

Submission on Notified Proposal for Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council

Name of submitter:

Fulton Hogan Limited

.....
[State full name]

This is a submission on the following proposed plan or on a change proposed to the following plan or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing plan) (the 'proposal'):

Proposed Timaru District Plan

.....
[State the name of proposed or existing plan and (where applicable) change or variation].

I could could not* gain an advantage in trade competition through this submission.

[*Select one.]

~~I am/am not directly affected by an effect of the subject matter of the submission that
(a) adversely affects the environment, and
(b) does not relate to trade competition or the effects of trade competition.~~

[*Delete or strike through entire paragraph if you could not gain an advantage in trade competition through this submission.]

[†Select one.]

The specific provisions of the proposal that my submission relates to are: [Give details]

Please refer to attachment

My submission is: [Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]

[If your submission relates to a proposed plan prepared or changed using the collaborative planning process, you must indicate the following:

- Where you consider that the proposed plan or change fails to give effect to a consensus position and therefore how it should be modified; or
- In the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan should be modified.]

.....
Please refer to attachment for details

.....
.....
.....
.....
.....
.....
.....

I seek the following decision from the local authority: *[Give precise details as this is the only part of your submission that will be summarised in the summary of decisions requested]*

Please refer to attachment for details

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

I wish or do not wish) † to be heard in support of my submission.
*[*In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.]*
[†Select one.]

***If others make a similar submission, I will consider presenting a joint case with them at a hearing.**
*[*Delete if you would not consider presenting a joint case.]*

Signature of submitter (or person authorised to sign on behalf of submitter)

[A signature is not required if you make your submission by electronic means]

Date 15 December 2022

Electronic address for service of submitter: helen.caley@fultonhogan.com

Telephone: 027 224 5409

Postal address (or alternative method of service under s352 of the Act): PO Box 39185, Harewood, Christchurch 8545

Contact person: *[name and designation, if applicable]* Helen Caley

Note to person making submission

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - It is frivolous or vexatious:
 - It discloses no reasonable or relevant case:
 - It would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
 - It contains offensive language:
 - It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialist knowledge or skill to give expert advice on the matter.

14 December 2022

Timaru District Council
Hamish Barrell - Planning Manager
PO Box 522
Timaru 7940

Dear Hamish

Fulton Hogan Limited – Submission on Timaru District Council Proposed District Plan

Fulton Hogan is one of New Zealand's largest roading and infrastructure construction companies, employing over 5,000 staff in New Zealand. We are a proudly locally owned and operated company, and we are invested in our local regions and communities. We appreciate the opportunity to comment on the Proposed Timaru District Plan.

Nationwide, Fulton Hogan undertakes numerous activities including:

- Gravel extraction, both within river beds and within land-based quarries/pits;
- Aggregate processing and storage;
- Land use and infrastructure development and maintenance activities, either directly or on behalf of third parties (including roading contracts for the State Highway on behalf of Waka Kotahi, and local roads on behalf of the territorial authorities);
- Asphalt and bitumen manufacture and bulk storage;
- Pre-cast concrete design, manufacture and construction;
- Hazardous substance use, transport and storage; and
- Workshops, transport depots, storage yards, staff offices, and supporting infrastructure (including wastewater, stormwater, and potable water networks).

At the core of Fulton Hogan's business is the development and supply of construction materials, particularly those which involve aggregates as a base component. Our experience in the construction industry makes us very aware of the need for raw materials like aggregates to continue to build and maintain our homes, roads and communities. Costs of raw materials like aggregates escalate rapidly with travel distance, so it is important that aggregate supply is enabled, to keep construction affordable. For this reason, we have some suggestions to make the Proposed Timaru District Plan requirements for quarries clearer. Our comments are detailed in the table attached. Fulton Hogan makes the following general submissions:

1. Quarries are geographically constrained by the resource (i.e. they can only be located where aggregate resource is located). The effects of existing quarries are already established, and most quarries have a long life expectancy. In this regard, we seek that the rule framework provide for existing quarries where they are located in an appropriate zone. We agree with the approach to protect quarries and other similar activities from reverse sensitivity, as set out in the proposed Plan.
2. Recent National Environmental Standards and National Policy Statements (for example the National Policy Statement for Highly Productive Land, and recent updates to the National Policy Statement for Freshwater Management and National Environmental Standard for Freshwater) have recognised the importance of quarrying activities, and the

fact that they must be located where the resource is located. We request that the Timaru District Plan be reviewed in light of these updates, and follow the lead of these national documents.

3. It is important that operation and maintenance activities for existing infrastructure are enabled where appropriate. We request that rules in relation to some overlays be broadened to provide for these necessary activities so that key infrastructure can be provided for and maintained in a timely and cost effective way, within appropriate standards.

The specific submissions of Fulton Hogan and specific relief sought are contained in the table attached. Where additions are proposed to provisions, these are shown by underline, and any deletions are shown by strikeout. While specific wording has been provided, there may be other or better ways of achieving the relief sought. Fulton Hogan also seeks any consequential relief to that sought in this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Helen Caley', with a stylized flourish at the end.

Helen Caley
National Resource Consent Planner

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
Definitions				
1.	<p>Bank (in relation to any river, lake and waterways)</p> <p>in relation to any river, lake and waterbody, means the outermost part of the bed of the river that comprises an acclivity or elevation of land above the level of the adjacent land or water and creates a boundary sufficient to prevent the water in the river from flowing into the neighbouring land at its fullest flow.</p>	Oppose	<p>While this is a term that is used colloquially, it seems to relate to areas that are already incorporated by the RMA definition of “bed”. Furthermore, figures in the proposed District Plan for ‘riparian area’ refer to the “bank edge”, but do not show the “bank”. This additional definition is likely to add a further layer of confusion to interpreting these terms, and does not provide any additional clarity as it fully overlaps the area already understood to be the “bed” of the river. None of the rules which use this term appear to require it to be distinguished from the “bed”.</p>	Remove this definition.
2.	<p>Cleanfill material</p> <p>means virgin excavated natural materials including clay, gravel, sand, soil and rock that are free of:</p> <ul style="list-style-type: none"> a) combustible, putrescible, degradable or leachable components; b) hazardous substances and materials; c) products and materials derived from hazardous waste treatment, stabilisation or disposal practices; d) medical and veterinary wastes, asbestos, and radioactive substances; e) contaminated soil and other contaminated materials; and f) liquid wastes. 	Support	<p>The definition of cleanfill material (a definition drawn from the National Planning Standard), only extends to virgin material. When used in the context of quarrying activities, this severely limits the ability of quarry operators to rehabilitate quarry areas as part of a quarrying activity due to the lack of availability of such material at any reasonable cost. As notified, the plan will require resource consent for rehabilitation involving any material not meeting this narrow definition of cleanfill as the rules only make reference to quarrying activities, not the deposition of inert material within the excavated area associated with, for example, rehabilitation.</p> <p>In addition, in the context of waste minimisation, the definition is limiting in that it does not specifically include resource recovery unless it is simply recycling aggregate. Products such as concrete from demolition are seldom processed prior to coming to a cleanfill site. Given the current direction to minimise waste and the implications of the waste levy, recovering material at a quarry site has a number of advantages that the current plan does not realise.</p>	Retain the definition but amend the rules surrounding quarrying so as to create a more integrated and efficient rule framework. Please refer to our comments on GRUZ-R16.
3.	<p>Quarry</p> <p>means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand). It includes the area of aggregate resource and surrounding land associated with the operation of a quarry and which is used for quarrying activities.</p>	Support	National consistency is key for easy implementation of plans.	Fulton Hogan supports the use of the National Planning Standards definitions of quarry and quarrying activity in the plan framework.
4.	<p>Quarrying activity</p> <p>means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.</p>	Support	<p>Fulton Hogan supports the definition of quarrying activity in so far as it seeks to encompass the range of activities that are associated with quarrying. Recognising that the definition is a result of the National Planning Standards, the definition has several challenges when applied in the context of the rules for mineral extraction (quarrying activities). Most significantly is the reference to cleanfilling in the context of quarry rehabilitation. The definition of cleanfill material (also a definition drawn from the National Planning Standard), only extends to virgin</p>	Retain this definition but amend the rules relating to quarrying to create a more integrated and efficient rule framework. Please refer to our comments on GRUZ-R16.

