

Summary Report for the 2019 District Plan Changes 82 - 91

Topic ID	Topic	Issue ID	Issue	Sub ID	Sub Point	Name	Inclination	Summary	Decision Req
PC82	Whole of Plan Change	01	Whole of Plan Change	3	1	Yeabsley, Adam	Support with Amendment	Support the proposal for reducing bureaucracy around Post Harvest Zones with the exception of concern over traffic management issues. I note there is nothing in Council's short, medium or long term planning addressing traffic congestion in Te Puke and consider there should be.	Support the proposal for reducing bureaucracy around Post Harvest Zones with the exception of concern over traffic management issues. I note there is nothing in Council's short, medium or long term planning addressing traffic congestion in Te Puke and consider there should be.
				11	1	Te Puke Economic Development Group	Support with Amendment	<p>Suitable on site accommodation for seasonal workers should be permitted (limits per site to be determined) within post harvest zones.</p> <p>Further accommodation can be created through the refurbishment of existing redundant pack houses and auxiliary buildings. Council should encourage this and enable the smooth passage of permits.</p> <p>The need for accommodation is a pressing issue and Council should be an enabler. Pack houses not in post harvest zones should be permitted to create suitable accommodation. Again, Council should be proactive in working with industry to determine capacity limits by site.</p>	<p>Suitable on site accommodation for seasonal workers should be permitted (limits per site to be determined) within post harvest zones.</p> <p>Further accommodation can be created through the refurbishment of existing redundant pack houses and auxiliary buildings. Council should encourage this and enable the smooth passage of permits.</p> <p>The need for accommodation is a pressing issue and Council should be an enabler. Pack houses not in post harvest zones should be permitted to create suitable accommodation. Again, Council should be proactive in working with industry to determine capacity limits by site.</p>
				FS 36 [11]	1 [1]	NZ Transport Agency [Te Puke Economic Development Group]	Oppose	The Transport Agency supports aspirations to assist the district's horticultural industry through zoning provisions that enable the sector to respond quickly and efficiently to changes. However, the trip generation associated with seasonal worker accommodation facilities does have the potential to adversely affect the state highway network in terms of traffic safety and operation. To ensure that these effects are appropriately managed, the Transport Agency considers that accommodation facilities outside the Post Harvest Zone accommodating more than five persons should not be permitted as of right.	The Transport Agency seeks that PC82 & PC83 be approved in its current form.
				19	1	Federated Farmers Of New Zealand (Inc)	Unknown	Neutral on the Plan Change 82 proposed changes to increase the maximum height for buildings and other rule edits. Submits only to remain involved if tensions become apparent between the Rural Zone and Post Harvest Zone interface.	Neutral position.
				20	1	NZ Transport Agency	Support	The District Plan's Post Harvest Zone provisions will retain the requirement for resource consent where a facility's throughput is to be increased (Rule 22.3.3(a)). The applicable assessment criteria (Section 22.5 .1) will retain the requirement for an Integrated Transport Assessment to be undertaken. Provision is also made for limited notice to be served to the Transport Agency in cases where its written approval has not been obtained. The Transport Agency considers that these provisions will ensure that the actual and potential traffic effects associated with operations on post harvest zoned sites, as amended by proposed PC82, are avoided, remedied or mitigated.	Adopt PC82 as notified.

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				21	2	New Zealand Kiwifruit Growers	Support with Amendment	All operational pack houses (that have the appropriate consents) should be zoned post-harvest so they can accommodate seasonal workers on site. • Retrofitting of existing unused pack houses or other buildings would be of benefit in helping to reduce the lack of seasonal worker accommodation in the Western Bay of Plenty. This should be a permitted activity in the same way that the post-harvest zone is to encourage the establishment of new seasonal accommodation facilities. • A rule should be created for pack-houses not in post-harvest zones that allows onsite seasonal worker accommodation up to a specified limit.	All operational pack houses (that have the appropriate consents) should be zoned post-harvest so they can accommodate seasonal workers on site. • Retrofitting of existing unused pack houses or other buildings would be of benefit in helping to reduce the lack of seasonal worker accommodation in the Western Bay of Plenty. This should be a permitted activity in the same way that the post-harvest zone is to encourage the establishment of new seasonal accommodation facilities. • A rule should be created for pack-houses not in post-harvest zones that allows onsite seasonal worker accommodation up to a specified limit.
				21	5	New Zealand Kiwifruit Growers	Support with Amendment	NZKGI also supports additional height provisions be extended to facilities outside of the Post Harvest Zone. There are packhouses and cool stores used for kiwifruit storage that are not currently in Post Harvest zones. An example of this is within the Te Puke Industrial Zone where a consent has been issued for a new cool store over 18m in height.	NZKGI also supports additional height provisions be extended to facilities outside of the Post Harvest Zone (20m height).
				FS 36 [21]	2 [5]	NZ Transport Agency [New Zealand Kiwifruit Growers]	Oppose	The Transport Agency supports aspirations to assist the district's horticultural industry through zoning provisions that enable the sector to respond quickly and efficiently to changes. However, the trip generation associated with seasonal worker accommodation facilities does have the potential to adversely affect the state highway network in terms of traffic safety and operation. To ensure that these effects are appropriately managed, the Transport Agency considers that accommodation facilities outside the Post Harvest Zone accommodating more than five persons should not be permitted as of right.	The Transport Agency seeks that PC82 & PC83 be approved in its current form.
				22	1	DMS Progrowers Ltd	Support	Support the provisions as detailed in PC82.	Support the provisions as detailed in PC82.
PC82-01	Planning Maps	1	Planning Maps	13	1	Horticulture New Zealand C/- Charlotte Drury	Support	HortNZ supports the proposal to allow small extensions to existing Post Harvest Zones, and also to allow larger zone extensions where future projects are planned. The expansions proposed provide as much certainty as possible to the horticultural sector with regards to the ability to further develop and invest in their post harvest facilities which facilitates expected growth.	HortNZ seeks that Option 3 is adopted i.e. the proposed Post Harvest Zone expansions are adopted as notified
				21	1	New Zealand Kiwifruit Growers	Support	NZKGI agrees that extending post-harvest zones to reflect property purchase or boundary adjustments and increasing post-harvest zones where future projects are planned is the most appropriate solution. This provides certainty to post-harvest operators and allows for future growth to take place without the requirement of obtaining a consent.	NZKGI agrees that extending post-harvest zones to reflect property purchase or boundary adjustments and increasing post-harvest zones where future projects are planned is the most appropriate solution.
				22	2	DMS Progrowers Ltd	Support with Amendment	I wish to include 320 Te Matai Road, now owned by DMS Progrowers Ltd, as part of the DMS Te Matai Road Post Harvest Zone to provide for future growth of the facility.	Include 320 Te Matai Road into the Post Harvest Zone.

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				FS 28 [22]	1 [2]	Hawkey, Juliann Josephine [DMS Pro growers Ltd]	Support	Supportive of submission point 22.2. However, there are concerns about the increase in traffic activity that would heighten the risk of an accident. The submitter asks what plans will be made to mitigate this.	Support the addition of 320 Te Matai Road into the Post Harvest Zone.
				FS 29 [22]	1 [2]	Reekie, Kenneth John [DMS Pro growers Ltd]	Oppose	<p>The submitter opposes changing the Rural Zone to Post Harvest Zone at 320 Te Matai Road, and has raised the following concerns:</p> <ul style="list-style-type: none"> • Foreseen traffic implications for Te Matai Road with the possibility of DMS Pukepack becoming a mega packhouse and cool store facility. This is in a predominantly orcharding area with limited roading access for increased truck and staff transport movements. • Traffic movements both into and through Te Puke are presently at breaking point, particularly in peak traffic hours and harvest season (February to June). The rezoning of the Post Harvest Zone and any planned expansion of packhouse and cool store facilities will add to the congestion. • The submitter urges for future developments of this nature to be focused at Rangiuru Industrial Park rather than sprawling expansions of existing industry facilities. • An increased amount of noise and activity from extra heavy traffic at the site would significantly decrease property valuations for potential sale. • Any future developments that DMS choose to pursue on 320 Te Matai Road would not need consent from the neighbouring properties if included in the Post Harvest Zone. <p>The submitter is a kiwifruit grower and has seen the growth phases affiliated with the industry. It is to their understanding that the industry will be transitioning to container shipping within the next couple of years, as opposed to the refrigerated ship export method that is currently being used, and that limiting mega scale post grower complexes on rural roads and establishing purpose built industrial areas with access to appropriate road and rail networks, would have been top priority.</p>	Oppose the inclusion of 320 Te Matai Road into the Post Harvest Zone.
				FS 30 [22]	1 [2]	Graeme And Vianne Miller Family Trust [DMS Pro growers Ltd]	Oppose	<p>The submitter opposes changing the Rural Zone to Post Harvest Zone at 320 Te Matai Road, and has raised the following concerns:</p> <ul style="list-style-type: none"> • Increasing the post-harvest zone would subsequently devalue the neighbouring properties and may be less attractive to potential buyers if attempting to sell in the future. • Increased noise pollution from a larger packhouse and cool store facility, such as increased machinery operation and staff, will have impacts on existing neighbouring properties. • Increased inward and outward truck activity will lead to increased noise disturbances from engine braking, down-shifting and up-shifting. 	Proposing that the rezoning of 320 Te Matai Road from "Rural Zone" to "Post Harvest Zone" be declined.

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								<ul style="list-style-type: none"> • Lack of roading infrastructure in place to cope with the increase of traffic on Te Matai Road that this change will bring about. • The Te Puke Highway and Te Matai Road intersection sits on the crest of a hill with very limited visibility to traffic turning both into Te Matai Road and out of Te Matai Road turning either left or right. • Traffic travelling out of Te Puke and turning into Te Matai Road have trouble judging distances and speed of oncoming traffic due to the rise in the hill the oncoming traffic is travelling up. • Traffic turning right onto Te Puke Highway from Te Matai Road has limited visibility either way, and there is no feeding lane to aid flow of traffic. • Traffic turning left onto Te Puke Highway from Te Matai Road has limited visibility of traffic coming from the right up the hill and sight is often also obstructed by traffic turning right. There is little room for hesitation regardless of which turn you are executing at this intersection. • These concerns about the Te Puke Highway and Te Matai Road intersection are not new, however the risks will be greatly increased if there is a significant increase in traffic due to the proposed change. • Reducing the speed limit through this area would not have the desired effect to reduce this hazard, rather would add to it by greatly increasing traffic congestion. • Access into and out of the DMS site situated at 318 Te Matai Road currently causes hazards to other road users on a regular basis. • The road is not wide enough for truck and trailer units to cleanly execute a turn into the DMS site. Trucks often pull off to the left to enable enough turning room to enter the DMS driveway. Following traffic often misinterpret this and think that they are making room to let them pass. They begin to pull out and pass and at the same time the truck proceeds to make its right-hand turn into the passing traffic. As regular road users we have witnessed this on numerous occasions. If a major increase in heavy traffic into this site were to occur, then the likelihood of an accident involving serious injury or death would magnify. • Risks to other road traffic prior to and at the end of shifts are already significant as often there can be continuous lines flowing in or out of the carparking area which feeds directly off Te Matai Road. We have observed on numerous occasions where one car will pull out onto Te Matai Road then will be followed by other vehicles which do not check to see if there is oncoming traffic before pulling out onto the roadway. Once again this problem is only going to escalate with far greater numbers of staff being required as expansion of DMS takes place. 	
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								Te Matai Road was deemed to be a rural country road and has not been set up safely to accommodate large scale commercial business. The Rangiuru Industrial Park has been zoned as an Industrial Park and has set up to accommodate businesses of this size and nature.	
PC82-02	22.3.1 - Activity Lists - Permitted Activities	1	22.3.1 (d)	13	7	Horticulture New Zealand C/- Charlotte Drury	Support	HortNZ supports the proposed change, Edit of Rule 22.3.1(d) - Seasonal Worker Accommodation Exclusion - as it clarifies the existing rule.	HortNZ support the proposed change i.e. make the proposed amendment to provision 22.3.1(d) as notified.
PC82-03	22.3.3 - Activity Lists - Restricted Discretionary Activities	1	22.3.3 (e) NEW PROVISION	13	4	Horticulture New Zealand C/- Charlotte Drury	Support	<p>HortNZ does accept that there is a need to protect rural amenity, and permitting buildings up to 20m height which is the maximum height in the industrial zone could have some impact on those amenity values.</p> <p>The proposal to classify buildings between the maximum permitted height and 20m as restricted discretionary activities provides as much certainty as possible for landowners in post harvest zones who want to build up to 20m high.</p>	Retain restricted discretionary activities status for buildings between the maximum permitted building height and 20m with matters of discretion as suggested in the notified Plan Change.
PC82-05	22.4.1 - Activity Performance Standards - General	1	22.4.1 (a) - Height of Buildings/Structures	1	24	Kinnoch, Daniel	Support with Amendment	<p>The change proposed to Rule 22.4.1(a) conflicts with the change proposed to the same standard under Plan Change 87.</p> <p>22.4.1 General</p> <p>(a) Height of buildings/structures</p> <p>Maximum: 14m Except that Lot 4 DP 376727 Te Puna the maximum shall be 9m.</p> <p>o Preferably, a change to this standard should be made under one of these plan changes only. o I suggest that the maximum height in the Post-Harvest Zone could simply be increased to 15m.</p>	Suggest a change to Rule 22.4.1(a) should be made under either Plan Changes 82 OR 87 and that the maximum height in the Post-Harvest Zone could simply be increased to 15m.
				FS 33 [1]	2 [24]	Horticulture New Zealand [Kinnoch, Daniel]	Support	An increase in the height in the Post Harvest Zone is supported.	Increase the height of buildings in the Post-Harvest Zone to at least 15m.
				11	2	Te Puke Economic Development Group	Support with Amendment	With automation and efficiencies, the existing 12m height is no longer sufficient.	Extension to height limits should be revised and we encourage Council to work with the post harvest sector to agree on new height limits.
				13	3	Horticulture New Zealand C/- Charlotte Drury	Support with Amendment	<p>HortNZ conditionally supports the proposed change to increase the maximum permitted height of buildings in the post harvest zone to 14m, as the current maximum permitted building height of 12m is relatively low.</p> <p>HortNZ questions whether the new maximum permitted height could be increased to 15m, or higher. They submit that clear justification for the proposed new 14m maximum height is not entirely clear in the Section 32 analysis.</p>	HortNZ seeks that the maximum permitted building height is increased to at least 15m.
				20	3	NZ Transport Agency	Support	The Transport Agency does not have concerns in terms of the proposed changes relating to the maximum height of buildings.	Adopt the proposed changes in relation to height of buildings as notified.

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				21	4	New Zealand Kiwifruit Growers	Support with Amendment	There needs to be sufficient infrastructure in place to support industry growth and 12m is no longer a realistic height provision. With the introduction of automated cool store racking, cool stores are increasingly extending in height. Add to this the competition for land due to urban sprawl and it makes sense for height restrictions to be elevated to a level that will sustain growth over the next 10 years. NZKGI support a 20m height as a permitted activity within Post Harvest Zones with the ability to apply for a resource consent over and above this.	Support Option 3 (increasing height to 20m) Post harvest companies have advised NZKGI that they support a 20m height restriction with the ability to apply for a resource consent over and above this.
PC82-05	22.4.1 - Activity Performance Standards - General	2	22.4.1 (b) - Daylighting	13	2	Horticulture New Zealand C/- Charlotte Drury	Support	HortNZ supports the proposed change because it clarifies the daylighting performance standard and makes it clear where it applies which provides greater certainty for landowners within Post Harvest Zones, and also landowners in adjoining different zones.	HortNZ seeks that the District Plan Rule 22.4.1(a) is amended as set out in Section 4.5 of the Section 32 Report for the Post Harvest Zone Provision Review.
				20	4	NZ Transport Agency	Support	The Transport Agency does not have concerns in terms of the proposed changes relating to the daylighting provision.	Adopt the proposed changes in relation to daylighting as notified.
				21	3	New Zealand Kiwifruit Growers	Support	NZKGI supports the re-wording of rule 22.4.1(b) and the intent of the rule change that provides the daylighting rule only applies when the development adjoins a different zone.	Supports Option 2 i.e. adopt Rule 22.4.1(b) as notified.
PC82-05	22.4.1 - Activity Performance Standards - General	3	22.4.1 (d) - Site Coverage	17	1	Bay Of Plenty Regional Council	Support with Amendment	All of the horticultural post harvest facilities within Post Harvest Zones require discharge consents for effluent treatment and disposal under the On-Site Effluent Treatment Regional Plan (OSET Plan). Any increase or expansion of these facilities will in turn require new or amended discharge consents. The BOPRC prefers expansion of existing Horticultural Post Harvest facilities in these zones is limited in scale to ensure onsite wastewater treatment and disposal is able to be achieved in a safe and sanitary manner. BOPRC wishes that an advice note is added to ensure managers of Horticultural Post Harvest Facilities are made aware that regional consents are required for wastewater treatment and disposal.	Insert the following Advice Note after Activity Performance Standards - Site Coverage (22.4.1(d)) for the Post Harvest zone to read: Advice note: Any expansion or intensification of Horticultural Post Harvest facilities will require regional consent for onsite wastewater treatment and disposal and may also require stormwater discharge consent for an increase in impermeable surface coverage.
				17	2	Bay Of Plenty Regional Council	Support with Amendment	Some of the Horticultural Post Harvest zones include floodable areas. The disposal of stormwater from large areas of impermeable surfaces may also trigger the requirement for regional consent under the Regional Natural Resources Plan. BOPRC wishes that an advice note is added to ensure managers of Horticultural Post Harvest Facilities are made aware that regional consents may be required for stormwater in relation to increases in large impermeable surface areas.	Insert the following Advice Note after Activity Performance Standards - Site Coverage (22.4.1(d)) for the Post Harvest zone to read: Advice note: Any expansion or intensification of Horticultural Post Harvest facilities will require regional consent for onsite wastewater treatment and disposal and may also require stormwater discharge consent for an increase in impermeable surface coverage.
PC82-06	22.5.1 - Matters of Discretion - Restricted	1	22.5.1 (c)	1	1	Kinnoch, Daniel	Support with Amendment	Specifying a requirement to limited notify a person in a plan rule is ultra vires. The steps that	A plan rule can however identify persons who should specifically be considered as part of an

