



*Western Bay of Plenty  
District Council*

## **Plan Changes 82 -91**

**Copies of Original Submissions and  
Further Submissions**

**numbered to match the Summary of Submissions**

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## 01 - Daniel Kinnoch

### Form 5

## Submission on notified proposal for policy statement or plan, change or variation

To: Western Bay of Plenty District Council

Name of submitter: Daniel Kinnoch

This is a submission on the following proposed variation to a plan (the proposal):

- [Proposed Plan Changes 82-91](#) to the Western Bay of Plenty District Plan

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

The specific provisions of the proposal that my submission relates to are:

- Matter for Discretion 22.5.1(c) ([Plan Change 82](#))
- Matter for Discretion 22.5.1(e)(i) ([Plan Change 82](#))
- Section 8.3.3(c) ([Plan Change 84](#) and [Plan Change 87](#))
- Section 10.4(r) ([Plan Change 84](#))
- Standard 4C.1.3.6 ([Plan Change 87](#))
- Matter for Discretion 4C.1.4.2 ([Plan Change 87](#))
- Rule 4C.1.3.2(a) ([Plan Change 87](#))
- Standard 22.4.1(a) ([Plan Change 82](#) and [Plan Change 87](#))
- Rule 4C.1.3.2(b) ([Plan Change 88](#))
- Standards 13.4.1(g)(iii), 14.4.3(c), 15.4.1(e)(iv), 16.4.1(f)(iii), 17.4.1(e)(v), and 18.4.1(h)(v) ([Plan Change 90](#))
- Section 12.4.13.3 ([Plan Change 91](#))

My submission is:

I am an Auckland-based RMA practitioner who often inputs on proposed plan changes across New Zealand as part of a civic effort to help improve the drafting and application of planning policy and rules. My recommendations on these plan changes are as follows:

(underline is a recommended addition, ~~strikethrough~~ is a recommended deletion)

- Matter for Discretion 22.5.1(c) ([Plan Change 82](#)):
  - Specifying a requirement to limited notify a person in a plan rule is not legal and is *ultra vires*. The steps that 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). Unlike [section 95A\(8\)\(a\)](#) which anticipates a rule in a plan or NES mandating public notification, no similar clause mandating limited notification exists in [section 95B](#). A plan rule can however identify persons who should specifically be considered as part of an affected persons assessment under [section 95E](#). An example of such a rule can be found at [general rule C1.13\(4\)](#) of the Auckland Unitary Plan.
- Matter for Discretion 22.5.1(e)(i) ([Plan Change 82](#)):
  - The drafting of the proposed matter can be simplified considerably.

①

②

- The use of the words 'existing environment' conflict with the reference in the proposed matter to effects on consented dwellings. While it is acknowledged that the presence of these dwellings would form part of the non-statutory 'receiving environment' to be considered by the consent authority as part of their decision making, these dwellings may not yet 'exist' in a physical form, so this could be confusing to plan users. Arguably 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*'. While I appreciate what is intended here, no individual person or entity would own the entirety of the zoned area in the district plan, and there is also the potential for individual sites within pockets of the zone to be under different ownership.
- The first bullet under (i) becomes superfluous as a result of the second bullet. 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 also superfluous, as presumedly if land outside of the zone was owned by a post harvest facility operator, they would simply provide written approvals in relation to said land, and visual amenity effects as viewed from that site would automatically be disregarded.
- There is no need to use the words 'actual and/or potential loss' in any of the bullets.
- As a culmination of the above, I recommend the following changes to the matter:

*(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) *The impact on the Effects on the visual amenity of the existing environment land located outside of the Post Harvest Zone.*

*~~This shall require an assessment of the actual and/or potential effects of the building/structure that is appropriate to the scale and effect of the proposal and which addresses the following:~~*

- *~~The actual and/or potential loss of visual amenity when viewed from any existing or consented dwelling that is located on a title outside of the Post Harvest Zone and in different ownership to the post harvest zone operator;~~*
- *~~The actual and/or potential loss of visual amenity for any title that is located outside of the Post Harvest Zone and in different ownership to the post harvest zone operator;~~*
- *~~(ii) The ability of any actual and/or potential Whether adverse visual amenity effects to be avoided, remedied or mitigated via measures such as the colour of the building/structure, and/or vegetative or other screening.~~*

- (ii) *(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.*

- Section 8.3.3(c) (Plan Change 84 and Plan Change 87):
  - The following change is proposed to this standard in Plan Change 84:

3

- (ii) *Earthworks over 5m<sup>3</sup> (except for*
  - *maintenance, operation, upgrade and development of above ground lineal network utility structures and underground network utilities where the ground is reinstated to the same contour as existed immediately prior to the works being undertaken;*
  - or*
  - *public trails where the finished surface is not more than 200mm above the pre-existing ground level/contour and where any other ground within the surrounding area that has been disturbed is reinstated to the same contour as existed immediately prior to the works being undertaken.*

- This conflicts with the change proposed to the same standard under [Plan Change 87](#):

- (i) *Buildings/Structures not within an Approved Building Site – Natural Hazards*
- (ii) *Earthworks over 5m<sup>3</sup> (except for:*
  - *maintenance, operation, upgrade and development of above ground lineal network utility structures and underground network utilities where the ground is reinstated to the same contour as existed immediately prior to the works being undertaken); and*
  - *Maintenance of existing stopbanks and drains (including the clearing of drains) carried out by or on behalf of the Council, Regional Council or the Waikoi Drainage Society.*
- (iii) *Closed board fences, retaining walls, raised gardens, concrete and block walls*

(4)

- Preferably, a change to this standard should be made under one of these plan changes only.

- Section 10.4(r) ([Plan Change 84](#)):

- Under the first bullet of (b), make the following change '[Clause \(a\)](#) *The above shall not apply...*'
- Under the first bullet of (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. While documents can be incorporated by reference into a plan, this part of the rule would seem to give the consent authority the broad scope to effectively override the 30m separation distance requirement under (a) through any unspecified '*public process*', e.g. a letter drop, a motion from the governing body. I recommend that this bullet is revised to provide 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](#).
- Under the second bullet of (b), why has esplanade strip been excluded?
- Under the third bullet of (b), what are the other legal mechanisms that could specifically provide for a public trail? It would have been helpful if the section 32 evaluation had included some examples.
- Under (d), specifying a requirement to limited notify a person in a plan rule is not legal and is *ultra vires*. The steps that 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). Unlike [section 95A\(8\)\(a\)](#) which anticipates a rule in a plan or NES mandating public notification, no similar clause mandating limited notification exists in [section 95B](#). A plan rule can however identify persons who should specifically be considered as part of an affected persons assessment under [section 95E](#). An example of such a rule can be found at [general rule C1.13\(4\)](#) of the Auckland Unitary Plan.

(5)

(6)

(7)

(8)

(9)

- Standard 4C.1.3.6 ([Plan Change 87](#)):

- 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 actual physical building itself.
- I don't see the difference between 4C.1.3.6(a)(i) & (ii). These could be brought together and simplified, e.g.

*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.*

with 4C.1.3.6(e)(ii) also being adjusted as follows:

*The written approval of the owners and occupiers of the land, ~~and owners and occupiers of the dwelling(s)~~ to which the non-compliances apply have provided their written approval for the non-compliances identified in the assessment provided in (i) above.*

- The wording of 4C.1.3.6(c) could be simplified as follows:

*~~When the frost protection fan is in operation for frost protection the~~  $\Delta$  frost protection fan must not start up until the air at canopy height drops to 2°C, and shall cease operation when the rising temperature reaches 4°C at canopy height.*

- Matter for Discretion 4C.1.4.2 ([Plan Change 87](#)):

- Further to my input on Standard 4C.1.3.6 above, I recommend that (b) should be changed as follows:

*The effect of noise on the owners and occupiers of land, ~~and owners and occupiers of dwellings~~ who ~~will~~ may be affected by noise levels over 55dBA Leq and/or 65dBA Lmax.*

- Proposed part (d) of the matters for discretion refer to 'preventing or minimising' adverse effects. This seems to equate to a suggestion that effects should either be 'avoided' or 'minimised', which are on opposite ends of the effects management spectrum; i.e. prevent/avoid means to not create the effect at all, whereas minimise is typically the last resort of effects management, after mitigation has proven to not be effective. It is unclear why the standard terminology of 'avoid, remedy or mitigate' would not be used here.

- Rule 4C.1.3.2(a) ([Plan Change 87](#)):

- The rule as drafted is lengthy and not particularly easy to read.
- The rule has the potential to create additional cost for the construction of new houses or even small additions, simply to avoid a potential reverse sensitivity effect for a limited period of time each winter when the frost protection fans operate.

There is a general principle of resource management law that adverse effects should be internalised as far as practicable first, and I am not satisfied that the section 32 analysis is sufficiently comprehensive in considering alternatives that could assist with addressing the identified environmental effect, besides 'handballing' the cost to new or existing homeowners.

- 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. 18
- 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 under this plan change 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, I imagine that some research would be required, including potentially obtaining the consent records for existing frost fans. Could an additional clause be added to the rule that ties the 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, the rule could be redrafted 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. 19
- There is no need to specifically differentiate between new dwellings and additions of habitable spaces to existing dwellings. Simply referring to 'dwellings' would be sufficient to capture both. The rule will not apply to existing dwellings as these will maintain existing use rights. 20
- The rule only mandates 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? 21
- Clause G4 of the New Zealand Building Code is woefully inadequate in terms of providing dwelling occupants with any form of internal comfort when windows are shut specifically during summer months. [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. I refer the consent authority to [Auckland Unitary Plan standard E25.6.10](#) as an example of what came out of said evidence. While frost protection fans only operate for a limited period of time each winter, this proposed rule requires a design that provides for year-round compliance. 22
- As a culmination of the above (with the exception of the concern raised regarding the use of Clause G4, which I suggest requires some further thought) I recommend the following changes to the rule:

- (iii) ~~Any new dwellings to be erected, or the addition of habitable space to an existing dwelling, located within 300m of or at the interface within 300m of any existing or consented a frost protection fan located on a title separate to that of the subject site and in different ownership shall must be designed and/or insulated constructed so that as to ensure that, with respect to noise emitted by any existing or consented frost protection fan, internal noise levels do not exceed the levels in Table XXX below. LAeq(15min) 30dBA in any bedroom and LAeq(15min) 40dBA in other habitable room.~~

Table XXX

<u>Area affected</u>	<u>Level</u>
<u>Bedrooms and sleeping areas</u>	35dB LAeq
<u>Other habitable spaces</u>	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 such compliance with this rule from a suitably qualified and experienced acoustic engineer 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 aforementioned noise levels in Table XXX limits, alternative means of ventilation shall be provided in compliance with clause G4 of the New Zealand Building Code or any subsequent equivalent clause.

For the purposes of this rule, "consented" means:

- (a) any frost protection fan for which a resource consent has been granted; or
- (b) any permitted frost protection fan for which certification has been provided to the Council in accordance with Rule 4C.1.3.6(b);

prior to lodgement of a building consent application for the dwelling concerned.

- Standard 22.4.1(a) ([Plan Change 82](#) and [Plan Change 87](#))
  - The following change is proposed to this standard in [Plan Change 87](#):
    - (a) **Height of buildings/structures**

Maximum: 12m: ~~excluding frost protection fans which shall be a maximum of 15m inclusive of blades.~~
  - This conflicts with the change proposed to the same standard under [Plan Change 82](#):
    - 22.4.1 General**
    - (a) **Height of buildings/structures**

Maximum: ~~12m-14m.~~

Except that:  
For Lot 4 DP 376727 Te Puna the maximum shall be 9m.

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- Preferably, a change to this standard should be made under one of these plan changes only.
- I suggest that the maximum height in the Post-Harvest Zone could simply be increased to 15m.
- Rule 4C.1.3.2(b) (Plan Change 88)
  - 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. (25)
  - I note that the best practice accepted standard for noise measurement is now LAeq rather than Leq. Modern sound level meters can easily measure the former. However, 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. (26)
  - I do not see there as being 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 site in the evening versus during the day is no different (as opposed to between industrial properties and 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. (27)
  - I recommend that the noise limit table is provided with a table reference number. (28)
  - As a culmination of the above, I recommend the following changes to the new clause:

*All activities located within Industrial Zones 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:*

*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:*

*Table XXX Noise levels in the Industry Zone*

<i>Time Period</i>	<i>Sound Noise Level Not to be Exceeded</i>	
	<i>Leq</i>	<i>Lmax</i>
<i>Day time 7am – 10pm All times</i>	<i>60dBA</i>	<i>N/A</i>
<i>Night time 10pm – 7am</i>	<i>45dBA</i>	<i>70dBA</i>

- Standards 13.4.1(g)(iii), 14.4.3(c), 15.4.1(e)(iv), 16.4.1(f)(iii), 17.4.1(e)(v), and 18.4.1(h)(v) (Plan Change 90):

- The drafting of the proposed replacement standard could be simplified as follows:

*Any goods sold must be:*

- (i) *goods-produced on site; and/ or*

- (ii) ~~goods that are~~ ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or
- (iii) ~~goods-ancillary~~ and related to a service provided on site by the home enterprise

- The 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.

- Section 12.4.13.3 ([Plan Change 91](#)):

- Under (b), the current wording suggests that only Options A & B require resource consent from the regional council. Technically all three options require consent, though proposed Option C has an existing consent. For technical correctness, I recommend that the words '*Options A and B will require*' are replaced with '*All options require*'. 35

**I seek the following decision from the local authority:**

- Neutral, but with the recommendation that the changes sought above be made, and feedback taken into account by the appointed commissioners as part of making a decision on these plan changes.

I do not wish to be heard in support of my submission.

**Date:** 7 September 2019

**Electronic address for service of submitter:** [dkinnoch@gmail.com](mailto:dkinnoch@gmail.com)

**Telephone:** 022 091 7233

## 02 - Gael Stevens

### Leevi Gotty-Rangitulia

---

**From:** Have Your Say Western Bay of Plenty <notifications@engagementhq.com>  
**Sent:** Tuesday, 10 September 2019 11:47 AM  
**To:** Tony Clow; Have Your Say; Charlotte Brisby; Leevi Gotty-Rangitulia  
**Subject:** Anonymous User completed District Plan Changes 82-91 Submission Form

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Anonymous User just submitted the submission form 'District Plan Changes 82-91 Submission Form' with the responses below.

**Title:**

Mrs

**Name:**

Gael Stevens

**Organisation (only required if submitting on behalf of an organisation):**

No Answer

**Postal Address:**

1714 Oropi Road, Tauranga

**Post Code:**

3173

**Contact Phone Number:**

0272752143

**Email Address:**

oskatd@gmail.com

**I/We would like to speak in support of my/our submission at the Council hearing.**

No

**Please provide your feedback on the proposed plan changes. You need to give specific feedback on the changes being proposed. Please note you need to provide the names of the plan change/s you wish to submit on, whether you support or oppose with reasons why, and what you want Council's decision to be.**

**For example:**

**- PC 101.**

**- Support the provision of medium density housing in identified areas but seek the addition of specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.**

**- Add to the District Plan Maps for Te Puke an area for higher density development.**

PC84 - Support the inclusion of bridleway in the definition of Public Trail. Look forward to Council providing  
bridleways throughout the district.

①

**If you need more room, please upload your submission document.**

No Answer

## 03 - Adam Yeabsley

### Leevi Gotty-Rangitulia

---

**From:** Have Your Say Western Bay of Plenty <notifications@engagementhq.com>  
**Sent:** Tuesday, 10 September 2019 11:51 AM  
**To:** Tony Clow; Have Your Say; Charlotte Brisby; Leevi Gotty-Rangitulia  
**Subject:** Anonymous User completed District Plan Changes 82-91 Submission Form

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Anonymous User just submitted the submission form 'District Plan Changes 82-91 Submission Form' with the responses below.

**Title:**

No Answer

**Name:**

Adam Yeabsley

**Organisation (only required if submitting on behalf of an organisation):**

No Answer

**Postal Address:**

56 Moehau Street, Te Puke

**Post Code:**

3119

**Contact Phone Number:**

+6475735748

**Email Address:**

adam.yeabsley@gmail.com

**I/We would like to speak in support of my/our submission at the Council hearing.**

No

**Please provide your feedback on the proposed plan changes. You need to give specific feedback on the changes being proposed. Please note you need to provide the names of the plan change/s you wish to submit on, whether you support or oppose with reasons why, and what you want Council's decision to be.**

**For example:**

**- PC 101.**

**- Support the provision of medium density housing in identified areas but seek the addition of specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.**

**- Add to the District Plan Maps for Te Puke an area for higher density development.**

Pc 82 -Support the proposal for reducing beaurocracy around post harvest zones with the exception of concerns over traffic management issues. I note there is nothing in Councils short, medium or long term planning around traffic congestion in Te Puke and consider there should be.

①

**If you need more room, please upload your submission document.**

No Answer

**Submission #04**

**WITHDRAWN**

## 05 - Fire and Emergency New Zealand

### **SUBMISSION ON A NOTIFIED PLAN CHANGE, RESOURCE MANAGEMENT ACT 1991**

To: Western Bay of Plenty District Council

Submission on: Proposed Plan Change 88 - Noise Standards within Industrial Zones

**Name of submitter: Fire and Emergency New Zealand**

Address for service: C/- Beca Ltd  
PO Box 448  
Hamilton 3240

Attention: Alec Duncan

Phone: 07 960 7259

Email: [alec.duncan@beca.com](mailto:alec.duncan@beca.com)

This is a submission on behalf of Fire and Emergency New Zealand (Fire and Emergency) on Plan Change 88 (PC88) that considers the inclusion of standards within the Western Bay of Plenty District Plan (District Plan) for noise generated and received within the Industrial Zone.

The plan change proposes to include rules in the District Plan that limit the amount of noise that can be produced and received within the Industrial Zone (i.e. from one industrial property to another). Changes are also proposed to the 'Significant Issues' in Section 4C.1.1 of the District Plan regarding noise, and consequential changes are proposed to the policies in Section 4C.1.2.2.

#### **Fire and Emergency's submission is:**

Due to operational and training requirements, Fire and Emergency has an interest in the land use provisions of the District Plan to ensure that, where necessary, appropriate consideration is given to fire safety and operational firefighting requirements, particularly in relation to subdivision, rural development and fire station development.

The District Plan also provides Fire and Emergency an opportunity, in relation to fire hazards and other emergencies, to better facilitate the health, safety and wellbeing of people and communities by appropriately providing for fire station facilities, fire safety, fire prevention, fire extinction, and associated training. This will enable Fire and Emergency to achieve their principle objective which includes reducing the incidence of unwanted fire and the associated risk to life and property, protecting and preserving life, and preventing or limiting injury, damage to property land, and the environment.

To do so, Fire and Emergency requires:

- The ability to construct and operate fire stations in locations which will enable reasonable response times to fire and other emergencies;
- The ability to undertake training activities for the firefighters within the region;
- Adequate water supply for firefighting activities; and
- Adequate access for new developments and subdivisions to ensure that the Fire and Emergency can respond to emergencies.



The key aspect relating to this submission include provision for Fire and Emergency to construct and operate fire stations in locations which will enable reasonable response times to fire and other emergencies.

The Fire and Emergency Statement of Intent 2017–2021 (SOI) outlines the reasons the organisation has been established, what Fire and Emergency intend to achieve, and how Fire and Emergency will measure their performance. This SOI also sets out the Board's plans for the next four years. It outlines how every activity Fire and Emergency undertake and service they provide contributes to a safer environment for New Zealanders through reducing the likelihood of unwanted fires, reducing consequences from emergencies and helping build resilient communities. It also sets out how Fire and Emergency plan to build their systems, processes, culture and capabilities that will support their delivery.

The SOI is supported by an annual Statement of Performance Expectations (SPE). The 2017 - 2018 SPE contains a commitment by Fire and Emergency to the New Zealand Government for the following response times to emergencies in urban areas:

- Career crews respond to 85% of structure fires (excluding Private Fire Alarm (PFA) false alarms) within eight minutes – (Career crews are professional firefighters who generally work full time and operate in shifts, and are located principally in higher populated locations such as cities and large towns);
- Urban volunteer crews respond to 85% of structure fires (excluding PFA false alarms) within 11 minutes – (Volunteer crews are on-call; when an emergency call comes through, firefighters are alerted through pagers and/or a siren atop the fire station if in a rural or isolated location. Volunteer crews mainly serve small towns, communities and outer suburbs which career crew/stations do not cover);
- Crews from specialist resource locations respond to 90% of motor vehicle crashes within 30 minutes;
- Career crews respond to 85% of medical emergencies within eight minutes; and
- Urban volunteer crews respond to 85% of medical emergencies within 11 minutes.

These response time commitments are a key determinant for the location of fire stations and, as such, fire stations must be able to be located throughout the urban and rural environment so that Fire and Emergency is able attend an emergency within a primary response area in an effective and timely manner. This includes the various zones across the District. Further, communities have an expectation that Fire and Emergency will respond promptly to a fire emergency in order to protect lives and property and therefore avoid or mitigate the adverse effects of fire.

The effects of a fire station can be largely anticipated and, in the most part, do not differ to the effects of a number of activities that may be anticipated through rural and urban environments. Noise will be produced on site by operational activities such as cleaning and maintaining equipment, training activities and noise produced by emergency sirens. Training may take place anywhere between 7:00am and 10:00pm. Cleaning and maintenance will generally take place during the day; however, it can take place after a call out which can occur at any time. Generally, Fire and Emergency has assessed that a fire station will be capable of meeting the standards set out in NZS 6802:2008 (Table 3 - Guideline residential upper noise limits), with the exclusion of noise created by emergency sirens.

Sirens play a crucial role in facilitating a prompt emergency response and provide a critical backup to the pager system. A siren can be the most effect means of communication in alerting volunteers, these volunteers generally live and work in close proximity to the fire stations. Sirens also provide assurance to the people who have made the call that help is on the way.

New fire stations (including within the Industrial Zone) may be necessary in order to continue to achieve emergency response time commitments in situations where development occurs, and populations change. In this regard it is noted that Fire and Emergency is not a requiring authority under section 166 of the Resource Management Act (RMA), and therefore does not have the ability to designate land for the purposes of fire stations. Provisions within the rules of the District Plan are therefore the best way to facilitate the development of any new fire stations within the Western Bay of Plenty District as urban development progresses.

**Fire and Emergency seeks the following decision from the consent authority:**

Fire and Emergency seek an amendment to proposed Rule 4C.1.3.2(b) to exclude emergency service sirens from the proposed noise limits as follows:

①

Amend Rule 4C.1.3.2(b) – Noise limits for activities in Industrial and Commercial Zones to include new clause (ii) 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

This exemption appropriately provides for the operational requirements of Fire and Emergency and enables them to meet its 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.

.....  
 (Signature of person authorised to sign on behalf of Fire and Emergency New Zealand)

18/09/2019  
 .....



