

# **DECISION REPORT FOR PLAN CHANGE 85 - CLEANFILL ACTIVITIES IN RURAL, FUTURE URBAN, LIFESTYLE AND RURAL-RESIDENTIAL ZONES**

## **INTRODUCTION**

Pursuant to Section 10(1) of Schedule 1 of the Resource Management Act 1991, the District Plan Committee makes the following decisions on the provisions and matters raised in submissions and further submissions to Plan Change 85 – Cleanfill Activities in Rural, Future Urban, Lifestyle and Rural-Residential Zones.

The decision is set out as follows:

- Decisions on key issues
- Section 32AA analysis
- Decisions on the provisions of the District Plan (Section 4C Amenity) (Attachment 1)
- Reasons for accepting or rejecting submissions and further submissions (Attachment 2)

## **DECISIONS ON KEY ISSUES**

### **General Approach to Cleanfill Activities - Rules & Permitted Volumes**

That amendments be made to the proposed Plan Change provisions to adopt an approach consistent with Option 4 of the Planning Report (originally Option 5 of the Section 32 Report). This option essentially aligns the proposed rules with the Regional Council's earthworks limit of 5,000m<sup>3</sup> but includes additional performance standards associated with separation distances and shared accessways for proposals involving between 1,000m<sup>3</sup> and 5,000m<sup>3</sup>.

In addition to the changes recommended under Option 4 of the s42A Report, further editorial changes have been made to clarify the permitted activity performance standard (Rule 4C.2.3.1(a)(ii)(b)) which restricts the use of shared accessways, driveways and Right of Ways.

### **Reasons**

Having considered the s42A Report, the submissions and further submissions, and the evidence presented at the Hearing by submitters on Plan Change 85, the Hearings Panel is satisfied that there is sufficient reason for the Plan Change to proceed in accordance with the approach recommended in the s42A Report. The Hearing Panel agrees with the assessment provided in the s42A Report that existing rules within the District Plan are inadequate to manage the adverse effects associated with large scale cleanfill activities.

It is also noted that some submitters do not appear to understand the roles and responsibilities of the District Council under the RMA, compared to those of the Regional Council. While there can be some overlapping functions between the Councils, amenity and transportation related effects are matters to be managed by the

District Council and are therefore not controlled through Regional Council rules and resource consents.

Some minor amendments are made in response to submissions from Mr Dudley Clemens on behalf of J. Swap Contractors Limited and Mr Cameron Martin of Shrimpton and Lipinski on behalf of a number of his land development clients.

Mr Collier suggested in his evidence that, if the plan change was to proceed, there may be no need for the upper limit of 5,000m<sup>3</sup> to be included within the permitted activity rule. He suggested that cleanfill activities should be encouraged into more remote areas of the District and by removing the upper limit (but maintaining the separation distance requirements for cleanfill activities over 1,000m<sup>3</sup>) would encourage cleanfill operators away from more densely populated rural areas and into the more remote areas of the District where amenity effects are less likely to cause concern. It is the Hearing Panel's view that encouraging cleanfill deposits to more remote parts of the district as requested may well be desirable, but has the potential to increase impacts on the transportation network.

Mr Collier also questioned the rationale for the proposed 300m separation distance rule. While he appeared to agree that a separation distance rule is appropriate he did not offer up a specific alternative to address his concern. The Hearing Panel considers that the 300m separation distance proposed in the s42A report provides a reasonable separation distance and is consistent with other rules within the District Plan that seek to protect sensitive activities from adverse amenity effects. In coming to its decision, the Hearing Panel also took into account Mr Matthews' submissions regarding his experience of a large cleanfill activity located within close proximity of his own property.

Having considered the evidence presented by Mr Collier, along with submissions and evidence of other submitters, the Hearing Panel preferred the approach recommended in Option 4 of the s42A Report.

This approach is considered to respond to many of the concerns raised by submitters regarding a preference to align with the Regional Council's limits for earthworks. It also recognises the need for an approach that better responds to the risk of potential adverse amenity related effects (e.g. where there are sensitive activities in close proximity). In addition, it is considered that this approach provides a reasonable balance between allowing the disposal of cleanfill for legitimate reasons and the need to manage transportation and amenity related effects.

In addition, Option 4 allows consideration of transportation related effects (such as safety of access, traffic, and impacts on roading infrastructure) for larger cleanfill activities. This would not be possible if the approach suggested by Mr Collier was adopted (except in a situation where separation distances were not met, or a shared vehicle access was used). The Hearing Panel considers that cleanfill proposals exceeding 5,000m<sup>3</sup> are of a sufficient scale that they warrant assessment and management through a resource consent process due to the increase in potential for adverse environmental effects (that are not already managed through Regional Council consent processes).

Overall, the Hearing Panel considers that the recommended changes (subject to minor editorial amendments) provide a reasonable balance between allowing the disposal of cleanfill for legitimate reasons and the need to manage transportation and amenity related effects. This approach is also supported by the majority of submitters, including those who tabled evidence and/or presented at the hearing.

### **Specifically excluding quarrying activities**

That minor amendments are made to the proposed District Plan provisions to clarify that the cleanfill rules do not apply to quarrying activities (see below for reference to specific rules amended through decisions).

### **Reasons**

The changes to the cleanfill rules were not intended to control the disposal of cleanfill at quarry sites as the effects of such activities are managed through the rules of the relevant zone and resource consents (with quarries being either a discretionary or non-complying activity).

### **Various minor changes to proposed plan provisions**

That various minor amendments be made to the proposed District Plan provisions. The nature of these changes is set out below.

- Exclude quarrying activities from Rules 4C.2.3.1 and 4C.2.3.2. These changes are set out in the recommendations in Attachment 1 of the s42A Report, along with additional editorial changes to Rules 4C.2.3.1(c) and 4C.2.3.2(b) (as requested by Mr Clemens at the hearing on behalf of J. Swap Contractors Limited).
- Amend the matter of discretion in Rule 4C.2.5.1(e) to refer to effects on the State Highway Network as well as the views of the New Zealand Transport Agency);
- Clarify the intent and amend Activity Performance Standard 4C.2.4.1(d) relating to the processing of cleanfill material;
- Ensure consistency of terminology within the provisions (i.e. deposition and disposal);
- Delete the explanatory note (ii) from Rule 4C.2.3.2. This is because the explanatory note refers to the way volumes of material are to be calculated and the rule does not refer to volumes of material;
- Change the explanatory note (iii) following rules 4C.2.3.1 and 4C.2.3.2 to refer to the Bay of Plenty Regional Natural Resources Plan (RNRP), rather than the Land and Water Plan as it was previously named.

### **Reasons**

The majority of the amendments requested will provide additional clarity and generally reflect the intent of the proposed plan change.

The changes made to Rules 4C.2.3.1(c) and 4C.2.3.2(b) (in response to J. Swap Contractors Limited’s request) is a consequential change that will ensure consistency within Section 4C.2 (Storage and Disposal of Solid Waste) of the District Plan.

**SECTION 32AA ANALYSIS**

The following provides a further evaluation of the changes made to Plan Change 85 since the original evaluation report under s32 of the Resource Management Act 1991. The level of detail corresponds to the scale and significance of the changes.

**Option 4 – Introduce District Plan provisions (including policies, rules and assessment criteria) to require resource consent for cleanfill activities based on the volume of material and other location based criteria (Option 5 in Section 32 Report)**

Option 4 involves the inclusion of rules permitting smaller scale cleanfill activities and restricting larger scale cleanfill activities based on the volume of fill and the location of the site with respect to other sensitive activities (e.g. dwellings and childcare centres). In the Section 32 Report, this option proposed:

- a. Cleanfill activities with up to 1,000m<sup>3</sup> of material as permitted activities;
- b. Cleanfill activities with between 1,000m<sup>3</sup> and 5,000m<sup>3</sup> as permitted, if separation distances were maintained from sensitive activities, and access to the cleanfill site was not via a shared accessway; and
- c. Any cleanfill activities exceeding 5,000m<sup>3</sup> would require resource consent.

Option 4 is the same as Option 3 in terms of having a 5,000m<sup>3</sup> limit before resource consent is required. However, Option 4 also includes additional performance standards associated with separation distances from sensitive activities and restrictions on the use of shared accessways for activities involving between 1,000m<sup>3</sup> and 5,000m<sup>3</sup> of cleanfill material.

<b>Costs</b>	<ul style="list-style-type: none"> <li>▪ Additional location/site specific criteria may not anticipate or accommodate all scenarios as each site and location has its own set of site-specific circumstances.</li> <li>▪ Does not allow assessment of effects on the transportation network, including potential wear and tear of road surfaces, when resource consent is not required because separation distances are met.</li> <li>▪ Potential for additional costs and time for property owners intending to carry out cleanfill activities.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>▪ Including a three-tiered approach (a, b and c above) allows a reasonable amount of cleanfill to be disposed where there is lower risk of adverse effects on amenity values.</li> <li>▪ Requires consents where there is a higher risk of adverse amenity and transportation related effects and provides for the management of such effects through the consent process.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ The additional criteria (for cleanfill activities between 1,000m<sup>3</sup> and 5,000m<sup>3</sup>) recognises that adverse amenity effects may only occur when there are dwellings and other sensitive activities within close proximity, or where there is a shared accessway.</li> <li>▪ The separation distance of 300m, as recommended, is considered to be appropriate in terms of protecting dwellings and other sensitive activities from adverse amenity effects, and is consistent with other separation distances in the District Plan.</li> <li>▪ Reduces potential for additional costs and time for property owners in situations where effects are acceptable.</li> <li>▪ Potential to collect financial contributions to help fund roading upgrades required as a result of additional heavy vehicle traffic, but only where consent is required for amenity reasons or where the volume of material exceeds 5,000m<sup>3</sup>.</li> </ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>▪ Effective in addressing the identified issue that cleanfill activities are causing amenity related issues in rural areas.</li> <li>▪ Effective in addressing the issue that cleanfill activities can result in adverse effects on the transportation network, including as a result of traffic generation, safety, and wear and tear on the roading network.</li> <li>▪ Effective and efficient in terms of achieving the relevant objective in Section 4C.2 (Storage and Disposal of Solid Waste) which is to protect the environment from the adverse effects of the storage and disposal of solid waste.</li> <li>▪ Greater efficiency in terms of aligning with Regional Council rules.</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>▪ N/A – Sufficient information is available.</li> </ul>

## ATTACHMENTS

### Attachment 1

#### Decisions on the Provisions of the District Plan (Section 4C Amenity)

### Attachment 2

#### Reasons for Accepting or Rejecting Submissions and Further Submissions

*This attachment shows the existing District Plan text in black and changes as the result of decisions in red.*

## 4C.2 Storage and Disposal of Solid Waste

### Explanatory Statement

*Council* wishes to more effectively manage the private storage and disposal of solid waste as an adjunct to its Solid Waste Management Strategy.

Provision is made to enable onsite storage and disposal of non-toxic or non-hazardous solid wastes without resource consent, subject to meeting performance standards designed to mitigate any potential adverse effects.

The disposal of *hazardous substances* unless properly managed can cause major adverse environmental effects. Accordingly provision is made to dispose of such materials at authorised facilities only.

#### 4C.2.1 Significant Issue

The potential for the storage and disposal of solid wastes to generate adverse environmental effects including, for example: ~~odour, vermin, visual intrusion and litter.~~

- (a) Effects on the amenity values of the surrounding area;
- (b) Effects on the *transportation network* and other *infrastructure and network utilities*; and
- (c) Effects on the safety of road users and vehicle accessways.

