

Response to EPA on Silverlight Studios Accommodation application

Question from EPA (Question 1):

What if any conditions would be required to manage those earthworks over and above the conditions imposed on FTC00027, noting:

- i. The Erosion and Sediment Control Plan (ESCP) is to be certified by ORC (condition 23);
- ii. The earthworks design and the ESCP must be prepared in accordance with the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (Guidance Document GD 2016/005, Auckland Council, June 2016) (condition 92);
- iii. The outcomes specified for the earthworks design and the ESCP (condition 92);
- iv. The information to be included in the ESCP (condition 93);
- v. The requirement for erosion and sediment controls for a particular area of earthworks to be in place prior to those earthworks commencing (condition 94);
- vi. The requirement for the inspection and monitoring of sediment and erosion controls (conditions 95 and 96);
- vii. The requirement to stabilise earthwork areas (conditions 97 and 105);
- viii. The dust management measures imposed (condition 98); and
- ix. The requirement for an Accidental Discovery Protocol (condition 108).

Conditions on existing consent FTC00027, as referred to above (emphasis added):

23) At least 20 working days prior to bulk earthworks commencing on the Project site, unless otherwise specified in the conditions, the following management plans must be submitted to the QLDC and ORC (where indicated) in electronic and hard copy form for certification that each management plan(s) meets the objective specified and gives effect to the relevant conditions of consent to which each plan relates. Where specified below the plans must be sent to Waka Kotahi New Zealand Transport Agency (NZTA) for its approval before being provided to QLDC for certification:

- a. Construction Noise and Vibration Management Plan (CNVMP);
- b. Traffic Management Plan (TMP) to be sent to Waka Kotahi for approval;
- c. Travel Management Plan (Travel MP)
- d. Environmental Management Plan (EMP) also to be certified by ORC;
- e. Erosion and Sediment Control Plan (ESCP) also to be certified by ORC;
- f. Lake Water Quality Management Plan (LWQMP) also to be certified by ORC;
- g. Landscape and Site Vegetation Plan (LSVP);
- h. Noise Management Plan (NMP);
- i. Solid Waste Management Plan (SWMP); j. Grounds Management Plan (GMP);
- k. Indigenous Plant Relocation and Compensation Plan (IPRCP); and
- l. Temporary Filming Management Plan (TFMP)

92. Earthworks designs and the ESCP must be prepared in accordance with the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (Guidance Document GD 2016/005, Auckland Council, June 2016) and must achieve the following outcomes:

- a. Batter slopes and road alignments appropriate to the location's soil types and geology;
- b. Minimisation of the potential for sediment generation and runoff;
- c. Avoidance of sediment runoff from the Project site entering the Clutha/Mata-au River;
- d. Maintenance of water quality in the artificial lake;
- e. Prevention of nuisance dust beyond the Project site boundaries, including the avoidance of nuisance dust affecting aircraft operations;
- f. Measures to avoid, as far as practicable, standing pools of water on the Project site (other than the artificial lake) that have the potential to attract birds; and
- g. Stable final surfaces suitable for rehabilitation and planting.

93. Unless agreed otherwise with the QLDC the ESCP must include, but not be limited to, the following information as appropriate to the scale, location and type of earthworks:

- a. Contour information at suitable intervals;
- b. Erosion and sediment controls including specific design (location, dimensions, and capacity);
- c. Details of measures to control sediment runoff, dust and the removal of soil, debris and construction materials from public roads or places, including wheel wash for construction vehicles at Project site exit points. Dust mitigation measures should include use of water sprays to control dust nuisance on dry or windy days;
- d. Supporting calculations and design drawings;
- e. Catchment boundaries for the sediment controls;
- f. Discharge locations for each catchment/sediment control device;
- g. Location of the earthworks and cut and fill operations;
- h. Details of measures for managing any contaminated land identified during earthworks;
- i. A programme for managing and limiting exposed areas of soil, including progressive stabilisation of exposed areas;
- j. Identification of the suitably qualified or experienced person(s) to manage the erosion and sediment controls and monitor compliance with the ESCP;
- k. Details of the chain of responsibility with the site contractor(s) and SSL for managing erosion and sediment controls and details of responsible personnel;
- l. Details on the monitoring methodology that will be employed to confirm sediment control devices meet the objective specified in Condition 91;
- m. Sediment control device maintenance requirements; and

