

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: Shofover Country Ltd.
Your Address: Grant Stalker, Springbank Grove,
44 Lower Shofover Road.
Postal Address for Service: c/o Clark Fortune McDonald and Associates
P.O. BOX 553 Queenstown 9348
Phone Number: 03-4416071 (Work) _____ (Home)
Fax Number: _____ E-mail: nqeddes@cfma.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:

refer to attached letter.

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

Refer to attached letter.

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

refer to attached letter.

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.

Nqeddes
Signature - to be signed for or on behalf of submitter

29.07.14
Date

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



Shotover Design Limited trading as

Clark Fortune McDonald & Associates

Licensed Cadastral Surveyors - Land Development - Planning Consultants

29th July 2014

Via email: services@qldc.govt.nz

SUBMISSION ON PLAN CHANGE 49 - EARTHWORKS

Specific provisions of the proposal my submission relates to are:

Rule 22.3.2.1

My submission wishes to have specific provisions amended:

It would appear that Plan Change seeks to carry forward provisions relating to earthworks from various sections of the District Plan into proposed section 22. To retain integrity, section 22 needs to carry forward provisions accurately and in full. Especially in instances where these provisions have been constructed through recent plan changes. Plan Change 41 Shotover Country was made fully operative on the 27th of August 2013.

No reason or concern has arisen to justify amending provisions of Part 12 of the District Plan (Shotover Country) yet the following provision has not been accurately reflected in PC49:

Part 12.30.5.1(v) Earthworks


The following limitations apply to all earthworks (as defined in this Plan), except for earthworks associated with a subdivision consent and earthworks associated with construction of the Area 1f fill works undertaken in accordance with Rule 12.25.9.2.xvii and earthworks associated with the construction or installation of Utilities.

Notwithstanding the above, I note that PC49 carries forward Remarkables Park exemptions in Rule 22.3.2.1(b)(iii):

In the **Remarkables Park Zone**, earthworks approved as part of:

- a. Any building granted a resource consent pursuant to Rule 12.11.3.2 (i)
- b. Any activities which are listed as controlled activities and have been granted resource consent.

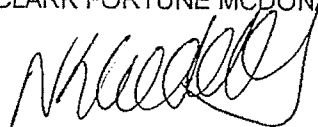
I seek the following from the local authority:

	<p>309 Lower Shotover Road - P.O Box 553 - Queenstown T: (03) 441 6044 F: (03) 442 1066</p>	<p>CSNZ THE CONSULTING SURVEYORS OF NEW ZEALAND <small>A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS</small></p>
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Amend Rule 22.3.2.1(b) by adding the following additional subclause (iv):

- (iv) In the Shotover Country Zone, earthworks associated with a subdivision consent and earthworks associated with construction of the Area 1f fill works undertaken in accordance with Rule 12.25.9.2.xvii and earthworks associated with the construction or installation of Utilities.

Yours faithfully
CLARK FORTUNE MCDONALD & ASSOCIATES



Nick Geddes
Planning Consultant

E-mail ngeddes@cfma.co.nz

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: SHOTOVER PARK LIMITED
C/- Jenny Carter
Remarkables Park
PO Box 1075
QUEENSTOWN

Shotover Park Limited (SPL) makes this submission on Plan Change 49: Earthworks (PC49)

1. The specific parts of the Plan Change that SPL's submission relates to are:

The Plan Change in its entirety.

2. SPL's submission is that:

SPL opposes the Plan Change on the following grounds:

(a) The Plan Change is contrary to Part 2 of the Act because:

- (i) it does not promote sustainable or integrated management;
- (ii) it does not manage the use, development and protection of natural and physical resources;
- (iii) it does not avoid, remedy or mitigate adverse effects;
- (iv) it does not accord with, or assist the territorial authority to carry out its functions to achieve, the purpose of the Act;
- (v) it does not meet section 32 of the Act;
- (vi) it 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;
- (vii) it does not represent sound resource management practice; and
- (viii) SPL was not adequately consulted.

Without derogating from the generality of the above, SPL further submits:

Submission Point 1: Volume

In general, SPL supports the changes proposed by PC49 as they relate to increasing the allowable volume of earthworks for industrial and business land.

It is assumed that Tier 5 earthworks listed in Table 22.1 includes Activity Areas E1 and E2 of Frankton Flats. This is supported in that it increases the threshold for volume to 500m³, rather than the 100m³ that currently exists. However, it is suggested that further consideration is given to ensure clarity as to how each zone fits within the Tiers.

However, as discussed further in this submission, PC49 increases complexity by adding additional objectives and policies and assessment matters. This increased complexity 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, clarification is provided as to what zones are included in each Tier listed at Table 22.1.

If it is correct that Activity Areas E1 and E2 of Frankton Flats, of which SPL land is within, is within Tier 5, then the increased volume of earthworks allowed per site is supported.

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. It is correct that some of those effects should be avoided, for instance, sediment run-off, but 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'. 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 continue with PC49 as notified, 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.

Submission point 3- Subdivision

Currently, if a subdivision includes earthworks, those earthworks are at worst a restricted discretionary activity (there has been some confusion about this). This means that they are unlikely to be notified. The plan change proposes to make it clear that earthworks associated with any subdivision is controlled. This is supported. However, a new rule has been introduced requiring discretionary consent for any bulk earthworks. Bulk earthworks are defined as those requiring 50 000m³.

The Section 32 report identifies that this provision is included to avoid the likes of Five Mile and Kawarau Falls Station occurring. However, it is unclear as to the effectiveness of this approach. Is it true that had those earthworks been full discretionary (as opposed to restricted discretionary as was the case at that time) they would have been declined? It is questioned as to why these earthworks need to be a full discretionary activity; more restrictive than what is currently the case. It is true that in retrospect there has been significant effect caused by those earthworks. However, if those projects had have been completed, those effects would have been remedied.

Relief Sought:

The amendment to clarify that earthworks undertaken as part of a subdivision are exempt from land use requirements for earthworks is supported.

That further consideration is given to the effectiveness of the new discretionary rule for bulk earthworks.

Submission point 4- 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; has 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 continue with PC49 as notified, the definition of earthwork is not changed as it relates to the exemption of the planting of trees.

Submission point 5- 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 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.

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, the provisions are amended to reduce the number and complexity of objectives and policies. Remove repetition, and remove those policy provisions that are not necessary.

Reduce the number of assessment matters.

Reconsider including earthworks provisions within each zone.

Shotover Park Limited wishes to be heard in support of this submission.

SHOTOVER PARK LIMITED



Jenny Carter
On behalf of Shotover Park Limited
30 July 2014

49/53

QLDC
Wanaka Service Centre
Received
30 JUL 2014
Clause 6 of First Schedule
Resource Management Act 1991 -
as amended 30 August 2010

Form 5

Submission on a
Publicly Notified Plan Change

To: Policy Department
QLDC
Private Bag 50072
QUEENSTOWN



Policy - Plan Change

YOUR DETAILS

Your Name: Southern Hemisphere Proving Grounds.
Your Address: P.O. Box 350
Wanaka
Postal Address for Service: as above
Phone Number: 03 443 0344 (Work) 021 476618 (Home)
Fax Number: E-mail:

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:
Volumes of earthworks, Buffer restrictions
in relation to Ski Area Subzones, in particular Snow Farm.

My submission is: (include whether you support or oppose the specific provisions or wish to have them amended; and the reasons for your views)
oppose the restrictions, as they are
very limiting on what we have presently.

I seek the following from the local authority (give precise details)
reconsider these restrictions. as attached.

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 29/7/14

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

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

1. All issues, objectives, policies, rules, assessment matters, planning maps and other provisions of the District Plan affected by Plan Change 49, including (but not limited to):
 - a) Objective 4 Earthworks in Rural Areas and Ski Area Subzones
 - b) Policy 4.4 To provide for earthworks that provide for the growth, development and consolidation of ski fields within Ski Area Sub-Zones
 - c) Rule 22.3.2.1 (c) (ii) Ski Area Sub-Zone Exemptions
 - d) Rule 22.3.2.4 (b) Bulk Earthworks
 - e) Rule 22.3.2.6 (a) (iii) Non-notification of applications
 - f) Rule 22.3.3 (ii) (a) Height of cut and fill and slope
 - g) Rule 22.3.3 (iv) (c) Environmental Protection Measures
 - h) 22.4 Resource Consent Assessment Matters

Outcome sought

1. To modify the PC 49 by amending the provisions as outlined below, or in any other manner that will give effect to the submissions, including but not limited to the relief outlined below;
2. To modify Objective 4, as follows:

Objective 4 Earthworks in Rural Areas and Ski Area Subzones

Subject to Objective 2, to enable earthworks that improves efficiency of farming operations, health and safety, public recreation values and the development and operation of ski fields.

3. To modify the permitted activity Rule 22.3.2.1 (c) (ii), to provide an exemption for all earthworks and bulk earthworks undertaken within Ski Area Sub-Zones where those works also trigger a requirement for resource consent under the clearance of indigenous vegetation under either Rule 5.3.5.1(x) or Rule 5.3.5.1(xii)(Part 5 Rural Areas), from the following rules and standards that apply to earthworks activities:
 - i. Rule 22.3.2.4 (b) Bulk Earthworks;
 - ii. Rule 22.3.3.(i)(a) to (c) The volume of earthworks (as notified)
 - iii. Rule 22.3.3 (ii) (a) The height of cut and fill and slope

Or

4. To modify the rules and standards that apply to earthworks and bulk earthworks activities within ski area sub-zones, as follows:
 - (a) Modify Rule 22.3.2.4(b) Bulk Earthworks to exempt all earthworks undertaken within a Ski Area Sub-Zone; and
 - (b) Modify Rule 22.3.2.6 (a) (iii) Non-Notification of Applications to include all earthworks and bulk earthworks undertaken within a Ski Area Sub-Zone; and
 - (c) Modify Rule 22.3.3 (ii) (a) height of cut and fill and slope, to exclude earthworks and bulk earthworks occurring within a Ski Area Sub Zone.