#### 4C.2.2 Objective and Policies

##### 4C.2.2.1 Objective

Protecting the environment from the adverse effects of the storage and disposal of solid wastes.

##### 4C.2.2.2 Policy

1. Ensure the management of solid waste storage and disposal so as to avoid or minimise adverse environmental effects.
2. To encourage waste minimisation and disposal of waste only to an authorised landfill.
3. Manage the adverse effects of *cleanfill* activities on the *transportation network, infrastructure and network utilities, safety and convenience of road and access users, and on the amenity of residential activities and other sensitive sites.*

### 4C.2.3 Activity Lists

#### ~~4C.2.3.1 Permitted Activities~~

- ~~(a) Disposal on private land (i.e. not to an authorised landfill) of the following solid waste materials:~~
- ~~(i) *Cleanfill*, whether originating from the site on which it is disposed or not;~~
  - ~~(ii) Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.~~

#### **Explanatory Note:**

~~Disposal of all solid waste on private land (including cleanfill) is subject to the provisions of the Regional Water and Land Plan.~~

#### ~~4C.2.3.2 Discretionary Activities~~

~~Storage or disposal on private land (i.e. not to an authorised landfill) of solid waste (excluding *cleanfill*) that does not originate from the site on which it is located, whether man-made or natural.~~

#### 4C.2.3.1 Rural, Future Urban, Rural-Residential and Lifestyle Zones

##### **(a) Permitted Activities**

Disposal on private land (but not to a *quarry* or authorised landfill) of the following solid waste materials:

- (i) *Cleanfill* material originating from off the disposal site where the total volume of material does not exceed 1,000m<sup>3</sup> within any 12 month period;
- (ii) *Cleanfill* material originating from off the disposal site where the total volume of material is more than 1,000m<sup>3</sup> but not greater than 5,000m<sup>3</sup> within any 12 month period subject to meeting both (a) and (b) below or obtaining written approval under (c) below;

(a) Vehicle access to the site, and the *cleanfill* disposal area, being located no less than 300m from:

- any existing or consented *dwelling, minor dwelling, accommodation facility or education facility* on a separate site in different ownership to the disposal site;

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- any identified building site assessed as part of an approved subdivision consent in accordance with Rule 12.4.1(b) on a separate site in different ownership to the disposal site;

- the boundary of any *sensitive site* in different ownership to the disposal site.

(b) Vehicle access to the disposal site not being via an accessway, right of way / *privately*, access lot, private road, roadway over Maori Land, or any other shared driveway.

(c) Where all owners and occupiers of land affected by (a) and (b) provide written approval to the *Council*.

(iii) *Cleanfill* material originating from the same site on which it is to be disposed;

(iv) Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.

### (b) **Restricted Discretionary Activities**

Disposal on private land (but not to a *quarry* or authorised landfill) of the following solid waste materials:

(i) *Cleanfill* material originating from off the disposal site where the total volume of material is more than 1,000m<sup>3</sup> but not greater than 5,000m<sup>3</sup> and which does not qualify as a permitted activity under Rule 4C.2.3.1 (a) (ii).

(ii) *Cleanfill* material originating from off the disposal site where the total volume of material exceeds 5,000m<sup>3</sup> within any 12 month period.

### (c) **Discretionary Activities**

Storage or disposal on private land (but not to a *quarry* or authorised landfill) of solid waste (excluding *cleanfill* material) that does not originate from the site on which it is located, whether man-made or natural.

### **Explanatory Notes:**

(i) These rules do not apply to the disposal of solid waste at authorised municipal or privately managed landfills and organic waste facilities (see Rule 10.3(ay)).

(ii) The volume of *cleanfill* material is calculated as a solid measure when the material is compacted in place on the disposal site.



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- (iii) Disposal of all solid waste on private land (including cleanfill) is subject to the provisions of the Bay of Plenty Regional Natural Resources Plan.
- (iv) The term "consented" within Rule 4C.2.3.1 above refers to activities that have been approved through a building consent and/or resource consent (if required) and where the relevant consent or consents have not lapsed.

### **4C.2.3.2 All Other Zones (Residential, Medium Density, Commercial, Commercial Transition, Industrial, Post Harvest, All Terrain Park)**

#### **(a) Permitted Activities**

Disposal on private land (but not to a *quarry* or authorised landfill) of the following solid waste materials:

- (i) *Cleanfill* material whether originating from the site on which it is disposed or not;
- (ii) Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.

#### **(b) Discretionary Activities**

Storage or disposal on private land (but not to a *quarry* or authorised landfill) of solid waste (excluding *cleanfill* material) that does not originate from the site on which it is located, whether man-made or natural.

#### **Explanatory Notes:**

- (i) These rules do not apply to the disposal of solid waste at authorised municipal or privately managed landfills and organic waste facilities (see Rule 10.3(ay)).
- (ii) Disposal of all solid waste on private land (including *cleanfill*) is subject to the provisions of the Bay of Plenty Regional Natural Resources Plan.

**4C.2.4 Activity Performance Standards**

**4C.2.4.1 General**

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for all other activities. Unless specified otherwise, Any Permitted or Controlled Activity which fails to comply with any of these standards shall be deemed a Discretionary Activity for the particular non-compliance.

**(a) Screening**

All stand alone or ancillary outdoor solid waste storage and disposal areas shall be screened from adjacent Residential, Future Urban, Rural-Residential, Lifestyle and Rural Zones, recreation reserves and the public road. Screening shall be as required in Section 4C.5

**Explanatory Note: Except that:**

Mineral exploration, mining and *quarrying* activities will be exempt from this rule as the visual mitigation of these activities shall be in accordance with Rule 18.5.9(g).

The disposal of *cleanfill* materials permitted under Rules 4C.2.3.1(a) (i) and (ii) shall be exempt from this screening rule (4C.2.4.1 (a)).

**(b) Wind mitigation**

All solid waste material shall be stored and disposed of in a manner that ensures it will not be blown beyond the boundaries of the site.

**(c) Disposal of hazardous substance**

The disposal of *hazardous substances* (excluding from *dwelling*s) shall be to authorised landfills that have been specifically approved to receive *hazardous substances* or to approved industry collectors such as AgRecovery or in accordance with the provisions of NZS 8409:2004 Management of Agrichemicals Appendix S 5.1.

**(d) Processing of cleanfill material sourced off site**

All *cleanfill* material sourced from off the site shall be ready for disposal without the need for mechanical crushing and/or screening on the site where it is to be disposed.

**4C.2.5 Matters of Discretion**

**4C.2.5.1 Restricted Discretionary Activities Criteria**

~~The matters that Council will take into account include but are not limited to:~~

- ~~(a) The existing amenity of the surrounding environment.~~
- ~~(b) Proximity of the site to public roads and services.~~

~~Council shall restrict its discretion to the following matters and shall use them as a guide for Discretionary Activities:~~

- ~~(a) Effects on the amenity values of the surrounding area, including effects associated with noise and disturbance, vibration, visual amenity, traffic movements, hours of operation and duration of the activity.~~
- ~~(b) Effects associated with vehicle access to and from the site, including safety and convenience for other road and access users.~~
- ~~(c) Effects of traffic movements on the safety, efficiency and maintenance of the *transportation network*.~~
- ~~(d) Effects on *infrastructure and network utilities*.~~
- ~~(e) Effects on the State Highway Network and the views of the New Zealand Transport Agency.~~
- ~~(f) The requirement for financial contributions for capacity consumption and pavement consumption as assessed in accordance with Section 11.~~
- ~~(g) Measures to avoid, remedy or mitigate adverse effects in matters identified (a) to (f).~~

Topic	Issue ID	Issue	Sub ID	Sub Point	Name	Inclination	Summary	Decision Requested	Decisions
Whole of Plan Change	1	General	9	1	J Swap Contractors Ltd C/- Richard Harkness	Support with Amendment	<p>Quarrying and extraction activities require the removal of overburden, the disposal of cleanfill and reinstatement works. Cleanfill is from the site itself, but can also be transported from off-site locations. The scale of activity is substantial and thus the associated clean filling operation will likely be above the proposed threshold in any 12 month period.</p> <p>Quarrying under the current RMA planning framework generally requires consents from both regional and district councils (unless meeting permitted activity criteria). This will ensure that potential adverse environmental effects for quarries (including deposition of cleanfill) will be controlled through regional plan provisions, and the district plan zones, rules and resource consents. Hence, quarries should be exempt from the new thresholds proposed under PC85 for private property cleanfill activities.</p> <p>The PC85 focus on private properties seeks to address large scale cleanfill activities that are causing concerns due to heavy vehicle traffic, noise, dust, vibration, loss of visual amenity, property damage and safety of access - and such matters are already controlled for quarrying as noted above.</p>	Swaps seek amendments to the proposed PC85 provisions to exempt authorized quarries.	<p>Accept</p> <p>Quarries are a specific activity managed through the zone provisions of the District Plan.</p> <p>The changes to the cleanfill rules were not intended to control the disposal of cleanfill at quarry sites as the effects of such an activity are already managed through the rules of the relevant zone and resource consents (with quarries being either a discretionary or non-complying activity).</p>
			FS 34 [9]	1 [1]	Federated Farmers of New Zealand (Inc) [J Swap Contractors Ltd C/- Richard Harkness]	Support	FFNZ supports the submitter for reasons outlined in their principle submission.	Amend proposed PC85 provisions to exempt authorized quarries.	<p>Accept</p> <p>As per the reasons stated for Submission 9.1</p>
			FS 37 [9]	1 [1]	Classic Developments NZ Ltd [J Swap Contractors Ltd C/- Richard Harkness]	Support	We agree with the amendments sought as cleanfill can be considered quarrying under the PC85.	Include provisions to exempt authorised quarries as sought by the submitter.	<p>Accept</p> <p>As per the reasons stated for Submission 9.1</p>
			FS 38 [9]	1 [1]	Zariba Holdings [J Swap Contractors Ltd C/- Richard Harkness]	Support	We agree with the amendments sought as cleanfill can be considered quarrying under the Plan.	Include provisions to exempt authorised quarries as sought by the submitter.	<p>Accept</p> <p>As per the reasons stated for Submission 9.1</p>
			9	8	J Swap Contractors Ltd C/- Richard Harkness	Support with Amendment	Seek clarification regarding use of the terms "deposition" and "disposal" within the proposed Plan Change.	The submitter seeks clarification of the use of terms "deposition" and "disposal".	<p>Accept</p> <p>Terminology used should be consistent and minor changes are therefore recommended to address this submission point.</p>
			10	1	Pearce, Rowena Jade	Support with Amendment	<p>Of particular concern to me is the nature and number of heavy vehicle traffic movements on our rural roading infrastructure (particularly narrow and/or unsealed roads that are inadequate) - and the impact this has on traffic and pedestrian safety. Some roads are not of adequate nature to withstand heavy vehicle movements and will pose severe safety threats to those in our community.</p> <p>The preferred option 2 for the Plan Change highlights the benefit of the potential to collect financial</p>	Whether the volume of cleanfill transported is 1000m <sup>3</sup> or 5000m <sup>3</sup> , road width and road capacity need to be considered for every section within the rural	<p>Accept in part</p> <p>The proposed rules provide for smaller scale cleanfill activities and seek to manage larger cleanfills through a resource consent process where a greater volume of heavy vehicle traffic is to be generated.</p>