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	Discretionary Activities							the consent authority must follow to determine whether an application requires limited notification are set out in section 95B of the Resource Management Act (RMA).	affected persons assessment under Section 95E.
				11	3	Te Puke Economic Development Group	Support with Amendment	TPEDG support the NZKGI suggestion that the wording for proposed Rule 22.5.1(c) should be amended.	Amend wording of Rule 22.5.1(c) as follows: "Except that: This shall not apply to post harvest zones sites that are accessed via side roads off Te Puke Highway."
				13	6	Horticulture New Zealand C/- Charlotte Drury	Support	HortNZ supports the proposed change to Rule 22.5.1(c) as it clarifies the requirements of an existing rule, and removes the need for unnecessary consultation which should provide clarity and certainty for consent applicants.	HortNZ supports the proposed change as set out in Section 6.5 of the Section 32 Report i.e. retain the proposed amendment to provision 22.5.1(c) as notified.
				20	2	NZ Transport Agency	Support	Given that the state highway status of Te Puke Highway has been revoked, the Transport Agency supports the proposed amendments to the assessment criteria in Section 22.5.1(c).	Adopt the proposed change to Rule 22.5.1(c) as notified.
				21	6	New Zealand Kiwifruit Growers	Support with Amendment	NZKGI supports the change to Rule 22.5.1(c) but suggests an amendment to the wording for clarity.	Amend the wording of the proposed change to Rule 22.5.1(c) to read as follows: "Except that: This shall not apply to post-harvest zoned sites that are accessed via side roads off Te Puke Highway."
PC82-06	22.5.1 - Matters of Discretion - Restricted Discretionary Activities	2	22.5.1 (e) NEW PROVISION	1	2	Kinnoch, Daniel	Support with Amendment	<p>The drafting of Matter for Discretion 22.5.1(e)(i) can be simplified considerably.</p> <ul style="list-style-type: none"> The use of the words 'existing environment' conflicts with the reference to effects on consented dwellings. While it is acknowledged that dwellings are part of the non-statutory 'receiving environment' to be considered as part of decision making, these dwellings may not yet 'exist' in a physical form, so this could be confusing to plan users. There may also be dwellings that do not require resource consent, so will neither exist nor be consented. I have concern with the words 'in different ownership to the post harvest zone operator'. No individual person or entity would own the entirety of the zoned area, and there is also the potential for individual sites within the zone to be under different ownership. The first bullet under (i) becomes superfluous as a result of the second bullet and the rule could be simplified to just consider all visual amenity effects when viewed from land outside of the zone. The need to refer to the zone owner or operator is superfluous. If land outside of the zone was owned by a post harvest facility operator, they would simply provide written approvals in relation to the land, and visual amenity effects as viewed from that site would be disregarded. No need to use the words 'actual and/or potential loss' in any of the bullets. 	I recommend that proposed new Rule 22.5.1(e) be changed to read as follows: (e) With respect to Rule 22.3.3(e), Council's discretion shall be restricted to relevant objectives and policies, and to the following matters: (i) Effects on the visual amenity of land located outside of the Post Harvest Zone. (ii) Whether adverse visual effects can be avoided, remedied or mitigated via measures such as the colour of the building/structure, and/or vegetative or other screening. (iii) Restrictions on advertising or similar publicity and/or promotional material on the walls of the building/structure to reduce the potential for adverse visual amenity effects.
				FS 33 [1]	3 [2]	Horticulture New Zealand [Kinnoch, Daniel]	Oppose	The submitter seeks to amend the matters of discretion. The changes sought to the wording amend the intent of the matters of discretion. Given the size of the Post Harvest Zones in WBP, they often are in the ownership of one entity. It should also be noted that some signage	Retain 22.5.1 e) as notified.

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								may be required for health and safety purposes that should be provided for in the plan, therefore any restrictions on signage (if deemed necessary) should be carefully worded.	
				13	5	Horticulture New Zealand C/- Charlotte Drury	Support	HortNZ supports restricted discretionary activity status and the matters of discretion for buildings between the maximum permitted height and 20m as it provides as much certainty as possible for landowners in post harvest zones who want to build up to 20m high, identifies what their resource consent applications needs to address, while still maintaining the ability for council to decline an application if the height of a building is deemed to have an adverse effect on rural amenity.	That provision 22.5.1(e) Matters of Discretion for Restricted Discretionary Activities be retained as notified.
PC82-06	22.5.1 - Matters of Discretion - Restricted Discretionary Activities	3	22.5.1 (e) DELETION OF EXISTING PROVISION	13	9	Horticulture New Zealand C/- Charlotte Drury	Support	HortNZ supports the deletion of existing Rule 22.5.1(e) as proposed.	HortNZ supports the proposed change i.e. delete existing Rule 22.5.1(e) as notified.
PC83	Whole of Plan Change	1	Whole of Plan Change	11	4	Te Puke Economic Development Group	Support	TPEDG support the increase in accommodation facility combined permitted activity maximum limit to 5 persons.	Adopt PC83 as notified.
				13	10	Horticulture New Zealand C/- Charlotte Drury	Support	HortNZ supports an increase in the accommodation facility combined maximum limit to 5 people as they believe it strikes an appropriate balance between enabling the accommodation of some seasonal workers in very small accommodation facilities across a range of zones, at a scale that could be reasonably anticipated therefore ensuring that the amenity of those zones will not be adversely affected.	HortNZ supports an increase in the accommodation facility combined maximum limit to 5 people.
				19	2	Federated Farmers Of New Zealand (Inc)	Support	Improving consistency between legislation makes sense and the opportunity being created for property owners/occupiers to supplement their income by taking advantage of this small additional permitted capacity should provide win, win outcomes. Federated Farmers supports the Council's Preferred Option 2 and subsequent changes to the District Plan provisions.	Adopt Plan Change 83 as notified.
				20	5	NZ Transport Agency	Support	Accommodation facilities have the potential to adversely affect the state highway network in terms of traffic safety and efficiency, as well as noise reverse sensitivity. However, the Transport Agency considers that the proposed changes, which will increase the permitted occupant level by only one person, will not result in any discernible increase in such effects.	No specific relief sought.
				21	10	New Zealand Kiwifruit Growers	Support	NZKGI agrees with increasing the accommodation facility combined permitted activity maximum limit to five persons which provides consistency between the District Plan and the Building Act however notes that this does not provide a reasonable outcome for seasonal accommodation shortage. A shortage of seasonal accommodation is a critical barrier to achieving the growth targets of	NZKGI agrees with increasing the accommodation facility combined permitted activity maximum limit to five persons.

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							the kiwifruit industry, growth that is anticipated to have significant economic benefits to the Western Bay Region.		
				21	11	New Zealand Kiwifruit Growers	Support with Amendment	<p>Industry believes that the Council has the opportunity to facilitate regulatory processes required for building seasonal accommodation and in doing so the Council will help industry and the region achieve its growth potential.</p> <p>NZKGI strongly encourages WBOPDC to specifically address the needs of seasonal worker accommodation and to progress this with expediency, engaging with industry to address Council concerns and co-developing solutions. Central Government has this week indicated that securing RSE workers in the future will be predicated on industry supplying additional seasonal accommodation within the next 12 months and NZKGI asks Council to support the kiwifruit industry in achieving this.</p> <p>NZKGI suggests enabling seasonal worker accommodation of a variety of scales, across a range of zones is the best approach. These options could include:</p> <ul style="list-style-type: none">• All operational pack houses (that have the appropriate consents) should be zoned post-harvest so they can accommodate seasonal workers on site.• A rule should be created for pack-houses not in post-harvest zones that allows onsite seasonal worker accommodation up to a specified limit.• Retrofitting of existing unused pack houses or other buildings would be of benefit in helping to reduce the lack of seasonal worker accommodation in the Western Bay of Plenty. This should be a permitted activity in the same way that the post-harvest zone is to encourage the establishment of new seasonal accommodation facilities.• Allowance for temporary on-orchard accommodation. <p>NZKGI submit that it is critically important that the capacity of appropriate seasonal worker accommodation within the WBOPD is grown and the timely provision of more fit for purpose accommodation for seasonal workers would ensure that the social needs of an essential part of the horticultural industry, but also the wider Western Bay of Plenty community, would be provided for.</p>	That Council progress a Plan Change to specifically address the needs of seasonal worker accommodation.
				FS 33 [21]	4 [11]	Horticulture New Zealand [New Zealand Kiwifruit Growers]	Support with Amendment	The issue of seasonal worker accommodation is a critical issue for the horticulture industry and a plan change to assist in enabling providing such accommodation is supported.	Work with industry to develop wider set of provisions for seasonal worker accommodation.
				FS 36 [21]	3 [11]	NZ Transport Agency [New Zealand Kiwifruit Growers]	Oppose	The Transport Agency supports aspirations to assist the district's horticultural industry through zoning provisions that enable the sector to respond quickly and efficiently to changes. However, the trip generation associated with	The Transport Agency seeks that PC82 & PC83 be approved in its current form.

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								seasonal worker accommodation facilities does have the potential to adversely affect the state highway network in terms of traffic safety and operation. To ensure that these effects are appropriately managed, the Transport Agency considers that accommodation facilities outside the Post Harvest Zone accommodating more than five persons should not be permitted as of right.	
PC84	Whole of Plan Change	1	Whole of Plan Change	7	1	Heritage New Zealand	Support with Amendment	<p>HNZPT is supportive in part of the proposed Plan Change but suggests a further amendment with regard to the management of archaeology at the time of works sought under Section 10 - Infrastructure, Network Utilities and Designations to make Plan users aware of the requirements and obligations of the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>NZHPT is concerned that the reduced instances of walkways, cycleways or similar requiring resource consents will remove the current informal opportunity for engagement and the avoidance of archaeology to be established early in any development processes.</p> <p>HNZPT suggests that there could be benefit in a further amendment to the Plan Change in the form of an advice note at the end of the Activity Table in District Plan Section 10.3, where other advice notes are located acknowledging the requirements of the HNZPT Act 2014 and the additional considerations that may have to be undertaken at the time of developing a proposal to prevent adverse effects on archaeology.</p> <p>An advice note in this location would be beneficial for applicants whose site does not trigger the consideration required for a District Plan scheduled Significant Feature which can include archaeological sites. For consistency the advice note should be similar to the existing advice note in Section 7 Historic Heritage that relates to the protection of all archaeology, recorded and unrecorded under the HNZPTA 2014, and not just those sites identified in District Plans.</p>	<p>HNZPT seeks the addition of an Advice Note to Activity Table 10.3 as follows:</p> <p>"4. Archaeological sites are subject to a separate consent process under the Heritage New Zealand Pouhere Taonga 2014. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District or Regional Plan or a resource or building consent has been granted . The Heritage New Zealand Pouhere Taonga Act 2014 also provides for substantial penalties for unauthorised destruction, damage or modification."</p>
				7	2	Heritage New Zealand	Support with Amendment	<p>HNZPT is concerned that the reduced instances of walkways, cycleways or similar requiring resource consents will remove this informal opportunity for early engagement to occur and for the avoidance of archaeology to be established early in the related development processes.</p> <p>While the s32 report has clearly indicated that the Identified Significant Features in the District Plan Schedules 5-8 will be considered at the time of resource consent, HNZPT considers that there could be benefit in a further amendment through Plan Change 84 in the form of the inclusion of an advice note to Section 10 of the</p>	<p>HNZPT seeks the following amendments are retained as part of the decision version of Plan Change 84, should the Plan Change be approved:</p> <ul style="list-style-type: none"> • 4. Archaeological sites are subject to a separate consent process under the Heritage New Zealand Pou here Taonga 2014. The Heritage New Zealand Pou here Taonga Act 2014 makes it unlawful for any person to destroy damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. • This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District or Regional Plan or a resource or building consent has been

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						<p>District Plan to acknowledge the requirements of the HNZPTA 2014 and the additional considerations that may have to be undertaken at the time of developing a proposal in order to prevent adverse effects on archaeology.</p> <p>This advice note should be located at the end of the Activity Table 10.3, where other advice notes are located. An advice note in this location would be beneficial for applicants whose site does not trigger the consideration required for a District Plan scheduled Significant Feature which can include archaeological sites, in which instance those parties will be directed to Section 7 Historic Heritage. However for consistency the advice note should be similar to the advice note in Section 7 Historic Heritage that relates to the protection of all archaeology, recorded and unrecorded under the HNZPTA 2014, not just those sites identified in District Plans.</p>	granted. The Heritage New Zealand Pouhere Taonga Act 2014 also provides for substantial penalties for unauthorised destruction, damage or modification."		
				9	12	J Swap Contractors Ltd C/- Richard Harkness	Support with Amendment	<p>Where quarry areas have been identified for, and/or commenced mineral extraction activities, they also need protection from reverse sensitivity resulting from incompatible new development (such as public recreation, housing or sensitive activities) seeking to establish closer to mineral extraction areas. The risk of public recreation, housing and/or sensitive activities seeking to locate closer to quarry areas is an increased potential for concerns to be raised about noise, vibration, dust, traffic disturbance and visual amenity. This can become highly restrictive and problematic for quarries, and is a potential adverse outcome recognized as reverse sensitivity.</p> <p>With regards to Katikati Quarries Ltd (KQL) and Tauranga Quarries Ltd (TQL) setbacks from the operational areas and future expansion areas should be nominated and provided for in the District Plan to avoid reverse sensitivity.</p> <p>Given the complex dynamics involved with finding appropriate quarry areas, including future expansion areas, and the significant contribution to local, regional and national economies provided by mineral extraction, it is unreasonable for reverse sensitivity to adversely affect existing quarry areas</p> <p>The District Plan recognises the issue of reverse sensitivity, particularly for other infrastructure and network utilities, where Objective 10.2.1.6 states: "The establishment and management of land use activities, or undertaking of subdivision in a way that avoids, remedies or mitigates potential reverse sensitivity effects that may impact on the safe, effective and efficient operation of infrastructure and network utilities."</p> <p>With regards to Proposed Plan Change 84</p>	Swaps seeks a new Objective, or a minor amendment to Objective 10.2.1(6) to include authorized quarries; i.e. ...infrastructure and network utilities, and quarries.

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							(PC84) making provision for public trails in all zones, a similar approach to reverse sensitivity for quarries is also required. In terms of the policy framework for quarry activities, Swaps seeks a similar approach to the District Plan's Objective10.2.1.6 which addresses potential reverse sensitivity effects that may impact on the safe, effective and efficient operation of infrastructure and network utilities.		
				18	1	Katikati Waihi Beach Residents And Ratepayers Association	Oppose	Council does not carry out enough consultation or cost-benefit analysis before constructing these trails.	Therefore the process should not be allowed to be less transparent than it already is.
				18	2	Katikati Waihi Beach Residents And Ratepayers Association	Oppose	The formation and maintenance of walkways, cycleways, bridleways and similar trails and car parking areas should not be excluded from the definition of "earthworks".	The formation and maintenance of walkways, cycleways, bridleways and similar trails and car parking areas should not be excluded from the definition of "earthworks".
				FS 35 [18]	2 [2]	J Swap Contractors Ltd [Katikati Waihi Beach Residents And Ratepayers Association]	Oppose	The submitter seeks that the formation and maintenance of walkways, cycleways, bridleways and similar trails and car parking areas is included in the definition of earthworks.	J Swap support "earthworks" definition including formation and maintenance of public trails provided that reverse sensitivity does not become an issue for quarries.
				18	3	Katikati Waihi Beach Residents And Ratepayers Association	Oppose	It is ridiculous to have quarrying lumped in with gardening and normal agricultural and horticultural practices.	Quarrying should not be excluded from the definition of earthworks.
				FS 35 [18]	1 [3]	J Swap Contractors Ltd [Katikati Waihi Beach Residents And Ratepayers Association]	Oppose	The submitter seeks that quarrying is included in the definition of earthworks and not included with gardening and normal agricultural and horticultural practices.	J Swaps seek a specific definition for quarry activities to avoid being caught by unnecessary rules/restrictions.
				26	1	Matheson Day	Oppose	Support Option 1 - status quo - retain current District Plan provisions) which capture public trails (walkways, cycleways, bridleways and similar) as Places of Assembly. I don't believe change is required to make the process easier for Council to push through cycleways where there is not support from local community. The submitter advises that they do not believe change is necessary to make the process easier for Council to establish cycleways where there is no support from the local community.	Retain the status quo.
PC84-01	Planning Maps	1	Planning Maps	9	13	J Swap Contractors Ltd C/- Richard Harkness	Unknown	To avoid reverse sensitivity, a set back buffer area of at least 300m from any quarry title boundary, or from the footprint of any quarry and future expansion area would be necessary. Alternatively, adopting the WBOPDC District Plan's mechanism for the Quarry Effects Management Area - inclusive of a 300m buffer area surrounding the title boundaries or footprint of the quarry and future expansion areas - would be preferable. This mechanism is already available within the District Plan and has been applied to other quarry situations in Western	For KQL the QEMA should apply as a 300m buffer from the extent of the current MP55762 boundary around the site and associated title boundaries. For TQL the QEMA should apply as a 300m buffer around the title boundaries.

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								<p>Bay. This is the preferred approach to achieving the 300m setback required for quarries</p> <p>Swaps seeks a change to planning maps to apply the current Quarry Effects Management Area (QEMA) layer to both the Katikati Quarries Ltd (KQL) site and Tauranga Quarries Ltd (TQL) site. This zone should be applied to both the existing operational footprint of each quarry plus the areas nominated for future mineral extraction at the site.</p> <p>For KQL the QEMA should apply as a 300m buffer from the extent of the current MP55762 boundary around the site and associated title boundaries. For TQL the QEMA should apply as a 300m buffer around the title boundaries. The extent of the QEMA boundary proposed for both the KQL and TQL quarry areas is shown in the maps appended to the submission, where an indicative blue boundary line surrounds each quarry area to show the extent of the QEMA sought by Swaps.</p>	
PC84-02	3. - Definitions	1	Definition of Public Trail	2	1	Stevens, Gael	Support	Support the inclusion of bridleway in the definition of "Public Trail". Look forward to Council providing bridleways throughout the district.	Support the inclusion of bridleway in the definition of "Public Trail". Look forward to Council providing bridleways throughout the district.
				9	14	J Swap Contractors Ltd C/- Richard Harkness	Support with Amendment	Swaps 'supports in part' the new definition for Public Trails, however, public trails have the potential to bring the general public closer to quarry areas, resulting in reverse sensitivity issues.	Accept new definition for "Public Trails" provided reverse sensitivity does not become an issue for quarries.
				17	3	Bay Of Plenty Regional Council	Support with Amendment	<p>Overall BOPRC supports Plan Change 84 to provide a more enabling set of provisions for the development of public trails including walkways and cycleways.</p> <p>The submitters concern is that the proposed definition for Public trail' uses the phrase 'not limited to' which could extend to the provision of public toilets on these trails. The wastewater generated by a public toilet is regarded as high strength and is not domestic wastewater. Any unreticulated public toilets will need to be authorised by a BOPRC regional consent. Adding to this concern regarding onsite wastewater treatment is many public trails are located in close proximity to waterways and the coastal marine area.</p> <p>The submitter seeks an amendment of the proposed definition for 'Public trails' to exclude 'un-reticulated public toilets'.</p>	<p>Amend the proposed definition for Public Trails to exclude unreticulated public toilets to read as follows:</p> <p>"Public Trail" means a path either on or off road for the purpose of public recreational or commuter cycle or pedestrian transport (including mobility scooters and other wheeled pedestrians), or can be a bridle trail or similar. A public trail can be for one or more of the above uses, but is not for the use of combustion-engine and similar motorised vehicles or unreticulated public toilets. Public trail includes activities associated with creating it, and includes but is not limited to, pathways, bridging, boardwalks, walkways and steps, and includes related signage and maintenance activities.</p>
PC84-03	8.3.3 - Activity Lists - Restricted Discretionary Activities	1	8.3.3(c)(ii) - Floodable Areas and Coastal Inundation Areas	1	3	Kinnoch, Daniel	Support with Amendment	The change proposed to Rule 8.3.3(c)(ii) conflicts with the change proposed to the same rule under Proposed Plan Change 86.	The changes proposed to Rule 8.3.3(c)(ii) should be made under one of the Proposed Plan Changes only (either Proposed Plan Change 84 or Proposed Plan Change 86).
				13	8	Horticulture New Zealand C/- Charlotte Drury	Support	HortNZ supports the proposed change as it clarifies the existing rule - Deletion of existing Rule 22.3.3(e).	HortNZ supports the proposed change i.e. delete existing Rule 22.3.3(e) as notified.

