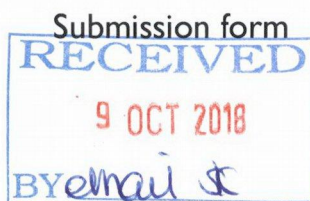


Proposed Waikato District Plan



ECM Project: DPRPh5-03
ECM #
Submission # 160405
Customer #
Property # N/A

To submit electronically please go to: www.waikatodistrict.govt.nz/pdp

Closing date for submissions: 5pm on Tuesday 9 October 2018

SCANNED
ref NO

Submitter details: (please note that the (*) are required fields and must be completed)

First name*: Eloise	Last name*: Lonnberg-Shaw
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On behalf of: Fulton Hogan Limited	
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Please tick your preferred method of contact*	
<input checked="" type="checkbox"/> Email <input type="checkbox"/> Postal	
Correspondence to*	
<input type="checkbox"/> Submitter <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Both	
Trade competition and adverse effects:*	
<input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not	
gain an advantage in trade competition through this submission.	
Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part I of Schedule I of the Resource Management Act 1991.	
Would you like to present your submission in person at a hearing?	
<input checked="" type="checkbox"/> Yes	
<input type="checkbox"/> I do NOT wish to speak in support of my submission and ask that this submission be fully considered.	
If others make a similar submission I will consider presenting a joint case with them at the hearing (do not tick if you would not consider a joint case).	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Please complete the following for every submission point:

Provision number (e.g. 22.4.1.2 P2(a)): See attached submission

Physical address of the property concerned (if relevant to your submission):
See attached submission

Do you:

☒ Support ☒ Oppose ☐ Neutral See attached submission

The decision I would like is: See attached submission

My reasons for the above are: See attached submission

Please return this form **no later than 5pm on 9 October 2018** to:

Waikato District Council, 15 Galileo Street, Private Bag 544, Ngaruawahia 3742, or e-mail: districtplan@waidc.govt.nz

Signed: Eloise Lonnberg-Shaw

Date: 9/10/2018

(A signature is not required if you make your submission by electronic means)

PRIVACY ACT NOTE: Please note that all information provided in your submission will be used to progress the process for this proposed district plan, and may be made publicly available.

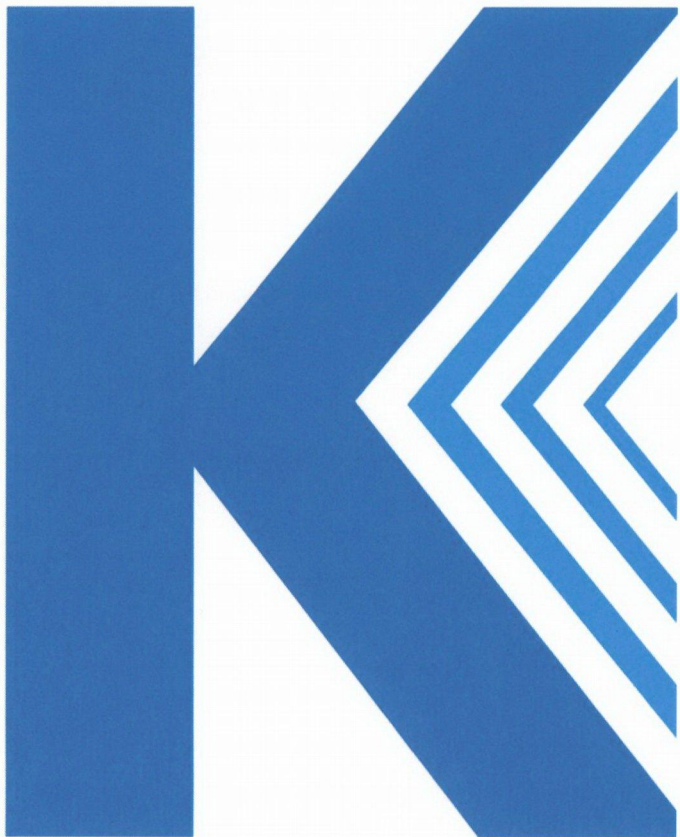


ECM Project: DPRPh5-03
ECM #
Submission #
Customer #
Property #



Fulton Hogan Limited

Submission to the Waikato District Council on the Proposed District Plan





Fulton Hogan Limited

Submission to the Waikato District Council on the Proposed District Plan

Date 9 October 2018

Kinetic Environmental Ref Fulton Hogan - Waikato PDP

Version Final

Prepared by:



Eloise Lonnberg-Shaw
Senior Planner

Reviewed by:

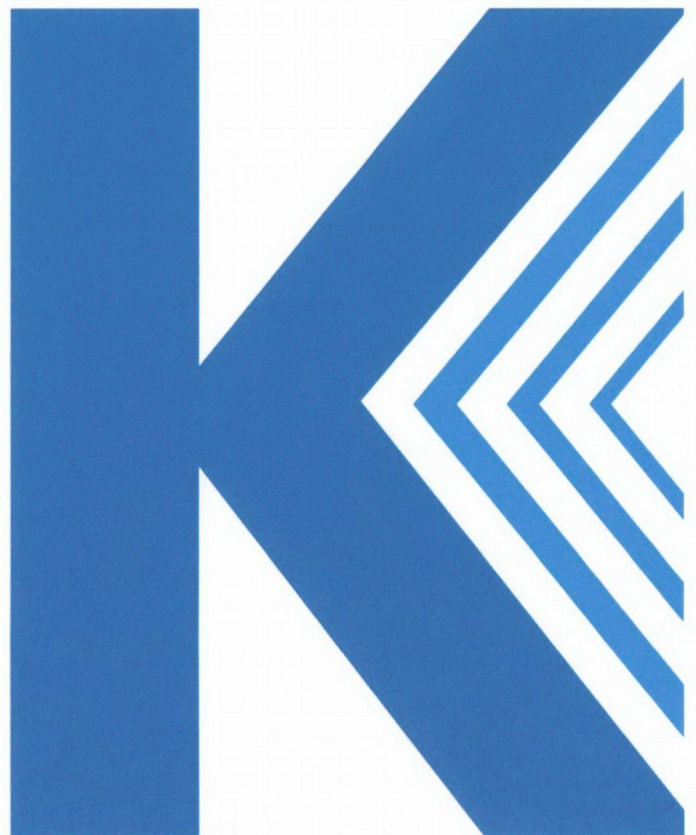


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1 Introduction

Kinetic Environmental Consulting (Kinetic Environmental) on behalf of Fulton Hogan Limited (Fulton Hogan) welcome the opportunity to submit on the Proposed Waikato District Plan (PDP) and acknowledge the excellent work that the Waikato District Council (WDC) have undertaken to get the PDP to this stage.