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
			<p>material. This severely limits the ability of quarry operators to rehabilitate quarry areas as part of a quarrying activity due to the lack of availability of such material at any reasonable cost. As notified, the plan will require resource consent for rehabilitation involving any material not meeting the overly-narrow definition of cleanfill.</p> <p>In addition, in the context of waste minimisation, the definition is limiting in that it does not specifically include resource recovery unless it is simply recycling aggregate. Products such as concrete from demolition are seldom processed prior to coming to a cleanfill site. Given the current direction to minimise waste and the implications of the waste levy, recovering material at a quarry site has a number of advantages that the current plan does not realise.</p>	
5.	<p>Sensitive environment means</p> <p>1) areas within the following overlays identified on the Planning map:</p> <ul style="list-style-type: none"> a) Coastal Environment; and b) Coastal High Natural Character Areas; and c) Drinking Water Protection Area; and d) Heritage Item; and e) Heritage Item extent; and f) Outstanding Natural Features; and g) Outstanding Natural Landscapes and h) Sites and areas of Significance to Māori; and i) Significant Natural Areas; and j) Visual Amenity Landscapes; and k) Earthquake Fault Awareness Area; and l) High Hazard Areas; and m) Flood Assessment Area; and n) Seawater Inundation Overlay; and o) Within 250m from Major Hazard Facilities; and <p>2) the below areas:</p> <ul style="list-style-type: none"> a) The area within 100m from the edge of a Riparian Margin; and b) The area within 100m from the edge of a Wetland Area; and c) High Hazard Areas identified in a Flood Certificate issued under NH-S1. 	Oppose	<p>This is an extremely broad definition, and captures a wide variety of overlays and plan notations. This definition has been used in two different rule contexts. The first is in relation to hazardous substance use, and the second is in relation to quarries and quarrying activities. These two activities have the potential to affect different sensitive areas, with some of the overlays and activities listed being relevant to one or the other, but not both of these activities. This creates a level of complexity and confusion in using this definition. Furthermore, new quarries/quarrying activities in the GRUZ are already discretionary activities so assessment against all relevant overlays would be required regardless of this definition being included.</p>	Delete the definition of “sensitive environment”, and instead include the overlays/activities which trigger additional assessment in the relevant plan rule.
6.	<p>Rural Industry means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</p>	Support	<p>While this definition is a product of the National Planning Standards, Fulton Hogan supports the recognition of activities that support primary production. In Fulton Hogan’s case, it is assumed that the storage of vehicles and machinery associated with quarrying activities (which are primary production activities as defined by the national Planning standards) is included under the definition of rural industry.</p>	Retain the definition as notified on the basis that the definition encompasses the storage of vehicles and machinery associated with quarrying activities. If this is not the case, then Fulton Hogan seeks relief recognising that these activities support and service primary production activities such as quarrying, and therefore are appropriate in the rural zone.

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
Mapping				
7.	Drinking Water Protection Area – 470 Pleasant Point Highway, RD4, Timaru	Oppose	A drinking water protection area is mapped on Fulton Hogan's property at 470 Pleasant Point Highway. Fulton Hogan confirms that the bore mapped is not used for drinking water purposes.	Fulton Hogan requests that this drinking water protection area mapping on 470 Pleasant Point Highway be removed.
8.	SASM overlay	Oppose	The SASM mapping appears to differ from the areas identified as being of significance to Tangata Whenua in Environment Canterbury's Land and Water Regional Plan and Canterbury Air Regional Plan. To avoid confusion, the regional and district plans should use the same mapping/identification of significant areas.	Align SASM overlay with areas of significance used by Environment Canterbury's planning documents.
Strategic direction				
9.	SD-O8 Infrastructure Across the District: <ul style="list-style-type: none"> i. improved accessibility and multimodal connectivity is provided through a safe and efficient transportation network that is able to adapt to technological changes; ii. the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development; iii. drinking water supplies are protected from the adverse effects of subdivision, use and development; iv. the benefits of regionally significant infrastructure and lifeline utilities are recognised and their safe, efficient and effective establishment, operation, maintenance, renewal and upgrading and development is enabled while managing adverse effects appropriately. 	Oppose	The strategic directions portion of the proposed plan does not include consideration of activities that provide an important part of the supply chain for critical infrastructure, such as quarries. These should be recognised at a strategic level.	Amend SD-O8 to include recognition of the value and necessity of materials to support the construction, repair, maintenance and upgrade of infrastructure, including critical and lifeline infrastructure: <p>SD-O8 Infrastructure Across the District:</p> <ul style="list-style-type: none"> i. improved accessibility and multimodal connectivity is provided through a safe and efficient transportation network that is able to adapt to technological changes; ii. the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development; iii. drinking water supplies are protected from the adverse effects of subdivision, use and development; iv. the benefits of regionally significant infrastructure and lifeline utilities are recognised and their safe, efficient and effective establishment, operation, maintenance, renewal and upgrading and development is enabled while managing adverse effects appropriately; v. <u>infrastructure is supported through a ready, local supply of the physical construction materials requirements of infrastructure.</u>
10.	SD-O9 Rural Areas A range of primarily productive activities are enabled in the rural environment to enable the ongoing use of land for primary production for present and future generations, while: <ul style="list-style-type: none"> i. protecting versatile soils for productive uses; ii. managing the adverse effects of intensive activities on sensitive activities; iii. managing the adverse effects of new sensitive activities on primary production; iv. avoiding activities that have no functional/operational need to locate in the rural area; v. identifying and maintaining the character, qualities and amenity values of rural areas; vi. ensuring Future Development Area overlay remains available for future urban or rural lifestyle development. 	Support	Quarrying activities are included in the definition of primary production activities under the National Planning Standards. Fulton Hogan support the recognition of the need to avoid reverse sensitivity effects on primary production activities, including quarrying activities.	Retain objective

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
Energy, Infrastructure and Transport				
11.	<p>EI-R38 Creation of a new stormwater basin or water body (including wastewater oxidation pond) which exceeds 500m in area</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The combined area of all existing and proposed stormwater basins and/or water bodies, that are wholly or partly within 0.75km of the centre of the proposed water body or stormwater basin's, shall not exceed 1,000m²;</p> <p>PER-2 Any stormwater basin has been designed by a suitably qualified person, with experience in stormwater management systems, to the following standards:</p> <ol style="list-style-type: none"> 1. Stormwater infiltration basins shall be designed to fully drain within 48 hours of the cessation of a 2% AEP storm event; 2. Sufficient rapid soakage overflow capacity shall be provided to minimise any ponding of stormwater outside the infiltration area(s); and 3. Plant species used shall be limited to those listed in Table 3 below <p>PER-3 Any water body has been designed by a suitably qualified person, with experience in stormwater management systems, to the following standards:</p> <ol style="list-style-type: none"> 1. No permanent island features shall be included, that could provide perching sites for birds; and 2. Plant species used shall be limited to those listed in Table 3 below. 	Oppose	<p>Clause PER-3 requires that all waterbodies be designed by a person with stormwater management experience. While we appreciate this is relevant for stormwater systems (PER-2), there are many other types of water bodies where it does not make sense for stormwater management experience to be needed (for example, ponds for wash water that may be present in a quarry). Furthermore, for the standards listed in PER-3, stormwater management does not appear to be relevant.</p> <p>Fulton Hogan currently operates existing ponds on our sites within the birdstrike overlay. Our interpretation of the rule as written is that replacement of these existing ponds would not require consent (as they are not new ponds), and we request that this be made explicit in the rule.</p>	<p>Amend EI-38 as follows:</p> <p>EI-R38 Creation of a new stormwater basin or water body (including wastewater oxidation pond <u>but excluding a replacement of an existing pond</u>) which exceeds 500m in area</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The combined area of all existing and proposed stormwater basins and/or water bodies, that are wholly or partly within 0.75km of the centre of the proposed water body or stormwater basin's, shall not exceed 1,000m²;</p> <p>PER-2 Any stormwater basin has been designed by a suitably qualified person, with experience in stormwater management systems, to the following standards:</p> <ol style="list-style-type: none"> 1. Stormwater infiltration basins shall be designed to fully drain within 48 hours of the cessation of a 2% AEP storm event; 2. Sufficient rapid soakage overflow capacity shall be provided to minimise any ponding of stormwater outside the infiltration area(s); and 3. Plant species used shall be limited to those listed in Table 3 below <p>PER-3 Any water body has been designed by a suitably qualified person, with experience in stormwater management systems, to the following standards:</p> <ol style="list-style-type: none"> 1. No permanent island features shall be included, that could provide perching sites for birds; and 2. Plant species used shall be limited to those listed in Table 3 below.
12.	<p>EI-R40 New landfills, excluding cleanfills, within the Birdstrike Management Overlay</p> <p>Activity status: Discretionary</p>	Oppose	<p>The definition of cleanfill is narrow, and includes only virgin earth and rock materials. There are a number of other types of fill that would formerly have been included in the definition of "cleanfill", for example construction and demolition waste materials. These are commonly used to backfill excavated areas such as quarries. These types of fill do not contain putrescible waste and are not attractive to birds, and do not represent a risk within the Birdstrike Management Overlay. These filling activities (formerly defined as cleanfilling activities) are currently undertaken at Levels Quarry, and other similar quarries owned by Fulton Hogan in proximity to Christchurch Airport. Using the very narrow definition</p>	<p>Extend the exclusions so that managed and controlled fills that do not include putrescible waste and do not attract birds are not limited.</p> <p>EI-R40 New landfills, excluding cleanfills, <u>managed or controlled fills</u> within the Birdstrike Management Overlay</p> <p>Activity status: Discretionary</p>

