

# Further submission



## In support of, or in opposition to, submissions on the proposed district plan

**14 December 2015**

---

**To:** Queenstown Lakes District Council

**Name:** Bernie Napp

**Phone numbers:** Work: 04 974 8671, Mobile: 027 646 1000

**Email address:** [bernie@straterra.co.nz](mailto:bernie@straterra.co.nz)

**Postal address:** Straterra, PO Box 10-668, Wellington, Post code: 6143

**This is a further submission**, in support of (or in opposition to) a submission on the following plan change:  
Proposed Queenstown Lakes District Plan.

**I am:** a person representing a relevant aspect of the public interest. I am a representative of the NZ minerals and mining industry, which stands to be adversely affected by proposals made by a number of other submitters, in a way that is not consistent with the letter and intent of the RMA.

Mining can be an appropriate form of development, including in areas to which matters of national importance apply, for the following reasons:

- Mining is a location-specific activity; minerals deposits are fixed by nature;
- Mining earns high wealth off a small footprint, and mine workers on average earn more than double the national average wage;
- Minerals are essential to modern society;
- Mining is a temporary use of land; and
- During and after mining land is returned to a former use, or a new or enhanced use, depending on resource consent conditions.

---

I *oppose* the submission of: **John Langley, 313**

The particular parts of the submission I oppose are: **313.4**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA. Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not

always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option.

**I seek that 313.4 be *allowed*, subject to the proposed amendments below:**

“The plan needs to have a clear statement under Purpose which relates to maintenance and enhancement of vegetation and biodiversity with supporting objectives and policies. That is maintaining and increasing our indigenous vegetation and biodiversity both on private and public lands. Recommendation: The Plan should seek to reduce any further loss of indigenous vegetation. This should be stated under Purpose. Policy and objectives to such that if loss is unavoidable an equivalent “offset” planting, or other compensatory measures, should be required either on the same site or elsewhere.”

---

**I oppose the submission of: Evan Alty, 339**

The particular parts of the submission I oppose are: **339.17**

**The reasons for my opposition are:**

Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option. The proposed mitigation hierarchy is *ultra vires* the RMA.

**I seek that 339.17 be *disallowed*:**

~~“Amend as follows: Avoid significant adverse effects on nature conservation values. In relation to adverse effects on nature conservation values that are not significant: (a) these are avoided in the first instance; (b) where they cannot be avoided, they are remedied; (c) where they cannot be remedied they are mitigated; and residual adverse effects that cannot be mitigated are offset.”~~

The particular parts of the submission I oppose are: **339.23**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 339.23 be *allowed*, subject to the proposed amendments below:**

~~“Preserve or enhanceManage the natural character and biodiversity values of the beds and margins of the District’s lakes, rivers and wetlands, including by protecting these values from inappropriate subdivision, use, and development.”~~

The particular parts of the submission I oppose are: **339.35**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 339.35 be *allowed*, subject to the proposed amendments below:**

“Avoid, ~~remedy or mitigate the adverse effects of development, including location-specific and/or temporary activities, on the degradation of~~ natural wetlands, and protect these areas from inappropriate subdivision, use, and development.”

The particular parts of the submission I oppose are: **339.36**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 339.36 be *allowed*, subject to the proposed amendments below:**

“Recognise for and provide opportunities for mineral extraction providing the location, scale and effects would not degrade significantly amenity, water, wetlands landscape and indigenous biodiversity values.”

The particular parts of the submission I oppose are: **339.37**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 339.37 be *allowed*, subject to the proposed amendments below:**

“Ensure potential adverse effects of ~~large-scale~~ extractive activities (~~including mineral exploration~~) are avoided, ~~or~~ remedied or mitigated, particularly where those activities have potential to degrade significantly landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water. Where there are residual effects, after having taken the foregoing measures, they are offset or otherwise compensated for.”

The particular parts of the submission I oppose are: **339.41**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 339.41 be *allowed*, subject to the proposed amendments below:**

“Avoid, remedy or mitigate the adverse effects of the establishment of commercial, retail, forestry and industrial activities where they would significantly degrade rural quality or character, amenity, nature

conservation values, and landscape; and where these values are significant, they are protected from inappropriate subdivision, use, and development.”

The particular parts of the submission I oppose are: **339.45**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 339.45 be *allowed*, subject to the proposed amendments below:**

“~~Preserve~~, Maintain or enhance the surface of lakes and rivers and their margins, and protect these values from inappropriate subdivision, use, and development.”

The particular parts of the submission I oppose are: **339.49**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 339.49 be *allowed*, subject to the proposed amendments below:**

“d. The activity will not be undertaken on an Outstanding Natural Feature, landscape or significant indigenous area, or within the margin of any water body, unless it is a location-specific and/or temporary activity, and adverse effects on the environment are avoided, remedied and mitigated. Where there are residual effects, they are offset or otherwise compensated for.”