# District Plan Changes 82-91

## Submission Form

- You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
 Western Bay of Plenty District Council  
 Private Bag 12803  
**TAURANGA 3143**

**For Office Use Only**

## Submissions close 4.00pm on Friday 27 September 2019

**Name:** Mr. ~~M. Spratt~~ DEREK SPRATT

**Organisation:** WAIHI DRAINAGE DISTRICT SOCIETY INCORPORATED

**Address for Service:** 265 CUTWATER ROAD RD9  
TE PUKE

**Post Code:** 3189

**E-mail Address:** spratty@netsmart.net.nz

**Telephone Number:** 07 533 3764 (home) 027 227 6667 (work) MOBILE

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

**Signed:**   
 (Signature of person making submission or person authorised to sign on behalf of person making submissions)

**Date:** 24<sup>th</sup> September 2019

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Name:

Submission Sheet No:

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
Example: PC 101	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.	
PC 86	Support Preferred Option 3 AS AMENDED.	BRINGS THE MAINTENANCE OF RIVERS CANALS DRAINS MAINTAINED BY NAHI DRAINAGE DISTRICT SOCIETY INTO LINE WITH CURRENT BOP REGIONAL COUNCIL RULES	

①



24/09/2019

File ref: LA069

Chief Executive Officer,  
Western Bay of Plenty District Council,  
Private Bag 12803,  
Tauranga Mail Centre,  
Tauranga 3143,  
By email: districtplan@westernbay.govt.nz

Dear Miriam

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA TO NOTIFIED PLAN CHANGE 84-PUBLIC TRAILS (WALKWAYS, CYCLEWAYS, BRIDLEWAYS AND SIMILAR) AS PART OF THE CHANGE TO THE DISTRICT PLAN-FIRST REVIEW OF THE OPERATIVE WESTERN BAY OF PLENTY DISTRICT COUNCIL DISTRICT PLAN**

Plan Change 84 seeks to amend the Western Bay of Plenty District Council District Plan (the District Plan) to reduce the number of instances a resource consent is required for the implementation of a variety of public trails. The amendments would include a new definition for "*public trail*", a new permitted activity called "*public trail*" and new related performance standards.

**TO: WESTERN BAY OF PLENTY DISTRICT COUNCIL**

**FROM: HERITAGE NEW ZEALAND POUHERE TAONGA**

1. This is a **submission** to Plan Change 84 for amendments to the District Plan to reduce the number of instances when a "*public trail*" currently defined as a "*place of assembly*" requires a resource consent. A "*public trail*" would still require a resource consent in the event that the "*public trail*" affected an Identified Significant Feature(s) in the District Plan Schedules 5-8 that includes archaeological sites.
2. Heritage New Zealand Pouhere Taonga (HNZPT) understands the Plan Change proposes to:
  - Create a new defined term "*public trails*" to cover those works for public trails and similar that are currently captured under the broad defined term of "*Places of assembly*"
  - Create a new permitted miscellaneous activity called "*public trails*" to be included within each zone at Activity Table at 10.3 for Infrastructure and Network Utilities. Under the "*Places of Assembly*" definition works to enable a public trail or similar typically trigger a discretionary activity resource consent.
  - Include new performance standards into the District Plan relating to the location of the public trail with regard its location to a title boundary and where works may be required within a Floodable Area and a Coastal Inundation Area.

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

4. **HNZPT's submission is:**

HNZPT is supportive in part of Plan Change 84. HNZPT considers that the wording of the proposed Plan Change could include a further amendment, to make Plan users aware of the requirements and obligations of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA 2014) with regard to the management of archaeology at the time of works sought under Section 10 - Infrastructure, Network Utilities & Designations section of the District Plan.

5. **The reasons for HNZPT's position are as follows:**

HNZPT is an autonomous Crown Entity with statutory responsibility under the HNZPTA 2014 for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. HNZPT is New Zealand's lead historic heritage agency. The HNZPTA 2014 protects both recorded and unrecorded archaeology.

The Resource Management Act requires that the protection of historic heritage should be *recognised and provided for* as a Matter of National Importance (Section 6(f)).

#### 5.1 Background

HNZPT has reviewed proposed Plan Change 84, in particular;

- Plan Change 84-Public Trails(Walkways, Cycleways, Bridleways and Similar)-The s32 report, and
- Section 10-Infrastructure, Network Utilities & Designations of the District Plan.

#### 5.2 Context

The installation of walkways, cycleways and similar is already been undertaken within the Western Bay of Plenty District. Many of the walkways/cycleways are located in sensitive locations in coastal areas rich in archaeological and cultural sites. The WBODDC considers that the current mostly discretionary activity consenting regime has achieved little towards enhanced environmental outcomes, hence the need for a more refined process via Plan Change 84.

HNZPT, in partnership with WBOPDC has utilised the circulation list of current consents, as an opportunity to undertake early engagement with applicants to establish the need or otherwise for an archaeological assessment/authority under the HNZPTA 2014 for archaeological sites, both scheduled and non-scheduled in the District Plan.

6. **HNZPT Response**

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.

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 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.

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.

Therefore HNZPT seeks the amendments identified at section 7 of this submission are retained as part of the decision version of Plan Change 84, should the Plan Change be approved.

**7. HNZPT seeks the following decision from the local authority:**

In the event that Plan Change 84 is approved and the suite of proposed amendments is included into the District Plan HNZPT seeks an additional amendment of an advice note to be included below Activity Table 10.3 as follows:

*"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."*

**8. Heritage New Zealand does not wish to be heard in support of our submission.**

Yours sincerely



Ben Pick  
Area Manager-Lower Northern  
Address for Service  
Heritage New Zealand Pouhere Taonga  
Lower Northern Area Office  
P O Box 13339

Tauranga  
3141  
Telephone: 07 577 4530  
Email: [plannerln@heritage.org.nz](mailto:plannerln@heritage.org.nz)

Contact person: Carolyn McAlley



## 08 - Shrimpton and Lipinski Limited Partnership

### Leevi Gotty-Rangitutia

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**From:** Have Your Say Western Bay of Plenty <notifications@engagementhq.com>  
**Sent:** Wednesday, 25 September 2019 3:38 PM  
**To:** Tony Clow; Have Your Say; Leevi Gotty-Rangitutia  
**Subject:** Anonymous User completed District Plan Changes 82-91 Submission Form

Anonymous User just submitted the submission form 'District Plan Changes 82-91 Submission Form' with the responses below.

**Title:**

No Answer

**Name:**

Shrimpton and Lipinski Limited Partnership

**Organisation (only required if submitting on behalf of an organisation):**

Shrimpton and Lipinski Limited Partnership

**Postal Address:**

PO Box 231, Tauranga

**Post Code:**

3140

**Contact Phone Number:**

075776069

**Email Address:**

info@sltga.co.nz

**I/We would like to speak in support of my/our submission at the Council hearing.**

Yes

**Please provide your feedback on the proposed plan changes. You need to give specific feedback on the changes being proposed. Please note you need to provide the names of the plan change/s you wish to submit on, whether you support or oppose with reasons why, and what you want Council's decision to be.**

**For example:**

- PC 101.

- Support the provision of medium density housing in identified areas but seek the addition of specific

**medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.**

**- Add to the District Plan Maps for Te Puke an area for higher density development.**

PC 85 Cleanfill Activities in the Rural, Future Urban, Lifestyle and Rural-Residential Zones. 1. The rule should be aligned with the BOPRC rules for disturbance of land and soil to provide for a maximum of 5,000m<sup>3</sup> per 12month, as provided for in the regional natural resource plan for other than identified sensitive environments. ①

2. The regional matters referred to in the proposed change should be left for the regional consent regime in the regional plan, as referring to them in this change results in two applications being required for the same resources and effects. This has potential for different and conflicting outcomes. 3. The matters addressed by the district plan provisions should be confined to matters of amenity. In a rural environment when considered with regard to the range of continuing year round and particularly concentrations associated with seasonal activities, there are at times significant vehicle movements including heavy vehicles both to and from and on properties. ②

4. There are several activity types permitted (Permitted Activities) in the Rural Zone that would have a significantly greater effect than movements associated with fill activities. These comprise production forestry, farming and particularly cropping and harvesting, post-harvest facilities in the Post-Harvest Zone, and rural contractors depots. All these activities present potential for more vehicle movements that may be expected over year associated with fill. 5. 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. 6. Alternatively to the seasonal characteristics referred to in point 4. gradual filling operations disbursed over longer periods of time result in more random heavy vehicle movements often resulting from when casually obtained fill is obtained. The random or infrequent nature of these movements results in them being not easily discernible from the other occasional or less concentrated heavy vehicle movements associated with non-seasonal and year round farming and other activities. 7. 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, the Permitted Activities referred to in point 4 demonstrate this. 8. Further characteristics include fill commonly only occurring 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. 9. Movements associated with fill in other localities such as Rural residential and Future Urban areas 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. ③

10. Only 2 people provided comment in the S32 process. This indicates; with regard to rural areas, a wider community acceptance of heavy vehicle movement due to recognition it is a productive area and included activities generating heavy vehicle movements on a regular and seasonal basis; with regard to other areas such as Future Urban and Rural Residential zones, such movements may also be expected to be accepted as part of the development of these areas. ④

11. If the Council desires to provide control over effects on amenities from vehicle movements associated with fill activities, the alternative that is already used in the Plan is separation distances applied to frost fans, post-harvest facilities and rural contractors depots. Application of a minimum distance for access routes from sensitive activities such as dwellings would follow this already established model. This approach would address the effect of concern directly rather than indirectly by limiting an aspect of an activity that only presents potential for adverse effects from proximity.

**If you need more room, please upload your submission document.**

No Answer

## **Submitter Name: J Swap Contractors Limited (Swaps)**

### **Proposed Plan Change 85 to Western Bay of Plenty District Plan - Cleanfill Activities in Rural, Future Urban, Lifestyle and Rural-Residential Zones**

#### **1. Importance of Quarry Activities to the district, region and country:**

Swaps is engaged in the extraction, processing and transporting of aggregate (crushed rock, gravel and sand), overburden and cleanfill; and has substantial investment in land and other capital assets in the quarry industry. Swaps currently operates ten hard rock quarries across the Bay of Plenty and Waikato regions, including within Western Bay of Plenty District and Tauranga area; and ranks as fourth largest producer of aggregates by volume in New Zealand. The Tauranga and Western Bay Sub-Region is well recognized as a high growth area, particularly under SmartGrowth; and demand for aggregate to support future development is high. Tauranga is also identified as a high growth urban area in the National Policy Statement for Urban Development Capacity requiring infrastructure and supporting industries to accommodate such ongoing growth/development.

Therefore, Swaps is a significant contributor to the economic growth and development of communities both within Western Bay, and throughout the North Island, including specialized product for roads, rail and infrastructure development, as well as for housing and industrial building facilities.

Quarries need to be located close to the area of end use for transport efficiencies, and to minimize carbon outputs associated with excessively long cartage movements. However, the location is restricted by a number of dynamics including location of the aggregate rock source, topography (favourable slopes required) and surrounding (neighbouring) land use activities. Where suitable rock is not locally available, product must be carted to those regions from quarries located elsewhere; with all the necessary (increased) transportation costs and associated implications in terms of affordable materials.

#### **2. Authorized Quarry Activities:**

Swaps believes that quarrying activities already have adequate controls through both regional and district plan provisions, and there is little need for or benefit from further controls under the district plan for cleanfill activities on quarry sites – where potential adverse effects are already controlled.

It is accepted that quarries need to address the dynamic factors described above regarding location. They also need to mitigate adverse effects on the environment, to ensure as they expand, or develop new quarry sites that they address potential adverse effects on the receiving environment, and remain compatible with surrounding land use activities. Given the scale of quarry activities managed by Swaps, they are used to dealing with large quantities of aggregate extraction, overburden removal and cleanfill activities and associated mitigation measures. Where necessary, Swaps will obtain the appropriate consents from Bay of Plenty Regional Council (BOPRC) for earthworks, discharge of treated stormwater or dust, water takes and any works affecting waterbodies.

Regional council consents will address potential adverse effects on the environment related to regional matters for the receiving environment; and in particular address such matters as water quality, water takes, and dust management. Essentially, earthworks, including overburden clearance and deposition of cleanfill, are controlled through rules in the BOPRC Regional Natural Resources Plan. The relevant regional plan provisions include discharges of contaminants to air (dust, odour), to water (sediment run-off) and to land with provisions to address erosion, overland flow paths (stormwater run-off), natural hazards, ecological values, disturbance of contaminated land and cultural values.

Existing quarries have land use consents under the district plan (unless operating under

existing use rights), with conditions for such matters as noise, glare, visual effects and landscaping, character and amenity values. Where a new quarry is to be established, matters relating to amenity, noise, visual, and traffic can also be addressed through the land use consent process under the district plan provisions for the respective zone where the new quarry is to be located. For example, under Rule 18.3.4(j) of the district plan, 'mineral exploration, mining and quarrying' are Discretionary in the Rural Zone. Only 'minerals prospecting' is Permitted in the Rural Zone under Rule 18.3.1(k) of the district plan.

Hence Swaps believes that quarrying activities already have adequate controls through both regional and district plan provisions, and there is little need for or benefit from further controls under the district plan for cleanfill activities on quarry sites – where potential adverse effects are already controlled.

### **3. Changes Proposed under Plan Change 85:**

Proposed Plan Change 85 (PC85) focuses on managing similar effects where cleanfill activities occur on private land, particularly for traffic and amenity related matters. The specific district plan changes proposed are:

- An addition to Policy 4C.2.2.2 to manage cleanfill deposition and minimise adverse effects.
- Rule 4C.2.3 is deleted and replaced with a new less permissive rules framework.
- Permitted Activity Rule 4C.2.3.1(a) allows disposal on private land of solid waste materials:
  - (i) Cleanfill material originating from off the disposal site where the total volume of material does not exceed 1,000 m<sup>3</sup> 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.
- A new performance standard relevant to the proposed permitted cleanfill activity is added to 4C.2.4.1, whereby cleanfill sourced off-site shall be ready for disposal without dismantling or processing on-site.
- Discretion matters in 4C.2.5.1 are amended and expanded to relate to the new Restricted Discretionary Activities rule.

By its nature 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 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.

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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. Therefore, Swaps seeks amendments to the PC85 provisions to exempt authorized quarries.

### **4. Decision Sought by Swaps:**

As noted above, Swaps believe quarrying activities already have adequate controls through both regional and district plan provisions, and there is little need for or benefit from further controls under the district plan for cleanfill activities on quarry sites – where potential adverse effects are already controlled.

Specifically, Swaps seek the following decisions:

Specific Plan Change	Submission	Decision Sought	Submission Ref No
4C.2.1 Significant Issue	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 4C.2.1 as proposed in PC85.	
4C2.2 Objectives and Policies	Swaps 'supports in part' the changes proposed to 4C.2.2.2 Policies which add management of deposition of cleanfill to minimise adverse effects on transportation network and infrastructure, and on the safety of road users and vehicle accessways, and on amenity of residential activities and other sensitive sites – subject to adequately addressing reverse sensitivity for existing quarry sites (including identified sites and active extraction quarry sites).	Amend Proposed Policy 4C2.2.2(3) to add the words: "... except where any proposed residential activities create reverse sensitivity issues for existing quarry sites."  Or, alternatively amend Proposed Policy 4C2.2.2(3), as follows: "...amenity of existing residential activities and other established sensitive sites (when the plan became operative)."	
4C2.3 Activity Lists	Swaps Opposes proposed Rule 4C2.3.1(a)(i) which limits cleanfill to a limit of 1000m <sup>3</sup> 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 authorized quarry activities."  Adopt 4C.2.3.1(a)(ii) and (iii) as proposed in PC85.	

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	<p>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.</p> <p>Swaps Opposes proposed Rule 4C2.3.1(b) Restricted Discretionary Activities and Rule 4C2.3.1(c) Discretionary Activities where cleanfill exceeds a limit of 1000m<sup>3</sup> within any 12 month period, and where solid waste (other than cleanfill) from off-site is disposed. This should not include authorized quarry sites.</p>	<p>Amend proposed Rule 4C2.3.1(b)(i) Restricted Discretionary Activities to exclude quarry activities, by adding the following wording: "...except for authorized quarry activities."</p> <p>Amend proposed Rule 4C2.3.1(c)(i) Discretionary Activities to exclude quarry activities, by adding the following wording: "...except for authorized quarry activities."</p> <p>Seek clarification regarding use of the terms "deposition" and "disposal".</p>	
4C.2.4 Activity Performance Standards	<p>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.</p>	<p>Delete Rule 4C.2.4.1(d) as proposed in PC85, unless quarry sites are exempt.</p> <p>Clarification also sought on the term, "processing"</p>	
4C.2.5 Matters of Discretion	<p>Swaps supports proposed Rule 4C.2.5.1(a) – (g) for Restricted Discretionary Activities; and also as a guide for Discretionary Activities.</p>	<p>Adopt 4C.2.5.1(a) – (g) as proposed in PC85.</p>	

## District Plan Changes 82-91

### Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westembay.govt.nz](mailto:districtplan@westembay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
**TAURANGA 3143**

For Office Use Only

Date stamp

### Submissions close 4.00pm on Friday 27 September 2019

<b>Name:</b> <b>Mr/Mrs/Ms/Miss</b>	Richard Harkness on behalf of J Swaps Contractors Ltd	
<b>Organisation</b>	J Swaps Contractors Limited	
<b>Address for Service:</b>	C/- AECOM New Zealand Limited, PO Box 13161, TAURANGA	
		<b>Post Code:</b> 3141
<b>E-mail Address:</b>	richard.harkness@aecom.com	
<b>Telephone Number:</b>	021 279 4430 (home)	07 927 3731 (work)

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

**Signed:**  **Date:** 25 September 2019  
(Signature of person making submission or person authorised to sign on behalf of person making submissions)

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

## **Submitter Name: J Swap Contractors Limited (Swaps)**

### **Proposed Plan Change 84 to Western Bay of Plenty District Plan Public Trails (Walkways, Cycleways, Bridleways and Similar)**

#### **1. Importance of Quarry Activities to the district, region and country:**

Swaps is engaged in the extraction, processing and transporting of aggregate (crushed rock, gravel and sand), overburden and cleanfill; and has substantial investment in land and other capital assets in the quarry industry. Swaps currently operates ten hard rock quarries across the Bay of Plenty and Waikato regions, including within Western Bay of Plenty District and Tauranga area; and ranks as fourth largest producer of aggregates by volume in New Zealand. The Tauranga and Western Bay Sub-Region is well recognized as a high growth area, particularly under SmartGrowth; and demand for aggregate to support future development is high. Tauranga is also identified as a high growth urban area in the National Policy Statement for Urban Development Capacity requiring infrastructure and supporting industries to accommodate such ongoing growth/development.

Therefore, Swaps is a significant contributor to the economic growth and development of communities both within Western Bay, and throughout the North Island, including specialized product for roads, rail and infrastructure development, as well as for housing and industrial building facilities.

Quarries need to be located close to the area of end use for transport efficiencies, and to minimize carbon outputs associated with excessively long cartage movements. However, the location is restricted by a number of dynamics including location of the aggregate rock source, topography (favourable slopes required) and surrounding (neighbouring) land use activities. Where suitable rock is not locally available, product must be carted to those regions from quarries located elsewhere; with all the necessary (increased) transportation costs and associated implications in terms of affordable materials.

#### **2. Reverse Sensitivity for Quarries:**

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.

With regards to Katikati Quarries Ltd (KQL) the process of authorizing expansion has begun, with Mining Permit 55762 providing an approval under the Crown Minerals Act 1991 to extract Crown minerals over a larger area than the current footprint into the future.

Tauranga Quarries Ltd (TQL) has significant greenfield space that is not current quarry operational area in pine plantation. Existing use rights for the quarry operation have been afforded to these areas. These areas are planned to be an extractive space for the future of the operation.

For both sites, setbacks from the operational areas and future expansion areas should be nominated and provided for in the District Plan to avoid reverse sensitivity. In this regard, 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 Bay. This is the preferred approach to achieving the 300m setback required for quarries.

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.

The WBOPDC district plan recognizes 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."*  
[Emphasis added]

With regards to Proposed Plan Change 84 (PC84) making provision for public trails in all zones, a similar approach to reverse sensitivity for quarries is also required.

### 3. Changes Proposed under Plan Change 84:

PC84 seeks to provide for an enabling District Plan rule framework for the construction of public trails as Permitted in every zone. The intent is to reduce time and cost where there appears to be little benefit to the environment by adding a layer of consenting complexity, which is not seen by WBOPDC as efficient.

### 4. Decision Sought by Swaps:

In terms of the policy framework for quarry activities, Swaps seeks a similar approach to the district plan's Objective 10.2.1(6) which addresses potential reverse sensitivity effects that may impact on the safe, effective and efficient operation of infrastructure and network utilities.

Swaps seeks the same policy framework for quarries and managing reverse sensitivity in the district plan; which can be achieved by 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*.

Swaps also seeks a change to planning maps to apply the current Quarry Effects Management Area (QEMA) layer to both the KQL site and 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.

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 below; where an indicative blue boundary line surrounds each quarry area to show the extent of the QEMA sought by Swaps.

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Figure 1: Katikati Quarries Limited Site Area – QEMA

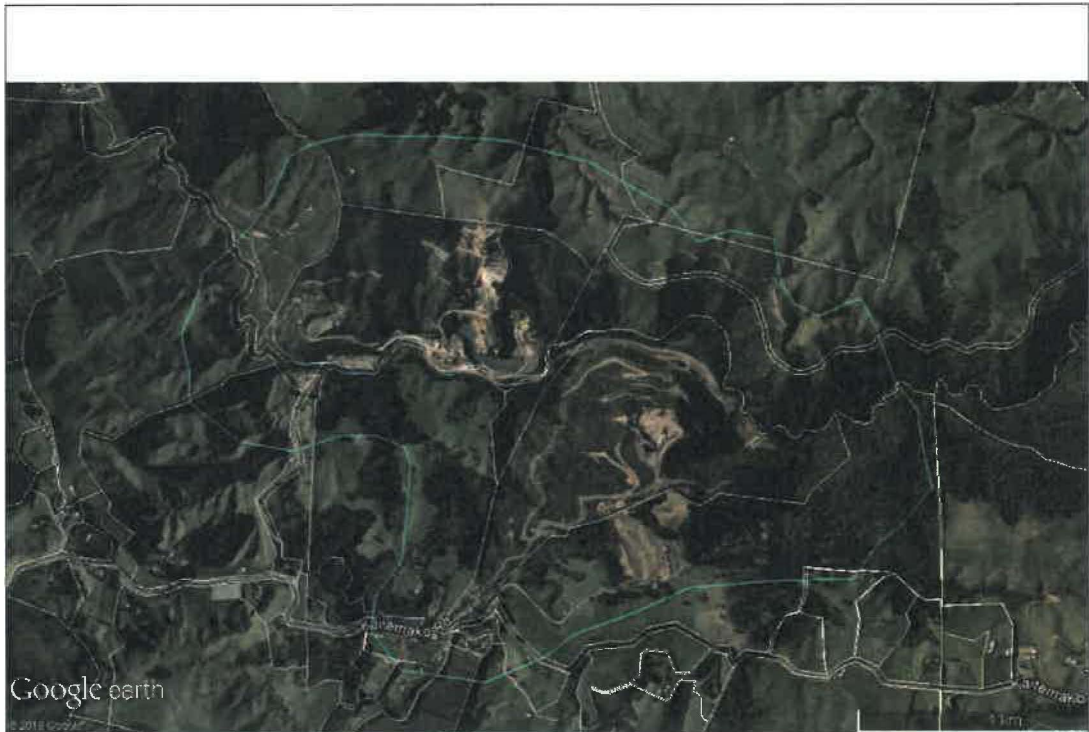


Figure 2: Tauranga Quarries Limited Site Area – QEMA

Specifically, Swaps seek the following decisions:

Specific Plan Change	Submission	Decision Sought	Submission Ref No
Definition for Public Trails	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.	(14)
Section 10.3 Activity Table for Infrastructure and Network Utilities	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.	<p>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".</p> <p>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.</p>	(15)

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Section 10.4 Activity Performance Standard for Infrastructure and Network Utilities	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.	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.”	
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It should be noted that 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.

