept the amendments recommended by Mr Wyeth to Standard 25.5.14 in the Reply Version of Chapter 25. We accept his evidence that, in the absence of Council-prepared earthworks guidelines for this District, reference to the Auckland guideline as a means of compliance with Standard 25.5.14 is the most appropriate means of ensuring that dust does not cause nuisance effects beyond the boundary of the site, and Objective 25.2.1 achieved. We recommend that Standard 25.5.14 as set out in the Reply Version is accepted and the submissions from Paterson Pitts, the Real Journeys Group and NZSki are accepted in part.

6.2.5 *Standard 25.5.19 – Earthworks Setbacks from Site Boundaries*

173. Standard 25.5.19 sets out the requirements for earthworks in relation to site boundaries - distances of setbacks depending on the height of fill or height of retaining wall. The submission from Paterson Pitts and evidence from Mr Botting¹⁹¹ raised several issues with the wording of this Standard, as follows:
- He did not agree with the way that setback distances from a boundary are calculated in Standard 25.5.19a.ii., and the resulting steepness of the permitted batter slopes. He recommended a steepness of 1:3 as a maximum batter angle for cut slopes and for fill.
 - He did not support the setback relating to fill in Standard 25.5.19a.i., as he considered that the formation of earthwork fill close to a site boundary should be subject to a similar slope requirement as that of an earthwork cut.
 - He did not support the exemption in Standard 25.5.19b.ii. for retaining walls that have building consent. He considered that there is potential for a retaining wall up to 2m high to be built close to or on a boundary without needing to obtain resource consent or require adjoining neighbours' approval. In his opinion, any retaining walls greater than 500mm on or near a boundary should require resource consent, irrespective of whether a building consent has been obtained.
174. At the Panel's request Mr Wyeth considered Mr Botting's suggestions regarding Standard 25.5.19 and responded in his Reply evidence¹⁹². He stated he had discussed Mr Botting's

¹⁸⁸ M Botting, Evidence presented at the hearing, paragraph 6

¹⁸⁹ J Wyeth, Section 42A Report, paragraphs 15.20-15.30

¹⁹⁰ J Wyeth, Reply Evidence, section 3

¹⁹¹ M Botting, Evidence presented at the hearing, paragraphs 8-12

¹⁹² J Wyeth, Reply Evidence, section 5

amendments to Standards 25.5.19a.i and 25.5.19a.ii with Mr Sunich who agreed that a slope of 1:3 is appropriate for unsupported cut and fill; that this angle is consistent with the Council's Section 32 Report; and aligns with the guidance in the Council's subdivision code of practice. Mr Wyeth recommended that Standards 25.5.19a.i and 25.5.19a.ii and their associated Interpretative Diagrams 25.4 and 25.5 be amended to require a maximum batter slope angle of 1:3 (vertical: horizontal).

175. Mr Wyeth also considered Mr Botting's evidence regarding the exemption from the boundary setback requirements in Standard 25.5.19b. for retaining walls that have been granted building consent. Mr Wyeth agreed it was undesirable that retaining walls could be constructed on a boundary up to 2m in height without requiring a resource consent. He accepted Mr Botting's evidence and recommended that Standard 25.5.19b.ii. be deleted, although unfortunately it was not shown as deleted in the Reply Version.
176. We accept the evidence of Mr Botting and Mr Wyeth. We recommend Standards 25.5.19a.i, 25.5.19a.ii and Interpretative Diagrams 25.4 and 25.5 be amended as set out in Section 5 of the Reply evidence of Mr Wyeth and that Standard 25.5.19b.ii be deleted. We recommend that the submission from Paterson Pitts be accepted.

6.2.6 *Standard 25.5.20 – Waterbodies*

177. In the Reply Version¹⁹³, Standard 25.5.20 requires that earthworks within 10m of the bed of a water body, or any drain or water race that flows to a lake or river, not exceed 5m³ in total volume within any consecutive 12-month period, subject to an exemption for artificial water bodies that do not flow to a lake or river. Several submissions were received on this standard. Fish and Game¹⁹⁴ supported the standard in part but opposed the exemption¹⁹⁵. The Treble Cone Group and associated submitters¹⁹⁶, and the Real Journeys Group, sought a lesser setback distance and/or a greater volume of earthworks to be permitted within the setback. The Real Journeys Group also sought an exemption for the installation of hazard protection works in and adjoining water bodies. The submitters with interests in ski areas (including NZSki) sought an exemption from Standard 25.5.20 for earthworks in SASZs, which we have addressed earlier in this Report.
178. In his evidence and in his presentation to the Panel¹⁹⁷, Mr Sunich referred to his report¹⁹⁸ containing background analysis for Stage 2 of the PDP, in which he recommended that the earthworks setback distance be increased to 10m (from the 7m setback in the ODP) to reflect practical considerations and current practice elsewhere in New Zealand. His report had reviewed other district plans, including the recent Auckland Unitary Plan, and the NES-PF¹⁹⁹, as to setbacks considered appropriate, and the scale of earthworks permitted within the

¹⁹³ The notified Standard 25.5.20 did not include the allowance for 5m³ of permitted earthworks within the 10m setback distance

¹⁹⁴ Submission 2455

¹⁹⁵ Fish and Game's concern regarding the wording of the exemption for artificial water bodies that do not flow to a lake or river has been addressed in the Reply Version of Standard 25.5.20.

¹⁹⁶ Treble Cone Group and Submissions 2377, 2381 & 2382

¹⁹⁷ T Sunich, EIC, paragraphs 11.6-11.8

¹⁹⁸ 4Sight Consulting. Queenstown Lakes District Council Proposed District Plan: Assessment of Thresholds for Earthworks. September 2017

¹⁹⁹ Both the 4Sight Consulting report and Mr Wyeth (EIC, paragraph 16.13) confirmed that the 10m earthworks setback in the NES-PF was determined on an assessment of current best practice around New Zealand and to be largely consistent with water body setbacks for earthworks in district and regional plans.

setbacks. Mr Sunich considered the increased setback distance (from the ODP) is appropriate as it provides:

- additional protection, and buffer, for river and lake environments;
- additional room to provide for erosion and sediment control (such as silt fences) to minimise and mitigate discharges to waterways; and
- protection of the structure and function of the riparian margin.

179. Mr Sunich also considered the decrease, from the ODP provisions, in the permitted volume of earthworks within the setback (from 20m³ to 5m³ in a 12-month period). He agreed with having a volume for permitted earthworks, as otherwise minor activities within the setback distance would be required to obtain resource consents, given the broad definition of “earthworks”. However, in his opinion, 20m³ is not appropriate as it appears to be a large volume relative to the potential for adverse effects on the natural character of wetlands, lakes, rivers and their margins. He supported the 5m³ in the Reply Version. In answer to the Panel’s questions, Mr Sunich explained his opinion that 20m³ is a relatively significant volume of earthworks and may lead to significant adverse effects on riparian margins. He considered no allowance for earthworks in the setbacks is too restrictive, however, 5m³ is not an insignificant allowance. He considered 5m³ would give reasonable scope for earthworks to be undertaken without capturing minor activities, and enable tailored, relevant controls to be established through conditions for larger scale earthworks.
180. Mr Wyeth²⁰⁰ referred us to the evaluation of this standard in the Section 32 Report. This evaluation recognised the additional costs in applying for resource consent but assessed this as a small cost relative to not managing the potential harm from uncontrolled earthworks within the margins of a waterbody. It identified benefits for management of adverse environmental effects, economic benefits in protecting the environmental reputation of the District, and social and cultural benefits from safeguarding the life supporting capacity of water. The Section 32 Report concluded that setback requirements will be effective in ensuring that adverse effects on landscape, amenity and character are appropriately managed in the context of the District’s sensitive environment. In terms of efficiency, the rules were not considered to be overly restrictive, introduced an appropriate scale of control, and were commensurate with the sensitivity of the receiving environment.
181. We received some limited planning evidence, and no technical evidence, on this matter on behalf of the Real Journeys and Treble Cone Groups of submitters.
182. Mr Henderson²⁰¹ agreed that a threshold limit is appropriate to avoid all earthworks within the setback requiring consent. He acknowledged that the figure will to some extent be arbitrary. He questioned the basis for Mr Sunich’s recommendation of 5m³ but did not provide any evidence in support of an alternative threshold.
183. Mr Farrell²⁰² stated his belief that a 10m setback is very large and that, in his experience, most earthworks activities can be carried out within 10m of a waterbody without adverse effects, especially if erosion and sediment control measures are employed. He questioned the Council’s justification for the 10m setback, suggesting that alternative distances could be required depending on the slope of the land. In his experience, the topography of the land is a significant factor in the likelihood of earthworks affecting water quality and natural values. Mr Farrell, whilst providing examples, provided no technical justification for different setback

²⁰⁰ J Wyeth, Section 42A Report, paragraphs 16.12 & 16.16

²⁰¹ R Henderson, EiC, paragraph 147

²⁰² B Farrell, EiC, paragraph 24

distances based on the slope of the land. In response, Mr Wyeth²⁰³ considered it would be overly complex from a compliance perspective to introduce multiple setback requirements based on land slope across the District, and that there are wider factors to take into account when considering the risk from adverse effects of earthworks (e.g. bank stability, vegetation removal, adequacy of erosion and sediment control measures).

184. We have considered the evidence before us, the Council's background technical report and its section 32 evaluation. We have no expert technical evidence from the submitters which would cause us to disregard the evidence from Mr Sunich on behalf of the Council, and nor do we consider it would be appropriate to do so. We consider the Council has evaluated the appropriateness of alternative options (particularly as between the ODP and notified PDP provisions), considering their benefits and costs, effectiveness and efficiency and the risk of retaining a less restrictive approach, such as in the ODP. We have no evidence before us on alternative methods that would enable us to reconsider the Council's recommended provisions in accordance with s32AA of the Act.
185. We agree with Mr Sunich and Mr Wyeth that the context of the District's environment is an important consideration when evaluating the appropriateness of this standard. A high level of importance is placed on the District's lakes, rivers and wetlands, demonstrated through the extent of identified ONLs and ONFs (including many waterbodies); the high natural character and biodiversity values of the waterbodies and their margins; the importance of the District's water resources and water quality to Kāi Tahu; and the contribution of the District's waterbodies to amenity values for residents and visitors. These factors are encapsulated in Chapter 3 Strategic Directions, through the direction contained in Objectives 3.2.4, 3.2.5 and 3.2.7 and Policies 3.3.17 to 3.3.19 and 3.3.29 to 3.3.35, as well as in Chapter 5 Tangata Whenua. We have set out our understanding of the direction provided by Chapter 3 earlier in this Report, concluding that this gives a strong direction to Chapter 25 in relation to sediment generation and other adverse effects, including on water quality, landscape, natural character and Kāi Tahu values. In this context, and to achieve the Strategic objectives and policies, as well as Objective 25.3.1, we consider it is most appropriate for Chapter 25 to include firm control over the effects of earthworks in close proximity to waterbodies. We consider the provisions contained in the Reply Version of Standard 25.5.20 would be effective and efficient in achieving this.
186. In terms of the more specific submissions on the wording of Standard 25.5.20, Fish and Game's concern regarding the wording of the exemption for artificial water bodies has been clarified in the Reply Version of the standard. The concern of the Real Journeys Group that the standard does not apply to artificial watercourses has also been addressed through Mr Wyeth's recommended amendments to the wording. Mr Wyeth has recommended a further exemption from Standard 25.5.20 to provide for the "*Maintenance and repairing of existing hazard protection structures in and around a water body*", in response to the evidence on behalf of the Real Journeys Group²⁰⁴ regarding the need to maintain such works on Walter Peak (in accordance with ORC's Water Plan requirements). We accept Mr Wyeth's recommendation as appropriately allowing for such maintenance and repair works.
187. Accordingly, we recommend Standard 25.5.20 be amended as set out in the Reply Version. We recommend that the submission from Fish and Game is accepted, and those from the Treble Cone Group and associated submitters²⁰⁵, and the Real Journeys Group, be accepted in

²⁰³ J Wyeth, Rebuttal Evidence, paragraphs 4.14-4.17

²⁰⁴ F Black, EiC, paragraphs 29-36; Ben Farrell, EiC, paragraphs 22-23

²⁰⁵ Treble Cone Group and Submissions 2377, 2381 & 2382

part (in so far as provision has been included for small scale earthworks within the waterbody setback).

6.2.7 *Standard 25.5.22 - Cleanfill*

188. Standard 25.5.22 requires a restricted discretionary activity consent where more than 300m³ of Cleanfill is transported to or from an area that is the subject of earthworks. Darby Planning LP²⁰⁶; Lakes Hayes Limited²⁰⁷; Glendhu Bay Trustee Limited²⁰⁸; and Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited²⁰⁹ opposed this standard due to the overlapping definition and potential confusion with the requirements of Rule 25.4.3. The submissions seek the deletion of the standard. Rule 25.4.3 requires a restricted discretionary activity consent for earthworks for the construction or operation of a Cleanfill Facility²¹⁰.
189. Mr Wyeth responded to this submission in his Section 42A Report²¹¹. He agreed that the submissions on this matter demonstrate that the relationship between Standard 25.5.22 and Rule 25.4.3 is not clear. He explained that Rule 25.4.3 relates to earthworks for the construction and operation of a Cleanfill Facility, whereas Standard 25.5.22 relates to the transportation of Cleanfill material by road to or from an earthworks site. He did not agree that Standard 25.5.22 should be deleted. He understood the need for the standard arose from a concern about managing the effects of material from earthworks being taken off-site and deposited elsewhere in the District, and there being no ability to manage those effects in the ODP. Mr Wyeth did not recommend any changes to Standard 25.5.22.
190. Mr Henderson provided evidence on this standard on behalf of the group of submitters. Despite Mr Wyeth's explanation in his Section 42A Report, Mr Henderson still considered that greater clarity is needed between Rule 25.4.3 and Standard 25.5.22 to ensure efficient management of these provisions. In the absence of that clarity he continued to recommend deletion of the Standard.
191. We do not agree that there is a great deal of confusion between these two provisions. We can see how the omission of the word "Facility" in Rule 25.4.3 may have resulted in some confusion. We also consider that some confusion could have arisen because of the structure of Standard 25.5.22. We note that it is written more as an Activity (for which consent is required), rather than as a permitted activity Standard. We consider some minor amendment to the structure of Standard 25.5.22, in accordance with clause 16(2), could make it read as a Standard without changing its meaning or intent, as follows:

No more than 300m³ of Cleanfill shall be transported by road to or from an area subject to Earthworks.

192. With these changes, we consider there would be adequate clarity that Rule 25.4.3 is a specific requirement for consent for earthworks associated with a Cleanfill Facility, being land used solely for the disposal of Cleanfill. Whereas, Standard 25.5.22 is a permitted activity standard

²⁰⁶ Submission 2376

²⁰⁷ Submission 2377

²⁰⁸ Submission 2382

²⁰⁹ Submission 2381

²¹⁰ In the notified Rule 25.4.3 the word "Facility" was omitted. This may have caused some of the confusion. In his Rebuttal Version of Chapter 25, Mr Wyeth recommended adding the word "Facility" to be consistent with the defined term.

²¹¹ J Wyeth. Section 42A Report. Paragraphs 16.63-16.69

which would require consent for transporting more than 300m³ of Cleanfill by road to or from an earthworks site, with Cleanfill being the material itself.

193. We accept Mr Wyeth's evidence that there is a need for Standard 25.5.22 and have not received evidence from Mr Henderson that satisfied us there is no need for this standard in order to manage the effects of transporting cleanfill in the District. Accordingly, we recommend that the submissions be rejected, and Standard 25.5.22 retained and amended as we have set out above.

7. SECTION 25.6 NON-NOTIFICATION OF APPLICATIONS

194. There were few submissions on these provisions of Chapter 25, and we heard only very limited evidence in the presentation from Mr Duncan White²¹² on behalf of Paterson Pitts who stated that he still maintained a preference for more comprehensive and specific non-notified provisions than those contained in the notified Chapter 25.
195. Mr Wyeth addressed these submissions in his Section 42A Report²¹³, giving his opinion that 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 s95-95G of the Act. which are now relatively prescriptive. He expected the majority of earthworks applications would continue to be processed without notification. However, he noted that applications for exceeding earthworks volume thresholds may result in minor or more than more adverse effects on amenity, landscape and land stability, that may warrant an application being notified in some circumstances. Mr Wyeth recommended the submissions to preclude notification or to adopt the approach of the OPD be rejected.
196. The Panel asked Mr Wyeth to consider whether wider provision should be included for non-notification for earthworks applications, whether there is scope in the submissions, or whether the revised notification provisions of the Act will have the same effect. Mr Wyeth responded to the Panel's request in his Reply evidence²¹⁴. He reiterated his preference for councils to have discretion regarding notification in accordance with the requirements of the Act. However, he acknowledged that there can be benefits in terms of certainty and efficiency, for both applicants and the councils, through the inclusion of rules in a plan that preclude notification, so that all of the steps in s95-95G of the Act do not need to be undertaken.
197. Mr Wyeth considered the submissions provided scope to widen provision for non-notification. He evaluated the new notification provisions in the Act and concluded that earthworks associated with the construction or alteration of residential dwellings would be precluded from notification by s95A95)(b)(ii) of the Act. In his opinion, this would capture the majority of earthworks occurring in residential zones, and a large portion of the earthworks consents in the District.
198. Mr Wyeth referred us to the Council's Section 32 Report for Chapter 25. This supported non-notification of applications for non-compliance with the area thresholds (as set out in 25.6.1) but, otherwise, public or limited notification was not precluded by the notified PDP for non-compliance with other standards. This was on the basis that adverse effects from earthworks can be significant, locations in the District can be sensitive, and there are range of potential effects on other persons and statutory agencies. Mr Wyeth continued to support the approach

²¹² D White, Evidence presented at the hearing, paragraph 4

²¹³ J Wyeth, Section 42A Report, paragraphs 17.1-17.7

²¹⁴ J Wyeth, Reply Evidence, section 4

of the notified PDP. In his view, the risks associated with precluding notification for non-compliance with other earthworks standards are greater than the likely benefits to Council and applicants in terms of certainty and efficiency. He considered the process for determining notification or non-notification under the Act appropriately allows decisions to be made based on the degree of adverse environmental effects on the environment and other persons. He noted that the approach of the notified PDP is consistent with other plans such as the Auckland Unitary Plan.