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	
YOUR DETAILS	
Name: Te Anau Developments Limited	
Contact Person: Fiona Black	
Address: Corner Town Centre & Mokonui Streets, Te Anau, 9600	
Postal Address: PO Box 1, Te Anau, 9640	
Phone Number: (03) 249-9033	027 491-2087
Fax Number (03) 249-7816	E-mail: fblack@realjourneys.co.nz
This is a submission on the following proposed plan change:	
Plan Change 40 – Earthworks	
I COULD NOT gain an advantage in trade competition through this submission	
The specific provisions of the proposal that my submission relates to are:	
<p>Objective 1. Earthworks and Environmental Effects</p> <p>Objective 2. Landscape and Visual Amenity Values</p> <p>Objective 4. Earthworks in Rural Areas and Ski Area Subzones</p> <p>Policies 4.1 to 4.4</p> <p>Rule 22.3.2.1 Permitted Activities</p> <p>Rule 22.3.2.2 Controlled Activities</p> <p>Rule 22.3.2.3 Restricted Discretionary Activities</p> <p>Rule 22.3.2.4 Discretionary Activities</p> <p>Rule 22.3.2.5 Non-complying Activities</p> <p>Rule 22.3.6.6 Non-notification of applications</p> <p>22.3.3 Site Standards</p> <p>22.4 Resource Consents – Assessment Matters</p>	

My submission is:

Te Anau Developments Limited does not believe the proposed plan the changes represent a simplifying and streamlining of the District Plan provisions with respect to Earthworks.

Te Anau Developments is opposed to Objective 1 and 2 as they stand because we believe in most instances when undertaking earthworks it is impossible to "avoid" adverse effects and it is only possible to remedy and mitigate adverse effects. Further with respect to Ski Area Sub-Zones; terrain park features are not necessarily "sympathetic to natural topography" and can "create an area that is inconsistent with the character of the surrounding landscape" this cannot be readily mitigated because terrain parks must provide landscape features which skiers / snowboarders can use to undertake jumps and other acrobatic feats which are often not sympathetic to the surrounding environment.

Te Anau Developments as a land owner at Walter Peak which is zoned as rural visitor. Our property at Walter Peak is effectively a farm however activities such as the maintenance of: farm tracks, fencing, firebreaks; and public recreation tracks under these proposed plan changes will be deemed to require a resource consent; which is frankly absurd. Hence Te Anau Developments contend the rural visitor zone needs to also be captured in Objective 4. That is Te Anau Developments supports Objective 4 with the exception of the first four words ("*Subject to Objective 2...*") but we request Objective 4 also apply to the Rural Visitor Zone.

Regarding Policies 4.1 to 4.4; please note the policies heading is missing from the draft plan change.

Moreover Te Anau Developments believes the policies 4.1 to 4.3 and Rule 22.3.2.1(b) need to provide for remedial defence earthworks to ensure the property and structures can be protected from damage. For instance above the Colonels Homestead at Walter Peak there are large areas of scree and boulders that are brought down by mainly flood events and we need to undertake remedial works to ensure rocks and water do not damage the Colonels Homestead; generator shed and other structures on the property.

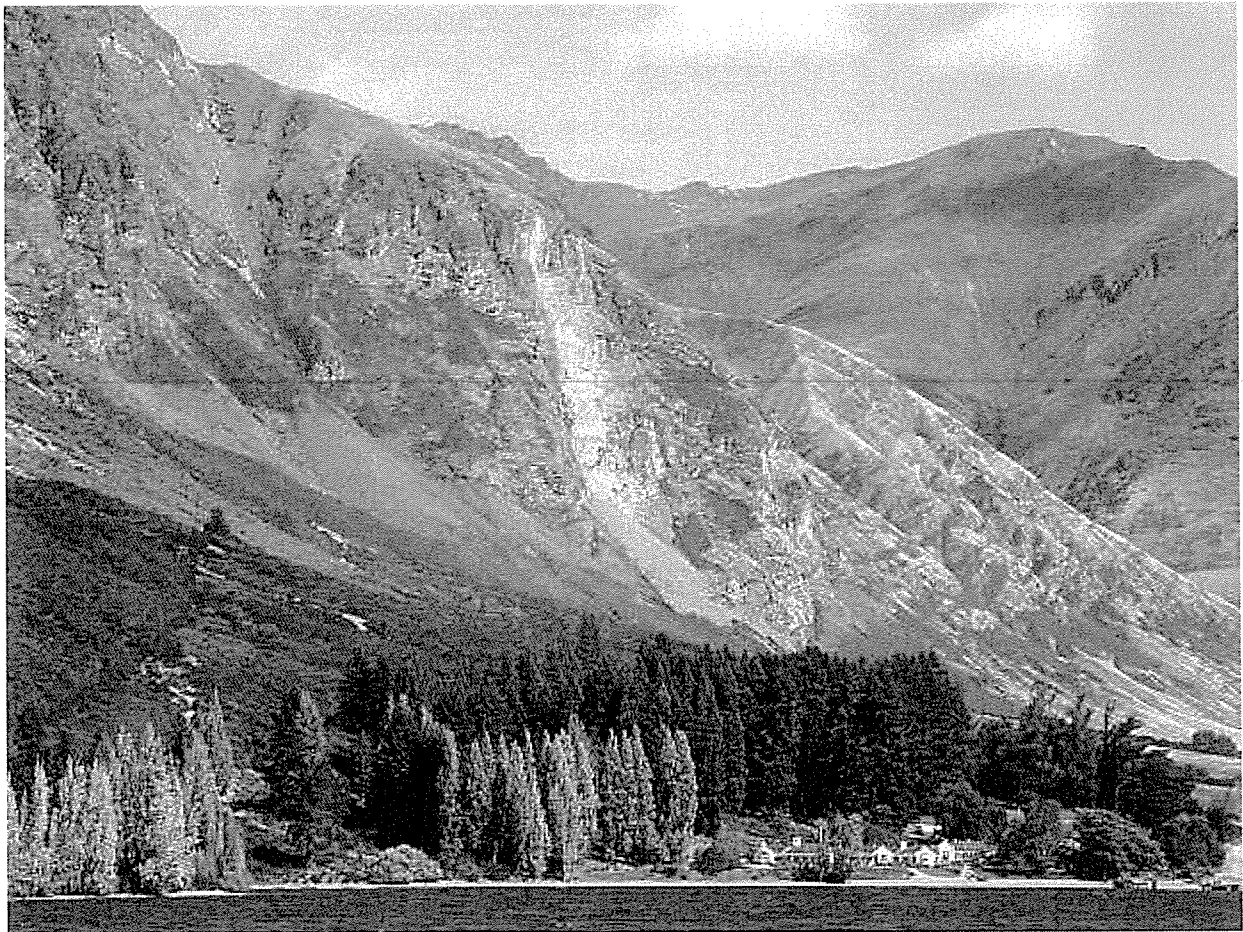
The trees were planted in the Beach Bay Reserve to deflect the rocks and stones from damaging the Colonels Homestead and however these trees are not enough to prevent property damage and from time to time Te Anau Developments needs to construct rock culverts, rock armouring and deepen stream beds to divert the scree, water and rocks away from the structures on our property. Most of the stream beds which channel the scree material down into the reserve are dry for most of the year. Te Anau Developments holds a Department of Conservation Concession to undertake these works in the Beach Bay Reserve. Refer the photo below.

The ability to undertake such works will become even more essential as in the near future Te Anau Developments intends to start clearing wilding pines from the Beach Bay Reserve and many of the trees that afforded protection for the Colonels Homestead will be removed.

Accordingly with respect to proposed Rule 22.3.2.1 (b) Te Anau Developments contends earthwork activities associated with the construction of rock culverts, rock armouring and deepening stream beds to divert the scree, water and rocks away from the structures should also be exempt from proposed Rule 22.3.3(i) and 22.3.3(ii).

Further as a farmer of a relatively small land parcel at Walter Peak it is essential that we to have the ability to clear away volumes of scree which can tumble down on to pasture without gaining resource consent to ensure the optimum amount of land is kept as serviceable pasture. Refer photo below.

Vis-à-vis Rule 22.3.2.1 (b) (i) Te Anau Developments supports the concept of earthworks associated with maintenance of: farm track access, fencing, firebreaks, and public recreational tracks, and trails and operational areas within Ski Area Sub-Zones being exempt of Rule 22.3.3.(i) and 22.3.3 (ii). Nevertheless the proposed proviso around maintenance is totally impractical and we are opposed to this threshold. The rationalisation "to provide administrative certainty" for a 10% threshold in the section 32 report is weak. Along a farm track or on a ski field which quite are featureless it will be virtually impossible to ensure "maintenance work results in less than a 10% increase in exposed surface area of that feature in any 10 year period".



View of Walter Peak from Lake Wakatipu



Example of a scree fall of the type which occurs at Walter Peak

The caveat around a ten year period is also impractical. In some areas ski trails, terrain park features, tracks and fences need maintenance work to be carried out annually or biannually because environmental conditions cause deterioration in the condition of trails tracks and fences. Further many properties are operated by staff that change every few years and institutional knowledge is not retained hence the staff managing a property at a given time do not know what maintenance works have been undertaken in previous years. If the QLDC wishes to attain compliance a more practical determinant of what "maintenance" will constitute needs to be defined.

We are also very concerned about the proposed changes in Earthworks Rules pertaining to Ski Area Sub-Zones. We believe the proposed plan changes will create an undue disadvantage to Ski Field operators on private land and this proposed change is uncalled for. The Monitoring Report included in the Section 32 Report for Plan Change 49 does not detail any issues with the current District Plan provisions relating to Earthworks in Ski Area Sub-Zones; hence we question the need for change.

On page 47 of the Section 32 Report for Plan Change 49 Earthworks it is stated that proposed Rule 22.3.2.1(c) exemption would not apply to Cardrona or Snow Farm / Park Ski Area subzones however, we do not believe proposed Rule 22.3.2.1 (c) clearly states this. Te Anau Developments is strongly opposed to the proposed rule changes as they result in the Cardrona Alpine Resort being required to obtain resource consent to undertake earthworks. However Ski Fields on Public Conservation Lands will likely be able to vary their existing concession to allow for earthworks for the duration of their Department of Conservation or Crown lease and maintenance Earthworks are permitted under the proposed plan changes. The existing Ski Field concessionaires are likely to already have such earthworks provisions in their current concessions therefore these proposed plan changes will only significantly affect the Ski Field operators on private land.