Fulton Hogan currently own and operate three quarries within the Waikato District, being the Tuakau sand quarry and the Waingaro and Tauhei rock quarries. Fulton Hogan have a long association with quarrying all over New Zealand.

Fulton Hogan accepts and acknowledges the importance of respecting the land and environment and as a result they adhere to the highest levels of environmental management for their own quarries. This ensures that the very best care is used during the extraction and processing of the available natural materials. Across the operations, Fulton Hogan aims to deliver the highest quality materials, sourced through environmentally sensitive processes.

As there is scope for continued growth within the existing boundaries of the existing quarries, Fulton Hogan have a particular interest in the changes that have been made in the PDP, in particular chapters 3, 5, and 22. The following matters are issues giving rise to particular concern:

- The lack of provisions that enable aggregate extraction activities within defined 'Aggregate Extraction Areas' or the Rural Zone (the latter would be of particular importance to potential new extraction activities);
- The unnecessary mapping of natural area protection overlays that overlap consented/lawfully existing mineral and aggregate extraction activities.

2 Submission Summary

Fulton Hogan supports the overall content of the PDP, however, there are several areas where Fulton Hogan opposes the plan and has concern over the uncertainty of the continuity and future viability of their quarry operations (both current and future).

It is noted that mineral extraction is specifically safeguarded in the Waikato Regional Policy Statement (RPS), per Objective 3.10 and Policies 4.4 and 6.8. As a result, it is vital that the PDP is consistent with these provisions so that there is a consistent approach across the region to these sorts of activities. As it is, mineral and aggregate extraction activities are significant to the economy of the district and region. They need to be recognised and provided for; they need to be carefully managed regarding environmental effects; and, as site-specific resource-extraction activities, they need to be buffered from those more sensitive land uses which could, if sited in their immediate environs, unreasonably constrain ongoing extraction operations, even to the point of threatening their viability.

Fulton Hogan supports WDC's decision to amalgamate the Franklin and Waikato Sections of the Operative District Plan (ODP) into one coherent plan. In addition, Fulton Hogan supports the promotion of the sustainable management of natural and physical resources in the Waikato District, particularly in terms of responding to the district's needs and aspirations leading into the future.

However, Fulton Hogan has a number of concerns around the lack of appropriate provisions relating to mineral and aggregate extraction. In that sense, the key points of Fulton Hogan's submission are as follows:

- Fulton Hogan supports the proposed 'Aggregate Extraction Area' overlay being applied across all of Fulton Hogan's existing quarry operations;
- Fulton Hogan opposes the application of SNA, ONFAL and SAL overlays across their three quarries, which are all also subject to the 'Aggregate Extraction Area' overlay. The SNA, ONFAL and SAL overlays are arguably mutually exclusive with the 'Aggregate Extraction Area' overlay and application of both to the same property would cause unnecessary confusion and cost to future operations;
- Fulton Hogan implores WDC to incorporate rules specific to aggregate extraction into the PDP to ensure that the industry is appropriately safeguarded. As it stands, the PDP fails to appropriately provide for mineral and aggregate extraction activities by specific rules in the Rural zone. While the application of aggregate overlays will serve to highlight which areas are identified as lawfully existing extractive activities, it is equally important to ensure that the district provides appropriate opportunities for owners and operators to establish new/future quarries;
- It is imperative that the Implementation of the PDP is made more effective by continuing to work with all key stakeholders, including Fulton Hogan, in order to develop robust solutions;
- Fulton Hogan submits that wording of the objectives, policies and rules be amended so as to provide greater clarity and sufficient guidance to existing quarry operators. It is imperative to these businesses that they understand how the PDP will impact on their sites and what changes they should expect to their existing and future operations.



Section 3 below clarifies what decisions are sought in respect of the matters Fulton Hogan wish to see retained in the PDP, as well as a range of proposed amendments.

3 Decision Sought

Fulton Hogan seek the following decisions on its submission on the PDP:

- That WDC retain the PDP subject to the decisions sought in Appendix A of this submission. Where text in the PDP is referred to, this is *italicised*. Fulton Hogan's requests for deletions to existing text are ~~struck through~~ and new text is **underlined and bolded**; and
- That rules dedicated to mineral and aggregate extraction industries be added to the PDP to provide for these industries in the Waikato District; and
- That the SNA, ONFAL and SAL overlays are removed from the identified properties owned by Fulton Hogan; and
- Any consequential amendments that may be necessary to give effect to the decision sought in this submission; and
- Any alternative relief that will give effect to this submission, including, where specific relief is sought, words or phrases to similar effect.

4 Overview of topics covered in the submission

- Support for the provisions of mineral and extractive industries outlined in Objective 5.4.1 and Policy 5.4.2.
- Ensure that rules relating to the extraction of minerals and aggregates are included in the PDP to ensure that the mineral and quarry industry can continue to flourish in the Waikato.
- Ensure overlays are appropriately applied to minimise risks of competing priorities when expanding lawfully existing quarries.