199. We are grateful to Mr Wyeth for his consideration of these matters, and for outlining the implications from the new notification provisions in the Act. We accept his evidence and his recommendation to retain the notification provisions as proposed in the notified PDP. We recommend that the requests to preclude notification of applications that exceed the earthworks volume thresholds, or to adopt the approach in the ODP, are rejected.

8. SECTIONS 25.7 MATTERS OF DISCRETION AND 25.8 ASSESSMENT MATTERS

200. We heard little specific evidence on the amendments sought by submitters to the Matters of Discretion or Assessment Matters. Mr Wyeth recommended amendments to these matters in response to submissions in both this Section 42A Report²¹⁵ and his Rebuttal evidence²¹⁶. These included refined wording for Assessment Matter 25.8.2d. in response to the evidence of Mr Timothy Williams²¹⁷ for RPL and QPL; and changing references to “*indigenous biodiversity*” to the more general “biodiversity” in response to the submission from Fish and Game. We accept the amendments recommended by Mr Wyeth as shown in the Reply Version.
201. The evidence from Mr Farrell for the Real Journeys Group²¹⁸ challenged the inclusion of detailed Assessment Matters in Chapter 25. Whilst he considered they were helpful in providing some guidance when assessing applications, he did not consider they were the most appropriate method for implementing the objectives. He did not consider that the Council had considered alternative options for providing this guidance, such as removing the Assessment Matters from the Plan and including them in a separate non-statutory document, or including a statement in the PDP that the Assessment Matters are not mandatory and should be applied on a case-by-case basis.
202. Mr Wyeth responded to this submission and acknowledged that Assessment Matters have generally been removed from the PDP in the interests of streamlining the plan and so that activities can be assessed through the relevant objectives and policies. He referred to the Section 32 Report for Chapter 25 which gave the reasons for retaining Assessment Matters in this chapter, namely that they articulate a finer level of detail than the policies as to how earthworks activities should be designed and undertaken to be consistent with the policies. Based on the Section 32 Report’s reasons and that most submitters supported the Assessment Matters, Mr Wyeth recommended the request from the Real Journeys Group to delete the Assessment Matters from Chapter 25 be rejected.
203. The Panel acknowledges that it is a matter of preference for a council as to whether or not it includes detailed Assessment Matters in its plan, and that this preference can extend to including Assessment Matters in some chapters and not others, depending on their utility and

²¹⁵ J Wyeth, Section 42A Report, section 18

²¹⁶ J Wyeth, Rebuttal Evidence, paragraphs 6.13-6.15

²¹⁷ T Williams, EiC, paragraphs 5.17-5.21

²¹⁸ B Farrell, EiC, paragraph 28

effectiveness. In this case, we accept that the Council has chosen to include Assessment Matters in Chapter 25 despite them being generally removed from the PDP. Mr Wyeth explained that the alternatives of not including Assessment Matters has been considered by the Council in the Section 32 Report and in response to submissions on this Chapter and others. We are satisfied that the Council has had adequate regard to alternatives and accept Mr Wyeth's recommendation to retain 25.8 Assessment Matters. Subject to some minor wording clarification we have included (without changing the meaning or intent), we recommend the submission from the Real Journeys Group be rejected.

204. We also note here that Ms Baker-Galloway²¹⁹ raised the matter of the positive benefits from earthworks being listed in all Matters of Discretion, in order that they can be considered when assessing restricted discretionary activity applications. This was responded to by Ms Scott on behalf of the Council in its Reply Representations / Legal Submissions (in relation to Chapter 38). The Panel has considered this matter in Part A of this Report.

9. SCHEDULE 25.9 INTERPRETATIVE DIAGRAMS

205. Schedule 25.9 contains a number of diagrams to assist with interpretation of the earthworks standards, particularly the setbacks of earthworks from site boundaries. We received evidence on these interpretative diagrams from Mr Botting on behalf of Paterson Pitts which we have already addressed in relation to the relevant standards. Subject to the amendments we recommend in response to Mr Botting's evidence and the responses from Mr Wyeth and Mr Sunich, we recommend these diagrams in accepted.

10. SCHEDULE 25.10 ACCIDENTAL DISCOVERY PROTOCOL

206. Schedule 25.10 sets out a protocol in the event of an accidental discovery during earthworks of material listed in Standard 25.5.15, being kōiwi tangata, wāhi taoka, wāhi tapu or other Māori artefact material; any feature or archaeological material that predates 1900; or evidence of contaminated land. Standard 25.5.15 requires earthworks that discover any such material to comply with the standards and procedures in Schedule 25.10 'Accidental Discovery Protocol'.
207. We heard little evidence in relation to Schedule 25.10. Most of the submissions²²⁰ supported it and sought that it be retained. Submissions from Sean McLeod²²¹ and the Real Journeys Group sought that the schedule be deleted. We did not hear evidence from Mr McLeod and Mr Farrell did not address this aspect in his evidence for the Real Journeys Group. Mr Henderson supported the retention of Schedule 25.10 in his evidence²²² for the Treble Cone Group. Mr Wyeth addressed these submissions in his Section 42A Report²²³ and recommended that the submissions from Mr McLeod and the Real Journeys Group be rejected, on the basis that it is effective and efficient to include the protocol in the PDP, to alert plan users, provide certainty as to the procedures to follow, and a clear link to Standard 25.5.15. We accept Mr Wyeth's evidence and agree with his reasoning regarding the appropriateness of including an Accidental Discovery Protocol for earthworks in the PDP.

²¹⁹ Maree Baker-Galloway, legal submission for the Real Journeys Group

²²⁰ The Treble Cone Group and associated Submissions 2377, 2381 & 2382; and Submissions 2311 and 2484

²²¹ Submission 2349

²²² R Henderson, EiC, paragraph 158

²²³ J Wyeth, Section 42A Report, section 19

208. The Panel does have a concern regarding the structure and wording of the protocol in Schedule 25.10. As stated in Standard 25.5.15, the protocol is a standard that is applied to permitted activities. The protocol must be written in a clear, directive form, that can be applied in this way. It must state what “shall be” done, rather than what will be “determined” by the Council, for example. A resource consent is only required if the protocol is not adhered to, so reference to consent holders is not relevant in a standard. We have made some amendments to the structure and clarity of the wording in the protocol, in accordance with clause 16(2), without changing its meaning or intent, in order to ensure it can act as a standard for permitted activities. Subject to those amendments, we recommend Schedule 25.10 be included in Chapter 25 and those submissions seeking its deletion be rejected.

11. VARIATION TO STAGE 1 PDP CHAPTER 2 DEFINITIONS

209. The Stage 2 Variation to Stage 1 Chapter 2 Definitions amended the definitions of Earthworks, Landfill and Mining Activity; and introduced new definitions for Cleanfill, Cleanfill Facility, Mineral Exploration, Mineral Prospecting and Regionally Significant Infrastructure. We heard little evidence in relation to these definitions. Ms Kim Reilly²²⁴, on behalf of Federated Farmers, accepted the comments in the Section 42A Report in respect of its submission points on definitions. Mr Henderson²²⁵, on behalf of the Treble Cone Group, stated that the submitters opposed the inclusion of “the deposition and removal of cleanfill” into the definition of “Earthworks”, on the basis that it is defined separately and subject to a discretionary activity rule regardless of volume. However, he provided no planning evidence to support this submission.
210. Mr Wyeth addressed submissions on the definitions in his Section 42A Report²²⁶ and recommended that the submission from the Treble Cone Group relating to the inclusion of “cleanfill” within the “Earthworks” definition be rejected. Mr Wyeth referred to the draft National Planning Standards which are seeking to standardise some definitions across planning documents. He acknowledged that no weight can be put on these Standards, as they are still draft and may be subject to change following public consultation. However, he considered they provide a useful guide as to the national direction and have been prepared following consideration of existing definitions in plans across the country. Mr Wyeth noted that, in combination, the definitions of “earthworks” and “land disturbance” in the draft National Planning Standards, specifically include “cleanfill”.
211. In addition, as we have discussed earlier in this Report, Mr Wyeth explained that there appears to be a misunderstanding about the purpose of Rule 25.4.3, which relates to earthworks for the construction and operation of a Cleanfill Facility, being land used solely for the disposal of Cleanfill; whereas earthworks generally may (and often will) include the deposition or removal of Cleanfill, unrelated to a “Cleanfill Facility”. As we noted previously, Mr Wyeth recommended adding the word “Facility” to Rule 25.4.3 to be consistent with the defined term and, potentially, improve clarity.
212. We accept Mr Wyeth’s explanation of the relationship between Rule 25.4.3 and the inclusion of cleanfill in the general definition of earthworks. We agree this necessary to ensure that effects from the deposition or removal of cleanfill, in a manner unrelated to a “Cleanfill Facility”, is treated in the same way as other earthworks activities, with the same standards and consent requirements. We are satisfied that the wording of the definition of

²²⁴ K Reilly, EiC, paragraph 50

²²⁵ R Henderson EiC, paragraph 151 & 159

²²⁶ J Wyeth, Section 42A Report, paragraphs 20.1-20.20

“Earthworks” is the most appropriate to achieve the objectives of Chapter 25. We recommend that the submissions from the Treble Cone Group regarding the definition of “Earthworks” are rejected, and the definition included in the Reply Version be accepted.

12. VARIATION TO STAGE 1 PDP CHAPTER 27 SUBDIVISION AND DEVELOPMENT

213. The Stage 2 Variation to Stage 1 Chapter 27 Subdivision and Development amended Rule 27.3.2.1 in order to specify the relationship between Chapters 25 and 27 for earthworks undertaken at the time of subdivision. Submissions were received on this variation from the Jacks Point Group and Glendhu Bay Trustees Ltd²²⁷ requesting that Rule 27.3.2.1 be amended to better explain and clarify the relationship between the two chapters. We have addressed this matter earlier in this report, when we considered submissions seeking exemptions from Chapter 25 for earthworks associated with subdivision. We have recommended amendments to both Rule 25.3.4.1 and Rule 27.3.2.1 to clarify the relationship between these chapters. As a result, we recommend that the submissions on the variation to Chapter 27 be accepted in part.

13. VARIATION TO STAGE 1 CHAPTER 41 JACKS POINT ZONE

214. The Stage 2 Variation to Stage 1 Chapter 41 Jacks Point Zone struck out the earthworks-related provisions from Chapter 41, in order that they could be integrated into the notified Chapter 25. The evidence for the Jacks Point Group²²⁸ was that they generally supported the integration of all earthworks provisions into the standalone Chapter 25. No submissions were received on this variation. Accordingly, we have not addressed this variation further in the report.

14. RECOMMENDED AMENDMENTS PURSUANT TO CLAUSE 16(2)

215. Clause 16(2) of the First Schedule to the Act provides that:

(2) a local authority may make an amendment, without using the process in the schedule, to its proposed policy statement or plan to alter any information, where such alteration is of minor effect or may correct any minor errors.

216. We have set out below our recommendations for amendments pursuant to Clause 16(2). We have not included circumstances where consequential changes are required as a result of changes to policy/rule numbers or deletion of provisions.
217. The amendments made to the text under Clause 16(2) below have already been included in the text changes attached in Appendix 1.
- (a) 25.1 Purpose – consequential amendments as a result of changes to the rules specifying the relationship between earthworks controls under Chapter 25 and subdivisions involving earthworks in Chapter 27.
 - (b) Sections 25.3 and 25.8 – replace “*land disturbance activities*” with “*earthworks*”.
 - (c) Section 25.3 – amended the format and headings, and minor wording changes, to be consistent with the format and wording of the Chapters in the PDP (Decisions Version)
 - (d) Section 25.3 – added reference to the NES-PF.

²²⁷ Submission 2382

²²⁸ R Henderson, EiC, paragraph 17

- (e) Rule 25.4.1 – restructured the wording of the rule to distinguish more clearly between compliance with the standards in Tables 25.2 & 25.3 and the activity statuses listed in Table 25.1
- (f) Table 25.2 – correct references to names of zones and areas to be consistent with the PDP (Decisions Version).
- (g) Table 25.3 – delete references to matters of discretion in each standard and replace with general reference in Clause 25.3.2.3.
- (h) Standard 25.5.20 – minor clarifications to the wording to improve ease of interpretation.
- (i) Standard 25.5.22 – minor amendments to write as a standard for permitted activities, rather than an activity status.
- (j) Schedule 25,10 – minor amendments to write schedule as a standard for permitted activities, rather than as conditions for resource consents.

15. OVERALL RECOMMENDATION

218. For the reasons set out above, we are satisfied that:
- the amendments we are recommending to the objectives are the most appropriate way to achieve the purpose of the Act,
 - the amendments we are recommending to the policies and rules are the most efficient and effective in achieving the objectives of the PDP; and
 - our recommended amendments to the rules will be efficient and effective in implementing the policies of the Plan.
219. For all the reasons above, we recommend the Council adopt Chapter 25, and its associated variations to Chapters 2, 27 and 41, with the wording as set out in Appendix 1, and accept, accept in part, or reject the submissions on this chapter as set out in Appendix 2.

For the Hearing Panel



Denis Nugent, Chair
Dated: 11 January 2019

Appendix 1: Chapter 25 and Variations to Chapters 2, 27 and 41 as Recommended

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 development, operation, 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.

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.

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 focus of Chapter 25 is therefore on ensuring the adverse effects of earthworks are appropriately managed and minimised. It does not seek to discourage or avoid earthworks in the District.

The volume, cut and fill limits in the Earthworks Chapter do not apply to earthworks associated subdivisions. All other rules in the Earthworks Chapter apply to subdivisions to manage potential adverse effects from for instance, earthworks near water bodies or cut and fill adjacent to neighbouring properties. Applications for subdivisions involving earthworks shall also be considered against the matters of discretion and assessment matters in this chapter.

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

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.

Policies

- 25.2.1.1 Ensure earthworks minimise erosion, land instability, and sediment generation and off-site discharge during construction activities associated with subdivision and development.
- 25.2.1.2 Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects, in a way that:

- a. Protects the values of Outstanding Natural Features and Landscapes;
- b. Maintains the amenity values of Rural Character Landscapes
- c. Protects the values of Significant Natural Areas and the margins of lakes, rivers and wetlands;
- d. Minimises the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wanaka Basin and Cardrona alluvial ribbon aquifers;

Note: These aquifers are identified in the Otago Regional Plan: Water for Otago 2004.

- e. Protects Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori;
- f. Protects the values of heritage sites, precincts and landscape overlays from inappropriate subdivision, use and development; and
- g. Maintains public access to and along lakes and rivers.

- 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.
- 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 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 minimise 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 wellbeing of people and communities benefits from earthworks

Policies

- 25.2.2.1 Enable earthworks that are necessary to provide for people and communities wellbeing, having particular regard to the importance of:
- 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 Waiorau 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.

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 and Relocated Buildings	36 Noise	37 Designations
Planning Maps		

- 25.3.1.1 Refer to Chapter 33 Indigenous Vegetation and Biodiversity for earthworks within Significant Natural Areas. The provisions of this chapter apply in addition to the provisions in Chapter 33 Indigenous Vegetation and Biodiversity.
- 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. The provisions of this chapter apply in addition to the provisions in Chapter 26 Historic Heritage.

- 25.3.1.3 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.

25.3.2 Interpreting and Applying the Rules

- 25.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.
- 25.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 25.3.2.3 For restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in 25.7 Matters of Discretion.
- 25.3.2.4 The rules for any zone include any subzone or overlay applicable to that zone, except where otherwise specified.
- 25.3.2.5 Earthworks associated with subdivisions under Chapter 27 are exempt from the following Rules:
- a. Table 25.2 Maximum Volume;
 - b. Rule 25.5.15 Cut Standard; and
 - c. Rule 25.5.16 Fill Standard.