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
			of cleanfill will limit the ability to effectively rehabilitate quarries.	
Contaminated Land				
13.	CL-O1 Management of contaminated land Contaminated land is made safe for human health and its intended use before any change of use, land disturbance, development or subdivision.	Oppose	The wording of CL-O1 is somewhat confusing, we request that it be amended for clarity and to assist with ease of implementation.	Amend CL-O1 to improve clarity: CL-O1 Management of contaminated land Contaminated land is made safe for human health and its intended use before any change of use, land disturbance, development or subdivision <u>so that human health of users and residents of the site is protected.</u>
14.	CL-P1 Investigation of contaminated and potentially contaminated land Require the investigation of contaminated land or potentially contaminated land prior to any change of use, land disturbance, development or subdivision of land that could result in an increase in the risk to human health resulting from any contamination of the land.	Oppose	Investigation of contaminated land gives valuable information about the contaminant types and concentrations present at the site. However, there are some instances where investigation is not feasible or efficient prior to soil disturbance being undertaken. For instance, for roading projects where investigation would require disturbance of the asphalt surface, particularly where the project is small scale. This policy should provide some flexibility for instances and projects where investigation prior to the disturbance is not practicable.	Amend policy CL-P1 to provide flexibility for instances where investigation is not practicable: CL-P1 Investigation of contaminated and potentially contaminated land Require the investigation of contaminated land or potentially contaminated land prior to any change of use, land disturbance, development or subdivision of land that could result in an increase in the risk to human health resulting from any contamination of the land, <u>except in instances where it is not safe or not practicable to undertake investigation prior to the project commencing.</u>
15.	CL-P3 Remediation and management works Ensure that the risks to human health from any remediation of, or any management works undertaken on, contaminated land, do not increase, and, where possible encourage the reduction of those risks.	Oppose	The wording of CL-P3 is somewhat confusing, we request that it be amended for clarity and to assist with ease of implementation.	Amend CL-P3 to improve clarity: CL-P3 Remediation and management works Ensure that the risks to human health from any remediation of, or any management works undertaken on, contaminated land, do not increase <u>the risks to human health from the contamination that is present</u> , and, where possible encourage the reduction of those risks.
Natural Hazards				
16.	NH-R4 Natural hazard sensitive activities or structures and additions to such activities or structures with a ground floor area of 30m² or more 1. Flood Assessment Area Overlay Activity status: Permitted Where: PER-1 the building is built to the minimum finished floor level specified in an existing consent notice that is less than five years old; or PER-2 A Flood Risk Certificate for the activity has been issued in accordance with NH-S1; and PER-3 The Flood Risk Certificate issued under PER-2 states that the activity is not located on land that is within an overland flow path; and PER-4 The Flood Risk certificate issued under PER-2 states that the activity is not located on land that is identified as a High Hazard area; and	Oppose	This rule manages activities within the flood assessment overlay (where there may be a risk of flooding), to manage the risk of flooding on those activities. Protecting buildings from natural hazards such as flooding is important. However, there is some ambiguity in the wording of the title of this rule. The rule covers “natural hazard sensitive activities” which is a defined term “or structures”. There is some ambiguity over whether this is intended to apply to all structures, or just those that are sensitive to natural hazards. Furthermore, additions to such activities or structures with a ground floor area of 30m ² or more are captured by the rule. Given that ground floor area is a defined term and applies to buildings but not all structures, interpretation of this clause is ambiguous.	Amend description of NH-R4.1 to remove ambiguity: NH-R4 Natural hazard sensitive activities or structures and additions to such activities or structures with a ground floor area of 30m² or more

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
	<p>PER-5 The Flood Risk Certificate issued under PER-2 states either:</p> <ol style="list-style-type: none"> 1. the activity is located on land that is not subject to flooding in a 0.5% AEP rainfall event; or 2. the activity is located on land that is subject to flooding in a 0.5% AEP rainfall event and complies with the minimum finished floor level requirement for the site. 			
Hazardous substances				
17.	<p>HS-R1 Use and/or storage of hazardous substances in a hazardous facility (excluding Major Hazard Facilities) Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The hazardous facility is located outside a sensitive environment (other than a Flood Assessment Area Overlay); and</p> <p>PER-2 The activity is within a Flood Assessment Area Overlay and the hazardous facility has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1.</p>	Oppose	<p>Recent changes to the RMA have recognised that there was significant overlap and duplication of hazardous substances management between the Hazardous Substances and New Organisms Act (HSNO) and district and regional plans. These changes recognise that HSNO manages the risks of hazardous substances in most instances, and recommended that duplication of regulation be avoided as much as practicable. While we support management of risks from hazardous substances where this is warranted, the use of the “sensitive environment” definition in this rule makes it extremely broad, and means that hazardous substances will require consent under almost any overlay in the District Plan. Many of these are not relevant to effects from hazardous substances, for example visual amenity landscapes.</p>	<p>Narrow the definition of “sensitive environment” and restrict the matters to those relevant to effects from hazardous substances, or alternatively list the relevant matters in this rule and remove the definition.</p>
Sites and Areas of Significance to Māori				
18.	<p>SASM-R5 Mining and Quarrying</p> <p>2.Wai Taoka Overlay Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The quarrying is from the bed of a river, and is authorised under the Canterbury Land and Water Regional Plan (either as a permitted activity, or through a resource consent having been obtained); and</p> <p>PER-2 Excavated materials are removed from the bed the bed of the within 10 days.</p>	Oppose	<p>It is important to maintain and protect our cultural heritage through regulating activities that may adversely affect those values. However, it is also important that regulation is efficient as possible and minimises duplication of regulation. We support clause PER-1 which will avoid duplication of regulation in areas where the risks are already managed through a consent held from Environment Canterbury.</p> <p>We note that “quarrying” is not a defined term, and this could cause confusion as to whether this rule relates to “quarrying activities” which is separately defined.</p> <p>Furthermore, to avoid duplication we request that PER-2 be deleted, as this is specified in consents issued by Environment Canterbury.</p>	<p>Retain this activity as a permitted activity.</p> <p>Alter the wording of PER-1:</p> <p>PER-1 The quarrying is from <u>in</u> the bed of a river, and is authorised under the Canterbury Land and Water Regional Plan (either as a permitted activity, or through a resource consent having been obtained); and</p> <p>PER-2 Excavated materials are removed from the bed the bed of the within 10 days.</p>
19.	<p>SASM-R5 Mining and quarrying</p> <p>1. Wāhi tūpuna Overlay Activity status: Permitted</p>	Oppose	<p>It is important to maintain and protect our cultural heritage through regulating activities that may adversely affect those values. However, it is also important that regulation is efficient as possible and minimises duplication of regulation. We request that a</p>	<p>Amend rule to add clause PER-1 from SASM-R5</p> <p>SASM-R5 Mining and quarrying</p> <p>1. Wāhi tūpuna Overlay</p>