The particular parts of the submission I oppose are: **339.50**

**The reasons for my opposition are:**

The wording fails to consider adequately the nature of mining

**I seek that 339.50 be *allowed*, subject to the proposed amendments below:**

“Amend to read as follows: That the land is returned to its original productive capacity or to indigenous vegetation, or to a new or enhanced use, depending on resource consent conditions.”

The particular parts of the submission I oppose are: **339.75**

**The reasons for my opposition are:**

Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not

always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option.

**I seek that 339.75 be *allowed*, subject to the proposed amendments below:**

~~“Significant A~~adverse effects resulting from clearance of indigenous vegetation should be avoided, remedied or mitigated, and w-Where residualthe adverse effects ~~are not significant and cannot be avoided, remedied or mitigated and~~ would diminish the District’s indigenous biodiversity values, opportunities for the protection, restoration and enhancement of other similar habitats areas are encouraged to offset or otherwise compensate for -the adverse effects of clearance and ensure no net the loss and preferably a net gain of those indigenous biodiversity values, where applicable, and otherwise compensated for. Biodiversity offsetting should not be applied to justify impacts on vulnerable and irreplaceable biodiversity values or biodiversity values which cannot be offset.”

The particular parts of the submission I oppose are: **339.82**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 339.82 be *allowed*, subject to the proposed amendments below:**

“Recognise anticipated activities in rural areas such as farming and the efficient use of land and resources, including location-specific and/or temporary activities; however, these must be undertaken in a way that manages~~protects the~~ significant indigenous vegetation and habitats of indigenous fauna, including their protection -from inappropriate subdivision, use, and development.~~and maintains and enhances indigenous biodiversity.~~”

The particular parts of the submission I oppose are: **339.85**

**The reasons for my opposition are:**

Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option. The proposed mitigation hierarchy is *ultra vires* the RMA.

**I seek that 339.85 be *disallowed*:**

~~“If the ecosystem or habitat cannot be avoided, adverse effects are managed by avoiding significant adverse effects. Where adverse effects are not significant: (a)they are avoided in the first instance; (b)where they cannot be avoided, they are remedied; (c)where they cannot be remedied they are mitigated; and (d) Where residual adverse effects remain, and cannot be mitigated they are offset.”~~

The particular parts of the submission I oppose are: **339.88**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 339.88 be *allowed*, subject to the proposed amendments below:**

“Protect and enhance significant indigenous vegetation and habitats of indigenous fauna, including rare or threatened indigenous species, from inappropriate subdivision, use, and development.”

The particular parts of the submission I oppose are: **339.89**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 339.89 be *allowed*, subject to the proposed amendments below:**

“Avoid, remedy or mitigate the clearance of indigenous vegetation within Significant Natural Areas including those that meet the criteria in Policy 33.2.1.9 that would reduce indigenous biodiversity values, and where there are residual effects, these should be offset or otherwise compensated for; and, in the case of inappropriate subdivision, use, and development, protect these values from that development.”

The particular parts of the submission I oppose are: **339.90**

**The reasons for my opposition are:**

Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option. The proposed mitigation hierarchy is *ultra vires* the RMA.

**I seek that 339.90 be *allowed*, subject to the proposed amendments below:**

“Allow the clearance of indigenous vegetation within Significant Natural Areas ~~only in exceptional circumstances and~~ in circumstances where significant adverse effects are avoided, remedied or mitigated. ~~Where adverse effects are not significant: they are avoided in the first instance; where they cannot be avoided, they are remedied; where they cannot be remedied they are mitigated; and~~ Where residual adverse effects remain, ~~and cannot be mitigated~~ they are offset, or otherwise compensated for.”

The particular parts of the submission I oppose are: **339.92**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

I seek that 339.92 be *allowed*, subject to the proposed amendments below:

~~“Significant A~~adverse effects of ~~the~~ use and development, including location-specific and/or temporary activities, -on habitats of indigenous birds in wetlands, beds of rivers and lakes and their margins for breeding, roosting, feeding and migration are avoided, remedied or mitigated, and where residual effects occur, they are offset or otherwise compensated for; and these areas are protected from inappropriate subdivision, use, and development ~~and other effects are avoided, remedied or mitigated.”~~

The particular parts of the submission I oppose are: **339.95**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

I seek that 339.95 be *allowed*, subject to the proposed amendments below:

“Ensure that the adverse effects of proposals, including location-specific and/or temporary activities, -for clearance do not reduce on indigenous biodiversity values, ~~create~~ erosion, or ~~adversely affect~~ natural character along the margins of waterways, are avoided, remedied or mitigated, and where residual effects occur, they are offset or otherwise compensated for; and these areas are protected from inappropriate subdivision, use, and development.”

