



SUMMARY OF DECISIONS REQUESTED FOR PLAN CHANGE 49

Further submissions due

Name *Blackmans Creek Holdings No 1 LP*

Position	Plan Provision	Decision Requested	SubNo.
Other	Purpose	That the first two paragraphs in Section 22.1 be reversed, in order to reinstate the original order of focus and to achieve consistency with the order of the objectives and policies.	49/1/1
Oppose	Objectives	Delete Objective 2 (and if necessary for clarity, cross reference the Part 4.2 District Wide objectives and policies relevant to landscape and visual amenity values); and Amend Objective 4 by deleting the words "subject to objective 2"	49/1/2
Other	Policies	Delete 2.1 - 2.4 (and if necessary for clarity, cross reference the Part 4.2 District Wide objectives and policies relevant to landscape and visual amenity values).	49/1/3
Partly Support	Assessment matters	Retain assessment matter 22.4(iv) (landscape and visual amenity) but add a specific assessment matter requiring consideration of the zone within which the earthworks are being carried out and the relevant objectives and policies.	49/1/4
Other	Objectives	In Objective 1 amend "...avoids, adverse effects,,," to read "...avoids, remedies, or mitigates adverse effects..."	49/1/5
Other	Policies	In Policies 1.2 and 1.5 amend "...avoids, adverse effects,,," to read "...avoids, remedies, or mitigates adverse effects..."	49/1/6
Oppose	Site Standards	That all provisions which impose a earthworks volume trigger level for consent purposes, or which relate to an earthworks volume trigger control rule or requirement, be deleted.	49/1/7
Other	Site Standards	Possibly insert a new Site Standard specifying permissible hours of operation for earthworks activities in specified zones, or within all zones other than the Rural General Zone	49/1/8
Other	Site standards	Amend or delete any rules which purport to determine consent activity status as a consequence of the relevant earthworks activity being located within an ONL or an ONF; OR If this is legally valid, defer the operative date of any such rules until a review of the District Plan identifies the ONL/ONF boundaries as part of the District Plan.	49/1/9
Oppose	Site Standards	Delete Rule 22.3.2.4(b) Bulk Earthworks and all other plan provisions relating to that consent category.	49/1/10
Other	Non notification	Amend Rule 22.3.2.6 in order to: - Simplify the rule (noting that it is currently badly drafted and difficult to understand); and to - Provide for a default position that applications for consent for earthworks do not need to be notified (possibly subject to exceptions), noting that the primary exception would be a breach of the height of cut and fill slope, in which case the starting presumption should be limited notification to the relevant adjoining landowner.	49/1/11
Other	Policies	Re-draft Policy 1.2 in order to address the following concerns: - In order to be consistent, the desired outcomes should be clearly stated and obvious in all six bullet points. - In the second and sixth bullet points, the second part commencing "...to avoid...etc" should be deleted. - The fourth and fifth bullet points refer to "construction". This word is unnecessary and potentially inappropriate when referring to earthworks activities and should be deleted from the fourth bullet point and replaced by the words "earthworks activities". - In the fifth bullet point the words "... taking into account the receiving environment." should be deleted because this should be considered for every consent.	49/1/12
Other	Policies	Re-draft Policy 3.2 to read "...avoid or mitigate any adverse effects caused by de-watering".	49/1/13
Other	Policies	Re-draft Policy 3.3 as follows (or similar) in order to acknowledge that it is impossible to avoid earthworks on steeply sloping sites and that such earthworks will not necessarily have adverse effects and to remove the contradiction between the first sentence, which requires avoidance, and the second sentence, which anticipates non-avoidance: "To avoid the adverse effects of earthworks on steeply sloping sites, where land is prone to erosion or instability, where practicable. Where these effects cannot be avoided, to ensure techniques are adopted that minimise the potential to decrease land stability".	49/1/14
Other	Policies	As Policies 4.1 - 4.4 appear to be applicable only to the Rural General zone, the heading should be reworded "Earthworks in the Rural General Zone". The reference to Ski Area Subzones is unnecessary because those sub-zones are located within the Rural General Zone. The reference in Policy 4.4 to "...skifields..." should be amended to read "...recreational activities..."	49/1/15

Other	Policies	With regard to Policy 5.2, the following points are noted: - If the only concern about locating earthworks within close proximity to water bodies is sediment runoff, then Policy 5.1 fully addresses the issue and Policy 5.2 should be deleted, as there is no need to avoid earthworks if no adverse effects will arise. If Policy 5.2 is retained, then delete the second sentence as it repeats Policy 5.1. - There is no need to list the four main aquifers in Policy 5.3 as they have already been noted in the final paragraph of Section 22.1. The reference to "... Including... etc" can be deleted.	49/1/16
Other	Policies	In Policies 6.4 and 6.5 (and elsewhere within PC49), amend references to "NZ Historic Places Trust" to read "Heritage New Zealand Pouhere Taonga" and references to "Historic Places Act 1993" to read "Heritage New Zealand Pouhere Taonga Act 2014".	49/1/17
Other	General provisions/ cross referencing	The heading to Rule 22.3.1, which reads "General Provisions/Cross-Referencing" is confusing and would be better worded to read "Cross-Referencing/Other Legislation".	49/1/18
Other	Site standards	The wording of Rule 22.3.ii(a) is awkward and should be replaced with: "(i)That are approved as part of a subdivision consented under Rule 15.2.20; or..." Assuming Subclause (ii) is intended to apply to consents which precede PC49 and are therefore not consented under proposed new Rule 15.2.20 then to overcome a) ambiguities in the operative District Plan regarding whether earthworks which form part of a subdivision activity are dealt with and consented under Part 15 or require separate land use consent and b) the inaccuracy of the 'changeover' date stated in the proposed provision, re-word subparagraph (ii) as follows: "(ii)That are approved as part of a subdivision consented prior to [date of release of Council decisions on submissions to PC49]". Include a specific exemption in Rule 22.3.1.ii(a) for earthworks associated with the construction of a house within an approved residential building platform.	49/1/19
Other	General provisions/ cross referencing	Delete Rule 22.3.1.(iii) (re noise) as there is no need for a cross-reference here because the later rule is located in this Part 22.	49/1/20
Other	General provisions/ cross referencing	In respect of Rule 22.3.1.iv Archaeological Sites: - Because there is no definition of "archaeological sites", either in the District Plan or in the RMA, the first sentence of subparagraph a) is unclear, unnecessary, and potentially inaccurate and the second sentence adds nothing and therefore both should be deleted. - Subparagraph (b) should be deleted as a) it appears to be a definition, and therefore is in the wrong place and b) is unnecessary. - Subparagraph © is inappropriate, and should be deleted as the statement is incorrect; there is already a cross-reference to Part 13 in Rule 22.3.1.i.(a)(i); and sub-paragraph a) adequately deals with this issue.	49/1/21
Other	Rules - levels of activities	Rule 22.3.2.1(b)(i) should be amended by replacing the word "exposed" with "the"	49/1/22
Other	Rules - levels of activities	Clarify why the words in Rules 22.2.2(c)(ii) and (vii) and 22.3.2.3(b)(ii) and (vii) are capitalised, or amend	49/1/23
Other	Site standards	In relation to the final bullet point in Tiers 2, 3, 4, and 5 (relating to Special Zone Activity Areas) in Table 22.1 (Rule 22.3.3(i), the following points are noted, assuming the volume 'trigger' control rule and approach of having a number of Tiers is retained: - It is necessary that a District Plan provides certainty regarding consent status. - The four bullet points refer to different specific zones which do not necessarily apply within all of the Special Zones. - That degree of ambiguity is unnecessary and inappropriate.	49/1/24
Other	Site standards	Clarify why the first bullet point of Rule 22.3.3.i, Table 22.1, Tier 6, refers to Section 5.3.5.1(v) instead of referring directly to Appendix 5.	49/1/25
Other	Assessment matters	Delete the words "The effects on traffic generated and..." in Rule 22.4.(ii)(e) as the justification for those words is unclear in that noise is covered by a separate Site Standard; hours of operation are dealt with by the preceding subclause (d); deposition of sediment is dealt with elsewhere in this subclause and by a separate Site Standard; and the purpose of roads is to accommodate traffic.	49/1/26
Other	Assessment matters	In respect of assessment matter 22.4.(ii)(f) regarding the track record of the applicant/operator: - When most applications for resource consent involving earthworks are made, the choice of earthworks contractor has yet to be made. If this new rule intends to impose a requirement that such choice be made when the consent application is made, then the requirement is unreasonable. If that is not the intention, then the new rule is pointless. - Compliance with resource consent conditions is an enforcement/compliance matter. It is inappropriate to include such a consideration in a consent assessment matter of this nature.	49/1/27