## 10 - Rowena Pearce

### Leevi Gotty-Rangitutia

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**From:** Have Your Say Western Bay of Plenty <notifications@engagementhq.com>  
**Sent:** Thursday, 26 September 2019 9:50 AM  
**To:** Tony Clow; Have Your Say; Leevi Gotty-Rangitutia  
**Subject:** Anonymous User completed District Plan Changes 82-91 Submission Form

Anonymous User just submitted the submission form 'District Plan Changes 82-91 Submission Form' with the responses below.

**Title:**

Mrs

**Name:**

Rowena Pearce

**Organisation (only required if submitting on behalf of an organisation):**

No Answer

**Postal Address:**

50 Oikimoke Road

**Post Code:**

3176

**Contact Phone Number:**

0220608263

**Email Address:**

rowena@theciderfactorie.co.nz

**I/We would like to speak in support of my/our submission at the Council hearing.**

No

**Please provide your feedback on the proposed plan changes. You need to give specific feedback on the changes being proposed. Please note you need to provide the names of the plan change/s you wish to submit on, whether you support or oppose with reasons why, and what you want Council's decision to be.**

**For example:**

- PC 101.

- Support the provision of medium density housing in identified areas but seek the addition of specific

**medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.**

**- Add to the District Plan Maps for Te Puke an area for higher density development.**

PC85. Cleanfill Activities in the Rural, Future Urban, Lifestyle and Rural-Residential Zones I'm glad the issue of large scale cleanfill activities undertaken in the Rural Zone have been identified as a concern and are being addressed to adequately manage the associated effects. Of particular concern to me is the nature and number of heavy vehicle traffic movements on our rural roading infrastructure - and the impact this has on traffic and pedestrian safety. Within Section 18 - 'Rural' of our current district plan, the existence of some narrow and/or unsealed roads has been identified as a 'Significant Issue' yet this is not necessarily highlighted in the proposed plan change 85. Whether the volume of cleanfill transported is 1000m<sup>3</sup> or 5000m<sup>3</sup>, road width and road capacity need to be considered for every section within the rural zone. Some roads are not of adequate nature to withstand heavy vehicle movements at all and will pose severe safety threats to those in our community. The rural roads surrounding my property for example, form part of the Omokoroa-Tauranga cycleway and many residents including myself are concerned for the safety of everyone using these narrow rural roads. I ask you to please consider the importance of addressing the current/existing road widths and capacities as part of this proposed plan change. Your preferred 'Option 2' 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 them. ①

**If you need more room, please upload your submission document.**

No Answer

## 11 - Te Puke Economic Development Group



26 September 2019

Western Bay of Plenty District Council,  
1484 Cameron Road,  
Tauranga 3112

Via email [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz)

### Re: District Plan Changes

We submit as follows:-

#### 1. Post Harvest Zones

- a. Suitable on site accomodation for seasonal workers should be permitted (limits per site to be determined) within post harvest zones. ①
- b. Further accomodation 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. The need for accomodation is a pressing issue and Council should be an enabler.
- c. Pack houses not in post harvest zones should be permitted to create suitable accomodation. Again, Council should be proactive in working with industry to determine capacity limits by site.
- d. Heights. 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. ②
- e. NZTA Approval Rule. We support the NZKGI suggestion that wording (Option 2) should be:- *This shall not apply to post harvest zones sites that are accessed via side roads off Te Puke Highway.* ③

#### 2. Accomodation Facility Limits

We support an increase in accomodation facility combined permitted activity maximum limit to 5 persons. ④

#### 3. Rangiuru Business Park water supply options

- a. We support the utilisation of the second bore at Pongakawa as an initial solution for water supply to the Business Park.
- b. 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 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 Rangiuru Road and Maungarangi Road) ⑤

**4. Other**

We support the well considered submissions from NZKGI on Rural Contractor plan changes, Clean Fill Activities & Frost Protection Fans.

We would appreciate the opportunity to speak to our submission in due course.

Sincerely,



Mark Boyle

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## 12 - Fulton Hogan Limited

### Submission on Proposed Plan Change 85 and 88

**To:** Western Bay of Plenty District Council  
1484 Cameron Road, Tauranga  
Barkes Corner, Greerton  
Private Bag 12803, Tauranga Mail Centre  
Tauranga 3143

**Submitter:** Fulton Hogan Limited.

This is a submission by Fulton Hogan Limited (Fulton Hogan) on the proposed Plan Change 85 (PC85) and Plan Change 88 (PC88) to the Western Bay of Plenty District Council District Plan.

Fulton Hogan:

- (a) Could not gain an advantage in trade competition through this submission.
- (b) Is directly affected by an effect of the subject matter of the submission that—
  - (i) Adversely affects the environment; and
  - (ii) Does not relate to trade competition or the effects of trade competition.
- (c) Fulton Hogan does not wish to be heard in support of this submission.

### Background

#### Fulton Hogan Limited

1. Fulton Hogan is one of New Zealand's largest roading and infrastructure construction companies. Within New Zealand, Fulton Hogan employs close to 4700 staff.
2. Fulton Hogan undertakes numerous activities in the Western Bay of Plenty District including:
  - 2.1 Gravel extraction, both within river beds and within land-based quarries/pits;
  - 2.2 Aggregate processing and storage;
  - 2.3 Land use and infrastructure development and maintenance activities, either directly or on behalf of third parties (including roading contracts for the State Highway on behalf of the NZ Transport Agency, and local roads on behalf the territorial authority);
  - 2.4 Asphalt and bitumen manufacture and bulk storage;
  - 2.5 Pre-cast concrete manufacture and storage;

- 2.6 Hazardous substance use, transport and storage; and
  - 2.7 Workshops, transport depots, storage yards, staff offices, and supporting infrastructure (including wastewater, stormwater, and potable water).
3. Within the Western Bay of Plenty District, Fulton Hogan has operated since 1989 and currently employs approximately 200 staff.
  4. The activities of Fulton Hogan contribute to the sustainable management of resources for the social and economic benefit of people and communities. Where aggregates and aggregate-based products are not available (including at a reasonable cost), this has a fundamental effect on the ability of communities to provide for roading, building and other infrastructural requirements vital to their needs.

### **General submissions**

5. Fulton Hogan is concerned that PC85 is not aligned with the Regional Natural Resources Plan (RNRP). The proposed cleanfill volume limit of 1000 m<sup>3</sup> for a permitted activity is inconsistent with the 5000 m<sup>3</sup> of earthworks (which includes clean filling) that can occur under the Regional Plan. The 1000 m<sup>3</sup> volume limit is also not necessary to manage the associated traffic effects as a 5000 m<sup>3</sup> limit may only result in an increase of 100 – 200 vehicles per year over and above that contemplated in the s32 report..
6. Also, Fulton Hogan is concerned with the use of general terms such as ‘minimised’ in the proposed performance standard 4C.2.4.1(d). This lack of clarity creates uncertainty as to what activities can be undertaken at a cleanfill while it is operating under the permitted activity rules. More guidance on specific activities that cannot be undertaken onsite should be provided as has been suggested in Appendix A of this submission. Similarly, the proposed policy 4C.2.2.2.3 outlines that adverse effects from cleanfill should be minimised, but provides no reference point as to what level of effect is acceptable.
7. In terms of PC88, the proposed noise limits may be overly restrictive in some circumstances. Council’s own research has shown that the proposed limits are lower than those included within other District Plans for some industrial zones. Specifically, Fulton Hogan are concerned that the inclusion of a single daytime noise limit within Rule 4C.1.3.2(b) for the industrial zone does not cater to the range of light, moderate and heavy industrial land uses that may occur within the zone.
8. In order to ensure that PC85 and PC88 promote sustainable management and provide for the efficient use and development of natural resources, the following general relief is sought:
  - 8.1 Increase the volume of cleanfill that is able to be disposed of as a permitted activity to 5000 m<sup>3</sup> per any 12 month period to be consistent with the RNRP;
  - 8.2 Provide clarity as to the activities in performance standard 4C.2.4.1(d) that are to be precluded onsite as a permitted activity;

- 8.3 Amend policy 4C.2.2.2.3 to provide more specific guidance as to how effects are to be managed; and
  - 8.4 Include noise limits within Rule 4C.1.3.2(b) that reflects the potential range of industrial land uses that can occur within the Industrial Zone.
9. The specific submissions of Fulton Hogan and relief sought are contained in **Appendix A**. Where changes are proposed to provisions affected by PC85 and PC88, any additions are shown by bolding and double underline, and any deletions are shown by bolding and strikeout.

Signed on behalf of  
**Fulton Hogan Limited**



**Dated 26/09/2019**

**Address for Service of Submitter:**

c/- Tonkin & Taylor Limited  
PO Box 13 055  
Christchurch

Attn: Tim Ensor

Phone (021) 486 203  
Email [tensor@tonkintaylor.co.nz](mailto:tensor@tonkintaylor.co.nz)

**Appendix A: Submissions**

Sub #	The provisions of PC85 that the Fulton Hogan submission relates to are.	Reasons Oppose/ Support	The Fulton Hogan submission is that	Fulton Hogan seek the following decisions from Western Bay of Plenty District Council:
<b>Plan Change 85</b>				
<b>Significant issues</b>				
1.	<p><b>4C.2.1 Significant Issue</b></p> <p>The potential for the storage and disposal of solid wastes to generate adverse environmental effects including, for example, odour, vermin, visual intrusion and litter:</p> <p>(a) Effects on the amenity values of the surrounding area.</p> <p>(b) Effects on the transportation network and other infrastructure and network utilities; and</p> <p>(c) Effects on the safety of road users and vehicle access ways.</p>	Support.	As notified, this statement clearly identifies the issues to be managed by the plan provisions.	Retain this significant issue description as notified.
<b>Policies</b>				
2.	<p><b>4C.2.2.2 Policy</b></p> <p>[...]</p> <p>[...]</p> <p>3. Manage the deposition of cleanfill material to minimise adverse effects on the transportation network, infrastructure and network utilities, safety and convenience of road and access users, and on the amenity of residential activities and other sensitive sites.</p>	Oppose in part	The word minimised introduces uncertainty into the policy. Minimisation of applicants and decision makers as to what level of effect is acceptable. The common definition of 'minimise' is to reduce to the smallest possible amount or degree. This is not always possible or even appropriate in an RMA context and a more directive policy linked to the relevant guidelines and standards for those effects to be managed would be appropriate.	Amend policy 4C.2.2.2.3 to provide more specific guidance as to how effects are to be managed.
<b>Rules</b>				
4.	<p><b>Rule 4C.2.3.1 Rural, Future Urban, Rural-Residential and Lifestyle Zones</b></p> <p>(a) <b>Permitted Activities</b></p> <p>Disposal on private land (i.e. not to an authorised landfill) of the following solid waste materials:</p> <p>(i) Cleanfill material originating from off the disposal site where the total volume of material does not exceed 1 000 m<sup>3</sup> within any 12 month period;</p> <p>(ii) Cleanfill material originating from the same site on which it is to be disposed;</p> <p>(iii) Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.</p>	Oppose in part	Under the Bay of Plenty Regional Council 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 m <sup>3</sup> 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 35°. The proposed 1000 m <sup>3</sup> disposal limit within rule 4C.2.3.1(a) is therefore inconsistent with the RNRP.	Increase the volume of cleanfill that is able to be disposed of as a permitted activity to 5000 m <sup>3</sup> per any 12 month period to be consistent with the RNRP. The wording requested is as follows:
<p>(a) <b>Permitted Activities</b></p> <p>Disposal on private land (i.e. not to an authorised landfill) of the following solid waste materials:</p> <p>(i) Cleanfill material originating from off the disposal site where the total volume of material does not exceed 15,000 m<sup>3</sup> within any 12 month period;</p> <p>(ii) Cleanfill material originating from the same site on which it is to be disposed;</p> <p>(iii) Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.</p>				

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Sub #	The provisions of PC85 that The Fulton Hogan submission relates to are	Oppose/Support	Reasons	The Fulton Hogan submission is that:
5.	<p>The provisions of PC85 that The Fulton Hogan submission relates to are</p> <p><b>Rule 4C.2.3.1 Rural, Future Urban, Rural-Residential and Lifestyle Zones</b></p> <p><b>(b) Restricted Discretionary Activities</b></p> <p>(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 1 000m<sup>3</sup> within any 12 month period.</p>	Oppose in part	<p>The restricted discretionary activity status is supported. However, as discussed in relation to Rule 4C.2.3.1, the 1000 m<sup>3</sup> limit should be raised to 5000 m<sup>3</sup> to be consistent with the RNRP</p>	<p>Fulton Hogan seek the following decisions from Western Bay of Plenty District Council:</p> <p>Increase the volume of cleanfill that triggers the restricted discretionary activity status to 5000 m<sup>3</sup> within any 12 month period. The wording requested is as follows:</p> <p><b>Rule 4C.2.3.1 Rural, Future Urban, Rural-Residential and Lifestyle Zones</b></p> <p><b>(b) Restricted Discretionary Activities</b></p> <p>(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 m<sup>3</sup> within any 12 month period.</p>
6.	<p><b>4C.2.3.2 All Other Zones (Residential, Medium Density, Commercial, Commercial Transition, Industrial, Post Harvest, All Terrain Park)</b></p> <p><b>(a) Permitted Activities</b></p> <p>Disposal on private land (i.e. not to an authorised landfill) of the following solid waste materials:</p> <p>(i) Cleanfill material whether originating from the site on which it is disposed or not;</p> <p>(ii) Organic waste (e.g.n. shelter trimmings, home composting) that originates from the site itself.</p>	Support	<p>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.</p>	<p>Retain Rule 4C.2.3.2 as notified.</p>
7.	<p>Explanatory notes (for rules 4C.2.3.2 (a) and (b)):</p> <p><b>Explanatory Notes</b></p> <p>(i) These rules do not apply to the disposal of solid waste at authorised municipal or privately managed landfills and organic waste facilities (see Rule 10.3(a)).</p> <p>(ii) The volume of cleanfill material is to be calculated as a solid measure compacted in place at the disposal site.</p> <p>(iii) Disposal of all solid waste on private land (including cleanfill) is subject to the provisions of the Regional Water and Land Plan.</p>	Oppose	<p>The explanatory note is not considered necessary for the "All other Zones" rules within section 4C.2.3.2 as there is no mention of volume in rules 4C.2.3.2 (a) and (b) that would need to be calculated to determine the activity status.</p>	<p>Remove explanatory note (ii) as outlined below.</p> <p><b>Explanatory Notes</b></p> <p>(i) These rules do not apply to the disposal of solid waste at authorised municipal or privately managed landfills and organic waste facilities (see Rule 10.3(a)).</p> <p><del>(ii) The volume of cleanfill material is to be calculated as a solid measure compacted in place at the disposal site.</del></p> <p>(iii) Disposal of all solid waste on private land (including cleanfill) is subject to the provisions of the Regional Water and Land Plan.</p>
8.	<p><b>Activity Performance Standards</b></p> <p><b>4C.2.4 Activity Performance Standards</b></p> <p><b>4C.2.4.1 General</b></p> <p>[...]</p> <p>[...]</p> <p>[...]</p> <p>(d) Processing of Cleanfill Material Sourced Off Site.</p> <p>All cleanfill material sourced from off the site shall be ready for disposal without the need for any dismantling or processing on the site where it is to be disposed.</p>	Oppose in part	<p>It is uncertain what activities the terms 'dismantling' or 'processing' may preclude.</p> <p>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 cleanfilling 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.</p>	<p><b>4C.2.4 Activity Performance Standards</b></p> <p><b>4C.2.4.1 General</b></p> <p>[...]</p> <p>[...]</p> <p>[...]</p> <p>(d) Processing of Cleanfill Material Sourced Off Site.</p> <p>All cleanfill material sourced from off the site shall be ready for disposal without the need for any mechanical crushing and screening occurring onsite prior to disposal, dismantling or processing on the site where it is to be disposed.</p>

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Sub #	The provisions of PC88 that the Fulton Hogan submission relates to are	The Fulton Hogan submission is that	Reasons
Matters of Discretion		Oppose in part	Point (e) 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. 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 than 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.
9.	<p><b>4C.2.5 Matters of Discretion</b>  <b>4C.2.5.1 Restricted Discretionary Activities Criteria</b>  Council shall restrict its discretion to the following matters and shall use them as a guide for Discretionary Activities:</p> <p>(a) Effects on the amenity values of the surrounding area, including effects associated with noise and disturbance, vibration, visual amenity, traffic movements, hours of operation and duration of the activity.</p> <p>(b) Effects associated with vehicle access to and from the site, including safety and convenience for other road and access users.</p> <p>(c) Effects of traffic movements on the safety, efficiency and maintenance of the transportation network.</p> <p>(d) Effects on infrastructure and network utilities.</p> <p>(e) The views of the New Zealand Transport Agency regarding effects on the State Highway network.</p> <p>(f) The requirement for financial contributions for capacity consumption and pavement consumption as assessed in accordance with Section 11.</p> <p>(g) Measures to avoid, remedy or mitigate adverse effects in matters identified (a) to (f).</p>		<p>Reward matter of discretion (e) as follows:</p> <p><b>4C.2.5.1 Restricted Discretionary Activities Criteria</b>  Council shall restrict its discretion to the following matters and shall use them as a guide for Discretionary Activities:</p> <p>(a) Effects on the amenity values of the surrounding area, including effects associated with noise and disturbance, vibration, visual amenity, traffic movements, hours of operation and duration of the activity.</p> <p>(b) Effects associated with vehicle access to and from the site, including safety and convenience for other road and access users.</p> <p>(c) Effects of traffic movements on the safety, efficiency and maintenance of the transportation network.</p> <p>(d) Effects on infrastructure and network utilities.</p> <p>(e) <del>The views of the New Zealand Transport Agency regarding effects on the State Highway network.</del></p> <p>(f) The requirement for financial contributions for capacity consumption and pavement consumption as assessed in accordance with Section 11.</p> <p>(g) Measures to avoid, remedy or mitigate adverse effects in matters identified (a) to (f).</p>
Plan Change 88			
Significant Issues		Support	
10.	<p><b>4C.1.1 Significant Issues</b>  [...]</p> <p>3 The potential for Permitted Activities within one zone to generate noise which detracts from the existing amenity of nearby zones.  [...]</p> <p>5 The potential for noise emissions within the Industrial Zone to adversely affect the health and safety of people within and adjacent to that zone.</p>	This clearly sets the issues to be managed by the plan provisions.	Retain this significant issue description as notified.

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Sub #	The provisions of PC95 that The Fulton Hogan submission relates to are:	The Fulton Hogan submission is that: <small>Reasons</small>	Fulton Hogan seek the following decisions from Western Bay of Plenty District Council												
11.	<p>(c) Amend Rule 4C.1.3.2(b) – Noise limits for activities in Industrial and Commercial Zones to include new clause (i) as follows:</p> <p>(i) All activities located within Industrial Zones 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:</p> <table border="1" data-bbox="446 1568 606 1971"> <thead> <tr> <th>Time period</th> <th colspan="2">Sound Level Not to be Exceeded</th> </tr> <tr> <td></td> <td>Leq</td> <td>Lmax</td> </tr> </thead> <tbody> <tr> <td>Day time 7am – 10pm</td> <td>60dBA</td> <td>N/A</td> </tr> <tr> <td>Night time 10pm – 7am</td> <td>45dBA</td> <td>70dBA</td> </tr> </tbody> </table>	Time period	Sound Level Not to be Exceeded			Leq	Lmax	Day time 7am – 10pm	60dBA	N/A	Night time 10pm – 7am	45dBA	70dBA	<p>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 9602:2008) suggest a noise limit of 75 dBA Leq for Heavy Industrial zones.</p> <p>The low noise limit goes against the intent of the Industrial Zone, being to provide a space where industrial activities can locate and a more permissive approach is taken towards the effects industrial activities typically have (i.e. noise, odour, dust). The proposed noise limit within the industrial zone will unreasonably constrain industrial activities and development that are of a heavy nature.</p> <p>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.</p> <p>In addition, the night time noise limit is unnecessary. The plan contains noise limits at the notional boundary of sensitive receivers and therefore there is no need to have a night time noise limit measured within the Industrial Zone to avoid sleep disturbance.</p>	<p>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.</p>
Time period	Sound Level Not to be Exceeded														
	Leq	Lmax													
Day time 7am – 10pm	60dBA	N/A													
Night time 10pm – 7am	45dBA	70dBA													

**SUBMISSION ON  
Western Bay of Plenty  
District Council Proposed  
Plan Changes 82-91**

September 2019

**TO:** Western Bay of Plenty District Council

**NAME OF SUBMITTER:** Horticulture New Zealand

**CONTACT FOR SERVICE:**



## Introduction

Horticulture New Zealand (HortNZ) thanks Western Bay of Plenty District Council for the opportunity to submit on Proposed Plan Changes 82-91 and welcomes any opportunity to work with Western Bay of Plenty District Council and to discuss our submission.

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

HortNZ wishes to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

The details of HortNZ's submission and decisions we are seeking from Council are set out below.

## Background to HortNZ

HortNZ was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.

HortNZ represents the interests of 5000 commercial fruit and vegetable growers in New Zealand, who grow around 100 different crop types and employ over 60,000 workers. Land under horticultural crop cultivation in New Zealand is calculated to be approximately 120,000 hectares.

The horticulture industry value is \$5.7 billion and is broken down as follows:

<b>Industry value</b>	<b>\$5.7bn</b>
Fruit exports	\$2.82bn
Vegetable exports	\$0.62bn
<b>Total exports</b>	<b>\$3.44bn</b>
Fruit domestic	\$0.97bn
Vegetable domestic	\$1.27bn
<b>Total domestic</b>	<b>\$2.24bn</b>

For the first time New Zealand's total horticultural produce exports in 2017

exceeded \$3.44bn Free On Board value, 83% higher than a decade before.

It should also be acknowledged that it is not just the economic benefits associated with horticultural production that are important. The rural economy supports rural communities and rural production defines much of the rural landscape. Food production values provide a platform for long term sustainability of communities, through the provision of food security.

HortNZ's mission is to create an enduring environment where growers prosper. This is done through enabling, promoting and advocating for growers in New Zealand to achieve the industry goal of a \$10 billion industry by 2020.

## HortNZ's Resource Management Act 1991 Involvement

On behalf of its grower members HortNZ takes a detailed involvement in resource management planning processes around New Zealand. HortNZ works to raise growers' awareness of the Resource Management Act 1991 (RMA) to ensure effective grower involvement under the Act.

The principles that HortNZ considers in assessing the implementation of the RMA include:

- The effects based purpose of the RMA;
- Non-regulatory methods should be employed by councils;
- Regulation should impact fairly on the whole community, make sense in practice, and be developed in full consultation with those affected by it;
- Early consultation of land users in plan preparation;
- Ensuring that RMA plans work in the growers interests both in an environmental and sustainable economic production sense.