Appendix A Proposed District Plan provisions supported or opposed, reasons and decision sought

Point	Section of PDP	Provision	Support or Oppose	Decision Sought	Reason for submission
Definitions					
1	Aggregate extraction activities, extractive industry and mineral extraction and processing		Support, subject to proposed amendment	<p><u>Mineral and aggregate extraction activities mean those activities associated with mineral and aggregate extraction, including:</u></p> <ul style="list-style-type: none"> a) <u>excavation, blasting, processing (crushing, screening, washing and blending);</u> b) <u>the storage, distribution and sale of minerals or aggregates by wholesale to industry or by retail;</u> c) <u>ancillary earthworks;</u> d) <u>the removal and deposition of overburden;</u> e) <u>treatment of stormwater and wastewater;</u> f) <u>landscaping and rehabilitation work, including cleanfilling;</u> g) <u>ancillary buildings and structures; and</u> h) <u>residential accommodation necessary for security purposes.</u> 	There are three different definitions in the PDP covering a range of extractive industries: aggregate extraction activities, mineral extraction and processing, and the extractive industry. Having three separate definitions adds unnecessary confusion which can be avoided by removing the superfluous definitions and retaining only one for 'mineral and aggregate extraction activities' as proposed.
Objectives					
2	Chapter 3.2 – Significant Natural Areas	Objective 3.2.1	Support	<i>Indigenous biodiversity in Significant Natural Areas is protected and enhanced.</i>	Fulton Hogan support the aim of protection SNAs throughout the district, provided such overlays are used appropriately and without limiting the commercial viability of legally established quarries.
3	Chapter 3.3 - Outstanding Natural Features and Landscapes	Objective 3.3.1	Support, subject to proposed amendments	<i>Outstanding Natural Features and Outstanding Natural Landscapes and their attributes are recognised and protected from inappropriate subdivision, use and development <u>excluding any legally established mineral or aggregate extraction activities.</u></i>	<p>Fulton Hogan support the objective to recognise and protect ONFAL and SAL of the district as they make up the unique character which the Waikato District is known for.</p> <p>However, keeping this in mind, the PDP includes ONFAL and/or SAL overlays over Fulton Hogan's lawfully existing</p>

Point	Section of PDP	Provision	Support or Oppose	Decision Sought	Reason for submission
4	Chapter 3.4 – Significant Amenity Landscapes	3.4.1	Support, subject to proposed amendments to the planning maps	<i>The attributes of areas and features valued for their contribution to landscape values and visual amenity are maintained or enhanced.</i>	<p>quarries. This is unreasonable as it severely limits the ability for expansion of these quarries, which will hinder the financial prosperity of the same. This in turn could cause harm to the economic and social well-being of not only the company, but the community as a whole, as these quarries support the communities through providing employment.</p> <p>While Fulton Hogan request that these overlays be removed in their entirety (further on this below), they further seek to amend objective 3.3.1 to specifically cater for legally established aggregate industries to ensure that these are sufficiently safeguarded. This is also in line with the RPS, which provides specific protection to mineral extraction activities.</p>
5	Chapter 5.4 – Mineral and Extractive Industries	5.4.1	Support, subject to proposed amendments	<i>Mineral resource use and mineral and aggregate extraction activities provides economic, social and environmental benefits to the district and these activities are protected.</i>	Fulton Hogan support this objective based on the fact that it provides a level of protection for the mineral resource industry, which includes quarry operations. However, by inserting the proposed words, the protection is strengthened which is key, given that this industry is vital to this district and contributes an important share of its GDP. It is submitted that this approach is supported by the RPS, particularly Objective 3.10 and Policies 4.4 and 6.8, which specifically protect regionally significant industries and recognise the importance of mineral extraction to sustain anticipated regional growth.
Policies					
6	Chapter 3.2 – SNA	Policy 3.2.2 Identify and recognise	Support, subject to making amendments	<p>a) <i>Identify significant indigenous vegetation and habitats of indigenous fauna in accordance with the Waikato Regional Policy Statement and identify as Significant Natural Areas</i></p> <p>b) <i>Recognise and protect Significant Natural Areas by ensuring the characteristics that contribute to their</i></p>	Fulton Hogan recognise the importance of projecting SNA in accordance with the RPS, and for this reason the Company supports the intent of the policy. However, Fulton Hogan request that the SNA overlays imposed over its properties are removed in their entirety, so as to ensure that

Point	Section of PDP	Provision	Support or Oppose	Decision Sought	Reason for submission
				<i>significance are not adversely affected <u>by activities other than mineral and aggregate extraction</u>.</i>	<p>the commercial viability of these quarries are not unreasonably obstructed.</p> <p>It is further noted that the RPS specifically protects mineral extraction activities, which is currently not achieved by the proposed wording of Policy 3.2.2. As a result, Fulton Hogan requests that the words proposed in (b) are added so as to make it clear that mineral and aggregate extraction activities may, on occasion, result in the removal stands of indigenous forest without impacting on the characteristics that contribute to the significance of SNA.</p>
7	Chapter 3.2 – SNA	Policy 3.2.3 Management hierarchy	Support, subject to proposed amendments	<p>a) <i>Recognise and protect indigenous biodiversity within Significant Natural Areas by:</i></p> <ul style="list-style-type: none"> i. <i>avoiding the significant adverse effects of vegetation clearance and the disturbance of habitats unless specific activities need to be enabled <u>such as mineral and aggregate extraction activities</u>;</i> ii. <i>remedying any effects that cannot be avoided; then</i> iii. <i>mitigating any effects that cannot be remedied; and</i> iv. <i>after remediation or mitigation has been undertaken, offset any significant residual adverse effects in accordance with Policy 3.2.4.</i> 	<p>Fulton Hogan support the intent of this policy but are concerned that it would unreasonably hinder the lawful operations of their existing quarries. As a result, we submit that it is appropriate to amend the policy as proposed to clarify that the removal of indigenous forestry may, in some instances, be necessary to support the future growth of the district (and region).</p>
8	Chapter 3.2 – SNA	Policy 3.2.4 Biodiversity offsetting	Support	<p>a) <i>Allow for a biodiversity offset to be offered by a resource consent applicant where an activity will result in significant residual adverse effects on a Significant Natural Area, or on indigenous biodiversity outside such Significant Natural Areas.</i></p> <p>b) <i>Within a Significant Natural Area, a biodiversity offset will only be considered appropriate where adverse effects have been avoided, remedied or mitigated in accordance with the hierarchy established in Policy 3.2.3; and</i></p>	<p>Fulton Hogan support the use of biodiversity offsetting as they accept that operations involving mineral and aggregate extraction can result in residual adverse effects on the district's SNA.</p> <p>Fulton Hogan also support the signal that applications that may result in any adverse effects on any SNAs or indigenous biodiversity outside an SNA be allowed to be offered by a resource consent applicant. It is considered appropriate to provide policy guidance that can be used in circumstances where applications received are non-</p>