The particular parts of the submission I oppose are: **339.103**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

I seek that 339.103 be *allowed*, subject to the proposed amendments below:

“Recognise that alpine environments contribute to the distinct indigenous biodiversity and landscape qualities of the District and should be protected from change through vegetation clearance or establishment of exotic plants, in the case of inappropriate development in outstanding natural landscapes; and otherwise, including in the case of location-specific and/or temporary activities, adverse effects are avoided, remedied or mitigated, and where residual effects occur, they are offset or otherwise compensated for.”

---

I oppose the submission of: **X Ray Trust Limited, 356**

The particular parts of the submission I oppose are: **356.17**

**The reasons for my opposition are:**

Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option.

**I seek that 356.17 be *allowed*, subject to the proposed amendments below:**

“Amend the policy, as follows: “Avoid, mitigate, remedy or off-set or otherwise compensate for adverse cumulative impacts on ecosystem services and nature conservation values.”

---

I *oppose* the submission of: **Department of Conservation, 373**

The particular parts of the submission I oppose are: **373.6**

**The reasons for my opposition are:**

Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option.

**I seek that 373.6 be *allowed*, subject to the proposed amendments below:**

“Where adverse effects on nature conservation values cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative. Where residual adverse effects of activities on nature conservation values cannot be otherwise avoided, remedied or mitigated, the use of biodiversity offsets should be considered to achieve no net loss of indigenous biodiversity, and preferably a net gain; alternatively, other -compensatory measures may be considered.”

The particular parts of the submission I oppose are: **373.11**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 373.11 be *allowed*, subject to the proposed amendments below:**

“Chapter 6 is generally supported inso-far as it recognises and provides for the protection of outstanding natural landscapes and features from inappropriate subdivision, use, and development, as well as avoiding, remedying and mitigating adverse cumulative effects on those values. It is noted that many of the district’s outstanding natural landscapes and natural features will be located on land managed by the Department of Conservation.”

The particular parts of the submission I oppose are: **373.17**

**The reasons for my opposition are:**

Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option, and this part of DOC's submission does acknowledge this point.

**I seek that 373.17 be *allowed*, subject to the proposed amendments below:**

"To compensate for adverse effects, consideration shall be given to any offset measures and/or environmental compensation including those which benefit the local environment and community affected. To manage any residual adverse effects on indigenous biodiversity that cannot otherwise be avoided, remedied or mitigated, consideration shall be given to biodiversity offsets and other compensatory measures where it is appropriate to do so."

The particular parts of the submission I oppose are: **373.19**

**The reasons for my opposition are:**

In places, the wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA. Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option.

**I seek that 373.19 be *allowed*, subject to the proposed amendments below:**

"The limited removal of indigenous vegetation not determined to be significant is permitted, with discretion applied through the resource consent process to ensure that indigenous vegetation clearance activities exceeding the permitted limits protect, maintain or enhance indigenous biodiversity values, as appropriate in the circumstances. Where the removal of indigenous vegetation cannot be avoided, remedied or mitigated, and would diminish the District's indigenous biodiversity values, opportunities for the enhancement of other areas are encouraged to offset or otherwise compensate for the adverse effects of the loss of those indigenous biodiversity values. Where indigenous vegetation in an area described as a Significant Natural Area in the district plan, or is determined to be an Significant Natural Area through a site specific ecological assessment, then any removal of indigenous vegetation required will only be allowed ~~in exceptional circumstances, and where~~ through a resource consent process, in which the adverse effects of the activity are demonstrated as being avoided, remedied or mitigated. Biodiversity off-sets or other compensatory measures will be required to manage any residual adverse effects that cannot otherwise be mitigated. Or wording of a similar effect."

The particular parts of the submission I oppose are: **373.23**

**The reasons for my opposition are:**

Standards are appropriate for permitted or controlled activities. In the case of activities requiring resource consent, proposals should be considered on a case-by-case basis, to provide adequately for businesses, under the RMA.

**I seek that 373.23 be *allowed*, subject to the proposed amendments below:**

“Provide standards in the District Plan for permitted or controlled activities that involve clearance of indigenous vegetation that is not identified as a Significant Natural Area or threatened species, which are practical to apply and that permit the removal of a limited area of indigenous vegetation in specified circumstances.”

The particular parts of the submission I oppose are: **373.28**

**The reasons for my opposition are:**

Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option.

**I seek that 373.28 be *allowed*, subject to the proposed amendments below:**

“Amend Policy 33.1.2.8 as follows: Where there are residual adverse effects of an activity on indigenous biodiversity values that cannot be avoided, remedied or mitigated, consideration will be given to whether there has been any compensation, or biodiversity offset proposed and the extent to which any offset, if applied, will result in no net loss of indigenous biodiversity and preferably a net indigenous biodiversity gain.”

The particular parts of the submission I oppose are: **373.31**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 373.31 be *allowed*, subject to the proposed amendments below:**

“Amend Objective 33.2.2 as follows: Protect and enhance Significant Natural Areas. Areas of significant indigenous biodiversity are recognised and protected from inappropriate subdivision, use, and development activities in the Queenstown Lakes District as a matter of national importance.”

