

HAVE A SAY

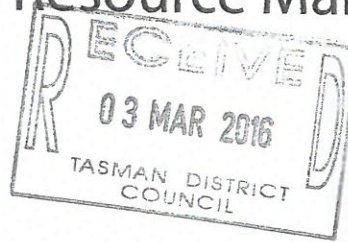
You are invited to make a submission on the proposed Plan Change. Submissions close at 4.00 pm on Monday, 14 March, 2016.



Submission on a Variation/Change to the Tasman Resource Management Plan

Return your submission by the advertised closing date to:

Manager, Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 543-9524 OR Email steve.markham@tasman.govt.nz



OFFICE USE

Date received stamp:

R 3.3.16

Initials:

⊙

Submitter No.

336

Note:

This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.

Submitter Name:

GARRICK BATTEN

(organization/individual)

Representative/Contact:

as above

(if different from above)

Postal Address:

PO Box 102

BRIGHTON 7051

Home Phone:

542 3740

Bus. Phone:

Fax:

Email:

capricek@ctra.co.nz

Date:

1 March 2016

Signature:

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

Total number of pages submitted:

IMPORTANT – Please state:

This submission relates to Variation/Change No.:

60

Variation/Change Title/Subject:

TRMP RURAL LAND USE

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Attached SUBMISSION ON TRMP CHANGE #60 – RURAL LAND

from GARRICK BATTEN

1 March 2016

INTRODUCTION

Soils capable of producing crops are a very limited and shrinking resource in the District (6.2.30). They have potential threats from a changing climate reducing rainfall, increased flooding, and increased sea level with consequent erosion and salt contamination, as well as direct and indirect effects from constant urban encroachment. Consequently, every effort must be taken, as required under RMA legislation to avoid, mitigate and remedy any action or decision to reduce productivity of these soils.

The majority of previous submitters made this point, and proposed amendments recognise this to some extent. However they do not go far enough to protect this highly valuable and important land as is shown by the consequence of some of the proposed amendments.

SUBMISSION: 2.2 DEFINED WORDS

(a) HIGH PRODUCTIVE VALUE

(i) That slope limitation be not changed from 15° to 13° ①(ii) That Class D soils as in the Agriculture NZ Classification be included in the category of soils of High Productive Value ②

The proposed slope and Class changes presume to unjustifiably change the professionally prepared Agriculture NZ Land Classification Report. They reduce maximum slope, when for example, vegetable crops were historically grown on steeper Richmond and Brightwater hill slopes.

While having some limitations, Class D was never the less categorised as suitable for cropping by Agriculture NZ. Contour can be a significant negative factor for using these soils, but other limitations can be overcome as shown by, for example, pakihī development.

(b) PRODUCTIVE VALUE

That the definition of Productive Value readIn relation to land means the ability of the land to produce plant and animal biomass, arising from its natural and physical features, and includes measures of productivity and versatility ③

The definition in the Proposed text removes the word “existing”, which is illogical if the land is already producing.

There are current and no doubt future techniques to make inherently unsuitable land able to produce crops, so use of the word “inherent” in the Proposed text definition is also illogical in a future protection sense. Apart from the later tautology in the Proposed text, the rest of the above definition qualifies ability anyway.

SUBMISSION: WORDS THROUGHOUT TEXT

That use of the phrase "highest" in relation to productive value be removed from the Proposed text

The following is confusing, and creates a judgment measure for staff in making recommendations to Council about the difference between high and highest. Consequently it is a ripe field for dispute, legal interpretation, delays and direct and indirect costs to ratepayers

- (i) Under 2.2 Defined words, High Productive Value is soils classified as A, B, C in Agriculture NZ Classification 1994.
- (ii) 7.0 describes land of high productive value as being a relatively small amount of approximately 5%, (being Classes A,B&C according to the Proposed text). (4)
- (iii) 7.1.30 states that Classes A&B are the highest productive value. Just why Class C of only 2500 ha. capable of intensive cropping is excluded is a mystery. (5)
- (iv) Classes A&B are already described as high productive value through the text.
- (v) 7.1.2.2 creates an Objective of retention and enhancement of opportunities on highest existing and potential productive land.
- (vi) 7.1.20.1 Rural 1 zone covers high and highest existing and potential productive value.

SUBMISSION: 7.1.2 OBJECTIVE

Insert "currently" in 7.1.2.1 to read *Except where rural land is currently deferred for urban use, avoiding the loss of.....high productive value.*

Given the redirected emphasis on the Proposed Plan Change towards protecting high producing soils, the whole 7.1.2.1 text should be re-examined. (6)

Current and Proposed wording is open-ended as Rural 1 land designated as "deferred residential" can be increased at any time in the future with no emphasis on the strictures of the rest of the clauses.

Ratepayers are entitled to understand that land not classified as deferred residential at the time of the adoption of the Chapter of the TRMP to protect Rural 1 land will not be subject to further urban creep, because Rural 1 land is so valuable and finite. Proposed wording potentially permits gradual and unlimited loss through deferred and eventually actual urban zoning.

**Submission on Tasman District Council Proposed Plan Change 60 –
Rural Land Use and Subdivision Policy Review**

Form 5 – Submission on publicly notified proposal for policy statement or plan
Clause 6 of First Schedule, Resource Management Act 1991

To: Plan Change 60
Manager, Policy
Tasman District Council
Private Bag 4
Richmond 7050

Steve.markham@tasman.govt.nz

From: NZ Transport Agency
PO Box 5084
Wellington 6145
Attn: Kathryn Barrett

This is a submission on:

Tasman District Council Proposed Plan Change 60 – Rural Land Use and Subdivision Policy Review.