- n. Procedures for monitoring rainfall, heavy rainfall alerts and on-site actions depending on the alert level (rainfall depth predicted).
94. All erosion and sediment controls for a particular area of earthworks must be in place prior to those earthworks commencing.
95. The consent holder must inspect sediment and erosion controls on a weekly basis and, additionally, prior to any rainfall event predicted to generate more than 5mm rainfall, and within 24 hours following each such rainfall event. Any maintenance required as a result of inspections must be undertaken within 24 hours (unless unsafe to do so, in which event maintenance will be undertaken at the earliest safe opportunity).
96. The consent holder must carry out erosion and sediment control device monitoring in accordance with the ESCP and shall keep records, which shall be made available to QLDC on request, detailing:
- a. The days and times when monitoring was undertaken;
 - b. The sites, and erosion and sediment controls that were inspected;
 - c. The erosion and sediment controls that required maintenance;
 - d. The day and time when the maintenance was completed; and
 - e. Areas of non-compliance (if any) with the ESCP and the reasons for the non-compliance.
97. The Project site must be stabilised against erosion as soon as practicable, and in a progressive manner, as earthworks are finished over various areas of the site. Areas of bulk earthworks not actively worked for a period of two weeks must be stabilised until such time as further earthworks occur in that area.
98. The consent holder must:
- a. carry out all earthworks in a manner that prevents nuisance dust blowing beyond the site boundaries at any time;
 - b. utilise dust suppression measures for any bulk earthworks carried out during the summer months (September to April);
 - c. limit the site construction vehicle speed to 15 kilometres per hour;
 - d. ensure that measures such as water carts and sprinklers are in place and ready for use at the start of the day when dry or windy weather is expected; e. cease dust generating activities that result in dust blowing beyond the site boundary or into Wanaka Airport aircraft flight paths, and
 - f. The consent holder must ensure that the discharge of sand aggregates and other bulk products is not offensive or objectionable at or beyond the site boundaries.
105. All earth worked and/or exposed areas shall be progressively grassed, revegetated, or otherwise stabilised at the completion of bulk earthworks in that area of the site and upon completion of any additional earthworks associated with the construction of buildings.

108. In the event that an unidentified archaeological site is located during works, the consent holder must ensure that;
- a. Work ceases immediately at that site and within 20m around the site;
 - b. The contractor shuts down all machinery, secures the area, and advises the Site Manager;
 - c. The Site Manager secures the site and notifies Heritage New Zealand Pouhere Taonga Regional Archaeologist;
 - d. If the site is of Māori origin, the Site Manager notifies the Heritage New Zealand Pouhere Taonga Regional Archaeologist and Papatipu Rūnanga (being Te Rūnaka o Awarua; Te Rūnanga o Ōraka Aparima, Hokonui Rūnanga, Te Rūnanga o Ōtākou, Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Moeraki) of the discovery and ensures site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act, Protected Objects Act);
 - e. If human remains (koiwi tangata) are uncovered the Site Manager advises the Heritage New Zealand Regional Archaeologist, NZ Police and Papatipu Rūnanga listed in Condition 108(d), and the process under Condition 108(d) is followed;
 - f. Remains are not moved until such time as iwi and Heritage New Zealand have responded;
 - g. Works affecting the archaeological site and any human remains (koiwi tangata) do not resume until Heritage New Zealand and Papatipu Rūnanga listed in Condition 108(d), give written approval for work to continue. Further assessment by an archaeologist may be required;
 - h. Where Papatipu Rūnanga listed in Condition 108(d), so request, any information recorded as the result of the find such as a description of location and content, is to be submitted for their records.

ORC comment:

It is understood from the application documents that the accommodation subject to this application will be provided within the Venice, Paris and New York precincts and will be contained within buildings for which consent has already been sought as part of FTC000027 and, in order to achieve the volume of buildings required to recreate the look and feel of each precinct, will be constructed regardless of whether the accommodation element is approved. Services, roading and parking areas associated with the residential component of the development will be constructed regardless for the remainder of the development and have already been approved as part of FTC000027.

The purpose of the provisions is stated in Policy 7.D.10 (proposed as part of PC8): “The loss or discharge of sediment from earthworks is avoided or, where avoidance is not achievable, best practice guidelines for minimising sediment loss are implemented.”

As such, it is considered that the conditions imposed on FTC000027, in particular conditions 23, 90-98, 105 and 108 are generally suitable in the context of the current proposal to mitigate adverse effects from the use of land, and the associated discharge of sediment into water or onto or into land where it may enter water, as the proposal does not involve any additional works not previously considered.

It is noted that Rule 14.5.2.1 is a 'dual provision' and triggers both a regional land use consent under section 9(2) RMA and a discharge consent under s15 RMA.

It is noted that some of the requirements in these conditions go beyond the matters of discretion that can be considered under by PC8, such as dust suppression requirements, and several District Plan matters, for example traffic management, noise management or landscaping plans.

Overall, ORC is satisfied that the abovementioned conditions, as imposed on FTC000027 are generally adequate to manage effects associated with earthworks for residential development considered under PC8.

Question from EPA (Question 2):

With regard to Rule 14.5.2.1 matters of discretion (e) and (f) would the Panel be correct to assume that:

- i. matter (e) would not occasion the imposition of additional conditions of consent as the only watercourses on the site are the Criffel Irrigation race and the existing self-contained irrigation pond which has no natural surface outlet; and
- ii. matter (f) would not occasion the imposition of additional conditions of consent as the comments of Ngai Tahu on the Accommodation Proposal did not express any concerns and Ngai Tahu seek the granting of consent.

Comment from ORC:

In regard to (i), ORC considers that the matter for discretion e) ("Any adverse effect on any natural or human use value, and on use of the coastal marine area for contact recreation and seafood gathering") does not trigger the requirement to impose additional conditions as the irrigation race and existing self contained irrigation pond is not likely to contain any significant natural or human use values that may be adversely affected by the proposal as it pertains to earthworks for residential development.

In regard to (ii), ORC defers to comments from Ngai Tahu in regards to the effects on Kai Tahu cultural and spiritual beliefs, values and uses.