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				17	4	Bay Of Plenty Regional Council	Support	Support restricted discretionary activity status for public trails within floodable areas and coastal inundation areas.	Support restricted discretionary activity status for public trails within floodable areas and coastal inundation areas.
PC84-05	10.3 - Activity Table for Infrastructure and Network Utilities	1	Table and Associated Notes	9	15	J Swap Contractors Ltd C/- Richard Harkness	Oppose	Swaps opposes the provision for public trails in all zones, particularly where bringing the general public closer to quarry areas, results in reverse sensitivity effects.	Amend the addition to Table 10.3 (Activity Table for Infrastructure and Network Utilities) of proposed '(bd) Public Trails', as follows: "(bd) Public Trails outside of a Quarry Effects Management Area". Subsequent changes will also be required to ensure any public trails proposed within a Quarry Effects Management Area are Restricted Discretionary Activities; and also with new provisions under Rule 10.5.2 Assessment Criteria - Restricted Discretionary Activities to address reverse sensitivity.
PC84-06	10.4 - Activity Performance Standards for Infrastructure and Network Utilities	1	10.4(r)(a) - (d) - Public Trails	1	5	Kinnoch, Daniel	Support with Amendment	Suggested wording change to Rule 10.4(r) to simplify the rule.	Change the beginning of Rule 10.4(r)(b), to read 'Clause (a) shall not apply...'
				1	6	Kinnoch, Daniel	Support with Amendment	Under the first point of 10.4(r)(b), the reference to 'similar plan that has been through a public process' is not best practice in regard to providing surety to plan users as while documents can be incorporated by reference into a plan, this would seem to give WBOPDC scope to effectively override the 30m separation distance requirement under (a) through any unspecified 'public process'.	That Rule 10.4(r)(b) is revised to state that the public trail location must be identified in a plan prepared under the Reserves Act 1977, the Local Government Act 2002, or the Resource Management Act 1991.
				1	7	Kinnoch, Daniel	Support with Amendment	Under the second bullet point of Rule 10.4(r)(b) why has 'esplanade strip' been excluded?	No relief sought however it is assumed the submitter wishes to include 'esplanade strip' within the second bullet point of proposed Rule 10.4(r)(b).
				1	8	Kinnoch, Daniel	Support with Amendment	Under the third bullet point of proposed Rule 10.4(r)(b), what are the other legal mechanisms that could specifically provide for a public trail?	Specify some examples of other legal mechanisms that could specifically provide for a public trail.
				1	9	Kinnoch, Daniel	Support with Amendment	Under proposed Rule 10.4(r)(d), specifying a requirement to limited notify a person in a plan rule is not legal and is ultra vires (steps to follow to determine notification are set out in the Resource Management Act).	A plan rule can however identify persons who should specifically be considered as part of an affected person's assessment under section 95E. An example of such a rule can be found at general rule C1.13(4) of the Auckland Unitary Plan.
				9	16	J Swap Contractors Ltd C/- Richard Harkness	Oppose	Swaps opposes the new provisions proposed in Section 10.4(r) unless they are amended to be permitted subject to being outside of a Quarry Effects Management Area. Swaps seek to have the QEMA mechanism applied to KQL and TQL, inclusive of a 300m buffer area, as a better alternative to seeking amendments to Sections 10.3, 10.4 and 10.5 where a setback of 300m would be required (instead) from the quarry title boundary, or footprint of any quarry and future expansion area. Essentially, where PC84 seeks to make provision for public trails in all zones, Swaps seeks all appropriate District Plan provisions and mechanisms to ensure reverse sensitivity for quarries is adequately addressed.	Amend Activity Performance Standard 10.4(r)(a) as follows: "Any part of a public trail shall be outside of any Quarry Effects Management Area." Amend Activity Performance Standard 10.4(r)(b) as follows: "The above shall not apply if the public trail location is closer than 30m from a title boundary, or within any Quarry Effects Management Area, and it..." Amend Activity Performance Standard 10.4(r)(c) as follows: "Provided that: A public trail may be located within a Quarry Effects Management Area where the written approval of the owner/s of the title/s and quarry operation has been obtained."
				19	3	Federated Farmers Of New Zealand (Inc)	Support with Amendment	Supportive of the intent of the Plan Change if adverse effects on neighbouring landowners is	Amend Proposed Rule 10.4(r) by adding a new provision 10.4(r)(e) as follows:

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							<p>addressed, and that clear public access is only available over private property with the landowners' permission.</p> <p>Concern is raised about issues that arise from public trails and access near private rural property undertaking 'usual' rural practices (such as spraying, tree felling, heavy machinery in use and lambing or calving) which can cause negative impacts (including rubbish being dumped, unconstrained dogs, increased litter, pest and weed spread, and increased reverse sensitivity and health and safety issues).</p> <p>The submitter also asks that the public are made aware of where public toilets are located.</p> <p>Proposed standard (10.4(r)(c), which requires written approval of the owners if a trail is proposed to be located within 30m of the title boundary goes some way to implement Policy 18.2.2(10) - which states that activities with a functional or other legitimate need for a rural location should not be established in rural areas unless they are able to be undertaken without constraining the lawful operation of productive rural land uses which are carried out in accordance with accepted management practices. The submitter is concerned there are no proposed standards to address potential effects of increased public access in a rural location more broadly and to implement the policy more effectively.</p> <p>Practical solutions to address education-related issues may assist (e.g. providing good informative signage about rural activities). If not well-managed, public reserves can cause ongoing problems with noxious weeds or flooding that can affect adjacent private land.</p> <p>Submitter asks for the effects of increased public access into rural locations to be better reflected in the permitted activity standards and for all new trials to be included on regular maintenance schedules that includes rubbish/litter collection, drainage and weed and pest maintenance.</p>	<p>(e) Any new access is provided in a way that does not constrain the lawful operation of productive rural land uses that are carried out in accordance with accepted management practices (or words to that effect).</p> <p>Also ensure all new trails and access sites are included on regular maintenance schedules to reduce potential adverse effects on neighbouring private land.</p>	
				FS 35 [19]	3 [3]	J Swap Contractors Ltd [Federated Farmers Of New Zealand (Inc)]	Support	<p>The submitter seeks that proposed rule 10.4(r) is amended by adding a new provision as follows: (e) Any new access is provided in a way that does not constrain the lawful operation of productive rural land uses that are carried out in accordance with accepted management practices (or words to that effect).</p>	<p>J Swap support any new access being provided in a way that does not constrain lawful operation of productive rural land uses provided that reverse sensitivity does not become an issue for quarries.</p>
PC85	Whole of Plan Change	1	Whole of Plan Change - General	9	1	J Swap Contractors Ltd C/- Richard Harkness	Support with Amendment	<p>Quarrying and extraction activities require the removal of overburden, the disposal of cleanfill and reinstatement works. Cleanfill is from the site itself, but can also be transported from off-site locations. The scale of activity is substantial and thus the associated clean filling operation will likely be above the proposed threshold in</p>	<p>Swaps seek amendments to the proposed PC85 provisions to exempt authorized quarries.</p>

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							any 12 month period.		
							Quarrying under the current RMA planning framework generally requires consents from both regional and district councils (unless meeting permitted activity criteria). This will ensure that potential adverse environmental effects for quarries (including deposition of cleanfill) will be controlled through regional plan provisions, and the district plan zones, rules and resource consents. Hence, quarries should be exempt from the new thresholds proposed under PC85 for private property cleanfill activities.		
							The PC85 focus on private properties seeks to address large scale cleanfill activities that are causing concerns due to heavy vehicle traffic, noise, dust, vibration, loss of visual amenity, property damage and safety of access - and such matters are already controlled for quarrying as noted above.		
				FS 34 [9]	1 [1]	Federated Farmers Of New Zealand (Inc) [J Swap Contractors Ltd C/- Richard Harkness]	Support	FFNZ supports the submitter for reasons outlined in their principle submission.	Amend proposed PC85 provisions to exempt authorized quarries.
				FS 37 [9]	1 [1]	Classic Developments NZ Ltd [J Swap Contractors Ltd C/- Richard Harkness]	Support	We agree with the amendments sought as cleanfill can be considered quarrying under the PC85.	Include provisions to exempt authorised quarries as sought by the submitter.
				FS 38 [9]	1 [1]	Zariba Holdings [J Swap Contractors Ltd C/- Richard Harkness]	Support	We agree with the amendments sought as cleanfill can be considered quarrying under the Plan.	Include provisions to exempt authorised quarries as sought by the submitter.
				9	8	J Swap Contractors Ltd C/- Richard Harkness	Support with Amendment	Seek clarification regarding use of the terms "deposition" and "disposal" within the proposed Plan Change.	The is seeks clarification of the use of terms "deposition" and "disposal".
				10	1	Pearce, Rowena Jade	Support with Amendment	Of particular concern to me is the nature and number of heavy vehicle traffic movements on our rural roading infrastructure (particularly narrow and/or unsealed roads that are inadequate) - and the impact this has on traffic and pedestrian safety. Some roads are not of adequate nature to withstand heavy vehicle movements and will pose severe safety threats to those in our community. The preferred option 2 for the Plan Change highlights the benefit of the potential to collect financial contributions to help fund roading maintenance and repair required as a result of additional heavy vehicle traffic but, fails to recognise that these same roads are already under specification for the volume and nature of vehicles currently using	Whether the volume of cleanfill transported is 1000m3 or 5000m3, road width and road capacity need to be considered for every section within the rural
				FS 37 [10]	2 [1]	Classic Developments NZ Ltd	Oppose	There is no s.32 analysis to justify the plan change and impact on Council's roading network	That the submission be rejected.

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						[Pearce, Rowena Jade]			
				FS 38 [10]	2 [1]	Zariba Holdings [Pearce, Rowena Jade]	Oppose	There is no s.32 analysis to justify the plan change and impact on Council's roading network.	That the submission be rejected.
				11	7	Te Puke Economic Development Group	Support with Amendment	TPEDG support the well considered submissions from NZKGI on Clean Fill Activities, namely that they are unsure what the benefit would be of introducing another resource consent for any deposition of clean fill under 5000m3. Bay of Plenty Regional Council already have rules relating to earthworks and quarries require a resource consent for any exposed area greater than one hectare and volume greater than 5,000 m³. This resource consent should cover the need (if any) to transport up to 5000m3 of clean fill.	Introduce District Plan provisions (including policies, rules and assessment criteria) to require resource consent for cleanfill activities involving the deposition of more than 5,000m3 of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones (Issue 1 - Option 3 in the s92 Report).
				FS 32 [11]	1 [7]	Kainga Ora - Homes & Communities [Te Puke Economic Development Group]	Oppose	Kainga Ora opposes this submission point as it is contrary to the relief sought in Kainga Ora's primary submission, and the reasons for that relief. Further, the Regional Natural Resources Plan has rules controlling 5000m3 or more of earthworks. It is not considered appropriate to duplicate this threshold within the District Plan rule framework. The potential adverse amenity effects (such as noise and vibration) are already appropriately controlled through other parts of the District Plan.	Oppose introducing provisions to require resource consent for cleanfill activities involving the deposition of more than 5,000m3 of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones.
				FS 36 [11]	4 [7]	NZ Transport Agency [Te Puke Economic Development Group]	Oppose	The proposed permitted threshold of 1,000m 3 is considered to be appropriate for cleanfill activities. The heavy vehicle movements generated by cleanfill operations have the potential to adversely affect the state highway network in terms of traffic safety and efficiency. Appendix SB of the NZ Transport Agency's Planning Policy Manual (PPM) sets out key considerations for accessways onto State Highways. These guidelines provide some context in terms of when trip generating activities are likely to cause safety and traffic efficiency effects that need to be avoided, remedied or mitigated. Council has estimated the trip generation associated with a 1000m 3 cleanfill operation to be in the order of 200-400 vehicle movements. Appendix SB of the PPM specifies that where more than one slow, heavy or long vehicle (such as trucks delivering cleanfill) will utilise an accessway, a larger than normal accessway standard is required (Diagrams D and E) to accommodate safe ingress and egress. The resource consent process is an appropriate mechanism for the accessways of cleanfill activities to be assessed, and appropriate standards applied or alternative solutions provided for. Sightlines to and from accessways are another	The Transport Agency seeks that PC85 be approved in its current form.

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						<p>important factor set out in the PPM. Many potential State Highway accessway locations will not have compliant sightlines. Trucks associated with cleanfill operations are vulnerable to sightline deficiencies given that they are typically slow and long. For this reason, a sightline assessment through the resource consent process is considered to be appropriate for cleanfill activities generating in the order of 200-400 heavy vehicle movements.</p> <p>Given the statutory functions of Bay of Plenty Regional Council, the traffic effects associated with cleanfill operations are not assessed at the regional consent stage. For the purposes of ensuring that traffic effects are managed, the regional plan's earthworks volume threshold is not relevant.</p> <p>1000m3 would not be an unusually low permitted threshold in comparison to the cleanfill provisions of other district plans across the country.</p>		
			FS 37 [11]	3 [7]	Classic Developments NZ Ltd [Te Puke Economic Development Group]	Oppose	The matters raised in this submission are not supported by sufficient s.32 analysis.	That the submission be rejected.
			FS 38 [11]	3 [7]	Zariba Holdings [Te Puke Economic Development Group]	Oppose	The matters raised in this submission are not supported by sufficient s.32 analysis.	That the submission be rejected.
			13	11	Horticulture New Zealand C/- Charlotte Drury	Support with Amendment	<p>The deposition of cleanfill can enable sites to be made more suitable for horticultural use by providing material for activities such as recontouring, therefore HortNZ supports the provisions of the district plan enabling the activity to be undertaken to some degree, particularly within the Rural Zone.</p> <p>As the District Council's functions in this regard are largely restricted to managing the amenity and traffic effects of cleanfill activities, HortNZ is generally supportive of an approach that avoids unnecessary cost for landowners who wish to undertake such operations.</p>	HortNZ supports Option 4 within the s32 Report and suggests that further development and adoption of this option would enable time and cost to be better targeted to circumstances where the potential impacts of cleanfills may be greater and would enable a more effects based approach is more in keeping with the sustainable management purpose of the Act.
			FS 37 [13]	4 [11]	Classic Developments NZ Ltd [Horticulture New Zealand C/- Charlotte Drury]	Oppose	The amenity and traffic effects of cleanfill activities at scale are already controlled through Regional Plan provisions.	That the submission be rejected.
			FS 38 [13]	4 [11]	Zariba Holdings [Horticulture New Zealand C/- Charlotte Drury]	Oppose	The amenity and traffic effects of cleanfill activities at scale are already controlled through Regional Plan provisions.	That the submission be rejected.
			15	1	Matthews, Richard James	Unknown	The current WBOPDC rules make dumping a "permitted activity" requiring only BOPRC Consent. How are the proposed changes going to address neighbouring properties concerns?	No specific relief sought.

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				15	2	Matthews, Richard James	Unknown	How is WBOPDC going to address 100,000 cubic metres per year; 20,000 - 40,000 truck movements per year if it is only concerned about 1% of this?	No specific relief sought.
				15	3	Matthews, Richard James	Unknown	BOPRC consent only addresses: a. Noise - trucks need COF b. Dust - must be visible, not visibly blown onto neighbouring properties; will only be checked annually; relies on complaints. c. The consent allows 24/7 dumping for 20 years without any ability to change.	No specific relief sought.
				16	1	BayGold Limited	Oppose	BayGold expresses concerns as developers, they are already required to acquire a BOPRC resource consent for any exposed area no greater than 1 hectare and volume no greater than 5,000m ³ . We feel that this consent should cover the need (if any) to also transport up to 5000m ³ . We are unsure what the benefit would be of introducing another resource consent for deposition of cleanfill when it is not necessary to get a resource consent for earthworks <5,000m ³ ? The majority of earthworks are done within the boundary of a site but there are times when the deposition of cleanfill is necessary and the need for a District Council resource consent will only slow the progress of kiwifruit development.	We feel that the resource consent (from BOPRC) should cover the need (if any) to also transport up to 5000m ³ .
				FS 32 [16]	2 [1]	Kainga Ora - Homes & Communities [BayGold Limited]	Oppose	Kainga Ora opposes this submission point as it is contrary to the relief sought in Kainga Ora's primary submission, and the reasons for that relief. In any event, Kainga Ora considers that a generic 5000m ³ cleanfill threshold is not appropriate.	Oppose introducing provisions to require resource consent for cleanfill activities involving the deposition of more than 5,000m ³ of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones.
				FS 36 [16]	5 [1]	NZ Transport Agency [BayGold Limited]	Oppose	The proposed permitted threshold of 1,000m ³ is considered to be appropriate for cleanfill activities. The heavy vehicle movements generated by cleanfill operations have the potential to adversely affect the state highway network in terms of traffic safety and efficiency. Appendix SB of the NZ Transport Agency's Planning Policy Manual (PPM) sets out key considerations for accessways onto State Highways. These guidelines provide some context in terms of when trip generating activities are likely to cause safety and traffic efficiency effects that need to be avoided, remedied or mitigated. Council has estimated the trip generation associated with a 1000m ³ cleanfill operation to be in the order of 200-400 vehicle movements. Appendix SB of the PPM specifies that where more than one slow, heavy or long vehicle (such as trucks delivering cleanfill) will utilise an accessway, a larger than normal accessway standard is required (Diagrams D and E) to accommodate safe ingress and egress. The	The Transport Agency seeks that PC85 be approved in its current form.