Other	Assessment matters	<p>Rule (assessment matter) 22.4.vii(c) should be deleted as:</p> <ul style="list-style-type: none"> - Archaeological sites do not necessarily have to be protected through District Plan provisions and Council should consider any other statutory regimes in place to ensure that any required policy direction is implemented. - The rule (assessment matter) implies that the Archaeological Authority should be obtained first, which will potentially add months of delay to the consenting process without justification - The rule implies that, if an Archaeological Authority has not been obtained, the Council may impose conditions on the relevant earthworks consent in respect of any archaeological site, which risks consent conditions being inconsistent with those of the Archaeological Authority. This is both inefficient and inappropriate. - This issue can easily be addressed by the Council including a standard condition in every earthworks consent requiring the consent holder not to carry out any earthworks which would damage a pre-1900 archaeological site without first obtaining the required Archaeological Authority from Heritage New Zealand Pouhere Taonga. 	49/1/28
Other	Definitions	If it is considered necessary to insert definitions of "Bed" and "River" into the District Plan, then they should not be quoted in full but should be directly cross-referenced, as is the case with the definition of Building (which cross-references to the Building Act 1991) and the definition of "Road" (which cross-references to the Local Government Act 1974).	49/1/29
Other	General	Such alternative, additional or consequential amendments to the PC49 Plan Provisions as may be considered necessary or appropriate in order to address the issues raised in this submission.	49/1/30
Other	Rules - Levels of Activities	<p>Amend Rule 22.3.2.1(b) by amending subclause (i) by deleting subclause (e) relating to trails and operational areas within Ski Area Sub-Zones.</p> <p>Delete Rule 22.3.2.1(c)(i) relating to approvals by the Department of Conservation.</p> <p>Amend Rule 22.3.2.1(c)(ii) by exempting earthworks within Ski Area Sub-Zones from Rule 22.3.3 and Rule 22.3.2.4(b).</p> <p>Make any other amendments that are required to ensure that all earthworks within a Ski Area Sub-Zone are a permitted activity.</p>	49/1/31

Name *Coronet View Holdings Ltd.*

Position	Plan Provision	Decision Requested	SubNo.
Other	Site Standards	<p>Refer to points 1 - 30 of Blackmans Creek Holdings No 1 LP</p> <ul style="list-style-type: none"> - Amend Rule 22.3.2.1(b) by adding a new subclause (iv) as follows: "(iv) In the Jacks Point Zone, earthworks in relation to the construction, addition or alteration of any building and earthworks in relation to golfcourse development." - Amend Rule 22.3.2.2(b) by deleting the words "...and/or 2,500m2 of exposed topsoil..." - Delete Rule 22.3.2.4(c). - Amend Tier 7 (middle column) in Rule 22.3.3.(i), Table 22.1 to read as follows: "...Any zone or Special Zone Activity Area not listed above in Tier 1 to 6 provided that this does not apply to Ski Area Sub-Zones or to earthworks within the Jacks Point Zone associated with golfcourse development exceeding 1,000m3 in volume." 	<p>49/2/1-30</p> <p>49/2/31</p>

Name *Glencoe Land Development Company Ltd.*

Position	Plan Provision	Decision Requested	SubNo.
Other	Rules - Levels of Activities	<p>Refer to points 1 - 30 of Blackmans Creek Holdings No 1 LP</p> <p>Amend Rule 22.3.2.1(b) by amending subclause (i) by deleting subclause (e) relating to trails and operational areas within Ski Area Sub-Zones.</p> <p>Delete Rule 22.3.2.1(c)(i) relating to approvals by the Department of Conservation.</p> <p>Amend Rule 22.3.2.1(c)(ii) by exempting earthworks within Ski Area Sub-Zones from Rule 22.3.3 and Rule 22.3.2.4(b).</p> <p>Make any other amendments that are required to ensure that all earthworks within a Ski Area Sub-Zone are a permitted activity.</p>	<p>49/3/1-30</p> <p>49/3/31</p>

Name *Glencoe Station Ltd.*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 30 of Blackmans Creek Holdings No 1 LP	49/4/1-30
Other	Rules - Levels of Activities	Amend Rule 22.3.2.1(b) by amending subclause (i) by deleting subclause (e) relating to trails and operational areas within Ski Area Sub-Zones. Delete Rule 22.3.2.1(c)(i) relating to approvals by the Department of Conservation. Amend Rule 22.3.2.1(c)(ii) by exempting earthworks within Ski Area Sub-Zones from Rule 22.3.3 and Rule 22.3.2.4(b). Make any other amendments that are required to ensure that all earthworks within a Ski Area Sub-Zone are a permitted activity.	49/4/31

Name *Jacks Point Residents and Owners Association Inc.*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 30 of Blackmans Creek Holdings No 1 LP	49/5/1-30
Other	Site Standards	- Amend Rule 22.3.2.1(b) by adding a new subclause (iv) as follows: "(iv) In the Jacks Point Zone, earthworks in relation to the construction, addition or alteration of any building and earthworks in relation to golfcourse development." - Amend Rule 22.3.2.2(b) by deleting the words "...and/or 2,500m2 of exposed topsoil...". - Delete Rule 22.3.2.4(c). - Amend Tier 7 (middle column) in Rule 22.3.3.(i), Table 22.1 to read as follows: "...Any zone or Special Zone Activity Area not listed above in Tier 1 to 6 provided that this does not apply to Ski Area Sub-Zones or to earthworks within the Jacks Point Zone associated with golfcourse development exceeding 1,000m3 in volume."	49/5/31

Name *Lake's Edge Developments Ltd.*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 30 of Blackmans Creek Holdings No 1 LP	49/6/1-30

Name *Mt Cardrona Station Ltd.*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 30 of Blackmans Creek Holdings No 1 LP	49/7/1-30
Other	Site standards	Amend Rule 22.3.2.2 by inserting a new subparagraph (e) as follows: "(e) In the Mount Cardrona Station Zone, earthworks for the purposes of activities listed in Controlled Activity Rule 12.22.3.2.(iii) are exempt from Rule 22.3.3 and Rule 22.3.2.4(b)."	49/7/31

Name *Mt Christina Ltd.*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 30 of Blackmans Creek Holdings No 1 LP	49/8/1-30

Name *Parkins Bay Preserve Limited*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 30 of Blackmans Creek Holdings No 1 LP	49/9/1-30

Name *Pisidia Holdings Ltd.*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 30 of Blackmans Creek Holdings No 1 LP	49/10/1-30

Name *Queenstown Corporation Ltd.*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 30 of Blackmans Creek Holdings No 1 LP	49/11/1-30

Name *Real Journeys Limited*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 30 of Blackmans Creek Holdings No 1 LP	49/12/1-30
Other	Rules - Levels of Activities	Amend Rule 22.3.2.1(b) by amending subclause (i) by deleting subclause (e) relating to trails and operational areas within Ski Area Sub-Zones. Delete Rule 22.3.2.1(c)(i) relating to approvals by the Department of Conservation. Amend Rule 22.3.2.1(c)(ii) by exempting earthworks within Ski Area Sub-Zones from Rule 22.3.3 and Rule 22.3.2.4(b). Make any other amendments that are required to ensure that all earthworks within a Ski Area Sub-Zone are a permitted activity.	49/12/31

Name *Stewart, Robert*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 30 of Blackmans Creek Holdings No 1 LP	49/13/1-30

Name *Treble Cone Investments Limited*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 30 of Blackmans Creek Holdings No 1 LP	49/14/1-30
Other	Rules - Levels of Activities	Amend Rule 22.3.2.1(b) by amending subclause (i) by deleting subclause (e) relating to trails and operational areas within Ski Area Sub-Zones. Delete Rule 22.3.2.1(c)(i) relating to approvals by the Department of Conservation. Amend Rule 22.3.2.1(c)(ii) by exempting earthworks within Ski Area Sub-Zones from Rule 22.3.3 and Rule 22.3.2.4(b). Make any other amendments that are required to ensure that all earthworks within a Ski Area Sub-Zone are a permitted activity.	49/14/31

Name *Coronet Estates Ltd, Wakatipu Retreat Ltd, Malaghans Park Ltd, and Arrowtown Downs Ltd.*

Position	Plan Provision	Decision Requested	SubNo.
Oppose	General	That Council withdraws PC49 and undertakes consultation to determine how best to achieve the purpose of the Act. That the renotified provisions achieve the aims of the Plan Change as expressed in the public notice and Section 32 report; that is, to make earthworks more permissive, more streamlined and less complex; OR Should the Council continue with PC49 as notified, that the provisions are amended to achieve the goal of streamlining the provisions. This could be achieved by: - Reducing the number and complexity of objectives and policies. - Removing repetition, and removing those policy provisions that are not necessary. - Reducing the number of assessment matters. - Including earthworks provisions within each zone, as is currently the case.	49/15/1
Other	Site Standards	That the level of earthworks allowed on a site be adjusted on a sliding scale to recognise that larger sites can absorb a larger volume of earthworks.	49/15/2
Other	Objectives	That, should the Council decide not to withdraw PC49: - The objectives are amended to recognise that it is not necessary to 'avoid' effects, but to recognise that adverse effects can be 'remedied' or 'mitigated'; and - Consideration is given to how the proposed objectives and policies relate to one another.	49/15/3
Other	Policies	That, should the Council decide not to withdraw PC49: - The policies are amended to recognise that it is not necessary to 'avoid' effects, but to recognise that adverse effects can be 'remedied' or 'mitigated'; and - Consideration is given to how the proposed objectives and policies relate to one another	49/15/4
Other	Definitions	That, should the Council decide not to withdraw PC49, the definition of earthworks is not changed as it relates to the exemption of the planting of trees, landscaping etc.	49/15/5
Partly Support	Rules - Levels of Activities	Earthworks for the formation of farm tracks should be considered as a permitted activity. The exemption for maintenance of tracks is supported, but this should be taken further and extended to include the formation of farm tracks.	49/15/6
Other	Rules - Levels of Activities	Should the Council continue with PC49 as notified, that the rules for maintenance and creation of trails be more permissive, recognising the importance of trail development and maintenance for this District.	49/15/7

Name *QTN Farm Ltd*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 7 of Coronet Estates Ltd, Wakatipu Retreat Ltd,	49/16/1-7

Name *Remarkables Park Stud Farm Ltd*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 7 of Coronet Estates Ltd, Wakatipu Retreat Ltd,	49/17/1-7

Name Cambricare NZ Ltd.

