

# ORC Omnibus Plan Change - Plan Change 8

**Submission Reference no:** 113

**Remarkables Park Limited (RPL) (Brian Fitzpatrick)**

PO Box 1075

Queenstown

New Zealand

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**Submitter Type:** Not specified

**Source:** Email

## Overall Notes:

### Clause

Are you a trade competitor?

### Position

I am a person who would not gain an advantage in trade competition through this submission

### Notes

### Clause

What are you submitting on? You can submit on specific parts of Plan Change 8 or the whole plan change.

### Position

I am submitting on specific parts of the plan change (please detail below).

### Notes

Rules 14.5.1 and 14.5.2 and, in particular, the requirement to obtain resource consent from ORC for earthworks for residential development where the area of earthworks is greater than 2,499m<sup>2</sup> and in certain other circumstances (proximity to a waterbody, contaminated land, quality of discharge etc)

### Clause

What is your view on the Plan Change 8 or the specific parts listed above? Please select one, if you have multiple views state clearly in the notes box below.

### Position

Oppose

### Notes

The reason for RPL's opposition is that the Queenstown Lakes District Council's District Plan (and its Proposed Plan) already contains provisions that require owners and developers to obtain a Resource Consent from QLDC for any earthworks of the scale identified in The Proposal. The Proposal introduces unnecessary duplication and cost and, in the case of land within the Queenstown Lakes District, does not achieve any environmental benefits or any improved environmental outcomes. An owner or developer should not be required to make two separate applications to two separate consenting authorities in respect of the same works. By way of clarification RPL notes that its opposition is not to ORC's requirements to obtain discharge consents. RPL's opposition is to the new requirement to obtain a resource consent for earthworks from ORC in circumstances where the applicant is already required to obtain an earthworks consent from QLDC in respect of the same earthworks.

### Clause

What decision would you like the Environment Court to make?

### Position

Approve the plan change with amendments

### Notes

I seek the following decision from the Environment Court/board of inquiry. That Rule 14.5.1.1 is amended so that earthworks that have been granted resource consent by the QLDC are deemed to be a permitted activity. OR that the following underlined insertion is made after the opening words of Rule 14.5.2.1: "14.5.2.1 Except as provided by Rule 14.5.1.1 or where QLDC has granted resource consent for the use or works, ..."

### Clause

Do you wish to be heard in support of your submission? All submissions will be considered by the Environment Court. Please indicate if you wish to be heard in support of your submission.

### Position

I wish to be heard in support of my submission

**Notes****Clause**

Please indicate your choice(s) below. If you do not indicate your intention to call experts, you can change your mind later and decide to call experts to give evidence in relation to your submission, provided you do so in time to meet any procedural direction the Environment Court might make.

**Position**

If others make a similar submission I/we would consider presenting a joint case with them at a hearing

**Notes****Clause**

Authority to act:

**Position**

I confirm I have the authority to sign this submission on behalf of the submitter

**Notes**

## FW: Submission on Plan Change 8 to ORC Water Plan

Information Mailbox <Information.Mailbox@epa.govt.nz>

Tue 8/09/2020 11:23 PM

To: ORCplanchanges <ORCplanchanges@epa.govt.nz>

📎 1 attachments (55 KB)

Submission Plan Change 8 ORC Water Plan.pdf;

Kia ora Team

See late submission below

Ngā mihi nui

### Katie Osborne

Customer Support Administrator

Finance & Systems - Services

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**From:** Brian Fitzpatrick [mailto:b.fitzpatrick@remarkablespark.com]

**Sent:** Wednesday, 9 September 2020 11:16 AM

**To:** Information Mailbox <Information.Mailbox@epa.govt.nz>

**Subject:** Submission on Plan Change 8 to ORC Water Plan

Good morning,

I have attached a submission from Remarkables Park Limited on Proposed Plan change 8 to the Otago Regional Council Water Plan.

I realise that the submission is being sent outside the closing date for submissions and request that it be accepted as the principal of the company was in Auckland throughout Auckland's most recent Level 3 COVID-19 shutdown and was able to get to Queenstown and attend to normal business.

Best regards

Brian Fitzpatrick



**Brian Fitzpatrick**

GENERAL MANAGER DEVELOPMENT

m +64 21 946 952

e [b.fitzpatrick@remarkablespark.com](mailto:b.fitzpatrick@remarkablespark.com)

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**Remarkables Park Limited**

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Form 16B Submission to Environmental Protection Authority on matter where Minister has made a direction under section 142(2) or 147(1)(a) or (b) of Resource Management Act 1991 and matter has been publicly notified or subject to limited notification

*Sections 149E, 149O, and 149ZC, Resource Management Act 1991*

To the Environmental Protection Authority

1. Full name of submitter: Remarkables Park Limited (RPL)
2. This is a submission on a matter in relation to which the Minister for the Environment made a direction under [section 142\(2\)](#) or [147\(1\)\(a\) or \(b\)](#) of the Resource Management Act 1991.
3. The matter is: Proposed Plan Change 8 to The Otago Regional Council Water Plan (The Proposal).
4. RPL would not gain an advantage in trade competition through this submission.
5. The specific parts of the matter that my submission relates to are:  
Rules 14.5.1 and 14.5.2 and, in particular, the requirement to obtain resource consent from ORC for earthworks for residential development where the area of earthworks is greater than 2,499m<sup>2</sup> and in certain other circumstances (proximity to a waterbody, contaminated land, quality of discharge etc)
6. RPL's submission is:  
RPL opposes the above requirement.

The reason for RPL's opposition is that the Queenstown Lakes District Council's District Plan (and its Proposed Plan) already contains provisions that require owners and developers to obtain a Resource Consent from QLDC for any earthworks of the scale identified in The Proposal. The Proposal introduces unnecessary duplication and cost and, in the case of land within the Queenstown Lakes District, does not achieve any environmental benefits or any improved environmental outcomes. An owner or developer should not be required to make two separate applications to two separate consenting authorities in respect of the same works. By way of clarification RPL notes that its opposition is not to ORC's requirements to obtain discharge consents. RPL's opposition is to the new requirement to obtain a resource consent for earthworks from ORC in circumstances where the applicant is already required to obtain an earthworks consent from QLDC in respect of the same earthworks.

7. I seek the following decision from the Environment Court/board of inquiry:  
That Rule 14.5.1.1 is amended so that earthworks that have been granted resource consent by the QLDC are deemed to be a permitted activity. OR that the following underlined insertion is made after the opening words of Rule 14.5.2.1:

"14.5.2.1 Except as provided by Rule 14.5.1.1 or where QLDC has granted resource consent for the use or works, ..."

8. I wish to be heard in support of my submission.
9. If others make a similar submission, I will consider presenting a joint case with them at the hearing.

Date:8 September 2020

Electronic address for service of submitter: [b.fitzpatrick@remarkablespark.com](mailto:b.fitzpatrick@remarkablespark.com)

Telephone: 021 946 952

Postal address: PO Box 1075, Queenstown 9348

Contact person: Brian Fitzpatrick, General Manager Development

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