The NZ Transport Agency could not gain an advantage in trade competition through this submission.

The NZ Transport Agency's submission is in general support but seeks a number of specific amendments, or those to like effect, to better address the Agency's concerns. Please see the attached table for details itemised by Plan Change provision.

The reasons for this submission are:

The New Zealand Transport Agency (the Agency) is the Crown entity responsible for the management, construction and maintenance of New Zealand's state highway network.

The Agency's statutory objective is to carry out its functions in a way that contributes to an affordable, integrated, safe, responsive and sustainable land transport system. This is achieved by managing the State Highway network in accordance with the relevant legislation, and by assisting, advising, and co-operating with approved organisations such as territorial authorities.

The Transport Agency is generally supportive of development where it encourages economic growth and productivity. However, we seek to ensure that the transport needs of growth are considered as part of any development proposal, along with any potential effects on the safety and efficiency of the state highway network.

In particular, the Agency is concerned with the current safety and efficiency effects on the State Highway network as a result of ribbon development. The Agency does not wish to see this problem further exacerbated, and seek a policy framework that recognised the State Highway as being impacted by such development and involves the Agency being involved early in the process for any rezoning/development proposals.



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14 March 2016

Steve Markham
Manager, Policy
Tasman District Council
Private Bag 4
Richmond 7050

Dear Steve

Tasman District Council Plan Change 60: NZ Transport Agency Submission

Thank you for the opportunity to submit on the proposed Plan Change 60: Rural Land Use and Subdivision Policy Review. Please find attached the NZ Transport Agency's submission.

The NZ Transport Agency has raised a number of points in its submission. As this Plan Change is limited to Rural Land Use and Subdivision, it is pertinent to note that our submission points relating to the adverse effects of ribbon development could also be of benefit to other chapters of the Plan. This would help with consistency across the Plan as well as reducing adverse effects on the State Highway.

We welcome the opportunity to discuss the contents of our submission with Council officers. If you have any further questions, please do not hesitate to contact myself on (04) 894 6414 or caroline.horrox@nzta.govt.nz or Kathryn Barrett on (04) 931-8871 or kathryn.barrett@nzta.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Caroline Horrox', written over a light blue horizontal line.

Caroline Horrox
Principal Planning Advisor

The Agency's specific reasons for amendments sought are set out in the table attached. In general terms the submission seeks to include specific reference to potential effects on the State Highway system from increased development opportunities within rural zones; in particular, the Rural Residential Zone. This is to ensure there is clear policy direction, and matters of control and discretion, which enable this matter to be specifically considered through planning and consenting processes.

The NZ Transport Agency wishes the consent authority to:

Confirm the proposed Plan Change subject to the amendments, or those to like effect, outlined in the attached table. This includes any consequential changes that may be required to give effect to amendments sought by the Agency.

The NZ Transport Agency wishes to be heard in support of this submission.

The NZ Transport Agency would not consider presenting a joint case with others presenting similar submissions.

Date: 14 March 2016



Caroline Horrox
Principal Planning Advisor

Pursuant to a delegation from
the Chairman and the Board
of the NZ Transport Agency

Address for Service:

Reuben Peterson – Senior Resource Management Planner
Opus International Consultants Ltd
Private Bag 36
Nelson 7010

Phone: 03 546 3770
Email: reuben.peterson@opus.co.nz

NZ Transport Agency Submission
**Submission on Tasman District Council Proposed Plan Change 60 –
 Rural Land Use and Subdivision Policy Review**

Specific Provision	Submission with Reasons	Amendment sought from the Local Authority: Text sought to be removed, or added.
Chapter 7: Rural Environmental Effects		
Chapter 7: Section 7.0 Introduction PC ref 3.1.4	<p>Amend The introductory section needs to include the expectation that transport networks are critical infrastructure to support development in rural locations and that the transport needs and effects from subdivision, industrial, commercial and residential activities will be considered whether developments front a State Highway or not. Where development does not front, but generates an effect on a State Highway and/or its intersections with local side roads, these effects need to be able to be taken into consideration.</p>	<p>Add text to the end of the paragraph commencing 'In addition to production activities ...' ① <u>'The effects of this increased pressure on transport routes include effects on the State Highway network which connects many of these areas to the main centres of the District.'</u> Add text to the third bullet point under paragraph beginning 'This chapter addresses the management of the District's rural land resource in terms of three main areas of policy, ...' • 'Managing the effects of activities in rural areas, including cross boundary and reverse sensitivity effects, and effects on rural character and amenity values, and effects on transport routes including State Highways.'</p>
Chapter 7: Section 7.1 Cumulative Effects of Land Fragmentation on Productive Opportunities	<p>Support in part These provisions increase the level of protection of rural land with productive values, from residential activity, and other forms of fragmentation. This in turn does not result in an</p>	<p>Retain provisions and amendments as notified and add the following text under 7.1.1 Issues, 7.1.1.1 (c) ② "service provision, <u>transport routes</u>, site amenity, contamination ..." ③</p>