The particular parts of the submission I oppose are: **373.34**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA. The word “commensurate” implies that a measurement can be made, and that is not always cost-effective or practicable or possible to do.

**I seek that 373.34 be *allowed*, subject to the proposed amendments below:**

“Amend Policy 33.2.2.2 as follows: Allow the clearance of indigenous vegetation within Significant Natural Areas ~~only in exceptional circumstances and~~ in circumstances where these activities will have minor adverse effects, or effects that can be managed to be no more than minor, on the ecological functioning and the values that contribute to the significance of the area, or offer compensation ~~appropriate~~commensurate to the nature and scale of the clearance.”

The particular parts of the submission I oppose are: **373.36**

**The reasons for my opposition are:**

Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option.

**I seek that 373.36 be *allowed*, subject to the proposed amendments below:**

“Include new Policy 33.2.2.4 as follows: Require the use of biodiversity offsetting or other compensatory measures to address residual adverse effects, after avoiding, remedying or mitigating, of development activities on Significant Natural Areas to ensure no net loss of indigenous biodiversity values is achieved, or otherwise compensate appropriately for adverse effects.”

---

I oppose the submission of: **Jeremy Carey-Smith, 375**

The particular parts of the submission I oppose are: **375.3**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 375.3 be *allowed*, subject to the proposed amendments below:**

“The following changes are sought: Policy 3.2.5.1.1 Identify the district’s Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps, and protect them from the adverse effects of inappropriate subdivision, use, and development. 3.2.5.1.2 Protect the Outstanding Natural Landscapes and Outstanding Natural Features from the adverse effects of inappropriate subdivision, use, and development.”

The particular parts of the submission I oppose are: **375.10**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 375.10 be *allowed*, subject to the proposed amendments below:**

“Policy 6.3.1.3 That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 ~~because subdivision and development is are inappropriate in almost all most locations, meaning successful applications will be exceptional cases.~~”

The particular parts of the submission I oppose are: **375.11**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 375.11 be *allowed*, subject to the proposed amendments below:**

“The following changes are sought: Policy 6.3.3.1 Avoid, remedy or mitigate the adverse effects of subdivision, use, -and development, including of location-specific and/or temporary activities, on Outstanding Natural Features and that does not protect, maintain or enhance the qualities of the relevant Outstanding Natural Features from inappropriate development.”

The particular parts of the submission I oppose are: **375.14**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA. Retain as originally worded, with Straterra’s proposed amendments from our primary submission.

**I seek that 375.14 be *disallowed*:**

~~Policy 6.3.4.1 Avoid subdivision and development that would degrade adversely affect the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change. [...] Policy 6.3.4.4 Have regard to the adverse effects of subdivision and development on the open landscape character where it is open at present.~~

---

I support the submission of: **Heritage NZ, 426**

The particular parts of the submission I support are: **426.7**

**The reasons for my support are:**

Note that most mining today is done where mining was done in the past. The leavings of the old-timers (in the form of heritage) must be managed appropriately, and the Heritage NZ Pouhere Taonga Act 2014 provides that framework.

**I seek that 426.7 be *allowed*, subject to the proposed amendments below:**

“Adopt Objective 26.5.2 and Policies & 26.5.2.2 Amend Policy 26.5.1 as follows: Encourage the ongoing economic use of heritage buildings and sites by allowing adaptations and uses that do not permanently adversely affect heritage values, including through incremental change, so far as this is consistent with the Heritage NZ Pouhere Taonga Act 2014.”

The particular parts of the submission I support are: **426.8**

**The reasons for my support are:**

Note that the other statutory body is Heritage NZ, and the relevant legislation is the Heritage NZ Pouhere Taonga Act 2014.

**I seek that 426.8 be *allowed*:**

“Adopt Objective 26.5.3 and Policies 26.5.3.1 – 26.5.3.4 with the amendment outlines below: 26.5.3.4 Avoid unnecessary duplication of consents with other statutory bodies on archaeological sites.”

The particular parts of the submission I support are: **426.19**

**The reasons for my support are:**

The Heritage NZ Pouhere Taonga Act 2014 provides adequately for the interaction between development and historic or archaeological heritage. Regulatory duplication with the RMA should be avoided.

**I seek that 426.19 be *allowed*:**

“Heritage New Zealand’s policy guidance recommends discretionary activity status for the subdivision of land containing a scheduled heritage item (including scheduled archaeological sites). Heritage New Zealand does not usually seek that this same level of subdivision control be applied to all land containing a known archaeological site, as many archaeological sites will not be of sufficient archaeological heritage value to merit such regulation where there are no other consent triggers. Heritage New Zealand’s interpretation of the subdivision provisions is that all subdivision activities require resource consent and accordingly the presence of an archaeological site would not, in itself, trigger a requirement for resource consent. In this context Heritage New Zealand is comfortable that the provision 27.5.1.6 is not unduly onerous.”