## Horticulture in Western Bay of Plenty District

### **The current state**

The Western Bay of Plenty District is a significant area for horticultural production, particularly kiwifruit, and to a lesser extent avocados. Within the Bay of Plenty region there is over 11,500ha<sup>1</sup> planted in horticultural crops, which makes it one of the top four growing regions in New Zealand. There are 48 food producers and processing firms located within the Bay of Plenty region. Zespri International Limited, which is located at Mt Maunganui, is the world's largest marketer of kiwifruit, selling into more than 50 countries and managing 30 percent of the globally traded volume. Zespri is owned by nearly 1900 current and past kiwifruit growers, the majority of whom grow within the Bay of Plenty region.

<sup>1</sup> Fresh Facts 2018 <https://www.freshfacts.co.nz/files/freshfacts-2018.pdf>

## **HortNZ's Submissions on Western Bay of Plenty District Plan Changes 82-91**

HortNZ has briefly reviewed the documentation relating to Plan Changes 82-91 and supports Western Bay of Plenty District Council's commitment to continuous improvement of their District Plan through these processes. HortNZ supports the general intent of each of the proposed plan changes, but provides specific, more detailed comment on those plan changes that the organisation considered to be particularly relevant to the horticultural sector. Those are Plan Changes 82, 83, 85, 87 and 89. Each of those plan changes is addressed in a separate section of this submission which outlines the following:

- whether or not HortNZ support or oppose the plan change, or its component parts;
- the reasons for our support or opposition; and
- the decision that HortNZ seeks in relation to the points that we raise.

HortNZ recognises that New Zealand Kiwifruit Growers Incorporated have worked closely with Western Bay of Plenty District Council on the development of a number of these plan changes, and as one of the 22 individual product groups affiliated to HortNZ, we thank you for recognising the importance of the kiwifruit industry in your district, and providing that opportunity.

HortNZ would like to acknowledge the efforts of Western Bay of Plenty undertaking this suite of plan changes to address a number of known issues with the current district plan, several of which are particularly relevant to the horticultural sector, and thank you for progressing this work. HortNZ does however look forward to the review of the entire district plan which will allow the matters it addresses, and the objectives and policies that rules it includes to be reconsidered and revisited in a more holistic fashion.

## Plan Change 82 – Post Harvest Zone Provisions

### Issue 1 – The size and number of Post Harvest Zones

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. This option (Option 3) provides 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 moving forward.

①

Decision sought: HortNZ seeks that Option 3 is adopted and the changes as set out in Section 3.6 of the Section 32 Report for the Post Harvest Zone Provision Review are made to the District Plan.

### Issue 2a – Bulk and location provisions in Post Harvest Zones – Daylighting

HortNZ supports the proposed change because it clarifies the performance standard and makes it clear where it applies. This makes plain where the daylighting performance standard must be complied with, which provides greater certainty for landowners within Post Harvest Zones, and also landowners in different zones that adjoin Post Harvest Zones.

②

Decision sought: 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.

### Issue 2b – Bulk and location provisions in Post Harvest Zones – Height

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. By comparison, industrial buildings in the Plains Production Zone of the Hastings District Plan, where there are many post harvest facilities located, can be up to 15m high as a permitted activity. HortNZ questions whether the new maximum permitted height should be 14m, or could possibly be increased to 15m, or potentially even slightly higher than that. Clear justification for the proposed new 14m maximum height is not entirely clear in the analysis presented in the Section 32 report – it is suggested that an increase of 2m may easily be absorbed on some sites. Would an increase of 3m potentially be just as easily absorbed?

③

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, and therefore 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, what their resource consent applications need 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.

④

⑤

Decision sought: HortNZ seeks that the maximum permitted building height is increased to at least 15m, and that buildings between the maximum permitted height and 20m are classified as restricted discretionary activities, with matters of discretion as suggested in the Section 32 Report.

**Issue 3: NZTA Approval Rule 22.5.1c RDA Criteria**

HortNZ supports the proposed change to Rule 22.5.1c 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.

6

Decision sought: HortNZ supports the proposed change as set out in Section 6.5 of the Section 32 Report.

**Issue 4: Edit of Rule 22.3.1(d) - Seasonal Worker Accommodation Exclusion and Deletion of Rules 22.3.3(e) and 22.5.1(e)**

7

8

HortNZ supports the proposed change as it clarifies the existing rule.

Decision sought: HortNZ supports the proposed change as set out in Section 7.5 of the Section 32 Report in respect of Rules 22.3.3e and 22.5.1e.

9

## Plan Change 83 – Accommodation Facility Permitted Limit

HortNZ is critically aware of the challenges that providing appropriate accommodation for seasonal workers presents, and believe that providing the opportunity for seasonal workers to be accommodated in a range of facility types, across a number of zones is the best approach, and also necessary given the challenge of accommodating the current number of seasonal workers, let alone the increasing numbers that will need to be accommodated to support the growth of the horticultural industry.

HortNZ supports an increase in the accommodation facilities permitted activity limit to five persons (over and above those permanently resident in the household) as we agree that this should ensure that reasonable amenity expectations for residential zones (considered to be the most 'sensitive' zone with regards to effects amongst those zones in which this change would apply) will be safeguarded, but will also enable a small number of additional seasonal workers to be accommodated within small scale accommodation facilities across a range of zones. The average household size in WBOP is 2.6 people<sup>2</sup> which means that on average, an allowance for up to 5 persons in an accommodation facility, means that an occupancy of around 8 could occur as a permitted activity.

Other district plans in New Zealand appear to be adopting a similar approach. For example, the Hastings District Council has recently notified a variation to the district plan that clarifies the threshold that applies to seasonal worker accommodation within residential zones, being eight people (i.e. a total of 8 persons is permitted to reside within one dwelling). The justification for that threshold is that it is equivalent to a large household, or a 4 bedroom house which could realistically accommodate 8 people, or 4 couples if they lived in a flatting/shared house situation. If more than 8 seasonal workers are to be accommodated on a site, within a residential zone, then the activity falls to be classified as a non-complying activity, as it moves beyond what could reasonably be anticipated as a residential activity within a residential zone. Similar issues exist in Hawke's Bay with regards to concerns that the use of residential accommodation to house seasonal workers contributes to the shortage of available rental accommodation.

HortNZ strongly encourage Western Bay of Plenty to specifically address the needs of seasonal worker accommodation when the whole district plan is reviewed. HortNZ suggests that enabling seasonal worker accommodation of a variety of scales, across a range of zones, whether it be as a permitted activity, or classified as controlled or restricted discretionary if certain performance standards are exceeded; is the best approach, and has been done by other districts throughout New Zealand. This holistic approach, which considers all provisions of the district plan, should ensure that a range of accommodation options can potentially be established – for example, these options could include large scale, purpose built off-site 'camps' that accommodate hundred(s) of seasonal workers; and/or smaller 'on-site' facilities located adjacent to post harvest facilities or within orchards, that accommodate around 100 workers. It is critically important that the capacity of appropriate seasonal worker accommodation within the Western Bay of Plenty District is grown. 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.

<sup>2</sup> 2013 census data [http://archive.stats.govt.nz/Census/2013-census/profile-and-summary-reports/quickstats-about-a-place.aspx?url=/Census/2013-census/profile-and-summary-reports/quickstats-about-a-place.aspx&request\\_value=13856&tabname=&sc\\_device=pdf](http://archive.stats.govt.nz/Census/2013-census/profile-and-summary-reports/quickstats-about-a-place.aspx?url=/Census/2013-census/profile-and-summary-reports/quickstats-about-a-place.aspx&request_value=13856&tabname=&sc_device=pdf)

Decision sought: HortNZ supports an increase in the accommodation facility combined maximum limit to five people - Option 2, and that the changes as set out in Section 3.8 of the Section 32 report for Plan Change 83 are made to the District Plan. We believe this 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.

10

## Plan Change 85 - Cleanfill Activities in the Rural, Future Urban, Lifestyle and Rural-Residential Zones

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, particularly within rural zones, to some degree. HortNZ does have some concerns about the impact that the discharge of cleanfill potentially can have on highly productive soils, however acknowledges this is an aspect of the activity that is managed by the regional council, and is therefore beyond the scope of this submission. Dust from cleanfill operations can also potentially have impacts on horticultural growers by depositing on fruit. However again, this is a matter that is managed by regional councils. 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.

(11)

HortNZ notes that the volume of material that it has been estimated that a truck can carry ( $5\text{m}^3$ - $10\text{m}^3$ ), which has formed the basis of calculations used to estimate potential vehicle movements resulting from a cleanfill activity, does appear to be rather conservative, and therefore potential impacts (in terms of number of truck movements) on the roading network may not be as significant as indicated. However, it is agreed that impacts on the roading network will occur as a result of cleanfill activities.

(12)

Decision sought: HortNZ supports Option 4 as it would provide a more nuanced approach to managing the effects of cleanfills, and 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 – in other words, it would enable a more effects based approach, which would seem to be more in keeping with the overriding sustainable management purpose of the Act.



## Plan Change 87 – Frost Protection Fans

### Issue 1 – Frost Protection Fans – Activity Status

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. (13)

Frost fans are expensive pieces of equipment that growers invest in to provide a means of protecting their crops if frosts occur. Frost fans cost money to operate, and need to be supervised while in operation, which is generally during the very early hours of the morning, therefore growers certainly do not operate them unnecessarily. Having said that, growers need to be able to operate them if temperatures drop below the critical threshold for their crop, and 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, and as a national organisation, HortNZ has observed a wide range of approaches being adopted by district councils across the country, and would strongly support a more consistent approach to noise limits that fans must meet. Having said that, the proposed amendments to the plan proposed by WBPDC are considered to be a practical approach to the management of a challenging issue. (14)

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 an activity that it is important to undertake, therefore HortNZ supports the addition of testing for operational readiness to the condition that allows operation of frost fans between 8am and 5pm.

Decision sought: HortNZ supports the adoption of Option 3 (as set out in Sections 4.3 and 4.5 of the Section 32 report) with the addition to (d) of Rule 4C.1.3.6 '*or testing for operational readiness*'. These 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 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.

### Issue 2 – Frost Protection Fans – Reverse Sensitivity

Reverse sensitivity issues are a source of great concern for growers, and are becoming an increasing problem as more people move into productive areas who do not have realistic expectations with regards to the noise that can occur as a result of primary production activities. HortNZ supports the proposal to add clarity to the plan by clearly outlining the requirements for the acoustic standards that any new dwelling constructed within 300m of a consented or existing frost fan must comply with. This approach is generally consistent with the requirements of other local authorities, and 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. (15)

Decision sought: HortNZ seeks the adoption of Option 2, and that the changes set out in Section 5.4 of the Section 32 Report are made to the district plan.

### Issue 3 – Frost Protection Fans – Height in Post Harvest Zone

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. (16)

It is also noted that increasing the maximum height limit for frost fans to 15m in the Post Harvest Zone would seem to lend support to the argument that the maximum height limit for buildings in the Post Harvest Zone could also be increased to 15m (rather than the 14m currently proposed) – consistency in the height limit that applies to both buildings and structures within the Post Harvest Zone would be advantageous as it would avoid confusion, and from an effects perspective, may also result in a greater consistency in building and structure height.

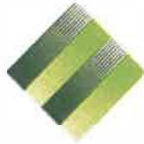
Decision sought: HortNZ seeks that Option 2 is adopted, and the changes to the district plan as set out in Section 6.4 are made.

## **Plan Change 89 – Rural Contractors Depots – Separation Distances**

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. The proposed changes appear to make explicitly clear what would seem to be a common sense interpretation of what the extent of a rural contractors depot is, in that it includes vehicle accessways, driveways, vehicle parking and/or manoeuvring areas, and therefore required setbacks must take these into account.

17

Decision sought: 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.



# District Plan Changes 82-91

## Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
**TAURANGA 3143**

For Office Use Only  
  
Date stamp

## Submissions close 4.00pm on Friday 27 September 2019

Name: Mr/Mrs/Ms/Miss Mr. Scott Hamilton Chief Executive for and on behalf of Quayside Properties Limited

Organisation: Quayside Properties Limited

Address for Service: PO Box 13-564 Tauranga Central

Post Code: 3141

E-mail Address: scott@quaysideholdings.co.nz , mike@quaysideholdings.co.nz

Telephone Number: 021 245 7099  
(home) (work)

~~I~~**We** would like to speak in support of ~~my~~**our** submission at the Council

hearing. Yes  No  Please tick

Signed: \_\_\_\_\_  
(Signature of person making submission or person authorised to sign on behalf of person making submissions)

Date: 26<sup>th</sup> September 2019

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
<p>PC 88 Noise Standards within Industrial Zones</p>	<p>Quayside Properties Limited owns land at Rangioru that is zoned for industrial use and generally known as Rangioru Business Park.</p> <p>Quayside Properties Limited wishes to have amendments made to the provisions for noise limitations within industrial zones. This submission requests the amendments in respect to limits be adopted for industrial land noted below. Alternatively, Quayside Properties Limited requests that Rangioru Business Park has noise standards uniquely assigned to the business park as noted in this submission.</p> <p>Reasons</p> <p>Rangioru Business is a new industrial zoned area that has been extensively consulted on through various private plan change adoption processes. It will be focused on employment land for industrial activities for the support of the economic wellbeing within the region. The connection with the Port of Tauranga via the TEL is strategic. Industry will be similar and complementary to those operating at the Port and with Tauranga City Council industrial zones and in particular the Tauriko Industrial Park in Tauranga. 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.</p>	<p>As Proposed under PC88 4.C.1.1 (c) <del>Day time 7am-10pm Leq 60 dBA Lmax N/A</del> <del>Night time 10pm-7am Leq 45 dBA Lmax 70 dBA</del> be deleted</p> <p>AND AMENDED to the following standards</p> <p>Requested amendment 4.C.1.1 (c) Day time 7am-10pm Leq 65 dBA Lmax N/A Night time 10pm-7am Leq 55 dBA Lmax 85 dBA</p>	



Submission No  
**015**

# District Plan Changes 82-91

## Submission Form

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Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
**TAURANGA 3143**



## Submissions close 4.00pm on Friday 27 September 2019

**Name:**  
Mr/Mrs/Ms/Miss RICHARD JAMES (Jim) Matthews

**Organisation** \_\_\_\_\_

**Address for Service:** 479a Oropi Rd **Post Code:** 3173

**E-mail Address:** jim.danusia@farmside.co.nz

**Telephone Number:** 543 2480  
(home) (work)

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

**Signed:** [Signature] **Date:** 26-9-19  
(Signature of person making submission or person authorised to sign on behalf of person making submissions)

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

**Name:** Richard James Matthews

**Submission Sheet No:** 85.

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
Example: PC 101	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.	
PC 85 Section 32	Address the consequences of Dumping being a permitted activity. Make dumping discretionary in nature to ratify a residential neighbour. Make a charge to cover trading impacts	Make ratification of dumping a requirement of W.D.C. Mandatory ratification and consideration of neighbours. Charges to help cover trading costs.	

**RJ & DS MATTHEWS**  
479a Oropi Rd  
RD3 TAURANGA, NZ  
Phone: 07 543 2480  
email: jim.danusia@farmside.co.nz

26 September 2019

### WBOPDC PLAN CHANGE 85 – SECTION 32

OPTION 2 (3.5) is WBOPDC preferred option with 1,000m<sup>3</sup>/year, 200-400 truck movements per year. Council is concerned about the volume of traffic and adverse effects on the transportation network, safety and wear and tear on infrastructure.

Matters of discretion are mentioned but exclude effects that BOPRC covers.

As a neighbouring property to a large dumpsite could you please answer the following:

1. Current WBOPDC rules make dumping a "permitted activity" requiring only BOPRC Consent. How is Option 2 going to address neighbouring properties concerns? ①
2. How is WBOPDC going to address 100,000 cubic metres per year; 20,000 – 40,000 truck movements per year if it is concerned about 1% of this? ②
3. 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. ③
  - c. The consent allows 24/7 dumping for 20 years without any ability to change.
4. As it is acknowledged that the dumping traffic hugely increase roading damage shouldn't there be a greater roading contribution from the Dumping Agent and the Landowner, proportional to the proposed quantity of fill? ④

### NEIGHBOURING PROPETIES

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 tranquility sought by such landowners and a roading infrastructure being destroyed by so many heavy vehicles. Oropi Rd has two permitted sites allowing 700,000 cubic metres, ie 280,000 truck movements. ⑤

Could you please explain how the neighbouring properties are going to have their concerns heard and addressed and the roading costs being imposed are going to be addressed? ④



Please don't rely on BOPRC who avoid the issues by declaring neighbouring properties to be "**unaffected**". We need our Council to legislate protection for neighbours; mandatory notification to bordering properties, collecting their views and addressing them wherever practical.

6

We acknowledge these dumpsites are necessary for Urban development but neighbouring properties should have input on the effects of dumpsites and legal support for practical ameliorating actions.

7

#### MATTERS OF DISCRETION 4c 2.5.1

Matters of Discretion 4c 2.5.1 is unclear about its application for 1,000 cubic metres per year or BOPRC consent.

8

If WBOPDC apply it to all dumping then it could conflict BOPRC consent. If it doesn't then major dumpsites will have less protection than smaller sites.

Do neighbours have a right to be heard or be sidelined by WBOPDC like BOPRC do?

## 16 - BayGold Ltd

### Leevi Gotty-Rangitua

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**From:** Have Your Say Western Bay of Plenty <notifications@engagementhq.com>  
**Sent:** Friday, 27 September 2019 11:53 AM  
**To:** Tony Clow; Have Your Say; Leevi Gotty-Rangitua  
**Subject:** Anonymous User completed District Plan Changes 82-91 Submission Form

Anonymous User just submitted the submission form 'District Plan Changes 82-91 Submission Form' with the responses below.

**Title:**

Mrs

**Name:**

Olivia Manusauloa

**Organisation (only required if submitting on behalf of an organisation):**

BayGold Ltd

**Postal Address:**

146 State Highway 33

**Post Code:**

3189

**Contact Phone Number:**

0272265353

**Email Address:**

olivia@baygold.co.nz

**I/We would like to speak in support of my/our submission at the Council hearing.**

No

**Please provide your feedback on the proposed plan changes. You need to give specific feedback on the changes being proposed. Please note you need to provide the names of the plan change/s you wish to submit on, whether you support or oppose with reasons why, and what you want Council's decision to be.**

**For example:**

- PC 101.

- Support the provision of medium density housing in identified areas but seek the addition of specific

**medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.**

**- Add to the District Plan Maps for Te Puke an area for higher density development.**

- PC 85 Cleanfill - Oppose the plan change - Reasons: BayGold expresses concerns over the Clean Fill plan change proposal. As developers we are already required (according to BOPRC permitted limits for Earthworks and Quarries) to acquire a resource consent for any exposed area no greater than 1 hectare and volume no greater than 5,000 m<sup>3</sup>. We feel this resource consent should cover the need (if any) to also transport up to 5000m<sup>3</sup>. We are unsure what the benefit would be of introducing another resource consent for any deposition of clean fill at 1000m<sup>3</sup> when we are not required to get a resource consent for earthworks until we are moving over 5000m<sup>3</sup>. While a majority of earthworks are done within the site's boundaries, there are still times when the deposition of clean fill is necessary. As orchard developers we feel this plan change only serves to slow down the progress of Kiwifruit development.

①

**If you need more room, please upload your submission document.**

No Answer

## 17- Bay of Plenty Regional Council

Our Ref: fA1144467

27 September 2019



Western Bay of Plenty District Council  
Via email: [phillip.martelli@westernbay.govt.nz](mailto:phillip.martelli@westernbay.govt.nz)

Tēnā koe e Phillip,

### **Proposed Plan Changes 82 to 91 to the Western Bay of Plenty District Plan**

Bay of Plenty Regional Council Toi Moana (BOPRC) submissions are appended for the following proposed plan changes:

- 82 (Post Harvest zones)
- 83 (Accommodation facilities – permitted limit increase)
- 84 (Public walkways, trails and bridleways and similar)
- 85 (Cleanfill activities in Rural, Future Urban, Lifestyle and Rural-Residential zones)
- 86 (Maintenance of stopbanks and drains)
- 91 (Rangiuru Business Park- water supply option)

Given the nature of effects BOPRC will not be submitting on the following plan changes:

- 87 (frost protection fans)
- 88 (noise within industrial zones)
- 89 (rural contractors depots – separation distances)
- 90 (home enterprises – sale of goods)

We acknowledge the working relationship with Western Bay of Plenty District Council staff and appreciate the opportunity to be involved from the outset. Early consultation has enabled BOPRC to better understand the process for preparing the plan changes and issues encountered during the identification and assessment process.

Overall, BOPRC support all the plan changes, in particular Plan Change 86 (maintenance of stopbanks and drains) as well as the use of explanatory notes that direct plan users to consider whether a resource consent is required under any regional plan.

Otherwise, minor wording changes are suggested to the proposed definition of 'public trails' in Plan Change 84 and Plan Change 91 to ensure consistent wording of the proposed plan provisions.

BOPRC does not wish to be heard in support of our submissions,

Nāku noa, nā

Namouta Poutasi  
**Group Manager Strategy and Science**

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions (Try to be precise and what wording change you are seeking?)
Plan change No.	Section Heading and Reference	Clarify the issues you are concerned about eg. is it inconsistent with BoPRC policy and plans?	Support/Oppose or Seek Amendments and Provide Reason (The reason should include a reference to policy/objective/method or rule in a regional plan if possible)	

82 – Post Harvest zone	Activity Performance Standards – Site Coverage (22.4.1(d))	<p><b>On-site wastewater treatment and disposal</b></p> <p>All Horticultural Post Harvest facilities listed in Appendix A 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.</p> <p>While BOPRC prefer any new Post Harvest Facilities are located within Industrial zones were wastewater reticulation is available, we also recognise these 15 zones have existed since the Western Bay of Plenty District Plan was made operative in 2012. Plan Change 82 recognises the economic benefits of these facilities to the sub-region and the considerable investment made in them. The availability of wastewater reticulation infrastructure is a preferable long term sustainable solution. BOPRC therefore prefer 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. An advice note is requested to ensure this is kept in mind as part of any expansion plans.</p> <p><b>Stormwater</b></p> <p>Some of the Horticultural Post Harvest zones (e.g. Apata Group at Mends Lane and Hume Pack-N-Cool) 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.</p>	<p><b>Seek amendment</b></p> <p>To promote integrated management an advice note is requested to ensure managers of Horticultural Post Harvest Facilities are made aware regional consents are required for wastewater treatment and disposal and may also be required for stormwater in relation to increases in large impermeable surface areas.</p>	<p>Insert the following Advice Note after Activity Performance Standards – Site Coverage (22.4.1(d)) for the Post Harvest zone to read:</p> <p><b>Advice note:</b> <u>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.</u></p>	①
84 – Public Trails (walkways, cycleways,	3.7	<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>Plan Change 84 is consistent with the aim of providing efficient and effective delivery of transport infrastructure under the</p>	<p><b>Seek amendment</b></p> <p>Amend the proposed definition for 'Public trails' to exclude 'un-reticulated public toilets'.</p> <p><b>Support</b></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</p>	②
					③

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions (Try to be precise and what wording change you are seeking?)
Plan change No.	Section Heading and Reference	Clarify the issues you are concerned about eg. is it inconsistent with BoPRC policy and plans?	Support/Oppose or Seek Amendments and Provide Reason (The reason should include a reference to policy/objective/method or rule in a regional plan if possible)	
bridleways and similar)		<p>Regional Land Transport Plan. It also gives effect to RPS Policy MN 5B 'Encouraging public access to and along the coast, lakes and rivers' which seeks to 'Retain or establish public access to and along the coast, lakes and rivers, giving priority to public access rights where specific matters apply including:</p> <p>(a) <i>Connections between existing public areas can be provided;</i></p> <p>(b) <i>Improving access would promote outdoor recreation;</i></p> <p>(e) <i>Walking access to the coastal marine area, lakes and rivers can be provided;</i></p> <p>One concern is 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>Support restricted discretionary activity status for public trails within floodable areas and coastal inundation areas.</p>	<p>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>

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1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions (Try to be precise and what wording change you are seeking?)
Plan change No.	Section Heading and Reference	Clarify the issues you are concerned about eg. is it inconsistent with BoPRC policy and plans?	Support/Oppose or Seek Amendments and Provide Reason (The reason should include a reference to policy/objective/method or rule in a regional plan if possible)	
85 – Cleanfill Activities in Rural, Future Urban Lifestyle and rural residential zones	4C.2.3.1(iii) explanatory note	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. BOPRC support the proposed explanatory note in the draft rule that directs Plan users to the Regional Natural Resources Plan.	<b>Support subject to amendment</b> BOPRC supports proposed explanatory note (ii) that directs users to the requirements of the regional 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 <u>Water and Land Natural Resources Plan</u> .'
86 – Floodable and Coastal Inundation Areas – Maintenance of Stopbanks and Drains	Whole Plan Change	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 Waiti 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 5m <sup>3</sup> .	<b>Support</b> BOPRC supports the proposed amendments to Rule 8.3.3(c)(ii) to exempt BOPRC, District Council and Waiti Drainage Society from requiring resource consent for earthworks over 5m <sup>3</sup> for the maintenance of existing stopbanks and drains.	Retain Plan Change 86 as notified.