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								<p>resource consent process is an appropriate mechanism for the accessways of cleanfill activities to be assessed, and appropriate standards applied or alternative solutions provided for.</p> <p>Sightlines to and from accessways are another important factor set out in the PPM. Many potential State Highway accessway locations will not have compliant sightlines. Trucks associated with cleanfill operations are vulnerable to sightline deficiencies given that they are typically slow and long. For this reason, a sightline assessment through the resource consent process is considered to be appropriate for cleanfill activates generating in the order of 200-400 heavy vehicle movements.</p> <p>Given the statutory functions of Bay of Plenty Regional Council, the traffic effects associated with cleanfill operations are not assessed at the regional consent stage. For the purposes of ensuring that traffic effects are managed, the regional plan's earthworks volume threshold is not relevant.</p> <p>1000m3 would not be an unusually low permitted threshold in comparison to the cleanfill provisions of other district plans across the country.</p>	
				FS 37 [16]	5 [1]	Classic Developments NZ Ltd [BayGold Limited]	Support	We agree that resource consent from the Bay of Plenty Regional Council is sufficient to cover the need for the consent of cleanfills.	That the submission be accepted.
				FS 38 [16]	5 [1]	Zariba Holdings [BayGold Limited]	Support	We agree that resource consent from the Bay of Plenty Regional Council is sufficient to cover the need for the consent of cleanfills.	That the submission be accepted.
				17	5	Bay Of Plenty Regional Council	Support	BOPRC support the proposed Plan Change 85 rules aimed at controlling traffic, amenity and noise effects resulting from cleanfill activities in rural environment. It is appropriate these effects are dealt with in the District Plan and not the Regional Natural Resources Plan.	No specific relief sought.
				FS 37 [17]	6 [5]	Classic Developments NZ Ltd [Bay Of Plenty Regional Council]	Oppose	Existing District Plan Rules already cover amenity effects raised in the submission.	That the submission be rejected.
				FS 38 [17]	6 [5]	Zariba Holdings [Bay Of Plenty Regional Council]	Oppose	Existing District Plan Rules already cover amenity effects raised in the submission.	That the submission be rejected.
				19	4	Federated Farmers Of New Zealand (Inc)	Oppose	<p>Preferred Option 2 attempts to control two quite different aspects of off-site cleanfill disposal to the detriment of both. Amenity issues are addressed using a blunt, one size fits all approach and financial contributions are being sought from third parties not the proposed exacerbators.</p> <p>The attempt to address the heavy vehicle effects</p>	<p>Oppose preferred Option 2 in the s32 Report - funding for roading maintenance and repair should be considered in a Development Contribution policy not a Plan Change.</p> <p>Proposed Option 5 in the s32 Report would better meet the identified amenity effects issue if transport-related effects are addressed via Development Contributions</p>

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								<p>on the transport network through the proposed rules has focused on a third party rather than the parties generating the proposed effects.</p> <p>Council identifies the driver for this plan change as being the increasing need for developers, or their contractors, to dispose of large quantities of cleanfill material to off-site locations. If an exacerbator-pays approach is desired, then it is more appropriate to seek a financial contribution for road wear and tear from the developers but this alternative was not considered in the section 32 analysis. If the current development contributions do not cover extra road maintenance and repair required because of additional heavy vehicle traffic needed to move clean fill, then it is the policy which needs a review. It should not be addressed indirectly by creating low triggers to increase the number of resource consents required and subsequent increase in consent fees. With the proposed transport issue more appropriately addressed elsewhere, Council can use the more targeted approach as outlined in Option 5 to meet the stated amenity concerns.</p>	
				FS 37 [19]	7 [4]	Classic Developments NZ Ltd [Federated Farmers Of New Zealand (Inc)]	Support	We consider that the s.32 analysis is insufficient in terms of its analysis of the effects on roads. There are a number of other permitted activities such as farming and forestry which are provided for which have similar effects.	That the submission be accepted in part if Council is to levy development contributions outside of the RMA process.
				FS 38 [19]	7 [4]	Zariba Holdings [Federated Farmers Of New Zealand (Inc)]	Support	We consider that the s.32 analysis is insufficient in terms of its analysis of the effects on roads. There are a number of other permitted activities such as farming and forestry which are provided for which have similar effects.	That the submission be accepted in part if Council is to levy development contributions outside of the RMA process.
				20	6	NZ Transport Agency	Support	<p>The traffic generated by clean fill activities has the potential to adversely affect the state highway network in terms of traffic safety and efficiency, as well as road maintenance.</p> <p>The deposition of clean fill on private land is generally a permitted activity under the operative District Plan, which represents a gap in the Council's ability to manage the effects associated with this activity. Proposed PC85 will introduce rules that enable the management of these effects, which is supported by the Transport Agency.</p> <p>The proposed permitted threshold of 1,000m3 annually is considered to be appropriate and the proposed assessment criteria are considered to be comprehensive in terms of the relevant effects to NZTA.</p>	Adopt PC85 as notified.
				FS 35 [20]	4 [6]	J Swap Contractors Ltd [NZ Transport Agency]	Oppose	J Swaps opposes adopting PC85 as notified.	Amend plan changes as per J Swaps submission and exclude authorised quarries.
				21	13	New Zealand	Oppose	NZKGI are unsure what the benefit would be of	We therefore support Option 3 - Introduce District

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					Kiwifruit Growers		<p>introducing another resource consent for any deposition of clean fill under 5000m³. Bay of Plenty Regional Council already have rules relating to earthworks and quarries require a resource consent for any exposed area greater than one hectare and volume greater than 5,000 m³.</p> <p>This resource consent should cover the need (if any) to transport up to 5000m³ of clean fill.</p>	Plan provisions (including policies, rules and assessment criteria) to require resource consent for cleanfill activities involving the deposition of more than 5,000m ³ of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones (Issue 3 - Option 3 in the s92 Report).
			FS 32 [21]	3 [13]	Kainga Ora - Homes & Communities [New Zealand Kiwifruit Growers]	Oppose	<p>Kainga Ora opposes this submission point as it is contrary to the relief sought in Kainga Ora's primary submission, and the reasons for that relief. In any event, Kainga Ora considers that a generic 5000m³ cleanfill threshold is not appropriate.</p>	Oppose introducing provisions to require resource consent for cleanfill activities involving the deposition of more than 5,000m ³ of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones.
			FS 33 [21]	19 [13]	Horticulture New Zealand [New Zealand Kiwifruit Growers]	Support	<p>HortNZ notes the request expressed by a number of submitters (for example Submitters 8, 12, 21, 25) in relation to Plan Change 85 - Cleanfill, for there to be consistency between the volume thresholds of the Bay of Plenty Natural Resources Plan, and the Western Bay of Plenty District Plan, and supports this request, which is effectively proposed Option 3, as set out in the Section 32 report for Plan Change 85. Creating consistency amongst planning frameworks where possible is positive for growers, (and all members of the community) as it reduces the risk of confusion, and also potentially provides an opportunity for some cost savings for those people that do need to apply for resource consent from both authorities, if the trigger/threshold level is the same.</p>	Supports aligning proposed Plan Change 85 with BOPRC Regional Natural Resource Plan rules to allow a maximum of 5,000m ³ cleanfill material in a 12 month period.
			FS 36 [21]	6 [13]	NZ Transport Agency [New Zealand Kiwifruit Growers]	Oppose	<p>The proposed permitted threshold of 1,000m³ is considered to be appropriate for cleanfill activities. The heavy vehicle movements generated by cleanfill operations have the potential to adversely affect the state highway network in terms of traffic safety and efficiency. Appendix SB of the NZ Transport Agency's Planning Policy Manual (PPM) sets out key considerations for accessways onto State Highways. These guidelines provide some context in terms of when trip generating activities are likely to cause safety and traffic efficiency effects that need to be avoided, remedied or mitigated.</p> <p>Council has estimated the trip generation associated with a 1000m³ cleanfill operation to be in the order of 200-400 vehicle movements. Appendix SB of the PPM specifies that where more than one slow, heavy or long vehicle (such as trucks delivering cleanfill) will utilise an accessway, a larger than normal accessway standard is required (Diagrams D and E) to accommodate safe ingress and egress. The resource consent process is an appropriate mechanism for the accessways of cleanfill activities to be assessed, and appropriate standards applied or alternative solutions</p>	The Transport Agency seeks that PC85 be approved in its current form.

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							provided for.	
							<p>Sightlines to and from accessways are another important factor set out in the PPM. Many potential State Highway accessway locations will not have compliant sightlines. Trucks associated with cleanfill operations are vulnerable to sightline deficiencies given that they are typically slow and long. For this reason, a sightline assessment through the resource consent process is considered to be appropriate for cleanfill activities generating in the order of 200-400 heavy vehicle movements.</p> <p>Given the statutory functions of Bay of Plenty Regional Council, the traffic effects associated with cleanfill operations are not assessed at the regional consent stage. For the purposes of ensuring that traffic effects are managed, the regional plan's earthworks volume threshold is not relevant.</p> <p>1000m3 would not be an unusually low permitted threshold in comparison to the cleanfill provisions of other district plans across the country.</p>	
			24	1	Housing New Zealand Corporation	Oppose	Housing New Zealand considers that the s32 report specific to PC85 has failed to justify the need for the PC85 and the proposed introduction of new earthworks rule thresholds for cleanfill activities in the Rural, Future Urban, Lifestyle and Rural-Residential zones.	(a) That PC85 be declined; (b) If PC85 is not declined, that the proposed provisions of PC85 be deleted and/or amended to address the matter raised in this submission; and (c) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.
			FS 37 [24]	8 [1]	Classic Developments NZ Ltd [Housing New Zealand Corporation]	Support	We agree with Housing NZ that the s.32 analysis has failed to justify the need for the plan change and the proposed introduction of new rules for cleanfill activities.	That the submission be accepted.
			FS 38 [24]	8 [1]	Zariba Holdings [Housing New Zealand Corporation]	Support	We agree with Housing NZ that the s.32 analysis has failed to justify the need for the plan change and the proposed introduction of new rules for cleanfill activities.	That the submission be accepted.
			24	2	Housing New Zealand Corporation	Oppose	Housing New Zealand considers the s32 report has not robustly assessed and considered the various cost and benefits of the 'preferred option'. The preferred option chosen by the Council has failed to address in any way the issue of 'proximity to sensitive activities', instead simply seeking to introduce a default earthworks volume threshold (of 1,000m3 of cleanfill per year), irrespective of whether the material would be deposited in a location which has the potential to adversely affect a sensitive activity. This aspect of 'proximity to sensitive activities' appears to be a key reason for the promulgation of proposed PC85, yet the proposed provisions have failed to adequately address this matter.	(a) That PC85 be declined; (b) If PC85 is not declined, that the proposed provisions of PC85 be deleted and/or amended to address the matter raised in this submission, in particular for this submission point that if any new provisions are required within the District Plan to address the matters of concern, then an approach along the lines of the 'Option 5' (which incorporates location /proximity-based provisions), set out in the s32 report, would be more appropriate; and (c) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.
			FS 37 [24]	9 [2]	Classic Developments NZ	Support	We agree with Housing NZ that the s.32 report has not robustly assessed and considered the	We consider that the submission should be accepted and Plan Change 85 should be declined

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						Ltd [Housing New Zealand Corporation]		various costs and benefits of preferred options.	or, if adopted, option 5 (incorporating location proximity-based provisions) would be more appropriate (including a set back from existing dwellings).
				FS 38 [24]	9 [2]	Zariba Holdings [Housing New Zealand Corporation]	Support	We agree with Housing NZ that the s.32 report has not robustly assessed and considered the various costs and benefits of preferred options.	We consider that the submission should be accepted, and Plan Change 85 should be declined or, if adopted, option 5 (incorporating location proximity-based provisions) would be more appropriate (including a set back from existing dwellings).
				25	2	The Aggregate And Quarry Association Of New Zealand	Support with Amendment	We are also concerned that if PC85 goes ahead, existing rights are not lost so that any quarries authorised to take cleanfill via an existing resource consent (consistent with the exemption for authorised landfills) are still able to do so.	Consent must not be triggered for any quarries authorised to take clean fill via an existing resource consent (consistent with the exemption for authorised landfills).
				FS 35 [25]	5 [2]	J Swap Contractors Ltd [The Aggregate And Quarry Association Of New Zealand]	Support	The submitter seeks that existing rights are not lost so that any quarries authorised to take cleanfill via an existing resource consent are still able to do so.	J Swaps supports this approach.
PC85	Whole of Plan Change	2	Amenity Effects	8	2	Shrimpton And Lipinski Limited Partnership	Oppose	The matters addressed by the District Plan provisions should be confined to matters of amenity.	The matters addressed by the District Plan provisions should be confined to matters of amenity.
				15	5	Matthews, Richard James	Unknown	Neighbouring properties are often close to the loading sites to reduce travel costs. This means they are also likely to include use of shared driveways, close proximity to other neighbours, long term effects on rateable values, dramatic effect on the peace and tranquillity sought by such landowners and a roading infrastructure being destroyed by so many heavy vehicles. As an example, Oropi Rd has 2 permitted sites allowing 700,000m3 i.e. 280,000 truck movements.	Could you please explain how the neighbouring properties are going to have their concerns heard and addressed and how the roading costs being imposed are going to be addressed?
				FS 37 [15]	10 [5]	Classic Developments NZ Ltd [Matthews, Richard James]	Oppose	Cleanfills are a legitimate activity required in rural areas and to cater for fill from urban development. They are relatively short term in nature and should be provided for.	That the submission be rejected.
				FS 38 [15]	10 [5]	Zariba Holdings [Matthews, Richard James]	Oppose	Cleanfills are a legitimate activity required in rural areas and to cater for fill from urban development. They are relatively short term in nature and should be provided for.	That the submission be rejected.
				15	6	Matthews, Richard James	Support with Amendment	Need Council to legislate protection for neighbours to large fill sites.	Submitter requests that Council enforces mandatory notification to bordering properties, collecting their views and addressing them wherever practical.
				15	7	Matthews, Richard James	Unknown	The submitter acknowledges that these fill sites are necessary for urban development but neighbouring properties should have input on their effects and legal support for practical ameliorating actions.	No specific relief sought.
				24	3	Housing New Zealand Corporation	Oppose	Housing New Zealand also notes that the wider 'amenity' related provisions, as set out in Section 4C of the operative District Plan which already contains general, 'district-wide' provisions relating to noise and vibration (including noise	(a) That PC85 be declined; (b) If PC85 is not declined, that the proposed provisions of PC85 be deleted and/or amended to address the matter raised in this submission; and (c) Such further or other relief, or other

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								limits for activities within the Rural, Future Urban, Lifestyle and Rural-Residential zones) and also confirms that noise from traffic on public roads is exempt from the noise rules relating to activities within zones. The submitter considers that this current approach within the District Plan acknowledges that matters relating to noise emissions from vehicles on roads are managed under the Land Transport Act, rather than under the Resource Management Act.	consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.
				FS 37 [24]	11 [3]	Classic Developments NZ Ltd [Housing New Zealand Corporation]	Support	Existing district wide plan provisions relating to noise, and vibration are already contained within the District Plan and apply to cleanfill activities. This extends to construction noise standards under NZ6803.	That the submission be accepted.
				FS 38 [24]	11 [3]	Zariba Holdings [Housing New Zealand Corporation]	Support	Existing district wide plan provisions relating to noise, and vibration are already contained within the District Plan and apply to cleanfill activities. This extends to construction noise standards under NZ6803.	That the submission be accepted.
				24	4	Housing New Zealand Corporation	Oppose	Section 4C of the District Plan also contains the existing provisions relating to the deposition of cleanfill materials, including performance standards which need to be complied with (as a Permitted Activity) in relation to screening and management of dust nuisance. Section 4C.4 of the operative District Plan also contains provision in relation to the management of offensive odours. The submitter considers that the provisions of the operative District Plan provide an appropriate framework to manage the amenity related issues which PC85 is seeking to address.	(a) That PC85 be declined; (b) If PC85 is not declined, that the proposed provisions of PC85 be deleted and/or amended to address the matter raised in this submission; and (c) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.
				FS 37 [24]	12 [4]	Classic Developments NZ Ltd [Housing New Zealand Corporation]	Support	The existing provisions in part 4 of the plan contain sufficient performance standards.	That the submission be accepted as the District Plan provides an appropriate existing framework to manage the amenity related issues associated with the Plan Change.
				FS 38 [24]	12 [4]	Zariba Holdings [Housing New Zealand Corporation]	Support	The existing provisions in part 4 of the plan contain sufficient performance standards.	That the submission be accepted as the District Plan provides an appropriate existing framework to manage the amenity related issues associated with the Plan Change.
				24	6	Housing New Zealand Corporation	Oppose	The proposed amendments set out in PC85 appear to indicate that the issue of amenity-related effects within the rural environment are sought to be managed through introducing new earthwork volume thresholds within the rural zones, while the existing District Plan approach (e.g. no identified volume threshold) would continue to apply within residential zones. Given 'sensitive activities' are generally located much closer together within the residential environment - it is unclear why Council has considered that the 'amenity related' issues it has identified in the s32 report requirement	(a) That PC85 be declined; (b) If PC85 is not declined, that the proposed provisions of PC85 be deleted and/or amended to address the matter raised in this submission; and (c) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.