Point	Section of PDP	Provision	Support or Oppose	Decision Sought	Reason for submission
				<ul style="list-style-type: none"> i. the biodiversity offset is consistent with the framework detailed in Appendix 6 Biodiversity Offsetting; and ii. the biodiversity offset can achieve no net loss of indigenous biodiversity: <ul style="list-style-type: none"> A. preferably in the affected area of Significant Natural Area; or B. where that is not practicable, in the ecological district in which the affected area of Significant Natural Area is located. 	complying but would be acceptable given that a biodiversity offset is used.
9	Chapter 3.2 – SNA	Policy 3.2.7 Managing Significant Natural Areas	Support, subject to proposed amendments	<p>a) Promote the management of Significant Natural Areas in a way that protects their long-term ecological functioning and indigenous biodiversity values, through such means as:</p> <ul style="list-style-type: none"> i. permanently excluding stock through voluntary covenants and conservation subdivisions ii. undertaking plant and animal pest control iii. retaining and enhancing indigenous vegetation cover iv. maintaining and restoring natural wetland hydrology v. avoiding physical and legal fragmentation vi. legal protection of Significant Natural Areas through conservation covenants or similar mechanisms vii. providing for the role of Mana Whenua as kaitiaki and for the practical exercise of kaitiakitanga in restoring, protecting and enhancing areas. 	<p>Fulton Hogan support a policy that set outs the management of SNAs but submit that it is vital that the planning maps are amended by removing the proposed vegetation overlays from its legally existing quarry properties.</p> <p>Irrespective of the above submission, it is further noted that there are instances in which SNAs have been or may (in the future) be physically separated as a result of the need to expand the footprints of Fulton Hogan's lawfully established quarries. As a result, it is submitted that by removing the words 'physical and', the policy will still safeguard SNAs but will also ensure that the ability to operate extractive industries in close proximity to SNAs will remain viable.</p>
10	Chapter 3.3 – ONFAL	Policy 3.3.2 Recognising values and qualities	Support subject to amending planning maps (refer submission point 29)	<p>a) Recognise the attributes of the district's mountains, bush clad ranges and hill country identified as Outstanding Natural Features and Outstanding Natural Landscapes including:</p> <ul style="list-style-type: none"> i. ridgelines and valleys; ii. significant ecological values; iii. indigenous bush and the extent of this bush cover; iv. cultural heritage values associated with these areas; 	Fulton Hogan support WDC's ambition to recognise the values and qualities that are identified as ONFLs but seek to amend the planning maps to have the proposed overlays removed from their Waingaro quarry. It is submitted that the removal of this overlay is reasonable on the basis that applying an ONFAL overlay in the way proposed will unreasonably restrict the ability to operate commercial aggregate extraction activities at this site. It further risks that the existing resource is sterilised, as it will become very difficult to expand the quarry's footprint, which is detrimental

Point	Section of PDP	Provision	Support or Oppose	Decision Sought	Reason for submission
				<ul style="list-style-type: none"> v. recreational attributes including walking and access tracks; vi. existing water reservoirs and dams; vii. existing pastoral farming activities on the margins of these areas. 	not only to Fulton Hogan but to the district as a whole, which relies on the extractive industry for economic development and growth.
11	Chapter 3.3 – ONFAL	Policy 3.3.3 Protection from inappropriate subdivision, use and development	Support subject to amending planning maps (refer submission point 29)	<ul style="list-style-type: none"> a) Ensure that the attributes of identified Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development by: <ul style="list-style-type: none"> i. requiring buildings and structures to be integrated into the Outstanding Natural Landscape or feature to minimise any visual impacts; ii. managing the adverse effects of building platforms, buildings, driveways and roads through appropriate subdivision design; iii. requiring subdivision and development to retain views of Outstanding Natural Landscapes and features from public places; and iv. avoiding the adverse effects of extractive industries and earthworks. 	
12	Chapter 3.3 – ONFAL	Policy 3.3.4 The relationship of Māori with their resources and land	Support subject to amending planning maps (refer to submission point 29)	<ul style="list-style-type: none"> a) Provide for the consideration of cultural and spiritual relationships of Māori with Outstanding Natural Features and Outstanding Natural Landscapes as part of subdivision, use and development. b) Provide for the development of Māori Freehold Land, within Outstanding Natural Features and Landscapes, including within the Whaanga Coast Specific Area. c) Provide for Māori cultural and customary uses of natural resources, including land, water and other natural resources as an integral part of identified Outstanding Natural Features and Outstanding Natural Landscapes 	
13	Chapter 3.4 – SAL	Policy 3.4.3 Maintaining and	Support, subject to amending	<ul style="list-style-type: none"> a) Maintain and enhance identified Significant Amenity Landscapes, during subdivision, land use and development, in particular by: 	