---

I support the submission of: **New Zealand Tungsten Mining Ltd, 519**

I support this submission in its entirety as providing appropriately for minerals and mining activities in the District, in a way that is consistent with the letter and intent of the RMA.

---

I *oppose* the submission of: **Darby Planning LP, 608**

The particular parts of the submission I oppose are: **608.37**

**The reasons for my opposition are:**

The wording is overly limited in scope in terms of the broad intent of the RMA.

**I seek that 608.37 be *allowed*, subject to the proposed amendments below:**

“However, tourism, rural living, visitor accommodation and recreation based activities, and some other activities, including location-specific and/or temporary activities, -can be enabled in certain locations if landscape character and visual amenity values are not unduly compromised through appropriate siting of the activity, mitigation and protection and enhancement of important values.”

The particular parts of the submission I oppose are: **608.49**

**The reasons for my opposition are:**

Biodiversity offsets, and offsets generally, is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. In the case of landscapes, there is no reasonable method of measuring gain in one aspect of landscape value against loss in another.

**I seek that 608.49 be *disallowed*:**

~~“Insert a new Policy 6.3.4.5, as follows: Provide offsetting for wilding tree control against landscape values within ONLs or ONFs, where: i) the adverse effects of subdivision, use or development on landscape values cannot be avoided, remedied or mitigated; and ii) the offset achieves a no net loss and preferably a net gain in landscape values; and iii) mechanisms are established to enable the offset to be sustained over the long term; and iv) the offset is undertaken close to the location of development.”~~

The particular parts of the submission I oppose are: **608.50**

**The reasons for my opposition are:**

Biodiversity offsets, and offsets generally, is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. There is currently no rationale or method of offsetting biodiversity against landscape values or vice versa. Nor is there ever likely to be, on the basis that biodiversity and landscapes are non-fungible sets of values. In such situations, a judgment call will need to be made, and the RMA already provides for that to occur.

I seek that 608.50 be *disallowed*:

~~“Insert a new Policy 6.3.7.3, as follows: Provide offsetting for indigenous biodiversity enhancement against landscape values, where: i) the adverse effects of subdivision, use or development on landscape values cannot be avoided, remedied or mitigated; and ii) the offset achieves a no net loss and preferably a net gain in landscape values; an 1173 iii) mechanisms are established to enable the offset to be sustained over the long term; and iv) the offset is undertaken close to the location of development.”~~

---

I oppose the submission of: **Queenstown Trails Trust, 671**

The particular parts of the submission I oppose are: **671.1**

**The reasons for my opposition are:**

The submission point ignores the possibility of a land swap, which is provided for under a range of legislation, e.g., Local Government Act 2002, Public Works Act 1981, the Overseas Investment Act 2005.

I seek that 671.1 be *disallowed*:

~~“Insert new policy 3.2.8.1.2: To discourage the closure of unformed legal roads.”~~

---

I oppose the submission of: **Amrta Land Ltd, 677**

The particular parts of the submission I oppose are: **677.4**

**The reasons for my opposition are:**

Tourism is not a more important land-use than other land-uses. There is no basis under the RMA to prioritise this activity over others.

I seek that 677.4 be *allowed*, subject to the proposed amendments below:

“To provide for the significant socioeconomic benefits of tourism activities across the district by: (i) ~~Managing~~maintaining and enhancing the district’s natural character

~~(ii) Protecting existing transport routes and access to key visitor attractions from incompatible uses and development of land and water (iii) Protecting existing buildings, structures and informal airports that support tourism activities from incompatible land use or development~~ (iv) Enabling the use and development of natural and physical resources for tourism activity where adverse effects are avoided, remedied, or mitigated (v) Providing for the use and development of natural and physical resources for tourism activity where residual adverse effects can be appropriately offset or compensated (vi) Providing for activities and development which support tourism activities.”

---

I oppose the submission of: **Forest and Bird NZ, 706**

The particular parts of the submission I oppose are: **706.1**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 706.1 be *allowed*, subject to the proposed amendments below:**

~~“Avoid, remedy or mitigate significant the adverse effects of development on nature conservation values, and where these values are significant, protect them from inappropriate subdivision, use, and development. In relation to adverse effects on nature conservation values that are not significant:”~~

The particular parts of the submission I oppose are: **706.9**

**The reasons for my opposition are:**

Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option. The proposal for adherence to the “mitigation hierarchy” is *ultra vires*.