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								further management in the rural environment, but not within the residential environment.	
PC85	Whole of Plan Change	3	Transportation Effects	8	3	Shrimpton And Lipinski Limited Partnership	Oppose	<p>There are at times significant vehicle movements including heavy vehicles both to and from and on properties in a rural environment from several permitted activity types in the Rural Zone that would have a significantly greater effect than movements associated with fill activities.</p> <p>A combination of seasonal and year round movements associated with a range of rural and other activities is similar in nature to those associated with any clean fill activities subject to the proposed change. They are short term and include concentrations of heavy vehicle movements during seasonal operations, which is similar to the short term nature of fill operations.</p> <p>Gradual filling operations over longer periods of time can result in more random heavy vehicle movements often from when casually obtained fill is obtained. The random or infrequent nature of these movements means they are not easily discernible from the other occasional or less concentrated heavy vehicle movements associated with non-seasonal and year round farming and other activities.</p> <p>Fill operations are often an important part of farm management and development as are other activities that generate heavy vehicle movements. Rural areas are productive environments in which heavy vehicle movement should be expected.</p> <p>Fill can commonly occur on 1 or few rural properties in a rural neighbourhood at a time. When considered with regard to the total movements associated with farming activities along rural roads the effects may be expected to be indiscernible.</p> <p>This indicates with regard to rural areas, a wider community acceptance of heavy vehicle movement due to recognition it is a productive area and includes activities generating heavy vehicle movements on a regular and seasonal basis.</p> <p>In regard to Future Urban and Rural Residential zones, such movements may be expected to be accepted as part of the development of these areas.</p>	If Council desires to provide control over effects on amenities from vehicle movements associated with fill activities, the alternative that is already in the District Plan is separation distances. Application of a minimum distance for access routes from sensitive activities such as dwellings would follow this already established model and address the effect of concern directly.
				FS 37 [8]	13 [3]	Classic Developments NZ Ltd [Shrimpton And Lipinski Limited Partnership]	Support	If the plan change is to be granted, then the best control over effects on amenities from vehicle movements is to establish separation distances. These should be established under existing performance standards for cleanfill activities in part 4(c) of the District Plan.	That the submission be accepted in part if the plan change is to be granted and proximity-based provisions be adopted to retain clean fill activities as a permitted activity.
				FS 38	13	Zariba Holdings	Support	If the plan change is to be granted, then the best	That the submission be accepted in part if the plan

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				[8]	[3]	[Shrimpton And Lipinski Limited Partnership]		control over effects on amenities from vehicle movements is to establish separation distances. These should be established under existing performance standards for cleanfill activities in part 4(c) of the District Plan.	change is to be granted and proximity based provisions be adopted to retain clean fill activities as a permitted activity.
				13	12	Horticulture New Zealand C/- Charlotte Drury	Support with Amendment	HortNZ agrees that impacts on the roading network will occur as a result of cleanfill activities but notes that the volume of material that it has been estimated that a truck can carry (5m3-10m3), which has formed the basis of calculations used to estimate potential vehicle movements resulting from a cleanfill activity, does appear to be rather conservative. Potential impacts (in terms of number of truck movements) on the roading network may therefore not be as significant as indicated.	HortNZ supports Option 4 in the s32 Report as it would provide a more nuanced approach to managing the effects of cleanfills. HortNZ suggests that the further development and adoption of this option would enable effort (both time and cost) to be better targeted to circumstances where the potential impacts of cleanfills may be greater.
				15	4	Matthews, Richard James	Support with Amendment	As it is acknowledged that the dumping traffic increases roading damage shouldn't there be a greater roading contribution from the dumping agent and the landowner, proportional to the proposed quantity of fill? The submitter asks how the neighbouring properties are going to have their concerns heard and addressed and how the roading costs being imposed are going to be addressed.	As it is acknowledged that the dumping traffic increases roading damage shouldn't there be a greater roading contribution from the dumping agent and the landowner, proportional to the proposed quantity of fill?
				FS 34 [15]	2 [4]	Federated Farmers Of New Zealand (Inc) [Matthews, Richard James]	Support	FFNZ raised a similar point in our principle submission with regards to road damage being paid for by the exacerbator. For this reason we support the submission to the extent that it seeks similar relief from the dumping agent but FFNZ does not believe the receiving landowner is an exacerbator and should not be targeted for financial contributions.	There should be a greater roading contribution from the dumping agent, proportional to the proposed quantity of fill.
				24	5	Housing New Zealand Corporation	Oppose	In relation to the s32 assessment of the potential effects on the transport network, the proposed earthworks volume threshold of 1,000m3 per year would result in approximately 200 - 400 truck movements per day (assuming a truck carries 5m3 or 10m3 of material), meaning only 1 to 2 two-way movements per day. Housing New Zealand notes that the s32 report contains no information to justify or clarify why such a low volume of truck movements per day would require management through the District Plan, or what level of potential effects on the road network could be caused by one or two truck movements per day to any given site.	(a) That PC85 be declined; (b) If PC85 is not declined, that the proposed provisions of PC85 be deleted and/or amended to address the matter raised in this submission; and (c) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.
				FS 36 [24]	7 [5]	NZ Transport Agency [Housing New Zealand Corporation]	Oppose	The proposed permitted threshold of 1,000m ³ is considered to be appropriate for cleanfill activities. The heavy vehicle movements generated by cleanfill operations have the potential to adversely affect the state highway network in terms of traffic safety and efficiency. Appendix SB of the NZ Transport Agency's Planning Policy Manual (PPM) sets out key considerations for accessways onto State Highways. These guidelines provide some context in terms of when trip generating	The Transport Agency seeks that PC85 be approved in its current form.

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								<p>activities are likely to cause safety and traffic efficiency effects that need to be avoided, remedied or mitigated.</p> <p>Council has estimated the trip generation associated with a 1000m³ cleanfill operation to be in the order of 200-400 vehicle movements. Appendix SB of the PPM specifies that where more than one slow, heavy or long vehicle (such as trucks delivering cleanfill) will utilise an accessway, a larger than normal accessway standard is required (Diagrams D and E) to accommodate safe ingress and egress. The resource consent process is an appropriate mechanism for the accessways of cleanfill activities to be assessed, and appropriate standards applied or alternative solutions provided for.</p> <p>Sightlines to and from accessways are another important factor set out in the PPM. Many potential State Highway accessway locations will not have compliant sightlines. Trucks associated with cleanfill operations are vulnerable to sightline deficiencies given that they are typically slow and long. For this reason, a sightline assessment through the resource consent process is considered to be appropriate for cleanfill activities generating in the order of 200-400 heavy vehicle movements.</p> <p>Given the statutory functions of Bay of Plenty Regional Council, the traffic effects associated with cleanfill operations are not assessed at the regional consent stage. For the purposes of ensuring that traffic effects are managed, the regional plan's earthworks volume threshold is not relevant.</p> <p>1000m³ would not be an unusually low permitted threshold in comparison to the cleanfill provisions of other district plans across the country.</p>	
				FS 37 [24]	14 [5]	Classic Developments NZ Ltd [Housing New Zealand Corporation]	Support	The s.32 report contains no information to justify how low volumes of truck movements requirement management through the District Plan.	That the submission be accepted.
				FS 38 [24]	14 [5]	Zariba Holdings [Housing New Zealand Corporation]	Support	The s.32 report contains no information to justify how low volumes of truck movements requirement management through the District Plan.	That the submission be accepted.
PC85-01	4C.2.1 - Significant Issue	1	Significant Issue	9	2	J Swap Contractors Ltd C/- Richard Harkness	Support	Swaps supports the changes proposed which focus on amenity values, effects on transportation network and infrastructure, and on the safety of road users and vehicle accessways.	Adopt Significant Issue 4C.2.1 as proposed.
				12	1	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Support	Significant Issue 4C.2.1 clearly identifies the issues to be managed by the plan provisions.	Retain Significant Issue 4C.2.1 as notified.

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				FS 35 [12]	6 [1]	J Swap Contractors Ltd [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	The submitter seeks that significant issue 4C.2.1 is adopted as proposed. The changes proposed focus on amenity values, effects on transportation network and infrastructure, and on the safety of road users and vehicle accessways.	J Swaps also seek that Significant Issue 4C.2.1 is adopted as proposed.
				FS 35 [12]	7 [2]	J Swap Contractors Ltd [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	The submitter seeks that policy 4C.2.2.2.3 is amended to provide more specific guidance as to how effects are to be managed.	J Swaps supports in part the amendments to Policy 4C.2.2.2.3. However, J Swaps also still requests that the policy adequately addresses reverse sensitivity for existing quarry sites (including identified sites and active extraction quarry sites).
PC85-02	4C.2.2.2 - Objectives and Policies - Policy	1	4C.2.2.2.3 Policy	9	3	J Swap Contractors Ltd C/- Richard Harkness	Support with Amendment	Swaps 'supports in part' the changes proposed to 4C.2.2.2.3 Policy subject to adequately addressing reverse sensitivity for existing quarry sites (including identified sites and active extraction quarry sites).	Add the following words to proposed Policy 4C.2.2.2.3: "... except where any proposed residential activities create reverse sensitivity issues for existing quarry sites." Or, alternatively amend Proposed Policy 4C.2.2.2.3, as follows: "...amenity of existing residential activities and other established sensitive sites (when the plan became operative)."
				FS 34 [9]	3 [3]	Federated Farmers Of New Zealand (Inc) [J Swap Contractors Ltd C/- Richard Harkness]	Support	FFNZ supports the submitter for reasons outlined in their principle submission.	Add the following words to proposed Policy 4C.2.2.2.3: "... except where any proposed residential activities create reverse sensitivity issues for existing quarry sites." Or, alternatively amend Proposed Policy 4C.2.2.2.3, as follows: "...amenity of existing residential activities and other established sensitive sites (when the plan became operative)."
				12	2	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Oppose	The word minimise introduces uncertainty into the policy. The common definition of 'minimise' is to reduce to the smallest possible amount or degree which is not always possible or even appropriate in an RMA context. A more directive policy linked to the relevant guidelines and standards for those effects to be managed would be appropriate. Minimisation of effects without a reference point provides limited guidance to consent applicants and decision makers as to what level of affect is acceptable.	Amend Policy 4C.2.2.2.3 to provide more specific guidance as to how effects are to be managed.
				FS 34 [12]	4 [2]	Federated Farmers Of New Zealand (Inc) [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	FFNZ supports the submitter for reasons outlined in their principle submission.	Amend Policy 4C.2.2.2.3 to provide more specific guidance as to how effects are to be managed.
PC85-03	4C.2.3.1 - Activity Lists - Rural, Future Urban, Rural-Residential and Lifestyle Zones	1	4C.2.3.1(a)(i) - (iii) Permitted Activities	8	1	Shrimpton And Lipinski Limited Partnership	Oppose	Rule 4C.2.3.1(a) should be aligned with the BOPRC Regional Natural Resource Plan rules for disturbance of land and soil to provide for a maximum of 5,000m3 in a 12-month period (for other than identified sensitive environments). Regional Council matters should be left for the Regional consenting regime as reference to them results in a duplication of processes with the potential for different and conflicting outcomes.	Align proposed Rule with BOPRC Regional Natural Resource Plan rules to allow a maximum of 5,000m3 cleanfill material in a 12 month period. Leave Regional Council matters to be considered under Regional Council consenting process to avoid duplication of processes.
				FS 33 [8]	1 [1]	Horticulture New Zealand	Support	HortNZ notes the request expressed by a number of submitters (for example Submitters 8	Supports aligning proposed Plan Change 85 with BOPRC Regional Natural Resource Plan rules to

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						[Shrimpton And Lipinski Limited Partnership]		12, 21, 25) in relation to Plan Change 85 - Cleanfill, for there to be consistency between the volume thresholds of the Bay of Plenty Natural Resources Plan, and the Western Bay of Plenty District Plan, and supports this request, which is effectively proposed Option 3, as set out in the Section 32 report for Plan Change 85. Creating consistency amongst planning frameworks where possible is positive for growers, (and all members of the community) as it reduces the risk of confusion, and also potentially provides an opportunity for some cost savings for those people that do need to apply for resource consent from both authorities, if the trigger/threshold level is the same.	allow a maximum of 5,000m3 cleanfill material in a 12 month period.
				FS 35 [8]	8 [1]	J Swap Contractors Ltd [Shrimpton And Lipinski Limited Partnership]	Oppose	The submitter seeks that Rule 4C.2.3.1(a) should be aligned with the BOPRC Regional Natural Resource Plan rules for disturbance of land and soil to provide for a maximum of 5,000m3 in a 12-month period.	While J Swaps supports the intent of raising the threshold from 1000m3 to 5000m3, J Swaps seek that quarry activities are exempt from PC 85, rather than the 1000m3 volume limit being replaced with the 5000m3 limit for consistency with the BOPRC's RNRP.
				FS 36 [8]	8 [1]	NZ Transport Agency [Shrimpton And Lipinski Limited Partnership]	Oppose	<p>The proposed permitted threshold of 1,000m 3 is considered to be appropriate for cleanfill activities. The heavy vehicle movements generated by cleanfill operations have the potential to adversely affect the state highway network in terms of traffic safety and efficiency. Appendix SB of the NZ Transport Agency's Planning Policy Manual (PPM) sets out key considerations for accessways onto State Highways. These guidelines provide some context in terms of when trip generating activities are likely to cause safety and traffic efficiency effects that need to be avoided, remedied or mitigated.</p> <p>Council has estimated the trip generation associated with a 1000m 3 cleanfill operation to be in the order of 200-400 vehicle movements. Appendix SB of the PPM specifies that where more than one slow, heavy or long vehicle (such as trucks delivering cleanfill) will utilise an accessway, a larger than normal accessway standard is required (Diagrams D and E) to accommodate safe ingress and egress. The resource consent process is an appropriate mechanism for the accessways of cleanfill activities to be assessed, and appropriate standards applied or alternative solutions provided for.</p> <p>Sightlines to and from accessways are another important factor set out in the PPM. Many potential State Highway accessway locations will not have compliant sightlines. Trucks associated with cleanfill operations are vulnerable to sightline deficiencies given that they are typically slow and long. For this reason, a sightline assessment through the resource consent process is considered to be appropriate for cleanfill activities generating in the order of 200-</p>	The Transport Agency seeks that PC85 be approved in its current form.

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							400 heavy vehicle movements. Given the statutory functions of Bay of Plenty Regional Council, the traffic effects associated with cleanfill operations are not assessed at the regional consent stage. For the purposes of ensuring that traffic effects are managed, the regional plan's earthworks volume threshold is not relevant. 1000m3 would not be an unusually low permitted threshold in comparison to the cleanfill provisions of other district plans across the country.		
				FS 37 [8]	15 [1]	Classic Developments NZ Ltd [Shrimpton And Lipinski Limited Partnership]	Support	Should the plan change proceed it should be aligned with Regional Plan provisions to avoid unnecessary duplication of process.	That the submission be accepted in part should the plan change be adopted.
				FS 38 [8]	15 [1]	Zariba Holdings [Shrimpton And Lipinski Limited Partnership]	Support	Should the plan change proceed it should be aligned with Regional Plan provisions to avoid unnecessary duplication of process.	That the submission be accepted in part should the plan change be adopted.
				9	4	J Swap Contractors Ltd C/- Richard Harkness	Oppose	Swaps opposes Proposed Rule 4C2.3.1(a)(i) which limits cleanfill to a limit of 1000m3 within any 12-month period for sites in Rural, Future Urban, Rural-Residential and Lifestyle Zones. This should not include quarry activities which already have regional council consents for earthworks and land use consents or existing use rights.	Amend proposed Rule 4C2.3.1(a)(i) to exclude quarry activities, by adding the following wording: "...except for authorised quarry activities."
				FS 34 [9]	5 [4]	Federated Farmers Of New Zealand (Inc) [J Swap Contractors Ltd C/- Richard Harkness]	Support	FFNZ supports the submitter for reasons outlined in their principle submission.	Amend proposed Rule 4C2.3.1(a)(i) to exclude quarry activities, by adding the following wording: "...except for authorised quarry activities."
				9	5	J Swap Contractors Ltd C/- Richard Harkness	Support	Swaps supports proposed Rule 4C2.3.1(a)(ii) and (iii) which provides for cleanfill and organic waste originating on the same site for disposal.	Adopt Rule 4C.2.3.1(a)(ii) and (iii) as proposed.
				12	3	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Support with Amendment	Under the BOPRC Regional Natural Resources Plan (RNRP) cleanfills that do not produce leachate are included under the definition of earthworks. Under RNRP rule LM R1, up to 5000 m3 of earthworks can be undertaken within any 12-month period as a permitted activity if the earthworks are outside of sand dunes, ephemeral flow paths, the coastal margin and urban and riparian areas and are not on a slope >25 to 350. The proposed 1000 m3 disposal limit within rule 4C.2.3.1(a) is therefore inconsistent with the RNRP. The s32 report outlines that the 1000 m3 limit will result in approximately 200 to 400 truck movements per year (assuming each truck carries between 5 m3 and 10 m3). It is unclear whether this calculation is incorrect or if compaction onsite has been factored in	Increase the volume of cleanfill that is able to be disposed of as a permitted activity to 5000 m3 per any month period to be consistent with the RNRP. The wording requested is as follows: Rule 4C.2.3.1 Rural, Future Urban, Rural-Residential and Lifestyle Zones (a) Permitted Activities Disposal on private land (i.e. not to an authorised landfill) of the following solid waste materials: (i) Cleanfill material originating from off the disposal site where the total volume of material does not exceed 15,000 m3 within any 12 month period; (ii) Cleanfill material originating from the same site on which it is to be disposed; (iii) Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.

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							Regardless, the s32 report indicates that this level of vehicle generation is acceptable and achieves the policy outcomes sought. A typical haulage truck can cart up to 10 m3 of material (without a trailer). Therefore, the 5000 m3 limit may generate approximately 500 - 600 truck movements per year or less than 2.5 truck movements per day when operating either five days per week; or a potential increase of approximately 100 - 200 vehicles movements per year over the PC85 limit. Vehicle generation will either be temporary if cleanfilling is concentrated, or of very low intensity if spread over the 12 month permitted period. In either scenario, a 5000 m3 limit is consistent with the intent of proposed Policy 4C.2.2.2.3 to manage the effects associated with cleanfill operations to an acceptable level, while also providing an integrated planning approach with the RNRP.	
			FS 32 [12]	4 [3]	Kainga Ora - Homes & Communities [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Oppose	Kainga Ora opposes this submission point as it is contrary to the relief sought in Kainga Ora's primary submission, and the reasons for that relief. In any event, Kainga Ora considers that a generic 5000m3 cleanfill threshold is not appropriate.	Oppose introducing provisions to require resource consent for cleanfill activities involving the deposition of more than 5,000m3 of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones.
			FS 33 [12]	18 [3]	Horticulture New Zealand [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	HortNZ notes the request expressed by a number of submitters (for example Submitters 8, 12, 21, 25) in relation to Plan Change 85 - Cleanfill, for there to be consistency between the volume thresholds of the Bay of Plenty Natural Resources Plan, and the Western Bay of Plenty District Plan, and supports this request, which is effectively proposed Option 3, as set out in the Section 32 report for Plan Change 85. Creating consistency amongst planning frameworks where possible is positive for growers, (and all members of the community) as it reduces the risk of confusion, and also potentially provides an opportunity for some cost savings for those people that do need to apply for resource consent from both authorities, if the trigger/threshold level is the same.	Supports aligning proposed Plan Change 85 with BOPRC Regional Natural Resource Plan rules to allow a maximum of 5,000m3 cleanfill material in a 12 month period.
			FS 34 [12]	6 [3]	Federated Farmers Of New Zealand (Inc) [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	FFNZ supports the submitter for reasons outlined in their principle submission.	Increase the volume of cleanfill that is able to be disposed of as a permitted activity to 5000 m3 per any month period to be consistent with the RNRP.
			FS 35 [12]	9 [3]	J Swap Contractors Ltd [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Oppose	While J Swaps supports the intent of raising the threshold from 1000m3 to 5000m3, J Swaps seek that quarry activities are exempt from PC 85, rather than the 1000m3 volume limit being replaced with the 5000m3 limit for consistency with the BOPRC's RNRP.	J Swaps seek that quarry activities are to be exempt from PC 85.
			FS 36 [12]	9 [3]	NZ Transport Agency [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Oppose	The proposed permitted threshold of 1,000m 3 is considered to be appropriate for cleanfill activities. The heavy vehicle movements generated by cleanfill operations have the potential to adversely affect the state highway	The Transport Agency seeks that PC85 be approved in its current form.