Point	Section of PDP	Provision	Support or Oppose	Decision Sought	Reason for submission
		enhancing Significant Amenity Landscapes	planning maps (refer to submission point 30)	<ul style="list-style-type: none"> (i) requiring buildings and structures to be integrated into the Significant Amenity Landscape to minimise any visual impacts; (ii) managing the adverse effects of building platforms, buildings, driveways and roads through appropriate subdivision design; (iii) providing for the continuation of farming activities within hill country landscapes and volcanic features; (iv) managing the adverse effects of earthworks; and (v) promoting and encouraging maintenance and enhancement of their attributes. 	protect SAL across the district, it is submitted that it is inappropriate and unreasonable to apply this overlay over an area which has been operating as a quarry for over a decade. The application of the SAL overlay implies that the existing environment is of a more naturally significant nature than reality permits. As such, Fulton Hogan submit that it is appropriate and reasonable to remove the overlay. With the removal of the overlay in the manner proposed, Fulton Hogan have no concerns with any of the proposed SAL policies.
14	Chapter 5.3 – Rural Character and Amenity	Policy 5.3.3 Industrial and Commercial Activities	Support, subject to proposed amendments	<ul style="list-style-type: none"> a) Rural industries and services are managed to ensure they are in keeping with the character of the Rural Zone. b) Avoid locating industrial and commercial activities in rural areas that do not have a genuine functional connection with the rural land or soil resource. c) <u>Allowing for mineral and aggregate extraction activities insofar as they are lawfully established in the Rural Zone.</u> 	<p>Fulton Hogan support the restriction of Industrial and Commercial activities in the Rural Zone.</p> <p>The change requested by the addition of subparagraph (c) is aimed at ensuring that aggregate and mineral extraction activities are still specifically catered for in the Rural Zone, being the most appropriate zone for activities of this kind based on location of the resource and the types of effects created by such activities. This industry is of both regional and district-wide importance and protection of the same is consistent with the RPS (which safeguards mineral extraction to ensure that the region can continue to grow).</p>
15	Chapter 5.3 – Rural Character and Amenity	Policy 5.3.7 Reverse sensitivity effects	Support, subject to proposed amendments	<ul style="list-style-type: none"> a) Recognise the following features are typical of the rural environment and the effects are accepted and able to be managed: <ul style="list-style-type: none"> i. ... ii. ... iii. Existing mineral extraction and processing activities; iv. ... b) Avoid adverse effects outside the site and where those effects cannot be avoided, they are to be mitigated. c) Mitigate the adverse effects of reverse sensitivity through the use of setbacks and the design of subdivisions and development. 	Fulton Hogan supports the addition of a policy specifically dealing with reverse sensitivity effects, as it provides protection for effects that are typically existing in the rural environment (such as quarries). The proposed amendment to subparagraph (h) will ensure that not only established quarries, but potentially new mineral or aggregate extraction activities are able to be established in this zone, which is vital to the survival of the aggregate extraction industry.

Point	Section of PDP	Provision	Support or Oppose	Decision Sought	Reason for submission
				<p>d) <i>The scale, intensity, timing and duration of activities are managed to ensure compatibility with the amenity and character of the rural environment.</i></p> <p>e) <i>Enable the use of artificial outdoor lighting for night time work.</i></p> <p>f) <i>Ensure glare and light spill from artificial lighting in the rural environment does not:</i></p> <ul style="list-style-type: none"> i. <i>Compromise the safe operation of the road transport network; and</i> ii. <i>Detract from the amenity of other sites within the surrounding environment.</i> <p>g) <i>Frost fans are located and operated to ensure adverse effects on the surrounding environment are minimised.</i></p> <p>h) <i>Provide for intensive farming activities and mineral and aggregate extraction activities, recognising the potential adverse effects that need to be managed, including noise, visual amenity, rural character or landscape effects, and odour.</i></p>	
16	Chapter 5.3 – Rural Character and Amenity	Policy 5.3.9 Non-rural activities	Support	<p>a) <i>Manage any non-rural activities, including equestrian centres, horse training centres, forestry and rural industries, to achieve a character, scale, intensity and location that are in keeping with rural character and amenity values.</i></p> <p>b) <i>Avoid buildings and structures dominating land on adjoining properties, public reserves, the coast or waterbodies.</i></p>	Fulton Hogan support the management of non-rural activities and structures in the rural zone. As Fulton Hogan operate quarries in a rural area, they are concerned that if non-rural activities were to occur, such activities may cause reverse sensitivity effects which could compromise their quarry operations. Likewise, persons carrying out other activities may complain due to the environmental effects created by typical quarry activities.
17	Chapter 5.3 – Rural Character and Amenity	Policy 5.3.13 Waste management activities	Support, subject to proposed amendments	<p>a) <i>Provide for the rehabilitation of existing quarry sites upon decommission, including landfill and cleanfill activities, where there is an environmental gain.</i></p> <p>b) <i>Waste management facilities are appropriately located to ensure compatibility with the surrounding rural environment.</i></p> <p>c) <i>Waste management facilities within the following areas are undertaken in a manner that protects the natural values of:</i></p> <ul style="list-style-type: none"> i. <i>An Outstanding Natural Landscape;</i> 	Fulton Hogan support the provision for rehabilitation of existing quarry sites, insofar as any rehabilitation is carried out upon decommission (unless a particular site lends itself to ongoing rehabilitation, which will be determined by site specific factors). Fulton Hogan want to ensure that once extractive processes of the quarry are no longer viable and/or equitable, the PDP will encourage restoration of the landscape. It is accepted that the original state of the environment may not be able to be achieved however, with

Point	Section of PDP	Provision	Support or Oppose	Decision Sought	Reason for submission
				<ul style="list-style-type: none"> ii. <i>An Outstanding Natural Feature;</i> iii. <i>An Outstanding Natural Character Area;</i> iv. <i>A High Natural Character Area.</i> 	the right steps of rehabilitation, quarry sites will be able to blend into the environment after being decommissioned.
18	Chapter 5.3 – Rural Character and Amenity	Policy 5.3.15 Noise and vibration	Support, subject to making amendments	<p>a) <i>Adverse effects of noise and vibration are minimised by:</i></p> <ul style="list-style-type: none"> i. <i>Ensuring that the maximum sound levels are compatible with the surrounding environment;</i> ii. <i>Limiting the timing and duration of noise-generating activities;</i> iii. <i>Maintaining appropriate buffers between high noise environments and noise sensitive activities insofar as that is practicable;</i> iv. <i>Ensuring frost fans are located and operated to minimise the adverse noise effects on other sites.</i> v. <i>Managing the location of sensitive land uses, particularly in relation to lawfully-established activities;</i> vi. <i>Requiring acoustic insulation where sensitive activities are located within high noise environments, including the Airport Noise Outer Control Boundary, Huntly Power Station, the Gun Club Noise Control Boundary.</i> vii. <i>Ensuring the adverse effects of vibration are managed by limiting the timing and duration of blasting activities and maintaining sufficient setback distances between aggregate extraction activities and dwellings or identified building platforms on another site.</i> viii. <i>Manage noise to protect existing adjacent activities sensitive to noise effects.</i> 	<p>Fulton Hogan support the principle and intent of this policy in relation to noise and vibration.</p> <p>However, with quarrying and aggregate extraction, a large amount of noise and vibration is occasionally generated as the aggregate is extracted from the ground. As such, compliance with the policy as currently worded may prove challenging. Therefore, it is proposed that subsection (iii) is amended to ensure that existing quarry sites (such as the Fulton Hogan quarries) can continue their operations without additional requirements insofar as noise and vibration buffers are concerned.</p>
19	Chapter 5.4 – Minerals and	Policy 5.4.2 Access to	Support, subject to	a) <i>Enable extractive industries provided that adverse effects are avoided, remedied or mitigated insofar as</i>	Fulton Hogan support the intention this policy, as it seems aimed at safeguarding the operation of mineral and