Specific Provision	Submission with Reasons	Amendment sought from the Local Authority: Text sought to be <u>removed</u> , or <u>added</u> .
Issue 7.1.1.1 & 2 Objective 7.1.2.1, 2 & 3 Policies 7.1.3.6, a - f) Associated method, reason and performance monitoring statements PC ref 3.2.1 - 3.2.14	increase the number of vehicle trips and movements on the State Highway network.	<p>4</p> <p>5 6 7</p> <p>8 - 13</p> <p>14</p> <p>15</p>
Chapter 7: Section 7.2 Provision for Non Soil-based Activities Issue 7.2.1.1 Objective 7.2.2.1, 2 and 3 PC ref 3.3.1 - 3.3.4	Support The issue and objective of providing for non-rural uses of rural land is supported where the proposal is in a suitable location for this to occur.	Retain provisions and amendments as notified.
Section 7.2 Provision for Non Soil-based Activities Policy 7.2.3.1C Existing policy 7.2.3.2 g)	Amend The Agency seeks to ensure that development occurs in locations where existing transport routes, including the State Highway network, can accommodate increased demand from new developments, or where this demand is likely to adversely affect transport networks these effects can be remedied or mitigated by applicants or existing planned upgrades. Amendments to the proposed policies are sought	Amend proposed policy 7.2.3.1C c) <u>can be adequately serviced for water, wastewater, stormwater, and road access including the State Highway network and its intersections with local roads.</u> <u>Add a new point to proposed policy 7.2.3.1C</u>

Specific Provision	Submission with Reasons	Amendment sought from the Local Authority: Text sought to be removed, or added.
PC ref 3.3.6	<p>so that effects on the State Highway network are considered as one of the aspects deeming a location to be suitable. Should this consideration not occur, there may be direct effects, and cumulative effects, on the State Highway network that adversely affects its safety, efficiency and function.</p>	<p><i>(d) The development will not result in adverse effects on the State Highway network including its intersections with local side roads.</i></p>
Section 7.2 Provision for Non Soil-based Activities Policy 7.2.3.1D PC ref 3.3.6	<p>Oppose (or if retained, Amend) The Agency opposes the proposed policy direction allowing subdivision and residential development to urban densities within existing Rural Residential Zone locations which are in close proximity to an urban residential area and is appropriate to become part of the urban form of that settlement. This is effectively rezoning and would be more appropriately addressed in the next stages of this plan change as has already been signalled by Council.</p> <p>If retained then the following amendments are sought.</p>	<p>22 Delete the proposed provision, or if retained amend proposed policy 7.2.3.1D d) <i>Can be adequately serviced for water supply, wastewater, stormwater and transportation, including the State Highway network and its intersections with local side roads.</i></p> <p>23 Add a new point to proposed policy 7.2.3.1D</p> <p>24 <i>e) The development will not result in adverse effects on the State Highway network including its intersections with local side roads.</i></p>
Section 7.2 Provision for Non Soil-based Activities Policy 7.2.3.1G PC ref 3.3.7	<p>Amend The Agency wishes to ensure that residential development occurs in suitable locations. Amendments to the proposed policy are sought to ensure that effects on the State Highway network are considered as a key aspect of whether the proposal is deemed appropriate.</p>	<p>25 Add a new point to policy 7.2.3.1G (cooperative living opportunities) <i>(f) The development will not result in adverse effects on the State Highway network including its intersections with local side roads.</i></p>

Specific Provision	Submission with Reasons	Amendment sought from the Local Authority: Text sought to be <u>removed</u> , or <u>added</u> .
<p>Section 7.2 Provision for Non Soil-based Activities</p> <p>7.2.20 Methods of Implementation</p> <p>7.2.20.1 a) i) and 7.2.20.1 b)</p> <p>PC ref 3.3.10</p>	<p>Amend</p> <p>Following on other changes sought by the Agency, this existing provision needs to be amended to include consideration of traffic effects on the state highway as one of the potential effects determining suitability of a development proposal.</p>	<p>Regulatory Method 7.2.20.1 a) i)</p> <p>... <i>The specific rules for each zoned area take into account rural character and amenity, availability of servicing, landscaping, access, <u>traffic effects including on the State Highway</u>, potential visual and ecological impacts of development, ...</i></p> <p>Regulatory Method 7.2.20.1 b)</p> <ul style="list-style-type: none"> • <i>Define access and transport effects, <u>including effects on the State Highway</u></i>
<p>Section 7.2 Provision for Non Soil-based Activities</p> <p>7.2.30 Principal Reasons and Explanation</p> <p>PC ref 3.3.13 and 3.3.14</p>	<p>Amend</p> <p>Change 3.3.13 and 3.3.14 to reflect that access and traffic effects, including on the State Highway, is to be considered when determining the suitability of a development proposal.</p> <p>A related change is also sought under the Rural 3 paragraph in section 7.2.30.</p>	<p>Second of two new paragraphs under PC ref 3.3.13.</p> <p>... <i>productive potential, cross-boundary effects and effects on servicing <u>and access, including on the State Highway network</u>, can all be adequately managed.</i></p> <p>First of two paragraphs under PC ref 3.3.14.</p> <p>... <i>take into account the character and attributes of the land (including servicing capability <u>and traffic effects</u>).</i></p> <p>Section 7.2.30, paragraph commencing 'The Rural 3 Zone applies ...'</p> <p>... <i>In this area, residential development proposals will be evaluated through consent processes in terms of their effects on landscape, productive, amenity and other values, including natural and cultural values; the</i></p>