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Other	Objectives	That the proposed objectives be revised to more explicitly recognise the benefits of earthworks and ensure that in most parts of the District, including urban areas, primacy is not given to the protection of existing landforms at the expense of modifications associated with appropriate use and development. And That objectives be amended to recognise that mitigation and remediation of effects arising from earthworks will often be an appropriate course of action.	49/18/1
Other	Policies	That the proposed policies be revised to more explicitly recognise the benefits of earthworks and ensure that in most parts of the District, including urban areas, primacy is not given to the protection of existing landforms at the expense of modifications associated with appropriate use and development. And That the policies be amended to recognise that mitigation and remediation of effects arising from earthworks will often be an appropriate course of action.	49/18/2
Other	Policies	That Policy 3.2 be amended to ensure that there is no presumption against de-watering but rather that potential adverse effects of this practice are avoided, remedied or mitigated.	49/18/3
Other	Site standards	That the following rules be either deleted, made more enabling or a justification for the proposed restriction on earthworks be adequately provided: - Rule 22.3.3.1(a) - control on the volume of earthworks. - Rule 22.3.3 ii (b) (i) and (ii) - Controls on cut and fill. - Rule 22.3.3 ii (b) (iii) - Restrictions on earthworks near boundaries.	49/18/4
Oppose	Rules - Levels of Activities	That provisions relating to bulk earthworks in both the proposed Earthworks section and Subdivision section be deleted. That the following rule be either deleted, made more enabling or a justification for the proposed restriction on earthworks adequately provided: - The widespread use of restricted discretionary or discretionary status for various earthworks consents, as opposed to controlled activity status.	49/18/5
Other	Assessment matters	That the proposed assessment matters are amended as necessary to ensure they pragmatically provide for rural activities and are consistent with objectives and policies.	49/18/6
Other	General	Such alternative, additional or consequential amendments to the PC49 Plan Provisions as may be considered necessary or appropriate in order to address the issues raised in this submission.	49/18/7
Other	Non-notification	That the following rule be either deleted, made more enabling or a justification for the proposed restriction on earthworks adequately provided: - Rule 22.3.2.6 - Rules enabling notification of applications for earthworks for restricted discretionary activities.	49/18/8

Name Challenge Manawatu Ltd.

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
		Refer to points 1 - 8 of Cambricare NZ Ltd.	49/19/1-8

Name IHG Queenstown Ltd and Carter Queenstown Ltd.

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
		Refer to points 1 - 8 of Cambricare NZ Ltd.	49/20/1-8

Name Barley Station Ltd

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Other	Objectives	That the proposed objectives be revised to more explicitly recognise the benefits of earthworks and ensure that in most parts of the District primacy is not given to the protection of existing landforms at the expense of modifications associated with appropriate use and development. And That objectives be amended to recognise that mitigation and remediation of effects arising from earthworks will often be an appropriate course of action.	49/21/1
Other	Policies	That the proposed policies be revised to more explicitly recognise the benefits of earthworks and ensure that in most parts of the District primacy is not given to the protection of existing landforms at the expense of modifications associated with appropriate use and development. And That the policies be amended to recognise that mitigation and remediation of effects arising from earthworks will often be an appropriate course of action.	49/21/2
Other	Site standards	That the following rules be either deleted, made more enabling or a justification for the proposed restriction on earthworks be adequately provided: - Rule 22.3.3.1(a) - control on the volume of earthworks. - Rule 22.3.3 ii (b) (i) and (ii) - Controls on cut and fill. - Rule 22.3.3 ii (b) (iii) - Restrictions on earthworks near boundaries.	49/21/3
Other	Non-notification	That the following rule be either deleted, made more enabling or a justification for the proposed restriction on earthworks adequately provided: - Rule 22.3.2.6 - Rules enabling notification of applications for earthworks within a setback from a boundary.	49/21/4
Other	Rules - Levels of Activities	That the following rule be either deleted, made more enabling or a justification for the proposed restriction on earthworks adequately provided: - The widespread use of restricted discretionary or discretionary status for various earthworks consents, as opposed to controlled activity status. That the Hearings Panel give consideration to whether more enabling rules are appropriate than provided for as part of maintenance under Rule 22.3.2.1 (b) in order to allow normal rural activities, and make amendments accordingly.	49/21/5
Other	Assessment matters	That the proposed assessment matters are amended as necessary to ensure they pragmatically provide for rural activities and are consistent with objectives and policies.	49/21/6
Other	General	That such alternative, additional or consequential amendments to the PC49 Plan Provisions as may be considered necessary or appropriate in order to address the issues raised in this submission.	49/21/7
Oppose	Site standards	That the volume limit specific to Outstanding Natural Landscapes, Outstanding Natural Features and Heritage Landscapes be deleted.	49/21/8

Name Glentui Heights Ltd.

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
		Refer to points 1 - 7 of Barley Station Ltd	49/22/1-7

Name Halfway Bay Station, Allendale Farm, and Greenvale Farm ('Halfway Bay')

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
		Refer to points 1 - 7 of Barley Station Ltd	49/23/1-7
Oppose	Site standards	That the volume limit specific to Outstanding Natural Landscapes, Outstanding Natural Features and Heritage Landscapes be deleted.	49/23/8

Name *R Monk and Cook Adam Trustees Ltd.*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 7 of Barley Station Ltd	49/24/1-7

Name *Royalburn Farm*

Position	Plan Provision	Decision Requested	SubNo.
		Refer to points 1 - 7 of Barley Station Ltd	49/25/1-7
Oppose	Site standards	That the volume limit specific to Outstanding Natural Landscapes, Outstanding Natural Features and Heritage Landscapes be deleted.	49/25/8

Name *Cardrona Alpine Resort*

Position	Plan Provision	Decision Requested	SubNo.
Oppose	Objectives	Amend Objective 1 to read "avoids, remedies, or mitigates adverse effects"	49/26/1
Oppose	Policies	Amend Policies 1.2 and 1.5 to read "avoids, remedies, or mitigates adverse effects"	49/26/2
Oppose	Objectives	Delete Objective 2 and delete the words "subject to Objective 2" from Objective 4.	49/26/3
		Amend Objective 4 to read "to enable earthworks that ... and the development and operation of ski areas."	
Oppose	Policies	Delete Policies 2.1 - 2.4	49/26/4
Oppose	Rules - Levels of Activities	Amend Rule 22.3.2.1(i)(e) by deleting the words "provided that the maintenance work results in less than a 10% increase in exposed surface area of that feature in any 10 year period".	49/26/5
		Delete 22.3.2.1(c)(i) relating to approvals by the Department of Conservation.	
		Amend Rule 22.3.2.1(c)(ii) by also exempting earthworks within Ski Area Subzones from Rules 22.3.3(i), (ii), (iv) and Rule 22.3.2.4(b) Bulk earthworks (if not deleted as proposed below).	
		Make other amendments that are required to ensure that all earthworks within the Ski area subzone are a permitted activity.	
Oppose	Site Standards	Delete rule 22.3.2.4(b) Bulk earthworks and all other plan provisions relating to that consent category	49/26/6
Oppose	Assessment matters	The assessment matters regarding ski area subzones need to allow for the reality of modern ski fields where earthworks may not be "sympathetic to natural topography"; can "create an area that is inconsistent with the character of the surrounding landscape"; and the fact it is not always appropriate to re-vegetate slopes because of ongoing maintenance and safety improvements.	49/26/7
Oppose	General	Clarify in the proposed rules which activities are controlled, restricted discretionary, discretionary, and non-complying across all zones and how the site standards relate to the activity rules.	49/26/8
		Undertake any other amendments to the provisions as required to give effect to the submission	

Name *Drew, Dave*

Position	Plan Provision	Decision Requested	SubNo.
Oppose	Site standards	The specific provisions as proposed in Plan Change 49 are opposed for the following reasons: - 300m3 is a significant volume of earthworks - It may allow features such as screening hillocks or other landscape forms otherwise legally protected to be removed as of right - 100m3 is a sufficient volume of earthworks to allow for in a residential zone.	49/27/1