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							<p>network in terms of traffic safety and efficiency. Appendix SB of the NZ Transport Agency's Planning Policy Manual (PPM) sets out key considerations for accessways onto State Highways. These guidelines provide some context in terms of when trip generating activities are likely to cause safety and traffic efficiency effects that need to be avoided, remedied or mitigated.</p> <p>Council has estimated the trip generation associated with a 1000m³ cleanfill operation to be in the order of 200-400 vehicle movements. Appendix SB of the PPM specifies that where more than one slow, heavy or long vehicle (such as trucks delivering cleanfill) will utilise an accessway, a larger than normal accessway standard is required (Diagrams D and E) to accommodate safe ingress and egress. The resource consent process is an appropriate mechanism for the accessways of cleanfill activities to be assessed, and appropriate standards applied or alternative solutions provided for.</p> <p>Sightlines to and from accessways are another important factor set out in the PPM. Many potential State Highway accessway locations will not have compliant sightlines. Trucks associated with cleanfill operations are vulnerable to sightline deficiencies given that they are typically slow and long. For this reason, a sightline assessment through the resource consent process is considered to be appropriate for cleanfill activities generating in the order of 200-400 heavy vehicle movements.</p> <p>Given the statutory functions of Bay of Plenty Regional Council, the traffic effects associated with cleanfill operations are not assessed at the regional consent stage. For the purposes of ensuring that traffic effects are managed, the regional plan's earthworks volume threshold is not relevant.</p> <p>1000m³ would not be an unusually low permitted threshold in comparison to the cleanfill provisions of other district plans across the country.</p>		
				FS 37 [12]	16 [3]	Classic Developments NZ Ltd [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	Should the plan change proceed it should be aligned with Regional Plan provisions to avoid unnecessary duplication of process.	That the submission be accepted in part should the plan change be adopted.
				FS 38 [12]	16 [3]	Zariba Holdings [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	Should the plan change proceed it should be aligned with Regional Plan provisions to avoid unnecessary duplication of process.	That the submission be accepted in part should the plan change be adopted.
				25	1	The Aggregate And Quarry Association	Oppose	The District Plan definition of "quarrying" currently includes clean filling meaning that any	That the 1000 m3 volume limit should not be introduced and the existing 5000m3 limit, as

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						Of New Zealand		<p>consent application for a quarry which plans to accept clean fill as part of it's operation would normally cover off clean filling and no limit in terms of volume accepted is specified by the Plan. Reliance is placed on the BOPRC Regional Water & Land Plan provisions instead.</p> <p>We note that the proposed threshold of 1000m3/year cleanfill proposed under PC85 is much lower than the 5000m3 of earthworks that is permitted under the BOPRC Natural Resources Plan and considers the 1000m3 threshold is too restrictive and that the volume of cleanfill that is able to be disposed of as a permitted activity should be left at 5000m3 per any 12 month period.</p>	allowed under the Bay of Plenty Regional Natural Resources Plan, should apply.
				FS 33 [25]	20 [1]	Horticulture New Zealand [The Aggregate And Quarry Association Of New Zealand]	Support	<p>HortNZ notes the request expressed by a number of submitters (for example Submitters 8, 12, 21, 25) in relation to Plan Change 85 - Cleanfill, for there to be consistency between the volume thresholds of the Bay of Plenty Natural Resources Plan, and the Western Bay of Plenty District Plan, and supports this request, which is effectively proposed Option 3, as set out in the Section 32 report for Plan Change 85. Creating consistency amongst planning frameworks where possible is positive for growers, (and all members of the community) as it reduces the risk of confusion, and also potentially provides an opportunity for some cost savings for those people that do need to apply for resource consent from both authorities, if the trigger/threshold level is the same.</p>	Supports aligning proposed Plan Change 85 with BOPRC Regional Natural Resource Plan rules to allow a maximum of 5,000m3 cleanfill material in a 12 month period.
				FS 35 [25]	10 [1]	J Swap Contractors Ltd [The Aggregate And Quarry Association Of New Zealand]	Support	<p>The submitter seeks that the 1000 m3 volume limit should not be introduced and the existing 5000m3 limit, as allowed under the Bay of Plenty Regional Natural Resources Plan should apply.</p>	While J Swaps supports the intent of raising the threshold from 1000m3 to 5000m3, J Swaps seek that quarry activities are exempt from PC 85, rather than the 1000m3 volume limit being replaced with the 5000m3 limit for consistency with the BOPRC's RNRP.
				FS 36 [25]	11 [1]	NZ Transport Agency [The Aggregate And Quarry Association Of New Zealand]	Oppose	<p>The proposed permitted threshold of 1,000m 3 is considered to be appropriate for cleanfill activities. The heavy vehicle movements generated by cleanfill operations have the potential to adversely affect the state highway network in terms of traffic safety and efficiency. Appendix SB of the NZ Transport Agency's Planning Policy Manual (PPM) sets out key considerations for accessways onto State Highways. These guidelines provide some context in terms of when trip generating activities are likely to cause safety and traffic efficiency effects that need to be avoided, remedied or mitigated.</p> <p>Council has estimated the trip generation associated with a 1000m 3 cleanfill operation to be in the order of 200-400 vehicle movements. Appendix SB of the PPM specifies that where more than one slow, heavy or long vehicle (such as trucks delivering cleanfill) will utilise an accessway, a larger than normal accessway</p>	The Transport Agency seeks that PC85 be approved in its current form.

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								<p>standard is required (Diagrams D and E) to accommodate safe ingress and egress. The resource consent process is an appropriate mechanism for the accessways of cleanfill activities to be assessed, and appropriate standards applied or alternative solutions provided for.</p> <p>Sightlines to and from accessways are another important factor set out in the PPM. Many potential State Highway accessway locations will not have compliant sightlines. Trucks associated with cleanfill operations are vulnerable to sightline deficiencies given that they are typically slow and long. For this reason, a sightline assessment through the resource consent process is considered to be appropriate for cleanfill activates generating in the order of 200-400 heavy vehicle movements.</p> <p>Given the statutory functions of Bay of Plenty Regional Council, the traffic effects associated with cleanfill operations are not assessed at the regional consent stage. For the purposes of ensuring that traffic effects are managed, the regional plan's earthworks volume threshold is not relevant.</p> <p>1000m3 would not be an unusually low permitted threshold in comparison to the cleanfill provisions of other district plans across the country.</p>	
PC85-03	4C.2.3.1 - Activity Lists - Rural, Future Urban, Rural-Residential and Lifestyle Zones	2	4C.2.3.1(b) - Restricted Discretionary Activities	9	6	J Swap Contractors Ltd C/- Richard Harkness	Oppose	Swaps Opposes proposed Rule 4C.2.3.1(b) Restricted Discretionary Activities	Amend proposed Rule 4C.2.3.1(b)(i) Restricted Discretionary Activities to exclude quarry activities, by adding the following wording: "...except for authorised quarry activities."
				FS 34 [9]	7 [6]	Federated Farmers Of New Zealand (Inc) [J Swap Contractors Ltd C/- Richard Harkness]	Support	FFNZ supports the submitter for reasons outlined in their principle submission.	Amend proposed Rule 4C.2.3.1(b)(i) Restricted Discretionary Activities to exclude quarry activities, by adding the following wording: "...except for authorised quarry activities."
				12	4	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Support with Amendment	Fulton Hogan supports the restricted discretionary activity status. However, as discussed in relation to Rule 4C.2.3.1, the 1000 m3 limit should be raised to 5000 m3 to be consistent with the RNRP.	Increase the volume of cleanfill that triggers the restricted discretionary activity status to 5000 m3 within any 12-month period. The wording requested is as follows: Rule 4C.2.3.1 Rural, Future Urban, Rural- Residential and Lifestyle Zones (b) Restricted Discretionary Activities (i) Disposal of cleanfill material on private land (i.e. not to an authorised landfill) where the cleanfill material originates from off the site and the volume of material exceeds 15,000 m3 within any 12 month period.
				FS 32 [12]	5 [4]	Kainga Ora - Homes & Communities [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Oppose	Kainga Ora opposes this submission point as it is contrary to the relief sought in Kainga Ora's primary submission, and the reasons for that relief. In any event, Kainga Ora considers that a generic 5000m3 cleanfill threshold is not appropriate.	Oppose introducing provisions to require resource consent for cleanfill activities involving the deposition of more than 5,000m3 of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones.
				FS 34	8	Federated Farmers	Support	FFNZ agrees the limit threshold should be	Increase the volume of cleanfill that triggers the

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				[12]	[4]	Of New Zealand (Inc) [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]		increased to be consistent with the Regional Plan.	restricted discretionary activity status to 5000 m3 within any 12 month period.
				FS 35 [12]	11 [4]	J Swap Contractors Ltd [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	The submitter seeks that the volume of cleanfill that triggers the restricted discretionary activity status is increased to 5000 m3 within any 12-month period.	While J Swaps supports the intent of raising the threshold from 1000m3 to 5000m3, J Swaps seek that quarry activities are exempt from PC 85, rather than the 1000m3 volume limit being replaced with the 5000m3 limit for consistency with the BOPRC's RNRP.
				FS 36 [12]	10 [4]	NZ Transport Agency [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Oppose	<p>The proposed permitted threshold of 1,000m³ is considered to be appropriate for cleanfill activities. The heavy vehicle movements generated by cleanfill operations have the potential to adversely affect the state highway network in terms of traffic safety and efficiency. Appendix SB of the NZ Transport Agency's Planning Policy Manual (PPM) sets out key considerations for accessways onto State Highways. These guidelines provide some context in terms of when trip generating activities are likely to cause safety and traffic efficiency effects that need to be avoided, remedied or mitigated.</p> <p>Council has estimated the trip generation associated with a 1000m³ cleanfill operation to be in the order of 200-400 vehicle movements. Appendix SB of the PPM specifies that where more than one slow, heavy or long vehicle (such as trucks delivering cleanfill) will utilise an accessway, a larger than normal accessway standard is required (Diagrams D and E) to accommodate safe ingress and egress. The resource consent process is an appropriate mechanism for the accessways of cleanfill activities to be assessed, and appropriate standards applied or alternative solutions provided for.</p> <p>Sightlines to and from accessways are another important factor set out in the PPM. Many potential State Highway accessway locations will not have compliant sightlines. Trucks associated with cleanfill operations are vulnerable to sightline deficiencies given that they are typically slow and long. For this reason, a sightline assessment through the resource consent process is considered to be appropriate for cleanfill activities generating in the order of 200-400 heavy vehicle movements.</p> <p>Given the statutory functions of Bay of Plenty Regional Council, the traffic effects associated with cleanfill operations are not assessed at the regional consent stage. For the purposes of ensuring that traffic effects are managed, the regional plan's earthworks volume threshold is not relevant.</p> <p>1000m³ would not be an unusually low</p>	The Transport Agency seeks that PC85 be approved in its current form.

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								permitted threshold in comparison to the cleanfill provisions of other district plans across the country.	
PC85-03	4C.2.3.1 - Activity Lists - Rural, Future Urban, Rural-Residential and Lifestyle Zones	3	4C.2.3.1(c) - Discretionary Activities	9	7	J Swap Contractors Ltd C/- Richard Harkness	Oppose	Swaps opposes Rule 4C.2.3.1(c) Discretionary Activities where cleanfill exceeds a limit of 1000m3 within any 12-month period, and where solid waste (other than cleanfill) from off-site is disposed. This should not include authorized quarry sites.	Amend proposed Rule 4C.2.3.1(c)(i) Discretionary Activities to exclude quarry activities, by adding the following wording: "...except for authorised quarry activities."
PC85-03	4C.2.3.1 - Activity Lists - Rural, Future Urban, Rural-Residential and Lifestyle Zones	4	4C.2.3.1 - Explanatory Notes	8	4	Shrimpton And Lipinski Limited Partnership	Oppose	Movements associated with fill in other zones such as Rural Residential and Future Urban referred to in the proposed rule are concerned with construction of the urban or Rural Residential environments. These are recognised and short term construction activities common to development of these areas. They often result from the subdivision process in which effects from vehicle movement can be considered. Restriction on the number of movements, if not provided for in subdivision consents, which would be expected, will result in the rate of development being slowed considerably and thus dispersal of any effects over a longer time frame and thus causing a greater effect on amenities. In regard to Future Urban and Rural Residential zones, such movements may be expected to be accepted as part of the development of these areas.	No specific relief sought.
				17	6	Bay Of Plenty Regional Council	Support with Amendment	BOPRC support the proposed Explanatory Note in the draft rule that directs Plan users to the Regional Natural Resources Plan but notes this needs to be updated to refer instead to the Regional Natural Resources Plan.	Retain and amend proposed Explanatory Note 4C.2.3.1(iii) to read: 'Disposal of all solid waste on private land (including cleanfill) is subject to the provisions of the Regional Natural Resources Plan.
				FS 37 [17]	17 [6]	Classic Developments NZ Ltd [Bay Of Plenty Regional Council]	Oppose	The explanatory statement does not need to repeat matters in the natural resources plan as this results in unnecessary provisions which duplicate existing plan provisions elsewhere.	That the submission be rejected.
				FS 38 [17]	17 [6]	Zariba Holdings [Bay Of Plenty Regional Council]	Oppose	The explanatory statement does not need to repeat matters in the natural resources plan as this results in unnecessary provisions which duplicate existing plan provisions elsewhere.	That the submission be rejected.
PC85-04	4C.2.3.2 - Activity Lists - All Other Zones	1	4C.2.3.2(a) - Permitted Activities	12	5	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Support	Fulton Hogan suggest that the disposal of cleanfill material within urban zones as a permitted activity is considered appropriate. These urban zones typically have suitable transport infrastructure such that they can cater to the vehicle movements associated with a cleanfill. Additionally, a cleanfill within these zones will remain subject to the noise and vibration rules within the plan. Therefore, these effects will continue to be managed under the existing provisions and do not require further control.	Retain Rule 4C.2.3.2 as notified.
PC85-04	4C.2.3.2 - Activity Lists - All Other Zones	3	4C.2.3.2 - Explanatory Notes	12	6	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Oppose	Fulton Hogan suggests that the explanatory note is not considered necessary for the "All other Zones" rules within section 4C.2.3.2 as there is	Remove Rule 4C.2.3.2 Explanatory Note (ii) as outlined below: "(ii) The volume of cleanfill material is to be

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								no mention of volume in rules 4C.2.3.2 (a) and (b) that would need to be calculated to determine the activity status.	calculated as a solid measure compacted in place at the disposal site."
PC85-05	4C.2.4.1 - Activity Performance Standards - General	1	4C.2.4.1(d) - Processing of Cleanfill Material Sourced Off Site	9	10	J Swap Contractors Ltd C/- Richard Harkness	Support with Amendment	Clarification is sought on the use of the term, 'processing' within the Plan Change.	The submitter seeks clarification of the use of term "processing".
				FS 34 [9]	9 [10]	Federated Farmers Of New Zealand (Inc) [J Swap Contractors Ltd C/- Richard Harkness]	Support	FFNZ agrees that a better understanding of what is meant by the term 'processing' would be useful for plan users.	Clarification of the term 'processing' is sought in reference to 4C.2.4.1(d) - Processing of Cleanfill Material Sourced Off Site.
				9	9	J Swap Contractors Ltd C/- Richard Harkness	Oppose	Swaps Opposes proposed Rule 4C2.4.1(d) which requires all cleanfill material sourced from off-site to be ready for disposal without further processing.	Delete Rule 4C.2.4.1(d) as proposed in PC85, unless quarry sites are exempt.
				12	7	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Oppose	Fulton Hogan submits that it is uncertain what activities the terms 'dismantling' or 'processing' may preclude. Some processing of cleanfill material at the cleanfill site, such as sorting may be required in order to achieve site specific fill requirements. As currently worded, activity standard 4C.2.4.1(d) is not clear as to whether this activity would be precluded. The implications are that clean filling that requires some sorting or other minor processing may become non-compliant with this permitted activity rule immediately, and require a resource consent as a Restricted Discretionary activity.	Amend 4C.2.4.1(d) Activity Performance Standards - General to read as follows: "(d) Processing of Clean fill Material Sourced Off Site. All clean fill material sourced from off the site shall be ready for disposal without the need for mechanical crushing and screening occurring onsite prior to disposal."
				FS 34 [12]	10 [7]	Federated Farmers Of New Zealand (Inc) [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	FFNZ agrees that a better understanding of what is meant by the term 'processing' would be useful for plan users.	Clarification of the term 'processing' is sought in reference to 4C.2.4.1(d) - Processing of Cleanfill Material Sourced Off Site.
				FS 35 [12]	12 [7]	J Swap Contractors Ltd [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Oppose	The submitter seeks that Rule 4C.2.4.1(d) is amended as follows: "(d) Processing of Clean fill Material Sourced Off Site. All clean fill material sourced from off the site shall be ready for disposal without the need for mechanical crushing and screening occurring onsite prior to disposal." (delete reference to 'dismantling' or 'processing').	J Swaps seek that Rule 4C.2.4.1(d) is deleted as proposed in PC85, unless quarry sites are exempt.
PC85-06	4C.2.5.1 - Matters of Discretion - Restricted Discretionary Activities	1	4C.2.5.1(a) - (g)	9	11	J Swap Contractors Ltd C/- Richard Harkness	Support	Swaps supports proposed Rule 4C.2.5.1(a) - (g) for Restricted Discretionary Activities; and also as a guide for Discretionary Activities.	Adopt 4C.2.5.1(a) - (g) as proposed in PC85.
				FS 34 [9]	11 [11]	Federated Farmers Of New Zealand (Inc) [J Swap Contractors Ltd C/- Richard Harkness]	Support	Support is extended to the matters of discretion as proposed	Adopt 4C.2.5.1(a) - (g) as proposed in PC85.
				12	8	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Oppose	The submitter suggests that point (e) of provision 4C.2.5.1 Matters of Discretion - Discretionary Activities includes the views of the NZ Transport Agency as a matter of discretion. This is not an effect that can be addressed or assessed by an applicant or decision maker.	Reword provision 4C.2.5.1(e) as follows: (e) Effects on the State Highway network.