Also the draft Otago Conservation Management Plan policies with respect to commercial ski fields are relatively brief and permissive regarding Ski Field Development compared to the proposed prescriptive District Plan rules; compounding the likely inequity between Ski Field operators.

Regarding the following proposed rules: Rule 22.3.2.2 Controlled Activities; Rule 22.3.2.3 Restricted Discretionary Activities; Rule 22.3.2.4 Discretionary Activities; and Rule 22.3.2.5 Non-complying Activities where it is not stated what activities are captured by these rules; it is unclear what earthworks activities will be deemed Controlled, Restricted Discretionary, Discretionary and Non-Complying Activities across the various plan zones and how the site standards outlined in 22.3.3 relate to the above rules. Or will section 87B of the Resource Management Act become the default position. That is as the proposed rules stand from a Te Anau Developments perspective it is unclear what earthworks activities at Walter Peak will be deemed Controlled, Restricted Discretionary, Discretionary and Non-Complying Activities. Consequently we consider that these rules need to be redrafted to make the council's intent clear. The council's District Plan provisions need to be unambiguous so a lay person can interpret the rules.

Concerning proposed rule 22.3.2.4 (b) Bulk Earthworks; Te Anau Developments can not see the need for this rule and believes an additional rule only adds to the plans complexity and does not simplify and streamline the District Plan as intended.

Te Anau Developments supports in principle the provision 22.3.6.6 (a) (iii) nevertheless we are opposed to the requirement that Earthworks Resource Consent Applications in Rural Visitor Zones could be notified. We cannot understand why Rural Visitor Zones would be excluded from this proposed plan rule especially when one of the purposes of these proposed plan changes is to reduce consent compliance costs.

22.3.3 I (a) & (b) Volume of Earthworks: "*The maximum total volume of earthworks (m³) shall not exceed that specified in Table 22.1.*" The intent of these proposed provisions are totally unclear. Is it a permitted activity or a controlled activity to undertake 1000m³ of Earthworks in a rural general zone in a 12 month period? What provisions apply if an owner needs to undertake 1050m³ of earthworks in a rural general zone in a 12 month period?

Regarding proposed rule 22.3.3 i Volume of Earthworks as stated earlier; Te Anau Developments contends that Rural Visitor Zones should not have the same tier of maximum volume of earthworks as residential Zones. Walter Peak is a farmed hence Rural Visitor Zones should be aligned with Rural General Zone and have the same tier of maximum volume of earthworks as this Zone. That is the proposed volume of earthworks provisions seem overly complex and we question why it is necessary to apply different volume site standards to different District Plan zones.

Te Anau Developments is opposed to the proposed rule 22.3.3 ii (a) (i) & (ii) Height of cut and fill and slope as we contend these provisions are totally impractical in the steep hill country environments of many farms and the Ski Area Sub-Zones. Does not this height of cut and fill and slope provision compromise the ability to gain resource consent for earthworks activities in Rural General and Ski Area Sub-Zones because cuts of over one metre in height will need to be created in Ski Area Sub-Zones.

Te Anau Developments supports the proposed environment protection measures detailed in proposed rule 22.3.3 iv (a) and (b).

Proposed rule 22.3.3 v (a) and (b) Te Anau Developments contends this proposed rule has not taken into account the need to maintain, repair and augment water defence structures adjacent waterways. As stated earlier Te Anau Developments has to undertake

earthworks at Walter Peak to protect the Colonel's Homestead and other structures from flooding and rock falls and we contend we should not require a resource consent for such activities within 7 metres of a water body. In the Regional Water Plan for Otago it is a permitted activity to alter or reconstruct any defence against water, other than on the bed of any lake or river, providing there is no permanent change to the scale, nature or function of the defence against water. Accordingly Te Anau Developments contends it unreasonable for QLDC to require resource consent for such activity when the Otago Regional Council does not because the Regional Council recognises that defences against water are important in Otago as they mitigate flood and erosion hazards.

Also the erection or placement of any structure, other than a defence against water, within 7 metres of the margin of any lake, or within 7 metres of the top of the bank of any river, is a permitted activity, providing: it does not result in the physical prevention or obstruction of access for works to avoid or mitigate any natural hazard; and the Otago Regional Council is notified in writing, of the location and nature of the structure, at least seven working days prior to commencing the erection or placement. The installation of such structures may require earthworks exceeding 20m³ in volume.

Regarding 22.4 Resource Consent – Assessment Matters we believe there is undue emphasis on subdivision earthworks.

With respect to Ski Area Sub-Zones; terrain park features are not necessarily “sympathetic to natural topography” and can “create an area that is inconsistent with the character of the surrounding landscape” this cannot be readily mitigated because terrain parks must have features which skiers / snowboarders can use to undertake jumps and other acrobatic feats. Accordingly Te Anau Developments believes for Ski Area Sub-Zones earthworks greater consideration should be given to the overall scale of ski field earthworks relative to the mountains themselves. As ski field earthworks can only be seen from a distance in the summer months because the Ski Field are closed to the public and in winter when the Ski Field is open the “earthworks” are covered by snow.

Te Anau Developments contends that re-vegetation with respect to Ski Area Sub-Zones is often impractical on ski fields areas which have been subject to Earthworks because jumps, benches, trails etc. require ongoing maintenance. This on going maintenance adversely impacts on the ability of vegetation to be reinstated. The council needs to be cognisant of this when evaluating assessments of environmental effects for earthworks resource consent applications for Ski Area Sub-Zones. The fact that it is often impractical to re-vegetate ski field areas that have been subject to earthworks is also relevant to proposed rule 22.3.3 iv (c); which we oppose with respect to Ski Area Sub-Zones.

I seek the following from the local authority:

Objectives 1 and 2 need to be amended to acknowledge the fact that earthworks activities create effects that cannot be avoided and can only be remedied and mitigated.

Amend Objective 4 as follows:

Objective 4 Earthworks in Rural General Zone, Rural Visitor Zone and Ski Area Sub-Zones ~~Subject to Objective 2~~; to enable earthworks that improves efficiency of farming operations, health and safety, public recreation values and the development and operation of ski areas.

Policies 4.1 to 4.4 need to be amended to include the following provision:

- to provide for earthworks to create remedial flood defence earthworks to ensure the property and structures can be protected from damage.

The rural visitor zone should have the same Earthworks provisions as the "General Rural Zone".

Retain the current operative Ski Area Sub-Zone earthworks exemptions or modify Plan Change 49 to incorporate the same level of exemptions.

With respect to Rule 22.3.2.1

- Amend sub clause (i) by deleting "...provided that the maintenance work results in less than a 10% increase in exposed surface area of that feature in any 10 year period." In sub clause (e) relating to trails and operational areas within Ski Area Sub-Zones.
- Amend sub clause (i) to include earthwork activities associated with the construction of rock culverts, rock armouring and deepening stream beds to divert the scree, water and rocks away from the structures.
- Delete Rule 22.3.2.1 (c) (i) relating to approvals from the Department of Conservation.
- Amend Rule 22.3.2.1 (c)(ii) by also exempting earthworks within Ski Area Sub-Zones from Rules 22.3.3 (i), (ii), (iv) and Rule 22.3.2.4 (b) Bulk Earthworks (if not deleted as proposed below).
- Make any other amendments that are required to ensure that all earthworks within a Ski Area Sub-Zone are a permitted activity.

Make flood defence earthworks within 7 metres of a water body; installation of rock culverts and rock armouring permitted activities and exempt from proposed Rule 22.3.3(i) and 22.3.3(ii).

It needs to be stated more clearly in the proposed rules which activities are Controlled Activities; Restricted Discretionary Activities; Discretionary Activities; and Non-complying Activities across all the plan zones and how the site standards relate to the activity rules.

Delete Rule 22.3.2.4(b) Bulk Earthworks and all other plan provisions relating to that consent category.

The intent of proposed rule 22.3.3 i Volume of Earthworks needs to be expounded more clearly.

Proposed rule 22.3.3 i Volume of Earthworks should be revised to allow a higher tier of Earthworks in Rural Visitor Zones.

Include Rural Visitor Zones in proposed rule 22.3.6.6 (a)

Amend proposed rule 22.3.3 ii (a) (i) & (ii) Height of cut and fill and slope to create a more practical provision for the steep slopes on farms and ski fields.

Vary proposed rule 22.3.3 iv (c) to recognise that in some areas of Ski Area Sub-Zones it is impractical to restore vegetation and re-vegetate exposed ground.

Proposed rule 22.3.3 v (a) and (b) Water Bodies; should be amended to take into account the need to maintain, repair and augment water defence structures adjacent waterways and make these activities permitted activities.

Regarding proposed 22.4 Resource Consent Assessment Matters for Ski Area Sub Zones this provision needs to allow for the reality of modern ski field where earthworks may not be "sympathetic to natural topography"; can "create an area that is inconsistent with the character of the surrounding landscape" and it is not always appropriate to re-vegetate slopes because of ongoing maintenance and safety improvements.

I DO wish to be heard in support of my submission

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



Signature

to be signed for or on behalf of submitter

Date: 30 July 2014

QLDC, Civic Centre, 10 Gorge Road, Private Bag 50072, Queenstown 9348

Ph: 03 441-0499 **Fax:** 03 450-2223 **E-mail:** service@qldc.govt.nz

2.0 OBJECTIVES AND POLICIES

2.1 Objective 1 reads as follows:

Objective 1 and Environmental Effects

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

2.2 Policy 1.2 reads as follows (underlining proposed to be added by the Plan Change):

To use environmental protection measures to avoid, remedy or mitigate adverse effects of earthworks, including:

- *Sediment run-off erosion control techniques*
- *Dust control measures to avoid nuisance effects of dust beyond the boundary of the site*
- *Management of storm water and overland flows*
- *Management of construction noise and vibration effects*
- *Limits on the duration of construction taking into account the receiving environment*
- *Traffic management and implementation of techniques to avoid the depositing of sediment onto roads, particularly where access is gained through residential areas.*

2.3 The Oil Companies oppose the sole reliance on avoidance in Objective 1 and Policy 1.2 as it sets a very high threshold for the avoidance of adverse effects associated with earthworks. In some cases it is neither necessary nor practicable to avoid all adverse effects associated with earthworks, as associated temporary adverse effects can be adequately mitigated or remedied. This includes, for example, through the use of environmental protection measures such as those identified in Policy 1.2. The key issue is not to avoid generating the effect, but to ensure that it is appropriately managed, for example through mitigation measures to reduce the risk to communities and the natural environment.