Name *Gibbston Valley Station*

Position	Plan Provision	Decision Requested	SubNo.
Other	Purpose	That the first two paragraphs in Section 22.1 be reversed, in order to reinstate the original order of focus and to achieve consistency with the order of the objectives and policies.	49/28/1
Other	Objectives	Delete Objective 2 (and if necessary for clarity, cross reference the Part 4.2 District Wide objectives and policies relevant to landscape and visual amenity values); and Amend Objective 4 by deleting the words "subject to objective 2"	49/28/2
Other	Policies	Delete 2.1 - 2.4 (and if necessary for clarity, cross reference the Part 4.2 District Wide objectives and policies relevant to landscape and visual amenity values).	49/28/3
Other	Assessment matters	Retain assessment matter 22.4(iv) (landscape and visual amenity) but add a specific assessment matter requiring consideration of the zone within which the earthworks are being carried out and the relevant objectives and policies.	49/28/4
Other	Objectives	In Objective 1 amend "...avoids, adverse effects,,," to read "...avoids, remedies, or mitigates adverse effects,,,"	49/28/5
Other	Policies	In Policies 1.2 and 1.5 amend "...avoids, adverse effects,,," to read "...avoids, remedies, or mitigates adverse effects,,,"	49/28/6
Other	Site Standards	Delete all provisions which impose a earthworks volume trigger level for consent purposes, or which relate to an earthworks volume trigger control rule or requirement.	49/28/7
Other	Rules - Levels of Activities	Delete Rule 22.3.2.4(b) Bulk Earthworks and all other plan provisions relating to that consent category.	49/28/8
Other	General	Such alternative, additional or consequential amendments to the PC49 Plan Provisions as may be considered necessary or appropriate in order to address the issues raised in this submission.	49/28/9
Other	Non-notification	Amend Rule 22.3.2.6 in order to: - Simplify the rule (noting that it is currently badly drafted and difficult to understand); and to - Provide for a default position that applications for consent for earthworks do not need to be notified (possibly subject to exceptions), noting that the primary exception would be a breach of the height of cut and fill slope, in which case the starting presumption should be limited notification to the relevant adjoining landowner.	49/28/10

Position	Plan Provision	Decision Requested	SubNo.
Other	Site standards	That the level of earthworks allowed on a site be adjusted on a sliding scale to recognise that larger sites can absorb a larger volume of earthworks, especially if the farms still being managed for farming purposes.	49/29/1
Other	General	<p>That Council withdraws PC49 and undertakes consultation to determine how best to achieve the purpose of the Act.</p> <p>Should the Council continue with PC49 as notified, that the provisions are amended to achieve the goal of streamlining the provisions. This could be achieved by:</p> <ul style="list-style-type: none"> - Reducing the number and complexity of objectives and policies. - Removing repetition and those policy provisions that are not necessary. - Reducing the number of assessment matters. - Including earthworks provisions within each zone, as is currently the case. <p>General aspects of the Plan Change not supported are that it:</p> <ul style="list-style-type: none"> - Does not accord with, or assist the territorial authority to carry out its functions to achieve, the purpose of the Resource Management Act 1991 (the "Act"); - Does not promote sustainable management; - Does not meet section 32 of the Act; - Does not represent integrated management or sound resource management practice; - 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. 	49/29/2
Partly Support	Rules - Levels of Activities	The exemption for maintenance of tracks is supported, but this should be taken further and extended to include the formation of farm tracks across all the landscape zones if the property is being managed for farming purposes.	49/29/3

Position	Plan Provision	Decision Requested	SubNo.
Other	General	Make such further, additional, or consequential changes as are considered necessary to address the issues raised in this submission and otherwise give effect to the relief sought; and Amend the provisions in any other manner that will give effect to the submissions made.	49/30/1
Other	Objectives	Amend Objective 4 by adding the following words "... and the development and operation of ski fields"	49/30/2
Other	Rules - Levels of activities	<p>Modify the permitted activity rule 22.3.2.1(c)(ii) to exempt all earthworks and bulk earthworks undertaken in ski area subzones 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 5.3.5.1(xii) from the following rules and standards that apply to earthworks:</p> <ul style="list-style-type: none"> - Rule 22.3.2.4(b) - Bulk earthworks - Rule 22.3.3.(i)(a) - (c) Volumes - Rule 22.3.3(ii)(a) - the height of cut and fill 	49/30/3
Other	Rules - Levels of activities	Modify Rule 22.3.2.4(b) re bulk earthworks to exempt all earthworks undertaken within a ski area subzone.	49/30/4
Other	Non-notification	Modify Rule 22.3.2.6(a)(iii) non notification - to include all earthworks and bulk earthworks undertaken within a ski area subzone.	49/30/5
Other	Site Standards	Modify site standard 22.3.3(ii)(a) re height of cut and fill and slope to exclude earthworks and bulk earthworks occurring within a ski area subzone.	49/30/6

Position	Plan Provision	Decision Requested	SubNo.
Partly Support	Objectives	Approve Plan Change 49 as it relates to heritage matters subject to making the following (and other) amendments: - Replace the reference to "New Zealand Historic Places Trust and Historic Places Trust" in Objective 6 with "Heritage New Zealand" - Add an additional objective 6.8: "To protect heritage buildings and structures from potential undermining and vibration effects resulting from earthworks on the same site or sites in close proximity"	49/31/1
Partly Support	Policies (policies 6.1 - 6.7)	Approve Plan Change 49 as it relates to heritage matters subject to making the following (and other) amendments: - Replace the references to "New Zealand Historic Places Trust and Historic Places Trust" in Policies 6.1-6.7 with "Heritage New Zealand"	49/31/2
Partly Support	General provisions/ cross referencing	Adopt 22.3.1(iv)(a), b), and c) subject to: - Replacing the references to "New Zealand Historic Places Trust and/ or Historic Places Trust" with "Heritage New Zealand"; and - Replacing the references to "Historic Places Act 1993" with "Heritage New Zealand Pouhere Taonga 2014"	49/31/3
Support	Rules - Levels of Activities	Adopt 22.3.2.2(c)(vii) and 22.3.2.3(b)(vii)	49/31/4
Support	Site Standards	Adopt 22.3.3(vi)(a) re cultural heritage and archaeological sites	49/31/5
Support	Assessment matters	Adopt 22.4.(vii)(a)-(d) subject to: - Replacing the references to "New Zealand Historic Places Trust and/ or Historic Places Trust" with "Heritage New Zealand"; - Adding a new assessment matter d): "The extent to which earthworks activities have the potential to adversely affect heritage buildings or structures located in close proximity to the site of the proposed earthworks and the adequacy of any avoidance or mitigation measures put forward to address such risks or effects".	49/31/6
Other	Definitions	Add the following definition to the District Plan: Achaaeological site means: a) any place in NZ, including any building or structure (or part of a building or structure), that - (i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and (ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of NZ	49/31/7

Position	Plan Provision	Decision Requested	SubNo.
Other	Objectives	<p>Amend Objective 1 to read as follows (or similar wording): "To enable earthworks provided that they are undertaken in a manner that avoids, remedies or mitigates more than minor adverse effects on communities and the natural environment."</p> <p>Either delete Objective 2 and subsequent policies 2. 1 to 2.4 or specify those rural zones they apply to.</p> <p>Amend Objective 7 to make it clearer and more easily understood.</p>	49/32/1
Other	Objectives	Restructure the objectives and policies so that many of them apply only to urban or rural zones (as specified) as appropriately reflects the effects that would reasonably be anticipated from earthworks in those zones.	49/32/2
Other	Policies	Restructure the objectives and policies so that many of them apply only to urban or rural zones (as specified) as appropriately reflects the effects that would reasonably be anticipated from earthworks in those zones.	49/32/3
Other	Policies	<p>Either delete policy 1.2 or, if it is to be retained, make it clear that it applies to earthworks rather construction.</p> <p>Revise policies 1.3 and 3.1 to remove reference to engineering standards.</p> <p>Amend policies 6.2, 6.3 and 6.4 to make it clear notification would only be anticipated where more than minor adverse effects on those sites and features are anticipated.</p> <p>Amend Policy 7.1 to make it clearer and more easily understood and explain what environmental effects are to be managed.</p> <p>Refine Policy 2.7 and use the bullet points (or similar) as matters of discretion for the consideration of proposals for cleanfill facilities.</p>	49/32/4
Other	General	Review numbering, formatting and heading to aide interpretation and to ensure consistency with similar chapters in the District Plan, with particular attention to ensuring that it is clear what are rules, notes and cross references.	49/32/5
Other	Rules - Levels of Activities	Review the District Plan to identify all rules which already address earthworks and exempt these activities from having to be subject to further earthworks consents.	49/32/6
Other	Rules - Levels of Activities	Consider amending the activity status of cleanfill facilities, bulk earthworks and earthworks in the Jacks Point Zone (Rule 22.3.2.4) and subdivisions involving 'bulk earthworks' (Proposed 15.xxx) to controlled or restricted discretionary status.	49/32/7
Other	Site standards	Review the need to control the volume of earthworks and, if appropriate, delete rule 22.3.3.1(a), and other provisions relating to the control of the volume of earthworks.	49/32/8
Other	Site standards	<p>Consider whether there should be exemptions to the applicability of Rule 22.3.3 ii (b) (i) and (ii) if the matter is otherwise dealt with via other regulatory processes such as building consent.</p> <p>Consider removing or reducing restrictions on earthworks near boundaries such as under Rule 22.3.3 ii (b) (iii)</p>	49/32/9
Other	Non-notification	Consider making applications for earthworks near a boundary an activity that cannot be notified in accordance with Rule 22.3.2.6.	49/32/10
Other	Rules - Levels of Activities	Consider reducing the activity status of those earthworks consents proposed to be restricted discretionary to controlled activity status.	49/32/11
Other	Site standards	Either delete Table 22.1 and associated controls on the volume of earthworks or amend the table to make it unambiguous what areas are covered by the various tiers.	49/32/12
Other	Rules - Levels of Activities	Remove or refine the wording with respect to Environmental Protection Measures when listed as matters of control of discretion.	49/32/13
Other	General	Ensure that Plan Change 49 is compliant with Part 3 of Schedule 1 of the RMA (with respect to incorporating documents by reference).	49/32/14
Other	Site Standards	<p>Amend those rules referring to Cultural Heritage and Archaeological Sites (Rule 22.3.3 (vi)) to make those sites to which they apply easily identifiable through reading the District Plan;</p> <p>and</p> <p>Either amend Rules 22.3.3 (iv) - Cultural Heritage and Archaeological Sites and 22.3.3 (iv) - Environmental Protection Measures to ensure they are measurable and easily assessed by users of the Plan; Or</p> <p>Delete these rules and make them assessment matters or add them to non-statutory guidelines on earthworks.</p>	49/32/15