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
	<p>Where:</p> <p>PER-1 The mining and/or quarrying do not exceed a maximum area of 750m²; and</p> <p>PER-2 The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.</p>		<p>clause similar to SASM-R5 PER-1 be added to this rule, to avoid duplication where consent covering similar matters has already been obtained. Refer to point above regarding defined terms.</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The mining and/or quarrying do not exceed a maximum area of 750m²; and</p> <p>PER-2 The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks. <u>Or</u></p> <p>PER-3 <u>The quarry is in the bed of a river, and is authorised under the Canterbury Land and Water Regional Plan (either as a permitted activity, or through a resource consent having been obtained).</u></p>
Ecosystems and indigenous biodiversity				
20.	<p>ECO-P5 Protection of Significant Natural Areas Avoid the clearance of indigenous vegetation and earthworks within SNAs, unless these activities:</p> <ol style="list-style-type: none"> 1. can be undertaken in a way that protects the identified ecological values; and 2. are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure. 	Oppose in part	<p>The exposure draft of the National Policy Statement for Indigenous Biodiversity (July 2022) (NPSIB) includes consideration of aggregate extraction activities in areas of indigenous biodiversity. This recognises that quarrying activities must be undertaken where the aggregate resources exist, and provides for these activities in certain circumstances. We request that provision for aggregate extraction be provided for in ECO-P5, consistent with the exposure draft of the NPSIB.</p>	<p>Amend the wording of ECO-P5 to provide for quarrying activities, consistent with the NPSIB:</p> <p>ECO-P5 Protection of Significant Natural Areas Avoid the clearance of indigenous vegetation and earthworks within SNAs, unless these activities:</p> <ol style="list-style-type: none"> 1. can be undertaken in a way that protects the identified ecological values; and 2. are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure; <u>or</u> 3. <u>are for a quarry that provides significant national or regional public benefit that could not otherwise be achieved domestically.</u>

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
21.	<p>Eco-R1 – Clearance of indigenous vegetation (except as provided for in ECO-R2 for flood protection works or ECO-R3 for National Grid activities)</p> <p>Activity status: Permitted</p> <p>Where</p> <p>PER-1 The vegetation to be cleared is causing an imminent danger to human life, structures, or utilities and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or</p> <p>PER-2 The clearance is carried out by the relevant Road Requiring Authority:</p> <ol style="list-style-type: none"> 1. to install road safety assets for the purpose of reducing traffic risk within the road corridor, and the clearance is less than 5m² within a single SNA; or 2. to maintain existing roadside drainage; or <p>PER-3 The vegetation clearance is carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses, where it has been certified by Te Runanga o Arowhenua that the activity will meet tikanga protocol (Note: Te Runanga o Arowhenua will notify the Timaru District Council prior to such activities occurring); or</p> <p>PER-4 The vegetation clearance is carried out to remove material infected by unwanted organisms as declared by the Minister for Primary Industries Chief Technical Officer, or an emergency declared under the Biosecurity Act 1993; or</p> <p>PER-5 The clearance is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or where this occurs as part of indigenous biodiversity restoration or enhancement.</p>	Support in part	<p>This rule provides protection for indigenous vegetation, but also provides a pathway for some important activities to be undertaken without resource consent. We note that there are some key activities which are regularly undertaken for the purpose of maintaining existing infrastructure or for maintaining public safety that are not captured in the rule as currently drafted. Altering the wording slightly will make it clearer which activities are included and which are not.</p> <p>For clarity, we suggest making it clear that agents of the Road Requiring Authority are also able to work under this rule.</p>	<p>Amend the wording of rule ECO-R1 to provide for operational maintenance activities:</p> <p>Eco-R1 – Clearance of indigenous vegetation (except as provided for in ECO-R2 for flood protection works or ECO-R3 for National Grid activities)</p> <p>Activity status: Permitted</p> <p>Where</p> <p>PER-1 The vegetation to be cleared is causing an imminent danger to human life, <u>or is affecting the safe operation of</u> structures, or utilities, and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or</p> <p>PER-2 The clearance is carried out by the relevant Road Requiring Authority <u>or their agent</u>:</p> <ol style="list-style-type: none"> 1. to install, <u>repair, maintain or upgrade</u> road safety assets for the purpose of reducing traffic risk within the road corridor, and the clearance is less than 5m² within a single SNA; or 2. to maintain existing roadside drainage; or <p>PER-3 The vegetation clearance is carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses, where it has been certified by Te Runanga o Arowhenua that the activity will meet tikanga protocol (Note: Te Runanga o Arowhenua will notify the Timaru District Council prior to such activities occurring); or</p> <p>PER-4 The vegetation clearance is carried out to remove material infected by unwanted organisms as declared by the Minister for Primary Industries Chief Technical Officer, or an emergency declared under the Biosecurity Act 1993; or</p> <p>PER-5 The clearance is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or where this occurs as part of indigenous biodiversity restoration or enhancement.</p>
22.	New rule – ECO-R5	Support	<p>As noted in our comments on ECO-P5, the NPSIB recognises the importance of aggregate extraction, which is locationally based. To reflect the policy direction provided by the NPSIB, a new rule should be added to reflect this policy direction and provide for quarrying activities.</p>	<p>ECO-R5 Clearance of indigenous vegetation for quarrying activities</p> <p>Activity status: Restricted discretionary</p> <p>The matters of discretion are:</p> <ol style="list-style-type: none"> 1. The effects that the vegetation alteration or removal will have on ecological values, including on threatened systems and ecosystems. 2. The effects that vegetation removal will have on soil conservation, water quality and hydrological function of the catchment 3. Methods to offset and compensate for the adverse effects of vegetation alteration and removal.

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
				4. Methods to contain and control plant pathogens and diseases, and pest plants.
Natural Character				
23.	<p>NATC-P5 Anticipated activities in riparian margins Provide for activities in riparian margins which are appropriate for safety, enhancement, wellbeing or customary reasons, by enabling:</p> <ol style="list-style-type: none"> 1. activities which are undertaken by a local authority for the purpose of natural hazard mitigation works, and where possible, any adverse effects on natural character are minimised; 2. vegetation clearance to remove pest species 3. vegetation clearance for mahika kai purposes; 4. planting of indigenous species that is for the purpose of restoration and enhancement activities; and 5. earthworks that are for the purpose of maintenance and repair of existing fences, tracks, roads or for limited new fencing and tracks. 	Oppose	Aggregate extraction activities, by their nature, must be located where the aggregate naturally occurs. This is recognised in policy direction such as the NPSIB and recently amended National Environmental Standard for Freshwater and National Policy Statement for Freshwater Management. This policy should therefore provide for activities such as extraction of aggregate, which is necessary to support the construction and maintenance of housing and infrastructure, from riverbeds.	<p>Include provision for aggregate extraction from riverbeds in Policy NATC-P5</p> <p>NATC-P5 Anticipated activities in riparian margins Provide for activities in riparian margins which are appropriate for safety, enhancement, wellbeing or customary reasons, by enabling:</p> <ol style="list-style-type: none"> 1. activities which are undertaken by a local authority for the purpose of natural hazard mitigation works, and where possible, any adverse effects on natural character are minimised; 2. vegetation clearance to remove pest species 3. vegetation clearance for mahika kai purposes; 4. planting of indigenous species that is for the purpose of restoration and enhancement activities; and 5. earthworks that are for the purpose of maintenance and repair of existing fences, tracks, roads or for limited new fencing and tracks; <u>and</u> 6. <u>quarrying activities, which must be located where aggregate is located and support the construction and maintenance of homes and infrastructure.</u>
24.	<p>NATC-R1 Vegetation clearance Riparian margins of a river that is not an HNWB</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The vegetation clearance only involves plant species identified in ECO-R7, or pest plant species identified within a regional pest management plan or the Biosecurity Act 1993; or</p> <p>PER-2 The vegetation clearance is for customary harvest provided for in ECO-R1.1 PER-3; or</p> <p>PER-3 The vegetation clearance is for the operation, maintenance or repair of the National Grid; or</p> <p>PER-4 The vegetation clearance is for the maintenance, repair, or upgrade in seal cover, of existing roads; or</p> <p>PER-5 The vegetation clearance is to restore or enhance the natural character or ecological values of the riparian margin; or</p> <p>PER-6</p>	Oppose	This rule provides for a very narrow range of activities in riparian margins and unnecessarily constrains some activities which are undertaken as day to day activities, and for purposes which are provided for under the supporting policies such as NATC-P5. While we recognise that the NPS-FM provides stronger direction for protection of rivers, providing for these necessary maintenance activities of existing infrastructure will not undermine this purpose, as their effects are likely to be similar to those activities already provided for. This will provide a more comprehensive and user friendly rule framework.	<p>Expand rule NATC-P1 to provide for all activities necessary to support the operation and maintenance of existing infrastructure, and provide for gravel extraction activities.</p> <p>NATC-R1 Vegetation clearance Riparian margins of a river that is not an HNWB</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The vegetation clearance only involves plant species identified in ECO-R7, or pest plant species identified within a regional pest management plan or the Biosecurity Act 1993; or</p> <p>PER-2 The vegetation clearance is for customary harvest provided for in ECO-R1.1 PER-3; or</p> <p>PER-3 The vegetation clearance is for the operation, maintenance or repair of the National Grid; or</p> <p>PER-4 The vegetation clearance is for the maintenance, repair, or upgrade in seal cover, of existing roads, <u>including their associated bridges, stormwater infrastructure and signage;</u> or</p> <p>PER-5</p>