				contributions to help fund roading maintenance and repair required as a result of additional heavy vehicle traffic but, fails to recognise that these same roads are already under specification for the volume and nature of vehicles currently using		
FS 37 [10]	2 [1]	Classic Developments NZ Ltd [Pearce, Rowena Jade]	Oppose	There is no s.32 analysis to justify the plan change and impact on Council's roading network.	That the submission be rejected.	Reject
FS 38 [10]	2 [1]	Zariba Holdings [Pearce, Rowena Jade]	Oppose	There is no s.32 analysis to justify the plan change and impact on Council's roading network.	That the submission be rejected.	Reject
11	7	Te Puke Economic Development Group	Support with Amendment	TPEDG support the well considered submissions from NZKGI on Clean Fill Activities, namely that they are unsure what the benefit would be of introducing another resource consent for any deposition of clean fill under 5000m3. Bay of Plenty Regional Council already have rules relating to earthworks and quarries require a resource consent for any exposed area greater than one hectare and volume greater than 5,000 m <sup>3</sup> .  This resource consent should cover the need (if any) to transport up to 5000m3 of clean fill.	Introduce District Plan provisions (including policies, rules and assessment criteria) to require resource consent for cleanfill activities involving the deposition of more than 5,000m3 of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones (Issue 1 - Option 3 in the s92 Report).	Accept in part  Alignment with Regional Council earthworks rule is recommended, however, additional performance standards (such as separation distances and restrictions on use of shared accessways) is recommended where the volume of cleanfill material is between 1,000m <sup>3</sup> and 5,000m <sup>3</sup> .
FS 32 [11]	1 [7]	Kainga Ora - Homes & Communities [Te Puke Economic Development Group]	Oppose	Kainga Ora opposes this submission point as it is contrary to the relief sought in Kainga Ora's primary submission, and the reasons for that relief. Further, the Regional Natural Resources Plan has rules controlling 5000m3 or more of earthworks. It is not considered appropriate to duplicate this threshold within the District Plan rule framework. The potential adverse amenity effects (such as noise and vibration) are already appropriately controlled through other parts of the District Plan.	Oppose introducing provisions to require resource consent for cleanfill activities involving the deposition of more than 5,000m3 of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones.	Reject
FS 36 [11]	4 [7]	NZ Transport Agency [Te Puke Economic Development Group]	Oppose	The proposed permitted threshold of 1,000m3 is considered to be appropriate for cleanfill activities. The heavy vehicle movements generated by cleanfill operations have the potential to adversely affect the state highway network in terms of traffic safety and efficiency. Appendix SB of the NZ Transport Agency's Planning Policy Manual (PPM) sets out key considerations for accessways onto State Highways. These guidelines provide some context in terms of when trip generating activities are likely to cause safety and traffic efficiency effects that need to be avoided, remedied or mitigated.  Council has estimated the trip generation associated with a 1000m <sup>3</sup> cleanfill operation to be in the order of 200-400 vehicle movements. Appendix SB of the PPM specifies that where more than one slow, heavy or long vehicle (such as trucks delivering cleanfill) will utilise an accessway, a larger than normal accessway standard is required (Diagrams D and E) to accommodate safe ingress and egress. The resource consent process is an appropriate mechanism for the accessways of cleanfill activities to be assessed, and appropriate standards applied or alternative solutions provided for.	The Transport Agency seeks that PC85 be approved in its current form.	Accept in part  Advice has been sought from Council's engineers as to whether additional performance standards should be included to reflect the standards referred to in NZTA's further submissions. It has been advised that this is not necessary given the standards generally apply to the State Highway, and access to the State Highway is already controlled through other District Plan rules.

				<p>Sightlines to and from accessways are another important factor set out in the PPM. Many potential State Highway accessway locations will not have compliant sightlines. Trucks associated with cleanfill operations are vulnerable to sightline deficiencies given that they are typically slow and long. For this reason, a sightline assessment through the resource consent process is considered to be appropriate for cleanfill activities generating in the order of 200- 400 heavy vehicle movements.</p> <p>Given the statutory functions of Bay of Plenty Regional Council, the traffic effects associated with cleanfill operations are not assessed at the regional consent stage. For the purposes of ensuring that traffic effects are managed, the regional plan's earthworks volume threshold is not relevant.</p> <p>1000m<sup>3</sup> would not be an unusually low permitted threshold in comparison to the cleanfill provisions of other district plans across the country.</p>		
FS 37 [11]	3 [7]	Classic Developments NZ Ltd [Te Puke Economic Development Group]	Oppose	The matters raised in this submission are not supported by sufficient s.32 analysis.	That the submission be rejected.	Reject  Intent of this further submission is unclear as Classic Developments NZ Ltd has supported other submissions requesting the same outcome sought by Submission 11.7.
FS 38 [11]	3 [7]	Zariba Holdings [Te Puke Economic Development Group]	Oppose	The matters raised in this submission are not supported by sufficient s.32 analysis.	That the submission be rejected.	Reject  Intent of this submission is unclear as Zariba Holdings has supported other submissions requesting the same outcome sought by Submission 11.7.
13	11	Horticulture New Zealand C/- Charlotte Drury	Support with Amendment	<p>The deposition of cleanfill can enable sites to be made more suitable for horticultural use by providing material for activities such as recontouring, therefore HortNZ supports the provisions of the district plan enabling the activity to be undertaken to some degree, particularly within the Rural Zone.</p> <p>As the District Council's functions in this regard are largely restricted to managing the amenity and traffic effects of cleanfill activities, HortNZ is generally supportive of an approach that avoids unnecessary cost for landowners who wish to undertake such operations.</p>	HortNZ supports Option 4 within the s32 Report and suggests that further development and adoption of this option would enable time and cost to be better targeted to circumstances where the potential impacts of cleanfills may be greater and would enable a more effects based approach is more in keeping with the sustainable management purpose of the Act.	Accept in part  The legitimate need for small scale cleanfill activities without the need for resource consent is acknowledged and it is therefore recommended to increase the permitted limit in line with the Regional Council's limit of 5,000m <sup>3</sup> , with additional performance standards which reflect Option 5 of the s32 report.  Note that is it Option 5 in the s32 report (not Option 4 in the s32 Report) that the submitter is referring to in their submission.
FS 37 [13]	4 [11]	Classic Developments NZ Ltd [Horticulture New Zealand C/- Charlotte Drury]	Oppose	The amenity and traffic effects of cleanfill activities at scale are already controlled through Regional Plan provisions.	That the submission be rejected.	Reject  Amenity and traffic related effects are not managed through the Regional Plan or Regional Council resource consents.

FS 38 [13]	4 [11]	Zariba Holdings [Horticulture New Zealand C/- Charlotte Drury]	Oppose	The amenity and traffic effects of cleanfill activities at scale are already controlled through Regional Plan provisions.	That the submission be rejected.	Reject Amenity and traffic related effects are not managed through the Regional Plan or Regional Council resource consents.
15	1	Matthews, Richard James	Unknown	The current WBOPDC rules make dumping a "permitted activity" requiring only BOPRC Consent. How are the proposed changes going to address neighbouring properties concerns?	No specific relief sought.	Accept in part Matters are addressed through the proposed plan change.
15	2	Matthews, Richard James	Unknown	How is WBOPDC going to address 100,000 cubic metres per year; 20,000 - 40,000 truck movements per year if it is only concerned about 1% of this?	No specific relief sought.	Accept in part Matters are addressed through the proposed plan change.
15	3	Matthews, Richard James	Unknown	BOPRC consent only addresses: a. Noise - trucks need COF b. Dust - must be visible, not visibly blown onto neighbouring properties; will only be checked annually; relies on complaints. c. The consent allows 24/7 dumping for 20 years without any ability to change.	No specific relief sought.	Accept in part Comments regarding Regional Council consent are acknowledged.
16	1	BayGold Limited	Oppose	BayGold expresses concerns as developers, they are already required to acquire a BOPRC resource consent for any exposed area no greater than 1 hectare and volume no greater than 5,000m <sup>3</sup> . We feel that this consent should cover the need (if any) to also transport up to 5000m <sup>3</sup> .  We are unsure what the benefit would be of introducing another resource consent for deposition of cleanfill when it is not necessary to get a resource consent for earthworks <5,000m <sup>3</sup> ?  The majority of earthworks are done within the boundary of a site but there are times when the deposition of cleanfill is necessary and the need for a District Council resource consent will only slow the progress of kiwifruit development.	We feel that the resource consent (from BOPRC) should cover the need (if any) to also transport up to 5000m <sup>3</sup> .	Reject Amenity and traffic related effects are not managed through the Regional Plan or Regional Council resource consents. As such, it is proposed to better manage these effects through the proposed plan change.
FS 32 [16]	2 [1]	Kainga Ora - Homes & Communities [BayGold Limited]	Oppose	Kainga Ora opposes this submission point as it is contrary to the relief sought in Kainga Ora's primary submission, and the reasons for that relief. In any event, Kainga Ora considers that a generic 5000m <sup>3</sup> cleanfill threshold is not appropriate.	Oppose introducing provisions to require resource consent for cleanfill activities involving the deposition of more than 5,000m <sup>3</sup> of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones.	Accept in part Increasing the permitted limit from 1,000m <sup>3</sup> to 5,000m <sup>3</sup> is considered appropriate subject to the inclusion of additional performance standards in line with Option 5 in the s32 Report (which is an approach also supported by Housing New Zealand (now Kainga Ora – see submission point 24.2).
FS 36 [16]	5 [1]	NZ Transport Agency [BayGold Limited]	Oppose	Same Further submission point as FS 36.4	The Transport Agency seeks that PC85 be approved in its current form.	Accept in part As per the reasons stated for FS 36.4.
FS 37 [16]	5 [1]	Classic Developments NZ Ltd [BayGold Limited]	Support	We agree that resource consent from the Bay of Plenty Regional Council is sufficient to cover the need for the consent of cleanfills.	That the submission be accepted.	Reject Regional Council consents do not address amenity and transportation effects
FS 38 [16]	5 [1]	Zariba Holdings [BayGold Limited]	Support	We agree that resource consent from the Bay of Plenty Regional Council is sufficient to cover the need for the consent of cleanfills.	That the submission be accepted.	Reject