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1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions (Try to be precise and what wording change you are seeking?)
Plan change No.	Section Heading and Reference	Clarify the issues you are concerned about eg. is it inconsistent with BoPRC policy and plans?	Support/Oppose or Seek Amendments and Provide Reason (The reason should include a reference to policy/objective/method or rule in a regional plan if possible)	
91 – Rangiuru Business Park – 3 <sup>rd</sup> water supply option	12.4.13.3(a) and 12.4.13.3(b)	<p>Proposed Plan Change 91 provides a 3<sup>rd</sup> water supply option from Pongakawa for the Rangiuru Business Park.</p> <p>BoPRC submission suggests minor amendments to correct text and simplify proposed wording.</p> <p>12.4.13.2(a) refers to two water supply servicing options however this should refer to three options in line with the Proposed Plan Change.</p> <p>12.4.13.3(b) advises resource consent is required from the Regional Council for options A and B. We query 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.</p> <p>BoPRC suggest 12.4.13.3(b) is amended to a more general statement – <i>Resource consent from the Regional Council is required.</i></p>	<p><b>Support subject to amendment</b></p> <p>Minor wording amendments are suggested to correct text and simplify proposed wording</p>	<p>12.4.13.3(a) - replace the word 'two' to 'three'</p> <p>12.4.13.3(b) - replace the second sentence of part (b) to read:</p> <p><del>'Options A and B will require resource consent from the Regional Council.'</del></p> <p><u>'Resource consent from the Regional Council is required.'</u></p>

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## 18 - Katikati Waihi Beach Ratepayers Association

**Leevi Gotty-Rangitutia**

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**From:** WWRRA Katikati <westernwardratepayers@gmail.com>  
**Sent:** Friday, 27 September 2019 11:51 AM  
**To:** District Plan  
**Subject:** Proposed change to District Plan Rule 84

This is the submission of the Katikati - Waihi Beach Residents and Ratepayers Association on the proposed change to the District Plan.

Walkways, Cycleways, Bridleways and Similar Trails Projects.

We submit that:

- 1 Council does not carry out enough consultation or cost-benefit analysis before constructing these trails and therefore the process should not be allowed to be less transparent than it already is. ①
- 2 The formation and maintenance of walkways, cycleways, bridleways and similar trails and car parking areas should not be excluded from the definition of "earthworks". ②
- 3 Quarrying should not be excluded from the definition of earthworks. It is ridiculous to have quarrying lumped in with gardening and normal agricultural and horticultural practices. ③

Keith Hay, Secretary on behalf of:  
KATIKATI - WAIHI BEACH  
RESIDENTS AND RATEPAYERS ASSOCIATION

Unit 1, 116 Main Road Katikati

Keith Hay  
19 The Crescent, Waihi Beach, 3611. 07 8631399

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KATIKATI - WAIHI BEACH  
RESIDENTS AND RATEPAYERS ASSOCIATION

# SUBMISSION

TELEPHONE 0800 327 646 | WEBSITE [WWW.FEDFARM.ORG.NZ](http://WWW.FEDFARM.ORG.NZ)



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To: Western Bay of Plenty District Council  
Private Bag 12803,  
Tauranga Mail Centre  
TAURANGA 3143

[districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz)

Date: 27 September 2019

Submission on: **Plan Changes 82 - 91 to the Western Bay of Plenty District Plan**

Submission by: Federated Farmers of New Zealand  
Bay of Plenty Province

DARRYL JENSON  
BAY OF PLENTY PROVINCIAL PRESIDENT  
Federated Farmers of New Zealand  
P 07 533 1300  
M 021 332216  
E [waione@xtra.co.nz](mailto:waione@xtra.co.nz)

Address for Service: HILARY WALKER  
SENIOR POLICY ADVISOR – REGIONAL  
Federated Farmers of New Zealand  
PO Box 447, Hamilton 3240  
P 0274 360 560  
E [hwalker@fedfarm.org.nz](mailto:hwalker@fedfarm.org.nz)

We wish to be heard in support of our submission.

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The Bay of Plenty Province of Federated Farmers appreciates this opportunity to submit on Plan Changes 82-91 to the Western Bay of Plenty District Plan. We acknowledge any submissions made by individual members of Federated Farmers.

Primary production activities such as dairying and horticulture make significant contributions to the economic, social and cultural well-being of the Western Bay of Plenty district. These activities also have a positive impact on the economic sustainability and continued viability of many of the district's towns such as Waihi and Katikati.

While many of these Plan Changes propose relatively minor changes, a number have aspects with the potential to cause adverse effects within the rural zone or relate specifically to rural activities and as such we are disappointed Federated Farmers was not identified as a stakeholder and given the opportunity to engage proactively during the pre-consultation process.

In general terms Federated Farmers is encouraged to see council looking at ways to create efficiencies by reducing duplicated planning controls and streamlining resource consent requirements by making better use of permitted activity standards as a method to control potential adverse effects.

## **1.0 PLAN CHANGE 82 – POST HARVEST ZONE**

### **1.1 Provision in the proposed Plan Change:**

Plan Change 82 Post Harvest Zone – preferred option changes

### **1.2 Summary of reasons for this submission:**

Plan Change 82 proposes changes to the Post Harvest Zone to better facilitate the growth of the horticultural sector. It includes expansions of some existing Post Harvest Zones, makes some provision for increasing the maximum height for buildings and includes minor edits to other rules.

The proposed preferred option changes look to meet those horticultural needs. Federated Farmers submits only to remain involved if any tensions become apparent between the rural zone and post harvest zone interface.

①

### **1.3 Relief Sought:**

Neutral position on the preferred option changes.

## **2.0 PLAN CHANGE 83 – ACCOMMODATION FACILITY PERMITTED LIMIT**

### **2.1 Provision in the proposed Plan Change:**

Proposed Option 2, which increases the accommodation facility combined permitted activity maximum limit from four to five persons.

2.2 Summary of reasons for this submission:

Federated Farmers supports the Council's Preferred Option 2 and subsequent changes to the district plan provisions as outlined on pages 11-14 of the Plan Change 83 - Section 32 Report.

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.

②

2.3 Relief Sought:

Retain Plan Change 83 Preferred Option 2 as notified

**3.0 PLAN CHANGE 84 – PUBLIC TRAILS (WALKWAYS, CYCLEWAYS, BRIDLEWAYS AND SIMILAR)**

3.1 Provision in the proposed Plan Change:

Proposed Option 2 changes to the district plan provisions as outlined on pages 14-16 of the Plan Change 84 - Section 32 Report.

3.2 Summary of reasons for this submission:

Federated Farmers is supportive of the intent of this plan change on the condition that adverse effects on neighbouring landowners is addressed, and it is clear public access is only available over private property with the landowners' permission. It is looking to introduce efficiencies by reducing duplicated planning controls and streamlining resource consent requirements by making better use of permitted activity standards as a method to control potential adverse effects.

③

Whilst the intention is understood, potential issues can arise from increased areas of public trails / access ways being opened up near private property. Increased public access can cause negative impacts on adjacent landowners including rubbish being dumped, unconstrained dogs, increased litter, pest and weed spread, and increased reverse sensitivity and health and safety issues where there is close proximity between members of the public and usual rural activities such as spraying, tree felling, heavy machinery in use and lambing or calving in spring. Federated Farmers also ask that the public are made aware of where public toilets are located.

The proposed permitted performance 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, is important and goes some way to implement Policy 18.2.2 (10). However, Federated Farmers is concerned there are no proposed standards to address the potential effects of increased public access in a rural location more broadly and thereby implement the policy more effectively.

Policy 18.2.2(10) states:

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

There may be some practical solutions to address education related issues like providing good signage that is informative about the activities which can take place in the area and includes any seasonal variances. However, if not well-managed public reserves can also cause ongoing problems with noxious weeds or flooding that can affect adjacent private land. Federated Farmers asks for the effects of increased public access into rural locations to be better reflected in the permitted activity standards and for all new trails to be included on regular maintenance schedules that includes rubbish/litter collection, drainage and weed and pest maintenance.

### 3.3 Relief Sought:

#### 1. Amend Preferred Option 2 as follows:

##### 10.4 Activity Performance Standards for Infrastructure and Network Utilities

- (r) Public trails
- (a) Any part of a public trail shall be a minimum of 30m from any title boundary.
- (b) The above shall not apply if the public trail location is closer than 30m from a title boundary and it:
  - has been confirmed via a Reserve Management Plan, Town Centre Plan, Structure Plan, or similar plan that has been through a public process; or
  - is on land that is an esplanade reserve or an access strip; or
  - is on land where a public trail in the position proposed is specifically provided for by another legal mechanism.
- (c) Provided that:
  - A public trail may be located closer than 30m to a title boundary where the written approval of the owner/s of the title/s has been obtained.
- (d) Where the written approval/s have not been obtained under (c) above, limited notification of the application shall be required, with notice being served on those who have not provided written approval.
- (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)

- 2. Ensure all new trails and access sites are included on regular maintenance schedules to reduce potential adverse effects on neighbouring private land.

## 4.0 PLAN CHANGE 85 – CLEANFILL ACTIVITIES

### 4.1 Provision in the proposed Plan Change:

Proposed Option two changes to the district plan provisions as outlined on Attachment A of the Plan Change 85 - Section 32 Report.

#### 4.2 Summary of reasons for this submission:

In Federated Farmers view, preferred Option two of PC 85 tries to control two quite different aspects of the off-site cleanfill disposal activity, to the detriment of both. Under Option two, 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.

Council advises off-site cleanfill disposal rules are required to better control amenity and transport effects of the associated heavy vehicle traffic activity.

It proposes to achieve this by introducing permitted activity thresholds, which if not meet, will trigger the need for resource consent. This will allow for the potential to collect financial contributions to help fund roading maintenance and repair required as a result of additional heavy vehicle traffic.

Federated Farmers is concerned that the attempt to address the heavy vehicle affects on the transport network has focused on a third party rather than the parties generating the proposed effects.

④

Issue 1, on page 5 of the Section 32 Report clearly 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 by Council then it is more appropriate to seek a financial contribution for road wear and tear from the developers who are needing to move the cleanfill on the district's transport network.

Unfortunately, this option was not considered in the section 32 analysis as an alternative. 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 that 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, it allows Council use the more targeted approach as outlined in Option 5 to meet the stated amenity concerns

#### 4.3 Relief Sought:

1. Oppose preferred Option two
2. If financial contributors are required to help fund roading maintenance and repair needed because of the additional heavy vehicle traffic required to move cleanfill across the district's transport network, then this should be considered in a Development Contribution policy not a plan change.
3. With transport related effects being able to be better targeted and addressed via Development Contributions, the proposed Option five as outlined on pages 12 and 13 of the Section 32 Report would better meet the identified amenity effects issue.

## **5.0 PLAN CHANGE 86 – FLOODABLE AND COASTAL INUNDATION AREAS – MAINTENANCE OF STOPBANKS AND DRAINS**

### **5.1 Provision in the proposed Plan Change:**

Proposed Option three changes to the district plan provisions as outlined on page 8 of the Plan Change 86 - Section 32 Report.

### **5.2 Summary of reasons for this submission:**

Federated Farmers understands PC86 is looking to make one 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.

The idea is that this will be more efficient and cost effective as removes some duplicated controls with the Regional Council.

### **5.3 Relief Sought:**

Retain Proposed Option three changes to Rule 8.3.3(c)(ii) as notified.

## **6.0 PLAN CHANGE 87 – FROST PROTECTION FANS**

### **6.1 Provision in the proposed Plan Change:**

Proposed changes to the district plan provisions as outlined on page 18 and Attachment A of the Plan Change 87 - Section 32 Report.

### **6.2 Summary of reasons for this submission:**

Federated Farmers understands the changes are proposed to better provide for the operation of frost fans in rural areas and importantly that potential effects on surrounding neighbours are still managed.

It is important that farmers and horticulturalists have the confidence to continue their production activities in the rural zone. Education around the typical effects that can be experienced in the rural zone such as noise or odours from livestock or farming activities can ensure that people moving into the rural zone do not have unrealistic expectations about amenity and complain.

### **6.3 Relief Sought:**

Retain the changes proposed as provided in Attachment A of Plan Change 87, Section 32 Report.

## **7.0 PLAN CHANGE 89 – RURAL CONTRACTORS DEPOTS – SEPARATION DISTANCES**

### **7.1 Provision in the proposed Plan Change:**

Proposed changes to the district plan provisions as outlined on page 10 of the Plan Change 89 - Section 32 Report.



7.2 Summary of reasons for this submission:

Currently new rural contractor depots are required to be set back at least 60m from existing habitable buildings. There are similar requirements for new habitable buildings to be set back from exiting rural contractor depots. Federated Farmers understands this plan change is necessary for clarification purposes, to clarify that a depot (for the purpose of determining these setback distances) includes its vehicle accessways, manoeuvring and parking areas.

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Given the amendment will only apply to new depots and new habitable buildings, Federated Farmers is supportive of changes which can provide certainty and reduce interpretation issues going forward.

7.3 Relief Sought:

Retain preferred Option 3 changes to Activity Performance Standard Rule 18.4.1(p)(v), and Permitted Activity Rule 18.4.1(c) (i)(e) as notified

**8.0 PLAN CHANGE 91 – RANGIURU BUSINESS PARK – WATER SUPPLY OPTION**

8.1 Provision in the proposed Plan Change

Proposed preferred Option two changes to the district plan provisions as outlined on page 8 of the Plan Change 91 - Section 32 Report.

8.2 Summary of reasons for this submission:

Federated Farmers is broadly supportive the development proposal at Rangiuru Business Park, and understands there are water supply related issues which are causing problems. Council advises the plan change is required to introduce a third water supply option, the Pongakawa Bore, for the Rangiuru Business Park, to help developers address those problems.

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The existing regional resource consent is the main reason why Council considers the Pongakawa Bore provides an attractive alternative for developers. Federated Farmers notes the existing regional resource consent expires in 2025 and as such do 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.

8.3 Relief Sought:

Oppose Plan Change 91.

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Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

This submission is representative of member views and reflect the fact that resource management and government decisions impact on our member's daily lives as farmers and members of local communities.

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Federated Farmers thanks the Western Bay of Plenty District Council for considering our submission to Plan Changes 82-91.



27 September 2019

Chief Executive Officer  
Western Bay of Plenty District Council  
Via email: [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz)

Dear Miriam

**PROPOSED PLAN CHANGES 82 – 91. NZTA SUBMISSIONS**

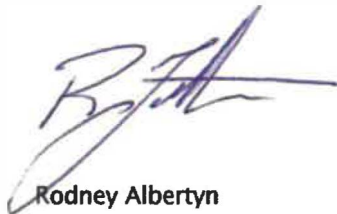
Thank you for the opportunity to provide feedback on proposed Plan Changes 82 – 91 to the Western Bay of Plenty District Plan.

The attached submissions provide input from the New Zealand Transport Agency (**Transport Agency**), reflecting its land transport policy role as well as its perspective as the operator of New Zealand's state highway network. This feedback takes into account the Transport Agency's objectives and statutory obligations, as well as its prior experience with integrated land use planning across the country.

Please see the Transport Agency's submission points attached.

We appreciate the consultation undertaken thus far and welcome the opportunity to discuss any of these matters in more detail. Please contact me directly in the first instance.

Yours faithfully



Rodney Albertyn  
Senior Planner  
Consents and Approvals

DDI 64 7 928 7918  
[rodney.albertyn@nzta.govt.nz](mailto:rodney.albertyn@nzta.govt.nz)

**New Zealand Transport Agency Submissions on Proposed Plan Changes 82 – 91 of the Western Bay of Plenty District Plan**

Proposed Plan Change	Support/ Oppose/Neutral/ Amend	Submission	Decision sought
Plan Change 82 (PC82) – Post Harvest Zone – Review of Provisions	Support	<p>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.</p> <p>The traffic generated by cool storage facilities and pack houses does have the potential to adversely affect the state highway network in terms of traffic safety and efficiency. Although none of the post harvest zoned sites affected by proposed PC82 have direct access to a state highway, a number of them do have close connectivity to the Transport Agency’s network via local roads.</p> <p>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.</p>	The Transport Agency seeks that PC82 be approved in its current form.

1

Proposed Plan Change	Support/ Oppose/Neutral/ Amend	Submission	Decision sought
		<p>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 22.5.5.1.</p> <p>The Transport Agency does not have concerns in terms of the proposed changes relating to the maximum height of buildings, daylighting provision or seasonal worker accommodation.</p>	
Plan Change (PC83) – Accommodation Facility Permitted Limit	Neutral	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.	-
Plan Change (PC85) – Cleanfill Activities in the Rural, Future Urban, Lifestyle and Rural-Residential Zones	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</p>	The Transport Agency seeks that PC85 be approved in its current form.

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④

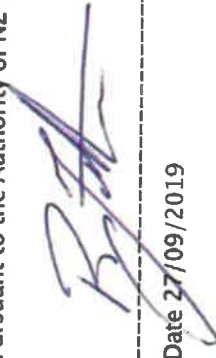
⑤

⑥

Proposed Plan Change	Support/ Oppose/Neutral/ Amend	Submission	Decision sought
		<p>Transport Agency. The proposed permitted threshold of 1,000m<sup>3</sup> annually is considered to be appropriate. The proposed assessment criteria are considered to be comprehensive in terms of the potential effects relevant to the Transport Agency.</p>	
<p>Plan Change (PC91) – Rangiuru Business Park – Water Supply Option</p>	<p>Neutral</p>	<p>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.</p>	<p>Further engagement sought regarding the new trunk main.</p>

- a) These are submissions on Plan Changes 82 – 91 of the Western Bay of Plenty District Plan
- b) The Transport Agency could not gain an advantage in trade competition through these submissions
- c) The Transport Agency does not wish to be heard in support of its submissions
- d) The Transport Agency does not wish to present joint evidence

Signed by Rodney Albertyn  
Senior Planner, Consents and Approvals  
Pursuant to the Authority of NZ Transport Agency



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Date 27/09/2019

## 21 - New Zealand Kiwifruit Growers

27 September 2019

Western Bay of Plenty District Council  
1484 Cameron Road  
TAURANGA 3112

Via email to: [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz)

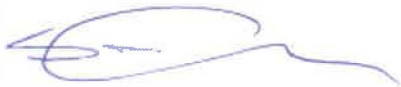
Dear Sir/Madam

**Re: District Plan Changes**

Please find attached a submission from NZKGI, on behalf of ~2,100 growers throughout the Western Bay of Plenty region on the proposed District Plan changes.

Please do not hesitate to contact me if you require any further information on this submission.

Yours sincerely



Sarah Cameron  
Senior Policy Analyst



**TO:** Western Bay of Plenty District Council  
**SUBMISSION ON:** Proposed District Plan changes  
**NAME:** NZ Kiwifruit Growers Inc (NZKGI)  
**ADDRESS:** PO Box 4246, Mount Maunganui South 3149

### **1. Background to NZKGI**

NZKGI was formed in 1993 to give kiwifruit growers their own organisation to develop a secure and stable kiwifruit industry. NZKGI represents 2,800 kiwifruit growers and gives growers their own voice in industry and government decision making. NZKGI works to advocate, protect and enhance the commercial and political interests of New Zealand kiwifruit growers.

### **2. The kiwifruit industry in New Zealand**

Approximately 80% of New Zealand's kiwifruit crop is grown in the Bay of Plenty providing a significant contribution to the Bay of Plenty regional economy, with \$1.18 billion in revenue being generated for the region in 2017/2018. The industry provides significant employment to the Bay of Plenty region employing 10,762 FTE in the year 2015/2016<sub>1</sub>. Zespri, the kiwifruit marketer, has committed to more than double global sales revenue to \$4.5 billion by 2025. The projected growth of the industry will contribute significantly to the Bay of Plenty GDP increasing to \$2.04 billion by 2029/2030<sub>1</sub>. Employment in the kiwifruit industry is also expected to increase by 133% to 25,091 FTE by 2029/2030<sub>1</sub>.

There are 2,582 orchards in the Bay of Plenty with an average size of 4.46ha.

### **3. General comments**

Thank you for the opportunity to provide comments on the District Plan review. NZKGI comments reflect feedback from growers, developers, contractors and post-harvest operators.

### **4. Bay of Plenty Context**

Some of the figures used in this section of the consultation documents to explain the growth of the industry in the Bay of Plenty are outdated. While it is projected that GDP contribution is expected to increase to \$2.04b by 2030, it should be pointed out that GDP contribution to the Bay of Plenty region for 2017/18 was \$1.18b.

There were 10,762 full time employees in 2015/16 and this is expected to increase to 25,091 full time employees by 2029/30, not 12,000 as noted in the plan change.

### **5. Post-harvest zones**

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.

①

NZKGI makes further comment on seasonal accommodation within post-harvest zones in the accommodation facility permitted 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.

②

#### Daylighting

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.

③

NZKGI supports option two.

#### Height

The current permitted height in the post-harvest zone is 12m. 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. Postharvest companies have advised NZKGI that they support a 20m height restriction with the ability to apply for a resource consent over and above this.

④

NZKGI supports option three.

NZKGI also supports height provisions be extended to facilities outside of post-harvest zones. There are cool stores attached to packhouses that are used for kiwifruit storage and other cool stores throughout the region that are not currently identified 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.

