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Response Date	Aug 30 22
Notes	
Q1	Select the chapter you want to provide feedback on
Q2	In general, to what extent do you support the contents of this chapter?
Q3	Objective/Policy/Rule/Standard reference:
Q4	Feedback/Comments
Q5	Objective/Policy/Rule/Standard reference:
Q6	Feedback/Comments
Q7	Objective/Policy/Rule/Standard reference:
Q8	Feedback/Comments
Q9	Objective/Policy/Rule/Standard reference:
Q10	Feedback/Comments
Q11	supporting documents?
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Q12	If you need more space, or have any other general comments, please leave them here

30 August 2022

Waitaki District Council
David Campbell – Heritage and Planning Manager
Private Bag 50058
Oamaru 9444

Via email: planreview@waitaki.govt.nz

Dear David

Fulton Hogan Limited – Comments on Waitaki District Council Draft District Plan

Fulton Hogan is one of New Zealand's largest roading and infrastructure construction companies, employing nearly 4,800 staff in New Zealand. We are a proudly locally owned and operated company, and we are invested in our local regions and communities. We appreciate the opportunity to comment on the Draft Waitaki District Plan.

Nationwide, Fulton Hogan undertakes numerous activities including:

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

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

- We strongly support the approach to provide rules specific to quarrying activities (in the Earthworks – Quarrying for aggregate rules), and the approach to provide for quarrying activities in the Rural Zone. We agree that in terms of effects, the Rural Zone is an appropriate location, and quarries within other zones require more specific management. We agree with the Plan approach to reflect this.
- Quarries are geographically constrained by the resource (i.e. they can only be located where aggregate resource is located). The effects of existing quarries are already established, and most quarries have a long life expectancy. In this regard, we seek that

the rule framework provide for existing quarries by providing an overlay similar to the Special Purpose Zone – Macraes Mining – Existing Mining Overlay for the existing Oamaru Shingle Supplies Quarry. This quarry has operated from this site for many decades since 1964, and has just installed a multi-million dollar processing plant; the District Plan should provide for the on-going operation of this site in recognition of the established use and investment, and the significant contribution that aggregates from this source make to the sustainability of the Waitaki District communities.

- A consistent approach and clear consenting pathways need to be provided for both existing and proposed quarries. We have suggested some alterations to the Quarrying for Aggregate rules for consistency and clarity. This is intended to recognise and provide for existing quarries; it also recognises that the establishment of new quarries is an appropriate land use within the Rural Zone (subject to the management of effects).

We appreciate the opportunity to comment on the Draft Waitaki District Plan. Should you require any further information about these comments please feel free to contact me.

Yours sincerely

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

Helen Caley
National Resource Consent Planner

Draft Plan provision	Fulton Hogan comment	Suggested amendment (additions underlined, deletions struck through)
Part 1 – Introduction and General Provisions General Approach		
Classes of activities	The guidance text states “If your proposed activity isn’t stated as a permitted activity, then you will need a resource consent”. This text could be misleading for those who are not familiar with planning – in accordance with s9(3), a resource consent is only required if the proposal contravenes a district rule. If there are no relevant rules, no resource consent will be required. We recommend clarifying this wording, to avoid confusing laypersons.	If your proposed activity <u>is covered by a rule in the Plan and</u> isn’t stated as a permitted activity, then you will need a resource consent.
Definitions		
<i>Farm pit</i> <i>Quarrying activities (farm pit)</i> <i>Quarrying – borrow pits</i>	The terms <i>farm pit</i> and <i>Quarrying activities (farm pit)</i> are not used elsewhere in the draft Plan or rules. However, the term <i>Quarrying – borrow pits</i> is used in the policies and rules, but is not defined. If a deviation from the NPS definitions is required, a consistent terminology and clear definitions should be used throughout the Draft Plan.	Use consistent terminology, preferably the NPS definitions.
<i>Quarrying activities (restrictive use pit)</i>	<p>This definition is essentially the definition of “quarrying activities”, and we recommend minor alterations for clarity, and to make it clear what “temporary” means in the context of this rule. We note that there is a definition of “temporary” in the draft Plan, which is no more than 12 months. While this relates only to buildings and structures, it could lead to confusion in interpretation, and specifying what is meant by “temporary” in the context of this rule makes it clearer.</p> <p>We note that the terms “restricted use” and “restrictive use” appear to have been used interchangeably. We recommend that one of these two terms is used throughout the Plan, to avoid confusion.</p>	<i>Quarrying activities (restrictive <u>restricted use pit</u>)</i> means the extraction, processing (including crushing, screening, washing, and blending) <u>of aggregates (clay, silt, rock, sand) for no more than 60 days only a temporary period</u> in any calendar year. Activities also include transport and storage of aggregates (clay, silt, rock, sand) from a restrictive <u>restricted</u> use pit, the deposition of overburden material from a restrictive <u>restricted</u> use pit, rehabilitation, and landscaping of the restricted use pit.

