

# **Submission**

## **Aggregate and Quarry Association**

### **To Western Bay of Plenty District Council**

#### **District Plan Change 85**

#### **September, 2019**

### **Introduction**

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

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

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

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

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

### **Submission**

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

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

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

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

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

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

We are also concerned that if the plan change goes ahead, existing rights are not lost so that any quarries authorised to take cleanfill via an existing resource consent (consistent with the exemption for authorised landfills) are still able to do so.

The AQA recommends that:

- The 1000 m<sup>3</sup> volume limit should not be introduced and the existing 5000m<sup>3</sup> limit, as allowed under the Bay of Plenty Regional Natural Resources Plan, should apply
- If the plan change is accepted, consent must not be triggered for any quarries authorised to take clean fill via an existing resource consent (consistent with the exemption for authorised landfills).

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