**I seek that 706.9 be *allowed*, subject to the proposed amendments below:**

~~“Avoid, remedy or mitigate significant adverse effects on nature conservation values. In relation to adverse effects on nature conservation values that are not significant : (a) these are avoided in the first instance; (b) where they cannot be avoided, they are remedied; (c) where they cannot be remedied they are mitigated; and residual adverse effects that cannot be mitigated are offset.”~~

The particular parts of the submission I oppose are: **706.14**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 706.14 be *allowed*, subject to the proposed amendments below:**

~~“Manage~~Preserve or enhance~~ the natural character and biodiversity values of the beds and margins of the District’s lakes, rivers and wetlands, by protecting them from inappropriate subdivision, use, and development, and otherwise avoid, remedy or mitigate the effects of development, including of location-specific and/or temporary activities. Where there are residual effects, these are offset or otherwise compensated for.”~~

The particular parts of the submission I oppose are: **706.27**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 706.27 be *allowed*, subject to the proposed amendments below:**

“Avoid, ~~remedy or mitigate~~ the ~~adverse effects of development, including location-specific and/or temporary activities on degradation of~~ natural wetlands, ~~and protect them from inappropriate subdivision, use, and development.~~”

The particular parts of the submission I oppose are: **706.28**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 706.28 be *allowed*, subject to the proposed amendments below:**

“Recognise for and provide opportunities for mineral extraction providing the ~~location, scale and adverse effects on would not degrade~~ amenity, water, wetlands landscape and indigenous biodiversity values, ~~are avoided, remedied or mitigated, and where there are residual effects, that these are offset or otherwise compensated for.~~”

The particular parts of the submission I oppose are: **706.29**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 706.29 be *allowed*, subject to the proposed amendments below:**

“Ensure ~~actual or~~ potential adverse effects of ~~large-scale~~ extractive activities ~~(including mineral exploration)~~ are avoided, ~~or remedied or mitigated, particularly where those activities have potential to degrade in~~ relation to landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water, and provide for minerals exploration as a permitted or controlled activity, subject to standard conditions. Where there are residual effects, these are offset or otherwise compensated for.”

The particular parts of the submission I oppose are: **706.33**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 706.33 be *allowed*, subject to the proposed amendments below:**

“Avoid, ~~remedy or mitigate the adverse effects of the establishment of~~ commercial, retail, forestry and industrial activities ~~on where they would degrade~~ rural quality or character, amenity, nature conservation values, and landscape.”

The particular parts of the submission I oppose are: **706.37**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 706.37 be *allowed*, subject to the proposed amendments below:**

“Protect, ~~Preserve, maintain or enhance~~ the surface of lakes and rivers and their margins from inappropriate subdivision, use, and development.”

The particular parts of the submission I oppose are: **706.52**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 706.52 be *disallowed*:**

“~~Any development including subdivision shall avoid SNA’s and avoid undermining the integrity of nature conservation values.~~”

The particular parts of the submission I oppose are: **706.67**

**The reasons for my opposition are:**

Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option.

**I seek that 706.67 be *allowed*, subject to the proposed amendments below:**

“~~Significant A~~adverse effects resulting from clearance of indigenous vegetation should be avoided, remedied or mitigated. Residual adverse effects should be managed via ~~Where the adverse effects are not significant and cannot be avoided, remedied or mitigated and would diminish the District’s indigenous biodiversity values, opportunities for~~ the protection, restoration and enhancement of other similar habitats are encouraged to offset or otherwise compensate for the adverse effects of clearance and ensure no net loss

and preferably a net gain of those indigenous biodiversity values, in the case of offsets, and otherwise, to provide an appropriate level of mitigation and compensation. Biodiversity offsetting should not be applied to justify impacts on vulnerable and irreplaceable biodiversity values or biodiversity values which cannot be offset.”

The particular parts of the submission I oppose are: **706.70**

**The reasons for my opposition are:**

It is inappropriate to mix issues within a single policy proposal, one being the identification of SNAs, and the other to consider how these areas should be managed.

**I seek that 706.70 be *allowed*, subject to the proposed amendments below:**

“Identify and protect the District’s Significant Natural Areas and schedule them in the District Plan, including the ongoing identification ~~and protection~~ of Significant Natural Areas through resource consent applications, using the criteria set out in Policy 33.2.1.9.”

The particular parts of the submission I oppose are: **706.72**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 706.72 be *allowed*, subject to the proposed amendments below:**

“Provide standards in the District Plan in respect of permitted and controlled activities for the ~~protection~~ management, maintenance and enhancement of indigenous vegetation that is not identified as a Significant Natural Area or threatened species, which are practical to apply and that permit the clearance of a limited area of indigenous vegetation in specified circumstances.”

The particular parts of the submission I oppose are: **706.74**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 706.74 be *allowed*, subject to the proposed amendments below:**

“Recognise anticipated activities in rural areas such as farming and the efficient use of land and resources, while avoiding, remedying or mitigating – however these must be undertaken in a way that adverse effects on protects the significant indigenous vegetation and habitats of indigenous fauna ~~and maintains and enhances indigenous biodiversity~~, and where these values are significant, protecting them from inappropriate subdivision, use, and development.”

