



25 February 2021

Environmental Protection Agency

Via email: queenstownarterialsfasttrack@epa.govt.nz + alexander.erceg@epa.govt.nz

Attention: Teresa Calmeyer, Acting Manager Land & Oceans Applications

Dear Teresa

Thank you for your letter dated 11 February 2021 requesting on behalf of the Queenstown Arterials Project Expert Consenting Panel further information relating to the project. This letter is in response to that letter.

Information requested: The identification of any relevant provisions, in the Regional Policy Statement, District Plan and/or Regional Plan that are not referenced in the Assessment of Environmental Effects that could usefully inform the drafting of conditions of consent or conditions for the notice of requirement.

Response: A review of the Regional Policy Statement, Operative District Plan and Proposed District Plan and the Regional Water Plan has been undertaken. The Assessment of Environmental Effects has accurately identified the key objectives and policies for the drafting of conditions. The review undertaken for this information request has picked up some further objectives and policies in the relevant documents which could be of assistance to the Expert Consenting Panel. These are contained in Attachment 1 to this letter.

Information requested: Your view on the desirability and appropriateness of duplicating conditions in the consents and the notice of requirement (for example conditions dealing with erosion and sediment control, stormwater and stream works).

Response: The applicant in their application has noted that the resource consent conditions are mirrored by repeating the designation requirements for an erosion and sediment control plan, reflecting the jurisdictional crossover between the regional council's function managing the effects of development on the watercourse, and the district council's responsibility for managing erosion and sediment across the wider project area.

In principal the duplication of conditions is not desirable unless for providing clarity and efficiencies for the implementation of the project works. Designations have a different purpose to a resource consent, and therefore it might not be appropriate to place a resource consent condition on a designation, i.e. in relation to stormwater discharge and stream works as these are matters authorised by regional resource consent only. Similarly it may not be appropriate to impose designation conditions relating to land use matters on a regional resource consent. There may also be jurisdictional issues between Councils in terms of being able to impose and then monitor conditions.

In this case with regard to the management of erosion and sediment control, because the ORC component of the project works is significantly smaller than that covered under QLDC jurisdiction, it is assumed that the applicant may be seeking conditions are duplicated in order to achieve efficiencies in implementing the project works in a holistic approach.

Because designations provide ongoing authorisation for operation, maintenance, upgrades/changes associated with the purpose of the designation, it is requested that consideration be given to imposing the conditions in a way that provides for all conditions relating to the primary construction of the district arterial to then fall away at the completion of construction, leaving only conditions relating to the ongoing operation of the arterial. Outline Plan requirements under section 176A of the RMA provide for the assessment and management of any adverse effects from any future changes or upgrades to the District Arterial.

Please don't hesitate to contact me if there are any queries or further information is required.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'F. Blight', with a stylized flourish at the end.

Fiona Blight

Manager Resource Consents

Fiona.blight@qldc.govt.nz

03 450 0325

Attachment 1 to letter

Additional Objectives and Policies

Regional Policy Statement

Objective 2.1 - The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions.

Objective 2.2 - Kāi Tahu values, interests and customary resources are recognised and provided for.

Objective 3.1 - The values (including intrinsic values) of Otago's ecosystems and natural resources are recognised, and maintained, and or enhanced where degraded.

Policy 3.1.1 Fresh Water

Policy 3.1.2 Beds of rivers, lakes, wetlands and their margins

Policy 3.1.8 Soil Erosion

Policy 3.1.9 Ecosystem and indigenous biological diversity

Objective 4.5 - Urban growth and development is well designed, reflects local character occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments.

Regional Plan Water for Otago

5.4.4 To recognise Kai Tahu's interests in Otago's lakes and rivers by promoting opportunities for their involvement in resource consent processing.

Proposed District Plan

Strategic Direction - Chapter 3

Strategic Objective 3.2.4.3 - The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved, or enhanced where possible, and protected from inappropriate subdivision, use and development.

Earthworks – Chapter 25

Policy 25.2.1.1 - Ensure earthworks minimise erosion, land instability, and sediment generation and off-site discharge during construction activities associated with subdivision and development.

Policy 25.2.1.2 - Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects, in a way that:

a. Protects the values of Outstanding Natural Features and Landscapes;

b. Maintains the amenity values of Rural Character Landscapes

c. Protects the values of Significant Natural Areas and the margins of lakes, rivers and wetlands;

d. Minimises the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wanaka Basin and Cardrona alluvial ribbon aquifers;

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

e. Protects Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori;

f. Protects the values of heritage sites, precincts and landscape overlays from inappropriate subdivision, use and development; and

g. Maintains public access to and along lakes and rivers.

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

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

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

Policy 25.2.1.8 - Undertake processes to avoid adverse effects on cultural heritage, including wāhi tapu, wāhi tūpuna and other taonga, and archaeological sites, or where these cannot be avoided, effects are remedied or mitigated.

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

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

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

Natural Hazards – Chapter 28

Policy 28.3.1.3 Ensure all proposals to subdivide or develop land that is subject to natural hazard risk include an assessment that is commensurate with the level of natural hazard risk including where relevant:

- a. the likelihood of the natural hazard event occurring over no less than a 100 year period;*
- b. the type and scale of the natural hazard and the effects of a natural hazard on the subject land, and proposed activity or development;*
- c. the effects of multiple and cascading hazards;*
- d. the effects of climate change on the likelihood and scale of the natural hazard;*
- e. the potential for the activity to exacerbate the natural hazard risk both within and beyond the subject land;*
- f. the location, design and construction of building and structures to mitigate the effects of natural hazards, such as the raising of floor levels, or relocation of buildings and structures;*
- g. management techniques that avoid or manage natural hazard risk to a tolerable level, including with respect to ingress and egress of both residents and emergency services during a natural hazard event.*

Transport- Chapter 29

Policy 29.2.3.1 - Establish design standards for roads and accesses, including those in Table 3.2 of the QLDC Land Development and Subdivision Code of Practice (2018), and require adherence to those standards unless it can be demonstrated that the effects of the proposed design on:

- a. the active and public transport networks and the efficiency and safety of the roading network are no more than minor; and*
- b. amenity values, urban design and landscape values are appropriately mitigated.*

Policy 29.2.3.5 - Allocate space within the road corridor and at intersections for different modes of transport and other uses such as on-street parking in a manner that reflects the road classification, makes the most efficient use of the road corridor, and contributes to the implementation of council's active and public transport network plans.

Policy 29.2.3.7 - Encourage the incorporation of trees and vegetation within new roads and as part of roading improvements, subject to road safety and operational requirements and maintaining important views of the landscape from roads.

Objective 29.2.4 - An integrated approach to managing subdivision, land use, and the transport network in a manner that:

- a. supports improvements to active and public transport networks;*
- b. promotes an increase in the use of active and public transport networks and shared transport;*
- c. reduces traffic generation; and*
- d. manages the effects of the transport network on adjoining land uses and the effects of adjoining land-uses on the transport network.*

Policy 29.2.4.10 Enable the construction or implementation of the active and public transport networks to reduce traffic congestion and improve transport choice.

Operative District Plan

Section 4 – District Wide Issues

4.1.4, Objective 1 - Nature Conservation Values

The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.

Improved opportunity for linkages between the habitat communities.

The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.

The protection of outstanding natural features and natural landscapes.

The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.

The protection of the habitat of trout and salmon.

Section 17 – Transport

Policy 3.2 To discourage traffic in areas where it would have adverse environmental effects.