⑤

#### NZTA Approval Rule

NZKGI agrees with option two but does not agree with the wording of the proposed rule and suggests the following wording:

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*This shall not apply to post-harvest zoned sites that are accessed via side roads off Te Puke Highway*

The current wording, in the proposed plan, suggests that post-harvest zones themselves access Te Puke Highway which is impossible as they are buildings.

#### **6. Frost Protection Fans**

While NZKGI is generally supportive of option three, there needs to be greater flexibility for testing purposes. The proposed rule 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-

⑦

forecasted) frost would fall under the definition of urgent unforeseen maintenance purposes. NZKGI would suggest including 'or operational readiness' to rule 4C.1.3.6 (d):

*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*

#### Reverse Sensitivity

NZKGI supports option two requiring 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. Frost fans generally operate in rural zones on highly productive land which may not be appropriate for subdivision, urban housing or other development and therefore NZKGI submits that mitigating reverse sensitivity impacts should be the responsibility of the neighbouring dwelling owner or developer.

8

#### Height in post-harvest zones

NZKGI supports option two as a permitted height of 15m for frost protection fans as this provides for a consistent approach between the rural and post-harvest zones.

9

#### **7. Accommodation Facility Permitted Limit**

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 the kiwifruit industry, growth that is anticipated to have significant economic benefits to the Western Bay region. 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.

10

NZKGI strongly encourages Western Bay of Plenty District Council to specifically address the needs of seasonal worker accommodation. Further, we encourage to progress this with expediency, engaging with industry to address Council concerns and co-developing solutions. No timeframe has been provided for the full review of the District Plan but it may be necessary for these changes to be addressed sooner than that process will allow. 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. NZKGI asks Council to support the kiwifruit industry in achieving this.

11

NZKGI suggests enabling seasonal worker accommodation of a variety of scales, across a range of zones is the best approach. These options could include:

- 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
- Allowance for temporary on-orchard accommodation.

It is critically important that the capacity of appropriate seasonal worker accommodation within the Western Bay of Plenty district is grown. 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.

NZKGI supports option two.

### **8. Rangiuru Business Park - Water Supply Option**

NZKGI supports option two of utilising the second bore at Pongakawa for two reasons:

1. An on-site bore and reservoir at Rangiuru 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. It is noted 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 Bay of Plenty Regional Council for 100 litres/second for the two bores at Pongakawa, has Western Bay of Plenty District Council discussed the second bore capacity with Bay of Plenty Regional Council? It is not clear from the plan 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.

### **9. Clean fill Activities**

Bay of Plenty Regional Council rules relating to earthworks and quarries require a resource consent for any exposed area greater than one hectare and volume greater than 5,000 m<sup>3</sup>. The volume of earthworks is measured as the clean fill taken away from the activity site. This resource consent should cover the need (if any) to transport up to 5000m<sup>3</sup> of clean fill.

We are unsure what the benefit would be of introducing another resource consent for any deposition of clean fill under 5000m<sup>3</sup> and therefore support option three.

### **10. Rural Contractors**

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. This provides adequate separation distance if the neighbouring dwelling/driveway is some distance from the boundary.

### **11. Other comments**

It might be helpful for the Council to know Aongatete should now be referred to as Seeka Aongatete

### **12. Further discussion**

NZKGI welcomes further discussion with Council on the proposed changes to the District Plan

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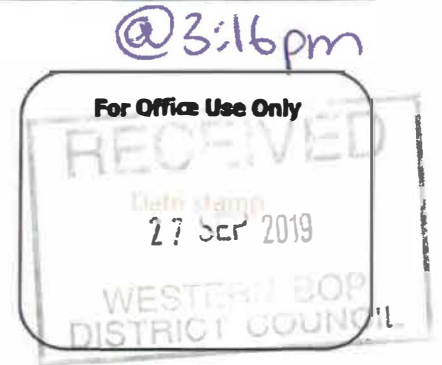
Submission No  
**22**

# District Plan Changes 82-91

## Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
TAURANGA 3143



### Submissions close 4.00pm on Friday 27 September 2019

Name: DEREK MASTERS  
 Mr/Mrs/Ms/Miss

Organisation: DMS PROPOWERS LTD

Address for Service: 195 DEVONPORT ROAD  
TAURANGA Post Code: 3141

E-mail Address: DEREK.MASTERS@DMS4KIWI.CO.NZ

Telephone Number: 027 2342484  
 (home) (work)

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

Signed: [Signature] Date: 27/9/2019  
 (Signature of person making submission or person authorised to sign on behalf of person making submissions)

Please use the reverse of this form for your submission

Please submit only one copy of your submission to Council (please don't email plus hardcopy).

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

**DEREK MASTERS** NZCE (Mech), NZDIP, Bus  
Chief Executive Officer

PO Box 13210  
Tauranga, New Zealand  
Telephone: 07 578 9107  
Mobile: 027 234 2484  
Email: [derek.masters@dms4kiwi.co.nz](mailto:derek.masters@dms4kiwi.co.nz)



*Increasing Grower Profit*

Name:

Submission Sheet No:

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
Example: PC 101	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.	
PC 82	I SUPPORT THE PROVISIONS AS DETAILED IN PC82. FURTHER TO THIS I WISH TO INCREASE 320 TEMATAI ROAD - NOW OWNED BY DYS PROGRESS LTD TO BE INCLUDED INTO THE POST HARVEST ZONE MAPS & SALE & PURCHASE AGREEMENT ATTACHED	320 TEMATAI ROAD TO BE REZONED - POST HARVEST ZONE	①
			②

# AGREEMENT FOR SALE AND PURCHASE OF REAL ESTATE

This form is approved by the Real Estate Institute of New Zealand Incorporated and by Auckland District Law Society Incorporated.

DATE: 26th September 2019  
 VENDOR: Donald Kenneth HESLOP, Jacqueline Clair HESLOP and BENNETT GIBSON TRUSTEE LIMITED

PURCHASER: DMS PROGROWERS LIMITED and/or nominee

The vendor is registered under the GST Act in respect of the transaction evidenced by this agreement and/or will be so registered at settlement: Yes/No

**PROPERTY**  
 Address: 320 Te Matai Road, Te Puke

Estate:      **FEE SIMPLE**      **LEASEHOLD**      **STRATUM IN FREEHOLD**      **STRATUM IN LEASEHOLD**  
                  **CROSSLASE (FEE SIMPLE)**      **CROSSLASE (LEASEHOLD)**      (fee simple if none is deleted)

Legal Description:  
 Area (more or less): 7.8995 ha      Lot/Flat/Unit: 3      DP: S22783      Record of Title (unique Identifier): SA21B/1118

**PAYMENT OF PURCHASE PRICE**  
 Purchase price: [REDACTED]      Plus GST (if any) OR Inclusive of GST (if any)  
 If neither is deleted, the purchase price includes GST (if any).  
 GST date (refer clause 14.0): November 2018

Deposit (refer clause 2.0): \$ [REDACTED]

Balance of purchase price to be paid or satisfied as follows:  
 (1) By payment in cleared funds on the settlement date which is 17 October 2019  
 OR  
 (2) In the manner described in the Further Terms of Sale:      Interest rate for late settlement: 10 % p.a.

~~**CONDITIONS (refer clause 10.0)**~~

<del>Finance condition</del>	<del>LIM required: (refer clause 10.2)</del>	<del>Yes/No</del>
<del>Lender:</del>	<del>Building report required: (refer clause 10.3)</del>	<del>Yes/No</del>
<del>Amount required:</del>	<del>OIA Consent required: (refer clause 10.4)</del>	<del>Yes/No</del>
<del>Finance date:</del>	<del>Land Act/OIA date:</del>	

**TENANCIES (if any)**  
 Name of tenant: Vacant Possession subject to the provisions of Further Terms of Sale 25.0 and 26.0

Bond:      Rent:      Term:      Right of renewal:

SALE BY: Private Sale

Licensed Real Estate Agent under Real Estate Agents Act 2008

It is agreed that the vendor sells and the purchaser purchases the property, and the chattels listed in Schedule 2, on the terms set out above and in the General Terms of Sale and any Further Terms of Sale.



DMS PUTEACK

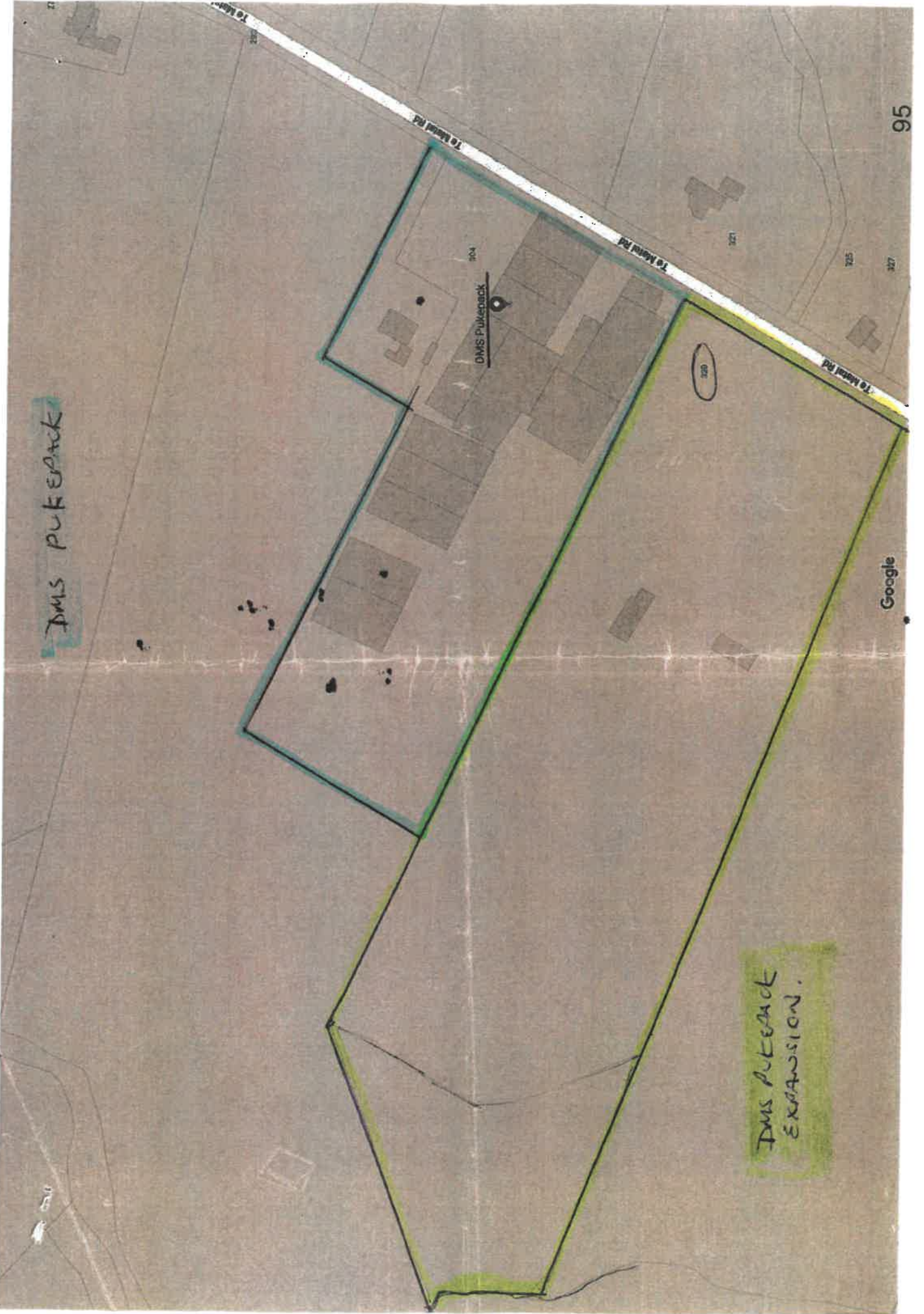
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Submission No

# District Plan Changes 82-91

## Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
**TAURANGA 3143**

<b>For Office Use Only</b>
Date stamp

## Submissions close 4.00pm on Friday 27 September 2019

**Name:**  
**Mr/Mrs/Ms/Miss** \_\_\_\_\_

**Organisation** Pine Valley Orchards Limited \_\_\_\_\_

**Address for Service:** C/- PO Box 13428, Tauranga \_\_\_\_\_

	<b>Post Code:</b> 3141
--	---------------------------

**E-mail Address:** Jeff.Fletcher@bconn.co.nz \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

(home) 021 495165 (work)

I/We would like to speak in support of ~~my~~our submission at the Council hearing.

Yes  No  Please tick

Date: 27 September 2019 \_\_\_\_\_

Signed: \_\_\_\_\_  
(Signature of person making submission or person authorised to sign on behalf of person making submissions)

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
PC 91	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. PVOL requests that any surplus capacity that is available from Bore ESZ10 after: <ol style="list-style-type: none"> <li>1. Existing consented water supplies; and</li> <li>2. Water supplies required by the Rangiuru Business Park;</li> </ol> be considered for municipal water supply to service the possible future urban expansion of Paengaroa that is being investigated by the SmartGrowth partnership.	Approve and adopt PC91	

①

②

## 24 - Housing New Zealand

### SUBMISSION ON PROPOSED PLAN CHANGE 85 TO THE WESTERN BAY OF PLENTY DISTRICT PLAN BY HOUSING NEW ZEALAND CORPORATION

TO: Western Bay of Plenty District Council

[districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz)

**HOUSING NEW ZEALAND CORPORATION** (“Housing New Zealand”) at the address for service set out below makes the following submission on Proposed Plan Change 85 to the Western Bay of Plenty District Plan (“**PC85**”).

Housing New Zealand does not consider it can gain an advantage in trade competition through this submission. In any event, Housing New Zealand is directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

This submission letter provides an overview of the matters of interest to Housing New Zealand.

#### **Background**

1. Housing New Zealand’s role includes the efficient and effective management of state houses and the tenancies of those living in them. Housing New Zealand’s tenants are people who face barriers (for a number of reasons) to housing in the wider rental and housing market.
2. It is essential that Housing New Zealand is able to meet its responsibility of providing efficient and effective state housing for the most vulnerable members of our society, so as to deliver to the social and economic wellbeing of both these people and the wider community. This responsibility drives Housing New Zealand’s strategic goals for the reconfiguration of its portfolio to meet regional demand, reduce deprivation levels in communities with a high state housing presence, and meet the Crown’s financial performance requirements. These goals require Housing New Zealand to have the ability to construct and develop quality housing, and maintain this housing in a manner that:
  - (a) Provides healthy, comfortable, and fit-for-purpose housing to people in need, for the duration of their need;

- (b) Improves the diversity and effectiveness of state housing delivery in Hamilton to meet the changing needs of our communities and aligns the state housing portfolio with demographic trends and demand;
  - (c) Enables vacant homes to become ready for tenants and specific tenants' needs as quickly as possible;
  - (d) Enables increased supply for the delivery of state housing and other affordable housing options; and
  - (e) Undertakes the above in a cost effective way.
3. There has been a marked change in the type of state housing that is required nationwide by Housing New Zealand's tenant base. As such, reconfiguring its housing stock is a priority for Housing New Zealand so as to better meet the needs of its tenants, as well as align it with current and future demand.

#### **Housing New Zealand and Local Government**

- 4. Housing New Zealand has a shared interest in the community as a key stakeholder, alongside local authorities. Housing New Zealand's interest lies in the provision of state housing to persons who are unable to be sustainably housed in private sector accommodation. Housing New Zealand works with local authorities to ensure that appropriate services and infrastructure are delivered for its developments.
- 5. Apart from its role as a state housing provider, Housing New Zealand also has a significant role as a landowner, landlord, rate payer and developer of residential housing. Strong relationships between local authorities and central government are key to delivering government's priorities on increasing housing supply.
- 6. Policy decisions made at both central and local government level have impacts on housing affordability. The challenge of providing affordable housing will require close collaboration between central and local government to address planning and governance issues to reduce the cost of construction, land supply constraints, infrastructure provisions and capacity as well as an improved urban environment.
- 7. Housing New Zealand is interested in all issues that may affect the supply and affordability of housing. In relation to PC85, Housing New Zealand has a specific interest in the overall residential development project cycle, including the ability to

remove excavated cleanfill from a redevelopment site, for deposition off-site, and the need for district plan provisions to appropriately provide for such activities.

### **Scope of Submission**

8. The submission relates to PC85 as a whole, including, but not limited to the matters set out above and below:

### **The Submission is:**

9. Housing New Zealand opposes PC85 in its entirety, for the reasons set out below.
10. Provided that the relief sought below and attached is granted:
- (a) PC85 will be in accordance with the purpose and principles of the Resource Management Act 1991 (“**the Act**”) and will be appropriate in terms of section 32 of the Act; and
  - (b) The potential adverse effects that might arise from activities allowed by PC85 will have been addressed appropriately.
11. In the absence of the relief sought, PC85:
- (a) Is contrary to the sustainable management of natural and physical resources and is otherwise inconsistent with Part 2 of the Act;
  - (b) Will in those circumstances impact significantly and adversely on the ability of people and communities to provide for their social, economic and cultural wellbeing.
12. In particular, but without limiting the generality of the above:
- (a) 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. ①
  - (b) In relation to the resource management issue which PC85 is seeking to address, the s32 report notes the following (at Section 3.1, pg 5):

*Due to the extent and scale of earthworks being undertaken around the Western Bay of Plenty (and within Tauranga City), there has been an increasing need for developers (or their contractors) to dispose of large quantities of cleanfill material at off-site locations. In some cases, this material is being deposited on private properties (i.e. not authorised landfills) within the rural environment as part of re-contouring works to improve the usability of productive land.*

*The issue that has been identified is that large scale cleanfill activities undertaken in the rural environment have caused amenity related concerns for neighbouring landowners in some situations. In particular, concerns have been associated with heavy vehicle traffic, noise, dust, vibration, loss of visual amenity, property damage and safety of access.*

*It has been identified that there may be a gap in the District Plan rules to adequately manage amenity effects on neighbouring landowners associated with large scale cleanfill activities, particularly where they involve the transportation of large amounts of material to a site and where this occurs in close proximity to sensitive activities (such as dwellings and childcare centres). In addition, the current rules do not allow for the management of transportation related effects associated with large scale cleanfill activities, including traffic effects, safety of access, and impacts on road surfaces.*

*(Underlined for emphasis)*

- (c) Housing New Zealand considers the s32 report has not robustly assessed and considered the various cost and benefits of the 'preferred option' ('Option 2' as identified in the s32 Report). 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 1,000m<sup>3</sup> 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. Housing New Zealand submits that if any new provisions are required within the District Plan to address the matters of concern to the Council, then an approach along the lines of the 'Option 5' approach (which incorporates location / proximity-based provisions), set out in the s32 report, would be more appropriate.

②

- (d) In addition, Housing New Zealand also notes the wider 'amenity' related provisions, as set out in Section 4C of the operative District Plan. This chapter of the District Plan already contains general, 'district-wide' provisions relating to noise and vibration (including noise 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. Housing New Zealand 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. ③
- (e) This section 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 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. Housing New Zealand consider that these provisions of the existing, operative District Plan provide an appropriate framework to manage the amenity related issues which PC85 is seeking to address. ④
- (f) In relation to potential effects on the transport network, as set out in the s32 report, the newly proposed earthworks volume threshold of 1,000m<sup>3</sup> per year would result in approximately 200 - 400 (assuming a truck carries 5m<sup>3</sup> or 10m<sup>3</sup> of material) – meanly only one to two, two-way (one to the site, one away from the site), truck 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. ⑤
- (g) The proposed amendments set out in PC85 also 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 further ⑥



management in the rural environment, but not within the residential environment.

- (h) For the reasons set out above, Housing New Zealand's submission is that PC85 should be deleted in full.

**Relief Sought**

- 13. Housing New Zealand seeks the following decision from Western Bay of Plenty District Council on PC85:
  - (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.
- 14. Housing New Zealand does not consider it can gain an advantage in trade competition through this submission.
- 15. Housing New Zealand wishes to be heard in support of this submission.
- 16. If others make a similar submission, Housing New Zealand would be willing to consider presenting a joint case with them at hearing.

**Dated** this 27<sup>th</sup> day of September 2019

**HOUSING NEW ZEALAND**  
**CORPORATION** by its solicitors and duly  
authorised agents Ellis Gould



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**C E Kirman / A Devine**

**ADDRESS FOR SERVICE:** The offices of Ellis Gould Lawyers, Level 17, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215. Attention: Dr Claire Kirman / Alex Devine. ckirman@ellisgould.co.nz / adevine@ellisgould.co.nz.

Copies to:	Beca Limited	Housing New Zealand Corporation
	PO Box 6345	PO Box 74598
	Auckland	Greenlane, Auckland
	Attention: Matt Lindenberg	Attention: Gurv Singh
	Email: matt.lindenberg@beca.com	Email: gurv.singh@hnzc.co.nz

25 - The Aggregate and Quarry Association

**Submission from**

**Aggregate and Quarry Association**

**To Western Bay of Plenty District Council**

**On District Plan Change 85**

**27 September, 2019**

**93 The Terrace  
PO Box 10-668  
Wellington 6143**

## Introduction

The Western Bay of Plenty District Council is proposing a number of [District Plan changes](#). The Aggregate and Quarry Association (AQA) is making this brief submission on Plan Change 85 - *Cleanfill Activities in Rural, Future Urban, Lifestyle and Rural-Residential Zones*

Plan Change 85 would introduce rules to manage amenity and transportation related effects associated with the disposal of cleanfill at private properties (i.e. not authorised municipal and commercial landfills) within the District's rural environment.

The AQA is the industry body representing construction material companies which produce 50 million tonnes of aggregate and quarried materials consumed in New Zealand each year.

The AQA could not gain an advantage in trade competition through this submission.

We do not wish to be heard in support of this submission.

## Submission

Within Western Bay of Plenty's District Plan "*mineral exploration, mining and quarrying*" is provided for as a discretionary activity in the Rural Zone.

The definition of "quarrying" includes clean filling as follows:

*the excavation of overburden, rock, sand and clay; blasting processing (crushing, screening, washing, and blending); the storage, importation, distribution and sale of minerals including aggregate; ancillary earthworks; deposition of overburden; treatment of wastewater; landscaping and rehabilitation works including clean filling; and ancillary buildings and structures.*

This means any consent application for a quarry which plans to accept clean fill as part of its operation would normally cover off clean filling. No limit in terms of volume accepted is specified by the Plan. Reliance is placed on the Regional Water & Land Plan provisions instead.

However, Plan Change 85 introduces a 1000m<sup>3</sup> / year permitted activity threshold for the disposal of clean fill on Rural Zoned private land (with the exception of authorised landfills) if the clean fill is imported from another site.

We note the proposed threshold of 1000m<sup>3</sup> / year is much lower than the 5000m<sup>3</sup> of earthworks that is allowed under the Bay of Plenty Regional Natural Resources Plan. We think the 1000m<sup>3</sup> threshold is too restrictive and that the volume of cleanfill that is able to be disposed of as a permitted activity should be lefty at 5000m<sup>3</sup> per any 12 month period.

①

We are also concerned that if the plan change 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.