The particular parts of the submission I oppose are: **706.77**

**The reasons for my opposition are:**

Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option. The mitigation hierarchy proposed is *ultra vires*.

**I seek that 706.77 be *allowed*, subject to the proposed amendments below:**

~~“Where the adverse effects of an activity on indigenous biodiversity cannot be avoided, remedied or mitigated, consideration will be given to whether there has been any compensation or biodiversity offset proposed to manage residual effects, and the extent to which any offset will result in a net indigenous biodiversity gain, and otherwise, to provide an appropriate level of mitigation and compensation. If the ecosystem or habitat cannot be avoided, adverse effects are managed by avoiding significant adverse effects. Where adverse effects are not significant: (a) they are avoided in the first instance; (b) where they cannot be avoided, they are remedied; 1500 (c) where they cannot be remedied they are mitigated; and (d) Where residual adverse effects remain, and cannot be mitigated they are offset.”~~

The particular parts of the submission I oppose are: **706.80**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 706.80 be *allowed*, subject to the proposed amendments below:**

~~“Protect and enhance significant indigenous vegetation and habitats of indigenous fauna, including rare or threatened indigenous species, from inappropriate subdivision, use, and development, and otherwise, including in the case of location-specific and/or temporary activities, avoid, remedy or mitigate adverse effects on these values, including via the use of biodiversity offsets or other compensatory measures.”~~

The particular parts of the submission I oppose are: **706.82**

**The reasons for my opposition are:**

Biodiversity offsets is a complex topic, and requires policy development at a national level for a workable framework to be produced for end-users. While the use of offsets should be encouraged, this tool is not always cost-effective or practicable for developers to implement. For that reason, other compensatory measures should always be available as an option. The mitigation hierarchy proposed is *ultra vires*.

**I seek that 706.82 be *allowed*, subject to the proposed amendments below:**

~~“Avoid, remedy or mitigate the adverse effects arising from the ~~Allow the~~ clearance of indigenous vegetation within Significant Natural Areas, including from location-specific and/or temporary activities, and protect these areas from inappropriate subdivision, use, and development ~~only in exceptional circumstances and in circumstances where significant adverse effects are avoided. Where adverse effects are not significant: they~~~~

~~are avoided in the first instance; where they cannot be avoided, they are remedied; where they cannot be remedied they are mitigated; and~~ Where residual adverse effects remain, e.g., in the case of location-specific and temporary activities, and cannot be mitigated they are offset, or otherwise compensated for."

The particular parts of the submission I oppose are: **706.84**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 706.84 be *allowed*, subject to the proposed amendments below:**

~~"Significant A~~adverse effects of ~~the~~ use and development, including of location-specific and/or temporary activities, on habitats of indigenous birds in wetlands, beds of rivers and lakes and their margins for breeding, roosting, feeding and migration are avoided, remedied or mitigated, ~~and other effects are avoided, remedied or mitigated, and where there are residual effects, they are offset or otherwise compensated for.~~ Where the values are significant, they are protected from inappropriate subdivision, use, and development."

The particular parts of the submission I oppose are: **706.95**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 706.95 be *allowed*, subject to the proposed amendments below:**

"Recognise that alpine environments contribute to the distinct indigenous biodiversity and landscape qualities of the District and the adverse effects of development on these values should be avoided, remedied or mitigated. Where these values are significant, they should be protected from inappropriate subdivision, use and development. ~~protected from change through vegetation clearance or establishment of exotic plants.~~"

---

I oppose the submission of: **Jet Boating New Zealand, 758**

The particular parts of the submission I oppose are: **758.1**

**The reasons for my opposition are:**

Clarification is necessary.

**I seek that 758.1 be *allowed*, subject to the proposed amendments below:**

"Seeks to maintain surface water recreational opportunities and activities on the lakes, rivers and streams of the district while avoiding adverse effects on the environment, from said activities."

---

I oppose the submission of: **ORFEL Ltd, 761**

The particular parts of the submission I oppose are: **761.2**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 761.2 be *allowed*, subject to the proposed amendments below:**

“Amend Objective 3.2.5.2 as follows: ~~Manage~~~~minimise~~ ~~t~~he adverse landscape effects of subdivision, use or development ~~are minimised~~ in specified Rural Landscapes.”

The particular parts of the submission I oppose are: **761.10**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 761.10 be *allowed*, subject to the proposed amendments below:**

“Amend Objective 6.3.2 as follows: Avoid, ~~remedy or mitigate~~ a ~~A~~dverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development ~~are avoided~~.”

The particular parts of the submission I oppose are: **761.12**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 761.12 be *allowed*, subject to the proposed amendments below:**

“Delete Policies 6.3.2.3 and 6.3.2.4 and add a new policy as follows: Ensure incremental subdivision and development in the rural zones and sprawl along roads does not ~~significantly~~ -degrade landscape character or visual amenity values, including as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks.”