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
	The vegetation clearance only includes exotic species in areas of cultivation existed prior to 22 September 2022.			The vegetation clearance is to restore or enhance the natural character or ecological values of the riparian margin; or PER-6 The vegetation clearance only includes exotic species in areas of cultivation existed prior to 22 September 2022;
25.	<p>NATC-R3 Earthworks</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks are required for the maintenance and repair of existing fences, tracks, roads or natural hazard mitigation works; or</p> <p>PER-2 The earthworks are required to construct a new fence; or</p> <p>PER-3 The earthworks are required to construct a new track up to 3m in width; or</p> <p>PER-4 The earthworks are required for the operation, maintenance or repair of the National Grid.</p>	Oppose	This rule currently provides for earthworks associated with the maintenance and repair of some listed infrastructure to be undertaken as a permitted activity. There are other similar activities that could be provided for in this rule that would have effects similar to those already listed. Expanding this rule to cover other commonly used infrastructure would reduce the consenting burden but have similar effects.	<p>Include other activities similar in nature to those listed in the rule as currently proposed:</p> <p>NATC-R3 Earthworks</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks are required for the maintenance, <u>upgrade</u>, and/or repair of existing fences, tracks, roads, <u>bridges</u>, <u>pipelines</u>, <u>drainage</u> or <u>sewerage</u> and other <u>critical infrastructure</u>, or natural hazard mitigation works; or</p> <p>PER-2 The earthworks are required to construct a new fence; or</p> <p>PER-3 The earthworks are required to construct a new track up to 3m in width; or</p> <p>PER-4 The earthworks are required for the operation, maintenance or repair of the National Grid.</p>
	<p>Activity status when compliance not achieved with PER-2, PER-3, PER-4, PER-5, PER-6 or CON-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area, particularly in and along an HNWB; and 3. the extent to which alternative practicable options have been considered and their feasibility; and 4. the extent to which any restoration or enhancement of the natural character of the area is proposed; and 5. the extent to which the proposal has the potential to cause or exacerbate bank erosion; and 6. whether there is a functional need for the activity to locate in a riparian margin. 		Activities that do not comply with the permitted or controlled activity standards are restricted discretionary activities. We support the inclusion of matter of discretion 6, which provides recognition that some activities have a functional need to be located in proximity to rivers.	Retain matter of discretion 6

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
Natural Features and Landscapes				
26.	<p>NFL-P2 Enabling appropriate use and development Enable certain activities in Visual Amenity Landscapes, Outstanding Natural Features and Outstanding Natural Landscapes, including existing non-intensive primary production, small scale earthworks, maintenance of existing tracks and fences, and underground utilities, that are consistent with:</p> <ol style="list-style-type: none"> 1. protecting the identified values and characteristics of the Outstanding Natural Landscapes and Outstanding Natural Features described in SCHED8 – Schedule of Outstanding Natural Landscapes and SCHED9 – Schedule of Outstanding Natural Features ; and 2. maintaining or enhancing the identified values and characteristics of the Visual Amenity Landscapes described in SCHED10 – Schedule of Visual Amenity Landscapes. 	Support	This policy recognises and provides for the continuation of existing primary production activities, provided the recognised values are maintained.	Retain as notified.
Public access				
27.	<p>PA-O1 Public access Public access to and along the coastal marine area and the margins of identified wetlands and rivers is maintained and enhanced, and only restricted where desirable.</p>	Oppose	Public access to the coastal marine area, and the margins of rivers and lakes is valuable, including for activities such as gravel extraction. There are times where public access to these areas should be able to be restricted, for instance when public safety is at risk. The objective could be drafted to more clearly articulate when restriction is likely to be warranted. “Desirable” is a subjective term and we request this be substituted for a different term.	Amend the objective to more clearly articulate what is considered “desirable”: PA-O1 Public access Public access to and along the coastal marine area and the margins of identified wetlands and rivers is maintained and enhanced, and only restricted where desirable <u>necessary to avoid adverse effects on natural character, landscape, indigenous biodiversity, cultural or recreational values, health and safety, or the rights of private property owners.</u>
28.	<p>PA-P4 Limiting public access Only allow an exemption for the requirement to provide public access or limiting an existing public access, on a temporary or permanent basis, for one or more of the following reasons:</p> <ol style="list-style-type: none"> 1. in order to protect: <ol style="list-style-type: none"> a) sensitive indigenous species and their habitats; or b) sites and activities of cultural value to mana whenua; or c) historic heritage; or d) public health or safety; or e) the natural character values of the coastal marine area, wetland or rivers; or f) the stability, performance, maintenance and operation of regionally significant infrastructure; or g) the natural buffers to coastal erosion or river flooding; or 2. in order to enable temporary activities including temporary events. 	Support	It is important to be able to restrict public access to waterbodies where adverse effects on health and safety could arise.	Retain as notified.
Versatile soil				
29.	<p>VS-P2 Maintaining availability of versatile soils Maintain the availability of versatile soils for non-intensive primary production within the Versatile Soils Overlay by:</p> <ol style="list-style-type: none"> 1. limiting areas covered by buildings or other impervious surfaces; and 	Oppose	As noted elsewhere in this submission, quarries must be located where the aggregate resources are located. The National Policy Statement for Highly Productive Land (NPS-HPL) recognises this and provides policies and consenting pathways for quarries to be located in areas of versatile soils when necessary. This policy should follow the direction of the NPS-HPL.	Include provision for quarrying activities in areas of versatile soils when necessary: VS-P2 Maintaining availability of versatile soils Maintain the availability of versatile soils for non-intensive primary production within the Versatile Soils Overlay by: 1. limiting areas covered by buildings or other impervious surfaces; and