2.4 The Oil Companies are also concerned that the reasons why some of the environmental protection techniques should be adopted are not clear in the policy. As an example, it is clear why dust control measures are to be adopted, but it is not clear why sediment runoff erosion control techniques are to be adopted. Providing more detail in this regard should assist in consistent implementation and interpretation of the policy.

2.5 On that basis Objective 1 and Policy 1.2 should be amended.

2.6 The Oil Companies support Policies 1.1, 1.3 and 1.4 and seek that they are retained in the Plan Change without modification.

2.7 The Oil Companies support Objective 3 and Policies 3.1 and 3.3 and seek that they are retained in the Plan Change without modification.

2.8 Policy 3.2 reads as follows:

To ensure earthworks do not cause or exacerbate flooding and avoid de-watering.

2.9 The Oil Companies oppose reference to avoidance of dewatering in Policy 3.2. In the case of the Oil Companies operations, dewatering of the groundwater encountered during excavation is necessary in areas where the groundwater level is higher than the bottom of the tank pit (ie: is within 4.5m of ground level). Dewatering is required to enable new underground petroleum storage tank to be anchored to the ground. The dewatering activity is temporary and short-term, and most often sheet piling is installed to slow lateral flow into the pit and ensure stability of the excavation. Once the tank is installed, the excavation is filled in using permeable bedding material and the ground level reinstated. Groundwater continues to flow through the bedding material and around the tank. The replacement of underground petroleum storage tanks is part of the maintenance and upgrading of a service station (albeit irregularly and potentially once every 20 or so years). If dewatering is to be avoided, no new tanks will be able to be installed, which will result in adverse environmental effects. In any case, dewatering involves the taking of ground water which is a matter that is controlled by the Regional Council and which really falls outside of the functions of the District Council. On that basis the Oil Companies seek that Policy 3.2 is amended to remove reference to the avoidance of de-watering.

2.10 Policies 5.1 and 5.2 read as follows:

5.1 To avoid sediment run-off into water bodies through the adoption of sediment control techniques

5.2 To avoid the location of earthworks in close proximity to water bodies. Where this cannot be avoided, to ensure that sediment control techniques are put in place to avoid sediment run-off

2.11 The Oil Companies again oppose the avoidance requirement in these policies. Avoidance means that there can be no sediment runoff. It is important that the wording of the policy recognises that in some cases, it is neither practicable nor necessary to avoid all sedimentation arising from earthworks entering water bodies. The key issue is about ensuring appropriate sediment control measures are put in place to minimise adverse effects.

2.12 The Oil Companies oppose Policies 6.2-6.6. These policies would be more appropriate as methods as they do not provide guidance when assessing an application for a non-complying activity under s104D(1) of the Act. Furthermore, it is unclear what is meant by "notify" in the policies, whether this means that the relevant party would be considered an affected party pursuant to s95 of the RMA or whether they are just required to be advised that the works are undertaken. On that basis the Oil Companies request that Policies 6.2-6.6 are deleted.

RELIEF SOUGHT

1. Ensure that Objective 1 provides for adverse effects on communities to be remedied or mitigated as well as avoided.

This could be achieved by making amendments to Objective 1 as follows:

Objective 1 and Environmental Effects

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 adverse effects on communities and the natural environment.

2. Ensure that Policy 1.2 provides for adverse effects on communities to be managed rather than avoided and to ensure that the purpose of the management techniques to be adopted is clear. This could be achieved by making amendments to Policy 1.2 as follows:

To use environmental protection measures to manage adverse effects of earthworks, including by:

- *Retaining soil and sediment on the land and not discharging it to water bodies by use of sediment run-off erosion control techniques*
- *Requiring dust control measures to avoid nuisance effects of dust beyond the boundary of the site*
- *Diverting storm water around areas being earthworked to minimise the generation of sediment and managing earthworks within overland flow paths to ensure that they do not exacerbate flooding*
- *Managing construction noise and vibration effects*
- *Limits on the duration of construction, including on the amount of land being disturbed at any one time, taking into account the receiving environment to limit the potential for sediment generation, particularly in sensitive areas*
- *Traffic management and implementation of techniques to avoid the depositing of sediment onto roads, particularly where access is gained through residential areas.*

3. Retain without modification Policies 1.1, 1.3 and 1.4 as follows:

1.1 To promote earthworks designed to be sympathetic to natural topography, and that provide safe and stable building sites and access with suitable gradients.

1.3 To promote use of engineering standards and good practice on site.

1.4 To require remedial works and re-vegetation to be implemented in a timely manner.

4. Retain without modification Objective 3 and Policies 3.1 and 3.3 as follows:

Objective 3 Land Stability and Flooding

To ensure earthworks do not adversely impact on the stability of land, adjoining sites or exacerbate flooding.

Policies:

3.1 To ensure earthworks, in particular cut, fill and retaining do not impact on the stability of adjoining sites and are undertaken in accordance with appropriate engineering standards.

3.3 To avoid earthworks including tracking on steeply sloping sites and land prone to erosion or instability. Where this cannot be avoided, to ensure techniques are adopted that minimise the potential to decrease land stability.

5. Amend Policy 3.2 to remove any reference to dewatering as follows:

3.2 To ensure earthworks do not cause or exacerbate flooding ~~and avoid de-watering.~~

6. Amend Policy 5.1 as follows:

To avoid, to the extent practicable, sediment run-off into water bodies through the adoption of sediment control techniques

7. Retain without modification Policy 5.2 as follows:

To avoid the location of earthworks in close proximity to water bodies. Where this cannot be avoided, to ensure that sediment control techniques are put in place to avoid to the extent practicable, sediment run-off

8. Retain without modification Objective 6 and Policies 6.1 and 6.7 as follows:

6.1 To protect waahi tapu, waahi taonga and other archaeological sites from potential disturbance resulting from earthworks.

6.7 To recognise and protect those values associated with heritage landscapes.

9. Delete Policies 6.2-6.6 as follows:

~~6.2 To notify Kai Tahu ki Otago or Te Ao Marama Incorporated (as appropriate) where earthworks are proposed, in areas identified in either the District Plan or the Natural Resource Management Plans as significant to iwi.~~

~~6.3 To notify Kai Tahu ki Otago or Te Ao Marama Incorporated (as appropriate) where earthworks are proposed adjacent to, or within Statutory Acknowledgement Areas~~

~~6.4 To notify the NZ Historic Places Trust where proposed earthworks may affect archaeological sites.~~

~~6.5 To ensure that work is suspended and Kai Tahu ki Otago or Te Ao Marama Incorporated (as appropriate) and the NZ Historic Places Trust are notified when archaeological remains are observed or unearthed during earthworks activities.~~

~~6.6 To include accidental discovery protocol as a condition of earthworks resource consents.~~

3.0 NATIONAL ENVIRONMENTAL STANDARDS

- 3.1 The Oil Companies support the reference to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES) in Section 22.3.1 (v) as follows:

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

The status of some activities will be determined by the requirements of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. Reference should be made to the Ministry of Environment website for a copy of the regulations, user's guide, and latest version of documents incorporated by reference in the regulations. This regulation will be applicable to Earthworks on sites where a "hazardous activity or industry has been, is more likely than not to have been or is currently operating".

- 3.2 This is important as the status of some activities, including earthworks, undertaken on land upon which a HAIL activity has or is operated will be determined by the requirements of the NES. The cross reference to the NES is essential to draw the attention of plan users to the need for compliance with its requirements.

RELIEF SOUGHT:

10. Retain without modification reference to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 in Section 22.3.1 (v) as follows:

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

The status of some activities will be determined by the requirements of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. Reference should be made to the Ministry of Environment website for a copy of the regulations, user's guide, and latest version of documents incorporated by reference in the regulations. This regulation will be applicable to Earthworks on sites where a "hazardous activity or industry has been, is more likely than not to have been or is currently operating".

4.0 EARTHWORK RULES

- 4.1 The Oil Companies seek to ensure that earthworks associated with Underground Petroleum Storage Systems (UPSS) removals and/or replacements are exempt from the general earthworks provisions in a District Plan.
- 4.2 UPSS replacement and/or removal generally involves:
- Removal of above ground equipment and concrete cutting and breaking;
 - Excavations to a depth of some 4.5m to expose the UPSS elements (tanks, fuel & pipe lines, fill points);
 - Removal of UPSS elements for off-site disposal/destruction;
 - Removal of earth from the site, including the excavation of any impacted soils adjacent to the UPSS, and its disposal at an appropriate facility and validation sampling of excavations; and
 - Backfilling and restoration of the ground level to its existing level.
- 4.3 The removal and/or replacement of an UPSS will generally be undertaken for a number of reasons such as the underground tank is getting old and needs replacing, the site is being upgraded, a leak is suspected or the site is being closed. In each case an environmental assessment/investigation is undertaken as part of the removal/replacement process.
- 4.4 The total volume of earthworks required for an UPSS removal will depend on the number of tanks being removed, the size of the tanks and the area and material in which the tanks are located, but in any case such earthworks are controlled through the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (*the NES*).
- 4.5 The NES controls the volume of soil disturbance associated with tank replacement works and sets a permitted activity threshold of 30m³ of soil disturbance per tank in the system. The works must, through the permitted activity conditions, be undertaken in accordance with the MfE 'Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand' and a suite of notification and reporting requirements (to territorial authorities) must be met. Otherwise, unless a DSI already exists, discretionary activity consent will generally be required because an intrusive site investigation on an operational service station poses unacceptable risk. For underground storage tank removals the best time to obtain additional information on the contamination status of the site will be during the works, and upon the completion of the tank removal (and associated impacted-soil excavation) process. The special circumstance applying to underground fuels storage has therefore been specifically recognised in the Ministry Guidelines. This is recognised in MfE Guideline #1, which recognises that the reporting requirements in Chapter 3 of the Guideline are not necessarily appropriate and provides additional reporting requirements for such sites post underground tank removal. During tank removals/ replacements the sides of the tank pits are stabilised and once the works are complete, the ground is reinstated.
- 4.6 As such, a further consent for earthworks volume under the District Plan is considered unnecessary, as it would not result in the Council receiving any more information about the

works or achieve any environmental benefit that is not already achieved by compliance with the NES.