Other	Assessment matters	Add introductory text to the assessment matters to aide in the appropriate interpretation and application of those matters.	49/32/16
		Amend assessment matter 22.4.i(a) to remove reference to whether earthworks are necessary and clarify that it does not apply to urban areas.	
		Amend assessment matter 22.4.i (b) to make it clear this does not apply to urban areas.	
		Amend Assessment Matter 22.4.ix.(a) to elaborate on what matters with respect to the source and type of clean fill material may have a bearing on the outcome of a resource consent.	
Oppose	Definitions	Delete the definition of clean fill and associated provisions.	49/32/17
		Delete proposed amendments to those definitions that do not relate exclusively to earthworks or which differ from or reiterate the wording of the Resource Management Act.	
Other	General	Make such alternative, additional or consequential amendments to the PC49 Plan Provisions as may be considered necessary or appropriate in order to address the issues raised in this submission.	49/32/18

Name *Kai Tahu Ki Otago Ltd.*

Position	Plan Provision	Decision Requested	SubNo.
Partly Support	Purpose	Amend Section 22.1 as follows in order to acknowledge effects on heritage landscapes: "Earthworks have the potential to alter landforms, landscapes, and natural features, and to have effects on heritage landscapes, to such an extent that the identity, amenity values and character of an area can be changed permanently."	49/33/1
Support	Objectives	Support (retain) Objective 6.	49/33/2
Support	Policies	Support (retain) Policies 6.1 - 6.7	49/33/3
Partly Support	General Provisions / Cross Referencing	Add a reference to the Tangata Whenua Chapter to this section.	49/33/4
Support	Rules - Levels of activities	Support (retain) Rule 22.3.2.3 Restricted Discretionary Activities and the fact council has reserved discretion over the effects of earthworks activities on cultural and archaeological sites.	49/33/5
Partly Support	Site Standards	Amend Rule 22.3.3 (vi)(b) Site Standards - Cultural Heritage and Archaeological Sites as follows (in order to ensure consistency with the wording of Section 206 of the Ngāi Tahu Claims Settlement Act 1998): "(b) Earthworks shall not affect Ngai Tahu's cultural, spiritual, historic and traditional association with land adjacent to or within a Statutory Acknowledgment Area." Add a further site standard to Rule 22.3.3 (vi) Site Standards -Cultural Heritage and Archaeological Sites (in order to protect their heritage landscapes): "(d) Earthworks shall not modify, damage or destroy heritage landscapes."	49/33/6
Partly Support	Assessment matters	Amend Section 22.4 vii (b) as follows: "(b) The extent to which the activity affects Ngai Tahu's cultural, spiritual, historic, and traditional association with the Statutory Acknowledgment Area."	49/33/7

Name *Kennedy, Patrick*

Position	Plan Provision	Decision Requested	SubNo.
Other	General	Where excavation and retaining occurs and leaves a narrow sliver of land (e.g. 10mm) between the sheet piling and the (non excavating) neighbour's property boundary, ownership of that sliver of land on the non-excavating neighbours side of the support structure should be required to be vested in that non-excavating neighbour. Otherwise it is likely that the neighbour could be held to ransom in relation to his own developments on the support issue by the owners of the excavated property. Secondly, the owners of any property where there is a support structure for a neighbouring property should be liable for its removal should it be no longer required and should not be able to demand that the neighbouring property in any way continue to provide support for it.	49/34/1

Name Kunath, Mark

Position	Plan Provision	Decision Requested	SubNo.
Other	Definitions	That the definition of Earthworks be amended to exclude the planting of all trees.	49/35/1
Other	Non-notification	That all applications for new cleanfill facilities are publically notified because of the huge impact that the truck movements have on adjoining properties.	49/35/2
Other	Rules - Levels of Activities	That the full cost of additional maintenance and renewals brought forward for the road asset, beyond current heavy vehicle numbers, be paid for by the holders of the cleanfill facility resource consent through a condition on their consent or a targeted transport rate on the cleanfill facility land.	49/35/3

Name Lake Wakatipu Station Limited

Position	Plan Provision	Decision Requested	SubNo.
Oppose	General	<p>That Council withdraws PC49 and undertakes consultation to determine how best to achieve the purpose of the Act.</p> <p>That the renotified provisions achieve the aims of the Plan Change as expressed in the public notice and Section 32 report; that is, to make earthworks more permissive, more streamlined and less complex. OR</p> <p>Should the Council continue with PC49 as notified, that the provisions are amended to achieve the goal of streamlining the provisions. This could be achieved by:</p> <ul style="list-style-type: none">- Reducing the number and complexity of objectives and policies. Remove repetition, and remove those policy provisions that are not necessary.- Reducing the number of assessment matters.- Including earthworks provisions within each zone, as is currently the case. <p>General aspects of the Plan Change not supported are that it:</p> <ul style="list-style-type: none">- Does not accord with, or assist the territorial authority to carry out its functions to achieve, the purpose of the Resource Management Act 1991 (the "Act");- Does not promote sustainable management;- Does not meet section 32 of the Act;- Does not represent integrated management or sound resource management practice;- 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.	49/36/1
Oppose	Objectives	<p>That, should the Council decide not to withdraw PC49, the objectives are amended to recognise that it is not necessary to 'avoid' effects, but to recognise that adverse effects can be 'remedied' or 'mitigated'.</p> <p>That consideration is given to how the proposed objectives and policies relate to one another.</p>	49/36/2
Oppose	Policies	<p>That, should the Council decide not to withdraw PC49, the policies are amended to recognise that it is not necessary to 'avoid' effects, but to recognise that adverse effects can be 'remedied' or 'mitigated'.</p> <p>That consideration is given to how the proposed objectives and policies relate to one another.</p>	49/36/3
Oppose	Definitions	That, should the Council decide not to withdraw PC49, the definition of earthworks is not changed as it relates to the exemption of the planting of trees, landscaping etc.	49/36/4
Partly Support	Rules - Levels of activities	The exemption for maintenance of tracks is supported, but this should be taken further and extended to include the formation of farm tracks.	49/36/5
Other	Rules - Levels of Activities	Should the Council continue with PC49 as notified, the rules for maintenance and creation of trails should be made more permissive, recognising the importance of trail development and maintenance for this District.	49/36/6
Other	Site standards	That the level of earthworks allowed on a site be adjusted on a sliding scale to recognise that larger sites can absorb a larger volume of earthworks.	49/36/7

Name Lemaire-Sicre, Roland and Keri

Position	Plan Provision	Decision Requested	SubNo.
Oppose	Site Standards	That the present Rural General rule of 1,000m3 be retained or that a Resource Consent be required/ notified. NB: The rule for most of the Rural General Zone is changing from requiring a controlled consent at 300m3 to allowing 1,000m3.	49/37/1

Name *McArthur, Ian*

Position	Plan Provision	Decision Requested	SubNo.
Other	Site Standard	Amend Site Standard 22.3.3(ii) by increasing the maximum height from 2.4 m to 2.7 m to allow for foundations NZS4229.	49/38/1
Support	Site standards	Support (retain) increasing the cut and fill allowance onsite from 100m3 to 300m3 in the low density residential areas (Tier 3), as this allows for a basement to be dug into a slope.	49/38/2

Name *McAuliffe Stevens Registered
Architects*

Position	Plan Provision	Decision Requested	SubNo.
Other	Site standards	If Rule 22.3.3(ii)(a)(ii) is applicable then the top of a cut batter or bottom of a fill batter should be allowed to adjoin a site boundary with 300mm offset dimension. It is noted that proposed Rule 22.3.3(99)(b)(iii) is too restrictive, particularly when read together with proposed Rule 22.3.3(ii)(a)(ii).	49/39/1