Specific Provision	Submission with Reasons	Amendment sought from the Local Authority: Text sought to be removed, or added.
		<p><u>availability of appropriate infrastructure and services including local roads and State Highway networks and its intersections with local road, and cumulative effects.</u></p> <p>Section 7.2.30, paragraph commencing 'The different Rural residential Zone areas...'</p> <p>'Tourist Services Zone locations provide for relatively intensive tourist and visitor service activities in areas where such uses have been traditionally established, or where they can be accommodated with minimal impact on the natural qualities an characteristics of the nearby rural area <u>and are accessible without generating adverse effects on roading networks, including State Highways.</u></p>
<p>Section 7.3 Rural Residential Development in Coastal Tasman Area</p> <p>Policy 7.3.3.11</p>	<p>Amend</p> <p>The Coastal Tasman area contains areas of Rural Residential Zone which are under pressure for development and which are reliant on the State Highway network for access. This access may not be directly to the State Highway but will involve roading which will in turn come off the State Highway. The policy structure of this area needs to reflect the concerns of the NZ Transport Agency. These changes are consistent with those sought through other amendments within the proposed Plan Change.</p> <p>Also as a related matter a specific policy is sought relating to traffic effects in this area.</p>	<p>Amend policy 7.3.3.11</p> <p><u>To improve access and progressively upgrade roads and intersections (including with the State Highway) throughout the Coastal Tasman Area in accordance with development ...'</u></p> <p>Add new policy</p> <p><u>To take into account, and avoid, remedy, or mitigate actual or potential traffic and access effects (including cumulative effects) of any development on the roading network, including the State Highway.</u></p>

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Specific Provision	Submission with Reasons	Amendment sought from the Local Authority: Text sought to be removed , or <u>added</u> .
Section 7.4 Rural Character and Amenity Values Policies 7.4.3 PC ref 3.5.2	Amend Add identification of effects on the State Highway network to an existing policy. These changes are consistent with those sought through other amendments within the proposed Plan Change.	Policy 7.4.3.9 To avoid, remedy or mitigate servicing effects of rural subdivision and development including road access, and impacts on the State Highway network, water availability and wastewater disposal.
Rules		
Chapter 16 General Rules Section 16.1.6.1, rule 16.1.6.1b) PC ref 4.1.1	Oppose The impact of the change is to allow signage for all temporary activities rather than just for temporary community events, elections and fundraisers as is currently the case. The Agency considers the increased number of signs (including the variety of activities that could have a sign) allowed as of right may have a negative impact on traffic safety on the State Highways. Note that the amended definition for temporary activity (PC ref 1.1.1) does not restrict a temporary activity from being one of those listed in the definition, nor to temporary community events as was previously the case under the rule.	Delete the proposed change
Section 16.3: Subdivision Rural 1 Zone Addition after matter control reserved over 16.3.5.1(4)	Amend To allow specific consideration of effects on the State Highway this matter should be reflected in the matters of control specified in the Plan for controlled activity subdivisions.	New matter of control reserved over after 16.3.5.1(4): <u>Potential effects on the State Highway network, including where local roads intersect with it.</u>

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Specific Provision	Submission with Reasons	Amendment sought from the Local Authority: Text sought to be removed, or added.
PC ref 4.2.5	Note that by including this change here automatically results in this being a restricted discretionary matter by virtue of 16.3.5.3A (1).	
Section 16.3: Subdivision Rural 1 Zone New rule 16.3.5.5A PC ref 4.2.12	Support The new rule sets further subdivision of titles created after 30 January 2016 as a non-complying activity. This is to protect productive rural land while giving a final opportunity to subdivide titles that existed prior to this date. Relating to the Agency this gives some certainty on the future level of residential use of properties within this zone.	Retain provisions and amendments as notified.
Section 16.3 Subdivision Rural 2 Zone Matters control reserved over 16.3.6.1 (4) PC ref 4.2.17	Amend To allow specific consideration of effects on the State Highway this matter should be reflected in the matters of control specified in the Plan for controlled activity subdivisions. Note that by including this change here automatically results in this being a restricted discretionary matter by virtue of 16.3.6.3A (1).	New matter of control over inserted after 16.3.6.1 (4): <u>Potential effects on the State Highway network, including where local roads intersect with it.</u>
Section 16.3 Subdivision Rural Residential Zone Matter control reserved over 16.3.8.1 PC ref 4.2.27	Amend To allow specific consideration of effects on the State Highway this matter should be reflected in the matters of control specified in the Plan for controlled activity subdivisions. Note that by including this change here automatically results in this being a restricted discretionary matter by virtue of 16.3.8.4A (1).	New matter of control over inserted after 16.3.8.1 (3): <u>Potential effects on the State Highway network, including where local roads intersect with it.</u>
Schedule 16.3A Assessment Criteria for Subdivision.	Amend	New assessment criteria after 16.3A (36):

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Specific Provision	Submission with Reasons	Amendment sought from the Local Authority: Text sought to be removed, or added,
PC ref 4.2.29	To direct specific consideration of effects on the State Highway a new assessment criteria for subdivisions should be included as a consequential change.	<u>Potential effects from increased traffic generation on the State Highway network, including where local roads intersect with it.</u>
Chapter 17: Zone Rules Section 17.5: Rural 1 Zone Rules Rule 17.5.2.1 a) xiv) PC ref 5.1.3	Support in part In general terms the Agency is supportive of the change as it limits the number of heavy vehicles using sites for activities other than core rural uses. However we note that restricting the number of vehicles may not restrict total vehicle movements (assuming that was the intention). The level of restriction proposed could result in an increase in vehicle movements to and from sites, and parking of vehicles 'offsite' on road reserve or similar. A greater number of heavy vehicles could be allowed as permitted and the Agency suggests three.	Amend proposed provision 17.5.2.1 a) xiv) to: <u>The maintenance, repair, storing, or parking of more than one three heavy vehicles (excluding agricultural machinery) with a gross laden weight of 3,500 kilograms or more, that is being used for, or in connection with, any commercial, industrial or rural industrial activity.</u>
Section 17.5: Rural 1 Zone Rules Rule 17.5.2.1 p) (i) PC ref 5.1.8	Oppose in part The Agency is concerned that the effect(s) Council is trying to manage via rules 17.5.2.1 p) (i) relating to temporary activities is not clearly defined. As it currently stands, the Agency are of the view that the majority of its maintenance and operational work (e.g. vegetation management) will be captured by the requirements of this rule on the basis of the duration and/or the period in which the work occurs – irrespective of whether there are any actual or potential environmental effects associated with the work. The rule needs to be clearly linked to the effect that is to be managed by limiting works duration and/or the ability to carry out works within a particular period of time.	Delete rule 17.5.2.1 (p) (i), on the basis that it creates an unreasonable requirement for the Agency to obtain consent for regular maintenance activities that would otherwise meet the permitted criteria on the basis of the duration of work/and or the period in which works occur, without addressing any specific environmental effect.