②

The AQA recommends that:

- The 1000 m<sup>3</sup> volume limit should not be introduced and the existing 5000m<sup>3</sup> limit, as allowed under the Bay of Plenty Regional Natural Resources Plan, should apply
- If the plan change is accepted, 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).

Provision	Support/Oppose	Reasons	Decisions sought
<p><b>Rule 4C.2.3.1 Rural, Future Urban, Rural-Residential and Lifestyle Zones</b></p> <p><b>(a) Permitted Activities</b></p> <p>Disposal on private land (i.e. not to an authorised landfill) of the following solid waste materials:</p> <p>(i) Cleanfill material originating from off the disposal site where the total volume of material does not exceed 1 000 m<sup>3</sup> within any 12 month period;</p> <p>(ii) Cleanfill material originating from the same site on which it is to be disposed;</p> <p>(iii) Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.</p>	<p>Oppose in part</p>	<p>Under the Bay of Plenty Regional Council Regional Natural Resources Plan (RNRP) cleanfills that do not produce leachate are included under the definition of earthworks.</p>	<p>Increase the volume of cleanfill that is able to be disposed of as a permitted activity 5000 m<sup>3</sup> per any 12 month period to be consistent with the RNRP.</p>

## 26 - Matheson Day

### Leevi Gotty-Rangitua

---

**From:** Have Your Say Western Bay of Plenty <notifications@engagementhq.com>  
**Sent:** Friday, 27 September 2019 3:45 PM  
**To:** Tony Clow; Have Your Say; Leevi Gotty-Rangitua  
**Subject:** Anonymous User completed District Plan Changes 82-91 Submission Form

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Anonymous User just submitted the submission form 'District Plan Changes 82-91 Submission Form' with the responses below.

**Title:**

Mr

**Name:**

Matheson Day

**Organisation (only required if submitting on behalf of an organisation):**

No Answer

**Postal Address:**

1/136 Waratah Street

**Post Code:**

3110

**Contact Phone Number:**

+64212393039

**Email Address:**

bymattday@gmail.com

**I/We would like to speak in support of my/our submission at the Council hearing.**

Yes

**Please provide your feedback on the proposed plan changes. You need to give specific feedback on the changes being proposed. Please note you need to provide the names of the plan change/s you wish to submit on, whether you support or oppose with reasons why, and what you want Council's decision to be.**

**For example:**

**- PC 101.**

**- Support the provision of medium density housing in identified areas but seek the addition of specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.**

**- Add to the District Plan Maps for Te Puke an area for higher density development.**

Plan Change 84 - Public Trails (Walkways, Cycleways, Bridleways and Similar) I support the option to keep with the Option 1 – Status Quo – Retain current District Plan provisions which capture public trails (walkways, cycleways, bridleways and similar) as Places of Assemble I don't believe change is required to make the process easier for council to push thru cycling ways areas where there is not support local community. Regards Matheson Day

①

**If you need more room, please upload your submission document.**

No Answer



## 27 - Tauranga Moana Partnership Forum



Western Bay of Plenty  
District Council

PEOPLE • PLAN • PROGRESS

Submission No

# District Plan Changes 82-91

## Submission Form

For Office Use Only

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
TAURANGA 3143

## Submissions close 4.00pm on Friday 27 September 2019

Name:

Mr/Mrs/Ms/Miss

Tauranga Moana Partnership Forum

Organisation

Address for Service:

32A Paparoa Rd Te Puna RDH

Tauranga

Post Code:

3174

E-mail Address:

pirirakau.hapu@gmail.com

Telephone Number:

(home)

(work)

I/We would like to speak in support of my/our submission at the Council hearing.

Yes

No

Please tick

Signed:

Date:

(Signature of person making submission or person authorised to sign on behalf of person making submissions)

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Name:

Submission Sheet No:

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
Example: PC 101	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.	
PC 86 3. a	Floodable and coastal inundation areas Maintenance of stopbanks and drains	Retain Rule 8.3.3 (c)(ii) without change so that resource consent is needed for earthworks over 5m <sup>3</sup> .	
		Do not support any contractor freely excavating drains where some have developed ecological significance. Do not support Waiti Drainage Society to have express permission.	

1

# Further Submissions

## 28 - 35



# District Plan Changes 82-91

## Further Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), fax it to 07 577 9820, or mail it to:



Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
Tauranga 3143

## Further Submissions close 4pm Monday 11 November

Name: ~~Mr/Mrs/Ms/Miss~~ Juliann Hawkey

Organisation: \_\_\_\_\_

Address for Service: 331 Te Matai Rd  
RD 8. Post Code: 3188

E-mail address: ahawkey@xtra.co.nz

Telephone Number: 0276331132  
(home) (work)

I am (please tick the one applicable to you)

- a person representing a relevant aspect of the public interest
- a person that has an interest in the plan change greater than the interest that the general public has
- the local authority itself.

Please specify the grounds for saying that you come within one of these categories:

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

Signed: [Signature] Date: 29-10-2019  
(Signature of person making submission or person authorised to sign on behalf of person making submission)

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (don't email plus hardcopy plus fax).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Name:

Further Submissions Sheet No:

Submitters Name and Address who you are further submitting on	Submission Id and Point	Support (S) or Oppose (O)	Reason for Support or Opposition	Decision Sought (Give precise details)
Jo Bloggs 19 Bloggs Street Tauranga	Example: 45/4	S	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.
① Siliana Hawkey 331 Te Matai Rd RD8 Te Puke.	92-91	S	We have, however concerns about the increase in traffic activity outside our gate that would heighten the risk of an accident.	What plans will be made to mitigate this?



# District Plan Changes 82-91

## Further Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), fax it to 07 577 9820, or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
Tauranga 3143



RECEIVED

For Office Use Only

11 NOV 2019

Date stamp  
W. B. O. P. D. C.  
TE PUKE

## Further Submissions close 4pm Monday 11 November

Name: Kenneth Reekie

Mr/Mrs/Ms/Miss

Organisation: Reekie Orchards Limited

Address for Service: 397 Brown Rd.  
Te Puke

Post Code: 3188

E-mail address: reekie@farmside.co.nz

Telephone Number: 07 573 9681 (home) 0274 724 306 (work)

I am (please tick the one applicable to you)

- a person representing a relevant aspect of the public interest
- a person that has an interest in the plan change greater than the interest that the general public has
- the local authority itself.

Please specify the grounds for saying that you come within one of these categories:

Reekie Orchards owns the property at 352 Te Matai Rd.

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

Signed: Ky Reekie Date: 10-11-19  
(Signature of person making submission or person authorised to sign on behalf of person making submission)

Please use the reverse of this form for your submission

Please submit only one copy of your submission to Council (don't email plus hardcopy plus fax).

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Name:

Further Submissions Sheet No:

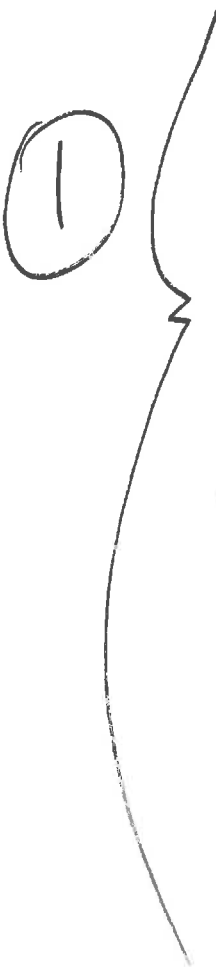
Submitters Name and Address who you are further submitting on	Submission Id and Point	Support (S) or Oppose (O)	Reason for Support or Opposition	Decision Sought (Give precise details)
Jo Bloggs 19 Bloggs Street Tauranga	Example: 45/4	S	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.
① RMS pro growers 195 Devonport Rd Tga	22.	O	See attached Document.	I oppose changing Rural Zone to Post Harvest Zone.

Western Bay of Plenty District Council

Subject: Proposed Plan Changes 82 Post Harvest Zone, rezoning application of 320 Te Matai Road, Te Puke, Bay of Plenty, owned by DMS Progrowers Limited.

To whom it may concern,

I OPPOSE the request submitted by DMS Progrowers Limited, for land purchased at 320 Te Matai Road, Te Puke to be changed from the current "Rural Zoning" to a "Post Harvest Zone". I own a property that is in close proximity to 320 Te Matai Road and my most pressing concerns are stated below;

- 
- A hand-drawn bracket on the left side of the page groups the five bullet points. To the left of the top of the bracket is a circle containing the number '1'.
- **Traffic implications for Te Matai Road;** after viewing the rezoning area in question, at 320 Te Matai Road, to be added to the current DMS Pukepack complex there will be the potential for this to become a mega packhouse and cool store facility. This is in a predominantly orcharding area with limited roading access for greatly increased truck and staff transport movements that would result.
  - **Roading pressures for Te Puke town;** traffic movements both into and through Te Puke are presently at breaking point, particularly in peak traffic hours and during the harvest season (February to June). This rezoning and any planned expansions of packhouse and cool store facilities will further congest this in the foreseeable future.
  - **Rangiuru Industrial Park;** I commend the council on the formation of the Rangiuru Industrial Park, an area that will cater for industry expansion. I strongly urge for future developments of this nature to be focused in this area rather than sprawling expansions of existing industry facilities.
  - **Property Devaluation and Noise;** The value of my property would be significantly decreased for future potential sale, due to an increased amount of noise and activity from extra heavy traffic at the site.
  - **Post Harvest Zoning;** I have a large concern that if the current zoning changes from Rural to Post Harvest, that any future developments that DMS choose to pursue on 320 Te Matai Road, would not have to have consent from neighbouring properties



1 I have been in the Te Puke kiwifruit industry all of my working life and have seen the growth phases, and I am currently a grower too. Due to this affiliation with the industry, it is my understanding that the industry will be transitioning to container shipping within the next couple of years as opposed to the current refrigerated (reefer) ship export method used currently. I would have thought the limiting of mega scale post grower complexes on ill equipped rural roads and establishing purpose built industrial areas with access to appropriate roading and rail networks linked to the Port of Tauranga would have been top priority. This is in order to relieve roading congestion from the surrounding rural Te Puke area through to Mount Maunganui. Utilising either the Tauranga Eastern Link network or more appropriately using the existing rail network to alleviate roading pressures in Mount Maunganui through to the Port.

I was aware of the current DMS Pukepack complex when purchasing my property two years ago, but **object to the rezoning of 320 Te Mata Road**. It particularly concerns me that the area of rezoning could potentially allow the complex to triple in size based on the maps provided within the rezoning submission. My views toward this matter is to suggest industry expansion utilises the purposely developed Rangiuru Industrial Park relieving congestion on the current roading infrastructure in the wider Te Puke area and through to the Port of Tauranga.

Thank you for your time in considering this opposition



Western Bay of Plenty  
District Council

Submission No

30

# District Plan Changes 82-91

## Further Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), fax it to 07 577 9820, or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
Tauranga 3143

For Office Use Only

Date stamp:

## Further Submissions close 4pm Monday 11 November

Name: Graeme & Vianne Miller Family Trust.  
Mr/Mrs/Ms/Miss

Organisation \_\_\_\_\_

Address for Service: 321 Tematai Road.  
R.D. 8 Te Puke Post Code: 3119

E-mail address: vemiller59@hotmail.com.

Telephone Number: 021 589 213  
(home) (work)

I am (please tick the one applicable to you)

- a person representing a relevant aspect of the public interest  
 a person that has an interest in the plan change greater than the interest that the general public has  
 the local authority itself.

Please specify the grounds for saying that you come within one of these categories:

We Own land & dwelling opposite 320 Tematai Rd - Dms Progress Ltd.

I/We would like to speak in support of my/our submission at the Council hearing. - Dms Pukepake

Yes  No  Please tick

Signed: [Signature]  
(Signature of person making submission or person authorised to sign on behalf of person making submission)

Date: 9.11.19.

Please use the reverse of this form for your submission

Please submit only one copy of your submission to Council (don't email plus hardcopy plus fax).

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.


Name:

Further Submissions Sheet No:


Submitters Name and Address who you are further submitting on	Submission Id and Point	Support (S) or Oppose (O)	Reason for Support or Opposition	Decision Sought (Give precise details)
Jo Bioggs 19 Bioggs Street Tauranga	Example: 45/4	S	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.
1 DNS PROGROWERS LTD 195 DEUENPORT RD TAURANGA	22	O	SEE ATTACHED DOCUMENT	PROPOSE THE REZONING OF 320 TE MATAI ROAD FROM RURAL TO POST HARVEST BE DECLINED

Subject: Rezoning application of 320 Te Matai Road, Te Puke, Bay of Plenty, owned by DMS Progrowers Limited. Proposed Plan Changes 82 Post Harvest Zone – Review of Provisions

**Opposing** the request for land at 320 Te Matai Road, to be changed from the current “Rural Zone” allocation to a “Post Harvest Zone”. Immediate concerns are as follows:

- 
- A hand-drawn bracket on the left side of the page groups the three main bullet points. To the left of the bracket is a hand-drawn circle containing the number '1'.
- **Property Devaluation** – The value of neighbouring properties would be devalued with a larger post-harvest facility and subsequently be less attractive to potential buyers if attempting to sell in the future. This would make affected properties more difficult to market, and most likely at a reduced price.
  - **Noise** – Increased noise pollution from a larger packhouse and cool store facility with greater onsite activity than at present, such as increased machinery operation and staff, having impacts on existing neighbouring properties.
  - **Traffic Management** –
    - **Heavy Vehicle Traffic Management** – concerns about increased inward and outward truck activity leading to increased noise disturbances from engine braking, down-shifting and up-shifting, and vibration during operational hours. This includes greater heavy vehicle traffic throughout the harvest season months with larger fruit production processing expected from a larger packhouse and cool store facility, with 24-hour operational hours.
    - **Te Matai Road/Te Puke Highway Intersection** – Concern regarding increased traffic loads and public risk on the intersection of Te Matai Road and Te Puke Highway. This is an intersection that has limited fields of view when exiting to Te Puke Highway due to its presence at the top of a crest. Fields of view are further impeded at this intersection during peak traffic hours due to increased congestion and queueing from those entering Te Puke. A larger operational facility at 320 Te Matai Road as a result of this zone change would provide greater traffic pressures on this intersection.
    - **Traffic Management through Te Puke Township** – Zoning changes and larger packhouse/cool store development leading to increases in heavy vehicle traffic from Te Matai Road toward the Port of Tauranga via Te Puke township. This subsequent increase in heavy vehicle quantity and frequency would put added pressures on both the Te Puke Highway and Jellicoe Street sections of road. This leads to higher traffic congestion and potential risk to road users of the current road network mentioned. It would be ill advised to suggest outgoing heavy vehicles be directed eastward of the Te Matai Road intersection, as to bypass Te Puke township, and travel toward the Tauranga Eastern Link. This is due to the need for long vehicles to turn right, across the westward lane, creating

further risk to road users on an already visually obstructed intersection mentioned prior.

- 
- A hand-drawn bracket on the left side of the page groups the three bullet points. To the left of the bracket is a circled number '1'.
- **Future Developments** – By converting 320 Te Matai Road to a “Post Harvest Zone”, this will allow DMS Pukepack to undergo commercial development within the scope of this proposed zoning regulation without the need for resource consent application or consultation. This change would not give adjacent landowners the right to appeal any activity that would affect their property and wellbeing.
  - **Building Heights** – The proposal would allow for an increased constructible height of any potential buildings on this site to a current maximum of 12 metres. It is our understanding that this has the potential to increase in future reviews to allow for higher stacking limits of pallets within cool store facilities as outlined in correspondence commissioned by Western Bay of Plenty District Council under the Plan Change 82, Section 32 report.
  - **Accommodation** – We question the current legislation regarding persons permitted to be accommodated in post harvest zones. Concerns of security of neighbouring properties, noise and increased traffic of Te Matai roading infrastructure due to increased people presence as a result of on-site accommodation.

**Decision Sought** – Proposing that the rezoning of 320 Te Matai Road from “Rural Zone” to “Post Harvest Zone” be declined.



# District Plan Changes 82-91

## Further Submission Form

For Office Use Only

Date stamp

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), fax it to 07 577 9820, or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
Tauranga 3143

### Further Submissions close 4pm Monday 11 November

Name: Bevan and Rochelle Reid  
 Mr/Mrs/Ms/Miss  
 Organisation: Orchardists  
 Address for Service: 718 Te Matai Road  
Te Puke Post Code: 3186  
 E-mail address: bevanandrochelle@gmail.com  
 Telephone Number: 027 271 7516 (home) 027 271 7516 (work)

I am (please tick the one applicable to you)

- a person representing a relevant aspect of the public interest
- a person that has an interest in the plan change greater than the interest that the general public has
- the local authority itself.

Please specify the grounds for saying that you come within one of these categories:

A neighbouring property whose driveway is adjacent to 32a Te Matai Road.

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

Signed: [Signature]  
(Signature of person making submission or person authorised to sign on behalf of person making submission)

Date: 11-11-2019

Please use the reverse of this form for your submission

Please submit only one copy of your submission to Council (don't email plus hardcopy plus fax).

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

325 Te Matai Road  
RD 8  
Te Puke 3188  
Telephone: 075735186  
Mobile: 0272717516  
E-mail: [bevanandrochelle@gmail.com](mailto:bevanandrochelle@gmail.com)

11 November 11, 2019

To Whom It May Concern

We **oppose** the request for land purchase by DMS Progrowers Limited, at 320 Te Matai Road, to be changed from the current Rural Zone to a Post Harvest Zone on the following grounds:

① First and foremost is the **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.

Secondly **access into and out of the DMS sight** situated at 318 Te Matai Road currently causes hazards to other road users on a regular basis.

① The road is not wide enough for truck and trailer units to cleanly execute a turn into the DMS sight. 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.

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.



Yours Sincerely

Bevan and Rochelle Reid

## **Further Submission by Kāinga Ora-Homes and Communities on Proposed Plan Change 85 – Cleanfill Activities in Rural, Future Urban, Lifestyle and Rural Residential Zones**

### **Clause 8 of Schedule 1 to the Resource Management Act 1991**

**TO:** Western Bay of Plenty District Council

districtplan@westernbay.govt.nz

1. **KĀINGA ORA-HOMES AND COMMUNITIES** (“Kāinga Ora”) makes this further submission on Proposed Plan Change 85 to the Western Bay of Plenty District Plan (“the Plan Change”) in support of/in opposition to original submissions to the Plan Change.
2. Kāinga Ora is a person who has an interest in the Plan Change that is greater than the interest the general public has, being an original submitter on the Plan Change (as successor to Housing New Zealand Corporation) with respect to its interests as a Crown agency responsible for the provision of public housing, and its housing portfolio in the Western Bay of Plenty District.
3. Kāinga Ora also represents a relevant aspect of the public interest and has an interest in the Plan Change greater than the general public for a number of reasons, including (without limitation):
  - (a) Kāinga Ora was formed in 2019, and brings together HNZC, HLC (2017) Ltd and parts of the KiwiBuild Unit. Kāinga Ora will work across the entire housing spectrum to build complete, diverse communities that enable New Zealanders from all backgrounds to have similar opportunities in life. As a result, Kāinga Ora has two core roles:
    - (i) being a world class public housing landlord; and
    - (ii) leading and co-ordinating urban development projects.

- (b) Kāinga Ora's statutory objective requires it to contribute to sustainable, inclusive, and thriving communities that:
  - (i) provide people with good quality, affordable housing choices that meet diverse needs;
  - (ii) support good access to jobs, amenities and services; and
  - (iii) otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
- (c) It is essential that Kāinga Ora is able to improve the quality and quantity of public and affordable housing that is available, so as to deliver to the social and economic wellbeing of its tenants and the wider community.
- (d) Kāinga Ora also has role to play in relation to urban development more generally. The legislative functions of Kāinga Ora illustrate this broadened mandate and outline two key roles of Kāinga Ora in that regard: <sup>1</sup>
  - (i) initiating, facilitating and/or undertaking development not just for itself, but in partnership or on behalf of others; and
  - (ii) providing a leadership or coordination role more generally.
- (e) Kāinga Ora's functions in relation to urban development extend beyond the development of housing (which includes public housing, affordable housing, homes for first home buyers, and market housing) to the development and renewal of urban environments, as well as the development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services or works. <sup>2</sup>

4. Kāinga Ora makes this further submission in respect of submissions by third parties to the Plan Change provisions to the extent that they directly affect the relief sought in its own submission, which opposes the amendments proposed by the Plan Change as they have the potential to impact on Kāinga Ora's ability to meet its functions as outlined above.

---

<sup>1</sup> Sections 12(f)-(g) of the Kāinga Ora Act.

<sup>2</sup> Section 12(f) of the Kāinga Ora Act.

5. The reasons for this further submission are:
  - (a) The reasons set out in Housing New Zealand Corporation's primary submission on the Plan Change, which Kāinga Ora is the successor to.
  - (b) In the case of the Primary Submissions that are opposed:
    - (i) The Primary Submissions do not promote the sustainable management of natural and physical resources and are otherwise inconsistent with the purpose and principles of the Resource Management Act 1991 ("RMA");
    - (ii) The relief sought in the Primary Submissions is not the most appropriate approach in terms of section 32 of the RMA;
    - (iii) Rejecting the relief sought in the Primary Submissions opposed would more fully serve the statutory purpose than would implementing that relief; and
    - (iv) The Primary Submissions are inconsistent with the policy intent of Housing New Zealand's submission.
  - (c) In the case of Primary Submissions that are supported:
    - (i) The Primary Submissions promote the sustainable management of natural and physical resources and are consistent with the purpose and principles of the RMA and with section 32 of the RMA;
    - (ii) The reasons set out in the Primary Submissions to the extent that they are consistent with Housing New Zealand's submission; and
    - (iii) Allowing the relief sought in the Primary Submissions supported would more fully serve the statutory purpose than would disallowing that relief.
  - (d) Such additional reasons (if any) in respect of each of the Primary Submissions supported or opposed as are set out in the **attached** Schedule.
6. The specific relief in respect of each Primary Submission that is supported or opposed is set out in the **attached** Schedule.
7. Kāinga Ora wishes to be heard in support of its further submission.

8. If others make a similar submission, Kāinga Ora will consider presenting a joint case with them at a hearing.

**DATED** 11 November 2019

**KĀINGA ORA-HOMES AND COMMUNITIES** by its solicitors and duly authorised agents Ellis Gould



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**Dr Claire Kirman / Alex Devine**

**ADDRESS FOR SERVICE:** The offices of Ellis Gould Lawyers, Level 17, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215. Attention: Dr Claire Kirman / Alex Devine. [ckirman@ellisgould.co.nz](mailto:ckirman@ellisgould.co.nz) / [adevine@ellisgould.co.nz](mailto:adevine@ellisgould.co.nz).