						Regional Council consents do not address amenity and transportation effects
17	5	Bay of Plenty Regional Council	Support	BOPRC support the proposed Plan Change 85 rules aimed at controlling traffic, amenity and noise effects resulting from cleanfill activities in rural environment. It is appropriate these effects are dealt with in the District Plan and not the Regional Natural Resources Plan.	No specific relief sought.	Accept  For the reasons stated in response to Submission 17.5.
FS 37 [17]	6 [5]	Classic Developments NZ Ltd [Bay of Plenty Regional Council]	Oppose	Existing District Plan Rules already cover amenity effects raised in the submission.	That the submission be rejected.	Reject  Existing District Plan rules are not considered adequate to manage amenity effects associated with large scale cleanfill activities.
FS 38 [17]	6 [5]	Zariba Holdings [Bay of Plenty Regional Council]	Oppose	Existing District Plan Rules already cover amenity effects raised in the submission.	That the submission be rejected.	Reject  Existing District Plan rules are not considered adequate to manage amenity effects associated with large scale cleanfill activities.
19	4	Federated Farmers of New Zealand (Inc)	Oppose	<p>Preferred Option 2 attempts to control two quite different aspects of off-site cleanfill disposal to the detriment of both. Amenity issues are addressed using a blunt, one size fits all approach and financial contributions are being sought from third parties not the proposed exacerbators.</p> <p>The attempt to address the heavy vehicle effects on the transport network through the proposed rules has focused on a third party rather than the parties generating the proposed effects.</p> <p>Council identifies the driver for this plan change as being the increasing need for developers, or their contractors, to dispose of large quantities of cleanfill material to off-site locations. If an exacerbator-pays approach is desired, then it is more appropriate to seek a financial contribution for road wear and tear from the developers but this alternative was not considered in the section 32 analysis. If the current development contributions do not cover extra road maintenance and repair required because of additional heavy vehicle traffic needed to move clean fill, then it is the policy which needs a review. It should not be addressed indirectly by creating low triggers to increase the number of resource consents required and subsequent increase in consent fees. With the proposed transport issue more appropriately addressed elsewhere, Council can use the more targeted approach as outlined in Option 5 to meet the stated amenity concerns.</p>	<p>Oppose preferred Option 2 in the s32 Report - funding for roading maintenance and repair should be considered in a Development Contribution policy not a Plan Change.</p> <p>Proposed Option 5 in the s32 Report would better meet the identified amenity effects issue if transport-related effects are addressed via Development Contributions.</p>	Accept in part  While there is merit in the issue raised by the submitter, it is considered that effects associated with wear and tear on roads are best addressed through specific cleanfill sites.
FS 37 [19]	7 [4]	Classic Developments NZ Ltd [Federated Farmers of New Zealand (Inc)]	Support	We consider that the s.32 analysis is insufficient in terms of its analysis of the effects on roads. There are a number of other permitted activities such as farming and forestry which are provided for which have similar effects.	That the submission be accepted in part if Council is to levy development contributions outside of the RMA process.	Accept in part  There is no current proposal to levy development contributions outside of the resource consent process.
FS 38 [19]	7 [4]	Zariba Holdings [Federated]	Support	We consider that the s.32 analysis is insufficient in terms of its analysis of the effects on roads. There are a number of other permitted activities such as farming	That the submission be accepted in part if Council is to levy	Accept in part



		Farmers of New Zealand (Inc)]		and forestry which are provided for which have similar effects.	development contributions outside of the RMA process.	There is no current proposal to levy development contributions outside of the resource consent process.
20	6	NZ Transport Agency	Support	<p>The traffic generated by clean fill activities has the potential to adversely affect the state highway network in terms of traffic safety and efficiency, as well as road maintenance.</p> <p>The deposition of clean fill on private land is generally a permitted activity under the operative District Plan, which represents a gap in the Council's ability to manage the effects associated with this activity. Proposed PC85 will introduce rules that enable the management of these effects, which is supported by the Transport Agency.</p> <p>The proposed permitted threshold of 1,000m<sup>3</sup> annually is considered to be appropriate and the proposed assessment criteria are considered to be comprehensive in terms of the relevant effects to NZTA.</p>	Adopt PC85 as notified.	<p>Accept in part</p> <p>The provisions in the proposed Plan Change are considered to be appropriate, however, it is recommended that the permitted threshold be increased from 1,000m<sup>3</sup> to 5,000m<sup>3</sup>, subject to additional performance standards in line with Option 5 in the s32 Report.</p>
FS 35 [20]	4 [6]	J Swap Contractors Ltd [NZ Transport Agency]	Oppose	J Swaps opposes adopting PC85 as notified.	Amend plan changes as per J Swaps submission and exclude authorised quarries.	<p>Accept</p> <p>For the reasons stated in Submission 9.1</p>
21	13	New Zealand Kiwifruit Growers	Oppose	<p>NZKGI are unsure what the benefit would be of introducing another resource consent for any deposition of clean fill under 5000m<sup>3</sup>. Bay of Plenty Regional Council already have rules relating to earthworks and quarries require a resource consent for any exposed area greater than one hectare and volume greater than 5,000 m<sup>3</sup>.</p> <p>This resource consent should cover the need (if any) to transport up to 5000m<sup>3</sup> of clean fill.</p>	We therefore support Option 3 - Introduce District Plan provisions (including policies, rules and assessment criteria) to require resource consent for cleanfill activities involving the deposition of more than 5,000m <sup>3</sup> of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones (Issue 3 - Option 3 in the s92 Report).	<p>Accept in part</p> <p>Regional Council rules and resource consents do not manage effects associated with amenity and transportation.</p> <p>For reasons stated in the submissions it is recommended that the permitted volume of cleanfill material be increased from 1,000m<sup>3</sup> to 5,000m<sup>3</sup>, with additional performance standards in line with Option 5 in the s32 Report.</p>
FS 32 [21]	3 [13]	Kainga Ora - Homes & Communities [New Zealand Kiwifruit Growers]	Oppose	Kainga Ora opposes this submission point as it is contrary to the relief sought in Kainga Ora's primary submission, and the reasons for that relief. In any event, Kainga Ora considers that a generic 5000m <sup>3</sup> cleanfill threshold is not appropriate.	Oppose introducing provisions to require resource consent for cleanfill activities involving the deposition of more than 5,000m <sup>3</sup> of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones.	<p>Reject</p> <p>As per the reasons stated for FS 32.2.</p>
FS 33 [21]	19 [13]	Horticulture New Zealand [New Zealand Kiwifruit Growers]	Support	HortNZ notes the request expressed by a number of submitters (for example Submitters 8, 12, 21, 25) in relation to Plan Change 85 - Cleanfill, for there to be consistency between the volume thresholds of the Bay of Plenty Natural Resources Plan, and the Western Bay of Plenty District Plan, and supports this request, which is effectively proposed Option 3, as set out in the Section 32 report for Plan Change 85. Creating consistency amongst planning frameworks where possible is positive for growers, (and all members of the community) as it reduces the risk of confusion, and also potentially provides an opportunity for some cost savings for those people that do need to apply for resource consent from both authorities, if the trigger/threshold level is the same.	Supports aligning proposed Plan Change 85 with BOPRC Regional Natural Resource Plan rules to allow a maximum of 5,000m <sup>3</sup> cleanfill material in a 12 month period.	<p>Accept</p> <p>For the reasons stated in Submission 13.11.</p>

			FS 36 [21]	6 [13]	NZ Transport Agency [New Zealand Kiwifruit Growers]	Oppose	Same Further submission point as FS 36.4	The Transport Agency seeks that PC85 be approved in its current form.	Accept in part As per the reasons stated for FS 36.4.
			24	1	Housing New Zealand Corporation	Oppose	Housing New Zealand considers that the s32 report specific to PC85 has failed to justify the need for the PC85 and the proposed introduction of new earthworks rule thresholds for cleanfill activities in the Rural, Future Urban, Lifestyle and Rural-Residential zones.	(a) That PC85 be declined; (b) If PC85 is not declined, that the proposed provisions of PC85 be deleted and/or amended to address the matter raised in this submission; and (c) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.	Reject It is considered that the s32 Report adequately justifies the need for a plan change. Prior to notification of the Plan Change, Council was aware of a number of cleanfill sites in the District that have caused concern for the community. Since the plan change was notified Council is continuing to deal with issues associated with proposed cleanfill disposal sites that have potential to cause significant adverse effects.
			FS 37 [24]	8 [1]	Classic Developments NZ Ltd [Housing New Zealand Corporation]	Support	We agree with Housing NZ that the s.32 analysis has failed to justify the need for the plan change and the proposed introduction of new rules for cleanfill activities.	That the submission be accepted.	Reject As per the reasons stated for Submission 24.1
			FS 38 [24]	8 [1]	Zariba Holdings [Housing New Zealand Corporation]	Support	We agree with Housing NZ that the s.32 analysis has failed to justify the need for the plan change and the proposed introduction of new rules for cleanfill activities.	That the submission be accepted.	Reject As per the reasons stated for Submission 24.1
			24	2	Housing New Zealand Corporation	Oppose	Housing New Zealand considers the s32 report has not robustly assessed and considered the various cost and benefits of the 'preferred option'. The preferred option chosen by the Council has failed to address in any way the issue of 'proximity to sensitive activities', instead simply seeking to introduce a default earthworks volume threshold (of 1,000m3 of cleanfill per year), irrespective of whether the material would be deposited in a location which has the potential to adversely affect a sensitive activity. This aspect of 'proximity to sensitive activities' appears to be a key reason for the promulgation of proposed PC85, yet the proposed provisions have failed to adequately address this matter.	(a) That PC85 be declined; (b) If PC85 is not declined, that the proposed provisions of PC85 be deleted and/or amended to address the matter raised in this submission, in particular for this submission point that if any new provisions are required within the District Plan to address the matters of concern, then an approach along the lines of the 'Option 5' (which incorporates location /proximity-based provisions), set out in the s32 report, would be more appropriate; and (c) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.	Accept in part The primary driver for the plan change was the need to better manage adverse amenity effects associated with large scale cleanfill activities. However, through the development of the plan change the need to manage transportation related effects was also identified. Changes are recommended to reflect Option 5 in the s32 Report.
			FS 37 [24]	9 [2]	Classic Developments NZ Ltd [Housing New Zealand Corporation]	Support	We agree with Housing NZ that the s.32 report has not robustly assessed and considered the various costs and benefits of preferred options.	We consider that the submission should be accepted, and Plan Change 85 should be declined or, if adopted, option 5 (incorporating location proximity-based provisions) would be more appropriate (including a set back from existing dwellings).	Accept in part As per the reasons stated for Submission 24.2

			FS 38 [24]	9 [2]	Zariba Holdings [Housing New Zealand Corporation]	Support	We agree with Housing NZ that the s.32 report has not robustly assessed and considered the various costs and benefits of preferred options.	We consider that the submission should be accepted, and Plan Change 85 should be declined or, if adopted, option 5 (incorporating location proximity-based provisions) would be more appropriate (including a set back from existing dwellings).	Accept in part As per the reasons stated for Submission 24.2
			25	2	The Aggregate and Quarry Association of New Zealand	Support with Amendment	We are also concerned that if PC85 goes ahead, existing rights are not lost so that any quarries authorised to take cleanfill via an existing resource consent (consistent with the exemption for authorised landfills) are still able to do so.	Consent must not be triggered for any quarries authorised to take clean fill via an existing resource consent (consistent with the exemption for authorised landfills).	Accept As per the reasons stated for Submission 9.1.
			FS 35 [25]	5 [2]	J Swap Contractors Ltd [The Aggregate and Quarry Association of New Zealand]	Support	The submitter seeks that existing rights are not lost so that any quarries authorised to take cleanfill via an existing resource consent are still able to do so.	J Swaps supports this approach.	Accept As per the reasons stated for Submission 9.1.
Whole of Plan Change	2	Amenity Effects	8	2	Shrimpton And Lipinski Limited Partnership	Oppose	The matters addressed by the District Plan provisions should be confined to matters of amenity.	The matters addressed by the District Plan provisions should be confined to matters of amenity.	Reject Transportation related effects are a relevant resource management consideration that the District Council has responsibility for managing.
			15	5	Matthews, Richard James	Unknown	Neighbouring properties are often close to the loading sites to reduce travel costs. This means they are also likely to include use of shared driveways, close proximity to other neighbours, long term effects on rateable values, dramatic effect on the peace and tranquillity sought by such landowners and a roading infrastructure being destroyed by so many heavy vehicles.  As an example, Oropi Rd has 2 permitted sites allowing 700,000m3 i.e. 280,000 truck movements.	Could you please explain how the neighbouring properties are going to have their concerns heard and addressed and how the roading costs being imposed are going to be addressed?	Accept in part Effects on neighbouring properties and potential impacts on roading infrastructure are intended to be addressed through the proposed Plan Change and resource consent process.
			FS 37 [15]	10 [5]	Classic Developments NZ Ltd [Matthews, Richard James]	Oppose	Cleanfills are a legitimate activity required in rural areas and to cater for fill from urban development. They are relatively short term in nature and should be provided for.	That the submission be rejected.	Accept in part It is acknowledged that cleanfill activities are required, however, not all are short-term and the effects of such activities also need to be managed in a manner consistent with the RMA.
			FS 38 [15]	10 [5]	Zariba Holdings [Matthews, Richard James]	Oppose	Cleanfills are a legitimate activity required in rural areas and to cater for fill from urban development. They are relatively short term in nature and should be provided for.	That the submission be rejected.	Accept in part It is acknowledged that cleanfill activities are required, however, not all are short-term and the effects of such activities also need to be managed in a manner consistent with the RMA.
			15	6	Matthews, Richard James	Support with Amendment	Need Council to legislate protection for neighbours to large fill sites.	Submitter requests that Council enforces mandatory notification to bordering properties, collecting their views and addressing them wherever practical.	Reject Mandatory notification is not considered appropriate as the need for notification will be dependent on the specific circumstances of each proposal and the nature of the locality. The proposed plan
			15	7	Matthews, Richard James	Unknown	The submitter acknowledges that these fill sites are necessary for urban development but neighbouring	No specific relief sought.	