All other rules in the Earthworks Chapter apply to earthworks associated with a subdivision. Applications for earthworks that are associated with subdivision shall be considered against the matters of discretion for earthworks in Part 25.7 and assessment matters in Part 25.8.

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.

- 25.3.2.6 Earthworks within the Ski Area Sub Zones and vehicle testing facilities within the Waoirau Ski Area Sub Zone are exempt from the earthworks rules, with the exception of the following rules that apply:
- a. Rules 25.5.12 and 25.5.13 that control erosion and sediment and dust;
 - b. Rule 25.5.19 setbacks from waterbodies; and
 - c. Rule 25.5.20 exposing groundwater.

- 25.3.2.7 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 Maximum Volume;
 - b. Rule 25.5.15 Cut Standard; and
 - c. Rule 25.5.16 Fill Standard.
- 25.3.2.8 The provisions in this chapter do not apply to the following activities 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.
 - c. Earthworks for the construction, alteration, or addition to underground lines.
- 25.3.2.9 Earthworks shall be calculated as follows:
- a. The maximum volume and area of earthworks shall be calculated per site, within 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
- 25.3.2.10 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 25.5.19 setback from waterbodies.
 - b. The digging of holes for offal pits
 - c. Fence posts.
 - d. Drilling bores.
 - e. Mining Activity, Mineral Exploration or Mineral Prospecting.
 - f. Planting riparian vegetation.
 - g. Internments within legally established burial grounds.
 - h. Maintenance of existing vehicle and recreational accesses and tracks, excluding their expansion.
 - i. Deposition of spoil from drain clearance work within the site the drain crosses.

- j. 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.
- k. Firebreaks not exceeding 10 metres width.
- l. Cultivation and cropping.
- m. 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 earthworks does not exceed 1 metre in width.
- n. 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.

25.3.2.11 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

25.3.3 Advice Notes - Regional Council Provisions

25.3.3.1 Some earthworks 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. result in the exposure of groundwater aquifers:
are subject to the Otago Regional Council Regional Plan: Water for Otago 2004.

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

25.3.4 Advice Notes - General

25.3.4.1 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.

25.3.4.2 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.

25.3.4.3 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 Tauria: 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.

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

- 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. The 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. The 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.

25.4 Rules – Activities

	Table 25.1 - Earthworks Activities	Activity Status
25.4.1	Earthworks that comply with all of the standards in Tables 25.2 and 25.3, except where listed in Table 25.1 as a restricted discretionary or discretionary activity.	P

	Table 25.1 - Earthworks Activities	Activity Status
25.4.2	Earthworks that do not comply with the standards for the maximum total volume of earthworks in Table 25.2.	RD
25.4.3	Earthworks for the construction or operation of a Cleanfill Facility.	RD
25.4.4	Earthworks for the construction or operation of a Landfill.	D
25.4.5	Earthworks 25.4.5.1 that modify, damage or destroy a wāhi tapu, wāhi tūpuna or other site of significance to Māori whether identified on the Planning Maps or not; or 25.4.5.2 that modify, damage or destroy a listed heritage feature, in Chapter 26.8 Historic Heritage; or 25.4.5.3 within the setting or extent of place of a listed heritage feature in Chapter 26.8 – Historic Heritage.	D
25.4.6	Earthworks within a Statutory Acknowledgment Area, Tōpuni or Nohoanga identified on Planning Map 40.	D

25.5 Rules – Standards

	Table 25.2 - Maximum Volume	Maximum Total Volume
25.5.1	Arrowtown Residential Historic Management Zone Arrowtown Town Centre Zone Open Space and Recreation Zones	100m ³
25.5.2	Heritage Landscape Overlay Area Heritage Precinct Outstanding Natural Feature	10m ³
25.5.3	Low Density Residential Zone Medium Density Residential Zone High Density Residential Zone Waterfall Park Zone	300m ³

	Table 25.2 - Maximum Volume	Maximum Total Volume
25.5.4	Large Lot Residential Zone Rural Residential Zone Rural Lifestyle Zone Wakatipu Basin Rural Amenity Zone and Precinct	400m ³
25.5.5	Queenstown Town Centre Zone Wanaka Town Centre Zone Local Shopping Centre Zone Business Mixed Use Zone Airport Zone (Queenstown) Millbrook Resort Zone	500m ³
25.5.6	Rural Zone Gibbston Character Zone Airport Zone (Wanaka)	1000m ³
25.5.7	25.5.7.1 Roads 25.5.7.2 Roads located within an Outstanding Natural Feature identified on the Planning Maps	a. No limit b. 10m ³
	Jacks Point Zone	
25.5.8	Residential Activity Areas Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area	500m ³
25.5.9	Open Space Landscape Open Space Amenity	1000m ³

	Table 25.2 - Maximum Volume	Maximum Total Volume
	Homesite	
25.5.10	Open Space Golf Education Lodge Village Village Homestead Bay	No maximum

	Table 25.3 - Standards	Non- Compliance
	Nuisance effects, erosion, sediment generation and run-off	
25.5.11	Earthworks over a contiguous area of land shall not exceed the following area: 25.5.11.1 2,500m ² where the slope is 10° or greater. 25.5.11.2 10,000m ² where the slope is less than 10°.	RD
25.5.12	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. Note: Compliance with this standard is generally deemed to be compliance with Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland region. Auckland Council Guideline Document GD2016/005.	RD
25.5.13	Dust from earthworks shall be managed through appropriate dust control measures so that dust it does not cause nuisance effects beyond the boundary of the site Note: Compliance with this standard is generally deemed to be compliance with section 9 of Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland region. Auckland Council Guideline Document GD2016/005.	RD

	Table 25.3 - Standards	Non-Compliance
25.5.14	Earthworks that discovers any of the following: 25.5.14.1 kōiwi tangata (human skeletal remains), wāhi taoka (resources of importance), wāhi tapu (places or features of special significance) or other Māori artefact material, or 25.5.14.2 any feature or archaeological material that predates 1900, or 25.5.14.3 evidence of contaminated land (such as discolouration, vapours, landfill material, significant odours), 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, shall comply with the standards and procedures in Schedule 25.10 'Accidental Discovery Protocol'.	RD
	Height of cut and fill and slope	
25.5.15	The maximum depth of any cut shall not exceed 2.4 metres. 25.5.15.1 This rule shall not apply to roads.	RD
25.5.16	The maximum height of any fill shall not exceed 2 metres. 25.5.16.1 This rule shall not apply to roads and to the backfilling of excavations.	RD

	Table 25.3 - Standards	Non-Compliance
25.5.17	Earthworks for farm tracks and access ways in the following Zones and Activity Areas shall comply with standards 25.5.18.1 to 25.5.18.3: • Rural Zone • Wakatipu Basin Rural Amenity Zone • Gibbston Character Zone • Jacks Point Zone Activity Areas: - Open Space Landscape - Open Space Golf - Open Space Amenity - Homesite - Education - Lodge 25.5.17.1 No farm track or access way shall have an upslope cut or batter greater than 1 metre in height. 25.5.17.2 All cuts and batters shall not be greater than 65 degrees. 25.5.17.3 The maximum height of any fill shall not exceed 2 metres. This standard shall not apply to roads.	RD
	Setbacks from boundaries	

	Table 25.3 - Standards	Non-Compliance
25.5.18	Earthworks greater than 0.3 metres in height or depth shall be set back from the site boundary the following minimum distances: 25.5.18.1 Earthworks not supported by retaining walls: a. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill, with a maximum batter slope angle of 1:3 (vertical: horizontal); or b. 300mm plus a batter slope angle of a maximum of 1:3 (vertical: horizontal), as measured from the crest of the cut. Refer to Interpretive Diagrams 25.4 and 25.5 located within Schedule 25.9. 25.5.18.2 Earthworks supported by retaining walls: a. Cut or fill supported by a retaining wall must be setback a distance at least equal to the height of the retaining wall; b. Cut and fill equal to or less than 0.5m in height is exempt from this rule. Refer to Interpretive Diagrams 25.6 and 25.7 located within Schedule 25.9.	RD
	Water bodies	
25.5.19	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 5m³ in total volume, within any consecutive 12-month period. This rule shall not apply to: 25.5.19.1 any artificial water body (watercourse, lake, pond or wetland) that does not flow to a lake or river, including Lake Tewa within the Jacks Point Zone; or 25.5.19.2 Maintenance and repairing of existing hazard protection structures in and around a water body.	RD
25.5.20	Earthworks shall not be undertaken below the water table of any groundwater aquifer, or cause artificial drainage of any groundwater aquifer.	RD

	Table 25.3 - Standards	Non-Compliance
	Cleanfill	
25.5.21	No more than 300m³ of Cleanfill shall be transported by road to or from an area subject to Earthworks.	RD

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 (m²) 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 also be applicable to any discretionary or non-complying activity.

25.7.1.1 Soil erosion, generation and run-off of sediment.

25.7.1.2 Landscape and visual amenity.

25.7.1.3 Effects on infrastructure, adjacent sites and public roads.

25.7.1.4 Land stability.

25.7.1.5 Effects on water bodies, ecosystem services and biodiversity.

25.7.1.6 Cultural, heritage and archaeological sites.

25.7.1.7 Nuisance effects.

25.7.1.8 Natural Hazards.

25.7.1.9 Functional aspects and positive effects.

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

25.8.2.1 The extent to which the proposal achieves effective erosion and sediment management.

- 25.8.2.2 Whether earthworks will be completed within a short period, reducing the risk of actual and potential adverse effects.
- 25.8.2.3 Whether the extent or impacts of adverse effects from the earthworks can be mitigated by managing the season or staging of when such works occur.
- 25.8.2.4 Whether the proposal is supported with erosion and sediment management design that corresponds to the scale, area, duration of the works and ~~or~~ the sensitivity of receiving environment. In particular where resource consent is required for non-compliance with Rule 25.5.11, this design is prepared by a suitably qualified person.

25.8.3 Landscape and visual amenity

- 25.8.3.1 Whether the design of the earthworks is sympathetic to natural topography.
- 25.8.3.2 Whether any rehabilitation is proposed and to what extent rehabilitation, revegetation or future buildings would mitigate adverse effects, including any re-vegetation or landscaping.
- 25.8.3.3 The duration of earthworks and any timeframes proposed for remedial works and revegetation.
- 25.8.3.4 Within Outstanding Natural Features and Landscapes and, the Rural Landscape landscapes, whether and to what extent earthworks avoid, remedy or mitigate adverse effects or improve landscape quality and character, taking into account:
 - a. physical attributes including geological, topographical features, waterbodies and formative processes of the landscape;
 - b. visual attributes including legibility, existing land management patterns, vegetation patterns, ridgelines or visually prominent areas; and
 - c. cultural attributes including Tangata whenua values, historic and heritage associations.
- 25.8.3.5 The sensitivity of the landscape to absorb change, and whether the earthworks will change the character or quality of the landscape.
- 25.8.3.6 The potential for cumulative effects on the natural form of the landscape.
- 25.8.3.7 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.
- 25.8.3.8 The extent earthworks will affect visual amenity values including public or private views and whether the earthworks will be remediated, and the final form of the area affected is consistent with natural topography and land use patterns.

25.8.4 Effects on infrastructure, adjacent sites and public roads

- 25.8.4.1 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.
- 25.8.4.2 Whether the earthworks or final ground levels will adversely affect existing infrastructure, utility services and assets.
- 25.8.4.3 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.
- 25.8.4.4 Whether the use of legal instruments are necessary, such as a bond to ensure works are completed, the earthworks area is rehabilitated, or for damage to roads.
- 25.8.4.5 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

- 25.8.5.1 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.
- 25.8.5.2 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.
- 25.8.5.3 Whether cut, fill and retaining are designed and undertaken in accordance with the QLDC Land Development and Subdivision Code of Practice.
- 25.8.5.4 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 biodiversity

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

25.8.6.4 The effects on significant natural areas.

25.8.7 Cultural, heritage and archaeological values

- 25.8.7.1 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.
- 25.8.7.2 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 25.3.4.3.
- 25.8.7.3 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.
- 25.8.7.4 Whether the proposal protects the relationship of Mana Whenua with their cultural heritage.
- 25.8.7.5 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.
- 25.8.7.6 The extent to which earthworks and vibration adversely affect heritage items.

25.8.8 Nuisance effects

- 25.8.8.1 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.
- 25.8.8.2 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

- 25.8.9.1 Whether the earthworks are necessary to avoid, remedy or mitigate the risk of any natural hazard.
- 25.8.9.2 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.

25.8.9.3 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.

25.8.9.4 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

25.8.10.1 Whether the earthworks are necessary for the functional or operational requirements of infrastructure, including network utility installation, repair or maintenance.

25.8.10.2 The extent to which the earthworks are necessary to accommodate development otherwise provided for by the District Plan.

25.8.10.3 Whether the earthworks are associated with farming activities and will enhance operational efficiency including maintenance and improvement of track access, safety and fencing.

25.8.10.4 Whether the earthworks are for the purposes of a fire break and the extent of the fire break is necessary.

25.8.10.5 Whether the earthworks are for the purposes of public recreation trails that enhance recreational opportunities and access.

25.8.10.6 Whether the earthworks are necessary for the remediation of contaminated land and facilitate the efficient use of the land resource.

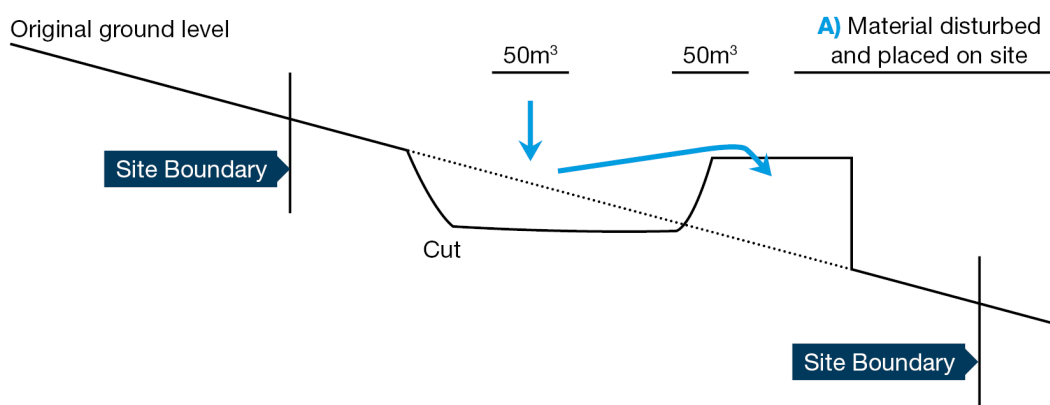
25.9 Schedule 25.9 Interpretive Diagrams

