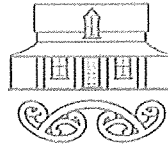


49/31



HERITAGE NEW ZEALAND
POUHERE TAONGA

30 July 2014

The Chief Executive
Queenstown Lakes District Council
Private Bag 50072
Queenstown

Attention: Policy Team

Dear Sir/Madam,

**Submission of Heritage New Zealand Pouhere Taonga to Queenstown Lakes District Council
Plan Change 49 - Earthworks**

The Heritage New Zealand operates under the Heritage New Zealand Pouhere Taonga Act 2014. Included as the purpose of that Act is *"To promote the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand."*

Heritage New Zealand meets these purposes in a number of ways. This includes advocacy and active involvement in local government processes, including encouraging and assisting Councils in using their powers under the Resource Management Act 1991 (RMA) for the benefit of historic heritage.

Under section 6(f) of the RMA, the protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance. Section 2 of the RMA defines historic heritage as meaning natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures. This includes historic sites, structures, places and areas; archaeological sites, sites of significance to Maori (including wahi tapu); and surrounds associated with heritage resources. Section 74(1) of the RMA requires that when preparing or changing its District Plan, a territorial authority must ensure that the Plan provisions are "in accordance with" Part 2 matters, which include section 6(f).

Heritage New Zealand supports the provisions of Plan Change 49 as they relate to heritage matters, particularly the inclusion of assessment matters relating to cultural and archaeological values; and the inclusion of best practice protocols in relation to the management of cultural and archaeological values.

Heritage New Zealand does seek amendments to some of the proposed Earthworks provisions, mainly to reflect recent changes to New Zealand's heritage legislation. In May 2014 the Heritage New Zealand Pouhere Taonga Act 2014 was enacted. For the purposes of this plan change the implications of this are that the New Zealand Historic Places Trust/Historic Places Trust/Heritage New Zealand is now called Heritage New Zealand, and the Historic Places Act 1993 has been repealed and the Heritage New Zealand Pouhere Taonga Act 2014 has been enacted. The changes requested will ensure that the text of the District Plan accurately reflects recent changes to heritage legislation.

In relation to the other additions sought, the intention is to strengthen and clarify the heritage-related aspects of the proposed Earthworks provisions, which will in turn contribute to ensuring that pursuant to section 6(f) of the RMA, appropriate recognition and provision is given to the protection of historic heritage from inappropriate subdivision, use and development.

1. The submission

Heritage New Zealand seeks the following decision:

That subject to amendments sought in Appendix A to this submission, Council approves Plan Change 49 as it relates to heritage matters.

Heritage New Zealand seeks the amendments outlined in Appendix A in order to correct some matters, and also to strengthen the provisions relating to historic heritage. Heritage New Zealand considers that these amendments will contribute further to the protection of historic heritage from inappropriate subdivision, use and development.

Heritage New Zealand may wish to be heard in support of this submission.

Yours sincerely,



Rob Hall
General Manager (Southern Region)

Address for service:

Heritage New Zealand
PO Box 5467
Dunedin 9058
Attention: Jane O'Dea – jodea@heritage.org.nz

Attachments:

Appendix A – Heritage New Zealand submission on Plan Change 49 - Earthworks

Appendix A: Heritage New Zealand Submission: Plan Change 49 - Earthworks, Queenstown Lakes District Plan

Key:

Strike eg. ~~abc~~ = delete text

Underline eg. abc = additional text

Provision/Issue	Support/Oppose	Comments	Submission
22.2 Objective 6, policies 6.1-6.7	Support with amendments	<p>The District Plan must recognise and provide for matters of national importance, in particular 6(e): <i>“the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other Taonga;”</i> and 6(f) <i>“the protection of historic heritage from inappropriate subdivision, use and development.”</i></p> <p>Objective 6 recognises that earthworks may have adverse effects on cultural and heritage values and that cultural and heritage values should be protected from such adverse effects. The following sections 6.1 – 6.7 outline appropriate policies for addressing potential adverse effects on these values and resources. These policies also outline appropriate notification/consultation procedures for affected parties, with Heritage New Zealand holding both the role of an affected party, as well as that of statutory regulator in terms of the archaeological provisions of the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>Policy 6.5 sets out the approach that should be followed in the case of accidental discovery of archaeological material. This policy represents best practice in terms of managing effects on archaeological sites and is also a legal obligation in terms of compliance with the Heritage New Zealand</p>	<p>Adopt Objective 6 and Policies 6.1-6.7 except references to the <i>New Zealand Historic Places Trust</i> and <i>NZ Historic Places Trust</i> in these provisions should be replaced with references to <u>Heritage New Zealand</u>.</p> <p>Add additional objective as follows:</p> <p>6.8 To protect heritage buildings and structures from <u>potential undermining and vibration effects resulting from earthworks on the same site or sites in close proximity.</u></p>

Appendix A: Heritage New Zealand Submission: Plan Change 49 - Earthworks, Queenstown Lakes District Plan

Key:

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		<p>Pouhere Taonga Act 2014. It is appropriate that the opportunity is taken through the District Plan provisions to ensure that applicants/developers are aware of their responsibilities.</p> <p>Earthworks undertaken in close proximity to heritage buildings and/or structures – such as on the same site, or adjoining sites - have the potential to adversely affect heritage buildings and structures through undermining and vibration. Such impacts can be unintentional. Heritage New Zealand considers that an additional objective should be added to this section identifying the need to protect heritage buildings and structures from the effects of earthworks undertaken in close proximity to such buildings or structures.</p> <p>In May 2014 the Heritage New Zealand Pouhere Taonga Act 2014 was enacted. For the purposes of this plan change the implications of this are that the New Zealand Historic Places Trust/Historic Places Trust/Heritage New Zealand is now called Heritage New Zealand, and the Historic Places Act 1993 has been repealed and the Heritage New Zealand Pouhere Taonga Act 2014 has been enacted.</p>	
22.3.1 iv (a), (b) & (c)	Support with amendments	<p>Adopt 22.3.1 iv (a), (b) & (c) <u>except references to the New Zealand Historic Places Trust and/or NZ Historic Places Trust in these provisions should be replaced with references to Heritage New Zealand; and</u></p>	

Appendix A: Heritage New Zealand Submission: Plan Change 49 - Earthworks, Queenstown Lakes District Plan

Key:
 Strike eg. ~~abc~~ = delete text
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	<p>Trust/Heritage New Zealand is now called Heritage New Zealand, and the Historic Places Act 1993 has been repealed and the Heritage New Zealand Pouhere Taonga Act 2014 has been enacted.</p> <p>Heritage New Zealand considers that the District Plan has a role in providing information on processes outside the resource consent process which might be of relevance to land use proposals - such as the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. This is particularly the case with heritage matters, where the roles and responsibilities of Council under the RMA overlap to some degree with those of Heritage New Zealand under both the RMA and the Heritage New Zealand Pouhere Taonga Act 2014. The provision of such information within the District Plan can create efficiencies for projects and prevent time and cost overruns caused by lack of awareness of archaeological matters; as well as avoid and manage effects on heritage resources.</p>	<p>References to the <i>Historic Places Act 1993</i> should be replaced with reference to the <u>Heritage New Zealand Pouhere Taonga Act 2014</u>.</p>
<p>22.3.2.2 (c) (vii) & 22.3.2.3 (b) (vii)</p>	<p>Support</p>	<p>Adopt 22.3.2.2 (c) (vii) & 22.3.2.3 (b) (vii)</p>
	<p>The District Plan must recognise and provide for matters of national importance, in particular 6(e): <i>“the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other Taonga;”</i> and 6(f) <i>“the protection of historic heritage from inappropriate subdivision, use and development.”</i></p>	