					properties should have input on their effects and legal support for practical ameliorating actions.		change allows for consideration of relevant effects on neighbouring properties and must be considered when decisions are made regarding notification in accordance with the Resource Management Act 1991.
	24	3	Housing New Zealand Corporation	Oppose	<p>Housing New Zealand also notes that the wider 'amenity' related provisions, as set out in Section 4C of the operative District Plan which already contains general, 'district-wide' provisions relating to noise and vibration (including noise limits for activities within the Rural, Future Urban, Lifestyle and Rural-Residential zones) and also confirms that noise from traffic on public roads is exempt from the noise rules relating to activities within zones.</p> <p>The submitter considers that this current approach within the District Plan acknowledges that matters relating to noise emissions from vehicles on roads are managed under the Land Transport Act, rather than under the Resource Management Act.</p>	<p>(a) That PC85 be declined;</p> <p>(b) If PC85 is not declined, that the proposed provisions of PC85 be deleted and/or amended to address the matter raised in this submission; and</p> <p>(c) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.</p>	<p>Accept in part</p> <p>It is acknowledged that the District Plan includes noise limits that must be complied with and that noise from traffic on roads is exempt from the noise limits of the Plan.</p> <p>There are no specific vibration standards in the District Plan and noise standards alone are not considered sufficient to adequately manage adverse effects associated with cleanfill activities.</p>
	FS 37 [24]	11 [3]	Classic Developments NZ Ltd [Housing New Zealand Corporation]	Support	Existing district wide plan provisions relating to noise, and vibration are already contained within the District Plan and apply to cleanfill activities. This extends to construction noise standards under NZ6803.	That the submission be accepted.	<p>Accept in part</p> <p>Refer to reasons stated for submission 24.3.</p> <p>In addition, some cleanfill operations are a land use activity in themselves and are not always associated with a construction project. Therefore, the construction noise standards are not always relevant.</p>
	FS 38 [24]	11 [3]	Zariba Holdings [Housing New Zealand Corporation]	Support	Existing district wide plan provisions relating to noise, and vibration are already contained within the District Plan and apply to cleanfill activities. This extends to construction noise standards under NZ6803.	That the submission be accepted.	<p>Accept in part</p> <p>Refer to reasons stated for submission 24.3.</p> <p>In addition, some cleanfill operations are a land use activity in themselves and are not always associated with a construction project. Therefore, the construction noise standards are not always relevant.</p>
	24	4	Housing New Zealand Corporation	Oppose	<p>Section 4C of the District Plan also contains the existing provisions relating to the deposition of cleanfill materials, including performance standards which need to be complied with (as a Permitted Activity) in relation to screening and management of dust nuisance. Section 4C.4 of the operative District Plan also contains provision in relation to the management of offensive odours.</p> <p>The submitter considers that the provisions of the operative District Plan provide an appropriate framework to manage the amenity related issues which PC85 is seeking to address.</p>	<p>(a) That PC85 be declined;</p> <p>(b) If PC85 is not declined, that the proposed provisions of PC85 be deleted and/or amended to address the matter raised in this submission; and</p> <p>(c) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.</p>	<p>Reject</p> <p>It is considered that the current District Plan rules are not sufficient to adequately manage amenity related effects associated with large scale cleanfill activities.</p>
	FS 37 [24]	12 [4]	Classic Developments NZ Ltd	Support	The existing provisions in part 4 of the plan contain sufficient performance standards.	That the submission be accepted as the District Plan provides an appropriate existing framework to	Reject

					[Housing New Zealand Corporation]			manage the amenity related issues associated with the Plan Change.	As per reasons stated for submission 24.4
			FS 38 [24]	12 [4]	Zariba Holdings [Housing New Zealand Corporation]	Support	The existing provisions in part 4 of the plan contain sufficient performance standards.	That the submission be accepted as the District Plan provides an appropriate existing framework to manage the amenity related issues associated with the Plan Change.	Reject As per reasons stated for submission 24.4
			24	6	Housing New Zealand Corporation	Oppose	<p>The proposed amendments set out in PC85 appear to indicate that the issue of amenity-related effects within the rural environment are sought to be managed through introducing new earthwork volume thresholds within the rural zones, while the existing District Plan approach (e.g. no identified volume threshold) would continue to apply within residential zones.</p> <p>Given 'sensitive activities' are generally located much closer together within the residential environment - it is unclear why Council has considered that the 'amenity related' issues it has identified in the s32 report requirement further management in the rural environment, but not within the residential environment.</p>	(a) That PC85 be declined; (b) If PC85 is not declined, that the proposed provisions of PC85 be deleted and/or amended to address the matter raised in this submission; and (c) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.	Reject Council has identified that the issues associated with large cleanfill disposal sites have been, and continue to occur within rural areas.
Whole of Plan Change	3	Transportation Effects	8	3	Shrimpton And Lipinski Limited Partnership	Oppose	<p>There are at times significant vehicle movements including heavy vehicles both to and from and on properties in a rural environment from several permitted activity types in the Rural Zone that would have a significantly greater effect than movements associated with fill activities.</p> <p>A combination of seasonal and year round movements associated with a range of rural and other activities is similar in nature to those associated with any clean fill activities subject to the proposed change. They are short term and include concentrations of heavy vehicle movements during seasonal operations, which is similar to the short term nature of fill operations.</p> <p>Gradual filling operations over longer periods of time can result in more random heavy vehicle movements often from when casually obtained fill is obtained. The random or infrequent nature of these movements means they are not easily discernible from the other occasional or less concentrated heavy vehicle movements associated with non-seasonal and year round farming and other activities.</p> <p>Fill operations are often an important part of farm management and development as are other activities that generate heavy vehicle movements. Rural areas are productive environments in which heavy vehicle movement should be expected.</p> <p>Fill can commonly occur on 1 or few rural properties in a rural neighbourhood at a time. When considered with regard to the total movements associated with farming activities along rural roads the effects may be expected to be indiscernible.</p> <p>This indicates with regard to rural areas, a wider community acceptance of heavy vehicle movement</p>	If Council desires to provide control over effects on amenities from vehicle movements associated with fill activities, the alternative that is already in the District Plan is separation distances. Application of a minimum distance for access routes from sensitive activities such as dwellings would follow this already established model and address the effect of concern directly.	Accept in Part While it is acknowledged that filling and re-contouring can be an important part of legitimate rural and farming activities, Council's experience is that cleanfill activities are discernible from activities typically anticipated within the rural environment and have potential to generate significant adverse effects.  Changes are recommended to reflect Option 5, which includes performance standards with separation distances from sensitive activities.

					due to recognition it is a productive area and includes activities generating heavy vehicle movements on a regular and seasonal basis.  In regard to Future Urban and Rural Residential zones, such movements may be expected to be accepted as part of the development of these areas.			
		FS 37 [8]	13 [3]	Classic Developments NZ Ltd [Shrimpton And Lipinski Limited Partnership]	Support	If the plan change is to be granted, then the best control over effects on amenities from vehicle movements is to establish separation distances. These should be established under existing performance standards for cleanfill activities in part 4(c) of the District Plan.	That the submission be accepted in part if the plan change is to be granted and proximity-based provisions be adopted to retain clean fill activities as a permitted activity.	Accept in part  As per reasons stated for Submission 8.3
		FS 38 [8]	13 [3]	Zariba Holdings [Shrimpton And Lipinski Limited Partnership]	Support	If the plan change is to be granted, then the best control over effects on amenities from vehicle movements is to establish separation distances. These should be established under existing performance standards for cleanfill activities in part 4(c) of the District Plan.	That the submission be accepted in part if the plan change is to be granted and proximity based provisions be adopted to retain clean fill activities as a permitted activity.	Accept in part  As per reasons stated for Submission 8.3
		13	12	Horticulture New Zealand C/- Charlotte Drury	Support with Amendment	HortNZ agrees that impacts on the roading network will occur as a result of cleanfill activities but notes that the volume of material that it has been estimated that a truck can carry (5m <sup>3</sup> -10m <sup>3</sup> ), which has formed the basis of calculations used to estimate potential vehicle movements resulting from a cleanfill activity, does appear to be rather conservative. Potential impacts (in terms of number of truck movements) on the roading network may therefore not be as significant as indicated.	HortNZ supports Option 4 in the s32 Report as it would provide a more nuanced approach to managing the effects of cleanfills. HortNZ suggests that the further development and adoption of this option would enable effort (both time and cost) to be better targeted to circumstances where the potential impacts of cleanfills may be greater.	Accept  Further investigation on likely volumes of materials suggests that the initial assumptions of 5m <sup>3</sup> -10m <sup>3</sup> of material per truck did not provide for truck and trailer units. With trailers added, information suggests trucks may carry up to 24m <sup>3</sup> of material.  Changes are recommended to increase the permitted volume of cleanfill material from 1,000m <sup>3</sup> to 5,000m <sup>3</sup> , with additional performance standards (including separation distances) in line with Option 5 in the s32 Report.
		15	4	Matthews, Richard James	Support with Amendment	As it is acknowledged that the dumping traffic increases roading damage shouldn't there be a greater roading contribution from the dumping agent and the landowner, proportional to the proposed quantity of fill?  The submitter asks how the neighbouring properties are going to have their concerns heard and addressed and how the roading costs being imposed are going to be addressed.	As it is acknowledged that the dumping traffic increases roading damage shouldn't there be a greater roading contribution from the dumping agent and the landowner, proportional to the proposed quantity of fill?	Accept in part  The proposed plan change includes matters of discretion that provide for the taking of financial contributions for capacity consumption and pavement consumption (if required). In addition, the plan change also provides for the consideration of measures that an applicant may propose to mitigate adverse effects (such as on roading).
		FS 34 [15]	2 [4]	Federated Farmers of New Zealand (Inc) [Matthews, Richard James]	Support	FFNZ raised a similar point in our principle submission with regards to road damage being paid for by the exacerbator. For this reason, we support the submission to the extent that it seeks similar relief from the dumping agent but FFNZ does not believe the receiving landowner is an exacerbator and should not be targeted for financial contributions.	There should be a greater roading contribution from the dumping agent, proportional to the proposed quantity of fill.	Reject  As per the reasons stated for Submission 19.4.
		24	5	Housing New Zealand Corporation	Oppose	In relation to the s32 assessment of the potential effects on the transport network, the proposed earthworks volume threshold of 1,000m <sup>3</sup> per year would result in approximately 200 - 400 truck movements per day (assuming a truck carries 5m <sup>3</sup> or 10m <sup>3</sup> of material), meaning only 1 to 2 two-way movements per day.	(a) That PC85 be declined; (b) If PC85 is not declined, that the proposed provisions of PC85 be deleted and/or amended to address the matter raised in this submission; and (c) Such further or other relief, or	Accept in Part  It is acknowledged that when the volume of traffic is averaged over a full year (i.e. 365 days), the average daily number of traffic movements associated with 1,000m <sup>3</sup> is relatively low. However, it is