Name *McLeod, Bruce*

Position	Plan Provision	Decision Requested	SubNo.
Other	Rules - levels of Activities	In rule 22.3.2.1(b)(i), provide clarification of the 10% tag and whether it applies to all subclauses a) - e). 10% is too limiting for a farm track re-surfacing	49/40/1
Other	Rules - levels of Activities	Regarding Rule 22.3.2.2(d)(iii), if Council deem the cumulative effect of a proposed track is not appropriate, how can it be declined if it is controlled.	49/40/2
Other	Site standards	Regarding Rule 22.3.3(ii)(a), the permitted cut heights should be consistent at 2.4 m across all zones. The submitter queries why cuts are restricted to 1 m in the rural area when fill can be 2 m and cuts elsewhere can be 2.4 m.	49/40/3
Other	Site standards	Regarding Rule 22.3.3 - Table 22.1: - it is more logical to set the townships limits at the LDR level (i.e. Tier 3) as they are no more sensitive. - Earthworks on ONL, ONF, etc should be Tier 1 (citing that Tier 2 as pointless) - There are too many tiers. LDR, HDR, Industrial, and business zones should all be combined at 400m3. - Where is the open space zone?	49/40/4

Name Mee, Mike

Position	Plan Provision	Decision Requested	SubNo.
Oppose	General	<p>That Council withdraws PC49 and undertakes consultation to determine how best to achieve the purpose of the Act.</p> <p>That the renotified provisions achieve the aims of the Plan Change as expressed in the public notice and Section 32 report; that is, to make earthworks more permissive, more streamlined and less complex.</p> <p>Should the Council continue with PC49 as notified, that the provisions are amended to achieve the goal of streamlining the provisions. This could be achieved by:</p> <ul style="list-style-type: none"> - Reducing the number and complexity of objectives and policies. Remove repetition, and remove those policy provisions that are not necessary. - Reducing the number of assessment matters. - Including earthworks provisions within each zone, as is currently the case. <p>General aspects of the Plan Change not supported are that it:</p> <ul style="list-style-type: none"> - Does not accord with, or assist the territorial authority to carry out its functions to achieve, the purpose of the Resource Management Act 1991 (the "Act"); - Does not promote sustainable management; - Does not meet section 32 of the Act; - Does not represent integrated management or sound resource management practice; - 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. 	49/41/1
Oppose	Objectives	<p>That, should the Council decide not to withdraw PC49, the objectives are amended to recognise that it is not necessary to 'avoid' effects, but to recognise that adverse effects can be 'remedied' or 'mitigated'.</p> <p>That consideration is given to how the proposed objectives and policies relate to one another.</p>	49/41/2
Oppose	Policies	<p>That, should the Council decide not to withdraw PC49, the policies are amended to recognise that it is not necessary to 'avoid' effects, but to recognise that adverse effects can be 'remedied' or 'mitigated'.</p> <p>That consideration is given to how the proposed objectives and policies relate to one another.</p>	49/41/3
Oppose	Definitions	<p>That, should the Council decide not to withdraw PC49, the definition of earthworks is not changed as it relates to the exemption of the planting of trees, landscaping etc.</p>	49/41/4
Partly Support	Rules - Levels of Activities	<p>The exemption for maintenance of tracks is supported, but this should be taken further and extended to include the formation of farm tracks.</p>	49/41/5
Other	Rules - Levels of Activities	<p>Should the Council continue with PC49 as notified, the rules for maintenance and creation of trails should be made more permissive, recognising the importance of trail development and maintenance for this District.</p>	49/41/6
Other	Site Standards	<p>That the level of earthworks allowed on a site be adjusted on a sliding scale to recognise that larger sites can absorb a larger volume of earthworks.</p>	49/41/7

Name Millbrook Country Club Ltd.

Position	Plan Provision	Decision Requested	SubNo.
Oppose	General	<p>Amend PC49 such that it is not applicable to the Millbrook section of the Resort Zone</p>	49/42/1
Oppose	Rules - Levels of activities	<p>In the event that the primary relief is declined:</p> <ul style="list-style-type: none"> - Delete provisions relating to bulk earthworks in both the proposed Earthworks section and Subdivision. - Create specific rules enabling large scale earthworks in relation to golf course maintenance and development for the Millbrook section of the Resort Zone. 	49/42/2
Other	Objectives	<p>In the event that the primary relief is declined, revise the objectives to recognise the benefits of earthworks and ensure that in most parts of the District, including visual amenity landscapes, primacy is not given to the protection of existing landforms at the expense of modifications associated with appropriate use and development.</p>	49/42/3
Other	Policies	<p>In the event that the primary relief is declined, revise the policies to recognise the benefits of earthworks and ensure that in most parts of the District, including visual amenity landscapes, primacy is not given to the protection of existing landforms at the expense of modifications associated with appropriate use and development.</p>	49/42/4
Oppose	Site standards	<p>In the event that the primary relief is declined:</p> <p>Delete the proposed maximum volume of earthworks as it applies to the Millbrook part of the Resort Zone.</p>	49/42/5
Other	General	<p>Make such alternative, additional or consequential amendments to the PC49 Plan Provisions as may be considered necessary or appropriate in order to address the issues raised in this submission.</p>	49/42/6

Name Mount Farm Ventures Ltd

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Partly Support	Site Standards	An 'area threshold' not be introduced into the Bendemeer Special Zone; and Rule 22.3.3(i) (Table 22.1) be amended such that the Bendemeer Special Zone be supported by an earthworks threshold of no less than 1,000m3.	49/43/1
Partly Support	Non-notification	The non-notification clause (22.3.2.6(a)) be amended by adding the following clause (v) which would have the effect of enabling such earthworks without notification or limited notification: "(v) Any earthworks undertaken within and confined to an approved residential building platform located within the Bendemeer Special Zone."	49/43/2

Name Otago Regional Council

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Other	Purpose	Re-phrase Paragraph 6 as follows: "The water plan identifies four main aquifers, Hawea Basin, Wanaka Basin, Cardrona alluvial ribbon and Wakatipu Basin but other lesser aquifers also need to be considered" as other aquifers (other than the 4 that are named) may be relevant.	49/44/1
Other	Purpose	Update the reference to the "National Policy Statement Freshwater Quality (2011)" to read 'National Policy Statement Freshwater Management (2014)'.	49/44/2
Other	Objectives	The ORC has some concern around the defensibility of the objectives.	49/44/3
Other	Policies	The ORC has some concern around the defensibility of the policies, including the following specific comments: - Policy 5.2 discusses the location of earthworks in close proximity to water bodies. The definition of earthworks excludes cultivation, mining and cleanfills. It is equally relevant that these activities avoid close proximity to water bodies and the effects of any such proximity are addressed. - Policy 5.3 should ensure activities also avoid penetrating aquifers. - The protection of the natural character of wetlands, lakes and rivers and their margins should be identified in the policy framework. - As part of the review of the Regional Policy Statement, ORC is considering managing natural character on the margins of wetlands, rivers and lakes. This may include earthworks and proximity of these to waterbodies.	49/44/4
Other	General provisions/ cross referencing	Clarify that earthworks relating to areas identified as containing indigenous biodiversity will be covered by other rules and so are not covered by this plan change.	49/44/5
Other	General provisions	Replace references to "The Historic Places Act 1993" with the "Heritage New Zealand Pouhere Taonga Act 2014".	49/44/6
Other	Rules - Levels of Activities	The effects of earthworks on the natural character of wetlands, lakes and rivers and their margins should be a matter over which Council reserves control for controlled activities. With regard to Open Space zones (Rule 22.3.2.2 (d)), if there is any intention to increase application of this zone it may be appropriate to include other matters over which Council has reserved control, in particular the effects on water bodies and natural character.	49/44/7
Other	Assessment matters	Add "the effects of earthworks on the natural character of wetlands, lakes and rivers and their margins" as an assessment matter for discretionary activities to enable these effects to be assessed and appropriately addressed.	49/44/8
Other	Site Standards	With regard to Water Bodies (22.3.3.v), there is no time limit in relation to how frequently 20m3 of earthworks can be undertaken within 7m of a water body. This contrasts with rule 22.3.3.i which provides both a volume and time period. As this is a permitted standard and there is no time limit there is a real risk this will be interpreted as the right to undertake this volume as many times as desired as a permitted activity.	49/44/9
Other	Site Standards	With regard to Water Bodies (22.3.3.v), there is the opportunity to standardise terminology between the ORC's water plan and the district plan. It is recommended that 'penetration' should replace 'Exposure' (site standard 22.3.3 v (c)(i)) and 'or contaminate' be added in reference to protecting any groundwater aquifer.	49/44/10

Name *Patterson Pitts Partners (Wanaka)
Ltd*

Position	Plan Provision	Decision Requested	SubNo.
Support	General	Approve the Plan Change	49/45/1