Appendix A: Heritage New Zealand Submission: Plan Change 49 - Earthworks, Queenstown Lakes District Plan

Key:

Strike eg. ~~abc~~ = delete text

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		<p>It is appropriate to include these matters in the District Plan in order to protect and manage effects on heritage and cultural values in accordance with Objective 6 of the proposed Earthworks provisions.</p>	
22.3.3 (vi) (a)	Support	<p>The District Plan must recognise and provide for matters of national importance, in particular 6(e): <i>“the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other Taonga;”</i> and 6(f) <i>“the protection of historic heritage from inappropriate subdivision, use and development.”</i></p> <p>It is appropriate to include, as a site standard, a requirement that any earthworks activity shall not modify, damage or destroy any scheduled waahi tapu, waahi taonga or archaeological sites. Where such sites have been included in Appendix 3 of the District Plan, it is because they are of recognised cultural and/or heritage significance to the District and therefore warrant specific protection through District Plan provisions. It is appropriate that resource consent is sought where earthworks activities would affect such sites, providing the Council an opportunity to assess the potential effects, and for affected parties to have involvement in the decision-making process.</p>	Adopt 22.3.3 (vi) (a)
22.4 vii (a) – (d)	Support	<p>The District Plan must recognise and provide for matters of national importance, in particular 6(e):</p>	Adopt 22.4 vii (a) – (d) except references to the <i>New Zealand Historic Places Trust</i> and/or <i>NZ Historic Places</i>

Appendix A: Heritage New Zealand Submission: Plan Change 49 - Earthworks, Queenstown Lakes District Plan

Key:

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	<p><i>“the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other Taonga;”</i></p> <p>and 6(f) <i>“the protection of historic heritage from inappropriate subdivision, use and development.”</i></p> <p>The proposed assessment matters will ensure that where resource consent is required for earthworks activities, that Council is in a position to assess the effects of such activities on sites of cultural and archaeological value and identified heritage landscapes. These assessment matters support proposed Objective 6 and will provide for sections 6(e) and 6(f) insofar as avoiding, remedying or mitigating the effects of earthworks activities on cultural and archaeological sites and heritage landscapes. It is noted that the provisions of the District Plan Heritage chapter apply in addition to those of the proposed Earthworks chapter.</p> <p>Notwithstanding the above, earthworks undertaken in close proximity to heritage buildings and/or structures – such as on the same site, or adjoining sites - have the potential to adversely affect heritage buildings and structures through undermining and vibration. Such impacts can be unintentional. Heritage New Zealand considers that an additional assessment matter should be added to this section to enable the Council to consider potential effects of earthworks activity on nearby heritage buildings and</p>	<p>Trust in these provisions should be replaced with references to <u>Heritage New Zealand</u>.</p> <p>Add new assessment matter as follows:</p> <p>(d) <u>The extent to which earthworks activities have the potential to adversely affect heritage buildings or structures located in close proximity to the site of the proposed earthworks and the adequacy of any avoidance or mitigation measures put forward to address such risks or effects.</u></p>
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Appendix A: Heritage New Zealand Submission: Plan Change 49 - Earthworks, Queenstown Lakes District Plan

Key:

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Definitions section	Amendment requested	structures, and where appropriate to ensure that appropriate avoidance and/or mitigation measures are included in any such proposal.	
		<p>Heritage New Zealand recommends that a definition of the term 'archaeological site' is added to the Definitions chapter of the District Plan for ease of reference for Plan users. Heritage New Zealand's experience is that members of the public, and often also planning professionals, are uncertain about what an archaeological site is, for example a common misconception is that a site is an archaeological site if it is 100 years old (rather than pre-1900); another is that archaeological sites are only found in the ground, whereas the definition of 'archaeological site' includes buildings and structures. The definition suggested is consistent with that contained in the Heritage New Zealand Pouhere Taonga Act 2014.</p>	<p>Add the following definition to the Definitions chapter of the District Plan:</p> <ul style="list-style-type: none"> • <u>Archaeological site means:</u> <ul style="list-style-type: none"> (a) <u>any place in New Zealand, including any building or structure (or part of a building or structure), that—</u> <ul style="list-style-type: none"> • <u>(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and</u> • <u>(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand.</u>

49/32

Submission on Publicly Notified Plan Change

Clause 6 of the First Schedule of the Resource Management Act 1991

To: Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348

Name of submitter: **John Edmonds and Associates Ltd (JEA)**

This is a submission on the following public plan change:

Plan Change 49: Earthworks – to the Queenstown Lakes District Plan ("PC49").

JEA could not gain an advantage in trade competition through this submission.

JEA

1. JEA is a firm that provides resource management advice to a large range of clients. As regular users of the Plan, JEA has a particular interest in ensuring that the District Plan is drafted in a way that is easily, efficiently and consistently administrable. This includes ensuring that the Plan includes and integrated policy framework, of which earthworks provisions form and essential part. These interests shape the submission points that follow.

General comments

2. JEA supports the intention to review and rationalise earthworks provisions through Plan Change 49. There are currently too many earthworks consents required in the Queenstown Lakes District for little if any community or environmental benefit. However, JEA believes that a number of improvements can and should be made to PC49.
3. This submission raises a large number of matters of detail. JEA is of the view that, if this plan change proceeds to a hearing, it would benefit from a planning officer's report that recommends a large number of changes. In order to assist that process, and reduce the need for JEA and other submitters to comment in evidence on a large number of matters of detail, JEA would be willing to participate in informal discussions on potential improvements prior to the hearing.

Issues, Objectives and Policies

4. Objective 1 refers to enabling 'necessary' earthworks. This invites an assessment from Council officers that seems unnecessary and inappropriate. JEA questions whether this is appropriate or practical.

Relief sought: Objective 1 should be amended to read as follows (or similar wording):

To enable earthworks ~~that are a necessary part of subdivision, development, and access,~~ provided that they are undertaken in a manner that avoids, remedies or mitigates more than minor adverse effects on communities and the natural environment.

5. By combining objectives and policies from different zones it appears that important distinctions with respect to anticipated earthworks may have been lost. The various urban zones anticipate development and it is important that the objectives and policies in this Section integrate with those zones.
6. It is also noted that there are references in the plan change to 'rural areas' (e.g. Objective 4). This is imprecise need to be clear what zones they apply to (for example, are special zones such as Jacks Point rural areas?).

Relief sought – restructure the objectives and policies so that many of them apply only to urban or rural zones (as specified) as appropriately reflects the effects that would reasonably be anticipated from earthworks in those zones.