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								The matters of discretion should refer to the effects of an activity on the State Highway, which an applicant can avoid, remedy and mitigate, rather the NZ Transport Agencies views. The views of an outside third party should be considered after an effects assessment has been completed and through s.95 notification decisions as provided for under the RMA 1991.	
				15	8	Matthews, Richard James	Unknown	Matters of Discretion 4C.2.5.1 is unclear about its application for 1,000m3 per year or BOPRC consent. If WBOPDC apply it to all dumping, then it could conflict with BOPRC consent. If it doesn't then major dumpsites will have less protection than smaller sites.	No specific relief sought.
PC86	Whole of Plan Change	1	Whole of Plan Change	6	1	Spratt, Derek	Support	The plan change brings the maintenance of rivers, canals, drains maintained by Waihi Drainage District Society into line with current BOP Regional Council rules.	Support preferred option 3 from the Section 32 Report (i.e. retain the Plan Change as notified).
				19	5	Federated Farmers Of New Zealand (Inc)	Support	Federated Farmers supports the change to the current rules that will allow the Council, Regional Council and Waihi Drainage society to carry out maintenance of existing stopbanks and drains (including clearing of drains) as a permitted activity.	Adopt proposed changes to Rule 8.3.3(c)(ii) as notified.
PC86-01	8.3.3 - Activity Lists - Restricted Discretionary Activities	1	8.3.3(c)(ii) - Floodable Areas and Coastal Inundation Areas	1	4	Kinnoch, Daniel	Support with Amendment	The change proposed to Rule 8.3.3(c)(ii) conflicts with the change proposed to the same rule under Proposed Plan Change 84.	The changes proposed to Rule 8.3.3(c)(ii) should be made under one of the Proposed Plan Changes only (either Proposed Plan Change 84 or Proposed Plan Change 86).
				17	7	Bay Of Plenty Regional Council	Support	BOPRC supports Plan Change 86 to allow earthworks for the purposes of maintaining stopbanks and drains as a permitted activity in Floodable Areas and Coastal Inundation Areas. BOPRC's Rivers and Drainage staff are responsible for managing BOPRC's flood protection and land drainage assets in the District. BOPRC supports Plan Change 86 as it will enable Rivers and Drainage staff and the Waihi Drainage Society to carry out maintenance works to its flood protection assets and drainage channels without the need to obtain resource consent for earthworks exceeding 5m3.	Retain PC86 as notified.
				27	1	Tauranga Moana Partnership Forum	Oppose	Do not support any contractor freely excavating drains where some have developed ecological significance and do not support Waihi Drainage Society to have express permission.	Retain Rule 8.3.3(c)(ii) without change so that resource consent is needed for earthworks over 5m3 in relation to the maintenance of existing stopbanks and drains.
PC87	Whole of Plan Change	1	Whole of Plan Change	13	13	Horticulture New Zealand C/- Charlotte Drury	Support with Amendment	HortNZ submit that the ability for horticultural growers to operate frost fans when it is necessary to provide frost protection for their crops in an unimpeded manner is extremely important to the industry and therefore HortNZ supports this review of the existing district plan provisions. The proposed amendments would allow frost protection fans to operate as permitted activities if they can comply with the current controlled activity standards, which will avoid unnecessary	Adopt amended Rule 4C.1.3.6 to provide for frost protection fans as a permitted activity, subject to a number of permitted activity performance standards with a minor addition to (d) of Rule 4C.1.3.6 'or testing for operational readiness'. Adopt amended Rule 4C.1.3.6 to require restricted discretionary resource consent for any frost protection fan that fails to comply with the permitted activity performance standards. Adopt matters of discretion for restricted

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								cost and time associated with growers obtaining resource consents where the controlled activity standards can be complied with. The additional flexibility enabled by the ability to exceed the proposed noise standards if written approvals can be obtained is a pragmatic proposal.	discretionary frost protection fans as outlined in proposed Rule 4C.1.4.2.
				19	6	Federated Farmers Of New Zealand (Inc)	Support	Support the changes proposed to better provide for the operation of frost fans in rural areas and the management of effects on surrounding landowners. It is important that farmers and horticulturists can continue their production activities in the Rural Zone without undue reverse sensitivity complaints.	Adopt the changes proposed in Plan Change 87 as notified.
				FS 33 [19]	5 [6]	Horticulture New Zealand [Federated Farmers Of New Zealand (Inc)]	Support	The submitter supports the plan change and seeks that it be adopted. HortNZ supports the plan change with slight amendments.	Adopt PC87 with amendments as sought by HortNZ.
PC87-01	4C.1.3.2 - Noise Limits	1	4C.1.3.2(a)(iii) - Noise limits for activities in Residential, Rural-Residential, Future Urban, Rural and Lifestyle Zones	1	16	Kinnoch, Daniel	Support with Amendment	The rule as drafted is lengthy and not particularly easy to read.	Proposed Rule 4C.1.3.2(a)(iii) be re-worded as follows: (iii) Dwellings located within 300m of a frost protection fan must be designed and/or insulated so that internal noise levels do not exceed the levels in Table XXX below. Table XXX Area affected Level Bedrooms and sleeping areas 35dB LAeq Other habitable spaces 40db LAeq The levels in Table XXX must be met based on the maximum level of noise permitted by Rule 4C.1.3.6. Written certification of compliance with this rule shall be prepared by a suitably qualified and experienced acoustic engineer and submitted with the building consent application for the dwelling concerned. Where the windows of the dwelling are required to be closed to achieve compliance with the noise levels in Table XXX ventilation shall be provided in compliance with clause G4 of the New Zealand Building Code or any subsequent equivalent clause.
				FS 33 [1]	9 [16]	Horticulture New Zealand [Kinnoch, Daniel]	Oppose	It is critical that growers maintain the ability to operate frost protection fans as and when required. Justifications for the changes sought to the noise standards are not provided.	Reject submission to amend 4C.1.3.2. a) iii).
				1	17	Kinnoch, Daniel	Oppose	The rule has the potential to create additional cost for the construction of new houses/additions to avoid a potential reverse sensitivity effect for the limited period of time when frost protection fans operate.	The general principle of resource management law is that adverse effects be internalised as far as practicable first. The section 32 analysis is not considered to be sufficiently comprehensive in considering alternatives that could assist with addressing the identified environmental effect, besides 'handballing' the cost to new or existing home owners.

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				FS 33 [1]	10 [17]	Horticulture New Zealand [Kinnoch, Daniel]	Oppose	Horticulture is a permitted activity in the rural zone. If new dwellings seek to locate in proximity to existing frost fans then the potential for reverse sensitivity effects needs to be addressed at the time the dwelling is being constructed.	Reject submission to amend 4C.1.3.2. a) iii).
				1	18	Kinnoch, Daniel	Unknown	The section 32 analysis does not explain why a 300m separation distance is required from frost protection fans, versus the 200m specified under part (ii) of the rule from the Post-Harvest Zone boundary.	No specific relief sought.
				FS 33 [1]	11 [18]	Horticulture New Zealand [Kinnoch, Daniel]	Oppose	The differentiation between the Rural Zone and Post Harvest reflects the different activities undertaken in the zones.	Retain 4C.1.3.2. a) iii) as notified.
				1	19	Kinnoch, Daniel	Support with Amendment	There is nothing in the draft rule that would assist the plan user in ascertaining the maximum frost protection fan noise level that a home must be designed in anticipation of, nor where the frost fans are located, or whether new frost fans have been consented. While the package of changes would appear to require installers of the fans to notify the details of these to the consent authority, does the consent authority intend to create a publicly available online map that identifies the locations of said fans? If not, research would be required, including potentially obtaining the consent records for existing frost fans.	Consider adding an additional rule clause that ties dwelling design and insulation requirement to the maximum noise level allowed to be generated by the frost fans (though this would not assist where existing fans generate higher levels of noise already (potentially under existing use rights), or the consent authority grants an infringement to the permitted fan noise levels). Alternatively, redraft the rule to apply based on a specific zone interface, or zone location, rather than being based on separation from a fan that could require specific research and identification beyond plan zone maps, e.g. the rule could be made to only apply to new dwellings within or adjoining the Rural and Post- Harvest zones. This would also have the benefit of assisting to avoid reverse sensitivity effects from other rural production activities.
				FS 33 [1]	12 [19]	Horticulture New Zealand [Kinnoch, Daniel]	Oppose	It is critical that growers maintain the ability to operate frost protection fans as and when required. Justifications for the changes sought to the noise standards are not provided.	Reject submission to amend 4C.1.3.2. a) iii).
				1	20	Kinnoch, Daniel	Support with Amendment	There is no need to differentiate between new dwellings and additions of habitable spaces to existing dwellings. Simply referring to 'dwellings' would be sufficient to capture both. Existing dwellings will maintain existing use rights.	Proposed Rule 4C.1.3.2(a)(iii) be re-worded as follows: (iii) Dwellings located within 300m of a frost protection fan must be designed and/or insulated so that internal noise levels do not exceed the levels in Table XXX below. Table XXX Area affected Level Bedrooms and sleeping areas 35dB LAeq Other habitable spaces 40db LAeq The levels in Table XXX must be met based on the maximum level of noise permitted by Rule 4C.1.3.6. Written certification of compliance with this rule shall be prepared by a suitably qualified and experienced acoustic engineer and submitted with the building consent application for the dwelling concerned. Where the windows of the dwelling are required to

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					be closed to achieve compliance with the noise levels in Table XXX ventilation shall be provided in compliance with clause G4 of the New Zealand Building Code or any subsequent equivalent clause.
FS 33 [1]	6 [20]	Horticulture New Zealand [Kinnoch, Daniel]	Oppose	It is critical that growers maintain the ability to operate frost protection fans as and when required. Justifications for the changes sought to the noise standards are not provided.	Reject submission to amend 4C.1.3.2. a) iii).
1	21	Kinnoch, Daniel	Unknown	Proposed Rule 4C.1.3.2(a) mandates only the internal acoustic design for dwellings, and not the design for other noise sensitive activities, including but not limited to hospitals, schools, care centres, boarding houses, and visitor accommodation. Is this intentional?	No specific relief sought.
FS 33 [1]	7 [21]	Horticulture New Zealand [Kinnoch, Daniel]	Oppose	No changes are sought to include acoustic design for other noise sensitive activities so relief sought is uncertain.	Reject submission 1/21.
1	22	Kinnoch, Daniel	Support with Amendment	<p>Clause G4 of the New Zealand Building Code is inadequate in terms of providing dwelling occupants with any form of internal comfort when windows are shut specifically during summer months.</p> <p>Evidence was presented as part of the Independent Hearings Panel review of the Proposed Auckland Unitary Plan that showed that higher quality mechanical ventilation and/or cooling was necessary to mitigate the need for occupants to open windows for relief during summer months. Submitter refers to Auckland Unitary Plan standard E25.6.10 as an example of what came out of this evidence.</p> <p>While frost protection fans only operate for a limited period of time each winter, the proposed rule requires a design that provides for year-round compliance.</p>	Suggest that the use of Clause G4 of the NZ Building Code in the proposed rule requires additional thought.
FS 33 [1]	8 [22]	Horticulture New Zealand [Kinnoch, Daniel]	Oppose	Frost fans are only used when temperatures are cool so there is no need to provide for year round compliance.	Retain 4C.1.3.2. a) iii) as notified.
11	9	Te Puke Economic Development Group	Unknown	<p>TPEDG supports NZKGI's submission namely that frost fans generally operate in the Rural Zone on highly productive land which may not be appropriate for subdivision, urban housing or other development. NZKGI submits that mitigating reverse sensitivity impacts should be the responsibility of the neighbouring dwelling owner or developer.</p> <p>TPEDG therefore supports the recommended option in relation to reverse sensitivity which requires new dwellings within 300m of existing consented fans to be designed and constructed to protect occupants from noise effects as the most efficient and effective method to address noise issues.</p>	Adopt Rule 4C.1.3.2(a)(iii) as notified.
13	15	Horticulture New Zealand C/-	Support	HortNZ supports the proposal to add clarity to the plan by clearly outlining the requirements for	Adopt proposed Rule 4C.1.3.2(a)(iii) Noise limits for activities in Residential. Rural-Residential. Future

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						Charlotte Drury		the acoustic standards that any new dwelling constructed within 300m of a consented or existing frost fan must comply with. This approach provides a level of protection for frost fan operators, and helps establish realistic expectations of rural amenity that can be expected if new dwellings are located in close proximity to frost fans.	Urban, Rural and Lifestyle Zones as notified.
				21	8	New Zealand Kiwifruit Growers	Support	Frost fans generally operate in the Rural Zone on highly productive land which may not be appropriate for subdivision, urban housing or other development. NZKGI therefore supports the recommended option in relation to reverse sensitivity which requires new dwellings within 300m of existing consented fans to be designed and constructed to protect occupants from noise effects as the most efficient and effective method to address noise issues.	NZKGI submits that mitigating reverse sensitivity impacts should be the responsibility of the neighbouring dwelling owner or developer. Support Option 2 i.e. adopt Rule 4C.1.3.2(a)(iii) as notified.
				FS 33 [21]	14 [8]	Horticulture New Zealand [New Zealand Kiwifruit Growers]	Support	The submitter supports provisions for reverse sensitivity from construction of new dwellings.	Retain 4C.1.3.2 a) iii) as notified.
PC87-02	4C.1.3.6 - Frost Protection Fans - Performance Standard for Permitted Activity	1	4C.1.3.6(a) - (e)	1	10	Kinnoch, Daniel	Unknown	What is the 'notional boundary of any dwelling' as referred to at 4C.1.3.6(a)(i)? Notional boundary is usually in reference to a legal boundary, not the building itself.	No specific relief sought.
				1	11	Kinnoch, Daniel	Support with Amendment	I don't see a difference between proposed Rules 4C.1.3.6(a)(i) & (ii) and these could be brought together and simplified.	That proposed rules 4C.1.3.6(a)(i) and (ii) be reworded as follows. 'Noise from the operation of a frost protection fan shall not exceed 55dBA Leq or 65dBA Lmax when measured within the notional boundary on: (i) any site located within the Rural Zone or Lifestyle Zone under different ownership; or (ii) any site located within the Residential Zone, Rural-Residential Zone, Medium Density Residential Zone or Future Urban Zone.'
				1	12	Kinnoch, Daniel	Support with Amendment	Rule 4C.1.3.6(e)(ii) could be adjusted.	Proposed Rule 4C.1.3.6(e)(ii) be adjusted as follows: 'The written approval of the owners and occupiers of the land, to which the non-compliances apply have provided their written approval for the non-compliances identified in the assessment provided in (i) above.'
				FS 33 [1]	13 [12]	Horticulture New Zealand [Kinnoch, Daniel]	Oppose	The focus should be on the dwelling where sensitive activities will be located - not on land	Reject submission to amend 4C.1.3.6. a-e).
				1	13	Kinnoch, Daniel	Support with Amendment	The wording of 4C.1.3.6(c) could be simplified.	Proposed rule 4C.1.3.6(c) be reworded as follows: 'A frost protection fan must not start up until the air at canopy height drops to 20C, and shall cease operation when the rising temperature reaches 40C at canopy height.'
				11	8	Te Puke Economic Development Group	Support	TPEDG support the well considered submissions from NZKGI, namely that while they are generally supportive of the changes proposed to Frost Protection Fans - Activity Status, they submit that there needs to be	Amend Rule 4C.1.3.6(d) to include 'or operational readiness' as below: "When the frost protection fan is operating for maintenance purposes the machine shall only be used from Monday to Friday 8am to 5pm. Testing

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								greater flexibility for testing purposes. Proposed Rule 4C.1.3.6(d) allows for frost protection fans to be tested outside of the stated time of Monday to Friday 8am - 5pm for urgent unforeseen maintenance purposes. It is not clear if testing the fan for operational readiness in the event of a forecasted (or un-forecasted) frost would fall under the definition of urgent unforeseen maintenance purposes and therefore an addition to the rule is sought to allow for this.	outside these hours may only take place for urgent unforeseen maintenance purposes or testing for operational readiness."
				13	14	Horticulture New Zealand C/- Charlotte Drury	Support with Amendment	HortNZ submits that that growers do not operate frost fans unnecessarily but need to be able to operate them if temperatures drop below the critical threshold for their crop. More flexible plan provisions that enable this, as outlined in Option 3 of the Section 32 report for Frost Protection Fans, are supported by HortNZ. It is acknowledged that the noise associated with frost fans can be a controversial issue. The proposed amendments to the plan proposed by WBPDC are considered to be a practical approach to the management of a challenging issue. In preparing this submission, HortNZ has had the opportunity to review a draft of NZKGI's submission, and note their request to also enable operation of frost fans between 8am and 5pm to check for operational readiness. This is important, therefore HortNZ supports the addition of testing for operational readiness to the condition that allows operation of frost fans between 8am and 5pm.	Adopt amended Rule 4C.1.3.6 to provide for frost protection fans as a permitted activity, subject to a number of permitted activity performance standards with a minor addition to (d) of Rule 4C.1.3.6 'or testing for operational readiness'. Adopt amended Rule 4C.1.3.6 to require restricted discretionary resource consent for any frost protection fan that fails to comply with the permitted activity performance standards. Adopt matters of discretion for restricted discretionary frost protection fans as outlined in proposed Rule 4C.1.4.2.
				21	7	New Zealand Kiwifruit Growers	Support with Amendment	While NZKGI is generally supportive of the changes proposed to Frost Protection Fans - Activity Status, there needs to be greater flexibility for testing purposes. Proposed Rule 4C.1.3.6(d) allows for frost protection fans to be tested outside of the stated time of Monday to Friday 8am - 5pm for urgent unforeseen maintenance purposes. It is not clear if testing the fan for operational readiness in the event of a forecasted (or un-forecasted) frost would fall under the definition of urgent unforeseen maintenance purposes and therefore an addition to the rule is sought to allow for this.	Amend Rule 4C.1.3.6(d) to include 'or operational readiness' as below: "When the frost protection fan is operating for maintenance purposes the machine shall only be used from Monday to Friday 8am to 5pm. Testing outside these hours may only take place for urgent unforeseen maintenance purposes or testing for operational readiness."
				FS 33 [21]	15 [7]	Horticulture New Zealand [New Zealand Kiwifruit Growers]	Support	There is a need to ensure that there are provisions for testing of frost fans so they are in working order.	Support changes sought to 4C.1.3.6.d) to include 'testing for operational readiness.
PC87-03	22.4.1 - General	1	22.4.1(a) Height of Buildings/Structures	1	23	Kinnoch, Daniel	Support with Amendment	The change proposed to Rule 22.4.1(a) conflicts with the change proposed to the same standard under Plan Change 82.	Submitter suggests a change to Rule 22.4.1(a) should be made under either Plan Changes 87 OR 82 and suggests that the maximum height in the Post-Harvest Zone could simply be increased to 15m.