25.1

Interpretative Diagram: Volume scenario A Elevation View

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

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

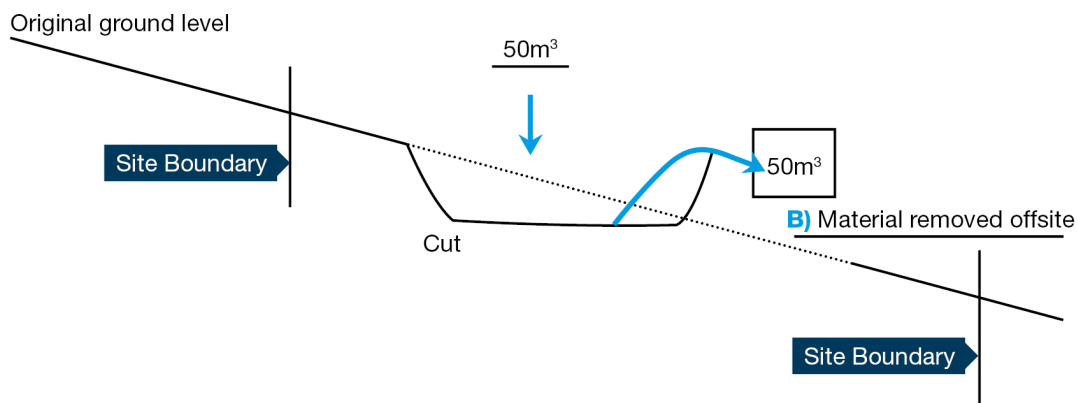


25.2

Interpretative Diagram: Volume scenario B Elevation View

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

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

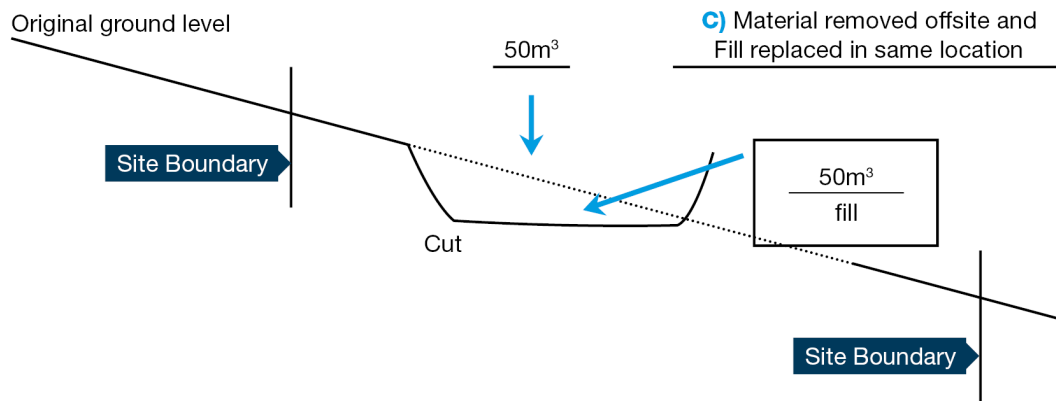


25.3

Interpretative Diagram: Volume scenario C Elevation View

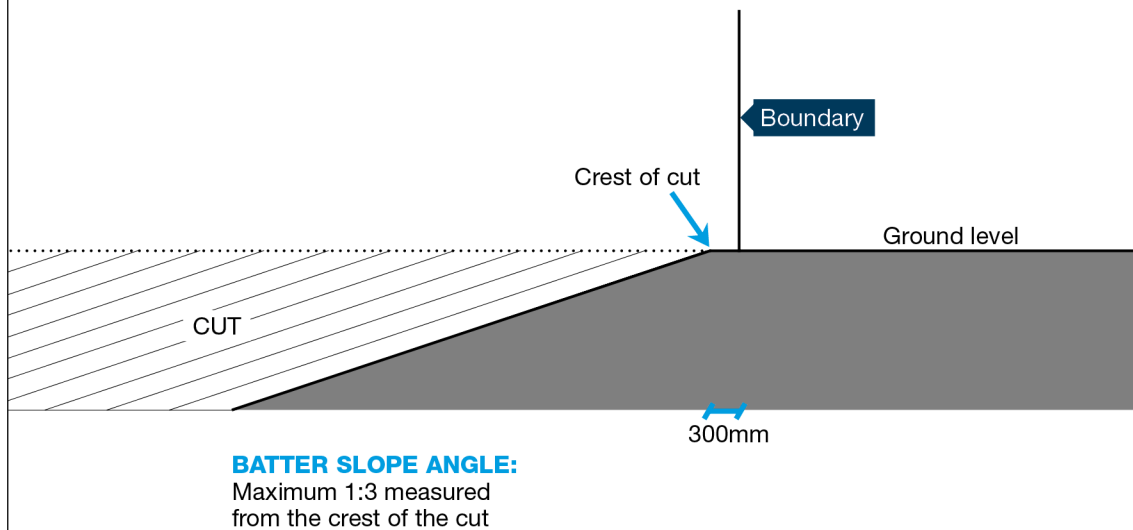
The total volume of earthworks means 'the total volume of all material that is moved within a site'

C) Total Volume = 50m³ (Cut) removed from site
= 50m³ material placed in same location (i.e. compacted fill)
= 100m³



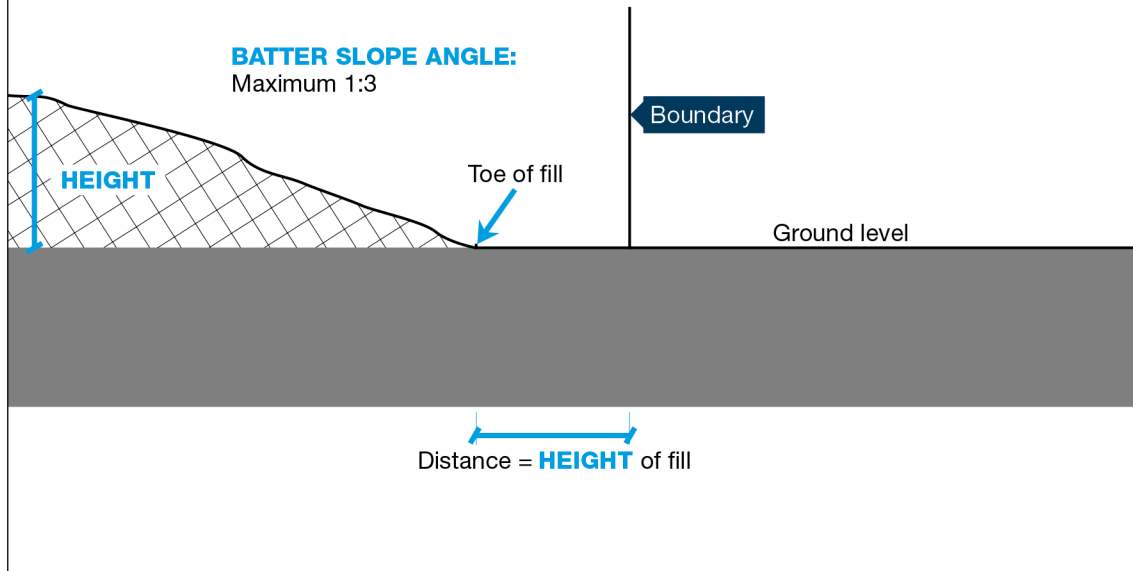
25.4

Interpretative Diagram: Unsupported Cut Elevation View



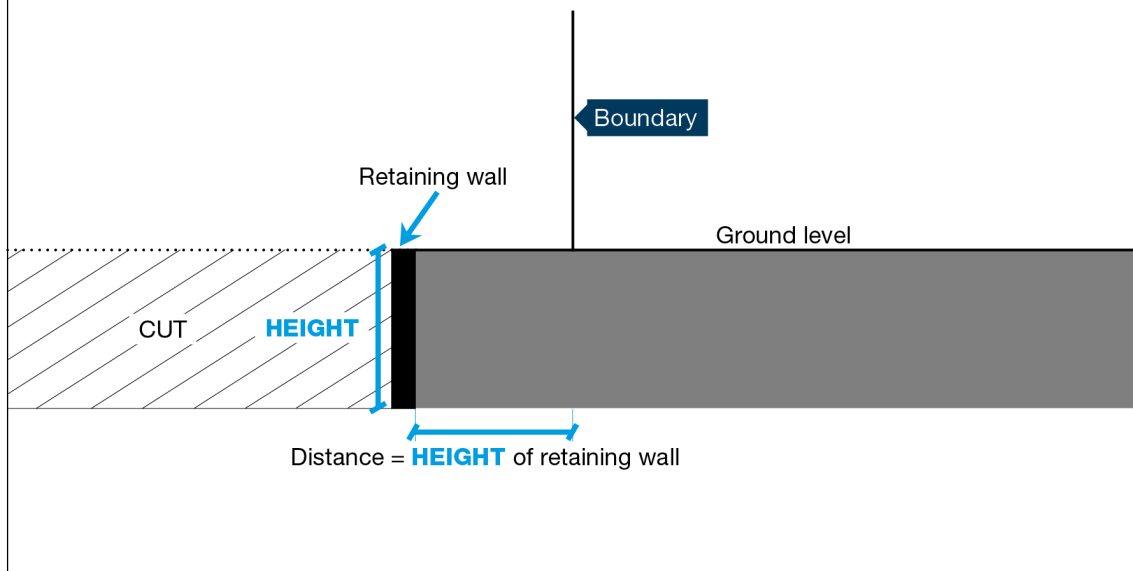
25.5

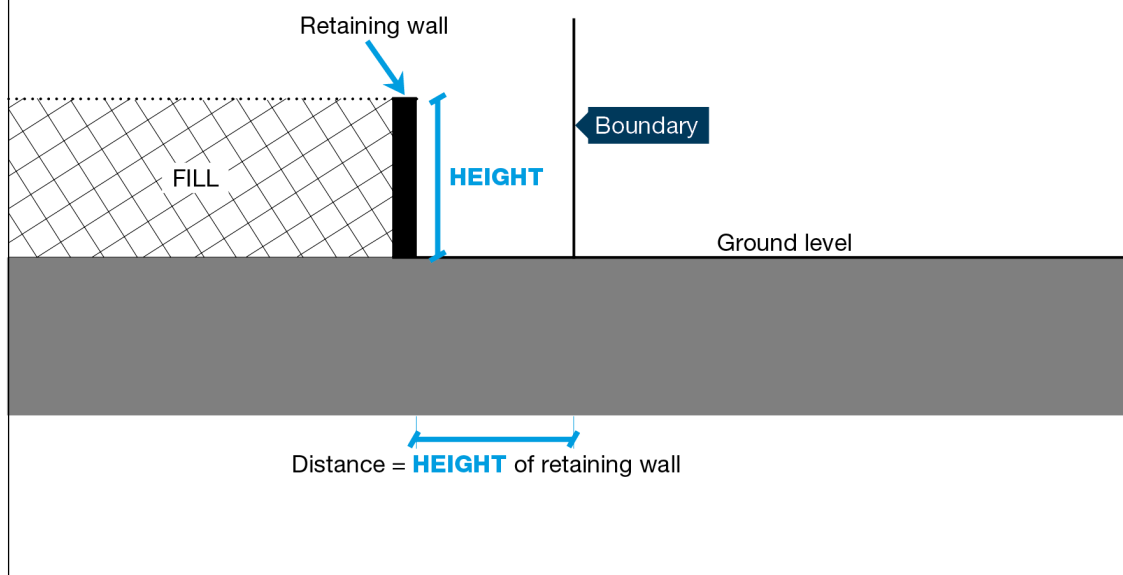
Interpretative Diagram: Unsupported Fill Elevation View



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**

Earthworks shall be undertaken as follows:

Upon discovery of any material listed in Rule 25.5.14, the following steps shall be taken:

25.10.1 Cease works and secure the area

25.10.1.1 All works shall immediately cease 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 applying controls to minimise discharge of contaminants into the environment.

25.10.1.2 The area of the discovery shall be secured, including a sufficient buffer area to ensure that all discovered material remains undisturbed.

25.10.2 Inform relevant authorities and agencies

25.10.2.1 The following parties shall be immediately informed of the discovery:

- a. the New Zealand Police if the discovery is of human remains or kōiwi;
- b. the Council in all cases;
- c. Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi;

- d. Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

25.10.3 Wait for and enable inspection of the site

- 25.10.3.1 All works shall cease and provision shall be made to enable the site to be inspected by the relevant authority or agency:
- a. 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 shall not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
 - b. if the discovery is of other than evidence of contaminants, a site inspection for the purpose of initial assessment and response shall be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives; or
 - c. if the discovery is evidence of contaminants, a suitably qualified person shall complete an initial assessment and provide information to the Council on the assessment and response.

Following site inspection and consultation with all relevant parties, the directions of the Council, as to the area within which work must cease and any changes to controls on discharges of contaminants, shall be complied with, until the requirements of f. are met.

25.10.4 Recommencement of work

- 25.10.4.1 Work within the area determined by the Council at e. shall only recommence when all of the following requirements, so far as relevant to the discovery, have been met:
- a. Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
 - b. any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
 - c. the requirements of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;
 - d. any material of scientific or educational importance must be recorded and if appropriate recovered and preserved;
 - e. 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:
 - (i) any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and

- (ii) any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values.
- f. 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.
- g. 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.

Earthworks	Means the disturbance of land surfaces by the removal or <u>deposition on or change to the profile of land.</u> <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. depositing of material, excavation, filling or the formation of roads, banks, and tracks. 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.</u>
Landfill	Means a site used for the deposit of solid wastes onto or into land. <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>
Mining Activity	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. <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> <u>the extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral; and</u> <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> <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> <u>the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations.</u>

	Mineral extraction, extraction or extractive activities shall have the same meaning.
--	--

New Definitions Stage 2 PDP:

<u>Cleanfill</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: (a) <u>combustible, putrescible, degradable or leachable components;</u> (b) <u>hazardous substances;</u> (c) <u>products or materials derived from hazardous waste treatment, hazardous waste stabilisation, or hazardous waste disposal practices;</u> (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> (e) <u>liquid waste.</u>
<u>Cleanfill Facility</u>	Means land used solely for the disposal of cleanfill. A cleanfill facility may include stockpiling, rehabilitation and landscaping.
<u>Mineral Exploration</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>Mineral Prospecting</u>	Means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and includes the following activities: • <u>geological, geochemical, and geophysical surveys;</u> • <u>the taking of samples by hand or hand held methods;</u> • <u>aerial surveys.</u>
<u>Regionally Significant Infrastructure</u>	Means: • <u>renewable electricity generation facilities, where they supply the National Grid and local distribution network and are operated by an electricity operator;</u> • <u>electricity transmission infrastructure forming the National Grid;</u> • <u>electricity Distribution Lines identified on the Planning Maps;</u> • <u>telecommunication and radio communication facilities*;</u> • <u>municipal infrastructure**;</u> • <u>roads classified as being of national or regional importance; and</u> • <u>Queenstown and Wanaka airports.</u> * As defined by the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.

	<u>** As defined by the Otago Regional Policy Statement 2015.</u>
--	---

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 Chapter 25 Earthworks, Rule 25.3.2.5. Earthworks associated with subdivisions are subject to the earthworks standards in Chapter 25 (except the maximum total volume, cut and fill standards). Applications for subdivision involving earthworks shall be assessed against the matters of discretion and assessment matters in 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.~~

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

41.5.4.1Volume of Earthworks

The maximum total volume of earthworks (m³) shall not exceed that specified in the table below:

a. The maximum total volume of earthworks shall be calculated per site, within one consecutive 12 month period.

b. 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.

Activity Area	Maximum Total Volume
Residential Activity Areas	500 m ³
Village	
Village Homestead Bay	
Open Space Horticulture	
Open Space Residential	

Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area			
Open Space Landscape Open Space Amenity Farm Preserve 1 and 2 Homesite	1,000 m ²		
Open Space Golf Education Education Innovation Campus Lodge	No maximum		

~~41.5.4.2 Height of cut and fill and slope~~

~~OSL, OSG, OSA, 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.~~

~~c. 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.~~

~~14.5.4.4 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 20m³ 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 • The effects on land stability and flooding • The effects on water bodies • The effects on cultural and archaeological sites • Noise	
--	--

Appendix 2: Recommendations on Submissions and Further Submissions

Appendix 2: Recommendations on Submissions

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
519.3	New Zealand Tungsten Mining Limited	Accept	12
567.12	Wild Grass Partnership, Wild Grass Investments No 1 Limited & Horizons Investment Trust	Accept in Part	1.4
632.77	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	1.4
632.78	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	1.4
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	Accept	1.4
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	Accept	1.4
768.3	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in Part	12
2019.2	Jonathan Holmes	Accept in part	1.4
2133.1	Tonnie & Erna Spijkerbosch	Reject	1.4
2140.3	Friends of Lake Hayes Society Inc	Reject	1.3, 1.4 & 6.1
2140.4	Friends of Lake Hayes Society Inc	Reject	1.4
2194.10	Chorus	Accept	1.3 & 1.4
2194.11	Chorus	Accept	1.4
2194.12	Chorus	Accept	1.4
2194.13	Chorus	Accept	8

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2194.8	Chorus	Accept	3.6
2194.9	Chorus	Accept in Part	4.1
2195.10	Spark New Zealand Trading Ltd	Accept	1.3 & 1.4
2195.11	Spark New Zealand Trading Ltd	Accept	1.4
2195.12	Spark New Zealand Trading Ltd	Accept	1.4
2195.13	Spark New Zealand Trading Ltd	Accept	8
2195.8	Spark New Zealand Trading Ltd	Accept	3.6
2195.9	Spark New Zealand Trading Ltd	Accept in Part	4.1
2222.4	Broadview Villas Limited	Reject	1.3, 1.4 & 6.1
2222.5	Broadview Villas Limited	Reject	1.3, 1.4 & 6.1
2222.6	Broadview Villas Limited	Accept	1.3, 1.4 & 6.1
2224.1	MOUNT CARDRONA STATION LIMITED	Accept in part	1.4
2228.4	T. ROVIN	Reject	1.3, 1.4 & 6.1
2228.5	T. ROVIN	Reject	1.3, 1.4 & 6.1
2228.6	T. ROVIN	Accept	1.3, 1.4 & 6.1
2229.19	R & M DONALDSON	Accept in part	1.4
2230.4	THE ESCARPMENT LIMITED	Reject	1.3, 1.4 & 6.1
2230.5	THE ESCARPMENT LIMITED	Reject	1.3, 1.4 & 6.1
2230.6	THE ESCARPMENT LIMITED	Accept	1.3, 1.4 & 6.1
2239.6	QLDC Chief Executive - submitting on behalf of Queenstown Lakes District Council	Reject	1.3 & 1.4
2239.7	QLDC Chief Executive - submitting on behalf of Queenstown Lakes District Council	Reject	1.3 & 1.4
2242.12	Department of Conservation	Reject	1.3, 1.4 & 3.2
2242.13	Department of Conservation	Accept in Part	3.4
2242.14	Department of Conservation	Accept	3.6
2242.15	Department of Conservation	Accept	4.3
2242.16	Department of Conservation	Accept in Part	8