Name *Queenstown Airport Corporation*

Position	Plan Provision	Decision Requested	SubNo.
Other	Purpose. 22.1	Amend the introductory paragraph to correctly reference to the Freshwater NPS.	49/46/1
Partly Support	Objectives (22.2)	To amend Objective 1 to read that earthworks be enabled..."provided that they are undertaken in a manner that avoids, remedies, or mitigates the adverse effects' rather than placing primacy on the need to avoid such effects, by stating that they be undertaken in a manner that avoids effects.	49/46/2
Partly Support	Policies (22.2)	- To amend Policy 1.2 to read "to use... measures to avoid, remedy, or mitigate the adverse effects" in recognition that remediation or mitigation are also appropriate measures (and to be consistent with amendments sought to Objective 1) - To include "dust plumes above the site" within Policy 1.2 - To add a new policy (1.6) to recognise circumstances where the regional or national benefits of earthworks related to regionally significant infrastructure outweigh the adverse effects.	49/46/3
Other	General Provisions/ cross referencing	Rule 15.2.20 (referred to in Rule 22.3.1(ii) does not exist in the District Plan and so the reference needs amending and the opportunity provided to reconsider this rule.	49/46/4
Support	Rules - Levels of activities (22.3.2.2 - 4)	Retain the cascading rule structure proposed	49/46/5
Oppose	Non-notification (22.3.2.6)	That the Queenstown Airport Corporation be notified or its approval sought for all earthworks applications in the vicinity of Queenstown and Wanaka OLS designations.	49/46/6
Oppose	Site Standards (22.3.3(i))((a). Table 22.1)	That the mixed Use Airport Zone be identified as a Tier 5 activity for earthworks within this zone	49/46/7
Support	Site standards (22.3.3)	The site standard 22.3.3. be retained with 22.3.3(iv)(b) amended slightly to read "...beyond the boundary and above the site".	49/46/8
Partly Support	Assessment Matters (22.4)	- That additional assessment matters be included under sub-heading 22.4(i) or under a new category, which recognises and provides for those circumstances where there are significant social and/ or economic benefits in providing for earthworks. - Retain assessment matter 22.4(ii) regarding environmental protection measures as drafted - Retain assessment matter 22.4(vii) regarding bulk earthworks with a minor amendment to ensure that the measures outlined in 22.4(vii)(e) are implemented to manage the effects of earthworks on other sensitive receivers such as overhead aircraft.	49/46/9
Other	General	Any other/ further relief in order to take account of the matters expressed in this submission	49/46/10

Name *Queenstown Central Ltd.*

Position	Plan Provision	Decision Requested	SubNo.
Partly Support	General	In general conditionally supports the following aspects: - The streamlining of the controls and taking a more consistent approach across the district. - Providing a robust framework in terms of objectives and policies associated with earthworks. - The recognition that earthworks are required to facilitate development and that the provisions need to be enabling. - Removing the area (m2) control and just having a volume (m3) control.	49/47/1
Other	Objectives	Amend Objectives to require adverse effects to be avoided or mitigated rather than just avoided.	49/47/2
Other	Policies	Amend policies to require adverse effects to be avoided or mitigated rather than just avoided.	49/47/3
Oppose	Non-notification	All Restricted Discretionary earthworks applications should be able to be dealt with on a non-notified basis without the need for written approvals.	49/47/4
Oppose	Rules - Levels of Activities	In respect of bulk earthworks: there is no need for these to be fully discretionary (or any other earthworks consent for that matter). Restricted Discretionary status should be retained for this activity and Council's discretion confined to a range of matters relevant to best practice management for earthworks.	49/47/5
Other	General	Make such alternative, additional or consequential amendments to the PC49 Plan Provisions as may be considered necessary or appropriate in order to address the issues raised in this submission.	49/47/6

Name *Queenstown Trails Trust*

Position	Plan Provision	Decision Requested	SubNo.
Other	Objectives	Amend objective 2 by replacing the word 'adverse' with the word 'inappropriate' to better reflect section 6b of the RMA.	49/48/1
Other	Policies	Amend policies 2.1 and 2.2 to include the words 'and mitigate' after the word 'avoid' to more accurately reflect the purpose of the RMA Amend policy 3.3 to include the words 'remedy or mitigate' after the word 'avoid' and delete the words 'and tracking'. Policy 4.3 is supported subject to the changes requested in respect of Objective 2	49/48/2
Partly Support	Rules - levels of activities	The permitted activity status of earthworks associated with the maintenance of public recreational tracks under 22.3.2.1(b) is supported but should be expanded to include the construction of all new public recreational trails on Queenstown Lakes District Council or Crown land or on an easement registered over private land in favour of the Queenstown Lakes District Council, the Crown, or the QEII Trust or any of its entities. As currently drafted, the rule does not go far enough to achieve policy 4.3	49/48/3

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Oppose	Rules - Levels of Activities	Delete provisions relating to bulk earthworks in both the proposed Earthworks section and Subdivision.	49/49/1
Other	Objectives	Revise the proposed objectives to more explicitly recognise the benefits of earthworks and ensure that in most parts of the District, including urban areas, primacy is not given to the protection of existing landforms at the expense of modifications associated with appropriate use and development. And Amend objectives to recognise that mitigation and remediation of effects arising from earthworks will often be an appropriate course of action	49/49/2
Other	Policies	Revise the proposed policies to more explicitly recognise the benefits of earthworks and ensure that in most parts of the District, including urban areas, primacy is not given to the protection of existing landforms at the expense of modifications associated with appropriate use and development. And Amend policies to recognise that mitigation and remediation of effects arising from earthworks will often be an appropriate course of action.	49/49/3
Other	Policies	Amend Policy 3.2 to ensure that there is no presumption against de-watering but rather that potential adverse effects resulting from this practice are avoided, remedied or mitigated.	49/49/4
Other	Site Standards	That the following rules be either deleted, made more enabling or a justification for the proposed restriction on earthworks adequately provided: - Rule 22.3.3.1(a) - control on the volume of earthworks. - Rule 22.3.3 ii (b) (i) and (ii) - Controls on cut and fill. - Rule 22.3.3 ii (b) (iii) - Restrictions on earthworks near boundaries	49/49/5
Other	Non-notification	That the following rule be either deleted, made more enabling or a justification for the proposed restriction on earthworks adequately provided: - Rule 22.3.2.6 - Rules enabling notification of applications for restricted discretionary earthworks activities	49/49/6
Other	Rules - Levels of Activities	That the following rule be either deleted, made more enabling or a justification for the proposed restriction on earthworks adequately provided: - The widespread use of restricted discretionary or discretionary status for various earthworks consents, as opposed to controlled activity status. That rule 22.3.2.4 (c) (Discretionary Activity - Earthworks in the Jacks Point Zone) be deleted; and That the exemption in Rule 22.3.2.1 (iii) which permits earthworks otherwise approved via resource consents for buildings in the Remarkables Park Zone under 12.11.3.2(i) be extended to buildings approved under rule 12.2.3.2 (vii) in the Jacks Point Zone.	49/49/7
Other	General	Such alternative, additional or consequential amendments to the PC49 Plan Provisions as may be considered necessary or appropriate in order to address the issues raised in this submission.	49/49/8

Name *Remarkables Park Ltd.*

Position	Plan Provision	Decision Requested	SubNo.
Oppose	General	That Council withdraws PC49 and undertakes consultation to determine how best to achieve the purpose of the Act. That the Council recognises that the consultation undertaken for PC49 is inadequate. The proposal to change the earthworks provisions as they relate to the RPZ is opposed, and the changes proposed, with the consequent need for RPL to submit, could have been avoided had consultation been undertaken prior to notifying PC49 in its current form.	49/50/1
Other	General	That, should the Council continue with PC49 as notified, the earthworks provisions as they relate to the RPZ are not changed as a result of PC49. Retain existing provisions within the RPZ.	49/50/2
Other	Objectives	That consideration is needed as to how the proposed objectives and policies relate to one another. Reduce the number and complexity of the objectives and remove repetition.	49/50/3
Other	Policies	That consideration is needed as to how the proposed objectives and policies relate to one another. That, should the Council continue with PC49 as notified, the policy provisions as they relate to RPZ are not altered. Reduce the number and complexity of policies; remove repetition; and remove those policy provisions that are not necessary.	49/50/4
Other	Rules - Levels of Activities	That further consideration is given to the effectiveness of the new discretionary rule for bulk earthworks.	49/50/5
Other	General provisions/ cross referencing	That, should the Council continue with PC49 as notified, the earthworks provisions as they relate to subdivision within the RPZ remain unchanged.	49/50/6
Other	Definitions	That the definition of earthwork is not changed as it relates to the exemption of the planting of trees.	49/50/7
Other	Rules - Levels of Activities	That, should the Council continue with PC49 as notified, the rules for maintenance and creation of trails are more permissive, recognising the importance of trail development and maintenance for this District.	49/50/8

Name *Shotover Country Limited*

Position	Plan Provision	Decision Requested	SubNo.
Other	Rules - Levels of activities	Amend Rule 22.3.2.1(b) by adding the following subclause: (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.	49/51/1

Position	Plan Provision	Decision Requested	SubNo.
Oppose	General	That Council withdraws PC49 and undertakes consultation to determine how best to achieve the purpose of the Act. Reconsider including earthworks provisions within each zone.	49/52/1
Partly Support	Site standards	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.	49/52/2
Other	Objectives	That, should the Council continue with PC49 as notified: - The objectives are amended to recognise that it is not necessary to avoid effects, but to recognise that adverse effects can be remedied or mitigated. - Reduce the number and complexity of objectives and remove repetition.	49/52/3
Other	Policies	That, should the Council continue with PC49 as notified: - The policies are amended to recognise that it is not necessary to avoid effects, but to recognise that adverse effects can be remedied or mitigated. - Reduce the number and complexity of policies; remove repetition; and remove those policy provisions that are not necessary.	49/52/4
Support	General provisions/ cross referencing	The clarification that earthworks undertaken as part of a subdivision are exempt from land use requirements for earthworks is supported.	49/52/5
Other	Rules - Levels of activities	That further consideration is given to the effectiveness of the new discretionary rule for bulk earthworks.	49/52/6
Other	Definitions	That, should the Council continue with PC49 as notified, the definition of earthworks is not changed as it relates to the exemption of the planting of trees.	49/52/7
Other	Assessment matters	Reduce the number of assessment matters.	49/52/8

