

QLDC Council  
27 June 2019

### Report for Agenda Item | Rīpoata mot e Rāraki take: 6

**Department: Finance, Legal and Regulatory**

**Title | Taitara**

**Queenstown Lakes District Councils' Guidelines for Environmental Management Plans**

#### **PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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- 1 The purpose of this report is to seek Councils endorsement and acceptance of the newly developed QLDC Guidelines for Environmental Management Plans related to land disturbance activities in the Queenstown Lakes District.

#### **EXECUTIVE SUMMARY | WHAKARĀPOPOTANGA MATUA**

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- 2 These guidelines reflect the working knowledge and practical and environmental issues that have been previously encountered in the district. These guidelines are intended to reduce the impacts of land disturbance activities related to land development in the Queenstown Lakes District. These guidelines align the district to the current national standards and best practice guidelines available.
- 3 The guidelines provide guidance for the preparation of Environmental Management Plans (EMP's), associated with land development activities as required by the Queenstown Lakes District Council (QLDC) issued resource consents. This document can also be applied to small-scale construction sites (e.g. residential construction projects) to assist in compliance with the environmental protection measures outlined in the Earthworks chapter of the Queenstown Lakes District Plan. The purpose of this Guideline is to provide guidance to consent holders, contractors and consultants, about what administrative and operational measures that shall be outlined in EMPs that are to be submitted for acceptance by QLDC.
- 4 These guidelines have been practically incorporated with some recently consented, as well as some existing developments environmental management plans and resource consents with substantial environmental improvements observed.

**RECOMMENDATION | NGĀ TŪTOHUNGA**

That Council:

1. **Note** the contents of this report;
2. **Accept** the QLDC Guidelines for Environmental Management Plans;
3. **Authorise** Officers to make further minor changes to the QLDC Guidelines for Environmental Management Plans without further recourse to the Council, where this is necessary to:
  - a. Fix identified minor errors and /or omissions;
  - b. Re-format to ensure maximum usability (hard copy and on-line); and
  - c. Ensure continuity with relevant environmental management best practice.

Prepared by:



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13/06/2019

Approved by:



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Finance, Legal and Regulatory  
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13/06/2019

**CONTEXT | HORPOAKI**

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- 1 QLDC's current 'A guide to earthworks', land disturbance guidelines are outdated and falls short of being what would be considered, environmental best practice for land disturbing activities and is not considered fit for purpose.
- 2 Over the past two years specifically, there have been multiple events associated with land disturbance projects that have led to the degradation of the Queenstown Lakes Environment. Such events are commonly associated with the erosion and sedimentation of large areas of exposed land which can have significant adverse effects on sensitive environmental receptors such as our streams, river, lakes as well as our people and communities. Consent holders and contractors were often found to be complying with the existing 'Guide to Earthworks' guidelines, whilst still contributing significant adverse environmental effects. It was considered that new guidelines needed to be developed in order to 'raise the bar' and meet current industry best practice.
- 3 On 29<sup>th</sup> October 2018 a presentation to Council via a workshop was undertaken. It was proposed to create new environmental management guidelines for land disturbance activities. This was in response to identifying short falls with current guidelines adopted by QLDC, understanding the level of growth and development has increased dramatically and aligning new guidelines with current industry best practice was required. Council supported and encouraged the development of new guidelines and have them incorporated in the planning/consenting process.
- 4 The guidelines provide for the preparation of Environmental Management Plans EMPs, associated with land development activities as required by the QLDC issued resource consents. Ultimately the guidelines require a higher standard of environmental controls and practices on an administrative and operational level, to be implemented during land disturbance activities.
- 5 Put simply, every time someone triggers an earthworks rules of the District Plan requiring consent, then the consents team will use the guidelines to help determine what mitigation is required for the earthworks proposed and include the relevant conditions. The guidelines can also be considered as a s104 "other matter" (s104 of the RMA being the section resource consent decisions are made under). As it is, the planning team will use the guidelines and included conditions (as they seem reasonable), however applicants could object to conditions OR Independent Commissioners could deviate from them if they considered it appropriate too.
- 6 Consultation with key stake holders has been undertaken over a two month period. This included but was not limited to local Iwi, the developer community, consultants, Fish and Game, Otago Regional Council, community environmental groups, Heritage New Zealand and contractors. Feedback has been considered and implemented within the guidelines where appropriate.
- 7 Independent external environmental professionals, who developed Auckland Council and Environment Canterbury's land disturbing environmental guidelines, have assisted in the development and review of these guidelines.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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### **Option 1** Do nothing

#### *Advantages:*

- 8 The development community and consultants are familiar with the existing QLDC Earthworks Guidelines.