Point	Section of PDP	Provision	Support or Oppose	Decision Sought	Reason for submission
	extractive industries	mineral and extractive industries	proposed amendments	<p><u>it is reasonable and practicable while still ensuring that the industry remains viable.</u></p> <p>b) <i>Protect access to, and extraction of, mineral resources by:</i></p> <ul style="list-style-type: none"> i. <i>Identifying lawfully established extractive industries in or outside of Aggregate Extraction Areas and Coal Mining Areas on planning maps;</i> ii. <i>Identifying the site of a potential extractive industry within or outside of an Aggregate Resource Area on planning maps;</i> <p>c) <i>Ensure that lawfully established extractive industries are not compromised by new subdivision, use or development;</i></p> <p>d) <i>Avoid the location of any sensitive land use within specified buffer areas which otherwise risks the effective operation of a lawfully established extractive industry.</i></p>	<p>extractive industries in the Rural zone. However, based on the reference to 'Aggregate Extraction Areas' and 'Aggregate Resource Areas', the protection only extends to those quarries which are currently operating. It provides no protection to new extractive industries across the district, as such properties would have to apply for a Plan change in order to achieve the same level of protection.</p> <p>As it stands, aggregate is a significant and economically vital natural resource within the district which contributes to the economic and social wellbeing of the local area. It does so not only by supplying employment opportunities but also by ensuring that brown and blue rock are able to be sourced locally and used both within the district as well as within the wider region. This helps ensure that the construction cost of regional and district projects is kept at a minimum, as the distance which the aggregate has to travel is reduced.</p> <p>In summary, subject to the proposed amendments, Fulton Hogan support Policy 5.4.2.</p>
Rules					
20	Chapter 22.1 Land Use – Activities	Rule 22.1.5 Non-complying Activities	Oppose, subject to proposed amendments	<p><i>The activities listed below are non-complying activities:</i></p> <p>...</p> <p>NC2</p> <p>a. A <u>new or not yet lawfully existing (as at the date this plan became operative)</u> extractive industry <u>proposed to be</u> located within all or part of any of the following:</p> <ul style="list-style-type: none"> i. <i>Outstanding Natural Feature;</i> ii. <i>Outstanding Natural Landscape;</i> iii. <i>High Natural Character Area;</i> iv. <i>Outstanding Natural Character Area.</i> 	<p>Fulton Hogan oppose Rule 22.1.5 on the basis that it restricts their operations from growing in the future.</p> <p>As noted, the PDP includes an ONFAL overlay over Fulton Hogan's Waingaro quarry. While these submissions include a request to remove that overlay in its entirety, the proposed amendment to Rule 22.1.5 will ensure that existing extraction activities are not unreasonably hindered should the overlay remain. It will still ensure that no new quarries are established in ONFAL areas, which is presumed to be the key intent of the Rule.</p>

Point	Section of PDP	Provision	Support or Oppose	Decision Sought	Reason for submission
21	Chapter 22.1 Land Use – Activities	Rule 22.2.1.4 Noise (proposed new provision)	Include	<p><u>NOISE – MINERAL AND AGGREGATE EXTRACTION ACTIVITIES</u></p> <p><u>Any noise created by a mineral or aggregate extraction activities is permitted provided that if measured at the notional boundary of any dwelling which existed at [insert date of plan becoming operative], does not exceed:</u></p> <ul style="list-style-type: none"> a) <u>55dBA (L₁₀) 7am to 7pm Monday to Friday;</u> b) <u>55dBA (L₁₀) 7am to 6pm Saturday;</u> c) <u>50dBA (L₁₀) 7pm to 10pm Monday to Friday;</u> d) <u>50dBA (L₁₀) 7am to 6pm Sundays and Public Holidays</u> e) <u>45dBA (L₁₀) and 70dBA (L_{max}) at all other times including Public Holidays.</u> 	<p>Fulton Hogan oppose the removal of the provisions specifically related to aggregate extraction activities in the ODP, particularly when dealing with effects generally created by the aggregate industry.</p> <p>Therefore, it is proposed that rules specific to mineral and aggregate extraction activities are added which specifically define what effects are anticipated and accepted from these sorts of activities. The proposed rules are intended to safeguard both the industry as well as the surrounding properties (insofar as reasonable and practicable). This is particularly important in relation to effects relating to noise, dust and vibration, as these are key elements of an activity of this kind.</p>
22	<u>To include:</u> Mineral and aggregate extraction activity – vibration and blasting rules	-	Include	<p><u>VIBRATION AND BLASTING – MINERAL AND AGGREGATE EXTRACTION ACTIVITIES</u></p> <ul style="list-style-type: none"> a) <u>The measurement of blast noise (airblast) and ground vibration from blasting shall be carried out in accordance with best practice standards.</u> b) <u>The noise created by the use of explosives measured at a notional boundary of 20 metres from occupied dwellings shall not exceed a peak overall sound pressure of 128 dB.</u> c) <u>Blasting shall be confined to two occasions per day except where necessary for safety reasons.</u> d) <u>Where blasting is irregular and the occupiers of neighbouring sites could be alarmed, they shall be advised of pending blasts, at least one hour before any such blast.</u> e) <u>When blasting, the limit of particle velocity (peak particle velocity) measured on any foundation of an adjacent occupied building not connected with the site, or suitable location adjacent to the building, shall not exceed 25mm/second for commercial</u> 	