Position	Plan Provision	Decision Requested	SubNo.
Oppose	Objectives	Add the following words to Objective 4: "... And the development and operation of ski fields"	49/53/1
Oppose	Rules- Levels of activities	Modify the permitted activity rule 22.3.2.1(c)(ii) to exempt all earthworks and bulk earthworks undertaken in ski area subzones 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 5.3.5.1(xii) from the following rules and standards that apply to earthworks: - Rule 22.3.2.4(b) - Bulk earthworks - Rule 22.3.3.(i)(a) - (c) Volumes - Rule 22.3.3(ii)(a) - the height of cut and fill OR Modify Rule 22.3.2.4(b) re bulk earthworks to exempt all earthworks undertaken within a ski area subzone (and amend notification and site standards rules as per the below submission points).	49/53/2
Oppose	General	Modify the Plan Change in any other manner that will give effect to the submissions	49/53/3
Oppose	Non-notification	Modify Rule 22.3.2.6(a)(iii) non notification - to include all earthworks and bulk earthworks undertaken within a ski area subzone	49/53/4
Oppose	Site standards	Modify site standard 22.3.3(ii)(a) re height of cut and fill and slope to exclude earthworks and bulk earthworks occurring within a ski area subzone.	49/53/5

Position	Plan Provision	Decision Requested	SubNo.
Other	Objectives	Amend Objectives 1 and 2 to acknowledge that earthworks activities create effects that cannot be avoided and can only be remedied and mitigated.	49/54/1
Other	Objectives	Amend Objective 4 by deleting the reference to Objective 2, applying the objective also to the Rural Visitor Zone, and adding further wording regarding ski area subzones to read follows: "Objective 4 Earthworks in Rural General Zone, Rural Visitor Zone and Ski Area Sub-Zones; to enable earthworks ... and the development and operation of ski areas."	49/54/2
Other	Policies	Amend Policies 4.1 to 4.4 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."	49/54/3
Other	Site Standards	Apply the General Rural Zone Earthworks provisions to the Rural Visitor Zone, including: - Applying Objective 4 to the Rural Visitor Zone - Applying the Rural General volumes/ Tier (rule 22.3.3(i)) to the Rural Visitor Zone	49/54/4
Other	General	Retain the current operative Ski Area Sub-Zone earthworks exemptions or modify Plan Change 49 to incorporate the same level of exemptions.	49/54/5
Other	Rules - Levels of Activities	With respect to Rule 22.3.2.1: Amend sub clause (b)(i)(e) 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.", which relates to trails and operational areas within Ski Area Sub-Zones. Amend sub clause (b)(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.	49/54/6
Other	Rules - Levels of Activities	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).	49/54/7
Other	General	Clarify in the rules which activities are Controlled, Restricted Discretionary, Discretionary, and Non-complying across all the zones and how the site standards relate to the activity rules.	49/54/8
Oppose	Rules - Levels of Activities	Delete Rule 22.3.2.4(b) Bulk Earthworks and all other plan provisions relating to that consent category.	49/54/9
Other	Site Standards	The intent of proposed rule 22.3.3(i) Volume of Earthworks needs to be clearer. Amend Rule 22.3.3(i) Volume of Earthworks to allow a higher tier of Earthworks in Rural Visitor Zones.	49/54/10
Other	Non-notification	Include Rural Visitor Zones in proposed rule 22.3.2.6 (a) regarding non notification	49/54/11
Other	Site standards	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. Amend 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. Amend proposed rule 22.3.3 v (a) and (b) Water Bodies to take into account the need to maintain, repair and augment water defence structures adjacent waterways and make these activities permitted activities.	49/54/12
Other	Assessment matters	The Assessment Matters for Ski Area Sub Zones need 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 that it is not always appropriate to re-vegetate slopes because of ongoing maintenance and safety improvements.	49/54/13

Position	Plan Provision	Decision Requested	SubNo.
Other	Objectives	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 by adding the words "remedies or mitigates" as follows: "To enable earthworks ... in a manner that avoids, remedies or mitigates adverse effects on communities and the natural environment."	49/55/1
Other	Policies	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 earth-worked 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."	49/55/2
Support	Policies	Retain Policies 1.1, 1.3, and 1.4 without modification	49/55/3
Support	Objectives	Retain Objectives 3 and 6 without modification	49/55/4
Partly Support	Policies	Retain Policies 3.1 and 3.3 without modification; and Amend Policy 3.2 to remove any reference to dewatering as follows: "3.2 To ensure earthworks do not cause or exacerbate flooding."	49/55/5
Other	Policies	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" Retain Policy 5.2 without modification .	49/55/6
Partly Support	Policies	Retain Policies 6.1 and 6.7 without modification. Delete Policies 6.2 - 6.6.	49/55/7
Support	General provisions/ cross referencing	Retain 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) without modification.	49/55/8
Support	Rules - Levels of Activities	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).	49/55/9

Position	Plan Provision	Decision Requested	SubNo.
Support	Rules - Levels of Activities	Retain Rule 22.3.2.3 (a) as notified.	49/56/1
Oppose	Rules - Levels of Activities	Delete Rule 22.3.2.3(c), which relates to the Shotover Country Special Zone	49/56/2
Other	Rules - Levels of Activities	Amend the matters of discretion in Rule 22.3.2.3 (d) to read: "(d) The matters in respect of which the Council has reserved discretion 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 National Grid electricity line which may put the line at risk; (ii) Effects on the integrity of the 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)."	49/56/3
Other	Rules - Levels of Activities	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)."	49/56/4
Oppose	Site standard	Delete Site Standard viii in 22.3.3 and replace with the following new Site Standard: "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."	49/56/5
Other	General	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).	49/56/6
Other	General	Show the existing Cromwell - Frankton A National Grid Electricity Line on the District Plan Maps.	49/56/7
Other	General	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.	49/56/8

Position	Plan Provision	Decision Requested	SubNo.
Partly Support	Rules - Levels of Activities	Amend proposed Rule 22.3.2.1(c)(i) to read: "(i) Earthworks and bulk earthworks carried out in accordance with any relevant Conservation Management Plan or Strategy or Concession approved by Department of Conservation." 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 (Rule 22.3.2.1(c)(i)), but seeks the amendment as no Conservation Management Plan currently applies to its ski field areas.	49/57/1
Support	Site standards	Supports the restricted discretionary activity consent status for earthworks in ski areas not located on Public Conservation Land for breaching cut heights, angle of slope or height of fill or for bulk earthworks in these areas in order to enable an assessment of effects of these works.	49/57/2
Support	Objectives	Supports proposed Objectives 2 and 4	49/57/3
Partly Support	Policies	Supports proposed Policy 4.4 subject to it being amended as follows in order to provide clarification around landscape classifications: "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"	49/57/4
Other	General	Amend Site Standard 5.3.5.1(x) such that it 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. 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.	49/57/5
Support	General	Supports simplifying and streamlining the proposed earthworks for these other District Plan Zones into one chapter of the District Plan.	49/57/6
Support	General Provisions/ cross referencing	Supports proposed Rule 22.3.1(ii)(a)(i) insofar 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.	49/57/7
Partly Support	Site standards	Generally Trojan supports: - Removing the minimum area of exposed soil from the proposed earthworks provisions. - The proposed Table 22.1 format, which groups the District Plan Zones into seven categories or 'Tiers' - The proposed increase in the permitted earthworks volumes across the proposed Tiers as this will avoid large numbers of Resource Consents. 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.	49/57/8
Support	Definitions	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.	49/57/9
Partly Support	General	That Plan Change 49 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.	49/57/10

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Other	Objectives	Amend Objective 1 to include "and mitigate' after the word "avoid"	49/58/1
Other	Policies	Amend Policies 1.1 - 1.5 to include "and mitigate' after the word "avoid" and add the word "remedy" to Policy 1.5 Amend Policies 2.1 and 2.2 to include "and mitigate' after the word "avoid" Amend Policy 3.3 to include the words "remedy and mitigate" after the word "avoid" and to remove the words "including tracking".	49/58/2
Other	Objectives	Replace the word "adverse" in Objective 2 with the word "inappropriate" to better reflect Section 6b of the RMA.	49/58/3
Other	Site Standards	Amend the Tier 2 and Tier 6 quantities to reflect the size of the Rural General properties and make these quantities permitted regardless of landscape classification. For example: - On landholdings less than 10 ha: 1,000m3 per annum - On landholdings 10 - 50 ha: 1,500m3 per annum - On landholdings 50 - 100 ha: 2,000m3 per annum - On landholdings 100 - 500 ha: 2,500m3 per annum - On landholdings 500 - 1,000 ha: 3,000m3 per annum - On landholdings greater than 1,000 ha: 3,500m3 per annum And - Apply a similar permitted scale relative to landholding size to the urban zones	49/58/4