- 4.7 The Plan Change includes an the exemption from the permitted activity standards for earthworks associated with the replacement and/or removal of an underground petroleum storage tank in Rule 22.3.2.1(b)(ii) as follows:

(b) The following earthwork activities are exempt from Rule 22.3.3(i) Volume of earthworks, and 22.3.3(ii) Height of cut and fill and Slope:

.....

(ii) Earthworks associated with the replacement and/or removal of a fuel storage system as defined and controlled in the 'National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011'.

- 4.8 The Oil Companies support 22.3.2.1(b)(ii) and seek that it be retained in the Plan Change without modification.

Relief Sought:

1. Continue to exempt Underground Petroleum Storage Systems (UPSS) removals and/or replacements from the general earthworks provisions in the Plan. This could be achieved by retaining without modification the following exemption from the permitted activity standards in Rule 22.3.2.1(b)(ii) as follows:

(b) The following earthwork activities are exempt from Rule 22.3.3(i) Volume of earthworks, and 22.3.3(ii) Height of cut and fill and Slope:

.....

(ii) Earthworks associated with the replacement and/or removal of a fuel storage system as defined and controlled in the 'National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011'.

- 5.0 THE OIL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION. IF OTHERS MAKE A SIMILAR SUBMISSION, THE OIL COMPANIES WOULD NOT BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

- 6.0 THE OIL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

- 7.0 THE OIL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—

(A) ADVERSELY AFFECTS THE ENVIRONMENT; AND
(B) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE
COMPETITION.

Dated at TAKAPUNA this 30 July 2014

Signature for and on behalf of
The Oil Companies:



Kathryn Akozu
Senior Planner

Address for service:

BURTON PLANNING CONSULTANTS LIMITED
PO Box 33-817
Takapuna, 0740
Auckland

Attention: Kathryn Akozu

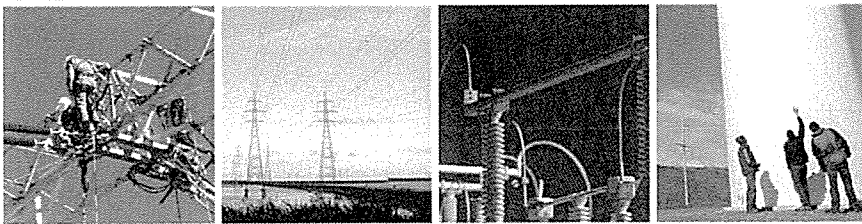
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Fax: (09) 917-4311
E-Mail: kakozu@burtonconsultants.co.nz

49/56

Submission by Transpower New Zealand Limited on
Proposed Plan Change 49 - Earthworks

30 July 2014

Keeping the energy flowing



TRANSPOWER



ADDRESS FOR SERVICE

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PO Box 1021
WELLINGTON 6140

Phone (04) 590 7244
Email environment.policy@transpower.co.nz

Transpower New Zealand Limited The National Grid

**SUBMISSION BY TRANSPOWER NEW ZEALAND LIMITED ON
PROPOSED PLAN CHANGE 49 (EARTHWORKS) TO THE
QUEENSTOWN-LAKES DISTRICT PLAN PURSUANT TO CLAUSE 6 OF
THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

1.0 INTRODUCTION

- 1.1 Transpower is the State Owned Enterprise that plans, builds, maintains and operates New Zealand's high voltage transmission network – the National Grid – which links generators to distribution companies and major industrial users. The Grid, which extends from Kaikohe in the North Island down to Tiwai in the South Island, transports electricity throughout New Zealand.
- 1.2 The National Grid comprises some 12,000 km of transmission lines and 176 substations. The control centres (located in Wellington and Hamilton) operate a network of some 300 telecommunication sites that link together the components that make up the National Grid.
- 1.3 Transpower is also the System Operator, responsible for the co-ordination of the transmission of electricity across the National Grid. The national control centres, located in Wellington and Hamilton, operate a network of some 300 telecommunication sites which link together the components that make up the National Grid.
- 1.4 Transpower plays a fundamental part in New Zealand's economy. Transpower's principal role is to ensure the reliable supply of electricity throughout the country. Through its statement of corporate intent Transpower is required to deliver and operate a National Grid that meets the needs of users now and into the future.
- 1.5 The following National Grid assets are located within the Queenstown-Lakes District:
- Frankton Substation (FKN) (designation number 1)

- Cromwell – Frankton A (CML – FKN A) 110 kV high voltage transmission line on towers.

1.6 Transpower therefore has a significant interest in contributing to the process of developing an effective, workable and efficient Queenstown-Lakes District Plan in respect of the National Grid infrastructure.

2.0 THE STATUTORY CONTEXT

National Policy Statement on Electricity Transmission 2008 (NPSET)

2.1 Under the Resource Management Act 1991 (RMA) Transpower's electricity infrastructure (the National Grid) is a significant physical resource that must be sustainably managed, and adverse effects on that infrastructure must be avoided, remedied or mitigated. The NPSET confirms the national significance of the National Grid and the need to appropriately manage both the transmission network and activities and development close to it.

2.2 The objective of the NPSET is as follows:

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

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

2.3 The potential for the activities of other parties to adversely affect the transmission network has been recognised in the NPSET, most specifically in policies 10 and 11. These policies provide the primary guidance to the management of the adverse effects of other parties on the National Grid network.

2.4 Policy 10 requires decision makers, to the extent reasonably possible and for the purpose of promoting sustainable management, to manage activities to avoid reverse sensitivity effects on the National Grid network and to ensure that

the operation, maintenance, upgrading and development of the network is not compromised. This policy is particularly relevant to this plan change.

- 2.5 Policy 11 requires local authorities to consult with Transpower to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent.
- 2.6 In addition, Policy 12 requires territorial authorities to identify the National Grid network on their Planning Maps.
- 2.7 Transpower seeks that the Queenstown-Lakes District Plan fully gives effect to the (NPSET) as required by section 75(3) of the Resource Management Act 1991 but recognises that there is not the scope within this plan change to achieve this.

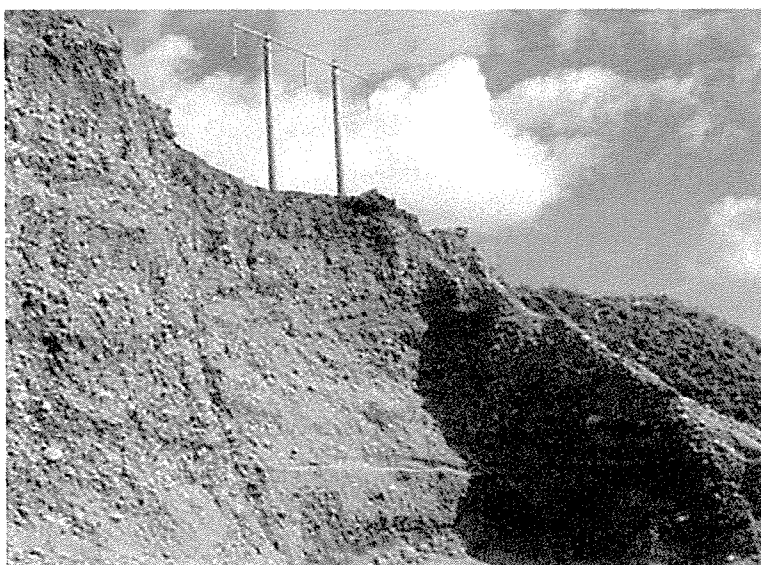
3.0 SPECIFIC COMMENTS ON THE PLAN CHANGE

- 3.1 Transpower seeks that there are rules in the Queenstown-Lakes District Plan to manage earthworks around the existing National Grid infrastructure. Policy 10 requires that to the extent reasonably possible the operation, maintenance, upgrading and development of the National Grid infrastructure is not compromised by other activities that occur around the National Grid infrastructure. Transpower considers that this requires appropriate rules in the Queenstown-Lakes District Plan to manage earthworks around the existing National Grid infrastructure.
- 3.2 Inappropriate earthworks can result in adverse effects on the National Grid. Dust for example can result in the build-up of material on the transmission lines and their equipment. It is critical therefore that the framework set out in the proposed plan change is able to address all potential adverse effects of earthworks.
- 3.3 Uncontrolled earthworks can undermine and destabilise the support structures such as what occurred in Porirua last year (see Photograph 1 below). In this case earthworks were being undertaken as part of an urban subdivision.



Photograph 1 - Earthworks in Porirua

- 3.4 The earthworks in the photo above not only undermined the tower but have also restricted vehicular access to the tower and the area where Transpower can place machinery required to maintain the tower. This compromises Transpower's ability to maintain the existing transmission line.
- 3.5 Earthworks can occur for a number of reasons and do not have to be for residential development as in the example above. A quarry operation on the West Coast has also undermined the Waimangaroa to Westport A line in the past. This is shown in Photograph 2 below.



Photograph 2 - Earthworks in West Coast Quarry

- 3.6 Transpower supports rules where earthworks can be permitted within limits. A restricted discretionary or non-complying activity status is supported for those earthworks which have the potential to destabilise the line or could reduce the ground to conductor clearance distances as such activities have a higher risk and safety factor.
- 3.7 Transpower acknowledges the existing provisions for the Shotover Country Special Zone but seeks that these provisions are applied across the District to reflect the various zones that the Cromwell – Frankton A Electricity Line traverses.
- 3.8 In its discussions with stakeholders, landowners and other parties Transpower has received feedback that most people understand what the National Grid is but do not understand the term transmission line. Transpower therefore promotes the use of the term 'National Grid' rather than 'transmission line'.
- 3.8 It is timely to note that the Cromwell – Frankton A Electricity Line is not shown on the District Plan Maps. The inclusion of high voltage transmission lines on planning maps is not only a requirement under Policy 12 of the NPSET but would assist land users identifying zones and applying the earthworks rules. Transpower can provide free GIS data to assist with this.
- 3.9 In making this submission, Transpower recognises and understands the importance of working with landowners and Councils in developing appropriate plan provisions. Accordingly, Transpower appreciates the opportunity to provide these comments and would welcome any opportunity to discuss them further.