The particular parts of the submission I oppose are: **761.15**

**The reasons for my opposition are:**

The wording is inconsistent with the letter and intent of the RMA.

**I seek that 761.15 be *allowed*, subject to the proposed amendments below:**

“Amend Objective 6.3.5 as follows: Subdivision and development avoids, remedies or mitigates adverse effects on landscape character and visual amenity values of the Rural Landscapes (RLC).”

The particular parts of the submission I oppose are: **761.16**

**The reasons for my opposition are:**

The wording is inconsistent with the letter and intent of the RMA.

**I seek that 761.16 be *allowed*, subject to the proposed amendments below:**

“Amend Policy 6.3.5.1 as follows: Allow subdivision and development only where it avoids, remedies or mitigates adverse effects on landscape quality or character, or the visual amenity values identified for any Rural Landscape.”

The particular parts of the submission I oppose are: **761.17**

**The reasons for my opposition are:**

The wording is inconsistent with the letter and intent of the RMA.

**I seek that 761.17 be *allowed*, subject to the proposed amendments below:**

“Amend Policy 6.3.5.2 as follows: Avoid, remedy or mitigate adverse effects from subdivision and development on Rural Landscapes that are: Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and - Visible from public roads.”

The particular parts of the submission I oppose are: **761.18**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 761.18 be *allowed*, subject to the proposed amendments below:**

“Amend Objective 6.3.7 as follows: Indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District’s outstanding natural landscapes, shall be recognised and protected from inappropriate subdivision, use, and development.”

---

I oppose the submission of: **Mount Christina Ltd, 764**

The particular parts of the submission I oppose are: **764.5**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 764.5 be *allowed*, subject to the proposed amendments below:**

“Oppose in part. Amend 22.2.2.3 as follows: Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, except in the case of location-specific and/or temporary activities, so that the amenity, quality and character of the Rural Residential and Rural Lifestyle zones are not significantly degraded~~diminished~~ and the vitality of the District’s commercial zones is maintained~~not undermined~~.”

---

I oppose the submission of: **Lake Hayes Cellar Limited, 767**

The particular parts of the submission I oppose are: **767.4**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 767.4 be *allowed*, subject to the proposed amendments below:**

“Amend Policy 22.2.2.3 as follows: Discourage commercial and non-residential activities in areas outside of the commercial overlay, including restaurants, visitor accommodation and industrial activities where the amenity, quality and character of the Rural Residential and Rural Lifestyle zones would be adversely affected, except in the case of location-specific and/or temporary activities, and the vitality of the District’s commercial zones is maintained~~not undermined~~.”

---

I oppose the submission of: **Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil Ltd, 768**

The particular parts of the submission I oppose are: **768.3**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA. That is to say that the effects of earthworks should be managed, not the causes of the earthworks.

**I seek that 768.3 be *allowed*, subject to the proposed amendments below:**

“Means the disturbance of land by the removal or depositing of material. Earthworks include excavation, fill, cuts, batters and formation of roads, access and tracks, relevant mining activities, and the use of Cleanfill,

but does not include the cultivation of land, planting of vegetation including trees, ~~Mining Activities~~ and Cleanfill Facilities.”

The particular parts of the submission I oppose are: **768.15**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 768.15 be *allowed*, subject to the proposed amendments below:**

“6.3.2 Objective — Avoid, ~~remedy or mitigate~~ adverse cumulative effects on landscape character and amenity values of Rural Landscapes caused by incremental subdivision and development.”

---

I oppose the submission of: **Otago Fish & Game, 788**

The particular parts of the submission I oppose are: **788.1**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, and is inconsistent with the letter and intent of the RMA.

**I seek that 788.1 be *allowed*, subject to the proposed amendments below:**

“33.2.2.3 - Avoid the clearance or alteration of tussock grassland where it will have a net adverse effect on water yield values in dry catchments”.

---

I oppose the submission of: **Otago Regional Council, 798**

The particular parts of the submission I oppose are: **798.8**

**The reasons for my opposition are:**

The wording risks being unworkable for businesses, fails to recognise the nature of mining activities, as managed under the RMA, and is inconsistent with the letter and intent of the RMA.

**I seek that 798.8 be *allowed*, subject to the proposed amendments below:**

“ORC recognises the desire to provide for mineral extraction where the environmental effects can be appropriately managed, but is concerned the proposed approach will not achieve good environmental outcomes. In particular, ORC requests the following changes: • Provisions for extractive activities to ensure earthworks and mining avoid the ~~interception or~~ contamination of sensitive aquifers. • Provisions addressing

subsequent rehabilitation of land to avoid, remedy or mitigate ~~causing~~ adverse environmental effects such as ongoing discharges to air and water. • The requirements of policy 21.2.5.3, that sites are rehabilitated, should be reflected in the rules, particularly permitted rule 21.4.30.”