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Specific Provision	Submission with Reasons	Amendment sought from the Local Authority: Text sought to be removed , or added .
<p>Section 17.5: Rural 1 Zone Rules</p> <p>Rule 17.5.2.8A restricted discretion matters</p> <p>PC ref 5.1.12</p>	<p>The Agency notes and supports the reference to traffic management requirements within the associated note.</p> <p>Amend</p> <p>To allow specific consideration of effects on the State Highway this matter should be reflected in the restricted discretionary items specified. The Agency seeks this change as the nature of cooperative living arrangements may see a number of dwellings established with an increase in associated traffic movements.</p>	<p>Add after proposed provision 17.5.2.8A 9):</p> <p><u>Potential effects on the State Highway network, including where local roads intersect with it.</u></p> <p style="text-align: right;">43</p>
<p>Section 17.6: Rural 2 Zone Rules</p> <p>Rule 17.6.2.1 a) xii)</p> <p>PC ref 5.2.3</p>	<p>Support in part</p> <p>In general terms the Agency is supportive of the change as it limits the number of heavy vehicles using sites for activities other than core rural uses. However we note that restricting the number of vehicles may not restrict total vehicle movements (assuming that was the intention). The level of restriction proposed could result in an increase in vehicle movements to and from sites, and parking of vehicles 'offsite' on road reserve or similar. A greater number of heavy vehicles could be allowed as permitted and the Agency suggests three.</p>	<p>Amend proposed provision 17.6.2.1 a) xii) to:</p> <p><u>The maintenance, repair, storing, or parking of more than one three heavy vehicles (excluding agricultural machinery) with a gross laden weight of 3,500 kilograms or more, that is being used for, or in connection with, any commercial, industrial or rural industrial activity.</u></p> <p style="text-align: right;">44</p>
<p>Section 17.6: Rural 2 Zone Rules</p> <p>Rule 17.6.2.1 p) - r) and associated note</p> <p>PC ref 5.2.7</p>	<p>Oppose in part</p> <p>The Agency is concerned that the effect(s) Council is trying to manage via rules 17.6.2.1 p) (i) relating to temporary activities is not clearly defined. As it currently stands, the Agency are of the view that the majority of its maintenance and operational work (e.g. vegetation management) will be captured by the requirements of this rule on the basis of the duration and/or the period in which the work occurs – irrespective of whether there are any actual or potential</p>	<p>Delete rule 17.6.2.1 (p) (i), on the basis that it creates an unreasonable requirement for the Agency to obtain consent for regular maintenance activities that would otherwise meet the permitted criteria on the basis of the duration of work/and or the period in which works occur, without addressing any specific environmental effect.</p> <p style="text-align: right;">45</p>

Specific Provision	Submission with Reasons	Amendment sought from the Local Authority: Text sought to be <u>removed</u> , or <u>added</u> .
<p>Section 17.6: Rural 2 Zone Rules</p> <p>Rule 17.6.2.8A</p> <p>PC ref 5.2.11</p>	<p>environmental effects associated with the work. The rule needs to be clearly linked to the effect that is to be managed by limiting works duration and/or the ability to carry out works within a particular period of time.</p> <p>The Agency notes and supports the reference to traffic management requirements within the associated note.</p> <p>Amend To allow specific consideration of effects on the State Highway this matter should be reflected in the restricted discretionary items specified. The Agency seeks this change as the nature of cooperative living arrangements may see a number of dwellings established with an increase in associated traffic movements from a site.</p>	<p>Add after proposed provision 17.6.2.8A 9):</p> <p><u>Potential effects on the State Highway network, including where local roads intersect with it.</u></p>
<p>Section 17.7: Rural 3 Zone Rules</p> <p>Rule 17.7.2.1 b) xii)</p> <p>PC ref 5.3.2</p>	<p>Support in part In general terms the Agency is supportive of the change as it limits the number of heavy vehicles using sites for activities other than core rural uses. However we note that restricting the number of vehicles may not restrict total vehicle movements (assuming that was the intention). The level of restriction proposed could result in an increase in vehicle movements to and from sites, and parking of vehicles 'offsite' on road reserve or similar. A greater number of heavy vehicles could be allowed as permitted and the Agency suggests three.</p>	<p>Amend proposed provision 17.7.2.1 b) xii) to:</p> <p><u>The maintenance, repair, storing, or parking of more than one three heavy vehicles (excluding agricultural machinery) with a gross laden weight of 3,500 kilograms or more, that is being used for, or in connection with, any commercial, industrial or rural industrial activity.</u></p>
<p>Section 17.8: Rural Residential Zone Rules</p> <p>Rule 17.8.2.1 a) vi)</p>	<p>Support The restriction to one heavy vehicle used for commercial, industrial or rural industrial activities on any one site is</p>	<p>Retain provisions and amendments as notified.</p>