7. JEA believes the wording of the objectives and policies could be improved. Many of the objectives read as policies, and policies read as methods and at times the wording is imprecise. It is suggested that the number of policies could be reduced. Attention is drawn to the following examples:
 - a. Policy 1.2 – reference to limiting the duration of construction. Presumably it is the duration of earthworks operations that is intended to be managed, as opposed to construction of buildings.
 - i. Relief sought – Either delete policy 1.2 or, if it is to be retained, make it clear that it applies to earthworks rather construction.
 - b. Policy 1.3 and Policy 3.1 – JEA considers that engineering standards are methods. It would be more useful for these policies to instead state what types of assessments and works those standards are meant to provide guidance for and regulate. Maintaining these policies as currently drafted could lead to a lack of pragmatic flexibility to assess consents on the basis of their effects.
 - i. Relief sought – Revise policies 1.3 and 3.1 to remove reference to engineering standards.
 - c. JEA questions whether Objective 2 and subsequent policies 2. 1 to 2.4 are appropriate or necessary given rural amenity and landscape values are addressed holistically in the

overarching Section 4 of the Plan. At the very least, it should be made clear that this section relates only to rural zones (as specifically listed).

- i. Relief sought – Either delete Objective 2 and subsequent policies 2. 1 to 2.4 or specify those rural zones they apply to
- d. Policies 6.2, 6.3 and 6.4 – It would be appropriate for these policies to be qualified to make it clear notification would only be anticipated where more than minor adverse effects on those sites and features are anticipated. It is also noted that the NZ Historic Places Trust has changed its name to ‘Heritage New Zealand’
 - i. Relief sought – Amend policies 6.2, 6.3 and 6.4 to make it clear notification would only be anticipated where more than minor adverse effects on those sites and features are anticipated
- e. Objective 7 ‘To provide cleanfill capacity’ is unclearly worded. Presumably reference is being made to enabling cleanfill activities to be undertaken on appropriate sites? The wording should be improved.
 - i. Relief sought – Amend Objective 7 to make it clearer and more easily understood.
- f. Policy 7.1 ‘meet acceptance criteria’ is unclearly worded. This policy would benefit from reference to what environmental effects are to be managed.
 - i. Relief sought – Amend Policy 7.1 to make it clearer and more easily understood and explain what environmental effects are to be managed.
- g. Policy 7.2 – the various bullet points under this rules read as matters of discretion for a rule. JEA believe these bullet points would be better located in the rules section with cleanfill sites listed as a restricted discretionary activity
 - i. Relief sought – Refine Policy 2.7 and use the bullet points (or similar) as matters of discretion for the consideration of proposals for cleanfill facilities.
- h. In the rules there are various numbering issues which make it unclear whether some rules are in fact sub-sets of other rules. Headings at the beginning of the rules section suggest that some matters are rules, when it appears that these matters are notes and cross references that do not carry the status of rules. This should be clarified to avoid confusion.
 - i. Relief Sought - Review numbering, formatting and heading to aid interpretation and to ensure consistency with similar chapters in the

District Plan, with particular attention to ensuring that it is clear what are rules, notes and cross references.

Rules

8. JEA considers there may be other opportunities to further streamline the Plan and remove unnecessary regulation.

9. Examples include:

- a. Rule 22.3.2.1 (iii) - Buildings approved under a specific Remarkables Park Zone rule are stated as being exempt from earthworks provisions, as earthworks is a matter of discretion or control for the consideration of those applications. This exemption should be extended to a number of other similar rules in the plan such as for buildings in the Jacks Point Zone and the Nothlake Zone.

Relief Sought - Review the District Plan to identify all rules which already address earthworks and exempt these activities from having to be subject to further earthworks consents.

- b. Use of discretionary status –JEA is questions whether cleanfill facilities, bulk earthworks and earthworks in the Jacks Point Zone (Rule 22.3.2.4) need to be discretionary activities rather than restricted discretionary or controlled activities. Are there uncertainties with respect to these activities which mean effects might arise of an unanticipated nature that cannot be covered by matters of discretion or control? The added certainty of restricted discretionary and controlled activity status is beneficial to most users of the Plan.
- c. Proposed 15.2.20.2 would raise the activity status of many subdivisions to discretionary. This introduces considerable uncertainty and JEA questions whether the implications of this have been fully considered.

Relief Sought – Consider amending the activity status of cleanfill facilities, bulk earthworks and earthworks in the Jacks Point Zone (Rule 22.3.2.4) and subdivisions involving ‘bulk earthworks’ (Proposed 15.xxx) to controlled or restricted discretionary status.

10. There are several existing rules which have either been replicated from the existing District Plan or only slightly modified. JEA would like to see the need for these rules critically assessed. These include:

- a. Rule 22.3.3.1(a) – It is questioned whether there is any need for a control on the volume of earthworks. This is particularly the case in urban zones where development is anticipated. JEA questions what the volume of earthworks rule is designed to address.

If there are geotechnical stability issues it is presumed that cuts of 2.4m or greater and fill of 2m or greater in height will trigger consideration of those matters.

Relief Sought – Review the need to control the volume of earthworks and, if appropriate, delete rule 22.3.3.1(a), and other provisions relating to the control of the volume of earthworks.

- b. Rule 22.3.3 ii (b) (i) and (ii) - There are instances where retaining walls require building consent. JEA questions whether it is necessary to also have these subject to resource consents in accordance with District Plan rules. An exemption could be included to make it clear that a resource consent under earthworks rules is not needed if a matter that is being assessed has or will be considered under the Building Act.

Relief sought – Consider whether there should be exemptions to the applicability of Rule 22.3.3 ii (b) (i) and (ii) if the matter is otherwise dealt with via other regulatory processes such as building consent.

- c. Rule 22.3.3 ii (b) (iii) - The restrictions on earthworks near boundaries limiting retaining walls to 0.5 m may be unnecessarily restrictive. JEA questions whether cut or fill needs to be treated different near boundaries than from other parts of the site. JEA notes the rules that allow structures of a certain scale (such as fences) within a setback from a boundary and questions whether the likes of retaining walls should be treated any differently.

Relief sought – Consider removing or reducing restrictions on earthworks near boundaries such as under Rule 22.3.3 ii (b) (iii)

- d. Rule 22.3.2.6 - The non-notification rules would benefit from improved wording. Reference is made to earthworks within a setback from a boundary being notifiable. This seems unnecessary for a technical matter (as opposed to a building on the boundary, which a retaining wall may qualify as under the District Plan, and for which the visual effects on the neighbour may be a relevant matter for which to serve notice).

Relief sought – Consider making applications for earthworks near a boundary an activity that cannot be notified in accordance with Rule 22.3.2.6.

- e. Given that experience in the Queenstown Lakes District shows that very few if any earthworks consents are declined, JEA considers that the status of most earthworks consents could be controlled activity status (rather than restricted discretionary).

Relief sought – Consider reducing the activity status of those earthworks consents proposed to be restricted discretionary to controlled activity status.

- 11. There are some wording issues in the proposed PC49 rules which JEA feels attention should be drawn to. These include:

- a. Table 22.1 - Outstanding Natural Landscapes and Features and Heritage Landscape are not zones. Because they are not precisely defined in the Plan having the status of an activity reliant on these descriptors will create uncertainty.
- b. The description of Special Zones, and parts thereof, in Table 22.1 is too vague. How exactly will it be determined whether what is to be developed in a Special Zone is low, medium or high density residential? In many cases, this will require a subjective assessment. This will create uncertainty and confusion.