						Housing New Zealand notes that the s32 report contains no information to justify or clarify why such a low volume of truck movements per day would require management through the District Plan, or what level of potential effects on the road network could be caused by one or two truck movements per day to any given site.	other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.	understood that, in practice, there are often concentrated times for transporting material as the demand occurs at sites where the cleanfill originates. Council's Transportation Manager and Development Engineer have advised that concentrated volumes of heavy vehicle traffic, in particular, results in increased pavement and capacity consumption on the District's roads. Changes are recommended to increase the permitted volumes to 5,000m <sup>3</sup> (subject performance standards associated with separation distances and use of shared accessways) which would result in greater volumes of traffic before such effects are assessed through a resource consent process.	
			FS 36 [24]	7 [5]	NZ Transport Agency [Housing New Zealand Corporation]	Oppose	Same Further submission point as FS 36.4	The Transport Agency seeks that PC85 be approved in its current form.	Accept in part As per the reasons stated for FS 36.4.
			FS 37 [24]	14 [5]	Classic Developments NZ Ltd [Housing New Zealand Corporation]	Support	The s.32 report contains no information to justify how low volumes of truck movements requirement management through the District Plan.	That the submission be accepted.	Accept in Part As per reasons stated for Submission 24.5
			FS 38 [24]	14 [5]	Zariba Holdings [Housing New Zealand Corporation]	Support	The s.32 report contains no information to justify how low volumes of truck movements requirement management through the District Plan.	That the submission be accepted.	As per reasons stated for Submission 24.5
4C.2.1 - Significant Issue	1	Significant Issue	9	2	J Swap Contractors Ltd C/- Richard Harkness	Support	Swaps supports the changes proposed which focus on amenity values, effects on transportation network and infrastructure, and on the safety of road users and vehicle accessways.	Adopt Significant Issue 4C.2.1 as proposed.	Accept For the reasons stated in the submission.
			12	1	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Support	Significant Issue 4C.2.1 clearly identifies the issues to be managed by the plan provisions.	Retain Significant Issue 4C.2.1 as notified.	Accept For the reasons stated in the submission.
			FS 35 [12]	6 [1]	J Swap Contractors Ltd [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	The submitter seeks that significant issue 4C.2.1 is adopted as proposed. The changes proposed focus on amenity values, effects on transportation network and infrastructure, and on the safety of road users and vehicle accessways.	J Swaps also seek that Significant Issue 4C.2.1 is adopted as proposed.	Accept
4C.2.2.2 - Objectives and Policies - Policy	1	4C.2.2.2.3 Policy	9	3	J Swap Contractors Ltd C/- Richard Harkness	Support with Amendment	Swaps 'supports in part' the changes proposed to 4C.2.2.2.3 Policy subject to adequately addressing reverse sensitivity for existing quarry sites (including identified sites and active extraction quarry sites).	Add the following words to proposed Policy 4C2.2.2.3: "... except where any proposed residential activities create reverse sensitivity issues for existing quarry sites."  Or, alternatively amend Proposed Policy 4C2.2.2.3, as follows: "...amenity of existing residential activities and other established sensitive sites (when the plan became operative)."	Accept in part As per the reasons stated for Submission 9.1.

			FS 34 [9]	3 [3]	Federated Farmers of New Zealand (Inc) [J Swap Contractors Ltd C/- Richard Harkness]	Support	FFNZ supports the submitter for reasons outlined in their principle submission.	Add the following words to proposed Policy 4C2.2.2.3: "... except where any proposed residential activities create reverse sensitivity issues for existing quarry sites." Or, alternatively amend Proposed Policy 4C2.2.2.3, as follows: "...amenity of existing residential activities and other established sensitive sites (when the plan became operative)."	Accept in part  As per reasons stated for Submission 9.1
			12	2	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Oppose	The word minimise introduces uncertainty into the policy. The common definition of 'minimise' is to reduce to the smallest possible amount or degree which is not always possible or even appropriate in an RMA context. A more directive policy linked to the relevant guidelines and standards for those effects to be managed would be appropriate.  Minimisation of effects without a reference point provides limited guidance to consent applicants and decision makers as to what level of effect is acceptable.	Amend Policy 4C.2.2.2.3 to provide more specific guidance as to how effects are to be managed.	Accept in part  The submitter has not provided a specific alternative to the wording of the proposed policy. As currently worded the policy is consistent with the way in which other policies in the Amenity section of the District Plan are expressed. However, a change has been made to refer to managing effects instead of minimising effects.
			FS 35 [12]	7 [2]	J Swap Contractors Ltd [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	The submitter seeks that policy 4C.2.2.2.3 is amended to provide more specific guidance as to how effects are to be managed.	J Swaps supports in part the amendments to Policy 4C.2.2.2.3. However, J Swaps also still requests that the policy adequately addresses reverse sensitivity for existing quarry sites (including identified sites and active extraction quarry sites).	Accept in part  As per the reasons stated for Submission 12.2
			FS 34 [12]	4 [2]	Federated Farmers of New Zealand (Inc) [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	FFNZ supports the submitter for reasons outlined in their principle submission.	Amend Policy 4C.2.2.2.3 to provide more specific guidance as to how effects are to be managed.	As per the reasons stated for Submission 12.2
4C.2.3.1 - Activity Lists - Rural, Future Urban, Rural-Residential and Lifestyle Zones	1	4C.2.3.1(a) i) - (iii) Permitted Activities	8	1	Shrimpton And Lipinski Limited Partnership	Oppose	Rule 4C.2.3.1(a) should be aligned with the BOPRC Regional Natural Resource Plan rules for disturbance of land and soil to provide for a maximum of 5,000m <sup>3</sup> in a 12-month period (for other than identified sensitive environments). Regional Council matters should be left for the Regional consenting regime as reference to them results in a duplication of processes with the potential for different and conflicting outcomes.	Align proposed Rule with BOPRC Regional Natural Resource Plan rules to allow a maximum of 5,000m <sup>3</sup> cleanfill material in a 12 month period.  Leave Regional Council matters to be considered under Regional Council consenting process to avoid duplication of processes.	Accept in part  Alignment with Regional Council earthworks rule is recommended, however, additional performance standards (associated with separation distances and used of shared accessways) are recommended in line with Option 5 of the s32 Report. In addition, the proposed matters of discretion avoid duplication with Regional Council functions.
			FS 33 [8]	1 [1]	Horticulture New Zealand [Shrimpton And Lipinski Limited Partnership]	Support	HortNZ notes the request expressed by a number of submitters (for example Submitters 8, 12, 21, 25) in relation to Plan Change 85 - Cleanfill, for there to be consistency between the volume thresholds of the Bay of Plenty Natural Resources Plan, and the Western Bay of Plenty District Plan, and supports this request, which is effectively proposed Option 3, as set out in the Section 32 report for Plan Change 85. Creating consistency amongst planning frameworks where possible is positive for growers, (and all members of the community) as it reduces the risk of confusion, and	Supports aligning proposed Plan Change 85 with BOPRC Regional Natural Resource Plan rules to allow a maximum of 5,000m <sup>3</sup> cleanfill material in a 12 month period.	Accept  As per the reasons stated for Submission 8.1.



				also potentially provides an opportunity for some cost savings for those people that do need to apply for resource consent from both authorities, if the trigger/threshold level is the same.		
FS 35 [8]	8 [1]	J Swap Contractors Ltd [Shrimpton And Lipinski Limited Partnership]	Oppose	The submitter seeks that Rule 4C.2.3.1(a) should be aligned with the BOPRC Regional Natural Resource Plan rules for disturbance of land and soil to provide for a maximum of 5,000m <sup>3</sup> in a 12-month period.	While J Swaps supports the intent of raising the threshold from 1000m <sup>3</sup> to 5000m <sup>3</sup> , J Swaps seek that quarry activities are exempt from PC 85, rather than the 1000m <sup>3</sup> volume limit being replaced with the 5000m <sup>3</sup> limit for consistency with the BOPRC's RNRP.	Accept in part  As per reasons given for submission 8.1.
FS 36 [8]	8 [1]	NZ Transport Agency [Shrimpton And Lipinski Limited Partnership]	Oppose	Same Further submission point as FS 36.4	The Transport Agency seeks that PC85 be approved in its current form.	Complete
FS 37 [8]	15 [1]	Classic Developments NZ Ltd [Shrimpton And Lipinski Limited Partnership]	Support	Should the plan change proceed it should be aligned with Regional Plan provisions to avoid unnecessary duplication of process.	That the submission be accepted in part should the plan change be adopted.	Accept  As per reasons given for submission 8.1
FS 38 [8]	15 [1]	Zariba Holdings [Shrimpton And Lipinski Limited Partnership]	Support	Should the plan change proceed it should be aligned with Regional Plan provisions to avoid unnecessary duplication of process.	That the submission be accepted in part should the plan change be adopted.	Accept  As per reasons given for submission 8.1
9	4	J Swap Contractors Ltd C/- Richard Harkness	Oppose	Swaps opposes Proposed Rule 4C2.3.1(a)(i) which limits cleanfill to a limit of 1000m <sup>3</sup> within any 12-month period for sites in Rural, Future Urban, Rural-Residential and Lifestyle Zones.  This should not include quarry activities which already have regional council consents for earthworks and land use consents or existing use rights.	Amend proposed Rule 4C2.3.1(a)(i) to exclude quarry activities, by adding the following wording: "...except for authorised quarry activities."	Accept in part  As per the reasons stated for Submission 9.1.  Alternative change recommended to address issue.
FS 34 [9]	5 [4]	Federated Farmers of New Zealand (Inc) [J Swap Contractors Ltd C/- Richard Harkness]	Support	FFNZ supports the submitter for reasons outlined in their principle submission.	Amend proposed Rule 4C2.3.1(a)(i) to exclude quarry activities, by adding the following wording: "...except for authorised quarry activities."	Accept in part  As per reasons stated for Submissions 9.1 and 9.4.
9	5	J Swap Contractors Ltd C/- Richard Harkness	Support	Swaps supports proposed Rule 4C2.3.1(a)(ii) and (iii) which provides for cleanfill and organic waste originating on the same site for disposal.	Adopt Rule 4C.2.3.1(a)(ii) and (iii) as proposed.	Accept
12	3	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Support with Amendment	Under the BOPRC Regional Natural Resources Plan (RNRP) cleanfills that do not produce leachate are included under the definition of earthworks. Under RNRP rule LM R1, up to 5000 m <sup>3</sup> of earthworks can be undertaken within any 12-month period as a permitted activity if the earthworks are outside of sand dunes, ephemeral flow paths, the coastal margin and urban and riparian areas and are not on a slope >25 to 350. The proposed 1000 m <sup>3</sup> disposal limit within rule 4C.2.3.1(a) is therefore inconsistent with the RNRP.  The s32 report outlines that the 1000 m <sup>3</sup> limit will result in approximately 200 to 400 truck movements per year (assuming each truck carries between 5 m <sup>3</sup>	Increase the volume of cleanfill that is able to be disposed of as a permitted activity to 5000 m <sup>3</sup> per any month period to be consistent with the RNRP.  The wording requested is as follows: Rule 4C.2.3.1 Rural, Future Urban, Rural-Residential and Lifestyle Zones (a) Permitted Activities Disposal on private land (i.e. not to an authorised landfill) of the	Accept in part  It is agreed that the traffic volumes estimated within the s32 report have not considered the potential for truck and trailer units (combined).  For reasons requested by submitters, it is recommended to increase the maximum permitted cleanfill volume from 1,000m <sup>3</sup> to 5,000m <sup>3</sup> , with additional performance standards in line with Option 5.