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2242.17	Department of Conservation	Accept	8
2290.4	KAWARAU JET SERVICES HOLDINGS LIMITED	Accept in part	1.4
2291.8	LAKE HAYES INVESTMENTS LIMITED	Accept in part	1.4
2292.7	M McGuinness	Accept in part	1.4
2295.4	Millbrook Country Club	Reject	3.3 & 3.4
2295.5	Millbrook Country Club	Reject	3.3
2295.6	Millbrook Country Club	Accept	3.6
2295.7	Millbrook Country Club	Reject	3.6
2295.8	Millbrook Country Club	Accept in Part	6.1
2308.10	Jon Waterston	Accept in part	1.4
2311.12	Streat Developments Limited	Accept in Part	4.2
2311.13	Streat Developments Limited	Accept	6.1
2311.14	Streat Developments Limited	Reject	7
2311.15	Streat Developments Limited	Accept	10
2314.11	STONERIDGE ESTATE LIMITED	Accept in part	1.4
2315.11	R G DAYMAN	Accept in part	1.4
2316.11	TUI TRUSTEES (2015) LIMITED	Accept in part	1.4
2317.11	MANDEVILLE TRUST / S LECK	Accept in part	1.4
2318.11	C BATCHELOR	Accept in part	1.4
2319.11	D D & J C DUNCAN	Accept in part	1.4
2320.10	G WILLS & T BURDON	Accept in part	1.4
2327.1	Ian Dee	Reject	3.5
2329.1	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)	Accept in part	1.4
2329.5	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o	Accept in part	1.4

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
	Waihopai, Te Runanga o Awarua and Te Runanga o Oraka-Aparima (Kai Tahu)		
2349.1	Sean McLeod	Reject	1.4
2349.10	Sean McLeod	Reject	9
2349.2	Sean McLeod	Reject	10
2349.23	Sean McLeod	Reject	1.3, 1.4 & 6.1
2349.24	Sean McLeod	Reject	1.3, 1.4 & 6.1
2349.25	Sean McLeod	Reject	1.3, 1.4 & 6.1
2349.5	Sean McLeod	Reject	6.1
2349.6	Sean McLeod	Accept in Part	6.2
2349.7	Sean McLeod	Reject	9
2349.8	Sean McLeod	Reject	9
2349.9	Sean McLeod	Reject	9
2373.10	Treble Cone Investments Ltd	Accept in Part	4.2
2373.11	Treble Cone Investments Ltd	Reject	4.3
2373.12	Treble Cone Investments Ltd	Accept	1.3 & 1.4
2373.13	Treble Cone Investments Ltd	Accept in Part	4.3
2373.14	Treble Cone Investments Ltd	Accept	1.3, 1.4 & 6.2
2373.15	Treble Cone Investments Ltd	Accept in Part	1.3, 1.4 & 6.2
2373.16	Treble Cone Investments Ltd	Accept	1.3 & 1.4
2373.17	Treble Cone Investments Ltd	Reject	1.3 & 1.4
2373.18	Treble Cone Investments Ltd	Reject	4.3 & 6.2
2373.19	Treble Cone Investments Ltd	Reject	4.3
2373.26	Treble Cone Investments Ltd	Reject	4.3 & 6.2
2373.4	Treble Cone Investments Ltd	Accept in Part	3.4
2373.5	Treble Cone Investments Ltd	Accept	3.6
2373.6	Treble Cone Investments Ltd	Reject	1.3 & 1.4
2373.7	Treble Cone Investments Ltd	Accept	4.1

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2373.8	Treble Cone Investments Ltd	Accept	4.1
2373.9	Treble Cone Investments Ltd	Accept	4.1
2375.17	Church Street Trustee Limited	Reject	1.3 & 1.4
2375.3	Church Street Trustee Limited	Accept	6.1
2375.4	Church Street Trustee Limited	Reject	7
2376.20	Darby Planning LP	Accept in Part	3.4
2376.21	Darby Planning LP	Accept	3.6
2376.22	Darby Planning LP	Reject	1.3 & 1.4
2376.23	Darby Planning LP	Accept	4.1
2376.24	Darby Planning LP	Accept	4.1
2376.25	Darby Planning LP	Accept	4.1
2376.26	Darby Planning LP	Accept in Part	4.2
2376.27	Darby Planning LP	Reject	4.3
2376.28	Darby Planning LP	Accept	1.3 & 1.4
2376.29	Darby Planning LP	Accept	1.4
2376.30	Darby Planning LP	Accept in Part	1.4
2376.31	Darby Planning LP	Accept	1.4
2376.32	Darby Planning LP	Reject	N/A
2376.33	Darby Planning LP	Reject	1.3 & 1.4
2376.34	Darby Planning LP	Accept	1.3, 1.4 & 6.2
2376.35	Darby Planning LP	Reject	4.3
2376.36	Darby Planning LP	Accept in Part	1.3, 1.4 & 6.2
2376.37	Darby Planning LP	Accept	1.3 & 1.4
2376.38	Darby Planning LP	Accept in Part	1.3 & 1.4
2376.39	Darby Planning LP	Accept in Part	1.3, 1.4 & 6.2
2376.40	Darby Planning LP	Reject	4.3
2376.41	Darby Planning LP	Reject	4.3
2376.42	Darby Planning LP	Accept in Part	6.2

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2376.43	Darby Planning LP	Accept	10
2376.44	Darby Planning LP	Reject	11
2376.45	Darby Planning LP	Accept in Part	12
2376.46	Darby Planning LP	N/A	N/A
2377.21	Lake Hayes Ltd	Accept in Part	3.4
2377.22	Lake Hayes Ltd	Accept	3.6
2377.23	Lake Hayes Ltd	Reject	1.3 & 1.4
2377.24	Lake Hayes Ltd	Accept	4.1
2377.25	Lake Hayes Ltd	Accept	4.1
2377.26	Lake Hayes Ltd	Accept	4.1
2377.27	Lake Hayes Ltd	Accept	4.2
2377.28	Lake Hayes Ltd	Accept	1.3 & 1.4
2377.29	Lake Hayes Ltd	Reject	1.3 & 1.4
2377.30	Lake Hayes Ltd	Accept in Part	1.3 & 1.4
2377.31	Lake Hayes Ltd	Accept	1.3, 1.4 & 6.2
2377.32	Lake Hayes Ltd	Accept in Part	1.3, 1.4 & 6.2
2377.33	Lake Hayes Ltd	Accept	1.3 & 1.4
2377.34	Lake Hayes Ltd	Accept in Part	6.2
2377.35	Lake Hayes Ltd	Accept in Part	6.2
2377.36	Lake Hayes Ltd	Accept	10
2377.37	Lake Hayes Ltd	Reject	11
2381.10	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept	4.2
2381.11	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept	1.3 & 1.4
2381.12	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept	1.4
2381.13	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Reject	1.4

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2381.14	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept	1.4 & 6.2
2381.15	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept in Part	1.4 & 6.2
2381.16	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept	1.4
2381.17	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept in Part	1.4
2381.18	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept in Part	1.4 & 6.2
2381.19	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Reject	1.4
2381.20	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept	10
2381.21	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Reject	11
2381.28	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept in Part	12
2381.37	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept in Part	1.4
2381.38	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept in Part	1.4
2381.39	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept	13
2381.4	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept in Part	3.4
2381.5	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept	3.6
2381.6	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Reject	1.3 & 1.4
2381.7	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept	4.1
2381.8	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept	4.1

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2381.9	Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd	Accept	4.1
2382.1	Glendhu Bay Trustees Ltd	Reject	1.4
2382.10	Glendhu Bay Trustees Ltd	Accept	4.1
2382.11	Glendhu Bay Trustees Ltd	Accept	4.2
2382.12	Glendhu Bay Trustees Ltd	Accept	1.3 & 1.4
2382.13	Glendhu Bay Trustees Ltd	Reject	6.1
2382.14	Glendhu Bay Trustees Ltd	Reject	N/A
2382.15	Glendhu Bay Trustees Ltd	Accept	1.3, 1.4 & 6.2
2382.16	Glendhu Bay Trustees Ltd	Accept in Part	1.3, 1.4 & 6.2
2382.17	Glendhu Bay Trustees Ltd	Accept	1.3 & 1.4
2382.18	Glendhu Bay Trustees Ltd	Accept in Part	1.3 & 1.4
2382.19	Glendhu Bay Trustees Ltd	Accept in Part	1.4 & 6.2
2382.20	Glendhu Bay Trustees Ltd	Accept in Part	6.2
2382.21	Glendhu Bay Trustees Ltd	Accept	10
2382.22	Glendhu Bay Trustees Ltd	Reject	11
2382.23	Glendhu Bay Trustees Ltd	Accept in Part	12
2382.5	Glendhu Bay Trustees Ltd	Accept in Part	3.4
2382.6	Glendhu Bay Trustees Ltd	Accept	3.6
2382.7	Glendhu Bay Trustees Ltd	Reject	1.3 & 1.4
2382.8	Glendhu Bay Trustees Ltd	Accept	4.1
2382.9	Glendhu Bay Trustees Ltd	Accept	4.1
2384.10	Soho Ski Area Limited, Blackmans Creek No.1 LP	Accept	4.2
2384.11	Soho Ski Area Limited, Blackmans Creek No.1 LP	Accept	1.3 & 1.4
2384.12	Soho Ski Area Limited, Blackmans Creek No.1 LP	Accept	1.3, 1.4 & 6.2
2384.13	Soho Ski Area Limited, Blackmans Creek No.1 LP	Accept in Part	1.3, 1.4 & 6.2

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2384.14	Soho Ski Area Limited, Blackmans Creek No.1 LP	Accept	1.3 & 1.4
2384.15	Soho Ski Area Limited, Blackmans Creek No.1 LP	Accept in Part	1.4 & 6.2
2384.16	Soho Ski Area Limited, Blackmans Creek No.1 LP	Reject	4.3
2384.17	Soho Ski Area Limited, Blackmans Creek No.1 LP	Reject	4.3
2384.18	Soho Ski Area Limited, Blackmans Creek No.1 LP	Reject	4.3
2384.19	Soho Ski Area Limited, Blackmans Creek No.1 LP	Reject	4.3
2384.20	Soho Ski Area Limited, Blackmans Creek No.1 LP	Reject	4.3
2384.21	Soho Ski Area Limited, Blackmans Creek No.1 LP	Reject	4.3
2384.28	Soho Ski Area Limited, Blackmans Creek No.1 LP	Accept in Part	3.1, 3.6 & 3.8
2384.4	Soho Ski Area Limited, Blackmans Creek No.1 LP	Accept in Part	3.4
2384.5	Soho Ski Area Limited, Blackmans Creek No.1 LP	Accept	3.6
2384.6	Soho Ski Area Limited, Blackmans Creek No.1 LP	Reject	1.3 & 1.4
2384.7	Soho Ski Area Limited, Blackmans Creek No.1 LP	Accept	4.1
2384.8	Soho Ski Area Limited, Blackmans Creek No.1 LP	Accept	4.1
2384.9	Soho Ski Area Limited, Blackmans Creek No.1 LP	Accept	4.1
2385.15	BOXER HILLS TRUST	Accept in part	1.4
2386.17	BOXER HILL TRUST	Accept in part	1.4
2386.20	BOXER HILL TRUST	Accept in part	1.4
2387.16	TROJAN HELMET LIMITED	Reject	1.3, 1.4 & 6.1

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2387.17	TROJAN HELMET LIMITED	Reject	N/A
2388.2	WATERFALL PARK DEVELOPMENTS LIMITED	Accept in part	1.4
2388.3	WATERFALL PARK DEVELOPMENTS LIMITED	Accept	3.6
2389.11	WATERFALL PARK DEVELOPMENTS LIMITED	Accept in part	1.4
2442.10	Transpower New Zealand Limited	Accept	4.1
2442.11	Transpower New Zealand Limited	Accept	4.1
2442.12	Transpower New Zealand Limited	Accept in Part	11
2442.13	Transpower New Zealand Limited	Accept	11
2442.6	Transpower New Zealand Limited	Accept	4.1
2442.7	Transpower New Zealand Limited	Accept in Part	3.6
2442.8	Transpower New Zealand Limited	Accept	3.7
2442.9	Transpower New Zealand Limited	Accept	4.1
2446.10	Heritage New Zealand	Accept	5
2446.11	Heritage New Zealand	Reject	1.3 & 1.4
2446.12	Heritage New Zealand	Accept	1.3 & 1.4
2446.13	Heritage New Zealand	Reject	1.3 & 1.4
2446.14	Heritage New Zealand	Accept	8
2446.15	Heritage New Zealand	Accept	8
2446.16	Heritage New Zealand	Accept	10
2446.7	Heritage New Zealand	Accept	3.1
2446.8	Heritage New Zealand	Accept	4.1
2446.9	Heritage New Zealand	Accept in Part	1.3, 1.4 & 5
2448.2	Millennium & Copthorne Hotels NZ Ltd	Reject	1.4 & 1.6
2454.1	NZSki Ltd	Reject	1.5 & 4.3
2454.2	NZSki Ltd	Accept	4.3 & 6.2
2454.3	NZSki Ltd	Reject	4.3

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2454.4	NZSki Ltd	Reject	1.5 & 4.3
2454.5	NZSki Ltd	Reject	4.3
2454.6	NZSki Ltd	Reject	3.8
2454.7	NZSki Ltd	Accept in Part	4.3
2454.8	NZSki Ltd	Reject	4.3
2455.13	Otago Fish and Game Council	Accept	1.3 & 1.4
2455.14	Otago Fish and Game Council	Accept	6.2
2455.15	Otago Fish and Game Council	Accept	1.3 & 1.4
2455.16	Otago Fish and Game Council	Accept	3.1
2455.17	Otago Fish and Game Council	Accept in Part	6.2
2455.18	Otago Fish and Game Council	Accept	8
2455.19	Otago Fish and Game Council	Accept	8
2457.10	Paterson Pitts (Wanaka)	Accept in Part	4.2
2457.11	Paterson Pitts (Wanaka)	Accept in Part	6.2
2457.12	Paterson Pitts (Wanaka)	Accept in Part	6.2
2457.13	Paterson Pitts (Wanaka)	Accept	6.2
2457.14	Paterson Pitts (Wanaka)	Accept in Part	6.2
2457.15	Paterson Pitts (Wanaka)	Accept in Part	6.2
2457.16	Paterson Pitts (Wanaka)	Reject	7
2457.17	Paterson Pitts (Wanaka)	Accept in Part	8
2457.2	Paterson Pitts (Wanaka)	Accept	2
2457.3	Paterson Pitts (Wanaka)	Accept	3.1 & 3.2
2457.4	Paterson Pitts (Wanaka)	Accept	3.4
2457.5	Paterson Pitts (Wanaka)	Accept	3.7
2457.6	Paterson Pitts (Wanaka)	Accept	3.7
2457.7	Paterson Pitts (Wanaka)	Accept	1.4
2457.8	Paterson Pitts (Wanaka)	Accept	11
2457.9	Paterson Pitts (Wanaka)	Reject	1.3 & 1.4

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2460.1	Queenstown Central Limited	Reject	N/A
2460.2	Queenstown Central Limited	Accept in Part	6.2
2462.1	Queenstown Park Limited	Reject	3.2
2462.2	Queenstown Park Limited	Accept in Part	1.3 & 1.4
2462.21	Queenstown Park Limited	Reject	4.2
2462.3	Queenstown Park Limited	Accept in Part	3.1 & 3.5
2462.4	Queenstown Park Limited	Accept	3.6
2462.5	Queenstown Park Limited	Reject	1.3 & 1.4
2462.6	Queenstown Park Limited	Reject	1.3, 1.4 & 4.2
2462.7	Queenstown Park Limited	Reject	1.3, 1.4 & 6.2
2465.2	RCL Henley Downs Ltd	Accept in Part	1.3 & 1.4
2466.15	Real Journeys Ltd	Reject	3.2
2466.151	Real Journeys Ltd	Accept in Part	6.2
2466.152	Real Journeys Ltd	Accept in Part	1.3 & 1.4
2466.153	Real Journeys Ltd	Reject	4.3
2466.154	Real Journeys Ltd	Reject	4.3
2466.16	Real Journeys Ltd	Reject	4.1
2466.17	Real Journeys Ltd	Accept	4.3
2466.18	Real Journeys Ltd	Reject	4.2
2466.19	Real Journeys Ltd	Reject	1.3 & 1.4
2466.20	Real Journeys Ltd	Accept in Part	1.3 & 1.4
2466.21	Real Journeys Ltd	Reject	1.3, 1.4 & 6.1
2466.22	Real Journeys Ltd	Accept in Part	6.2
2466.23	Real Journeys Ltd	Accept	6.2
2466.24	Real Journeys Ltd	Accept in Part	6.2
2466.25	Real Journeys Ltd	Reject	1.3 & 1.4
2466.26	Real Journeys Ltd	Accept in Part	6.2
2466.27	Real Journeys Ltd	Reject	6.2