Relief sought – Either delete Table 22.1 and associated controls on the volume of earthworks or amend the table to make it unambiguous what areas are covered by the various tiers.

12. JEA considers that in other parts of the plan change, vague wording or imprecise referencing is also a problem. Examples include:

- a. Reference to Environmental Protection Measures (on several occasions) as matters of control or discretion. JEA is concerned that this is too broad and vague, and that it could be construed to mean any measure designed to address effects on the 'environment' as it is broadly defined in the Resource Management Act. Unless the term is refined, and/or appropriate cross referencing is made this will contribute to uncertain planning provisions.

Relief sought – Remove or refine the wording with respect to Environmental Protection Measures when listed as matters of control of discretion.

- b. Several documents and standards appear to be incorporated by reference into this Plan Change. JEA draws attention to Part 3 of Schedule 1 and the specific requirements relating to documents incorporated by reference (including the means in which they are made available at the time of notification).

Relief sought – Ensure that Plan Change 49 is compliant with Part 3 of Schedule 1 of the RMA (with respect to incorporating documents by reference).

- c. Rule 22.3.3 (vi) – JEA considers that this section is too imprecisely worded. JEA is not opposed to provisions which acknowledge and respond to cultural sensitivities. However, it is not clear where Statutory Acknowledgement Areas are defined (cross reference to the relevant legislation or replication of those areas within the Plan would be useful). It can also not be easily determined whether the cultural, spiritual and traditional associations may be adversely affected. It is therefore unclear to users of the plan whether these standards are being breached.
- d. Rule 22.3.3 (iv) - JEA considers that the standards relating to Environmental Protection Measures are too vague and immeasurable. Users of the Plan should not be required to make a subjective assessment as to the status of an activity.

Definitions

14. JEA is unconvinced that it is necessary to introduce a new definition for clean fill facilities and to introduce associated rules and policies. It is questioned whether there is in the existing District Plan a shortcoming with respect to managing these activities, and whether the definition would inadvertently capture normal earthworks activities. JEA notes that clean fill facilities are a permitted activity in the Otago Regional Plan: Waste for Otago and questions why it would be appropriate to introduce more regulation to control this activity at a District Plan level. Given by definition clean fill is not contaminated, it is questioned what environmental effect this definition and associated rules are seeking to manage. JEA also considers that the definition is currently imprecise and, if it is to be retained, needs improving.

Relief sought: Delete the definition of clean fill and associated provisions.

15. There are various new definitions proposed for matters with implications beyond earthworks (e.g. 'bed'). JEA questions whether this plan change is the appropriate forum to introduce such definitions, as opposed to a wider review. It also has a preference that where a definition exists in the RMA, that that definition be referred to simply by cross referencing rather than by repeating or introducing a new definition. If the definition differs from that which is contained within the RMA (either currently or as a result of amendments to the Act), this can cause administrative complexities.

Relief sought: Delete proposed amendments to those definitions that do not relate exclusively to earthworks or which differ from or reiterate the wording of the Resource Management Act.

16. JEA seeks such alternative, additional or consequential amendments to the PC49 Plan Provisions as may be considered necessary or appropriate in order to address the issues raised in this submission.

17. JEA wishes to be heard in support of this submission.

Date: 30 July 2014

Details for service:

Attention: Daniel Wells

John Edmonds and Associates Ltd

PO Box 95, Queenstown, 9348

Email: dan@jea.co.nz

SUBMISSION <i>Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.</i>	
TO:	Queenstown Lakes District Council
DATE:	30 July 2014
PLAN CHANGE:	Proposed Plan Change 49 (Earthworks) to the Queenstown Lakes District Plan. The purpose of this plan change is to simplify and streamline the earthworks provisions within the District Plan.
KĀI TAHU KI OTAGO PAPATIPU RŪNAKA	Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga (Kāi Tahu)
<p>This is a submission by Kāi Tahu on Proposed Plan Change 49 – Earthworks.</p> <p>Kāi Tahu could not gain an advantage in trade competition through this submission.</p> <p>Kāi Tahu does wish to be heard in support of this submission at a hearing, and requests an opportunity to expand on this submission. If others make a similar submission, we will consider presenting a joint case with them.</p>	

1. Introduction

- 1.1 The Crown, in fulfillment of its Treaty obligations, recognises Ngāi Tahu as tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.¹ The special status accorded to Ngāi Tahu means that this submission should not be treated as a single submission, in the manner customarily adopted, but should be accorded the status and weight due to the tribal collective, Ngāi Tahu Whānui.
- 1.2 The status accorded to Ngāi Tahu recognises its role as a Treaty Partner with the Crown. Therefore, Ngāi Tahu is not “a stakeholder” in the current process; rather it is a partner with the Crown, as represented by the Queenstown Lakes District Council.
- 1.3 Te Rūnanga o Ngāi Tahu respects the right of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, and Hokonui Rūnanga (collectively Kāi Tahu) to express their own voice and make their own submissions on this plan change.

¹ Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act), Section 6, Paragraph 7

1.4 The takiwā of Te Rūnanga o Moeraki is based at Moeraki and extends from the Waitaki River to the Waihemo (Shag) River. The takiwā of Kāti Huirapa Rūnaka ki Puketeraki centres on Karitane and extends from the Waihemo River (Shag River) to Purehurehu Point (north of Heyward Point). The takiwā of Te Rūnanga o Ōtākou centres on Ōtākou and extends from Purehurehu Point to Te Matau (the Clutha River). The takiwa of Hokonui Rūnanga centres on the Hokonui region and includes a shared interest in the lakes and mountains between Whakatipu-Waitai and Tawhititarere with other Murihiku Rūnanga and those located from Waihemo southwards.

1.5 Nga Rūnanga share an interest in the inland lakes and mountain ranges to the western coast with Rūnanga to the North and to the South.

2. Kāi Tahu ki Otago Natural Resource Management Plan 2005

2.1 The Kāi Tahu ki Otago Natural Resource Management Plan 2005 is the principal resource management planning document for Kāi Tahu ki Otago. The kaupapa of the plan is Ki Uta ki Tai (Mountains to the Sea), which reflects the holistic Kāi Tahu ki Otago philosophy of resource management.

2.2 This Plan is divided into catchments, with specific provisions for the whole Otago area and each catchment. The Queenstown Lakes District is part of the Clutha/Mata-au catchment. This plan sets out issues, objectives and policies that are relevant to the proposed plan change.

2.3 The key issues for Kāi Tahu relating to earthworks include:

- A cumulative loss of indigenous biodiversity in the region.
- Destruction and modification of wāhi tapu and wāhi taoka through the direct and indirect effects of development and resource use.
- Sedimentation from land use and development.
- The modification or loss of significant landscapes for Kāi Tahu compromising the relationship and associations with those landscapes.

3. Submission

3.1 Kāi Tahu has reviewed Plan Change 49 Earthworks to the Queenstown Lakes District Plan and identified the relief sought. Council is requested to implement the relief sought in **Appendix 1**, make any similar amendments with like effect to the relief sought, and make any consequential amendments necessary to give effect to the relief sought.