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Specific Provision	Submission with Reasons	Amendment sought from the Local Authority: Text sought to be removed , or <u>added</u> .
PC ref 5.4.1	supported within the Rural Residential Zone due to the smaller site sizes and the outcomes sought for this zone.	
Section 17.8: Rural Residential Zone Rules Rule 17.8.3.1A matters of control PC ref 5.4.15	Amend To allow specific consideration of effects on the State Highway this matter should be reflected in the matters of control specified in the Plan for proposed rule 17.8.3.1A.	Add after proposed provision 17.8.3.1A 1): <u>Potential effects on the State Highway network, including where local roads intersect with it.</u>

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10th March 2016



214.3.16 Q
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landmark life ltd
RESOURCE MANAGEMENT

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Tasman District Council
Private Bag 4
Richmond 7040
Attn: Steve Markham

Dear Steve,

Plan Change 60: Rural Land Use and Subdivision Policy Review
Submission – *Fulton Hogan Ltd*

Please find attached submissions in regard to Plan Change 60 on behalf of Fulton Hogan Limited.

1. INTRODUCTION

- 1.1 Fulton Hogan Ltd (FHL) is a nationwide contracting business that operates in a wide range of locations throughout the Tasman District.
- 1.2 Aggregates are a significant resource for the district, regional and national economies. A reliable and sustainable supply of aggregates is vital for development and to enable people and communities to provide for their social, economic and cultural well-being. This is not only required to provide for building, construction and roading projects associated with growth, but also to maintain and redevelop existing infrastructure.
- 1.3 Aggregates are a site-specific resource, which means that extraction only occurs where the resource is found. In general, aggregates are recovered from rural areas at sites where they can be economically extracted and transported to local markets; it is generally accepted that every 20 km of transport typically doubles the cost of aggregate. Such aggregate resources must be found and subjected to feasibility studies before any necessary statutory approvals are secured (including consultation with affected parties), prior to extraction, processing and sale. To find, assess, authorise and develop a new aggregate extraction and processing site can take many years and comes at significant risk and cost.
- 1.4 Because aggregates are a site specific resource, extraction generally occurs at or near the source of material and close to the demand centre or “market” . Aggregates are fundamental to the sustainable development of communities. Accordingly, any relevant policy framework should recognise and provide for aggregate extraction and processing activities. If the TRMP creates an environment where there is greater uncertainty and restriction on the establishment of new, or extension of existing, quarries, new quarries will be forced to establish further from the source of demand, and the cost of both raw and processed aggregates (in all its forms) will increase.
- 1.5 Aggregate extraction is a temporary land-use, whereby the aggregate material is extracted and processed before the area is rehabilitated to a former use, and/or an alternative use. Responsible environmental management using best practice approaches is an integral part of any aggregate extraction and processing venture. Compliance with resource consents and other regulatory standards forms a key plank of environmental policy for the company, as is

achieving excellence in environmental management. These priorities underpin all aspects of operations, including activities that may affect immediate neighbours and the wider community.

- 1.6 FHL is particularly interested in the long term sustainability of its business interests. This includes the general effect of planning provisions that have the potential to adversely affect the general operation of aggregate extraction. In particular, FHL is concerned that:
- (i) Aggregate resources should be recognised as a significant and essential resource for the sustainable development of people and communities;
 - (ii) New planning provisions should not unreasonably restrict future access to aggregate resources and should provide for an efficient and cost-effective planning process to authorise aggregate extraction and processing activities; and
 - (iii) Development should be carefully managed within areas of significant aggregate resources to avoid restricting future access to aggregates or the generation of reverse sensitivity effects that may constrain existing or future aggregate extraction and processing activities.
- 1.7 Failure to adequately plan for future aggregate production within the District could lead to a substantial increase in the cost of aggregates (for example, as a result of increased transportation costs), with flow-on effects on the cost of development and maintaining existing infrastructure, while increasing levels of heavy transport on regional roads will adversely affect the environment and the interests of other road users.
- 1.8 Sound planning is required to ensure that future access to aggregate resources is sufficiently recognised, provided for and protected for future generations.

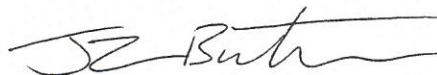
2 SPECIFIC SUBMISSIONS AND RELIEF SOUGHT

- 2.1 Specific submissions and relief sought are addressed in the table below. (NB in the Table "S.o.A." used in the following table refers to the "Schedule of Amendments")

3 REQUEST TO BE HEARD

- 3.1 The submitter wishes to be heard in support of these submissions.

Please contact me if you have any further queries.



Jeremy Butler
Landmark Lile Limited
Resource Management Consultant

Subm #	Provision or topic	Submission	Relief sought:
Meaning of Words			
1	<p>S.o.A. para 1.1.1 "Reverse Sensitivity"</p>	<p>Support</p> <p>The inclusion of a definition of reverse sensitivity is supported. The definition in the proposed amendments is useful but it is submitted that the wording could be improved.</p> <p>It is not just the "risk" to existing activities that is increased by reverse sensitivity, but also the <u>actual</u> adverse effects of greater constraints on the scope of business or hours that can be worked, and the greater administration and compliance costs that may arise.</p>	<p>Suggested amendment:</p> <p><u>"means the risk to, and adverse effects on, an existing activity that may generate actual or perceived adverse effects as a result of receiving complaints or other expressions of sensitivity from any new activity locating nearby."</u></p> <p>Other alternative definitions should also be considered.</p>
2	<p>S.o.A. para 1.1.1 "Temporary Activity"</p>	<p>Oppose</p> <p>In relation to building and construction work within item (a), this definition focusses on structural building work, storage and temporary buildings. Item (a) also goes on to identify activities that are "incidental" to a building or other construction project.</p> <p>It is considered that not enough weight is given to temporary activities that are primarily or solely focussed on contracting work.</p> <p>For example, works within the road areas identified in the TRMP, driveway or parking construction areas. These are important and common works within both rural and urban areas of the Tasman District and it is considered appropriate that they are explicitly identified within the definition of "Temporary Activity"; alternatively, these activities should be explicitly excluded from controls that apply to temporary activities.</p>	<p>Insert an item (c) that reads:</p> <p><u>"works relating to the construction or maintenance of infrastructure (for example, roads, cycleways, footpaths and associated earthworks), and contracting works on private land"</u></p>
3	<p>S.o.A. para 1.1.2 "Rural Industrial"</p>	<p>Support</p> <p>The amended definition is broader and more inclusive of rural industrial</p>	<p>To confirm the proposed definition</p>