<p><i>Restricted use pit</i></p>	<p>The definition of <i>restricted use pit</i> is very similar to the definition of <i>quarry</i>. The Plan intention seems to be that a <i>restricted use pit</i> is not a full-time operation. We recommend that, if this is the intention, the time-bound nature is included in the definition, for clarity. We note that the terms “restricted use” and “restrictive use” appear to have been used interchangeably. We recommend that one of these two terms is used throughout the Plan, to avoid confusion.</p>	<p><i>Restricted use pit</i> means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand) <u>for no more than 60 days in any calendar year</u>. It includes the area of aggregate resource and surrounding land associated with the operation of a restrictive <u>restricted use pit quarry</u>, including parking.</p>
<p>Earthworks (including Mining and Quarrying)</p>		
<p>Part B: Earthworks – Quarrying for Aggregate (EW(Q)) Introduction</p>	<p>In principle this introduction is supported, as it recognises the benefits of aggregates, as well as the potential for effects. We suggest adding wording to provide a more accurate summary of the risks and opportunities from quarrying activities.</p>	<p><u>Mineral resources play a key role in the socio-economic wellbeing and growth of the District. For example, aggregate Gravel extraction and associated processing and handling other aggregate operations is an essential activity for providing roading, housing, critical and lifeline infrastructure are collectively an important industry, being used for construction purposes, including roading throughout the district. Aggregate extraction operations are usually smaller in scale compared with mining operations, and often used discontinuously but, while the development of these resources can provide wide-ranging benefits, they can also give rise to adverse environmental effects nevertheless can impact on the environment if poorly situated, operated or rehabilitated.</u></p>
<p>Policy EW(Q)-P1 Quarrying - borrow pits</p>	<p>While the Resource Management Act 1991 does not preclude the “internalisation” of adverse environmental effects, the regime to avoid, remedy or mitigate is a more comprehensive and well-established basis to guide the control of such activities; it does not preclude internalising effects as</p>	<p>Enable the extraction of aggregate from borrow pits in the General Rural Zone or the Special Purpose Zone – Macraes Mining provided the aggregate is used on the same farm as the borrow pit is located, and the scale, density and location of the pits are controlled as a means to</p>

	a mitigation measure, but provides for the full suite of options to be deployed if necessary.	<u>avoid, remedy or mitigate</u> internalise effects within the farming property.
Policy EW(Q)-P3 Quarrying in the 'Existing Mining Overlay' of the Special Purpose Zone – Macraes Mining	This policy is supported as it acknowledges and provides for an existing established mining operation. However, it should be expanded to be inclusive of other lawfully established quarry operations across the Waitaki District, such as the Oamaru Shingle Supplies Quarry (see below).	Provide a new overlay for Special Purpose Zone – Quarrying to provide for existing quarry sites.
	Similar treatment as that provided for mining operations under Policy EW(Q)-P3 has not been extended to other existing quarries across the Waitaki District. These quarries are strategically valuable resources for the District and wider regional communities. To provide equitable treatment and recognition of the investment and the strategic value of existing quarries to the District, a similar policy approach should be included. This would provide security for the ongoing operation of these assets, both in terms of formal acknowledgement and certainty for future investment in plant and machinery. Furthermore, to provide an affordable resource, quarries need to be strategically placed in proximity to where the aggregate is available and needed, as costs escalate rapidly with every kilometre it is transported. Providing additional policy support will recognise this.	<u>EW(Q) – new policy</u> <u>Enable the continued operation of existing established quarries, provided that the potential and actual adverse environmental effects are avoided, remedied or mitigated as far as practicable.</u>
Policy EW(Q)-P4 New Quarries	In principle this policy is supported. The term “activities sensitive to quarrying activities” is not clear. A definition of “sensitive activity” has been included in the draft Plan, and using this term would be clearer. As noted above, RMA terms “avoid, remedy, mitigate” are preferable to “internalize” as there is established caselaw and clear interpretation.	Quarrying activities can be undertaken in the General Rural Zone and in the Potential Mining Overlay of the Special Purpose Zone – Macraes Mining provided that the activity: 1. avoids, remedies or mitigates any actual or potential adverse effects within an identified sensitive environment or on the margins of rivers and wetlands in accordance with the objectives, policies and rules contained in the relevant district-wide chapters;