#### *Disadvantages:*

- 9 The existing Earthworks Guidelines does not reflect Council's preferred environmental standards within the district. They give rise to inconsistencies and contain aspects which are incorrect or irrelevant and are not consistent with current industry best practice.

### 10 **Option 2** Accept as recommended

#### *Advantages:*

- 11 The newly developed Guidelines to Environmental Management reflect industry best practice and will help to reduce adverse environmental effects associated with land disturbance activities across the Queenstown Lakes District.
- 12 Ecologically significant environmental receptors will be better protected.
- 13 The robust standards will lead to less maintenance costs of Council assets that are currently adversely affected by land disturbing activities.

#### *Disadvantages:*

- 14 The developer, consultancy and contractor communities will need to adjust to changes but this has been minimised through the consultation process.
- 15 This report recommends **Option 2** for addressing the matter because accepting the newly created guidelines will align Council to align with current industry best practice standards and Council's and the communities preferred standards and environmental expectations associated with land development.

## CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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### > SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 16 This matter is of medium significance, as determined by reference to the Council's [Significance and Engagement Policy](#) because whilst the document will have an impact on the wider environment, it will provide Council's preferred standard and is aligned to the current New Zealand best practice.

- 17 The persons who are affected by, or interested in this matter are the developer community, consultants, contractors, and local iwi and community groups.
- 18 The Council has already consulted with the relevant stakeholders including to local Iwi, the developer community, consultants, Fish and Game, Heritage New Zealand, Otago Regional Council, community groups and contractors. Feedback has been considered and implemented within the guidelines where appropriate.

#### > MĀORI CONSULTATION | IWI RŪNANGA

- 19 The Council has consulted with local Iwi including Ngai Tahu, Awarua Runanga and Kāi Tahu Rūnaka. Feedback on cultural heritage and historic significance was received and implemented throughout the guidelines. Feedback provided was well received and supported with minor amendments made in the guidelines to more accurately reflect Maori values and protects Wāhi tūpuna.

#### RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

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- 20 This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK00031, Ineffective management and governance over legislative compliance within the QLDC Risk Register. This risk has been assessed as having a moderate inherent risk rating.
- 21 The approval of the recommended option will support the Council by allowing us to implement additional controls for this risk. This shall be achieved by providing guidance for the relevant parties undertaking land disturbance activities within the Queenstown Lakes District. The guidelines include adopting Council's preferred standards and achieving environmental objectives.

#### FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

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- 22 There will be an increased cost of preparing and implementing best practice environmental controls for Council contractors who undertake land disturbance activities. There will be reduced costs in the maintenance of infrastructure as better environmental practices are adopted.

#### COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

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- 23 The following Council policies, strategies and bylaws were considered:
- Resource Management Act 1991
  - Enforcement Strategy 2014
  - Proposed and Operative District Plans
  - Enforcement Strategy and Prosecution Policy 2014
  - QLDC Land Development and Subdivision Code of Practice which incorporates NZS 4404:2010
  - Draft QLDC Disability Policy
  - Consideration of the Principles of the Vision Beyond 2050

- Erosion and sediment control guide for land disturbing activities in the Auckland region. Auckland Council Guideline Document GD2016/005. Prepared by Beca Ltd and Southern Skies Environmental for Auckland Council.
- Erosion Control Treatment Trials on Port Hills Loess: Cashmere Catchment 2016, EOS Ecology Report No: ENV01-15035, August 2016.
- A Guide to Earthworks in the Queenstown Lakes District.

24 The recommended option is consistent with the principles set out in the named policy/policies.

25 This matter is not included in the Ten Year Plan/Annual Plan

- While these guidelines are not specifically included in the Ten Year Plan, it is viewed as an important requirement of Council to deliver environmental objectives as required by the Community, Resource Management Act 1991 and Local Government Act 2002. Adopting these guidelines is part of the ongoing Planning and Monitoring process.

#### **LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE**

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26 These guidelines have been developed in consideration of the Resource Management Act 1991 and are considered consistent with the requirements of that legislation. While not expressly required, consultation with key stakeholders has been undertaken over an eight week period.

#### **LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA**

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27 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by mitigating the environmental effects of land disturbance activities.
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

#### **ATTACHMENTS | NGĀ TĀPIRIHANGA**

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A	Queenstown Lakes District Council's Guidelines for Environmental Management Plans
B	Appendix A: Environmental Management Plan for Low Risk Sites
C	Appendix B: Environmental Incident Report
D	Appendix C: Archaeological Discovery Protocol