3.2 Kāi Tahu seeks the amendments outlined in Appendix 1 to provide for their relationship with their ancestral lands, water, sites, waahi tapu, and other taonga² within the Queenstown Lakes District.

Nahaku noa, Na



Chris Rosenbrock
Manager

Address for Service:

Tim Vial
Resource Management Planner
KTKO Ltd,
PO Box 446
Dunedin 9054
Phone Number: (DD) (03) 471 5480
E-mail: tim@ktkold.co.nz

² Resource Management Act 1991, Section 6(e)

Appendix 1: Kāi Tahu Submission: Plan Change 49 – Earthworks, Queenstown Lakes District Plan

Key:

Underline eg. Abc = additional text

Provision	Support /Oppose	Submission	Comment
Section 22.1 Purpose	Support with amendments	The following amendment to Section 22.1 is sought: Earthworks have the potential to alter landforms, landscapes, and natural features, <u>and to have effects on heritage landscapes</u> , to such an extent that the identity, amenity values and character of an area can be changed permanently.	The modification or loss of significant landscapes in the Queenstown Lakes District is an issue for Kāi Tahu. In addition to the potential effects on natural landforms, earthworks have the potential to adversely affect heritage landscapes.
Section 22.2, Objective 6 and Policies 6.1 – 6.7	Support	Objective 6 recognises that earthworks may have adverse effects on cultural heritage, including waahi tapu, waahi taonga, archaeological sites and heritage landscapes. The supporting policies, Policies 6.1 – 6.7, provide for the protection of waahi tapu, waahi taonga, archaeological sites and heritage landscapes. In addition, it is appropriate that Kāi Tahu is notified when earthworks are proposed within their heritage landscapes, including the Statutory Acknowledgement areas, or when archaeological material including kōiwi are unearthed during earthworks activities.	Kāi Tahu supports objectives and policies that protect their heritage landscapes, including the Statutory Acknowledgement areas, and protect wāhi tapu and wāhi taoka in a culturally appropriate manner.

Provision	Support /Oppose	Submission	Comment
Section 22.3.1 (i) (a) General Provisions / Cross Referencing	Support with amendments	This section draws attention to the District Wide Rules that may apply in addition to the Part 22 Earthworks Rules. It submitted that a reference to the Tangata Whenua Chapter should be added to this section.	Through the second generation District Plan process Kāi Tahu are advocating for the visibility of their values through a separate strategic direction and Tangata Whenua Chapter, and for the integration of those values throughout the District Plan. Cross-referencing is promoted as a means of achieving that integration.
Section 22.3.2.3 Restricted Discretionary Activities	Support	Council has reserved discretion over the effects of earthworks activities on cultural and archaeological sites.	The protection of wāhi tapu and wāhi taoka sites is supported by Kāi Tahu.
Section 22.3.3 (vi) Site Standards – Cultural Heritage and Archaeological Sites	Support with amendments.	The proposed site standards protect waahi tapu, waahi taonga and archaeological sites, and Kāi Tahu’s cultural, spiritual, historic and traditional association with land adjacent to or within the Statutory Acknowledgment Areas, from the adverse effects of earthworks activities. Kāi Tahu submits that the following amendment is required to Section 22.3.3(vi)(b): <u>(b) Earthworks shall not affect Ngai Tahu’s cultural, spiritual, historic and traditional association with land adjacent to or within a Statutory Acknowledgment Area ...</u>	The protection of wāhi tapu and wāhi taoka sites and the protection of Kāi Tahu’s cultural, spiritual, historic and traditional association with their heritage landscapes, including the Statutory Acknowledgement Areas, are supported. The amendment to Section 22.3.3(vi)(b) is recommended to ensure consistency with the wording of Section 206 of the Ngāi Tahu Claims Settlement Act 1998.

Provision	Support /Oppose	Submission	Comment
Section 22.3.3 (vi) Site Standards – Cultural Heritage and Archaeological Sites	Support with amendments	<p>Kāi Tahu submits that a further site standard is required in this section to protect their heritage landscapes, respectively:</p> <p><u>(d) Earthworks shall not modify, damage or destroy heritage landscapes.</u></p>	<p>The addition of a further site standard is required to protect Kāi Tahu’s cultural, spiritual, historic and traditional association with their heritage landscapes, including the Statutory Acknowledgement Areas.</p>
Section 22.4 vii Resource Consent Assessment Matters Impacts on Sites of Cultural Heritage Value	Support with amendments	<p>The protection of waahi tapu, waahi taonga, and archaeological sites, and the protection of the values that are inherent in heritage landscapes, is supported. In addition, it is appropriate that Kāi Tahu is notified when earthworks are proposed within their heritage landscapes, including the Statutory Acknowledgement areas, or when earthworks activities may adversely affect waahi tapu or waahi taonga sites.</p> <p>It is submitted that the following amendment is required to Section 22.4 vii (b):</p> <p><u>(b) The extent to which the activity affects Ngai Tahu’s cultural, spiritual, historic, and traditional association with the Statutory Acknowledgment Area.</u></p>	<p>The protection of wāhi tapu and wāhi taoka and the protection of the inherent values of their heritage landscapes is supported by Kāi Tahu.</p> <p>The amendment to Section 22.4 vii (b) is recommended to ensure consistency with the wording of Section 206 of the Ngāi Tahu Claims Settlement Act 1998.</p>

49/34

Tony Pickard

From: Pat Kennedy <csa@xtra.co.nz>
Sent: Wednesday, 9 July 2014 9:47 PM
Subject: RE: Plan Change 49

Would you please accept the following as a submission on the plan change.

The two properties at 37 and 41 Lakeside Road Wanaka were the subject of radical earthworks. I own 45 lakeside Road adjoining 37 and supported by sheet piling on its southern side.

A sliver of land no wider probably at its widest point than 00.10mm owned by the 37 and 41 body corporate runs between my southern boundary and the sheet piling.

Should my property be excavated in a similar fashion what becomes of the sheet piling standing upwards of 15 meters tall? And am I expected to provide support for my neighbors sliver of land next to the sheet piling?

The QLDC needs to address these two issues in relation to all earthworks. Firstly, ownership of any sliver of land on a non-excavating neighbors side of the support structure should be required to be vested in that neighbor. Otherwise it is likely that the neighbor could be held to ransom in relation to his own developments on the support issue by the owners of the excavated property. Secondly, the owners of any property where there is a support structure for a neighboring property should be liable for its removal should it be no longer required and should not be able to demand that the neighboring property in any way continue to provide support for it.