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Policy Framework	
<p>4</p> <p>S.o.A. para 3.2.7 Proposed policy 7.1.3.6D</p>	<p>Oppose</p> <p>This proposed policy sits within Section 7.1 of the TRMP which, broadly speaking, has the policy intent of retaining opportunities for plant and animal production on land with the highest productive value in the District. This outcome is supported, however, this policy approach ignores the importance of aggregates to the wider community, the fact that most aggregate extraction occurs in the Rural Zone, that quarries are generally relatively limited in size, and are situated where the resource is naturally available.</p> <p>The proposed policy reads:</p> <p><u>“To discourage commercial, industrial and rural industrial activities in the Rural 1 Zone, except where the activity is directly associated with plant and animal production”</u></p> <p>It is submitted that including “rural industrial activities” within this policy puts the policy in direct conflict with other provisions, principally under Section 7.2.</p> <p>Section 7.2 allows for activities other than plant and animal production and contains recognition that there are other activities that are appropriate in the rural zones.</p> <p>For example, Objective 7.2.2.1 allows other activities to be undertaken on rural land, while avoiding the loss of land of high productive value. Supporting this objective is Policy 7.2.3.2 which is:</p> <p><i>“To enable sites in specific locations to be used primarily for rural industrial, tourist services and papakainga purposes, having regard to:</i></p> <p>...</p> <p><i>(ea) in relation to rural-industrial development, the efficient</i></p>
	<p>Policy 7.1.3.6D is opposed in its current form. Amend the wording to include provision for aggregate extraction within the Rural 1 Zone, as follows:</p> <p><u>“7.1.3.6D To discourage commercial, industrial and rural industrial activities in the Rural 1 Zone, except where the activity is directly associated with plant and animal production or with specific productive natural resources, such as aggregates or other mineral sources.”</u></p>

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		<p><u>location of the activity in association with sources of plant and animal production;</u></p> <p><i>(f) the availability of specific productive natural resources, such as aggregates or other mineral sources."</i></p> <p>Item (ea) which is new and proposed part of this plan change is reflected and provided for in the wording of proposed Policy 7.1.3.6D. But item (f) above is not provided for in the wording of proposed Policy 7.1.3.6D. This is inconsistent and does not reflect the need for activities that use specific productive natural resources, such as aggregates or other mineral sources, to be located in locations where those resources are available, even though they are not directly associated with plant and animal production. Such an approach does not consider effects or the broader principles of sustainable management for people and communities, such as those requiring materials for construction of private and commercial development and associated infrastructure.</p> <p>The policy that is opposed (Policy 7.1.3.6D) is limited in its application to the Rural 1 zone. The Rural 1 zone ostensibly covers the highest productive land in the District. However, this is not always the case. Much of the bermlands of the major rivers are within the Rural 1 zone, principally because the adjacent land away from the rivers is the land of high productive value. Much of the berm lands themselves have only thin soils and are not productive. But they are a valuable source of aggregate which is essential for the purposes discussed above.</p> <p>In other words, the Rural 1 zone is not a perfect delineation of the extent of high productive land and the policy framework must not be so restrictive so as to disenable activities that rely on aggregate and mineral resources.</p>	
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Rules	
<p>5</p>	<p>S.o.A. para 5.1.3 Rule 17.5.2.1(a)(xiv)</p> <p>Oppose</p> <p>This proposed rule has the effect of not allowing, as a permitted activity, the storage or parking of more than one heavy vehicle that is being used for or in connection with any commercial, industrial or rural industrial activity.</p> <p>The submittor is a contracting firm that often undertakes work on sites all over the District that require the temporary storage of heavy vehicles that are associated with, primarily, rural industrial or construction activities.</p> <p>For example, road works will often result in the storage of heavy vehicles in a farmer's paddock on a temporary basis and for as long as the project takes to complete. Similarly, a construction project on private land will result in the over-night parking of heavy vehicles on that land.</p> <p>It is unclear what adverse environmental effects this provision is attempting to address. That aside, it is apparent that any machinery (whether agricultural or not) will have some effect when being maintained, stored, repaired or parked, and so there is no basis for the exemption of (undefined) "agricultural machinery". This provision should, accordingly, be deleted.</p>
<p>5</p>	<p>Delete the condition.</p> <p>Explore other alternative drafting options that will achieve the desired regulatory outcome without the potential for significant unintended consequences.</p>