**Copies to:**

Kāinga Ora-Homes and Communities  
PO Box 74598  
Greenlane, Auckland  
Attention: Gurv Singh  
Email: [gurv.singh@kaingaora.govt.nz](mailto:gurv.singh@kaingaora.govt.nz)

Beca Limited  
PO Box 6345  
Auckland  
Attention: Matt Lindenberg  
Email: [matt.lindenberg@beca.com](mailto:matt.lindenberg@beca.com)

Submitter	Submitter ID	Submission Point	Relevant Provision	Relief sought by Submitter	Position of Kāinga Ora (Support or Oppose)	Allow / Disallow (in whole or in part)	Reasons
Te Pike Economic Development Group	11	17	Whole of Plan Change	Introduce District Plan provisions (including policies, rules and assessment criteria) to require resource consent for cleanfill activities involving the deposition of more than 5,000m <sup>3</sup> of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones (Issue 1 - Option 3 in the s92 Report).	Oppose	Disallow	Kāinga Ora opposes this submission point as it is contrary to the relief sought in Kāinga Ora's primary submission, and the reasons for that relief. Further, the Regional Natural Resources Plan has rules controlling 5000m <sup>3</sup> 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.
BayGold Limited	16	1	Whole of Plan Change	We feel resource consent (from BOPRC) should cover the need (if any) to also transport up to 5000m <sup>3</sup> .	Oppose in part	Disallow	Kāinga Ora opposes this submission point as it is contrary to the relief sought in Kāinga Ora's primary submission, and the reasons for that relief. In any event, Kāinga Ora considers that a generic 5000m <sup>3</sup> cleanfill threshold is not appropriate.
New Zealand Kwiwuit Growers	21	13	Whole of Plan Change	We therefore support Option 3 - Introduce District Plan provisions (including policies, rules and assessment criteria) to require resource consent for cleanfill activities involving the deposition of more than 5,000m <sup>3</sup> of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones (Issue 3 - Option 3 in the s92 Report).	Oppose in part	Disallow	Kāinga Ora opposes this submission point as it is contrary to the relief sought in Kāinga Ora's primary submission, and the reasons for that relief. In any event, Kāinga Ora considers that a generic 5000m <sup>3</sup> cleanfill threshold is not appropriate.
Fulton Hogan Ltd C/- Tonkin and Taylor Limited	12	3	Whole of Plan Change	Increase the volume of cleanfill that is able to be disposed of as a permitted activity to 5000m <sup>3</sup> per any 12 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 15,000m <sup>3</sup> 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.	Oppose in part	Disallow	Kāinga Ora opposes this submission point as it is contrary to the relief sought in Kāinga Ora's primary submission, and the reasons for that relief. In any event, Kāinga Ora considers that a generic 5000m <sup>3</sup> cleanfill threshold is not appropriate.

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Fulgon Hogan Ltd C/- Tonkin and Taylor Limited	12	4	Whole of Plan Change	Increase the volume of cleanfill that triggers the restricted discretionary activity status to 5000m <sup>3</sup> 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 15,000m <sup>3</sup> within any 12 month period.	Oppose in part	Disallow	Kāinga Ora opposes this submission point as it is contrary to the relief sought in Kāinga Ora's primary submission, and the reasons for that relief. In any event, Kāinga Ora considers that a generic 5000m <sup>3</sup> cleanfill threshold is not appropriate.
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# Further Submissions on Western Bay of Plenty District Council Proposed Plan Changes 82-91

November 2019

**TO:** Western Bay of Plenty District Council

**NAME OF SUBMITTER:** Horticulture New Zealand



## **CONTACT FOR SERVICE:**

Charlotte Drury  
Consultant Planner on behalf of Horticulture NZ  
View Consultants Ltd  
PO Box 239 NAPIER 4140  
Ph: 027 3225595  
Email: [charlotte@viewconsult.co.nz](mailto:charlotte@viewconsult.co.nz)



## HortNZ's Further Submissions on Western Bay of Plenty District Plan Changes 82-91

HortNZ would like to thank Western Bay of Plenty District Council (WBPDC) for the opportunity to provide comment on the submissions of other parties lodged on Plan Changes 82-91 through this further submission process, and provide comments on matters of particular interest raised in a number of submissions in the attached table.

<sup>①</sup>  
⑱ ⑲ ⑳ 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.

Although HortNZ's original submission provided comments on Plan Changes 82, 83, 85, 87 and 89, this further submission only raises points in relation to Plan Changes 82, 83 and 87, in addition to the comments regarding Plan Change 85 above.



## HortNZ Further Submissions on Plan Changes 82, 83 and 87

Submitter	Sub No.	Plan	Plan Provision	Support/ Oppose	Reason	Decision sought
② Daniel Kinnoch	1/24	PC82-05	22.4.1 a)	Support in part	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.
Daniel Kinnoch	1/2	PC82-06	22.5.1	Oppose in part	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 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.	Retain 22.5.1 e) as notified.
③ New Zealand Kiwifruit Growers	21/11	PC83	Whole of PC	Support in part	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.
④ Federated Farmers	19/6	PC 87	Whole of PC	Support in part	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.
⑤ Daniel Kinnoch	1/20	PC 87-01	4C.1.3.2 Noise limits	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).
⑥ Daniel Kinnoch	1/21	PC 87-01	4C.1.3.2 Noise limits	Oppose	No changes are sought to include acoustic design for other noise sensitive activities so relief sought is uncertain.	Reject submission 1/21.
⑦ Daniel Kinnoch	1/22	PC 87-01	4C.1.3.2 Noise limits	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.

Submitter	Sub No.	Plan	Plan Provision	Support/ Oppose	Reason	Decision sought
Daniel Kinnoch	1/16	PC 87-01	4C.1.3.2 Noise limits	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).
Daniel Kinnoch	1/17	PC 87-01	4C.1.3.2 Noise limits	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).
Daniel Kinnoch	1/18	PC 87-01	4C.1.3.2 Noise limits	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.
Daniel Kinnoch	1/19	PC 87-01	4C.1.3.2 Noise limits	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).
Daniel Kinnoch	1/12	PC 87-02	4C.1.3.6 a-e	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).
New Zealand Kiwifruit Growers Inc	21/8	PC 87-01	4C.1.3.2	Support	The submitter supports provisions for reverse sensitivity from construction of new dwellings.	Retain 4C.1.3.2 a) iii) as notified.
New Zealand Kiwifruit Growers Inc	21/7	PC 87-02	4C.1.3.6 a-e	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.
Daniel Kinnoch	1/14	PC 87-02	4C.1.4.2	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.
New Zealand Kiwifruit Growers Inc	21/9	PC 87-03	22.4.1a)	Support	The submitter supports the height of 15m for frost fans.	Retain 22.4.1 a) as notified.

# FURTHER SUBMISSION



TELEPHONE 0800 327 646 | WEBSITE [WWW.FEDFARM.ORG.NZ](http://WWW.FEDFARM.ORG.NZ)

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To: **Western Bay of Plenty District Council**  
[districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz)

From: Federated Farmers of New Zealand  
Bay of Plenty Province

DARRYL JENSON  
BAY OF PLENTY PROVINCIAL PRESIDENT  
P 07 533 1300  
M 021 332216  
E [waione@xtra.co.nz](mailto:waione@xtra.co.nz)

On the: **Plan Changes 82 - 91 to the Western Bay of Plenty District Plan**

Date: 11 November 2019

Contact: HILARY WALKER  
SENIOR POLICY ADVISOR – REGIONAL  
PO Box 447, Hamilton 3240  
P 0274 360 560  
E [hwalker@fedfarm.org.nz](mailto:hwalker@fedfarm.org.nz)

Please find following Federated Farmers of New Zealand Further Submission on the Plan Changes 82 - 91 to the Western Bay of Plenty District Plan.

Where Federated Farmers submitted on the same point as any other submitter it stands by its original submission. This Further Submission seeks only to provide Federated Farmers views on points raised by other submitters that are not already covered in our original submission.

We wish to be heard in support of our submission.

If others make a similar further submission I would be prepared to consider presenting a joint case with them at the hearing.

Federated Farmers acknowledges that by taking part in this public submission process the submission (including names and addresses) will be made public.

Name of Submitter	Submitter Number	Provision/ Part of Plan	Support/ Oppose	Reason
J Swap Contractors Ltd	9-1	PC85 Whole of Plan	Support	FFNZ supports the submitter for reasons outlined in their principle submission.
Matthews, Richard James	15-4	PC85 Whole of Plan	Support in part	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.
J Swap Contractors Ltd	9-3	PC 85 4C.2.2.2.3 Policy	Support	FFNZ supports the submitter for reasons outlined in their principle submission.
Fulton Hogan Ltd	12-2	PC 85 4C.2.2.2.3 Policy	Support	FFNZ supports the submitter for reasons outlined in their principle submission.
J Swap Contractors Ltd	9-4	PC 85 4C.2.3.1(a)(-iii) Permitted Activities	Support	FFNZ supports the submitter for reasons outlined in their principle submission.
Fulton Hogan Ltd	12-3	PC 85 4C.2.3.1(a)(-iii) Permitted Activities	Support	FFNZ supports the submitter for reasons outlined in their principle submission.
J Swap Contractors Ltd	9-6	PC 85 4C.2.3.1(b) Restricted Discretionary	Support	FFNZ supports the submitter for reasons outlined in their principle submission.
Fulton Hogan Ltd	12-4	PC 85 4C.2.3.1(b) Restricted Discretionary	Support	FFNZ agrees the limit threshold should be increased to be consistent with the Regional Plan.
J Swap Contractors Ltd	9-10	PC 85 4C.2.4.1(d) Performance standards	Support	FFNZ agrees that a better understanding of what is meant by the term 'processing' would be useful for plan users.
Fulton Hogan Ltd	12-7	PC 85 4C.2.4.1(d) Performance standards	Support	FFNZ agrees that a better understanding of what is meant by the term 'processing' would be useful for plan users.
J Swap Contractors Ltd	9-11	PC 85 4C.2.5.1(a)-(g) Matters of discretion	Support	Support is extended to the matters of discretion as proposed
Te Puke Economic Development Group	11-5	PC91 Whole of Plan	Support in part	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 a stated to be actioned within 5 years of the plan change becoming operative.



# District Plan Changes 82-91

## Further Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), fax it to 07 577 9820, or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
Tauranga 3143

For Office Use Only

Date stamp

## Further Submissions close 4pm Monday 11 November

<b>Name:</b> <b>Mr/Mrs/Ms/Miss</b>	Dudley Clemens	
<b>Organisation</b>	J Swap Construction Ltd	
<b>Address for Service:</b>	J Swaps c/- Richard Harkness / Katie Treadaway, AECOM NZ Ltd	
	PO Box 434 Waikato Mail Centre Hamilton	<b>Post Code:</b> 3240
<b>E-mail address:</b>	richard.harkness@aecom.com / katie.treadaway@aecom.com	
<b>Telephone Number:</b>	021 279 4430 / 021 861 703	
	(home)	(work)

I am (please tick the one applicable to you)

- a person representing a relevant aspect of the public interest  
 a person that has an interest in the plan change greater than the interest that the general public has  
 the local authority itself.

Please specify the grounds for saying that you come within one of these categories:

This submission addresses quarrying and reverse sensitivity in relation to PC84 and PC85

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

**Signed:** Richard Harkness **Date:** 8/11/2019  
(Signature of person making submission or person authorised to sign on behalf of person making submission)

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (don't email plus hardcopy plus fax).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Submitters Name and Address who you are further submitting on	Submission Id and Point	Support (S) or Oppose (O)	Reason for Support or Opposition	Decision Sought (Give precise details)
Katikati Waihi Beach Residents And Ratepayers Association	PC 84 18 3	Oppose	Refer to J Swaps Submission Refer to submission point 9 12	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.
Katikati Waihi Beach Residents And Ratepayers Association	PC 84 18 2	Oppose	Refer to J Swaps Submission Refer to submission point 9 12	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.
Federated Farmers of New Zealand (Inc)	PC84 19 3	Support in part	Refer to J Swaps Submission Refer to submission point 9 16	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).  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.

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NZ Transport Agency	PC 85 20 6	Oppose	Refer to J Swaps Submission Refer to submission points 9 8 and 9 1	The submitter seeks to adopt PC85 as notified, i.e keep the proposed permitted threshold of 1,000m3 annually.  Amend plan changes as per J Swaps submission and exclude authorised quarries.
The Aggregate And Quarry Association Of New Zealand	PC 85 25 2	Support	Refer to J Swaps Submission Refer to submission points 9 8 and 9 1	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 (refer to J Swaps submission).
Fulton Hogan Ltd C/- Tonkin and Taylor Limited	PC 85 12 1	Support	Refer to J Swaps Submission Refer to submission point 9 2	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.
Fulton Hogan Ltd C/- Tonkin and Taylor Limited	PC 85 12 2	Support in part	Refer to J Swaps Submission Refer to submission point 9 3	The submitter seeks that policy 4C.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.2.2.3.  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).

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Shrimpton and Lipinski Limited Partnership	PC 85 8 1	Oppose	Refer to J Swaps Submission Refer to submission points 9 4 and 9 5	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 5,000m <sup>3</sup> in a 12-month period.  While J Swaps supports the intent of raising the threshold from 1000m <sup>3</sup> to 5000m <sup>3</sup> , J Swaps seek that quarry activities are exempt from PC 85, rather than the 1000m <sup>3</sup> volume limit being replaced with the 5000m <sup>3</sup> limit for consistency with the BOPRC's RNRP.
Fulton Hogan Ltd C/- Tonkin and Taylor Limited	PC 85 12 3	Oppose	Refer to J Swaps Submission (ref 9 4 and 9 5)	The submitter seeks that the volume of cleanfill that is able to be disposed of as a permitted activity be increased to 5000 m <sup>3</sup> over a 12-month period to be consistent with the RNRP.  As noted above, J Swaps seek that quarry activities are to be exempt from PC 85.
The Aggregate And Quarry Association Of New Zealand	PC 85 25 1	Support in part	Refer to J Swaps Submission Refer to submission points 9 4 and 9 5	The submitter seeks that the 1000 m <sup>3</sup> volume limit should not be introduced and the existing 5000m <sup>3</sup> limit, as allowed under the Bay of Plenty Regional Natural Resources Plan should apply.  While J Swaps supports the intent of raising the threshold from 1000m <sup>3</sup> to 5000m <sup>3</sup> , J Swaps seek that quarry activities are exempt from PC 85, rather than the 1000m <sup>3</sup> volume limit being replaced with the 5000m <sup>3</sup> limit for consistency with the BOPRC's RNRP.
Fulton Hogan Ltd C/- Tonkin and Taylor Limited	PC 85 12 4	Support in part	Refer to J Swaps Submission Refer to submission point 9 6	The submitter seeks that the volume of cleanfill that triggers the restricted discretionary activity

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Fulton Hogan Ltd C/- Tonkin and Taylor Limited	PC 85 12 7	Oppose	Refer to J Swaps Submission Refer to submission points 9 9 and 9 10	<p>status is increased to to 5000 m3 within any 12-month period.</p> <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 1000m<sup>3</sup> volume limit being replaced with the 5000m<sup>3</sup> limit for consistency with the BOPRC's RMRP.</p> <p>The submitter seeks that Rule 4C.2.4.1(d) is amended as follows:</p> <p>"(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 <del>dismantling</del> or <del>processing</del>).</p> <p>J Swaps seek that Rule 4C.2.4.1(d) is deleted as proposed in PC85, unless quarry sites are exempt.</p>
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36 - NZTA



Level 3, Harrington House  
32 Harrington Street  
PO Box 13-055, Tauranga Central  
Tauranga 3141  
New Zealand  
T 64 7 927 6009  
F 64 7 578 2909  
[www.nzta.govt.nz](http://www.nzta.govt.nz)

11 November 2019

Chief Executive Officer  
Western Bay of Plenty District Council  
Via email: [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz)

Dear Miriam

**PROPOSED PLAN CHANGES 82 – 91, NZTA FURTHER SUBMISSIONS**

Thank you for the opportunity to make further submissions on proposed Plan Changes 82 – 91 to the Western Bay of Plenty District Plan. Please find further submissions attached. A copy has been sent to each party that made the original submission.

The attached submissions provide input from the New Zealand Transport Agency (**Transport Agency**), reflecting its land transport policy role as well as its perspective as the operator of New Zealand's state highway network. This feedback takes into account the Transport Agency's objectives and statutory obligations, as well as its prior experience with integrated land use planning across the country.

The NZ Transport Agency looks forward to working closely with Western Bay of Plenty District Council to address the issues raised in this submission and welcomes the opportunity to discuss any of these matters in more detail. Please contact me directly in the first instance.

Yours faithfully



Rodney Albertyn  
Senior Planner  
Consents and Approvals

DDI 64 7 928 7918  
[rodney.albertyn@nzta.govt.nz](mailto:rodney.albertyn@nzta.govt.nz)

**New Zealand Transport Agency Further Submissions on Proposed Plan Changes 82 – 91 of the Western Bay of Plenty District Plan**

Submitter's Name, ID and Submission Point	Proposed Plan Change	NZTA's Position	Reason for Further Submission	Decision sought
Te Puke Economic Development Group (Submitter 11), Submission Point 1, PC82	Plan Changes 82 & 83	Oppose in part	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.
New Zealand Kiwifruit Growers (Submitter 21), Submission Point 5, PC82				
New Zealand Kiwifruit Growers (Submitter 21), Submission Point 11, PC83				
Te Puke Economic Development Group	Plan Change 85	Oppose in part	The proposed permitted threshold of 1,000m <sup>3</sup> is considered to be appropriate for cleanfill activities.	The Transport Agency seeks that PC85 be approved

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Level 3, Harrington House  
 32 Harrington Street  
 PO Box 13-055, Tauranga Central  
 Tauranga 3141  
 New Zealand  
 T 64 7 927 6009  
 F 64 7 578 2909

[www.nzta.govt.nz](http://www.nzta.govt.nz)

Submitter's Name, ID and Submission Point	Proposed Plan Change	NZTA's Position	Reason for Further Submission	Decision sought
<p>5            (Submitter 11),            Submission Point 7, PC85</p>			<p>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 5B 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>in its current form.</p>
<p>6            New Zealand Kiwifruit Growers (Submitter 21),            Submission Point 13, PC85</p>			<p>Council has estimated the trip generation associated with a 1000m<sup>2</sup> cleanfill operation to be in the order of 200-400 vehicle movements. Appendix 5B 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</p>	
<p>7            Housing New Zealand Corporation (Submitter 24), Submission Point 5, PC85</p>			<p>Council has estimated the trip generation associated with a 1000m<sup>2</sup> cleanfill operation to be in the order of 200-400 vehicle movements. Appendix 5B 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</p>	
<p>8            Shrimpton And Lipinski Limited Partnership (Submitter 8), Submission Point 1, PC85</p>			<p>Council has estimated the trip generation associated with a 1000m<sup>2</sup> cleanfill operation to be in the order of 200-400 vehicle movements. Appendix 5B 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</p>	

Submitter's Name, ID and Submission Point	Proposed Plan Change	NZTA's Position	Reason for Further Submission	Decision sought
<p style="text-align: right;">9 10 11</p> <p>Fulton Hogan Ltd C/-            Tonkin and Taylor Limited            (Submitter 12),            Submission Points 3 &amp; 4</p> <p>The Aggregate and Quarry            Association of New            Zealand (Submitter 25),            Submission Point 1</p>			<p>(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>	

Submitter's Name, ID and Submission Point	Proposed Plan Change	NZTA's Position	Reason for Further Submission	Decision sought
			<p>Given the statutory functions of Bay of Plenty Regional Council, the traffic effects associated with clearfill 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>1000m<sup>3</sup> would not be an unusually low permitted threshold in comparison to the clearfill provisions of other district plans across the country.</p>	



- a) These are further submissions on Plan Changes 82 – 91 of the Western Bay of Plenty District Plan.
- b) The Transport Agency could not gain an advantage in trade competition through these further submissions.
- c) The Transport Agency does not wish to be heard in support of its further submissions, but does wish to attend any relevant pre-hearing meetings.
- d) The Transport Agency does not wish to present joint evidence.

|

Signed by Rodney Albertyn  
Senior Planner, Consents and Approvals  
Pursuant to the Authority of NZ Transport Agency



Date 11/11/2019



# District Plan Changes 82-91

## Further Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), fax it to 07 577 9820, or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
Tauranga 3143

For Office Use Only

Date stamp

## Further Submissions close 4pm Monday 11 November

<b>Name:</b> <b>Mr/Mrs/Ms/Miss</b>	Matt Lagerberg	
<b>Organisation</b>	Classic Developments Limited	
<b>Address for Service:</b>	c/o Aurecon NZ Limited	
	PO Box 2292, Tauranga	<b>Post Code:</b> 3110
<b>E-mail address:</b>	aaron.collier@aurecongroup.com	
<b>Telephone Number:</b>	07-577 5124	
	(home)	(work)

I am (please tick the one applicable to you)

- a person representing a relevant aspect of the public interest  
 a person that has an interest in the plan change greater than the interest that the general public has  
 the local authority itself.

Please specify the grounds for saying that you come within one of these categories:

The submitter owns/operates and has obtained resource consents for cleanfills

I/We would like to speak in support of my/our submission at the Council hearing.

Yes



Please tick

Signed:

Date:

11 November 2019

(Signature of person making submission or person authorised to sign on behalf of person making submission)

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (don't email plus hardcopy plus fax).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Submitters Name and Address who you are further submitting on	Submission ID and Point	Support or Oppose	Reason	Decision Sought
J Swap Contractors	9(1)	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
Rowena Pearce	10(1)	Oppose	There is no s.32 analysis to justify the plan change and impact on Council's roading network	That the submission be rejected
Te Puke Economic Development Group	11(7)	Oppose in part	The matters raised in this submission are not supported by sufficient s.32 analysis	That the submission be rejected
Horticulture NZ	13(11)	Oppose	The amenity and traffic effects of cleanfill activities at scale are already controlled through Regional Plan provisions	That the submission be rejected
Bay Gold Limited	16(1)	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
Bay of Plenty Regional Council	17(5)	Oppose	Existing District Plan Rules already cover amenity effects raised in the submission	That the submission be rejected
Federated Farmers of NZ	19(4)	Support in part	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
Housing NZ	24(1)	Support	We agree with Housing NZ that the s.32 analysis has failed to justify the need for the plan change and the proposed	That the submission be accepted

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			Introduction of new rules for cleanfill activities	
Housing NZ	24(2)	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)
Richard Matthews	15(5)	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
Housing NZ	24(3)	Support in part	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
Housing NZ	24(4)	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
Shrimpton & Lipinski Limited Partnership	8(3)	Support in part	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.

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Housing NZ	24(5)	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
Shrimpton & Lipinski Limited Partnership	8(1)	Support in part	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
Fulton Hogan Limited	12(3)	Support in part	As per the submission above	As per the submission above
Bay of Plenty Regional Council	17(6)	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

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# District Plan Changes 82-91

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Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
Tauranga 3143

For Office Use Only

Date stamp

## Further Submissions close 4pm Monday 11 November

<b>Name:</b> <b>Mr/Mrs/Ms/Miss</b>	Dwayne Roper	
<b>Organisation</b>	Zariba Holdings Limited	
<b>Address for Service:</b>	c/o Aurecon NZ Limited	
	PO Box 2292, Tauranga	<b>Post Code:</b>
<b>E-mail address:</b>	aaron.collier@aurecongroup.com	
<b>Telephone Number:</b>	07 577 5124	
	(home)	(work)

I am (please tick the one applicable to you)

- a person representing a relevant aspect of the public interest  
 a person that has an interest in the plan change greater than the interest that the general public has  
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Please specify the grounds for saying that you come within one of these categories:

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I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

Signed: \_\_\_\_\_ Date: 11 November 2019

(Signature of person making submission or person authorised to sign on behalf of person making submission)

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