Point	Section of PDP	Provision	Support or Oppose	Decision Sought	Reason for submission
				<p><u>buildings or 10mm/second for dwellings and buildings of similar design.</u></p> <p>f) <u>Every blast shall be recorded with particular attention to details of charge weight and delay practice. Monitoring using reliable and appropriate methods representative of all blasts, at varying distances and various sites of different sensitivity shall be carried out to ensure that clauses ii and vi above are complied with. Blast records and monitoring results shall be made available to the Council on request.</u></p>	
23	To include: Mineral and aggregate extraction activity – air emission rules	-	Include	<p><u>AIR EMISSIONS – MINERAL AND AGGREGATE EXTRACTION ACTIVITIES</u></p> <p><u>Subject to any resource consent which may have been obtained, dust or any other airborne contaminant shall not be discharged at a level that is likely to cause a nuisance or affect the amenity values of any property in the area.</u></p>	
24	Chapter 22.2.3 – Earthworks	22.2.3.1(i) General	Support, subject to proposed amendments	<p>(a) [Permitted activities] <i>Earthworks for:</i></p> <p>(i) <i>Ancillary rural <u>and mineral and aggregate extraction</u> earthworks;</i></p> <p>a)</p>	<p>Earthworks are a natural part of extracting minerals and aggregate. Without stripping the overburden/topsoil, you cannot extract the underlying aggregate.</p> <p>As a result, it is important that the industry is able to carry out ancillary earthworks as a Permitted Activity to avoid unnecessary cost and delay of expansion. With appropriate conditions in place, any effects created by these types of activities will still be able to be appropriately managed.</p>
25	Chapter 22.2.3 Earthworks	22.2.3.4 Earthworks – within Landscape and Natural Character Areas	Oppose, subject to amendments to planning maps (refer to submission)	<p>(a) <i>Earthworks are for the maintenance of existing tracks, fences or drains within an identified Landscape or Natural Character Area and must meet all of the following conditions:</i></p> <p>(i) <i>The earthworks are undertaken within a single consecutive 12 month time period;</i></p>	<p>Fulton Hogan have no opposition to this Rule in principle, as it accept and understand the need to protect ONFAL and SALs. However, the imposition of ONFAL and SAL overlays over Fulton Hogan's lawfully existing quarries will unreasonably restrict its operations in these locations. As a result, should the proposed overlays <u>not</u> be removed from</p>

Point	Section of PDP	Provision	Support or Oppose	Decision Sought	Reason for submission
			points 29 and 30)	(ii) <i>The earthworks must not exceed the following areas and volumes within a single consecutive 12 month period:</i> [table]	these quarries, Fulton Hogan will seek have these rules amended to safeguard its business.
26	Chapter 22.3.7 – Building setbacks	22.3.7.2(a) Building setbacks sensitive land use	Support, subject to proposed amendments	(a) <i>Any building for a sensitive land use must be set back a minimum of:</i> ... (iv) <i>200m from an Aggregate Extraction Area, <u>mineral or aggregate extraction activities</u> containing a sand resource;</i> (v) <i>500m from an Aggregate Extraction Area, <u>mineral or aggregate extraction activities</u> containing a rock resource;</i>	Mineral and aggregate extraction can result in effects which give rise to reverse sensitivities. This has the potential to threaten the commercial viability of existing and/or future extractive industries, which is of detriment to not only quarry operators but also to the whole district, which relies heavily on this industry for its GDP. As a result, it is submitted that by ensuring that appropriate setback rules apply not only to those quarries which are subject to the proposed overlays but also to others (including future quarries which would need to apply for a Plan change to have the same level of protection), will provide sufficient safeguards for the industry going forward.
27	To include: Mineral and aggregate extraction activity – allotment boundary rule	-	Include	<u>ALLOTMENT BOUNDARY – MINERAL AND AGGREGATE EXTRACTION ACTIVITIES</u> <u>Subdivision is a restricted discretionary activity if the boundary of every allotment is drawn so that it is within:</u> a) <u>200m of the boundary of a lawfully established mineral and aggregate extraction activity used for sand extraction; and</u> b) <u>500m of the boundary of a lawfully established mineral and aggregate extraction activity used for rock extraction.</u>	As outlined in these submissions, Fulton Hogan own and operate three lawfully existing quarries in the Waikato District. In order to safeguard these operations, it is imperative that appropriate provisions relating to subdivisions in the Rural zone are implemented in the PDP. The proposed rule will limit the risk of creating reverse sensitivity effects by ensuring that Fulton Hogan are considered an affected party in situations where properties adjacent to their existing quarries are subject to a subdivision application.
Planning Maps					
Property Number					
28	Tauhei: 1005650	Significant Natural Area (SNA)	Oppose	The area marked as an SNA on the identified properties encroaches on the quarry operation, or where the extraction could occur in the future.	Fulton Hogan oppose the SNA overlay on the quarries located at Waingaro and Tauhei, as the areas encroach on a large amount of potential extraction land. More importantly, both of these quarries are also subject to the