<p>6</p>	<p>S.o.A. para 5.2.3 Rule 17.6.2.1(a)(xii)</p>	<p>Opposed</p> <p>This proposed rule has the effect of not allowing, as a permitted activity, the storage or parking of more than one heavy vehicle that is being used for or in connection with any commercial, industrial or rural industrial activity.</p> <p>The submitter is a contracting firm that often undertakes work on sites all over the District that require the temporary storage of heavy vehicles that are associated with, primarily, rural industrial or construction activities.</p> <p>For example, road works will often result in the storage of heavy vehicles in a farmer's paddock on a temporary basis and for as long as the project takes to complete. Similarly, a construction project on private land will result in the over-night parking of heavy vehicles on that land.</p> <p>It is unclear what adverse environmental effects this provision is attempting to address. That aside, it is apparent that any machinery (whether agricultural or not) will have some effect when being maintained, stored, repaired or parked, and so there is no basis for the exemption of (undefined) "agricultural machinery". This provision should, accordingly, be deleted.</p>	<p>Delete the condition.</p> <p>Explore other alternative drafting options that will achieve the desired regulatory outcome without the potential for significant unintended consequences.</p>
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7	<p>S.o.A. para 5.3.2 Rule 17.7.2.1(a)(xii)</p>	<p>Opposed (conditional)</p> <p>This proposed rule has the effect of not allowing, as a permitted activity, the storage or parking of more than one heavy vehicle that is being used for or in connection with any commercial, industrial or rural industrial activity.</p> <p>The submitter is a contracting firm that often undertakes work on sites all over the District that require the temporary storage of heavy vehicles that are associated with, primarily, rural industrial or construction activities.</p> <p>For example, road works will often result in the storage of heavy vehicles in a farmer's paddock on a temporary basis and for as long as the project takes to complete. Similarly, a construction project on private land will result in the over-night parking of heavy vehicles on that land.</p> <p>It is unclear what adverse environmental effects this provision is attempting to address. That aside, it is apparent that any machinery (whether agricultural or not) will have some effect when being maintained, stored, repaired or parked, and so there is no basis for the exemption of (undefined) "agricultural machinery". This provision should, accordingly, be deleted.</p>	<p>7</p> <p>Delete the condition.</p> <p>Explore other alternative drafting options that will achieve the desired regulatory outcome without the potential for significant unintended consequences.</p>
8	<p>S.o.A. para 5.4.1 Rule 17.8.2.1(a)(vi)</p>	<p>Opposed</p> <p>This proposed rule has the effect of not allowing, as a permitted activity, the storage or parking of more than one heavy vehicle that is being used for or in connection with any commercial, industrial or rural industrial activity.</p> <p>The submitter is a contracting firm that often undertakes work on sites all over the District that require the temporary storage of heavy vehicles that are associated with, primarily, rural industrial or construction activities.</p>	<p>8</p> <p>Delete the condition.</p> <p>Explore other alternative drafting options that will achieve the desired regulatory outcome without the potential for significant unintended consequences.</p>

		<p>For example, road works will often result in the storage of heavy vehicles in a farmer's paddock on a temporary basis and for as long as the project takes to complete. Similarly, a construction project on private land will result in the over-night parking of heavy vehicles on that land.</p> <p>It is unclear what adverse environmental effects this provision is attempting to address. That aside, it is apparent that any machinery (whether agricultural or not) will have some effect when being maintained, stored, repaired or parked, and so there is no basis for the exemption of (undefined) "agricultural machinery". This provision should, accordingly, be deleted.</p>	
<p>9</p> <p>S.o.A. para 5.1.8 Rule 17.5.2.1(p), (q) and (r) S.o.A. para 5.2.7 Rule 17.6.2.1(p), (q) and (r)</p>	<p>Oppose</p> <p>These conditions of the rules in the Rural 1 and Rural 2 zones, respectively, provide for temporary activities that are limited to five days in length, appropriate noise standards are met, and structures are removed at the end of the activity.</p> <p>There are significant problems with these conditions.</p> <p>Firstly, the conditions essentially duplicate the activities permitted by Rule 16.8.2.1 which permits temporary activities, but with different conditions.</p> <p>This creates a high level of ambiguity as to which rule applies to any given activity. For example, Rule 16.8.2.1 allows for temporary activities up to 12 months in length, compared to the proposed conditions of the zone rules which allow only 5 days.</p>	<p>Amendments as necessary to clarify the differences in application of Rule 16.8.2.1 and the proposed new conditions within Rules 17.5.2.1 and 17.6.2.1.</p> <p>Amendments as necessary to ensure that temporary contracting activities are provided for as permitted activities, and are not limited to 5 days in duration.</p>	<p>9</p> <p>10</p>
<p>10</p> <p>S.o.A. para 5.1.26 Rule 17.5.3.2(e) S.o.A. para 5.2.22</p>	<p>Opposed</p> <p>The addition of the words "hard rock" prior to the word "quarry" will change the effect of the condition so that it only applies to hard rock quarries. While it is desirable to ensure that there is a 500 metre</p>	<p>Delete the proposed words "hard rock" from the listed provisions for the Rural 1, 2, 3 and Rural Residential Zones.</p> <p>Delete the words "existing hard rock" from Rule</p>	<p>11</p>

	<p>Rule 17.6.3.1(o) S.o.A. para 5.3.14 Rule 17.7.3.1(ga) S.o.A. para 5.4.2 Rule 17.8.2.1(j) S.o.A. paras 6.1.1 – 6.1.3 Rule 18.7.2.1(a) and matters (1), (3), and (4)</p>	<p>setback between new dwellings and hard rock quarries, the change also removes any setback from dwellings to aggregate quarrying activities. Implementing sufficient setbacks is an important measure to protect valuable aggregate quarrying activities. Significant reverse sensitivity effects can result if sufficient setbacks are not required and implemented.</p>	<p>18.7.2.1(a), and delete the words “hard rock” from the associated matters.</p>
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