Patrick Kennedy

From: Emily Birch [<mailto:Emily.Birch@qldc.govt.nz>]
Sent: Wednesday, 9 July 2014 9:31 a.m.
To: 'csa@xtra.co.nz'
Subject: Plan Change 49


Hi Patrick,

Please follow the below link to the Plan Change 49 on our website, if you would like further information on this please call us on the below number.

http://www.qldc.govt.nz/plan_change_49_earthworks

Kind Regards

Emily Birch | Customer Service Advisor | Customer Service
Queenstown Lakes District Council
P: +64 3 441 0499 +64 3 443 0024
E: emily.birch@qldc.govt.nz



QUEENSTOWN
LAKES DISTRICT
COUNCIL
www.qldc.govt.nz

PC49 - Publicly Notified Plan Change

To: Policy Department
QLDC

Private Bag 50072
QUEENSTOWN

YOUR DETAILS

Your Name: _ Mark Kunath

Your Address: 433 McDonnell Road, Arrow Junction RD1Queenstown 9371_

Postal Address _ for Service: _ As Above

Phone Number: _027 464 9161

E-mail: mark@popekunath.co.nz

This is a submission on the following proposed plan change: PC 49

I **COULD NOT** gain an advantage in trade competition through this submission.

+ Select one.

I **AM** directly affected by an effect of the subject matter of the submission –

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

** Select one.

The specific provisions of the proposal that my submission relates to are: PC 49 - Earthworks

My submission is: See Attached

I seek the following from the local authority (give precise details)

See Attached

I DO wish to be heard in support of my submission.

I WILL consider presenting a joint case with others presenting similar submissions.

Signature – **Mark Kunath**

Date 27 July 2014

A signature is not required if you make your submission by electronic means.

Policy – Plan Change Planning

Submission on Plan Change 49

1) Earthworks Definition

The proposed definition of Earthworks now includes “planting of trees” except if they are Indigenous Vegetation.

EARTHWORKS	Means the disturbance of land surfaces by the removal or 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.
	Means the disturbance of land by the removal or depositing of material. Earthworks may include excavation, fill, cuts, batters and formation of roads, access and tracks, and the use of Cleanfill, but excludes the cultivation of land, planting of Indigenous Vegetation, Mining Activities and Cleanfill Facilities.

This change in the definition to now include the “planting of trees” (except indigenous ones) does not give adequate effect to the RPS which states:

3.1.4 Regional Policy Statement (RPS)

The Regional Policy Statement (RPS) for Otago was made operative on 1 October 1998. It has not been reviewed since this time and parts are out of date. The RPS is undergoing review and is expected to be publicly notified in 2014/ 2015. ‘Land’ ‘Water’, ‘Air’ and ‘Waste’ chapters contain relevant objectives and policies, including:

Chapter 5 Land:

5.4.1 To promote the sustainable management of Otago’s land resources in order:

- (a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and*
- (b) To meet the present and reasonably foreseeable needs of Otago’s people and communities.*

Landowners need to be able to plant trees – especially fruit and nut and firewood crops (provided they are not wilding species) – without concern over their earthworks volumes “to meet the present and reasonably foreseeable needs of our people.” We all need food and warmth!

It makes no sense to exclude only indigenous vegetation from the definition of Earthworks when our best crops are mostly exotics. We need to be able to plant food forests on our lands without needing to measure the amount of soil we are disturbing. Sometimes this will involve the terracing of land, which can be done to plant indigenous vegetation under the proposed Earthworks definition.

I request that the definition of Earthworks be amended to exclude the planting of all trees.

2) Cleanfill Facilities

Significant impact from Cleanfill facilities can occur not just from the earthworks but from the noise and dust and general disturbance from truck movements to and from the site. The impact of the truck movements can greatly increase local background noise, bring silt onto the roads and lead to increased maintenance and degradation of the road asset, due to increased heavy vehicle numbers, for a private benefit.

I request:

a) that all applications for new cleanfill facilities are publically notified because of the huge impact that the truck movements have on adjoining properties and,

b) that the full cost of additional maintenance and renewals brought forward for the road asset, beyond current heavy vehicle numbers, be paid for by the holders of the cleanfill facility resource consent through a condition on their consent or a targeted transport rate on the cleanfill facility land.

49/36

RESOURCE MANAGEMENT ACT 1991
SUBMISSION ON PUBLICLY NOTIFIED PLAN CHANGE 49

EARTHWORKS

TO: QUEENSTOWN LAKES DISTRICT COUNCIL

AND TO: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN
Attention:
Email: services@qldc.govt.nz

NAME: Lake Wakatipu Station Limited
Private Bag 92 142
Auckland 1142

Lake Wakatipu Station Limited makes this submission on Plan Change 49: Earthworks (PC49)

Submission Point 1: General

The Section 32 report and public notices issued for PC49 express that the aim of the Plan Change is to consolidate and simplify the requirements around earthworks in the District Plan. The public notice and section 32 reports are therefore misleading and the Plan Change should be renotified to ensure that submitters understand what the changes mean in practice.

For example, the notified provisions as they relate to rural properties are more complex, and become more restrictive. Pursuant to the operative provisions, earthworks within an ONL are permitted up to 300m³, between 300m³ and 1000m³ are controlled, and above 1000m³ are restricted discretionary. The non-notification rule at 5.3.4 includes earthworks, so that applications under the operative earthworks rule will not be notified unless special circumstances exist.

PC49 proposes that any earthworks greater than a volume of 200m³ per site is a discretionary activity. Further, the provisions are changed so that the non-notification provision no longer applies. This is contrary to the publicised aims of the Plan Change.

By using volume per site, PC49 also fails to recognise that larger sites will often require larger volumes of earthworks, and that these larger volumes can be absorbed within a site. It is not equitable that the same level of earthworks that is allowed within say a 1000m² residential site is all that is allowed on a 2000ha farm. A sliding scale should be used that recognises the difference in scale and the ability to mitigate effects within larger sites.

The objectives, policies and assessment matters have become more complex and detailed. When assessing the earthworks we now must consider 27 policies. This is far more complex and detailed than the twelve policies currently in place.

Relief Sought:

That Council withdraws PC49 and undertakes consultation to determine how best to achieve the purpose of the Act.

That the renotified provisions achieve the aims of the Plan Change as expressed in the public notice and Section 32 report; that is, to make earthworks more permissive, more streamlined and less complex.

That the level of earthworks allowed on a site be adjusted on a sliding scale to recognise that larger sites can absorb a larger volume of earthworks.

Submission Point 2- Objectives:

Objective 1 refers to 'avoidance' of adverse effects. Many adverse effects resulting from earthworks are temporary and can be remedied or mitigated, and therefore it is important that the objective includes reference to 'mitigation' and 'remediation'.

This also applies to Policy 1.2, which refers to use of environmental protection measures to 'avoid' adverse effects. While it is correct that some of those effects should be avoided, for instance, sediment run-off, deposition of sediment onto roads is an effect that can be remedied. In addition, 'mitigation' can be used to reduce dust effects, and may be a more practical term to use than 'avoidance'.

It is unclear how policy 3.3, which is to avoid earthworks including tracking on steeply sloping sites and land prone to erosion and instability, and policies 4.1, 4.2 and 4.3, which promote earthworks which may be in those locations, but which are 'provided for' are related. Likewise, Objective 2 and policies 2.1 and 2.2 are to avoid adverse effects on earthworks on the ONL and on visually prominent slopes, whereas Objective 4 and associated policies which are specific to rural areas (which are primarily ONL) are at odds with that objective, given that they are to 'provide for' earthworks for certain purposes.

Relief sought:

That Council withdraws PC49 and undertakes consultation to determine how best to achieve the purpose of the Act.