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				11	10	Te Puke Economic Development Group	Support	TPEDG supports NZKGI's submission namely that they support the permitted height of 15m for frost protection fans as this provides for a consistent approach between the Rural and Post Harvest Zones.	Adopt the proposed change to Rule 22.4.1(a) Height of buildings/structures as notified.
				13	16	Horticulture New Zealand C/- Charlotte Drury	Support	HortNZ supports the proposed change to increase the maximum height limit for frost fans within the Post Harvest Zone from 12m to 15m. As noted, this reflects the operational requirements of frost fans, and will be consistent with the height limit in the Rural Zone.	Adopt the amendment to Rule 22.4.1(a) as notified.
				21	9	New Zealand Kiwifruit Growers	Support	NZKGI supports the permitted height of 15m for frost protection fans as this provides for a consistent approach between the Rural and Post Harvest Zones.	NZKGI supports the permitted height of 15m for frost protection fans.
				FS 33 [21]	17 [9]	Horticulture New Zealand [New Zealand Kiwifruit Growers]	Support	The submitter supports the height of 15m for frost fans.	Retain 22.4.1 a) as notified.
PC87-04	4C.1.4.2 - Restricted Discretionary Activity - Frost Protection Fans	1	4C.1.4.2(a)-(e)	1	14	Kinnoch, Daniel	Support with Amendment	I recommend that Rule 4C.1.4.2(b) be changed.	Proposed Rule 4C.1.4.2(b) be re-worded as follows: 'The effect of noise on the owners of land who may be affected by noise levels over 55dBA Leq and/or 65dBA Lmax.'
				FS 33 [1]	16 [14]	Horticulture New Zealand [Kinnoch, Daniel]	Oppose	The focus should be on the dwelling where sensitive activities will be located - not on land.	Reject submission to amend 4C.1.4.2.
				1	15	Kinnoch, Daniel	Support with Amendment	Proposed Rule 4C.1.4.2(d) refers to 'preventing or minimising' adverse effects which seems to suggest that effects should either be 'avoided' or 'minimised', which are on opposite ends of the effects management spectrum. It is unclear why the standard terminology of 'avoid, remedy or mitigate' would not be used here.	It is unclear why the standard terminology of 'avoid, remedy or mitigate' would not be used here.
PC88	4C.1.1 - Amenity - Noise and Vibration - Significant Issues	1	4C.1.1	12	9	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Support	Provision 4C.1.1 Significant Issues clearly sets the issues to be managed by the plan provisions.	Retain Significant Issues as notified.
PC88-01	4C.1.3.2 - Amenity - Noise and Vibration - Activity Performance Standards - Noise Limits	1	4C.1.3.2(b) - Noise limits for activities in Industrial and Commercial Zones	1	25	Kinnoch, Daniel	Support with Amendment	Page 7 of the Section 32 analysis suggests that Rule 4C.1.3.2(b) is to be amended to add a new clause (ii). The clause as drafted however is at (i). This should be clarified.	Clarify whether new provision under Rule 4C.1.3.2(b) is to be numbered (i) or (ii).
				1	26	Kinnoch, Daniel	Support with Amendment	The best practice accepted standard for noise measurement is now LAeq rather than Leq. Modern sound level meters can easily measure LAeq. It is accepted that this may constitute a change of practice that should be looked at holistically across all noise standards in the district plan rather than one specific standard.	No specific relief sought.
				1	27	Kinnoch, Daniel	Support with Amendment	I do not see any need to have a reduced noise level in the evening, versus during the day, which could discourage industrial activities from locating within the district where they operate with more than one shift. The level of noise tolerated between industrial sites in the evening versus during the day is no different (as opposed to between industrial properties and	I recommend that Rule 4C.1.3.2(b) be changed to read as follows: The noise (rating) level arising from an activity in an Industry Zone measured within the boundary of any other site in the zone must not exceed the limits in Table XXX Noise levels in the Industry Zone below:

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						more sensitive receivers located outside of the zone). The Section 32 analysis also does not explain or assess why a lower night noise level is required as being the best method to address an identified environmental effect.	Table XXX Noise levels in the Industry Zone Time Noise Level Not to be Exceeded Leq All times 60dBA N/A		
				1	28	Kinnoch, Daniel	Support with Amendment	Provide the noise limit table in Rule 4C.1.3.2(b) with a specific reference number.	Provide the noise limit table in Rule 4C.1.3.2(b) with a specific reference number.
				5	1	Fire And Emergency New Zealand C/- Beca Ltd	Support with Amendment	Fire and Emergency submit that an exemption in proposed Rule 4C.1.3.2(b)(ii) would appropriately provide for the operational requirements of Fire and Emergency services and enable them to meet their statutory obligations in a manner that provides for the on-going health and safety of people and communities. Fire and Emergency note that the current District Plan contains exceptions from noise limits under Rule 4C.1.3.3 and excludes 'warning devices used by Emergency Services' across various zones, however as this rule is not subject to amendment under PC88, consideration has not been given to this provision. Fire and Emergency would however be open to discussing alternative amendments with Council to see that emergency service sirens are excluded from the noise limits in the Industrial Zone.	Amend proposed Rule 4C.1.3.2(b) - Noise limits for activities in Industrial and Commercial Zones as follows: (i) All activities located within Industrial Zones (excluding emergency service sirens) shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the boundary of any other property within an Industrial Zone: Time Period Sound Level Not to be Exceeded Leq Lmax Day time 7am - 10pm 60dBA N/A Night time 10pm - 7am 45dBA 70dBA
				12	10	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Oppose	Fulton Hogan submits that the proposed noise levels within the Industrial Zone are considered to be overly conservative for some activities. As outlined in the s32 report, the research undertaken by Council of the rules within other District Plans within New Zealand indicates the amount of noise that can be produced within the Industrial Zone typically have an Leq noise limit (i.e. average sound level) of 65dBA Leq or 75dBA Leq. Furthermore, the New Zealand Standard for Acoustics - Environmental Noise (NZS 6802:2008) suggest a noise limit of 75 dBA Leq for Heavy Industrial zones. The proposed noise limit within the industrial zone will unreasonably constrain industrial activities and development that are of a heavy nature. The issue appears to arise from the fact that the District Plan has a single industrial zone to accommodate the range of industrial activities that could occur (e.g. light, moderate and heavy industry). As such, a single, low, noise limit will disadvantage moderate to heavy industrial land uses. Conversely, a single, but high, noise limit could lead to adverse effects on neighbouring properties within the zone. In addition, the night time noise limit is unnecessary. The plan contains noise limits at the notional boundary of sensitive receivers and	Amend Rule 4C.1.3.2(b) to provide for a greater range of activities within the Industrial Zone. This could be achieved through setting a higher noise limit for the Industrial Zone that applies. For example 65dBA Leq at all times of the day.

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								therefore there is no need to have a night time noise limit measured within the Industrial Zone to avoid sleep disturbance.																	
				14	1	Quayside Properties Limited	Support with Amendment	Quayside Properties Limited owns land at Rangioru that is zoned for industrial use and generally known as Rangioru Business Park. Industry will be similar and complementary to those operating in the Tauranga district and the noise limits as a minimum should be consistent with those in practise at the Port and in the Tauriko Industrial Park. This provides for consistency over the District for industrial applications.	Change the noise limits specified in the table in Rule 4C.1.3.2(b) to the following: <table><tr><td>Time Period</td><td colspan="3">Sound Level Not to be Exceeded</td></tr><tr><td></td><td>Leq</td><td>Lmax</td><td></td></tr><tr><td>Day time 7am-10pm</td><td>65 dBA</td><td></td><td>N/A</td></tr><tr><td>Night time 10pm -7am</td><td>55 dBA</td><td></td><td>85 bBA</td></tr></table>	Time Period	Sound Level Not to be Exceeded				Leq	Lmax		Day time 7am-10pm	65 dBA		N/A	Night time 10pm -7am	55 dBA		85 bBA
Time Period	Sound Level Not to be Exceeded																								
	Leq	Lmax																							
Day time 7am-10pm	65 dBA		N/A																						
Night time 10pm -7am	55 dBA		85 bBA																						
PC89	Whole of Plan Change	1	Whole of Plan Change	11	6	Te Puke Economic Development Group	Support	TPEDG support the well considered submissions from NZKGI on Rural Contractor plan changes, namely that Council has noted that the intention of this plan change does not address issues raised through public consultation that it may be more appropriate to apply the separation distance to the site boundary and that NZKGI supports the 60m setback being applied from the site boundary as this provides adequate separation distance if the neighbouring dwelling/driveway is some distance from the boundary.	That the 60m setback be applied from the site boundary.																
				13	17	Horticulture New Zealand C/- Charlotte Drury	Support	HortNZ supports the proposed change as rural contractors provide important support services to the horticultural sector, and it is important that their depots are well provided for within the District Plan, and requirements relating to them are clear, so that they can continue to operate in an unimpeded manner.	HortNZ seeks that the changes as set out in Option 3, and detailed in Section 3.9 of the Section 32 Report for Rural Contractors Depots - Separation Distances, are made to the district plan.																
				19	7	Federated Farmers Of New Zealand (Inc)	Support	Federated Farmers is supportive of the plan change to clarify that a rural contractors depot (for the purpose of determining setback distances) includes its vehicle accessways, manoeuvring and parking areas. As the amendment will only apply to new depots and new habitable buildings, Federated Farmers is supportive of changes which provide certainty and reduce interpretation issues.	Adopt the changes to Activity Performance Standard Rule 18.4.1(p)(v), and Permitted Activity Rule 18.4.1(c)(i)(e) as notified																
				21	14	New Zealand Kiwifruit Growers	Support	Council has noted that the intention of this plan change does not address issues raised through public consultation that it may be more appropriate to apply the separation distance to the site boundary. NZKGI supports the 60m setback being applied from the site boundary as this provides adequate separation distance if the neighbouring dwelling/driveway is some distance from the boundary.	That the 60m setback be applied from the site boundary.																
PC90	13.4.1 - Activity Performance Standards - General	1	13.4.1(g)(iii) - Standards for Home Enterprises	1	29	Kinnoch, Daniel	Support with Amendment	The drafting of the proposed replacement standard 13.4.1(g)(iii) could be simplified. Additional words 'on site' are recommended, as the current drafting would allow for goods to be sold where related to a service provided by the home enterprise, but not with that service necessarily being undertaken on the specific	That the drafting of the proposed replacement standard 13.4.1(g)(iii) be amended as follows: Any goods sold must be: (i) produced on site; and/ or (ii) ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically: and/or																

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								site.	(iii) ancillary and related to a service provided on site by the home enterprise
PC90-01	14.4.3 - Activity Performance Standards - Standards for Home Enterprises	1	14.4.3(c)	1	30	Kinnoch, Daniel	Support with Amendment	The drafting of the proposed replacement standard 14.4.3(c) could be simplified. Additional words 'on site' are recommended, as the current drafting would allow for goods to be sold where related to a service provided by the home enterprise, but not with that service necessarily being undertaken on the specific site.	That the drafting of the proposed replacement standard 14.4.3(c) be amended as follows: Any goods sold must be: (i) produced on site; and/ or (ii) ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or (iii) ancillary and related to a service provided on site by the home enterprise
PC90-02	15.4.1 - Activity Performance Standards - General	1	15.4.1(e)(iv) - Standards for Home Enterprises	1	31	Kinnoch, Daniel	Support with Amendment	The drafting of the proposed replacement standard 15.4.1(e)(iv) could be simplified. Additional words 'on site' are recommended, as the current drafting would allow for goods to be sold where related to a service provided by the home enterprise, but not with that service necessarily being undertaken on the specific site.	That the drafting of the proposed replacement standard 15.4.1(e)(iv) be amended as follows: Any goods sold must be: (i) produced on site; and/ or (ii) ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or (iii) ancillary and related to a service provided on site by the home enterprise
PC90-03	16.4.1 - Activity Performance Standards - General	1	16.4.1(f)(iii) - Standards for Home Enterprises	1	32	Kinnoch, Daniel	Support with Amendment	The drafting of the proposed replacement standard 16.4.1(f)(iii) could be simplified. Additional words 'on site' are recommended, as the current drafting would allow for goods to be sold where related to a service provided by the home enterprise, but not with that service necessarily being undertaken on the specific site.	That the drafting of the proposed replacement standard 16.4.1(f)(iii) be amended as follows: Any goods sold must be: (i) produced on site; and/ or (ii) ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or (iii) ancillary and related to a service provided on site by the home enterprise
PC90-04	17.4.1 - Activity Performance Standards	1	17.4.1(e)(v) - Standards for Home Enterprises	1	33	Kinnoch, Daniel	Support with Amendment	The drafting of the proposed replacement standard 17.4.1(e)(v) could be simplified. Additional words 'on site' are recommended, as the current drafting would allow for goods to be sold where related to a service provided by the home enterprise, but not with that service necessarily being undertaken on the specific site.	That the drafting of the proposed replacement standard 17.4.1(e)(v) be amended as follows: Any goods sold must be: (i) produced on site; and/ or (ii) ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or (iii) ancillary and related to a service provided on site by the home enterprise
PC90-05	18.4.1 - Activity Performance Standards - General	1	18.4.1(h)(v) - Standards for Home Enterprises	1	34	Kinnoch, Daniel	Support with Amendment	The drafting of the proposed replacement standard 18.4.1(h)(v) could be simplified. Additional words 'on site' are recommended, as the current drafting would allow for goods to be sold where related to a service provided by the home enterprise, but not with that service necessarily being undertaken on the specific site.	That the drafting of the proposed replacement standard 18.4.1(h)(v) be amended as follows: Any goods sold must be: (i) produced on site; and/ or (ii) ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or (iii) ancillary and related to a service provided on site by the home enterprise
PC91	Whole of Plan Change	1	Whole of Plan Change	11	5	Te Puke Economic Development Group	Support with Amendment	TPEDG support the utilisation of the second bore at Pongakawa as an initial solution for water supply to the Business Park. However, longer term solutions need to be explored and provision made for sustainable supply that is not at the expense of the Pongakawa source. Horticultural	Support the utilisation of the second bore at Pongakawa as an initial solution for water supply to the Business Park. However, longer term solutions need to be explored and provision made for sustainable supply that is not at the expense of the Pongakawa Source.

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							and agricultural water needs in the Pongakawa area must be protected for Pongakawa specific use. Alternative supply sources include the Waiari Water Scheme, reactivation of the Raymond Dam and supply from the Maungarangi Stream (between Rangioru Road and Maungarangi Road).	
			FS 34 [11]	12 [5]	Federated Farmers Of New Zealand (Inc) [Te Puke Economic Development Group]	Support	FFNZ preference is outlined in our principle submission, however conditional support is extended to the transitional approach as outlined by the Te Puke Economic Development Group submission as a potential way forward. In our view the transition towards utilising another bore needs to be time bound as stated to be actioned within 5 years of the plan change becoming operative.	Support the utilisation of the second bore at Pongakawa as an initial solution for water supply to the Rangioru Business Park. However, utilising another bore needs to be actioned within 5 years of the plan change becoming operative.
			19	8	Federated Farmers Of New Zealand (Inc)	Oppose	Federated Farmers is broadly supportive of Rangioru Business Park development and understands there are water supply related issues. However, the existing Regional Council resource consent is the main reason Council considers the Pongakawa Bore provides an attractive alternative for developers but the submitter notes the existing regional resource consent expires in 2025. As such the submitter does not believe this option provides the degree of certainty required to be a viable and favourable alternative to those already provided in the district plan.	Retain the status quo.
			20	7	NZ Transport Agency	Support with Amendment	The Transport Agency seeks to further engage with Council in order to better understand the works involved with the new trunk main. Any works within the State Highway Road Reserve would require close coordination with the Transport Agency given the wide-ranging effects associated with this. Comprehensive details would be required regarding the nature, extent and methodology of the works.	Further engagement with NZTA sought prior to adoption of PC91.
			21	12	New Zealand Kiwifruit Growers	Support	NZKGI supports utilising the second bore at Pongakawa for two reasons: 1. An on-site bore and reservoir at Rangioru Business Park would cause delays to the construction of the park which would impact on business and jobs. 2. More cost-effective option using existing consented bore at Pongakawa. While there is support for option two, NZKGI notes the following concerns: 3. That the pipeline route potentially crosses over areas of archaeological interest and that investigation will be required including an authority from Heritage New Zealand. If the area is found to have archaeological interest, what does this mean? This hasn't been noted in the risk assessment of the plan change. 4. While there is consent from BOPRC for 100 l/s for the two bores at Pongakawa, has WBOPDC discussed the second bore capacity with BOPRC? It is not clear from the plan	NZKGI supports utilising the second bore at Pongakawa i.e. adopt PC91 as notified.

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								change if the water take from the second bore is from the same source as the first bore and what capacity the second bore has.	
				23	1	Pine Valley Orchard Limited	Support	Pine Valley Orchards Ltd (PVOL) supports PC91 to include in the District Plan a third water supply option (Option C) for the Rangiuru Business Park from the second bore (ESZ10) at Pongakawa for the reasons articulated in the PC91 s32 Report.	Approve and adopt PC91.
				23	2	Pine Valley Orchard Limited	Support	PVOL requests that any surplus capacity that is available from Bore ESZ10 after: 1. Existing consented water supplies; and 2. Water supplies required by the Rangiuru Business Park; be considered for municipal water supply to service the possible future urban expansion of Paengaroa that is being investigated by the SmartGrowth partnership.	PVOL requests that any surplus capacity that is available from Bore ESZ10 be available to service Paengaroa.
PC91-01	12.4.13 - Rangiuru Business Park Structure Plan	2	12.4.13.3(a)	17	8	Bay Of Plenty Regional Council	Support with Amendment	BOPRC submission suggests minor amendments to correct text and simplify proposed wording. Rule 12.4.13.3(a) refers to two water supply servicing options however this should refer to three options in line with the Proposed Plan Change.	Amend Rule 12.4.13.3(a) by replacing the word 'two' with 'three'
PC91-01	12.4.13 - Rangiuru Business Park Structure Plan	3	12.4.13.3(b)	1	35	Kinnoch, Daniel	Support with Amendment	Under (b), the current wording suggests that only Options A & B require Regional Council resource consent. Technically all three options require consent, though proposed Option C has an existing consent.	I recommend that the words 'Options A and B will require ...' are replaced with 'All options require ...'.
				17	9	Bay Of Plenty Regional Council	Support with Amendment	Rule 12.4.13.3(b) advises resource consent is required from the Regional Council for options A and B. BOPRC queries whether it should refer to Options B and C which proposes the use of bores whilst Option A is the installation of more storage capacity in the existing system. One water take consent is already in place.	Amend Rule 12.4.13.3(b) by replacing the second sentence of part (b) to read "Resource consent from the Regional Council is required".