		<p>2. avoids, remedies or mitigates effects on <u>sensitive activities</u> activities sensitive to quarrying activities, including residential activities;</p> <p>3. internalises <u>avoids, remedies or mitigates</u> adverse environmental effects as far as practicable using industry best practice and management plans, including monitoring and self-reporting;</p> <p>4. manages noise, vibration, access and lighting to maintain local rural amenity values; and</p> <p>5. ensures the siting and scale of buildings and visual screening maintains local rural amenity values and character.</p>
<p>Policy EW(Q)-P5 Rehabilitation of an existing restricted use pit and a new quarry</p>	<p>A policy relating to rehabilitation of quarries is supported in principle, however there are a variety of uses that may be appropriate for a quarry once quarrying is completed. This policy requires revegetation with the same type of vegetation that was present prior to the quarrying activity. We consider this policy is too narrow and inflexible, and does not provide for other uses that may be appropriate in the relevant zone but may not require re-vegetation. For example, quarries may be repurposed as wetlands, ponds, or recreational facilities (all of which could be undertaken as permitted activities in the Rural Zone).</p> <p>It is unclear why this policy relates only to existing restricted use pits and new quarries (excluding existing quarries and new restricted use pits). We suggest it should be broadened to apply to all new or existing quarries, including restricted use pits.</p>	<p>EW(Q)-P5 Rehabilitation of an <u>new or existing</u> restricted use pit and a <u>or new</u> quarry</p> <p>Require operators of restricted use pits and new quarries to prepare a rehabilitation plan that includes objectives and measures to shape landforms and revegetate the landforms <u>for a future land-use that is appropriate in the zone where the restricted use pit or quarry is located consistent with the natural character of the locality prior to disturbance</u>, having particular regard to:</p> <ol style="list-style-type: none"> 1. replacing the previous vegetation type being removed by land disturbance; <u>The intended end use of the quarry or restricted use pit</u> 2. <u>if rehabilitating the site with a vegetated land-use, undertaking the direct transfer of soil and associated vegetation from areas being disturbed to areas being rehabilitated where the opportunity arises;</u> 3. <u>if rehabilitating the site with a vegetated land-use, providing the necessary topsoil for growing conditions where direct transfer is not possible</u>

		<p>and then establishing vegetation by direct planting or from the broadcasting of seed;</p> <p>4. maintaining any the vegetation cover, including, as necessary, the use of fertilisers and other inputs, as well as providing weed and pest control; and</p> <p>5. covering or revegetating exposed overburden containing soil or fines as soon as practicable to prevent the generation of dust and soil erosion and sediment transport.</p>
Potential Mining Overlay	The Special Purpose Zone – Macraes Mining – Potential Mining Overlay which is referred to in Rule EW(Q)-R1 Quarrying activities – borrow pit does not appear to be shown on the draft District Plan mapping.	Mapping of this overlay should be provided for comment
Existing Mining Overlay	The Special Purpose Zone – Macraes Mining – Existing Mining Overlay which is referred to in the draft District Plan (for example Policy EW(Q)-P3, Rule EW(Q)-R3), does not appear to be shown on the draft District Plan mapping.	Mapping of this overlay should be provided for comment
Zone Rules		
Status of quarrying activities in relation to zone rules	Our understanding of the drafting of the Plan is that it is intended that quarrying activities are covered by the District Wide Matters (under the earthworks chapter) and not the zone rules, however this could be made clearer in the drafting of the Plan. As it stands, this uncertainty in interpretation creates overly-complex layers of Rules, potentially leading to “double jeopardy” in the application of controls (i.e. applying two sets of rules to a single activity). Presuming that the correct application of the rules is that the District Wide earthworks provisions take priority, we request that clarifying text be added to the “general interpretation of rules” section at the beginning of the earthworks chapter.	<p>Suggested clarifying wording: Rules – Earthworks – Quarrying for Aggregate (EW(Q))</p> <p>Note: For certain activities, a resource consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, resource consent is required under each of those rules. The steps to determine the status of an activity are set out in the General Approach Chapter. <u>Notwithstanding this, the zone rules do not apply to quarrying activities.</u></p>

	<p>Alternatively, if this is not the intention, we recommend rules specific to quarrying should be added to the Rural Zone rules and Special Purpose Zone – Macraes Mining rules to expressly provide for quarrying activities. Note that, if it is intended that the zone rules do apply, then even a borrow pit/farm pit which would be permitted in those zones under the earthworks chapter rules would require a consent as a discretionary activity (as an activity not provided for as any other activity status).</p>	
<p>Ecosystems and Biodiversity</p>		
<p>ECO-S3 Indigenous vegetation clearance in threatened land environments</p>	<p>This activity standard requires that <i>“Indigenous vegetation clearance must not exceed 500m² on a site in any continuous period of five years in land environments with less than 20% remaining indigenous vegetation cover.”</i> We assume that it is intended that this refers to the LENZ land environments, however it is unclear what scale this assessment is intended to be undertaken at (whether on a property basis or more broadly), and what the point of reference is intended to be (what is the baseline for comparison of whether there is more or less than 20% vegetation remaining). It will be very difficult to determine whether an activity is compliant with this activity standard or not.</p>	<p>An alternative method of assessment should be set out in the standard. The most straightforward method would most likely be to specify particular vegetation types considered to be at risk in the district, for example:</p> <p>Indigenous vegetation clearance must not exceed 500m² on a site in any continuous period of five years in land environments with less than 20% remaining indigenous vegetation cover <u>for any of the following vegetation types:</u></p> <ul style="list-style-type: none"> a) <u>Wetland</u> b) <u>Podocarp forest</u> c) <u>Etc...</u>