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2466.28	Real Journeys Ltd	Accept in Part	8
2466.29	Real Journeys Ltd	Reject	8
2466.30	Real Journeys Ltd	Reject	10
2466.54	Real Journeys Ltd	Accept	3.4
2466.55	Real Journeys Ltd	Accept in Part	3.1 & 3.5
2466.56	Real Journeys Ltd	Accept	3.6
2466.8	Real Journeys Ltd	Reject	1.5 & 6.2
2466.9	Real Journeys Ltd	Accept in Part	1.3 & 1.4
2468.1	Remarkables Park Ltd	Reject	3.2
2468.2	Remarkables Park Ltd	Reject	3.1 & 3.2
2468.3	Remarkables Park Ltd	Accept in Part	1.3 & 1.4
2468.4	Remarkables Park Ltd	Accept in Part	3.1 & 3.5
2468.5	Remarkables Park Ltd	Accept	3.6
2468.6	Remarkables Park Ltd	Accept	1.3 & 1.4
2468.7	Remarkables Park Ltd	Accept	1.3 & 1.4
2468.8	Remarkables Park Ltd	Accept	1.3, 1.4 & 6.2
2468.9	Remarkables Park Ltd	Accept in Part	1.3 & 1.4
2478.10	Vodafone New Zealand Limited	Accept	1.3 & 1.4
2478.11	Vodafone New Zealand Limited	Accept	1.3 & 1.4
2478.12	Vodafone New Zealand Limited	Accept	1.3 & 1.4
2478.13	Vodafone New Zealand Limited	Accept	8
2478.8	Vodafone New Zealand Limited	Accept	3.6
2478.9	Vodafone New Zealand Limited	Accept in Part	4.1
2484.1	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept in Part	3.1 & 3.5
2484.10	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept	11
2484.2	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept in Part	3.2

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2484.21	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept	1.3 & 1.4
2484.22	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept	10
2484.23	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept	1.3 & 1.4
2484.3	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept	4.1
2484.4	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept	4.1
2484.5	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Reject	1.3 & 1.4
2484.6	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept	6.2
2484.7	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept	1.3 & 1.4
2484.8	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept	11
2485.11	ZJV (NZ) Limited	Accept	1.3, 1.4 & 6.1
2487.14	BSTGT Limited	Reject	1.3 & 1.4
2492.1	Cardrona Alpine Resort Limited	Reject	4.3
2492.10	Cardrona Alpine Resort Limited	Reject	4.1
2492.11	Cardrona Alpine Resort Limited	Accept	1.3, 1.4 & 4.3
2492.115	Cardrona Alpine Resort Limited	Accept	3.1
2492.116	Cardrona Alpine Resort Limited	Accept	3.1
2492.117	Cardrona Alpine Resort Limited	Accept	3.1
2492.118	Cardrona Alpine Resort Limited	Accept	3.1
2492.119	Cardrona Alpine Resort Limited	Accept	3.1
2492.120	Cardrona Alpine Resort Limited	Accept	3.1
2492.12	Cardrona Alpine Resort Limited	Reject	4.2
2492.13	Cardrona Alpine Resort Limited	Reject	1.3 & 1.4
2492.14	Cardrona Alpine Resort Limited	Accept in Part	1.3 & 1.4

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2492.15	Cardrona Alpine Resort Limited	Reject	1.3, 1.4 & 6.1
2492.16	Cardrona Alpine Resort Limited	Accept in Part	6.2
2492.17	Cardrona Alpine Resort Limited	Accept	6.2
2492.18	Cardrona Alpine Resort Limited	Accept in Part	6.2
2492.19	Cardrona Alpine Resort Limited	Reject	1.3 & 1.4
2492.2	Cardrona Alpine Resort Limited	Reject	4.3
2492.20	Cardrona Alpine Resort Limited	Accept in Part	6.2
2492.21	Cardrona Alpine Resort Limited	Reject	6.2
2492.22	Cardrona Alpine Resort Limited	Accept in Part	8
2492.23	Cardrona Alpine Resort Limited	Reject	8
2492.24	Cardrona Alpine Resort Limited	Reject	10
2492.48	Cardrona Alpine Resort Limited	Accept	3.4
2492.49	Cardrona Alpine Resort Limited	Accept in Part	3.1 & 3.5
2492.50	Cardrona Alpine Resort Limited	Accept	3.6
2492.9	Cardrona Alpine Resort Limited	Reject	3.2
2493.11	Skyline Enterprises Limited	Reject	4.2
2493.12	Skyline Enterprises Limited	Reject	6.1
2493.13	Skyline Enterprises Limited	Reject	6.1
2494.13	Te Anau Developments Limited	Reject	3.2
2494.14	Te Anau Developments Limited	Reject	4.1
2494.149	Te Anau Developments Limited	Accept in Part	1.3 & 1.4
2494.15	Te Anau Developments Limited	Accept	4.3
2494.153	Te Anau Developments Limited	Accept	3.1
2494.154	Te Anau Developments Limited	Accept	3.1
2494.155	Te Anau Developments Limited	Accept	3.1
2494.156	Te Anau Developments Limited	Accept	3.1
2494.157	Te Anau Developments Limited	Accept	3.1
2494.158	Te Anau Developments Limited	Accept	3.1

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2494.16	Te Anau Developments Limited	Reject	4.2
2494.17	Te Anau Developments Limited	Reject	1.3 & 1.4
2494.18	Te Anau Developments Limited	Accept in Part	1.3 & 1.4
2494.19	Te Anau Developments Limited	Reject	1.3 & 1.4
2494.20	Te Anau Developments Limited	Accept in Part	6.2
2494.21	Te Anau Developments Limited	Accept	6.2
2494.22	Te Anau Developments Limited	Accept in Part	6.2
2494.23	Te Anau Developments Limited	Reject	1.3 & 1.4
2494.24	Te Anau Developments Limited	Accept in Part	6.2
2494.25	Te Anau Developments Limited	Reject	6.2
2494.26	Te Anau Developments Limited	Accept in Part	8
2494.27	Te Anau Developments Limited	Reject	8
2494.28	Te Anau Developments Limited	Reject	10
2494.52	Te Anau Developments Limited	Accept	3.4
2494.53	Te Anau Developments Limited	Accept	3.1
2494.54	Te Anau Developments Limited	Accept	3.1
2494.6	Te Anau Developments Limited	Reject	1.5
2494.7	Te Anau Developments Limited	Reject	1.3 & 1.4
2495.10	Young Changemakers - Wakatipu Youth Trust Advisory Group	Reject	1.4
2495.2	Young Changemakers - Wakatipu Youth Trust Advisory Group	Accept	1.4
2497.1	Otago Regional Council	Reject	1.3 & 1.4
2497.2	Otago Regional Council	Accept	4.1
2497.3	Otago Regional Council	Accept in Part	1.4
2508.3	Aurora Energy Limited	Accept	1.4
2508.4	Aurora Energy Limited	Accept	8
2538.23	NZ Transport Agency	Accept in Part	3.1 & 3.5
2538.24	NZ Transport Agency	Accept	3.6

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2538.25	NZ Transport Agency	Accept	3.7
2538.26	NZ Transport Agency	Accept	3.7
2538.27	NZ Transport Agency	Accept	1.3 & 1.4
2538.28	NZ Transport Agency	Reject	6.2
2538.29	NZ Transport Agency	Accept	8
2538.30	NZ Transport Agency	Accept	8
2538.31	NZ Transport Agency	Accept	8
2539.1	Eco Sustainability Development Limited	Reject	6.2
2539.2	Eco Sustainability Development Limited	Accept	6.2
2539.3	Eco Sustainability Development Limited	Reject	6.2
2540.33	Federated Farmers of New Zealand	Reject	2
2540.34	Federated Farmers of New Zealand	Accept	1.3, 1.4 & 3.1
2540.35	Federated Farmers of New Zealand	Accept	1.3, 1.4 & 3.1
2540.36	Federated Farmers of New Zealand	Accept in Part	3.4
2540.37	Federated Farmers of New Zealand	Reject	1.3, 1.4 & 3.3
2540.38	Federated Farmers of New Zealand	Accept in Part	3.1 & 3.5
2540.39	Federated Farmers of New Zealand	Accept in Part	3.1 & 3.6
2540.40	Federated Farmers of New Zealand	Accept	3.7
2540.41	Federated Farmers of New Zealand	Accept	1.4
2540.42	Federated Farmers of New Zealand	Accept	1.4
2540.43	Federated Farmers of New Zealand	Accept	1.4
2540.44	Federated Farmers of New Zealand	Accept	1.4
2540.45	Federated Farmers of New Zealand	Accept	1.4
2540.46	Federated Farmers of New Zealand	Accept	1.4
2540.47	Federated Farmers of New Zealand	Reject	5
2540.48	Federated Farmers of New Zealand	Accept	1.3 & 1.4
2540.49	Federated Farmers of New Zealand	Accept	1.3 & 1.4
2540.50	Federated Farmers of New Zealand	Reject	6.2

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2540.51	Federated Farmers of New Zealand	Accept	1.3 & 1.4
2540.52	Federated Farmers of New Zealand	Accept	1.3 & 1.4
2540.53	Federated Farmers of New Zealand	Accept	8
2540.54	Federated Farmers of New Zealand	Reject	1.3, 1.4 & 11
2540.55	Federated Farmers of New Zealand	Accept	1.3, 1.4 & 11
2540.56	Federated Farmers of New Zealand	Accept	1.3, 1.4 & 11
2549.2	Glentui Heights Limited	Reject	1.4 & 1.6
2552.2	Greenwood Group Ltd	Reject	1.3, 1.4 & 1.6
2560.3	Jade Lake Queenstown Ltd	Reject	1.6
2575.19	Queenstown Trails Trust	Accept	3.6
2575.6	Queenstown Trails Trust	Accept in Part	3.1 & 3.5
2575.7	Queenstown Trails Trust	Reject	4.2
2581.15	Go Orange Limited	Reject	3.5
2581.153	Go Orange Limited	Accept	3.1 & 3.7
2581.154	Go Orange Limited	Accept	3.1 & 3.7
2581.155	Go Orange Limited	Accept	3.1 & 3.7
2581.156	Go Orange Limited	Accept	3.1 & 3.7
2581.157	Go Orange Limited	Accept	3.1 & 3.7
2581.158	Go Orange Limited	Accept	3.1 & 3.7
2581.16	Go Orange Limited	Reject	4.1
2581.17	Go Orange Limited	Accept	4.3
2581.18	Go Orange Limited	Reject	4.2
2581.19	Go Orange Limited	Reject	1.3 & 1.4
2581.20	Go Orange Limited	Accept in Part	1.3 & 1.4
2581.21	Go Orange Limited	Reject	1.3 & 1.4
2581.22	Go Orange Limited	Accept in Part	6.2
2581.23	Go Orange Limited	Accept	6.2
2581.24	Go Orange Limited	Accept in Part	6.2

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
2581.25	Go Orange Limited	Reject	1.3 & 1.4
2581.26	Go Orange Limited	Accept in Part	6.2
2581.27	Go Orange Limited	Reject	6.2
2581.28	Go Orange Limited	Accept in Part	8
2581.29	Go Orange Limited	Reject	8
2581.30	Go Orange Limited	Reject	10
2581.54	Go Orange Limited	Accept	3.4
2581.55	Go Orange Limited	Accept in Part	3.1 & 3.5
2581.56	Go Orange Limited	Accept	3.6
2581.8	Go Orange Limited	Reject	1.5
2581.9	Go Orange Limited	Accept in Part	1.3 & 1.4
2584.8	Slopehill Properties Limited	Reject	1.3, 1.4 & 1.6
2618.2	Queenstown Airport Corporation	Accept in Part	3.1 - 3.6
2618.3	Queenstown Airport Corporation	Accept	4.1
2618.4	Queenstown Airport Corporation	Accept	1.4
2618.5	Queenstown Airport Corporation	Reject	1.3 & 1.4
2618.6	Queenstown Airport Corporation	Accept in Part	6.2
2618.7	Queenstown Airport Corporation	Accept	8
2618.8	Queenstown Airport Corporation	Accept	8
2618.9	Queenstown Airport Corporation	Accept	11

Part B: Further Submissions

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS1015.134	768.3	Straterra	Accept in Part	12
FS1015.39	519.3	Straterra	Accept	12
FS1040.23	519.3	Forest and Bird	Reject	12

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS1219.78	632.77	Bravo Trustee Company	Accept in Part	1.4
FS1219.79	632.78	Bravo Trustee Company	Accept in Part	1.4
FS1252.78	632.77	Tim & Paula Williams	Accept in Part	1.4
FS1252.79	632.78	Tim & Paula Williams	Accept in Part	1.4
FS1275.124	567.12	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	1.4
FS1275.251	632.77	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	1.4
FS1275.252	632.78	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	1.4
FS1277.158	762.12	Jacks Point Residents and Owners Association	Accept	1.4
FS1277.159	762.13	Jacks Point Residents and Owners Association	Accept	1.4
FS1277.81	632.77	Jacks Point Residents and Owners Association	Accept in Part	1.4
FS1277.82	632.78	Jacks Point Residents and Owners Association	Accept in Part	1.4
FS1283.191	632.77	MJ and RB Williams and Brabant	Accept in Part	1.4
FS1283.192	632.78	MJ and RB Williams and Brabant	Accept in Part	1.4

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS1316.139	762.12	Harris-Wingrove Trust	Reject	1.4
FS1316.140	762.13	Harris-Wingrove Trust	Reject	1.4
FS1316.77	632.77	Harris-Wingrove Trust	Accept in Part	1.4
FS1316.78	632.78	Harris-Wingrove Trust	Accept in Part	1.4
FS1356.3	519.3	Cabo Limited	Reject	12
FS2701.16	2387.16	Murray & Clare Doyle	Reject	1.3, 1.4 & 6.1
FS2701.17	2387.17	Murray & Clare Doyle	Reject	N/A
FS2710.14	2388.2	McGuinness Pa Limited	Reject	N/A
FS2710.15	2388.3	McGuinness Pa Limited	Reject	N/A
FS2710.33	2295.4	McGuinness Pa Limited	Reject	3.3 & 3.4
FS2710.34	2295.5	McGuinness Pa Limited	Reject	3.3
FS2710.35	2295.6	McGuinness Pa Limited	Accept	3.6
FS2710.36	2295.7	McGuinness Pa Limited	Reject	3.6
FS2710.37	2295.8	McGuinness Pa Limited	Accept in Part	6.1
FS2719.173	2584.8	BSTGT Limited	Reject	1.3, 1.4 & 1.6
FS2720.116	2295.4	Boundary Trust	Accept	3.3 & 3.4
FS2720.117	2295.5	Boundary Trust	Accept	3.3
FS2720.118	2295.6	Boundary Trust	Reject	3.6
FS2720.119	2295.7	Boundary Trust	Accept	3.6
FS2720.120	2295.8	Boundary Trust	Accept in Part	6.1
FS2723.116	2295.4	Spruce Grove Trust - Malaghans Road	Accept	3.3 & 3.4

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2723.117	2295.5	Spruce Grove Trust - Malaghans Road	Accept	3.3
FS2723.118	2295.6	Spruce Grove Trust - Malaghans Road	Reject	3.6
FS2723.119	2295.7	Spruce Grove Trust - Malaghans Road	Accept	3.6
FS2723.120	2295.8	Spruce Grove Trust - Malaghans Road	Accept in Part	6.1
FS2724.116	2295.4	Spruce Grove Trust - Butel Road	Accept	3.3 & 3.4
FS2724.117	2295.5	Spruce Grove Trust - Butel Road	Accept	3.3
FS2724.118	2295.6	Spruce Grove Trust - Butel Road	Reject	3.6
FS2724.119	2295.7	Spruce Grove Trust - Butel Road	Accept	3.6
FS2724.120	2295.8	Spruce Grove Trust - Butel Road	Accept in Part	6.1
FS2725.15	2319.11	Guenther Raedler	Accept in part	1.4
FS2725.41	2317.11	Guenther Raedler	Accept in part	1.4
FS2728.1	2466.20	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)	Accept in Part	1.3 & 1.4

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2728.10	2454.8	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)	Accept	4.3
FS2728.11	2492.1	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)	Accept	4.3
FS2728.13	2373.4	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)	Accept in Part	3.4

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2728.14	2376.20	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)	Accept in Part	3.4
FS2728.15	2377.21	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)	Accept in Part	3.4
FS2728.16	2381.4	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)	Accept in Part	3.4

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2728.17	2382.5	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)	Accept in Part	3.4
FS2728.18	2384.4	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)	Accept in Part	3.4
FS2728.19	2466.154	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)	Accept	4.3

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2728.2	2492.14	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)	Accept in Part	1.3 & 1.4
FS2728.20	2575.7	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)	Accept	4.2
FS2728.21	2492.19	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)	Accept	1.3 & 1.4

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2728.22	2494.23	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)	Accept	1.3 & 1.4
FS2728.23	2581.25	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)	Accept	1.3 & 1.4
FS2728.3	2494.18	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)	Accept in Part	1.3 & 1.4

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2728.4	2581.20	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)	Accept in Part	1.3 & 1.4
FS2728.5	2349.2	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)	Accept	10
FS2728.6	2466.30	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)	Accept	10