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
	2. encouraging land use practices that reduce the potential for erosion; and 3. requiring earthworks be undertaken in a manner that restores the properties of the soil to the levels they were prior to the earthworks being undertaken; and 4. ensuring any subdivision results in allotment sizes which retain the productive capacity for non-intensive primary production; and 5. only allowing activities that foreclose the ability to use versatile soils for non-intensive primary production where: a) the activity is necessary to support non-intensive primary production; or b) there are significant wider public benefits from the activity and there is a functional, technical or operational need to be located in overlay; or c) it is provided for by VS-P3.		Furthermore, rehabilitation can provide for productive soils to be returned to areas that have formerly been quarried.	2. encouraging land use practices that reduce the potential for erosion; and 3. requiring earthworks be undertaken in a manner that restores the properties of the soil to the levels they were prior to the earthworks being undertaken; and 4. ensuring any subdivision results in allotment sizes which retain the productive capacity for non-intensive primary production; and 5. only allowing activities that foreclose the ability to use versatile soils for non-intensive primary production where: a) the activity is necessary to support non-intensive primary production; or b) there are significant wider public benefits from the activity and there is a functional, technical or operational need to be located in overlay; or c) it is provided for by VS-P3; <u>or</u> d) <u>the activity is a quarry that provides significant national or regional public benefit that could not otherwise be readily achieved using resources within New Zealand.</u>
Subdivision				
30.	SUB-O3 Rural subdivision Subdivision in the rural zones will: 1. minimise the fragmentation of productive land in the General Rural Zone; and 2. maintain the low-density open character of the General Rural Zone; and 3. maintain a contrast between the rural environment and adjoining urban, Rural Lifestyle and Settlement zones; and 4. minimise reverse sensitivity effects on intensive primary production.	Support	This objective rightly recognises that reverse sensitivity effects can arise from subdivision in rural areas. However, it is not clear why only intensive primary production is protected from these reverse sensitivity effects. All primary production activities in the rural zone should be protected from reverse sensitivity effects.	Amend to provide broader protection from reverse sensitivity effects. SUB-O3 Rural subdivision Subdivision in the rural zones will: 1. minimise the fragmentation of productive land in the General Rural Zone; and 2. maintain the low-density open character of the General Rural Zone; and 3. maintain a contrast between the rural environment and adjoining urban, Rural Lifestyle and Settlement zones; and 4. minimise reverse sensitivity effects on intensive primary production.
31.	SUB-P5 Reverse sensitivity Only allow subdivision that does not result in reverse sensitivity effects that would compromise the operation of regionally significant infrastructure/facilities and legally established intensive primary production.	Support	Like SUB-O3, this policy rightly recognises that reverse sensitivity effects can arise from subdivision in rural areas. However, it is not clear why only intensive primary production is protected from these reverse sensitivity effects. All primary production activities in the rural zone should be protected from reverse sensitivity effects.	Amend to provide broader protection from reverse sensitivity effects. SUB-P5 Reverse sensitivity Only allow subdivision that does not result in reverse sensitivity effects that would compromise the operation of regionally significant infrastructure/facilities and legally <u>lawfully established</u> intensive primary production.
Coastal Environment				
32.	CE-R14 – Quarrying/Mining Activity (excluding for natural hazard mitigation works or reclamation within or adjacent the Port Zone) Activity status: Non-complying	Oppose	As noted earlier, aggregate resources are necessary for day to day activities, and infrastructure such as roading, houses, and drainage. Aggregate resources are locationally based and must be obtained where they are located. The non-complying status of this activity does not suitably recognise the importance of these resources and the way they are spatially located. In terms of clarity of language, “mining activity” is not a defined term, but “quarrying activity” is, re-arranging the wording would align better with the defined terms.	CE-R14 – Quarrying/Mining/Quarrying Activity (excluding for natural hazard mitigation works or reclamation within or adjacent the Port Zone) Activity status: Non-complying -Restricted <u>Discretionary</u> <u>Matters of discretion are restricted to:</u> 1. <u>the extent to which the proposal results in an increased risk of economic, social or environmental harm;</u> 2. <u>whether the proposal includes hazard mitigation;</u> 3. <u>measures to avoid, remedy or mitigate adverse effects on areas of Coastal High Natural Character</u> 4. <u>the functional need for the mine/quarry to be in this location;</u> 5. <u>the extent of any positive benefits that will result from the proposal; and</u> 6. <u>the extent to which the proposal creates natural hazard risks on adjacent properties.</u>

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
Earthworks				
33.	<p>Note: Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine which rules apply to any activity, and the status of that activity, are provided in Part 1, HPW – How the Plan Works - General Approach.</p> <p>EW-R1 Earthworks, excluding earthworks:</p> <ul style="list-style-type: none"> a) for tree planting, or the removal of trees not protected by the District Plan; b) for test pits, wells or boreholes permitted under a regional plan or where all necessary regional resource consents have been obtained; c) for infrastructure permitted in the Energy, Infrastructure and Transport chapters of the Plan; d) required for maintenance of existing drains and ponds; e) for natural hazard mitigation works carried out by Timaru District Council or Canterbury Regional Council that are permitted by the relevant Plan chapter; f) for cemeteries, including pet cemeteries, and urupā; g) permitted under a National Environment Standard, unless otherwise subject to a rule in this Plan. h) within the building footprint, or within 2m of the outer edge of, a building that has building consent and that complies with EW-S3. This exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the principal building on the site or adjoining site. 	Support	Fulton Hogan is opposed to having quarrying activities addressed through both the zone rules and earthworks provisions. This creates unnecessary duplication and an inconsistent approach through the different provisions.	Support Rule EW-R1 and the explanatory note as drafted
Noise				
34.	<p>NOISE-O2 Reverse sensitivity The Airport, Raceway, State Highway, railway lines and the Port and activities located within commercial, mixed use and Industrial zones are not constrained by reverse sensitivity effects arising from noise sensitive activities.</p>	Oppose	Reverse sensitivity effects are an appropriate consideration, particularly for activities that are lawfully established. The approach to protect activities from reverse sensitivity is supported, however we request that existing lawfully established activities also be protected.	<p>Amend NOISE-O2 to provide for lawfully established activities.</p> <p>NOISE-O2 Reverse sensitivity The Airport, Raceway, State Highway, railway lines and the Port and activities located within commercial, mixed use, <u>rural</u> and Industrial zones, <u>and other lawfully established activities</u> are not constrained by reverse sensitivity effects arising from noise sensitive activities.</p>

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
35.	<p>NOISE-P5 Reverse sensitivity Require noise sensitive activities located in higher noise environments to be located and designed so as to minimise adverse effects on the amenity values and health and safety of occupants and minimise sleep disturbance from noise, while taking into account:</p> <ol style="list-style-type: none"> 1. the type of noise generating activity; and 2. other noise sources in the area; and 3. the nature and occupancy of the noise sensitive activity; and 4. mitigation measures, including acoustic insulation, screening and topography. <p>For the purpose of this Policy, higher noise environments include:</p> <ol style="list-style-type: none"> 1. Commercial and Mixed Use Zones; and 2. Residential zones in close proximity to any General industrial zone and areas within the Port Noise Outer Control Boundary and within that part of the Medium Density Residential Zone and City Centre Zone located within the Port Noise Inner Control Boundary; and 3. locations in close proximity to a State Highway or the railway line. 	Oppose	This policy appropriately recognises reverse sensitivity effects. However, it does not provide for lawfully established activities.	<p>Amend NOISE-P5 to provide for lawfully established activities.</p> <p>NOISE-P5 Reverse sensitivity Require noise sensitive activities located in higher noise environments to be located and designed so as to minimise adverse effects on the amenity values and health and safety of occupants and minimise sleep disturbance from noise, while taking into account:</p> <ol style="list-style-type: none"> 1. the type of noise generating activity; and 2. other noise sources in the area; and 3. the nature and occupancy of the noise sensitive activity; and 4. mitigation measures, including acoustic insulation, screening and topography. <p>For the purpose of this Policy, higher noise environments include:</p> <ol style="list-style-type: none"> 1. Commercial and Mixed Use Zones; and 2. Residential zones in close proximity to any General industrial zone and areas within the Port Noise Outer Control Boundary and within that part of the Medium Density Residential Zone and City Centre Zone located within the Port Noise Inner Control Boundary; and 3. locations in close proximity to a State Highway or the railway line; <u>and</u> 4. <u>in close proximity to lawfully established activities.</u>
36.	<p>NOISE-R4 Construction noise</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The noise from construction activities undertaken on a site must be measured, assessed, managed and controlled to comply with the requirements of New Zealand Standards NZS 6803:1999 Acoustics – Construction Noise.</p>	Oppose	Work on infrastructure, for example to repair roads, are often not able to be undertaken during the day for safety or accessibility reasons. The Auckland Unitary Plan takes an approach of allowing for construction in the road to exceed the noise limits in NZS6803:1999 provided that the works are for less than three nights at any one receiver, provided that noise management is in place. We request that a similar approach be taken by the Timaru District Plan, to provide for necessary road works without the need for a resource consent.	<p>Amend Rule NOISE-R4 to provide for necessary night works:</p> <p>NOISE-R4 Construction noise</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The noise from construction activities undertaken on a site must be measured, assessed, managed and controlled to comply with the requirements of New Zealand Standards NZS 6803:1999 Acoustics – Construction Noise.</p> <p>PER-2 <u>The noise levels specified in PER-1 do not apply to unplanned repair or maintenance works or planned works in the road between the hours of 10pm and 7am where:</u></p> <ol style="list-style-type: none"> 1. <u>The number of nights where the noise generated by the works exceeds the relevant noise levels at any one receiver is three nights or less and</u> 2. <u>the works cannot practicably be carried out during the day or because the road controlling authority requires this work to be done at night time; or</u> 3. <u>because of the nature of the works the noise produced cannot be practicably be made to comply with the relevant noise levels; and</u> 4. <u>a construction noise and vibration management plan is provided to the Council no less than five days prior to the works commencing.</u>