4.0 RELIEF SOUGHT

(Underline, while text sought to be deleted is shown as ~~strikethrough~~.)

4.2 Retain Rule 22.3.2.3 (a) as notified:

*(a) Earthworks that are not listed as a **Permitted, Controlled, Discretionary, Non-Complying or Prohibited Activity** and that do not comply with one or more of the Site Standards within Rule 22.3.3 shall be a **Restricted Discretionary Activity**.*

4.3 Delete Rule 22.3.2.3 (c):

~~(c) In the **Shotover Country Special Zone** the following shall be Restricted Discretionary Activities;~~

~~(i) Earthworks carried out within 12 metres of the closest visible edge of any foundation of the Frankton – Cromwell A 110kV high voltage transmission line support structure.~~

~~(ii) Earthworks carried out within 12 metres of the centreline of the Frankton – Cromwell 110kV high voltage transmission line that results in an increase in ground level.~~

4.5 Amend the matters of discretion in Rule 22.3.2.3 (d) as follows:

~~(d) The matters in respect of which the Council has reserved discretion in the Shotover County Zone relating to the high voltage electricity line for earthworks that do not comply with Site Standard 22.3.3. viii (a) relating to the National Grid Electricity Line are;~~

~~(i) The extent of earthworks required, and use of mobile machinery near the transmission National Grid electricity line which may put the line at risk;~~

~~(ii) Effects on the integrity of the transmission National Grid electricity line;~~

~~(iii) Volume, area and location of the works, including temporary activities such as stockpiles;~~

~~(iv) Time of the works;~~

~~(v) Site remediation;~~

~~(vi) The use of mobile machinery near the transmission line which may put the line at risk;~~

~~(vii) Extent of compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001).~~

4.4 Insert new non-complying Rule 22.3.2.5 (c) as follows:

Cromwell - Frankton A National Grid Electricity Line

(c) Any earthworks, cleanfill or mining activity which do not comply with Site Standard 22.3.3 viii (a)(ii) or 22.3.3 viii (a)(iii).

4.6 Delete Site Standard viii in 22.3.3 and replace with a new Site Standard as follows:

~~viii Frankton-Cromwell Electricity Transmission Lines~~

~~(a) Earthworks on land near any tower supporting the Frankton – Cromwell A 110 kV high voltage transmission line shall not:~~

~~(i) Be greater in depth than 300mm within 6m of the outer edge of the visible foundation of the tower;~~

~~(ii) Be greater in depth than 3m between 6m and 12m of the outer visible edge of any tower support structure~~

~~(iii) Create an unstable batter.~~

~~This rule shall not apply to Earthworks for agricultural cultivation, or the repair, sealing or resealing of a road, footpath or driveway.~~

~~Refer to NZ Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001).~~

viii Cromwell - Frankton A National Grid Electricity Line

(a) Any Earthworks, Cleanfill or Mining Activity within 12m of a support structure (tower) or within 12m of the centreline of the Cromwell - Frankton A line shall not:

(i) Exceed a depth of 300mm within 12m of any National Grid support structure (tower) foundation

(ii) Compromise the stability of a National Grid support structure; and

(iii) Result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001).

Provided that the following are exempt from point (a)(i) above:

- Earthworks for a Network Utility within a transport corridor, as part of a transmission activity, or for electricity infrastructure (including generation infrastructure); or
- Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.

4.1 Retain and amend all references to the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34: 2001) as follows:

- New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001).

4.7 Show the existing Cromwell - Frankton A National Grid Electricity Line on the District Plan Maps.

4.8 Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission

4.0 TRANSPOWER WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION.

5.0 IF OTHERS MAKE A SIMILAR SUBMISSION, TRANSPOWER WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

6.0 TRANSPOWER COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

7.0 TRANSPOWER IS DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—

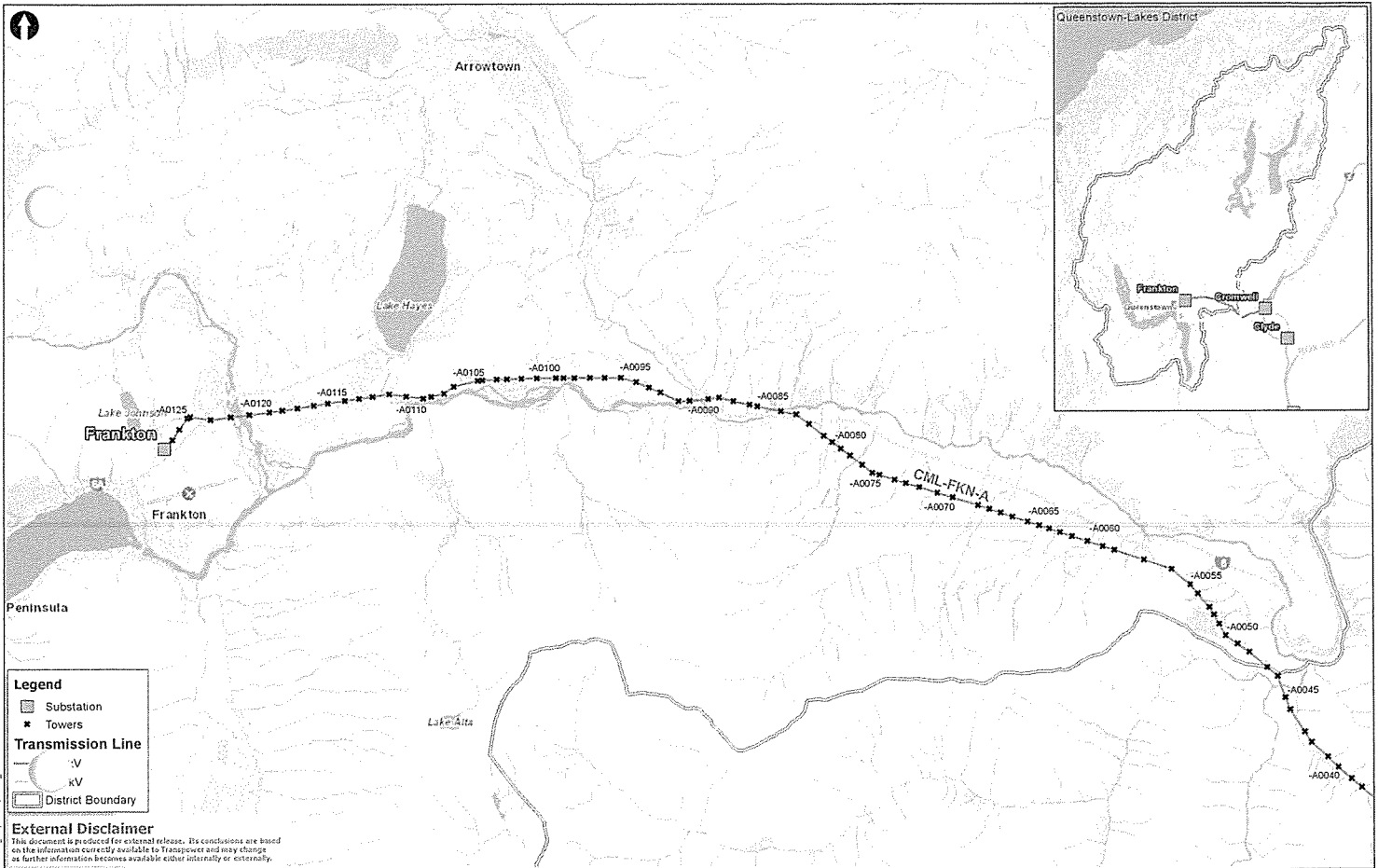
(A) ADVERSELY AFFECTS THE ENVIRONMENT; AND

(B) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.

Dated this 30th day of July 2014



Mike Hurley
Senior Environmental Planner
Transpower New Zealand Limited



Legend

- Substation
- Towers
- Transmission Line**
- 132 kV
- 220 kV
- District Boundary

External Disclaimer
 This document is produced for external release. Its conclusions are based on the information currently available to Transpower and may change as further information becomes available either internally or externally.

TRANSPOWER
 Projection: NZTM 2000 Scale: 1:70,000 Plan Size: A3L

Transpower Assets
Queenstown-Lakes District

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Date: 30/07/2014 Drawn by: joneser

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-FORM 5 OF RESOURCE MANAGEMENT ACT 1991-

SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL OR POLICY STATEMENT OR PLAN

To: Queenstown Lakes District Council

Submitter: Trojan Holdings Limited ("Trojan")

1. This is a submission on a proposed change to the Operative Queenstown Lakes District Plan, specifically:

Plan Change 49 - Earthworks.

2. The specific provisions of the plan change that this submission relates to are:

- The entire plan change, including, but not limited to:
 - Earthworks in Ski Area Sub Zones for ski areas operated in accordance with any relevant Conservation Management Plan or Concession approved by DoC
 - District Wide Earthworks

3. The submission of Trojan Holdings Limited is as follows:

Trojan generally supports the Plan Change subject to its submission being accepted.

General Comments

- 1) Trojan is a family owned and operated company with diversified commercial and tourism interests within the Queenstown Lakes District and the wider South Island.
- 2) Specifically, Trojan and its subsidiaries own a range of residential and commercial properties in the Queenstown Lakes District which are located within the following Zones:
 - Industrial B;
 - Queenstown Town Centre;
 - High Density Residential (Sub-Zone B)
 - Business;
 - Industrial;
 - Rural General.
- 3) In addition to the above, the most well-known of the Trojan subsidiaries is NZSki Limited which holds the leases and easements from the Department of Conservation to operate the Coronet Peak and Remarkables Ski Areas which are located within the Queenstown Lakes District's Rural General (Ski Area Sub-Zone).