That, should the Council decide not to withdraw PC49, the objectives and policies are amended to recognise that it is not necessary to 'avoid' effects, but to recognise that adverse effects can be 'remedied' or 'mitigated'.

That consideration is given to how the proposed objectives and policies relate to one another.

Submission point 3- Definition of earthworks

Currently, the definition of earthworks excludes removal of soil for the purposes of planting trees. This has changed such that it is only the planting of indigenous vegetation that is excluded from earthworks. It is questioned why this has occurred; have there been irreversible environmental effects resulting from tree planting? How can the effects be different between indigenous and non indigenous tree planting?

The Section 32 report states at page 42 that:

The definition in the Operative Plan has been generally effective and efficient. The modifications propose are minor in terms of cost, when read in conjunction with the new provisions in Section 22.

The issues section of the Section 32 report does not identify any issues with exempting tree planting from the earthworks requirements. It is therefore questioned why this change is promoted.

Relief sought:

That Council withdraws PC49 and undertakes consultation to determine how best to achieve the purpose of the Act.

That, should the Council decide not to withdraw PC49, the definition of earthworks is not changed as it relates to the exemption of the planting of trees, landscaping etc.

Submission point 4- Complexity

The existing earthworks objectives and policies cover the range of adverse effects that may occur. There is currently one objective and six sub-objectives (or bullet points).

The Section 32 report states at page 26 that:

The principal aims of the District Plan review is to simplify the plan where appropriate and to provide greater clarity and certainty around development matters in the District. It is anticipated that this will remove some of the uncertainties that can restrict potential economic growth and associated employment provision.

However, the proposed provisions add a number of policies and assessment matters, with the number of policies increasing from 7 to 27. It is questioned why this is necessary, and how this achieves a more streamlined approach. Likewise, currently all of the earthworks provisions as they relate to each zone are within that zone. This is changed so that a separate chapter of the Plan now has to be referred to when considering what earthworks controls apply.

It is submitted that this makes it more difficult to find the provisions that apply to each zone. Given that the District Plan is now used on-line, and this will become more and more common, it is questioned why the earthworks provisions are removed from each section. Retaining relevant provisions within each zone does not create complexity, but makes it easier to understand what can and cannot be done for the site in question. The number of pages used by the District Plan is not a measure of its complexity or difficulty to use and the goal should not necessarily be to reduce the number of pages, but to simplify interpretation of the plan.

Further, the number of assessment matters has increased. This, coupled with the number and complexity of policies, does not achieve a more streamlined approach.

Making the requirements for earthworks stricter within some zones, and including provisions that make it difficult to determine what rules apply to each zone (because the table refers to general areas rather than zones) than is currently the case, and increasing the number of objectives and policies and assessment matters does not achieve the goals of the plan change as expressed above.

Relief sought:

That Council withdraws PC49 and undertakes consultation to determine how best to achieve the purpose of the Act.

That, should the Council continue with PC49 as notified, that the provisions are amended to achieve the goal of streamlining the provisions. This could be achieved by:

- Reducing the number and complexity of objectives and policies. Remove repetition, and remove those policy provisions that are not necessary.
- Reducing the number of assessment matters.
- Including earthworks provisions within each zone, as is currently the case.

Submission point 5 – Farm Tracks

Earthworks for the formation of farm tracks should be considered as a permitted activity. The exemption for maintenance of tracks is supported, but this should be taken further and extended to include the formation of farm tracks.

Relief sought:

That Council withdraws PC49 and undertakes consultation to determine how best to achieve the purpose of the Act.

Submission point 6 - Trails

The Section 32 report states that the maintenance of trails is exempt from the definition of earthworks, and that trails are provided for via Objective 4. However, PC49 is placing greater restriction on the development of recreational trails than what is currently the case.

It is only maintenance that is less than a 10% increase in the area of exposed soil that is exempt from the earthworks definition. Given the slopes on which the recreational trails are located, it is likely that maintenance will require more than 10% increase in exposed soil. As an example, the trail running alongside the Kawarau River adjacent to the RPZ and also below the Shotover River confluence has slips that require maintenance, and until those trails and associated landscaping mature, ongoing slips albeit with decreasing frequency are to be expected. It is not efficient or effective to require resource consent each time these trails are maintained. Further, as identified above, it is unclear as to how Objectives 2 and 4 are to be balanced.

Many trails are located in the ONL. Contrary to the introductory statements of the public notice and the Section 32 report, the provisions as they relate to earthworks in the ONL are being made more stringent. These more stringent provisions apply to trails, and this is opposed.

Relief sought:

That Council withdraws PC49 and undertakes consultation to determine how best to achieve the purpose of the Act.

That, should the Council continue with PC49 as notified, the rules for maintenance and creation of trails are more permissive, recognising the importance of trail development and maintenance for this District.

Submission point 7 - General submission

Other aspects of the Plan Change not supported by SPL are that it:

- does not accord with, or assist the territorial authority to carry out its functions to achieve, the purpose of the Resource Management Act 1991 (the "Act");
- does not promote sustainable management;
- does not meet section 32 of the Act;
- does not represent integrated management or sound resource management practice;
- is not the most appropriate method for achieving the objectives of the District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits.

Relief sought:

That the Council withdraws Plan Change 49 and initiates consultation to determine how best to achieve the purpose of the RMA.

Lake Wakatipu Station Limited wishes to be heard in support of this submission.

Lake Wakatipu Station Limited

Lester Wright
General Manager

30 July 2014

Submission on a Publicly Notified Plan Change

Clause 6 of First Schedule
Resource Management Act 1991 –
as amended 30 August 2010

To: Policy Department
QLDC
Private Bag 50072
QUEENSTOWN

QLDC
29 JUL 2014



QUEENSTOWN

YOUR DETAILS

Your Name: Roland & Kerri Lemaire-Sicre
Your Address: 465 Ladiesmile Rd 1st Flg
Frankton Queenstown
Postal Address for Service: As above
Phone Number: 034423143 (Work) 034423151 (Home)
Fax Number: _____ E-mail: slap@ladiesmile.co.nz

This is a submission on the following proposed plan change:

Plan change 49 - Earthworks

I **COULD/ COULD NOT** gain an advantage in trade competition through this submission.
† Select one.

*I **AM/ AM NOT**** directly affected by an effect of the subject matter of the submission –
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.
** Delete entire paragraph if you could not gain an advantage in trade competition through this submission.
** Select one.*

The specific provisions of the proposal that my submission relates to are:

Tier 6 - 1000m³ mainly Rural general -
increasing from controlled activity at 300m³...

My submission is: (include whether you support or oppose the specific provisions or wish to have them amended; and the reasons for your views)

We oppose the proposed changes as we
believe we would be adversely
affected.

I seek the following from the local authority (give precise details) of 1000m³

We ask that the present rules be retained
& that a Resource Consent be required /notified

I DO / DO NOT wish to be heard in support of my submission.

I WILL / WILL NOT consider presenting a joint case with others presenting similar submissions.

Roland Lemaire-Sicre
Signature - to be signed for or on behalf of submitter

28-7-14
Date

A signature is not required if you make your submission by electronic means.