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)						
37.	NOISE-R12 New noise sensitive activities, alterations to existing buildings for use by a noise sensitive activity or subdivision to accommodate a noise sensitive activity	Oppose	Fulton Hogan requests that an additional rule addressing new sensitive activities in proximity to lawfully established quarries be added.	NOISE-R12 New noise sensitive activities, alterations to existing buildings for use by a noise sensitive activity or subdivision to accommodate a noise sensitive activity <u>3.</u> <u>Within</u> <u>a. 200m of any lawfully established excavation area</u> <u>b. 500m of any lawfully established processing area</u> <u>c. 500m of any activity that involves blasting.</u> <u>Activity status when compliance not achieved: Discretionary</u>						
Relocated Buildings and Shipping Containers										
38.	RELO-R1 Placement of a relocated building 2 All zones except the General Industrial Zone and Port Zone Activity status: Controlled Where: CON-1 The applicant has entered into a contract with a Licensed Building Practitioner that confirms that within twelve months of the building being located on the site: 1. the building will be permanently sited on foundations; and 2. any damage to the exterior of the relocated building will be repaired to a tradesman's like manner.	Oppose	If companies have licensed building practitioners in house they may be able to undertake the work as envisaged by this rule, but without entering into a contract.	Amend the rule so that works are not unnecessarily restricted in situations where a contract has not been entered into. RELO-R1 Placement of a relocated building 2 All zones except the General Industrial Zone and Port Zone Activity status: Controlled Where: CON-1 The applicant has entered into a contract with a Licensed Building Practitioner that confirms that within twelve months of the building being located on the site: 1. the building will be permanently sited on foundations; and 2. any damage to the exterior of the relocated building will be repaired to a tradesman's like manner.						
39.	RELO-R2 Placement of a shipping container 2 All zones except the General industrial Zone and the Port Zone	Oppose	This rule requires a resource consent even where the shipping container is not visible from the road. Shipping containers are regularly used as a practical and rapid solution for activities such as site offices and storage. Managing the effects even where these are not visible does not seem to give effect to policy RELO-P2.	Provide a new rule RELO-R2 2. All zones except the General industrial Zone and the Port Zone Activity Status: Controlled <u>Permitted</u> Where: CON-1 The shipping container is either: 1. located more than 20m from a road boundary; or 2. is not visible from the road; and CON-2 The maximum total area of all shipping containers on the site does not exceed: <table border="1" data-bbox="1884 1780 2733 1881"> <tr> <td>Site area</td> <td>Total area of shipping container</td> </tr> <tr> <td><10ha</td> <td>20m²</td> </tr> <tr> <td>>10ha</td> <td>20m² per 10ha of site area</td> </tr> </table> and	Site area	Total area of shipping container	<10ha	20m ²	>10ha	20m ² per 10ha of site area
Site area	Total area of shipping container									
<10ha	20m ²									
>10ha	20m ² per 10ha of site area									

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
				<p>CON-3 There is no stacking of shipping containers.</p> <p>Activity status where compliance is not achieved: Restricted discretionary controlled</p> <p>The matters of discretion control are restricted to:</p> <ol style="list-style-type: none"> 1. location on the site; and 2. visibly of the shipping container beyond the boundary of the site; and 3. the exterior appearance of the shipping container; and 4. landscaping and screening; and 5. the number of shipping containers on the site and cumulative effects on visual amenity and the character of the area
General Rural Zone				
40.	<p>GRUZ-O1 Purpose of the general rural zone The General Rural Zone predominantly provides for primary production, including intensive primary production, as well as a limited range of activities that support primary production, including associated rural industry, and other activities that require a rural location.</p>	Support	Fulton Hogan supports the explicit recognition of the role of primary production in the rural landscape.	Retain as notified
41.	<p>GRUZ-O2 Character and qualities of the General Rural Zone The character and qualities of the General Rural Zone comprise:</p> <ol style="list-style-type: none"> 1. large allotments with large areas of open space; and 2. a working environment of mostly utilitarian buildings and structures where primary production generates noise, odour, light overspill and traffic, often on a cyclic and seasonable basis; and 3. higher levels of amenity immediately around sensitive activities and zone boundaries; and 4. vegetation, pasture, crops and forestry and livestock across a range of landscapes. 	Support	GRUZ-O2 recognises that primary production activities, which are appropriate in the rural environment, may generate noise, odour, light and traffic.	Retain as notified
42.	<p>GRUZ-O3 Protecting primary production The land resource of the General Rural Zone is not diminished by activities with no functional or operational need to locate in the General rural zone, and primary production is protected from sensitive activities.</p>	Support	Fulton Hogan supports the recognition that sensitive activities can affect the effectiveness of primary productive activities in the rural zone.	Retain as notified
43.	<p>GRUZ-O4 Protecting sensitive activities and sensitive zones Intensive primary production, mining, quarrying and other intensive activities generates no or minimal adverse effects on:</p> <ol style="list-style-type: none"> 1. sensitive activities; and 2. land close to Residential, Rural settlement, Māori Purpose and Open space zones. 	Oppose	Fulton Hogan endeavours to avoid, remedy or mitigate adverse effects on sensitive activities and zones. Given that quarrying activities are a primary production activity that is anticipated in the rural zone, these activities should not be held to a higher standard than other activities in the zone.	<p>Amend GRUZ-O4:</p> <p>GRUZ-O4 Protecting sensitive activities and sensitive zones <u>Effects from</u> Intensive primary production, mining, quarrying and other intensive activities generates no or minimal adverse effects on:</p> <ol style="list-style-type: none"> 1. sensitive activities; and 2. land close to Residential, Rural settlement, Māori Purpose and Open space zones <p><u>avoid, remedy or mitigate adverse effects.</u></p>
44.	<p>GRUZ-O5 Mining and quarrying</p>	Oppose	Fulton Hogan appreciates the recognition that quarrying is an appropriate and anticipated activity within the rural zone, and that these activities must be	<p>Amend GRUZ-O5:</p> <p>GRUZ-O5 Mining and quarrying</p>