					<p>and 10 m3). It is unclear whether this calculation is incorrect or if compaction onsite has been factored in. Regardless, the s32 report indicates that this level of vehicle generation is acceptable and achieves the policy outcomes sought.</p> <p>A typical haulage truck can cart up to 10 m3 of material (without a trailer). Therefore, the 5000 m3 limit may generate approximately 500 - 600 truck movements per year or less than 2.5 truck movements per day when operating either five days per week; or a potential increase of approximately 100 - 200 vehicles movements per year over the PC85 limit.</p> <p>Vehicle generation will either be temporary if cleanfilling is concentrated, or of very low intensity if spread over the 12 month permitted period. In either scenario, a 5000 m3 limit is consistent with the intent of proposed Policy 4C.2.2.2.3 to manage the effects associated with cleanfill operations to an acceptable level, while also providing an integrated planning approach with the RNRP.</p>	<p>following solid waste materials:</p> <ul style="list-style-type: none"> <li>(i) Cleanfill material originating from off the disposal site where the total volume of material does not exceed 5,000 m3 within any 12 month period;</li> <li>(ii) Cleanfill material originating from the same site on which it is to be disposed;</li> <li>(iii) Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.</li> </ul>	<p>This will ensure greater consistency with Regional Council rules and greater efficiency for Applicants, while still ensuring an appropriate level of management for cleanfill activities with greater risk of causing adverse amenity effects.</p>
FS 32 [12]	4 [3]	Kainga Ora - Homes & Communities [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Oppose	<p>Kainga Ora opposes this submission point as it is contrary to the relief sought in Kainga Ora's primary submission, and the reasons for that relief. In any event, Kainga Ora considers that a generic 5000m3 cleanfill threshold is not appropriate.</p>	<p>Oppose introducing provisions to require resource consent for cleanfill activities involving the deposition of more than 5,000m3 of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones.</p>	<p>Reject</p> <p>For the reasons stated in Submission 24.4</p>	
FS 33 [12]	18 [3]	Horticulture New Zealand [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	<p>HortNZ notes the request expressed by a number of submitters (for example Submitters 8, 12, 21, 25) in relation to Plan Change 85 - Cleanfill, for there to be consistency between the volume thresholds of the Bay of Plenty Natural Resources Plan, and the Western Bay of Plenty District Plan, and supports this request, which is effectively proposed Option 3, as set out in the Section 32 report for Plan Change 85. Creating consistency amongst planning frameworks where possible is positive for growers, (and all members of the community) as it reduces the risk of confusion, and also potentially provides an opportunity for some cost savings for those people that do need to apply for resource consent from both authorities, if the trigger/threshold level is the same.</p>	<p>Supports aligning proposed Plan Change 85 with BOPRC Regional Natural Resource Plan rules to allow a maximum of 5,000m3 cleanfill material in a 12 month period.</p>	<p>Accept in part</p> <p>For the reasons stated for Submission 12.3.</p>	
FS 34 [12]	6 [3]	Federated Farmers of New Zealand (Inc) [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	<p>FFNZ supports the submitter for reasons outlined in their principle submission.</p>	<p>Increase the volume of cleanfill that is able to be disposed of as a permitted activity to 5000 m3 per any month period to be consistent with the RNRP.</p>	<p>Accept in part</p> <p>For the reasons stated for Submission 12.3.</p>	
FS 35 [12]	9 [3]	J Swap Contractors Ltd [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Oppose	<p>While J Swaps supports the intent of raising the threshold from 1000m3 to 5000m3, J Swaps seek that quarry activities are exempt from PC 85, rather than the 1000m3 volume limit being replaced with the 5000m3 limit for consistency with the BOPRC's RNRP.</p>	<p>J Swaps seek that quarry activities are to be exempt from PC 85.</p>	<p>Accept in part</p> <p>For the reasons stated for Submission 12.3.</p>	
FS 36 [12]	9 [3]	NZ Transport Agency [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Oppose	<p>Same Further submission point as FS 36.4</p>	<p>The Transport Agency seeks that PC85 be approved in its current form.</p>	<p>Accept in part</p> <p>As per the reasons stated for FS 36.4</p>	

			FS 37 [12]	16 [3]	Classic Developments NZ Ltd [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	Should the plan change proceed it should be aligned with Regional Plan provisions to avoid unnecessary duplication of process.	That the submission be accepted in part should the plan change be adopted.	Accept in part  For the reasons stated for Submission 12.3.
			FS 38 [12]	16 [3]	Zariba Holdings [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	Should the plan change proceed it should be aligned with Regional Plan provisions to avoid unnecessary duplication of process.	That the submission be accepted in part should the plan change be adopted.	Accept in part  For the reasons stated for Submission 12.3.
			25	1	The Aggregate and Quarry Association of New Zealand	Oppose	The District Plan definition of "quarrying" currently includes clean filling meaning that any consent application for a quarry which plans to accept clean fill as part of its operation would normally cover off clean filling and no limit in terms of volume accepted is specified by the Plan. Reliance is placed on the BOPRC Regional Water & Land Plan provisions instead.  We note that the proposed threshold of 1000m3/year cleanfill proposed under PC85 is much lower than the 5000m3 of earthworks that is permitted under the BOPRC Natural Resources Plan and considers the 1000m3 threshold is too restrictive and that the volume of cleanfill that is able to be disposed of as a permitted activity should be left at 5000m3 per any 12 month period.	That the 1000 m3 volume limit should not be introduced and the existing 5000m3 limit, as allowed under the Bay of Plenty Regional Natural Resources Plan, should apply.	Accept in part  As per reasons stated for Submission 12.3
			FS 33 [25]	20 [1]	Horticulture New Zealand [The Aggregate and Quarry Association of New Zealand]	Support	HortNZ notes the request expressed by a number of submitters (for example Submitters 8, 12, 21, 25) in relation to Plan Change 85 - Cleanfill, for there to be consistency between the volume thresholds of the Bay of Plenty Natural Resources Plan, and the Western Bay of Plenty District Plan, and supports this request, which is effectively proposed Option 3, as set out in the Section 32 report for Plan Change 85. Creating consistency amongst planning frameworks where possible is positive for growers, (and all members of the community) as it reduces the risk of confusion, and also potentially provides an opportunity for some cost savings for those people that do need to apply for resource consent from both authorities, if the trigger/threshold level is the same.	Supports aligning proposed Plan Change 85 with BOPRC Regional Natural Resource Plan rules to allow a maximum of 5,000m3 cleanfill material in a 12 month period.	Accept in part  As per reasons stated for Submission 12.3
			FS 35 [25]	10 [1]	J Swap Contractors Ltd [The Aggregate and Quarry Association of New Zealand]	Support	The submitter seeks that the 1000 m3 volume limit should not be introduced and the existing 5000m3 limit, as allowed under the Bay of Plenty Regional Natural Resources Plan should apply.	While J Swaps supports the intent of raising the threshold from 1000m3 to 5000m3, J Swaps seek that quarry activities are exempt from PC 85, rather than the 1000m3 volume limit being replaced with the 5000m3 limit for consistency with the BOPRC's RNRP.	Accept in part  As per reasons stated for Submissions 9.1 and 25.1.
			FS 36 [25]	11 [1]	NZ Transport Agency [The Aggregate and Quarry Association of New Zealand]	Oppose	Same Further submission point as FS 36.4	The Transport Agency seeks that PC85 be approved in its current form.	Accept in part  As per the reasons stated for FS 36.4
4C.2.3.1 - Activity Lists - Rural, Future Urban,	2	4C.2.3.1(b) - Restricted	9	6	J Swap Contractors Ltd C/- Richard Harkness	Oppose	Opposes proposed Rule 4C.2.3.1(b) Restricted Discretionary Activities	Amend proposed Rule 4C.2.3.1(b)(i) Restricted Discretionary Activities to exclude	Accept in part

Rural-Residential and Lifestyle Zones		Discretionary Activities						quarry activities, by adding the following wording: "...except for authorised quarry activities."	As per the reasons stated for Submission 9.1.
			FS 34 [9]	7 [6]	Federated Farmers of New Zealand (Inc) [J Swap Contractors Ltd C/- Richard Harkness]	Support	FFNZ supports the submitter for reasons outlined in their principle submission.	Amend proposed Rule 4C.2.3.1(b)(i) Restricted Discretionary Activities to exclude quarry activities, by adding the following wording: "...except for authorised quarry activities."	Accept in part As per the reasons stated for Submission 9.1
			12	4	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Support with Amendment	Fulton Hogan supports the restricted discretionary activity status. However, as discussed in relation to Rule 4C.2.3.1, the 1000 m3 limit should be raised to 5000 m3 to be consistent with the RNRP.	Increase the volume of cleanfill that triggers the restricted discretionary activity status to 5000 m3 within any 12-month period. The wording requested is as follows: Rule 4C.2.3.1 Rural, Future Urban, Rural-Residential and Lifestyle Zones (b) Restricted Discretionary Activities (i) Disposal of cleanfill material on private land (i.e. not to an authorised landfill) where the cleanfill material originates from off the site and the volume of material exceeds 5,000 m3 within any 12 month period.	Accept in part As per the reasons stated for Submission 12.3.
			FS 32 [12]	5 [4]	Kainga Ora - Homes & Communities [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Oppose	Kainga Ora opposes this submission point as it is contrary to the relief sought in Kainga Ora's primary submission, and the reasons for that relief. In any event, Kainga Ora considers that a generic 5000m3 cleanfill threshold is not appropriate.	Oppose introducing provisions to require resource consent for cleanfill activities involving the deposition of more than 5,000m3 of material per year in the Rural, Future Urban, Lifestyle and Rural Residential Zones.	Reject
			FS 34 [12]	8 [4]	Federated Farmers of New Zealand (Inc) [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	FFNZ agrees the limit threshold should be increased to be consistent with the Regional Plan.	Increase the volume of cleanfill that triggers the restricted discretionary activity status to 5000 m3 within any 12 month period.	Accept in part As per the reasons stated for Submission 12.3.
			FS 35 [12]	11 [4]	J Swap Contractors Ltd [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	The submitter seeks that the volume of cleanfill that triggers the restricted discretionary activity status is increased to 5000 m3 within any 12- month period.	While J Swaps supports the intent of raising the threshold from 1000m3 to 5000m3, J Swaps seek that quarry activities are exempt from PC 85, rather than the 1000m3 volume limit being replaced with the 5000m3 limit for consistency with the BOPRC's RNRP.	Accept in part As per reasons stated for Submissions 9.1 and 25. 1.
			FS 36 [12]	10 [4]	NZ Transport Agency [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Oppose	Same Further submission point as FS 36.4	The Transport Agency seeks that PC85 be approved in its current form.	Accept in part As per the reasons stated for FS 36.4
4C.2.3.1 - Activity Lists - Rural, Future Urban, Rural-Residential and Lifestyle Zones	3	4C.2.3.1(c) - Discretionary Activities	9	7	J Swap Contractors Ltd C/- Richard Harkness	Oppose	Swaps opposes Rule 4C.2.3.1(c) Discretionary Activities where cleanfill exceeds a limit of 1000m3 within any 12-month period, and where solid waste (other than cleanfill) from off-site is disposed. This should not include authorized quarry sites. Seek clarification	Amend proposed Rule 4C.2.3.1(c)(i) Discretionary Activities to exclude quarry activities, by adding the following wording: "...except for authorised quarry activities."	Accept in part As per the reasons stated for Submission 9.1.