Contact Details: QLDC, Civic Centre, 10 Gorge Road Private Bag 50072, Queenstown

Phone: 03 441 0400 Fax: 03 450 2222 E-mail: enquiries@qldc.govt.nz

Policy - Plan Change

Submission on a Publicly Notified Plan Change

Clause 6 of First Schedule Resource Management Act 1991 – as amended 30 August 2010

To: Policy Department
QLDC
Private Bag 50072
QUEENSTOWN



YOUR DETAILS

Your Name: Ian McArthur
Your Address: 68 Kitchener Rd
Postal Address: Milford AKL 0620
for Service: Same
Phone Number: 0273330358 (Work) _____ (Home)
Fax Number: _____ E-mail: _____

This is a submission on the following proposed plan change:

49 Earthwork 1

I ~~COULD~~ / **COULD NOT**[†] gain an advantage in trade competition through this submission.
[†] Select one.

I AM/ AM NOT* directly affected by an effect of the subject matter of the submission -

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.
**** Select one.**

The specific provisions of the proposal that my submission relates to are:

22.3.3 11 (b) the maximum height of any cut shall not exceed 2.4 metres

My submission is: (include whether you support or oppose the specific provisions or wish to have them amended; and the reasons for your views)

2.4 metres is not quite enough to do a standard basement dig out into a sloping site when you include foundations.

I seek the following from the local authority (give precise details)

increase the maximum height from 2.4m to 2.7m to allow for foundations NZS4229

I ~~DO~~ / **DO NOT** wish to be heard in support of my submission.

I ~~WILL~~ / **WILL NOT** consider presenting a joint case with others presenting similar submissions.

Ian McArthur
Signature - to be signed for or on behalf of submitter

4-7-14
Date

A signature is not required if you make your submission by electronic means.

Policy - Plan Change

Submission on a Publicly Notified Plan Change

Clause 6 of First Schedule
Resource Management Act 1991 –
as amended 30 August 2010

To: Policy Department
QLDC
Private Bag 50072
QUEENSTOWN



Policy – Plan Change

YOUR DETAILS

Your Name: Ian McArthur
Your Address: 68 Kitchener Rd
Postal Address: Milford AKL 0620
for Service: Same
Phone Number: 0273330358 (Work) _____ (Home)
Fax Number: _____ E-mail: ianmcarthur@live.com

This is a submission on the following proposed plan change:

49 Earthworks

~~I ~~COULD~~ / COULD NOT[†] gain an advantage in trade competition through this submission.
[†] Select one.~~

~~*I AM / AM NOT** directly affected by an effect of the subject matter of the submission –
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.
^{*} Delete entire paragraph if you could not gain an advantage in trade competition through this submission.
^{**} Select one.~~

The specific provisions of the proposal that my submission relates to are:

Low density residential tier 3

My submission is: (include whether you support or oppose the specific provisions or wish to have them amended; and the reasons for your views)

I support plan change 49 Earthworks increasing cut and fill allowance onsite from 100m³ to 300m³ in low density residential areas. This is enough allowance for a standard basement dug into slope site
I seek the following from the local authority (give precise details)

~~I ~~DO NOT~~ wish to be heard in support of my submission.
I ~~WILL~~ / WILL NOT consider presenting a joint case with others presenting similar submissions.~~

Ian McArthur 4-7-14
Signature - to be signed for or on behalf of submitter Date

A signature is not required if you make your submission by electronic means.

49/39

Form 5

Submission on a Publicly Notified Plan Change

Clause 6 of First Schedule Resource Management Act 1991 - as amended 30 August 2010

To: Policy Department QLDC Private Bag 50072 QUEENSTOWN



Policy - Plan Change

YOUR DETAILS

Your Name: MCAULIFFE STEVENS REGISTERED ARCHITECTS
Your Address: FIRST FLOOR, 15 EARL STREET, QUEENSTOWN
Postal Address: P.O. BOX 461 QUEENSTOWN 9348
Phone Number: 03 409 2004 (Work) 027 442 1207 (Home)
Fax Number: 03 409 2005 E-mail: PRESTON@MCAULIFFE STEVENS.CO.NZ

This is a submission on the following proposed plan change:

PLAN CHANGE 49 - EARTHWORKS.

I COULD/ COULD NOT gain an advantage in trade competition through this submission.
Select one.

I AM/ AM NOT directly affected by an effect of the subject matter of the submission -
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.
Delete entire paragraph if you could not gain an advantage in trade competition through this submission.
Select one.

The specific provisions of the proposal that my submission relates to are:

PROPOSED RULE 22.3.3, SITE STANDARDS, ii HEIGHT OF CUT AND FILL AND SLOPE

My submission is: (include whether you support or oppose the specific provisions or wish to have them amended; and the reasons for your views)

PROPOSED RULE 22.3.3 ii (b) (iii) IS TOO RESTRICTIVE PARTICULARLY WHEN READ TOGETHER WITH PROPOSED RULE 22.3.3 ii (a) (iii) (ii)

I seek the following from the local authority (give precise details)

IF RULE 22.3.3 ii (a) (ii) IS APPLICABLE THEN THE TOP OF A CUT BATTER OR BOTTOM OF A FILL BATTER SHOULD BE ALLOWED TO ADJOIN A SITE BOUNDARY WITH 300mm OFFSET DIMENSION.

I DO/ DO NOT wish to be heard in support of my submission.
I WILL/ WILL NOT consider presenting a joint case with others presenting similar submissions.

Signature to be signed for or on behalf of submitter Date 30 JULY 2014.

A signature is not required if you make your submission by electronic means.

49/40

Tony Pickard

From: QLDC Services <SERVICES@QLDC.GOV.NZ>
Sent: Monday, 28 July 2014 5:04 PM
Subject: FW: Plan Change 49 [#FA4FR]

Follow Up Flag: Follow up
Flag Status: Completed

-----Original Message-----

From: "Bruce Mcleod" <bmcleod@ascl.co.nz>
Sent: Monday, 28 July 2014 1:30 PM
To: "services@qldc.govt.nz" <services@qldc.govt.nz>
Subject: Plan Change 49

I submit the following in regard to **Plan Change 49: Earthworks**

Item 22.3.2.1.b.i: Clarification needed as to 10% tag. Does that apply to all items "a" to "e"? Also I suggest 10% is too limiting for a farm track re-surfacing.

Item 22.3.2.2.d.iii: If the cumulative effect is such the Council deems the proposed track is not appropriate, how can they turn the application down if it is a Controlled Activity?

Item 22.3.3.ii.a: Why are the rural zones restricted to only 1m high cut, when fill can be 2m and other zones allowed 2.4m. Suggest maximum permitted cuts across all zones be consistent at 2.4m.

Table 22.1:

- Why are the townships considered so sensitive ... surely more logical to be at LDR level (Tier 3)?
- Tier 2: Somewhat pointless ... Earthworks on ONL, ONF etc should all be Tier 1.
- General comment: Too many tiers. LDR, HDR, Ind & Bus zones (tiers 3, 4 & 5) could all be combined at 400m³

Side issue: Where is the Open Space Zone?

Regards

Bruce McLeod

Registered Professional Surveyor

Aurum Survey Consultants Ltd

PO Box 2493, Wakatipu 9349

Ph 03 442 3466

Cell 0274182104

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