

File: FTC000017
ORC Reference: RM20.291

24 February 2021

Environmental Protection Authority
Private Bag 63002
Wellington 6140
Attention: Teresa Calmeyer, Acting Manager Land & Oceans Applications
Alex Erceg, Project Lead

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

Dear Alex,

Request for Information from the Otago Regional Council under the Covid-19 Recovery (Fast-track Consenting) Act 2020

I am writing in response to your letter requesting further information from Otago Regional Council (ORC) under clause 25 of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), relating to Queenstown Arterials Project resource consent application.

The EPA requested the following information, our response is below:

- 1. 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 from ORC:

We have reviewed the AEE and it would appear that the following provisions from two of our plans are not referenced:

Regional Plan: Water (Rules)

- Permitted activity rule 12.3.2.3 may be relevant for any temporary diversion works proposed during erection/construction of instream structures (i.e. culverts);
- Consent may be required for a discretionary activity under Rule 12.3.4.1(i) for the 'temporary dams' proposed during instream works at Horne Creek and One Mile Creek as permitted activity rule 12.3.2.1 cannot be met (as the AEE states that the catchment is greater than 50 hectares in area);
- Consent may be needed for the proposed 'dewatering' activities if permitted activity rules relating to the taking and use of surface and groundwater cannot be met. The relevant rules are 12.1 and 12.2, respectively.

Regional Plan: Waste (RPWaste)

The AEE states that “*No resource consents have been identified as being required under the Waste Plan on the basis that there are no hazardous wastes associated with the road construction activity.*”

However, Rule 5.6.1 (1) Hazardous wastes at contaminated sites (discretionary activity), is relevant in relation to the disturbance of contaminated sites. Resource Consent is required for a Discretionary Activity under the RPWaste for the disturbance of land at a contaminated site. Therefore, the effects of this activity need to be considered in the assessment of environmental effects.

Under the RPWaste a contaminated site is defined as:

*“For the purpose of this Plan, a contaminated site is a site at which hazardous substances occur at concentrations above background levels **and** where assessment indicates it poses, or is likely to pose an immediate or long term hazard to human health or the environment.”*

A site is classed as a contaminated site under the RPWaste if substance levels exceed relevant soil guidelines values **and** they are not naturally occurring. It is advised that resource consent is obtained on a precautionary basis if there is any suspicion that the site may be contaminated and if it is known that the site is contaminated, then consent must be required from ORC prior to any site disturbance. This would relate to the HAIL sites identified in Appendix 13. Consent is likely required from ORC to disturb a contaminated site for the proposed works.

2. *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 from the ORC:

Where possible it would be appreciated if conditions were not unnecessarily duplicated on the consents and on the notice of requirements. This would ensure clarity for the consent holder and also for those undertaking monitoring of any approved consents.

Please note, ORC has also provided further comment through the invitation for comment on the Queenstown Arterials Project (LP17), I have attached ORC’s comments to this letter.

If you have any queries please contact me on 0800 474 082 or by emailing me at Joanna.Gilroy@orc.govt.nz.

Yours sincerely



Joanna Gilroy
Manager Consents