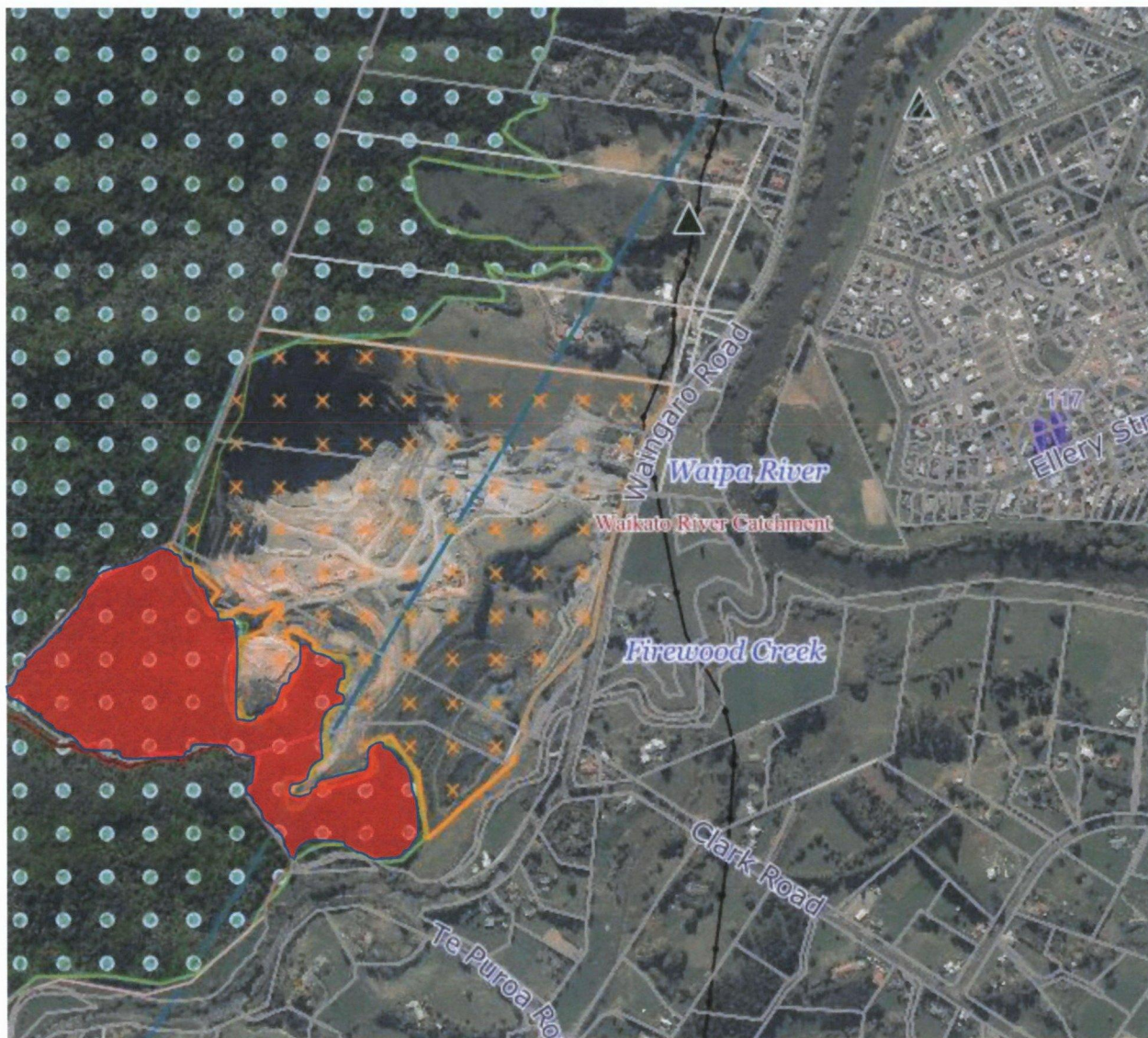
Point	Section of PDP	Provision	Support or Oppose	Decision Sought	Reason for submission
	Waingaro: 2006029, 1012692, 1012697, 1012732				<p>'Aggregate Extraction Areas' overlay, which is intended to protect lawfully established quarry activities. The overlapping overlays creates unnecessary confusion as to what takes priority and will make any future expansion of these quarries complex and costly.</p> <p>As such Fulton Hogan request that the SNA overlays on the Waingaro and Tauhei quarry land are removed, as shown in Appendix B.</p>
29	Waingaro: 2006029, 1012692, 1012697, 1012732	Outstanding Natural Features (ONFAL)	Oppose	The area marked as an ONFAL on the identified properties encroaches on the quarry operations, as well as on where extraction could occur in the future.	<p>Fulton Hogan oppose the addition of the ONF overlay on their Waingaro quarry as the land identified is directly adjacent to current operations, meaning that any future expansion (or continued extraction) could involve land subject to this overlay. More importantly, this overlay overlaps with the 'Aggregate Extraction Areas' overlay, which is intended to protect lawfully established quarry activities. The overlapping overlays creates unnecessary confusion as to what takes priority and will make any future expansion of the quarry unnecessarily complex and costly. As such, Fulton Hogan request that the ONFAL overlay over the Waingaro quarry be removed, as seen in Appendix B.</p>
30	Tuakau: 301603	Significant Amenity Landscapes (SAL)	Oppose	The area marked as SAL on the Tuakau Quarry property completely covers the existing quarry area.	<p>Fulton Hogan oppose the imposition of the SAL overlay over its Tuakau Quarry. Not only is this a misrepresentation of what the existing environment looks like (which has been operating as a quarry for over a decade) but is inappropriate given the use of the land for a quarry and other activities not usually found in SALs (such as farming, treatment ponds etc).</p> <p>More importantly, this overlay overlaps with the 'Aggregate Extraction Areas' overlay, and this overlap creates unnecessary confusion as to what takes priority and will make any future expansion of the quarry unnecessarily complex and costly.</p> <p>Fulton Hogan request that the SAL overlay be removed insofar as it impacts on the quarry. They further request that the remaining overlay be removed OR reduced insofar as it</p>

Point	Section of PDP	Provision	Support or Oppose	Decision Sought	Reason for submission
					covers the surrounding farm lands (which form part of Fulton Hogan's property), as shown in Appendix B.

Appendix B Planning Maps



Waingaro Quarry



Key:

Red areas = Absolute removal of overlays (ONFAL, SNA and SAL)

Yellow areas = Removal or reduction of SAL overlay

Note: Boundaries of proposed removal/reduction are approximate

Tauhei Quarry



Tuakau Quarry





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