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2728.7	2492.24	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)	Accept	10
FS2728.8	2494.28	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)	Accept	10
FS2728.9	2581.30	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)	Accept	10
FS2733.16	2387.16	A Feeley, E Borrie and LP Trustees Limited	Reject	1.3, 1.4 & 6.1
FS2733.17	2387.17	A Feeley, E Borrie and LP Trustees Limited	Reject	N/A
FS2743.156	2552.2	Morven Ferry Limited	Reject	1.3, 1.4 & 1.6
FS2743.99	2386.20	Morven Ferry Limited	Accept in part	1.4

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2745.4	2295.4	Juie QT Limited	Accept	3.3 & 3.4
FS2745.5	2295.5	Juie QT Limited	Accept	3.3
FS2745.6	2295.6	Juie QT Limited	Reject	3.6
FS2745.7	2295.7	Juie QT Limited	Accept	3.6
FS2745.8	2295.8	Juie QT Limited	Accept in Part	6.1
FS2746.31	2466.8	Federated Farmers of New Zealand	Reject	1.5 & 6.2
FS2746.32	2242.12	Federated Farmers of New Zealand	Accept	1.3, 1.4 & 3.2
FS2746.33	2457.4	Federated Farmers of New Zealand	Accept	3.4
FS2746.34	2466.54	Federated Farmers of New Zealand	Accept	3.4
FS2746.35	2497.1	Federated Farmers of New Zealand	Reject	1.3 & 1.4
FS2746.36	2373.12	Federated Farmers of New Zealand	Accept	1.3 & 1.4
FS2746.37	2494.16	Federated Farmers of New Zealand	Reject	4.2
FS2746.38	2455.17	Federated Farmers of New Zealand	Accept in Part	6.2
FS2746.39	2455.18	Federated Farmers of New Zealand	Reject	8
FS2746.40	2455.19	Federated Farmers of New Zealand	Reject	8
FS2746.41	2242.16	Federated Farmers of New Zealand	Reject	8
FS2748.73	2291.8	Len McFadgen	Accept in part	1.4
FS2749.104	2386.20	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	Accept in part	1.4

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2749.161	2552.2	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	Reject	1.3, 1.4 & 1.6
FS2750.59	2291.8	Wakatipu Equities Limited	Accept in part	1.4
FS2751.1	2462.6	Heritage New Zealand Pouhere Taonga	Accept	1.3, 1.4 & 4.2
FS2751.10	2581.19	Heritage New Zealand Pouhere Taonga	Accept	1.3 & 1.4
FS2751.11	2373.4	Heritage New Zealand Pouhere Taonga	Accept in Part	3.4
FS2751.12	2376.20	Heritage New Zealand Pouhere Taonga	Accept in Part	3.4
FS2751.13	2377.21	Heritage New Zealand Pouhere Taonga	Accept in Part	3.4
FS2751.14	2381.4	Heritage New Zealand Pouhere Taonga	Accept in Part	3.4
FS2751.15	2382.5	Heritage New Zealand Pouhere Taonga	Accept in Part	3.4
FS2751.16	2384.4	Heritage New Zealand Pouhere Taonga	Accept in Part	3.4
FS2751.17	2540.36	Heritage New Zealand Pouhere Taonga	Accept in Part	3.4
FS2751.18	2540.38	Heritage New Zealand Pouhere Taonga	Accept in Part	3.1 & 3.5
FS2751.19	2466.20	Heritage New Zealand Pouhere Taonga	Accept in Part	1.3 & 1.4
FS2751.2	2466.152	Heritage New Zealand Pouhere Taonga	Accept in Part	1.3 & 1.4
FS2751.20	2492.14	Heritage New Zealand Pouhere Taonga	Accept in Part	1.3 & 1.4
FS2751.21	2494.18	Heritage New Zealand Pouhere Taonga	Accept in Part	1.3 & 1.4
FS2751.22	2581.20	Heritage New Zealand Pouhere Taonga	Accept in Part	1.3 & 1.4

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2751.23	2466.21	Heritage New Zealand Pouhere Taonga	Accept	1.3, 1.4 & 6.1
FS2751.24	2581.21	Heritage New Zealand Pouhere Taonga	Accept	1.3 & 1.4
FS2751.25	2466.25	Heritage New Zealand Pouhere Taonga	Accept	1.3 & 1.4
FS2751.26	2492.19	Heritage New Zealand Pouhere Taonga	Accept	1.3 & 1.4
FS2751.27	2494.23	Heritage New Zealand Pouhere Taonga	Accept	1.3 & 1.4
FS2751.28	2581.25	Heritage New Zealand Pouhere Taonga	Accept	1.3 & 1.4
FS2751.29	2466.28	Heritage New Zealand Pouhere Taonga	Accept in Part	8
FS2751.3	2494.149	Heritage New Zealand Pouhere Taonga	Accept in Part	1.3 & 1.4
FS2751.30	2466.29	Heritage New Zealand Pouhere Taonga	Accept	8
FS2751.31	2492.23	Heritage New Zealand Pouhere Taonga	Accept	8
FS2751.32	2494.27	Heritage New Zealand Pouhere Taonga	Accept	8
FS2751.33	2581.29	Heritage New Zealand Pouhere Taonga	Accept	8
FS2751.34	2349.2	Heritage New Zealand Pouhere Taonga	Accept	10
FS2751.35	2466.30	Heritage New Zealand Pouhere Taonga	Accept	10
FS2751.36	2492.24	Heritage New Zealand Pouhere Taonga	Accept	10
FS2751.37	2494.28	Heritage New Zealand Pouhere Taonga	Accept	10
FS2751.38	2581.30	Heritage New Zealand Pouhere Taonga	Accept	10

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2751.4	2575.7	Heritage New Zealand Pouhere Taonga	Accept	4.2
FS2751.5	2468.9	Heritage New Zealand Pouhere Taonga	Accept in Part	1.3 & 1.4
FS2751.6	2492.2	Heritage New Zealand Pouhere Taonga	Accept in Part	4.3
FS2751.7	2466.19	Heritage New Zealand Pouhere Taonga	Accept	1.3 & 1.4
FS2751.8	2492.13	Heritage New Zealand Pouhere Taonga	Accept	1.3 & 1.4
FS2751.9	2494.17	Heritage New Zealand Pouhere Taonga	Accept	1.3 & 1.4
FS2752.17	2290.4	Go Orange Limited	Accept in part	1.4
FS2752.4	2462.6	Go Orange Limited	Reject	1.3, 1.4 & 4.2
FS2753.10	2466.8	Queenstown Water Taxis Limited	Reject	1.5 & 6.2
FS2753.11	2466.9	Queenstown Water Taxis Limited	Accept in Part	1.3 & 1.4
FS2753.151	2466.151	Queenstown Water Taxis Limited	Accept in Part	6.2
FS2753.152	2466.152	Queenstown Water Taxis Limited	Accept in Part	1.3 & 1.4
FS2753.153	2466.153	Queenstown Water Taxis Limited	Reject	4.3
FS2753.154	2466.154	Queenstown Water Taxis Limited	Reject	4.3
FS2753.165	2581.8	Queenstown Water Taxis Limited	Reject	1.5
FS2753.166	2581.9	Queenstown Water Taxis Limited	Accept in Part	1.3 & 1.4
FS2753.17	2466.15	Queenstown Water Taxis Limited	Reject	3.2

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2753.172	2581.15	Queenstown Water Taxis Limited	Reject	3.5
FS2753.173	2581.16	Queenstown Water Taxis Limited	Reject	4.1
FS2753.174	2581.17	Queenstown Water Taxis Limited	Accept	4.3
FS2753.175	2581.18	Queenstown Water Taxis Limited	Reject	4.2
FS2753.176	2581.19	Queenstown Water Taxis Limited	Reject	1.3 & 1.4
FS2753.177	2581.20	Queenstown Water Taxis Limited	Accept in Part	1.3 & 1.4
FS2753.178	2581.21	Queenstown Water Taxis Limited	Reject	1.3 & 1.4
FS2753.179	2581.22	Queenstown Water Taxis Limited	Accept in Part	6.2
FS2753.18	2466.16	Queenstown Water Taxis Limited	Reject	4.1
FS2753.180	2581.23	Queenstown Water Taxis Limited	Accept	6.2
FS2753.181	2581.24	Queenstown Water Taxis Limited	Accept in Part	6.2
FS2753.182	2581.25	Queenstown Water Taxis Limited	Reject	1.3 & 1.4
FS2753.183	2581.26	Queenstown Water Taxis Limited	Accept in Part	6.2
FS2753.184	2581.27	Queenstown Water Taxis Limited	Reject	6.2
FS2753.185	2581.28	Queenstown Water Taxis Limited	Accept in Part	8
FS2753.186	2581.29	Queenstown Water Taxis Limited	Reject	8
FS2753.187	2581.30	Queenstown Water Taxis Limited	Reject	10

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2753.19	2466.17	Queenstown Water Taxis Limited	Accept	4.3
FS2753.20	2466.18	Queenstown Water Taxis Limited	Reject	4.2
FS2753.209	2581.54	Queenstown Water Taxis Limited	Accept	3.4
FS2753.21	2466.19	Queenstown Water Taxis Limited	Reject	1.3 & 1.4
FS2753.210	2581.55	Queenstown Water Taxis Limited	Accept in Part	3.1 & 3.5
FS2753.211	2581.56	Queenstown Water Taxis Limited	Accept	3.6
FS2753.22	2466.20	Queenstown Water Taxis Limited	Accept in Part	1.3 & 1.4
FS2753.23	2466.21	Queenstown Water Taxis Limited	Reject	1.3, 1.4 & 6.1
FS2753.24	2466.22	Queenstown Water Taxis Limited	Accept in Part	6.2
FS2753.25	2466.23	Queenstown Water Taxis Limited	Accept	6.2
FS2753.26	2466.24	Queenstown Water Taxis Limited	Accept in Part	6.2
FS2753.27	2466.25	Queenstown Water Taxis Limited	Reject	1.3 & 1.4
FS2753.28	2466.26	Queenstown Water Taxis Limited	Accept in Part	6.2
FS2753.29	2466.27	Queenstown Water Taxis Limited	Reject	6.2
FS2753.30	2466.28	Queenstown Water Taxis Limited	Accept in Part	8
FS2753.308	2581.153	Queenstown Water Taxis Limited	Accept	3.1 & 3.7
FS2753.309	2581.154	Queenstown Water Taxis Limited	Accept	3.1 & 3.7

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2753.31	2466.29	Queenstown Water Taxis Limited	Reject	8
FS2753.310	2581.155	Queenstown Water Taxis Limited	Accept	3.1 & 3.7
FS2753.311	2581.156	Queenstown Water Taxis Limited	Accept	3.1 & 3.7
FS2753.312	2581.157	Queenstown Water Taxis Limited	Accept	3.1 & 3.7
FS2753.313	2581.158	Queenstown Water Taxis Limited	Accept	3.1 & 3.7
FS2753.32	2466.30	Queenstown Water Taxis Limited	Reject	10
FS2753.54	2466.54	Queenstown Water Taxis Limited	Accept	3.4
FS2753.55	2466.55	Queenstown Water Taxis Limited	Accept in Part	3.1 & 3.5
FS2753.56	2466.56	Queenstown Water Taxis Limited	Accept	3.6
FS2754.36	2618.2	Remarkables Park Limited	Reject	3.1 - 3.6
FS2754.37	2618.3	Remarkables Park Limited	Reject	4.1
FS2754.38	2618.4	Remarkables Park Limited	Reject	1.4
FS2754.39	2618.5	Remarkables Park Limited	Accept	1.3 & 1.4
FS2754.40	2618.6	Remarkables Park Limited	Reject	6.2
FS2754.41	2618.7	Remarkables Park Limited	Reject	8
FS2754.42	2618.8	Remarkables Park Limited	Reject	8
FS2754.59	2466.152	Remarkables Park Limited	Accept in Part	1.3 & 1.4
FS2754.60	2575.7	Remarkables Park Limited	Reject	4.2
FS2754.61	2492.13	Remarkables Park Limited	Reject	1.3 & 1.4
FS2754.62	2376.26	Remarkables Park Limited	Accept in Part	4.2
FS2754.63	2494.16	Remarkables Park Limited	Reject	4.2
FS2754.64	2382.19	Remarkables Park Limited	Accept in Part	1.4 & 6.2

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2754.65	2239.6	Remarkables Park Limited	Reject	1.3 & 1.4
FS2754.66	2239.7	Remarkables Park Limited	Reject	1.3 & 1.4
FS2754.67	2242.16	Remarkables Park Limited	Reject	8
FS2755.35	2618.2	Queenstown Park Limited	Reject	3.1 - 3.6
FS2755.36	2618.3	Queenstown Park Limited	Reject	4.1
FS2755.37	2618.4	Queenstown Park Limited	Reject	1.4
FS2755.38	2618.5	Queenstown Park Limited	Accept	1.3 & 1.4
FS2755.39	2618.6	Queenstown Park Limited	Reject	6.2
FS2755.40	2618.7	Queenstown Park Limited	Reject	8
FS2755.41	2618.8	Queenstown Park Limited	Reject	8
FS2755.58	2466.152	Queenstown Park Limited	Accept in Part	1.3 & 1.4
FS2755.59	2575.7	Queenstown Park Limited	Reject	4.2
FS2755.60	2492.13	Queenstown Park Limited	Reject	1.3 & 1.4
FS2755.61	2376.26	Queenstown Park Limited	Accept in Part	4.2
FS2755.62	2494.16	Queenstown Park Limited	Reject	4.2
FS2755.63	2382.19	Queenstown Park Limited	Accept in Part	1.4 & 6.2
FS2755.64	2239.6	Queenstown Park Limited	Reject	1.3 & 1.4
FS2755.65	2239.7	Queenstown Park Limited	Reject	1.3 & 1.4
FS2755.66	2242.16	Queenstown Park Limited	Reject	8
FS2756.8	2485.11	Kiwi Birdlife Park Limited	Accept	1.3, 1.4 & 6.1
FS2757.4	2618.2	Transpower New Zealand Limited	Reject	3.1 - 3.6
FS2757.5	2540.54	Transpower New Zealand Limited	Accept	1.3, 1.4 & 11
FS2758.1	2446.9	New Zealand Tungsten Mining Limited	Accept	1.3, 1.4 & 5
FS2758.2	2446.10	New Zealand Tungsten Mining Limited	Reject	5

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2758.3	2446.13	New Zealand Tungsten Mining Limited	Reject	1.3 & 1.4
FS2758.4	2446.14	New Zealand Tungsten Mining Limited	Reject	8
FS2758.5	2446.15	New Zealand Tungsten Mining Limited	Reject	8
FS2758.6	2242.12	New Zealand Tungsten Mining Limited	Accept	1.3, 1.4 & 3.2
FS2758.7	2242.16	New Zealand Tungsten Mining Limited	Reject	8
FS2759.5	2242.12	Queenstown Airport Corporation	Accept	1.3, 1.4 & 3.2
FS2759.7	2462.7	Queenstown Airport Corporation	Accept	1.3, 1.4 & 6.2
FS2760.135	2384.4	Real Journeys Limited	Accept in Part	3.4
FS2760.136	2384.5	Real Journeys Limited	Accept	3.6
FS2760.137	2384.6	Real Journeys Limited	Reject	1.3 & 1.4
FS2760.138	2384.7	Real Journeys Limited	Accept	4.1
FS2760.139	2384.8	Real Journeys Limited	Accept	4.1
FS2760.140	2384.9	Real Journeys Limited	Accept	4.1
FS2760.141	2384.10	Real Journeys Limited	Accept	4.2
FS2760.142	2384.11	Real Journeys Limited	Accept	1.3 & 1.4
FS2760.143	2384.12	Real Journeys Limited	Accept	1.3, 1.4 & 6.2
FS2760.144	2384.13	Real Journeys Limited	Accept in Part	1.3, 1.4 & 6.2
FS2760.145	2384.14	Real Journeys Limited	Accept	1.3 & 1.4
FS2760.146	2384.15	Real Journeys Limited	Accept in Part	1.4 & 6.2
FS2760.147	2384.16	Real Journeys Limited	Accept	4.3
FS2760.148	2384.17	Real Journeys Limited	Reject	4.3
FS2760.149	2384.18	Real Journeys Limited	Reject	4.3