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- 4) Due to Trojan and its subsidiaries' vast landholdings, as well as the varied Zones in which these are located, Trojan has a specific interest in the potential implications of proposed Plan Change 49 ("PC49").
- 5) Generally, Trojan supports PC49 and considers that the grouping of the earthworks rules for all District Plan Zones into one concise chapter in the District Plan is a positive improvement, providing a quickly accessible set of provisions and reducing the repetition and therefore bulk of the District Plan.
- 6) Trojan has some comments and concerns with respect to the proposed rules and policy framework for the Rural General (Ski Area Sub-Zone) ("Ski Area Sub-Zone").
- 7) In addition, Trojan considers there are some matters that require clarification by the Council in regards to the implications of the landscape classification on the earthworks volumes permitted in proposed Table 22.1.
- 8) Trojan's submissions on the above and other points are detailed below.

Specific Comments on the Provisions of Proposed Plan Change 49 - Earthworks

Ski Area Sub -Zones

- 9) The Operative District Plan currently provides for all earthworks with the Ski Area Sub-Zones to be undertaken as a Permitted Activity. There are no restrictions on volume, area, height of cut or depth of fill.
- 10) The current permissive regime occurs pursuant to exemptions detailed within the Controlled Activity Rule 5.3.3.2(viii) and Site Standard 5.3.5.1(viii) of the Part 5 – Rural Area rules of the Operative District Plan. These provisions read as follows:

5.3.3.2 Controlled Activities

*The following shall be **Controlled Activities**, provided that they are not listed as a **Prohibited, Non-Complying or Discretionary Activity**; and they comply with all of the relevant **Site and Zone Standards**; and they have been evaluated under the assessment criteria in rule 5.4.*

viii Earthworks

The following rules apply to all earthworks except:

- *within the Ski Area Sub-Zone (as defined in this Plan);*
- *for earthworks approved as part of a subdivision where that subdivision has resource consent;*
- *for routine repair and maintenance of operational tracks; and*
- *for utility activities (as defined in this Plan, and as permitted or approved as per part 17, and excluding the development of access ways to the site containing the utility service).*
- *for earthworks approved as part of a resource consent for a residential building platform or a building.*
- *for earthworks approved as part of a resource consent for a farming building except for earthworks associated with access..... [Emphasis added].*

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5.3.5.1 - Site Standards

viii Earthworks

The following limitations apply to all earthworks except:

- within the Ski Area Sub-Zone (as defined in this Plan):
- for earthworks approved as part of a subdivision where that subdivision has resource consent;
- for routine repair and maintenance of operational tracks;
- for utility activities (as defined in this Plan, and as permitted or approved as per part 17, and excluding the development of access ways to the site containing the utility service);
- for earthworks approved as part of a resource consent for a residential building platform or a building; and
- for earthworks approved as part of a resource consent for a farming building except for earthworks associated with access.....[Emphasis added].

11) The current exemption for earthworks in the Ski Area Sub-Zone contained in the Operative District Plan recognises the economic and recreational importance of the Ski Area Sub-Zones and that consolidated development within these designated areas is likely to be cumulatively minor, which Trojan supports.

Exemption for Ski Fields Operating in a Ski Area Sub Zone Pursuant to a Concession Under the Conservation Act 1987

12) Regardless of the Operative District Plan provisions, Trojan's Remarkables and Coronet Peak Ski Areas are subject to the Department of Conservation Concession process for any earthworks within these fields. To further explain, because these ski fields are located on public conservation land, they can only be carried out pursuant to a concession granted under the Conservation Act 1987. The concession process generally requires assessment of the effects of the activities to be authorised by it, including, for example, an assessment and an opportunity for controls to be imposed on the ecological, geo-technical and visual effects (amongst others).

13) This assessment is carried out by DoC, however affords the Council some certainty that the important ecological and landscape values are given protection outside of the RMA process. Trojan considers it unnecessary for there to be a duplication of this statutory assessment as would be the case if proposed earthworks provisions were to apply to its ski field areas.

14) There are currently no Conservation Management plans that apply to Trojan's ski fields at the Remarkables and Coronet Peak, however the Otago Conservation Management Strategy, which is a higher order conservation planning document, recognises the importance of the existing Ski Areas and enables their continued use and development, provided it is consistent with the values for which the land is held.

15) Accordingly, Trojan supports the proposed earthworks provisions of PC49 which specifically exempt all earthworks and bulk earthworks carried out in accordance with any relevant Conservation Management Plan or Concession approved by the Department of Conservation pursuant to Permitted Activity Rule 22.3.2.1(c)(i), but notes that given there is currently no Conservation Management Plan that applies to its ski field areas, the proposed rule should be amended to read

*“(1) Earthworks and bulk earthworks carried out in accordance with any relevant Conservation Management Plan **or Strategy** or Concession approved by Department of Conservation.”*

- 16) This approach, which is supported by Trojan, ensures that the status quo of no resource consent requirements for earthworks will continue to apply to the Ski Area Sub-Zones on Public Conservation Land.

Other Ski Area Sub Zones

- 17) It is acknowledged that the proposed exemptions in the Ski Area Sub-Zones listed in Permitted Activity Rule 22.3.2.1(c)(i) will not apply to some of the District’s ski fields that are located on privately owned land. Examples include, Cardrona and Snow Farm.
- 18) It is considered appropriate that these areas are captured by the proposed District Plan provisions because under the status quo, and unlike ski fields on Public Conservation Land, there is otherwise no assessment of the effects of earthworks by any statutory agency.
- 19) While earthworks and development within the Ski Area Sub-Zones not on Public Conservation Land is considered to be appropriate due to the previously defined and consolidated areas that have been identified in the District Plan, the Queenstown Lakes District is world renowned for its spectacular landscapes, and enabling uncontrolled earthworks to occur in these high altitude landscapes without any form of assessment of their effects is not considered to be consistent with the purpose of the Resource Management Act.
- 20) Accordingly, Trojan considers that requiring earthworks in ski areas not located on Public Conservation Land to obtain restricted discretionary Activity consent for breaching cut heights, angle of slope or height of fill is considered appropriate. Likewise, requiring discretionary consent for bulk earthworks in these areas is also considered is appropriate to enable an assessment of effects of these works.
- 21) While resource consent may be required for some earthworks in these Ski Area Sub-Zones, Trojan considers that the proposed policy framework appropriately balances the need to consider the environmental effects of earthworks in these Zones against the importance of the Ski Area Sub Zones to the local economy.
- 22) Specifically, Trojan generally supports proposed Objective 4 and its supporting Policy 4.4 (subject to a minor amendment detailed shortly) which read as follows:

“Objective 4 – Earthworks in Rural Areas and Ski Area Sub-Zones

Subject to Objective 2, to enable earthworks that improves efficiency of farming operations, health and safety and public recreation values.”

“Policy 4.4 *To provide for earthworks that provide for the growth, development and consolidation of ski fields within Ski Area Sub-Zones.”*

- 23) Trojan also generally supports proposed Objective 2 which is linked to the above mentioned policy and objective and states:

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“Objective 2 – Landscape and Visual Amenity Values

To protect landscape and visual amenity values from the adverse effects of earthworks.”

24) Objective 2 is supported by the following relevant policies, which Trojan also supports:

“Policy 2.1 *To avoid adverse effects of earthworks on Outstanding Natural Features and Outstanding Natural Landscapes.*

Policy 2.2 *To avoid adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.*

Policy 2.3 *To ensure cuts and batters are sympathetic to the line and form of the landscape.*

Policy 2.4 *To ensure remedial works and re-vegetation mitigation are effective, taking into account altitude and the alpine environment.”*

Trojan’s ski fields are subject to similar assessment under the Conservation Act. By way of example, the Remarkables Ski Area has gone through a major re-development over the 2013/2014 summer involving tens of thousands of cubic metres of earthworks. There are long established protocols for re-habilitation of vegetation including re-planting and sourcing purpose bred nursery stock. Mitigation measures are also employed to protect exposed areas from erosion over winter and the works are generally done in a way to blend with the existing contours of the Ski Area. These are all controls imposed by the relevant Department of Conservation Concessions.

25) Trojan considers similar mitigation measures could be employed for earthworks in the Ski Area Sub - Zones that are not on public conservation land (so do not operate under a concession) to ensure the objectives and policies identified above are achieved.

26) Accordingly, Trojan considers the proposed objective policy and rule framework for earthworks for the Ski Area Sub-Zone, specifically those ski areas not operated pursuant to a concession is enabling, and ensures that an appropriate level of control is applied to activities within the Ski Area Sub-Zones, having regard to the landscapes in which they are located.

27) Trojan considers the proposed approach will ensure much better environmental outcomes are achieved than the status quo, which takes a somewhat haphazard approach.

Landscape Classification

- 28) Despite the supporting comments above, Trojan seeks clarification that the link in proposed Objective 4 to proposed Objective 2 does not mean that the Council deems all Ski Area Sub-Zones to be 'Outstanding Natural Landscapes' as referred to in proposed Policy 2.1.
- 29) Specifically, Part 5 - Rural Areas of the Operative District Plan specifically excludes the Ski Area Sub-Zones from the landscape classifications used in the plan. Specifically, Section 5.3.1.2 states:

"5.3.1.2 Ski Area Sub-Zones

Ski Area Sub-Zones are located within the Rural General Zone. The purpose of these Sub-Zones is to enable the continued development of ski field activities within the identified boundaries, where the effects of those activities are anticipated to be cumulatively minor.

For the avoidance of doubt, Ski-Area Sub-Zones are excluded from the landscape classifications used in the Plan (i.e.: Outstanding Natural Landscapes (Wakatipu Basin), Outstanding Natural Landscapes (District Wide) or Visual Amenity Landscapes. [Emphasis added].