4C.2.3.1 - Activity Lists - Rural, Future Urban, Rural-Residential and Lifestyle Zones	4	4C.2.3.1 - Explanatory Notes	8	4	Shrimpton And Lipinski Limited Partnership	Oppose	Movements associated with fill in other zones such as Rural Residential and Future Urban referred to in the proposed rule are concerned with construction of the urban or Rural Residential environments. These are recognised and short term construction activities common to development of these areas. They often result from the subdivision process in which effects from vehicle movement can be considered. Restriction on the number of movements, if not provided for in subdivision consents, which would be expected, will result in the rate of development being slowed considerably and thus dispersal of any effects over a longer time frame and thus causing a greater effect on amenities.  In regard to Future Urban and Rural Residential zones, such movements may be expected as part of the development of these areas.	No specific relief sought.	Accept in part  While it is acknowledged that filling within the Rural Residential and Future Urban Zones may be undertaken in association with urban or rural-residential development, management of environmental effects is a relevant matter and Council's experience is that many cleanfill activities are occurring over an extended period with unacceptable adverse effects as a consequence.
			17	6	Bay of Plenty Regional Council	Support with Amendment	BOPRC support the proposed Explanatory Note in the draft rule that directs Plan users to the Regional Natural Resources Plan but notes this needs to be updated to refer instead to the Regional Natural Resources Plan.	Retain and amend proposed Explanatory Note 4C.2.3.1(iii) to read: 'Disposal of all solid waste on private land (including cleanfill) is subject to the provisions of the Regional Natural Resources Plan.'	Accept  Updating reference to the Regional Natural Resources Plan reflects the new and correct name of the relevant Regional Plan.
			FS 37 [17]	17 [6]	Classic Developments NZ Ltd [Bay of Plenty Regional Council]	Oppose	The explanatory statement does not need to repeat matters in the natural resources plan as this results in unnecessary provisions which duplicate existing plan provisions elsewhere.	That the submission be rejected.	Reject  The explanatory note to Rule 4C.2.3.1 is currently included within the District Plan to provide guidance for plan users to check Regional Council requirements. It does not repeat or duplicate rules in the Regional Plan and inclusion of the updated plan name is considered appropriate.
			FS 38 [17]	17 [6]	Zariba Holdings [Bay of Plenty Regional Council]	Oppose	The explanatory statement does not need to repeat matters in the natural resources plan as this results in unnecessary provisions which duplicate existing plan provisions elsewhere.	That the submission be rejected.	Reject  The explanatory note to Rule 4C.2.3.1 is currently included within the District Plan to provide guidance for plan users to check Regional Council requirements. It does not repeat or duplicate rules in the Regional Plan and inclusion of the updated plan name is considered appropriate.
4C.2.3.2 - Activity Lists - All Other Zones	1	4C.2.3.2(a) - Permitted Activities	12	5	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Support	Fulton Hogan suggest that the disposal of cleanfill material within urban zones as a permitted activity is considered appropriate. These urban zones typically have suitable transport infrastructure such that they can cater to the vehicle movements associated with a cleanfill. Additionally, a cleanfill within these zones will remain subject to the noise and vibration rules within the plan. Therefore, these effects will continue to be managed under the existing provisions and do not require further control.	Retain Rule 4C.2.3.2 as notified.	Accept  Rule 4C.2.3.2(a) as currently drafted is a consequential change and reflects existing rule requirements for the non-rural zones.
4C.2.3.2 - Activity Lists - All Other Zones	3	4C.2.3.2 - Explanatory Notes	12	6	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Oppose	Fulton Hogan suggests that the explanatory note is not considered necessary for the "All other Zones" rules within section 4C.2.3.2 as there is no mention of volume in rules 4C.2.3.2 (a) and (b) that would need to be calculated to determine the activity status.	Remove Rule 4C.2.3.2 Explanatory Note (ii) as outlined below: "(ii) The volume of cleanfill material is to be calculated as a solid measure compacted in place at the disposal site."	Accept  For the reasons stated in Submission 12.6

4C.2.4.1 - Activity Performance Standards - General	1	4C.2.4.1(d) - Processing of Cleanfill Material Sourced Off Site	9	10	J Swap Contractors Ltd C/- Richard Harkness	Support with Amendment	Clarification is sought on the use of the term, 'processing' within the Plan Change.	The submitter seeks clarification of the use of term "processing".	Accept As per the reasons stated for Submission 12.7 (below)
			FS 34 [9]	9 [10]	Federated Farmers of New Zealand (Inc) [J Swap Contractors Ltd C/- Richard Harkness]	Support	FFNZ agrees that a better understanding of what is meant by the term 'processing' would be useful for plan users.	Clarification of the term 'processing' is sought in reference to 4C.2.4.1(d) - Processing of Cleanfill Material Sourced Off Site.	Accept As per the reasons stated for Submission 12.7 (below)
			9	9	J Swap Contractors Ltd C/- Richard Harkness	Oppose	Swaps Opposes proposed Rule 4C2.4.1(d) which requires all cleanfill material sourced from off-site to be ready for disposal without further processing.	Delete Rule 4C.2.4.1(d) as proposed in PC85, unless quarry sites are exempt.	Accept Changes are recommended to clarify that Rules 4C.2.3.1 and 4C.2.3.2 do not relate to quarries as such activities are controlled through the relevant zone rules (as discretionary or non-complying activities).
			12	7	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Oppose	Fulton Hogan submits that it is uncertain what activities the terms 'dismantling' or 'processing' may preclude.  Some processing of cleanfill material at the cleanfill site, such as sorting may be required in order to achieve site specific fill requirements. As currently worded, activity standard 4C.2.4.1(d) is not clear as to whether this activity would be precluded. The implications are that clean filling that requires some sorting or other minor processing may become non-compliant with this permitted activity rule immediately, and require a resource consent as a Restricted Discretionary activity.	Amend 4C.2.4.1(d) Activity Performance Standards - General to read as follows: "(d) Processing of Clean fill Material Sourced Off Site. All clean fill material sourced from off the site shall be ready for disposal without the need for mechanical crushing and screening occurring onsite prior to disposal."	Accept For the reasons stated in Submission 12.7
			FS 34 [12]	10 [7]	Federated Farmers of New Zealand (Inc) [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Support	FFNZ agrees that a better understanding of what is meant by the term 'processing' would be useful for plan users.	Clarification of the term 'processing' is sought in reference to 4C.2.4.1(d) - Processing of Cleanfill Material Sourced Off Site.	Accept For the reasons stated in Submission 12.7
			FS 35 [12]	12 [7]	J Swap Contractors Ltd [Fulton Hogan Ltd C/- Tonkin and Taylor Limited]	Oppose	The submitter seeks that Rule 4C.2.4.1(d) is amended as follows: "(d) Processing of Clean fill Material Sourced Off Site. All clean fill material sourced from off the site shall be ready for disposal without the need for mechanical crushing and screening occurring onsite prior to disposal." (delete reference to 'dismantling' or 'processing').	J Swaps seek that Rule 4C.2.4.1(d) is deleted as proposed in PC85, unless quarry sites are exempt.	Accept As per the reasons stated in Submissions 9.9 and 12.7
4C.2.5.1 - Matters of Discretion - Restricted Discretionary Activities	1	4C.2.5.1(a) - (g)	9	11	J Swap Contractors Ltd C/- Richard Harkness	Support	Swaps supports proposed Rule 4C.2.5.1(a) - (g) for Restricted Discretionary Activities; and also as a guide for Discretionary Activities.	Adopt 4C.2.5.1(a) - (g) as proposed in PC85.	Accept in part The matters of discretion as notified are generally considered appropriate, subject to minor changes recommended in response to the submissions and further submissions.
			FS 34 [9]	11 [11]	Federated Farmers of New Zealand (Inc) [J Swap Contractors Ltd C/- Richard Harkness]	Support	Support is extended to the matters of discretion as proposed	Adopt 4C.2.5.1(a) - (g) as proposed in PC85.	Accept in part As per the reasons for Submission 9.11

			12	8	Fulton Hogan Ltd C/- Tonkin and Taylor Limited	Oppose	<p>The submitter suggests that point (e) of provision 4C.2.5.1 Matters of Discretion - Discretionary Activities (which includes the views of the NZ Transport Agency as a matter of discretion) is not an effect that can be addressed or assessed by an applicant or decision maker.</p> <p>The matters of discretion should refer to the effects of an activity on the State Highway, which an applicant can avoid, remedy and mitigate, rather the NZ Transport Agencies views. The views of an outside third party should be considered after an effects assessment has been completed and through s.95 notification decisions as provided for under the RMA 1991.</p>	<p>Reword provision 4C.2.5.1(e) as follows:</p> <p>(e) Effects on the State Highway network.</p>	<p>Accept in part</p> <p>For the reasons stated in Submission 12.8, it is considered that it is the effects on the State Highway that are relevant. It is also acknowledged, however, that in many instances the views of NZTA will need to be obtained to determine and assess such effects.</p> <p>It is recommended that the matter of discretion be extended to include reference to effects on the State Highway network, and that the existing wording also be retained. In this regard, it is acknowledged that in many cases the views of NZTA will be required to determine effects, and consultation with the Agency is also encouraged to ensure effects are managed appropriately.</p>
			15	8	Matthews, Richard James	Unknown	<p>Matters of Discretion 4C.2.5.1 is unclear about its application for 1,000m<sup>3</sup> per year or BOPRC consent. If WBOPDC apply it to all dumping, then it could conflict with BOPRC consent. If it doesn't then major dumpsites will have less protection than smaller sites.</p>	<p>No specific relief sought.</p>	<p>Reject</p> <p>Proposed Plan Change 85 would mean that there are additional controls for cleanfill sites and that amenity and transportation related matters are controlled through the District Plan. Each Council is responsible for managing different effects under the RMA.</p>