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2760.150	2384.19	Real Journeys Limited	Reject	4.3
FS2760.151	2384.20	Real Journeys Limited	Reject	4.3
FS2760.152	2384.21	Real Journeys Limited	Reject	4.3
FS2760.159	2384.28	Real Journeys Limited	Accept in Part	3.1, 3.6 & 3.8
FS2760.163	2373.4	Real Journeys Limited	Accept in Part	3.4
FS2760.164	2373.5	Real Journeys Limited	Accept	3.6
FS2760.165	2373.6	Real Journeys Limited	Reject	1.3 & 1.4
FS2760.166	2373.7	Real Journeys Limited	Accept	4.1
FS2760.167	2373.8	Real Journeys Limited	Accept	4.1
FS2760.168	2373.9	Real Journeys Limited	Accept	4.1
FS2760.169	2373.10	Real Journeys Limited	Accept in Part	4.2
FS2760.170	2373.11	Real Journeys Limited	Reject	4.3
FS2760.171	2373.12	Real Journeys Limited	Accept	1.3 & 1.4
FS2760.172	2373.13	Real Journeys Limited	Accept in Part	4.3
FS2760.173	2373.14	Real Journeys Limited	Accept	1.3, 1.4 & 6.2
FS2760.174	2373.15	Real Journeys Limited	Accept in Part	1.3, 1.4 & 6.2
FS2760.175	2373.16	Real Journeys Limited	Accept	1.3 & 1.4
FS2760.176	2373.17	Real Journeys Limited	Reject	1.3 & 1.4
FS2760.177	2373.18	Real Journeys Limited	Reject	4.3 & 6.2
FS2760.178	2373.19	Real Journeys Limited	Reject	4.3
FS2760.185	2373.26	Real Journeys Limited	Reject	4.3 & 6.2
FS2760.186	2454.1	Real Journeys Limited	Reject	1.5 & 4.3
FS2760.187	2454.2	Real Journeys Limited	Accept	4.3 & 6.2
FS2760.188	2454.3	Real Journeys Limited	Reject	4.3
FS2760.189	2454.4	Real Journeys Limited	Reject	1.5 & 4.3
FS2760.190	2454.5	Real Journeys Limited	Reject	4.3

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2760.191	2454.6	Real Journeys Limited	Reject	3.8
FS2760.192	2454.7	Real Journeys Limited	Accept in Part	4.3
FS2760.193	2454.8	Real Journeys Limited	Reject	4.3
FS2760.197	2290.4	Real Journeys Limited	Accept in part	1.4
FS2760.201	2492.1	Real Journeys Limited	Reject	4.3
FS2760.202	2492.2	Real Journeys Limited	Reject	4.3
FS2760.209	2492.9	Real Journeys Limited	Reject	3.2
FS2760.210	2492.10	Real Journeys Limited	Reject	4.1
FS2760.211	2492.11	Real Journeys Limited	Accept	1.3, 1.4 & 4.3
FS2760.212	2492.12	Real Journeys Limited	Reject	4.2
FS2760.213	2492.13	Real Journeys Limited	Reject	1.3 & 1.4
FS2760.214	2492.14	Real Journeys Limited	Accept in Part	1.3 & 1.4
FS2760.215	2492.15	Real Journeys Limited	Reject	1.3, 1.4 & 6.1
FS2760.216	2492.16	Real Journeys Limited	Accept in Part	6.2
FS2760.217	2492.17	Real Journeys Limited	Accept	6.2
FS2760.218	2492.18	Real Journeys Limited	Accept in Part	6.2
FS2760.219	2492.19	Real Journeys Limited	Reject	1.3 & 1.4
FS2760.220	2492.20	Real Journeys Limited	Accept in Part	6.2
FS2760.221	2492.21	Real Journeys Limited	Reject	6.2
FS2760.222	2492.22	Real Journeys Limited	Accept in Part	8
FS2760.223	2492.23	Real Journeys Limited	Reject	8
FS2760.224	2492.24	Real Journeys Limited	Reject	10
FS2760.24	2538.23	Real Journeys Limited	Accept in Part	3.1 & 3.5
FS2760.248	2492.48	Real Journeys Limited	Accept	3.4
FS2760.249	2492.49	Real Journeys Limited	Accept in Part	3.1 & 3.5
FS2760.25	2538.24	Real Journeys Limited	Accept	3.6

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2760.250	2492.50	Real Journeys Limited	Accept	3.6
FS2760.26	2538.25	Real Journeys Limited	Accept	3.7
FS2760.27	2538.26	Real Journeys Limited	Accept	3.7
FS2760.28	2538.27	Real Journeys Limited	Accept	1.3 & 1.4
FS2760.29	2538.28	Real Journeys Limited	Reject	6.2
FS2760.30	2538.29	Real Journeys Limited	Accept	8
FS2760.31	2538.30	Real Journeys Limited	Accept	8
FS2760.315	2492.115	Real Journeys Limited	Accept	3.1
FS2760.316	2492.116	Real Journeys Limited	Accept	3.1
FS2760.317	2492.117	Real Journeys Limited	Accept	3.1
FS2760.318	2492.118	Real Journeys Limited	Accept	3.1
FS2760.319	2492.119	Real Journeys Limited	Accept	3.1
FS2760.32	2538.31	Real Journeys Limited	Accept	8
FS2760.320	2492.120	Real Journeys Limited	Accept	3.1
FS2760.326	2494.6	Real Journeys Limited	Reject	1.5
FS2760.327	2494.7	Real Journeys Limited	Reject	1.3 & 1.4
FS2760.331	2494.13	Real Journeys Limited	Reject	3.2
FS2760.332	2494.14	Real Journeys Limited	Reject	4.1
FS2760.333	2494.15	Real Journeys Limited	Accept	4.3
FS2760.334	2494.16	Real Journeys Limited	Reject	4.2
FS2760.335	2494.17	Real Journeys Limited	Reject	1.3 & 1.4
FS2760.336	2494.18	Real Journeys Limited	Accept in Part	1.3 & 1.4
FS2760.337	2494.19	Real Journeys Limited	Reject	1.3 & 1.4
FS2760.338	2494.20	Real Journeys Limited	Accept in Part	6.2
FS2760.339	2494.21	Real Journeys Limited	Accept	6.2
FS2760.340	2494.22	Real Journeys Limited	Accept in Part	6.2
FS2760.341	2494.23	Real Journeys Limited	Reject	1.3 & 1.4
FS2760.342	2494.24	Real Journeys Limited	Accept in Part	6.2

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2760.343	2494.25	Real Journeys Limited	Reject	6.2
FS2760.344	2494.26	Real Journeys Limited	Accept in Part	8
FS2760.345	2494.27	Real Journeys Limited	Reject	8
FS2760.346	2494.28	Real Journeys Limited	Reject	10
FS2760.370	2494.52	Real Journeys Limited	Accept	3.4
FS2760.371	2494.53	Real Journeys Limited	Accept	3.1
FS2760.372	2494.54	Real Journeys Limited	Accept	3.1
FS2760.449	2494.149	Real Journeys Limited	Accept in Part	1.3 & 1.4
FS2760.453	2494.153	Real Journeys Limited	Accept	3.1
FS2760.454	2494.154	Real Journeys Limited	Accept	3.1
FS2760.455	2494.155	Real Journeys Limited	Accept	3.1
FS2760.456	2494.156	Real Journeys Limited	Accept	3.1
FS2760.457	2494.157	Real Journeys Limited	Accept	3.1
FS2760.458	2494.158	Real Journeys Limited	Accept	3.1
FS2760.460	2468.9	Real Journeys Limited	Accept in Part	1.3 & 1.4
FS2760.464	2462.6	Real Journeys Limited	Reject	1.3, 1.4 & 4.2
FS2760.506	2446.10	Real Journeys Limited	Reject	5
FS2760.507	2446.9	Real Journeys Limited	Accept	1.3, 1.4 & 5
FS2760.508	2446.13	Real Journeys Limited	Reject	1.3 & 1.4
FS2760.514	2455.17	Real Journeys Limited	Accept in Part	6.2
FS2764.1	2377.35	Queenstown Central Limited	Reject	6.2
FS2767.11	2493.11	Queenstown Commercial Parapenters	Reject	4.2
FS2767.12	2493.13	Queenstown Commercial Parapenters	Reject	6.1
FS2767.13	2493.12	Queenstown Commercial Parapenters	Reject	6.1

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2769.44	2386.17	Arrowtown Retirement Village Joint Venture	Accept in part	1.4
FS2769.47	2386.20	Arrowtown Retirement Village Joint Venture	Accept in part	1.4
FS2771.4	2382.5	John May	Accept in Part	3.4
FS2771.5	2382.13	John May	Accept	6.1
FS2772.12	2388.2	R Hadley	Reject	N/A
FS2772.13	2388.3	R Hadley	Reject	N/A
FS2777.11	2485.11	Skyline Enterprises Limited	Reject	1.3, 1.4 & 6.1
FS2782.45	2487.14	Glencoe Station Limited	Reject	1.3 & 1.4
FS2783.149	2318.11	Lake Hayes Cellar Limited	Accept in part	1.4
FS2787.113	2319.11	P Chittock	Accept in part	1.4
FS2787.35	2315.11	P Chittock	Accept in part	1.4
FS2787.61	2316.11	P Chittock	Accept in part	1.4
FS2787.8	2291.8	P Chittock	Accept in part	1.4
FS2787.87	2317.11	P Chittock	Accept in part	1.4
FS2788.1	2327.1	Henley Downs Land Holdings Ltd	Accept	3.5
FS2788.10	2455.18	Henley Downs Land Holdings Ltd	Reject	8
FS2788.11	2455.19	Henley Downs Land Holdings Ltd	Reject	8
FS2788.12	2494.18	Henley Downs Land Holdings Ltd	Accept in Part	1.3 & 1.4
FS2788.13	2329.1	Henley Downs Land Holdings Ltd	Accept in part	1.4
FS2788.2	2242.12	Henley Downs Land Holdings Ltd	Accept	1.3, 1.4 & 3.2
FS2788.3	2242.16	Henley Downs Land Holdings Ltd	Reject	8
FS2788.7	2446.9	Henley Downs Land Holdings Ltd	Accept	1.3, 1.4 & 5
FS2788.8	2446.10	Henley Downs Land Holdings Ltd	Reject	5
FS2788.9	2446.13	Henley Downs Land Holdings Ltd	Accept	1.3 & 1.4

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2789.1	2327.1	Soho Ski Area Ltd and Blackmans Creek No.1 LP	Accept	3.5
FS2789.10	2455.18	Soho Ski Area Ltd and Blackmans Creek No.1 LP	Reject	8
FS2789.11	2455.19	Soho Ski Area Ltd and Blackmans Creek No.1 LP	Reject	8
FS2789.12	2494.18	Soho Ski Area Ltd and Blackmans Creek No.1 LP	Accept in Part	1.3 & 1.4
FS2789.13	2329.1	Soho Ski Area Ltd and Blackmans Creek No.1 LP	Accept in part	1.4
FS2789.2	2242.12	Soho Ski Area Ltd and Blackmans Creek No.1 LP	Accept	1.3, 1.4 & 3.2
FS2789.26	2454.8	Soho Ski Area Ltd and Blackmans Creek No.1 LP	Reject	4.3
FS2789.27	2454.6	Soho Ski Area Ltd and Blackmans Creek No.1 LP	Reject	3.8
FS2789.3	2242.16	Soho Ski Area Ltd and Blackmans Creek No.1 LP	Reject	8
FS2789.7	2446.9	Soho Ski Area Ltd and Blackmans Creek No.1 LP	Accept	1.3, 1.4 & 5
FS2789.8	2446.10	Soho Ski Area Ltd and Blackmans Creek No.1 LP	Reject	5
FS2789.9	2446.13	Soho Ski Area Ltd and Blackmans Creek No.1 LP	Accept	1.3 & 1.4
FS2790.1	2327.1	Treble Cone Investments Ltd	Accept	3.5
FS2790.10	2455.18	Treble Cone Investments Ltd	Reject	8
FS2790.11	2455.19	Treble Cone Investments Ltd	Reject	8
FS2790.12	2494.18	Treble Cone Investments Ltd	Accept in Part	1.3 & 1.4
FS2790.13	2329.1	Treble Cone Investments Ltd	Accept in part	1.4
FS2790.2	2242.12	Treble Cone Investments Ltd	Accept	1.3, 1.4 & 3.2
FS2790.26	2454.8	Treble Cone Investments Ltd	Reject	4.3

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2790.27	2454.6	Treble Cone Investments Ltd	Reject	3.8
FS2790.3	2242.16	Treble Cone Investments Ltd	Reject	8
FS2790.7	2446.9	Treble Cone Investments Ltd	Accept	1.3, 1.4 & 5
FS2790.8	2446.10	Treble Cone Investments Ltd	Reject	5
FS2790.9	2446.13	Treble Cone Investments Ltd	Accept	1.3 & 1.4
FS2799.1	2468.2	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept in Part	3.1 & 3.3
FS2799.10	2349.2	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept	10
FS2799.11	2442.12	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept in Part	11
FS2799.12	2376.44	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept	11
FS2799.2	2462.1	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept in Part	3.2
FS2799.3	2457.9	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept in Part	1.3 & 1.4
FS2799.4	2377.31	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept	1.3, 1.4 & 6.2
FS2799.5	2539.1	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Reject	6.2
FS2799.6	2457.11	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept in Part	6.2
FS2799.7	2466.22	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept in Part	6.2

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2799.8	2454.5	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Reject	4.3
FS2799.9	2457.15	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	Accept in Part	6.2
FS2800.1	2454.1	Cardrona Alpine Resort Limited	Reject	1.5 & 4.3
FS2800.10	2384.4	Cardrona Alpine Resort Limited	Accept in Part	3.4
FS2800.11	2384.5	Cardrona Alpine Resort Limited	Accept	3.6
FS2800.12	2384.6	Cardrona Alpine Resort Limited	Reject	1.3 & 1.4
FS2800.13	2384.7	Cardrona Alpine Resort Limited	Accept	4.1
FS2800.14	2384.8	Cardrona Alpine Resort Limited	Accept	4.1
FS2800.15	2384.9	Cardrona Alpine Resort Limited	Accept	4.1
FS2800.16	2384.10	Cardrona Alpine Resort Limited	Accept	4.2
FS2800.17	2384.11	Cardrona Alpine Resort Limited	Accept	1.3 & 1.4
FS2800.18	2384.12	Cardrona Alpine Resort Limited	Accept	1.3, 1.4 & 6.2
FS2800.19	2384.13	Cardrona Alpine Resort Limited	Accept in Part	1.3, 1.4 & 6.2
FS2800.2	2454.2	Cardrona Alpine Resort Limited	Accept	4.3 & 6.2
FS2800.20	2384.14	Cardrona Alpine Resort Limited	Accept	1.3 & 1.4
FS2800.21	2384.15	Cardrona Alpine Resort Limited	Accept in Part	1.4 & 6.2
FS2800.22	2384.16	Cardrona Alpine Resort Limited	Accept	4.3
FS2800.23	2384.17	Cardrona Alpine Resort Limited	Reject	4.3
FS2800.24	2384.18	Cardrona Alpine Resort Limited	Reject	4.3
FS2800.25	2384.19	Cardrona Alpine Resort Limited	Reject	4.3
FS2800.26	2384.20	Cardrona Alpine Resort Limited	Reject	4.3
FS2800.27	2384.21	Cardrona Alpine Resort Limited	Reject	4.3
FS2800.3	2454.3	Cardrona Alpine Resort Limited	Reject	4.3

Further Submission Number	Relevant Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
FS2800.34	2384.28	Cardrona Alpine Resort Limited	Accept in Part	3.1, 3.6 & 3.8
FS2800.38	2373.4	Cardrona Alpine Resort Limited	Accept in Part	3.4
FS2800.39	2373.5	Cardrona Alpine Resort Limited	Accept	3.6
FS2800.4	2454.4	Cardrona Alpine Resort Limited	Reject	1.5 & 4.3
FS2800.40	2373.6	Cardrona Alpine Resort Limited	Reject	1.3 & 1.4
FS2800.41	2373.7	Cardrona Alpine Resort Limited	Accept	4.1
FS2800.42	2373.8	Cardrona Alpine Resort Limited	Accept	4.1
FS2800.43	2373.9	Cardrona Alpine Resort Limited	Accept	4.1
FS2800.44	2373.10	Cardrona Alpine Resort Limited	Accept in Part	4.2
FS2800.45	2373.11	Cardrona Alpine Resort Limited	Reject	4.3
FS2800.46	2373.12	Cardrona Alpine Resort Limited	Accept	1.3 & 1.4
FS2800.47	2373.13	Cardrona Alpine Resort Limited	Accept in Part	4.3
FS2800.48	2373.14	Cardrona Alpine Resort Limited	Accept	1.3, 1.4 & 6.2
FS2800.49	2373.15	Cardrona Alpine Resort Limited	Accept in Part	1.3, 1.4 & 6.2
FS2800.5	2454.6	Cardrona Alpine Resort Limited	Reject	3.8
FS2800.50	2373.16	Cardrona Alpine Resort Limited	Accept	1.3 & 1.4
FS2800.51	2373.17	Cardrona Alpine Resort Limited	Reject	1.3 & 1.4
FS2800.52	2373.18	Cardrona Alpine Resort Limited	Reject	4.3 & 6.2
FS2800.53	2373.19	Cardrona Alpine Resort Limited	Reject	4.3
FS2800.6	2454.7	Cardrona Alpine Resort Limited	Accept in Part	4.3
FS2800.60	2373.26	Cardrona Alpine Resort Limited	Reject	4.3 & 6.2
FS2800.61	2462.6	Cardrona Alpine Resort Limited	Reject	1.3, 1.4 & 4.2