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
	Mining and quarrying occurs in the General Rural Zone where the resource exists and where it will have no or minimal adverse effects on the sensitive environments and sensitive activities.		located where the resource exists. However, we request that these activities not be held to a higher standard than other activities that are appropriate for the zone.	Mining and quarrying occurs in the General Rural Zone where the resource exists and where it will have no or minimal adverse effects on the sensitive environments and sensitive activities <u>are avoided, remedied or mitigated.</u>
45.	<p>GRUZ-P6 Mining and quarrying activities</p> <ol style="list-style-type: none"> 1. Enable small scale quarry activities (up to 2,000m²), subject to requirements to protect the environment and sensitive activities; 2. Only allow mining and other quarry activities in the General rural zone where: <ol style="list-style-type: none"> a. adverse effects on sensitive environment and sensitive activities are avoided, or if avoidance is not possible minimised; and b. adverse effects on primary production and other activities are managed in accordance with appropriate management plans; and c. vehicle access is suitable and safe, and traffic generation can be safely and efficiently accommodated by the surrounding road network; and d. adverse effects on protected rock art and archaeological sites are avoided; and e. adverse effects on local character and qualities are minimised; and f. sites are progressively rehabilitated to enable the establishment of a land use consistent with the surrounding area. 	Oppose	Fulton Hogan agrees with the recognition that mining and quarrying are appropriate in the rural zone. However, the wording of this policy could be better worded to give effect to this.	<p>Amend GRUZ-P6 to give better effect to the relevant objectives, and recognise that the rural zone is the appropriate zone for them to be located in.</p> <p>GRUZ-P6 Mining and quarrying activities</p> <ol style="list-style-type: none"> 1. Enable small scale quarry activities (up to 2,000m²), subject to requirements to protect the environment and sensitive activities; 2. Only allow <u>Provide for</u> mining and other quarry activities in the General rural zone where: <ol style="list-style-type: none"> a. adverse effects on sensitive environment and sensitive activities are avoided, or if avoidance is not possible minimised; and b. adverse effects on primary production and other activities are managed in accordance with appropriate management plans; and c. vehicle access is suitable and safe, and traffic generation can be safely and efficiently accommodated by the surrounding road network; and d. adverse effects on protected rock art and archaeological sites are avoided; and e. adverse effects on local character and qualities are minimised; and f. sites are progressively rehabilitated to enable the establishment of a land use consistent with the surrounding area.
46.	<p>GRUZ-R16 Quarries and quarrying activities:</p> <ol style="list-style-type: none"> 1. up to 2,000m² (not in the bed of a river); and 2. in the bed of a river, which is authorised under the Regional Plan either as a permitted activity, or through a resource consent having been obtained from the Canterbury Regional Council <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The quarry is not within 10m of a site boundary; and</p> <p>PER-2 The quarry in not within 50m of a rock art site; and</p> <p>PER-3 The quarry is not located within 500m of an existing sensitive activity located on another site or the boundary of any of the Residential zones, Rural lifestyle zone, Rural settlement zone, Māori Purpose zone or Open Space and recreation zones; and</p> <p>PER-4</p>	Oppose	Duplication of rules is frustrating, and Fulton Hogan appreciates that this rule explicitly does not require a further consent in instances where consent has already been obtained from Environment Canterbury. As noted earlier in this submission, the use of inert fill that does not meet the definition of "cleanfill" as per the National Planning Standards should be included in this rule to avoid unnecessarily limiting the ability to rehabilitate the quarry.	<p>Amend GRUZ-R16 to provide more clearly for filling with inert fill</p> <p>GRUZ-R16 Quarries and quarrying activities <u>including backfilling with managed fill:</u></p> <ol style="list-style-type: none"> 1. up to 2,000m² (not in the bed of a river); and 2. in the bed of a river, which is authorised under the Regional Plan either as a permitted activity, or through a resource consent having been obtained from the Canterbury Regional Council <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The quarry is not within 10m of a site boundary; and</p> <p>PER-2 The quarry in not within 50m of a rock art site; and</p> <p>PER-3 The quarry is not located within 500m of an existing sensitive activity located on another site or the boundary of any of the Residential zones, Rural lifestyle zone, Rural settlement zone, Māori Purpose zone or Open Space and recreation zones; and</p> <p>PER-4</p>

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
	<p>The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.</p> <p>Note: any associated building and structure must be constructed in accordance with GRUZ-R13.</p>			<p>PER-4 The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.</p> <p>Note: any associated building and structure must be constructed in accordance with GRUZ-R13.</p>
47.	<p>GRUZ-R23 Expansion of existing consented quarries</p> <p>Activity status: Restricted Discretionary</p> <p>RDIS-1 The entirety of the existing quarry operation has an existing land use consent from Timaru District Council; and</p> <p>RDIS-2 The expansion of the existing quarry does not increase: a) the rate of production beyond existing consented levels, and b) the hours of operation; and</p> <p>RDIS-3 The expansion does not occur within: a) 500m of an existing sensitive activity located on another site, or the boundary of a Residential, Rural Lifestyle, Rural Settlement, Māori Purpose or Open Space zone; or b) 20m of a site boundary; or c) 100m of a riparian margin; or d) the mapped drinking water protection overlay; or e) an outstanding natural landscape or feature, significant natural area, high naturalness water body, visual amenity landscape, the coastal environment, a site or area of significance to Māori and a heritage item or setting.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. adverse effects on the visual amenity and landscape character and the location and scale of any buildings; and 2. the extent of dust nuisance, land instability, and contamination; and 3. adverse effects on the margins of water bodies; and 4. rehabilitation of the site; and 5. the commitment to implement appropriate accidental discovery protocol, in accordance with the commitment form contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol <p>Note: any associated building and structure must be constructed in accordance with GRUZ-R13.</p>	Oppose	<p>Fulton Hogan appreciates the recognition that lawfully established quarries should be provided for. However, for clarity we request that this rule apply to lawfully established but un-consented quarries, as well as consented ones.</p> <p>We note the term “quarry operation” has been used, and suggest this be substituted for “quarrying activity” which is a defined term.</p> <p>In terms of the recommended separation from nearby sensitive activities, we note that there is a difference in potential effects between extraction activities and processing. We suggest that the rule distinguish between these two types of activities.</p>	<p>Amend GRUZ-23 to provide for lawfully established but un-consented quarries:</p> <p>GRUZ-R23 Expansion of existing <u>lawfully established</u> consented quarries</p> <p>Activity status: Restricted Discretionary</p> <p>RDIS-1 The entirety of the existing quarrying <u>activity</u> operation has an existing land use consent from Timaru District Council <u>or is otherwise lawfully established</u>; and</p> <p>RDIS-2 The expansion of the existing quarry does not increase: a) the rate of production beyond existing <u>lawfully established</u> consented levels, and b) the hours of operation; and</p> <p>RDIS-3 The expansion does not occur within: a) i. <u>500m for processing activities; and</u> ii. <u>200m for any excavation activity;</u> of an existing sensitive activity located on another site, or the boundary of a Residential, Rural Lifestyle, Rural Settlement, Māori Purpose or Open Space zone; or b) 20m of a site boundary; or c) 100m of a riparian margin; or d) the mapped drinking water protection overlay; or e) an outstanding natural landscape or feature, significant natural area, high naturalness water body, visual amenity landscape, the coastal environment, a site or area of significance to Māori and a heritage item or setting.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. adverse effects on the visual amenity and landscape character and the location and scale of any buildings; and 2. the extent of dust nuisance, land instability, and contamination; and 3. adverse effects on the margins of water bodies; and 4. rehabilitation of the site; and 5. the commitment to implement appropriate accidental discovery protocol, in accordance with the commitment form contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol

Sub #	Proposed Plan provision	Support or oppose	Reasons for support or opposition	Relief sought (additions underlined, deletions struck through)
				Note: any associated building and structure must be constructed in accordance with GRUZ-R13.
48.	<p>GRUZ-S4 Setbacks for sensitive activities</p> <p>1) No new sensitive activity may be established within 500m from: a) the closest outer edge of any paddocks, hard-stand areas, structures or buildings used to house stock, or treatment systems, used for an intensive primary production activity; and b) an existing farm effluent disposal area; and c) a lawfully established quarry or mine.</p> <p>2) No new building for a sensitive activity may be erected within 20m from any other site boundary in a different ownership where a primary production activity is being conducted, unless the site existed prior to 22 September 2022, in which case a 10m setback applies;</p> <p>3) No new building for a sensitive activity may be erected within 20m of an existing shelter belt.</p> <p>Except that these setbacks do not apply to a new sensitive activity being established within the same site on which a lawfully established: intensive primary production activity; effluent disposal; quarry or mine; is located.</p> <p>Note: The Canterbury Regional Council regulates the discharge of contaminants into air from animal effluent in the Canterbury Air Regional Plan.</p>	Support	This standard sets out requirements for where sensitive activities can establish to avoid reverse sensitivity effects. Fulton Hogan supports these standards, which will help avoid reverse sensitivity effects on existing quarry locations.	Retain as drafted.
General Industrial Zone				
49.	<p>GIZ-R1 Industrial activity Trade supplier Laboratories Service stations Motor garage Emergency services facilities Veterinary clinics Excluding any industrial ancillary activity and offensive trades</p>	Oppose	This rule rightfully permits industrial-type activities in the industrial zone. However, the definition appears to exclude some activities, such as Fulton Hogan’s yard, which undertakes maintenance and servicing type activities, would not be permitted in this zone.	<p>Expand the activities covered by GIZ-R1 to include other activities appropriate in the General Industrial zone</p> <p>GIZ-R1 Industrial activity Trade supplier Laboratories Service stations Motor garage Emergency services facilities Veterinary clinics <u>transport, storage, maintenance, cleaning or repair of goods and vehicles and the hire of commercial and industrial equipment and machinery.</u> Excluding any industrial ancillary activity and offensive trades</p>
Appendices				
50.	APP5 – criteria for identifying significant natural areas	Neutral	Fulton Hogan notes that the NPSIB sets a nationally consistent framework for assessing significant natural areas. The methods and criteria set out in the Timaru District Plan should be consistent with the higher direction of the NPSIB.	Make Appendix 5 consistent with the final form of the NPSIB