- 30) The Part 5 provisions of the Operative District Plan other than earthworks are not up for change as part of PC49 and Trojan considers that the existing exemption from the District Wide landscape classification should remain in order to provide for and enable development within the Ski Area Sub-Zones.
- 31) Accordingly, to avoid ambiguity that might otherwise arise, Trojan considers that proposed Policy 4.4 under Objective 4 should be amended as follows:

Policy 4.4 *To provide for earthworks that **enable** the growth, development and consolidation of ski fields within Ski Area Sub-Zones **and recognising these areas are exempt from the District Wide Landscape Classification criteria.***

Indigenous Vegetation Clearance

- 32) As noted above, Trojan supports the proposed earthworks provisions that will continue to ensure resource consent for earthworks in Ski Area Sub - Zones on Public Conservation Land that operate pursuant to a Concession under the Conservation Act remain a Permitted Activity. However the intended permissiveness of the proposed regime is negated somewhat by the indigenous vegetation clearance rule that generally applies in the Ski Areas.
- 33) Specifically, Site Standard 5.3.5.1(x) Indigenous Vegetation is usually triggered by any earthworks undertaken within the Ski Area Sub-Zones. This Site Standard states:

"x Indigenous Vegetation

There shall be no clearance of indigenous vegetation except for:

- (a) *The clearance of indigenous vegetation that is:*
(i) *Totally surrounded by pasture and other exotic species; and*

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- (ii) *less than 0.5 hectares in area; and more than 200 metres from any other indigenous vegetation which is greater than 0.5 hectares in area; and*
 - (iii) *less than 1070 metres above sea level; and*
 - (iv) *more than 20 metres from a water body; and*
 - (v) *not listed as a threatened species in Appendix 9.*
- (b) *The clearance of indigenous vegetation for the operation and maintenance of existing roads, tracks, drains, utilities, structures and fence lines, excluding their expansion.*
 - (c) *The clearance of indigenous vegetation for the construction of public walkways up to 1.5 metres in width provided that it is not listed as a threatened species in Appendix 9.*
 - (d) *The clearance of indigenous trees that have been wind thrown or are dead standing as a result of natural causes and have become dangerous to life or property.*

The Council shall restrict the exercise of its discretion in relation to this matter to its effect on nature conservation, landscape and visual amenity values and the natural character of the rural environment."

- 34) A resource consent is usually required for the clearance of indigenous vegetation associated with earthworks as the Ski Area Sub-Zones are generally located above 1070m in elevation. This reduces the overall efficiency of the existing and proposed earthworks provisions.
- 35) Trojan considers that the Council should amend this Site Standard to include a similar exemption to that proposed for the earthworks by PC49. Specifically, that Site Standard 5.3.5.1(x) shall not apply to indigenous vegetation clearance carried out in accordance with any relevant Conservation Management Plan or Strategy or Concession approved by the Department of Conservation.
- 36) Should the Council consider this submission to be beyond the scope of PC49, Trojan requests that the change be made as part of the overall review of the Part 5 – Rural Area provisions.

Wider District Plan Implications

- 37) As identified above, Trojan is a commercial landowner of properties in various Operative District Plan Zones.
- 38) Simplifying and streamlining the proposed earthworks for these other District Plan Zones into once chapter of the District Plan is supported by Trojan.
- 39) It is agreed that there has long been confusion as to whether earthworks associated with subdivision are exempt from the Operative Site Standards for earthworks (land use). It has generally been considered that the two should be assessed separately although the wording of Section 15 (subdivision) of the Operative District Plan does not specifically provide that exemption.

- 40) Trojan therefore supports the proposed Rule 22.3.1(ii)(a)(i) in so far as it specifies the earthworks rules do not apply to earthworks approved as part of a subdivision approved as a Controlled Activity consent pursuant to new Rule 15.2.20.
- 41) Trojan agrees with the comments in the Section 32 Report where it is stated that the existing area limit on earthworks in most urban zones lacks any real justification as a trigger point for resource consent. Specifically, if the purpose of an area limit has been to control temporary nuisance effects such as dust and sediment this should be controlled in any event under the existing Environmental Protection Measures.
- 42) Further, the current earthworks provisions exclude earthworks with an average depth of 0.5m if the area does not exceed 200m² in most residential and commercial zones. However, it would be impossible for earthworks consent to be required just on the basis of exceeding this minimum area because exceeding 200m² at an average depth greater than 0.5m exceeds the current Permitted Volume of 100m³ for these Zones.
- 43) Trojan therefore supports the Council's proposal to remove the minimum area of exposed soil from the proposed earthworks provisions in PC49. It is considered much more appropriate to focus on the overall volume of earthworks as the key trigger point.
- 44) The proposed Table 22.1 which groups the District Plan Zones into seven categories or 'Tiers' in order to detail the permitted earthworks volumes is considered to be an appropriate and concise format which outlines the applicable limits for the entire District whilst reducing the overall bulk of the District Plan.
- 45) Trojan supports the proposed increase in the Permitted earthworks volumes across the proposed Tiers.
- 46) Earthworks are common place on a large proportion of the sites that are developed within the Queenstown Lakes District and are therefore undertaken by professionals who are experienced and familiar with the standard environmental protection and mitigation measures.
- 47) Accordingly, Trojan considers it reasonable that the earthworks limits are increased as proposed in Table 22.1. This will avoid a large number of resource consents having to be sought solely for relatively minor earthworks particularly in the residential zones.
- 48) The one issue that needs some clarification with respect to proposed Table 22.1 is the reference to earthworks volumes in the proposed 'Tier 2 Zones' which states that earthworks in Outstanding Natural Landscapes ("ONL") are limited to 200m³ in volume.
- 49) Most ONL classified land is Zoned Rural General and the existing permitted volume is 300m³. In effect the permitted limit would be reduced from what presently exists by 100m³. Given the importance of protecting the Queenstown Lakes Districts landscapes from visual degradation it is considered that the slight reduction for ONL Zoned land is appropriate.
- 50) However, Trojan understands legal advice obtained by the Council states that while it is not necessarily required, a landscape classification (such as ONL) could be made to parcels of land in Zones other than just Rural General, e.g. Jacks Point, Rural Lifestyle Zones etc.

- 51) As such, there is some uncertainty as to whether the 'Tier 2' limit of 200m³ for ONLs would apply to a 'Tier 4' Zone (Rural Lifestyle/Rural Visitor Zone) where it would otherwise be permitted to undertake up to 400m³ of earthworks.
- 52) In Trojan's submission, Tier 2 should be re-worded to make clear its requirements only apply to say "ONLs in the Rural General Zone" to avoid any confusion over the application of landscape classification for earthworks proposals.
- 53) Finally, Trojan supports the exclusion of mining and quarrying activities from the application of the proposed earthworks rules, as provided for by the new definitions for those activities.

Resource Management Act 1991 Considerations

- 54) PC49, with the amendments sought by Trojan, will significantly improve and make more efficient the District Plan by providing a single concise chapter of earthworks provisions.
- 55) If Trojan's submission is accepted, the potential adverse effects of earthworks will be appropriately avoided, remedied or mitigated whilst still providing for the social, economic and cultural well-being of people and communities within the Queenstown Lakes District.
- 56) Accordingly PC49 if amended as suggested in this submission will be in accordance with Part II of the RMA.

5. The following decision is sought from the Queenstown Lakes District Council:

That PC49 be approved subject to Trojan's submission being accepted and the plan change being accordingly amended, or any such other relief that will address the points made in Trojan's submission, including any consequential amendments that may be required.

- 6. Trojan does wish to be heard in support of this submission.**
- 7. If others make a similar submission, Trojan will consider presenting a joint case with them at a hearing.**



Sean Dent: Southern Planning Group on behalf of Trojan Holdings Limited

SOUTHERN PLANNING GROUP

Date 30th July 2014

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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



YOUR DETAILS

Your Name: Woodlot Properties Limited
Your Address: c/- Vivian Espie Ltd.
Postal Address for Service: PO Box 2514, Wakatipu 9349
Phone Number: 03 441 4189 (Work) (Home)
Fax Number: E-mail: carey@vivianespie.co.nz

This is a submission on the following proposed plan change:

Plan Change 19 - 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:

See Attached.

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

See Attached.

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

See Attached

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: [Handwritten Signature] Date: 28.7.14

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 0499 Fax: 03 450 2223 E-mail: services@qldc.govt.nz

Policy - Plan Change

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

All of the Plan Change.

My submission is:

1. Objective 1 and policies. The proposed objective reads “... in a manner that *avoids* adverse effects on communities and the natural environment.” It is submitted this objective and policies should be amended to include “and mitigate” after the word “avoid” to more accurately reflect the purpose of the RM Act. Additionally “remedy” should be added to Policy 1.5.
2. Objective 2 and policies. The word “adverse” in the Objective should be replaced with the words “inappropriate” to better reflect section 6b of the RM Act. Policies 2.1 and 2.2 should be amended to include the words “and mitigate” after the word “avoid” to more accurately reflect the purpose of the RM Act.
3. Objective 3, Policy 3.3. This policy does not make sense. The words “*remedy or mitigate*” should be added after the word “*avoid*” and the words “including tracking” should be deleted.
4. Table 22.1. Tier 2 and 6 as they relate to the Rural General Zone. The proposed rules creates a maximum total volume of earthworks in the Rural General Zone (ONL's and ONF's) of 200 m³ per annum and 1000m³ elsewhere. It is noted that the Rural General Zone comprises much of the District, including national parks and extensive farming areas (such as the valley floor at Glenorchy, the Wakatipu Basin and Upper Clutha basin). There is a wide range of property sizes within the Rural General Zone ranging from less than 1000 m² in area to many thousands of hectares. It is submitted that it is unfair and unjust to treat large properties the same as a small properties in terms of permitted quantities (especially since the large properties more likely to be making a positive contribution to the landscape values of the District by farming than the smaller ones). It is submitted that Tier 2 and 6 quantities should thus be amended to reflect the varying size of the Rural General properties. For example:
 - On landholdings less than 10 hectares in size: 1,000 m³ per annum
 - On landholdings 10 to 50 hectares in size: 1,500 m³ per annum
 - On landholdings 50 to 100 hectares in size: 2,000 m³ per annum
 - On landholdings 100 to 500 hectares in size: 2500 m³ per annum
 - On landholdings 500 to 1,000 hectares in size: 3,000 m³ per annum
 - On landholdings greater than 1,000 hectares in size: 3,500 m³ per annum

These quantities should be permitted irrespective of landscape classification.

5. A similar permitted scale relative to landholding size could also apply to urban zones.

I seek the following decision from the local authority:

As detailed above.