

MEMORANDUM

File No:2775-15

TO One Plan Hearings Panel - Land

FROM Matthew Mackay (Palmerston North City Council)

DATE 7 August 2008

SUBJECT Response to Questions from Independent Commissioner Rob van Voorthuysen

On 17 July 2008 Mr. David Murphy presented a submission to the One Plan - Land Panel on behalf of Palmerston North City Council (PNCC). Mr. Matthew Mackay also attended from PNCC to respond to questions relating to Proposed Plan Change 42 (Earthworks).

In response to the PNCC submission, Independent Hearing Commissioner Mr. Rob van Voorthuysen, queried the Palmerston North City District Plan (District Plan) with regard to *Quarrying Activities*, and in particular, the matters PNCC considered in its assessment of applications for resource consent. This memorandum is a response to that question.

The District Plan identifies *Quarrying* as a Discretionary Activity (Unrestricted) both in the Rural Zone and in the Flood Protection Zone. A full copy of each associated rule is attached to this memorandum.

Attention is drawn to clause (f), (g) and (h) of Rural Zone Rule 9.9.3, and clause (f) of Flood Protection Zone Rule 8.3.1.

Rural Zone Rule 9.9.3

...

In determining whether to grant consent and what conditions if any to impose, Council will, in addition to the City View objectives in section 2 and the Rural Zone objectives and policies, assess any application in terms of the following further policies:

...

- (f) To ensure that the extraction of gravel has no adverse effects on the management of the potential of the river and/or stream to flooding.
- (g) To avoid, remedy or mitigate the effects on soil stability.
- (h) To avoid, remedy or mitigate any potential effects on water quality and river or stream habitats if quarrying is undertaken near rivers or streams.

Flood Protection Zone Rule 8.3.1

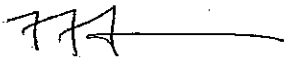
...

In determining whether to grant consent and what conditions to impose, if any, Council will, in addition to the City View objectives in section 2 and the Natural Hazards objectives and policies, assess any application in terms of the following further policies:

...

- (f) To avoid, remedy or mitigate the effects on the adjacent river including effects on flows, water quality, bank stability and habitats.

It is further noted that the standard practice of the PNCC Resource Consents team is to request an applicant to obtain the written approval of Horizons Regional Council in support of any resource consent application for a Quarrying Activity near a waterway. Applicants are also advised to contact the Regional Council to confirm whether any Regional Council resource consent is also required (see note under Rule 9.9.3).



Matthew Mackay
Policy Planner
PALMERSTON NORTH CITY COUNCIL

Attached: District Plan Rural Zone (Section 9) Rule 9.9.3, and
District Plan Flood Protection Zone (Section 22) Rule 8.3.1.

R 9.9.2 Sawmills, Rural Industries and Wind Farms

Sawmills, Rural Industries and Wind Farms are Discretionary Activities (Unrestricted).

In determining whether to grant consent and what conditions if any to impose, Council will in addition to the City View objectives in section 2 and the Rural Zone objectives and policies, assess any application in terms of the following further policies:

- (a) To avoid, remedy or mitigate adverse visual impacts of any proposed building, structure or storage areas for products and waste, on the surrounding rural environment, and on the landscape values of adjoining areas.
- (b) To avoid, remedy or mitigate the effects of noise and other environmental disturbance, on the amenity of the surrounding area.
- (c) To avoid, remedy or mitigate the risk of contamination posed by hazardous substances.
- (d) To avoid, remedy or mitigate the adverse effects on the safe and efficient operation of the roading network from the traffic movements generated by activities.
- (e) To ensure the provision of adequate on-site parking, loading, manoeuvring and access space to avoid this taking place on roads.

Explanation

All industrial activities in the rural area, because of the lack of services, have the potential to create adverse effects on the rural environment. Their usually, "one-off" location also increases their visual impact as does outdoor storage of goods and waste. A Discretionary Activity consent process gives Council the opportunity to assess any adverse effects and to ensure that those effects are avoided, remedied or mitigated. In the case of wind farms, the largely unknown effects of the activity mean that it is essential that it be examined on a case by case basis.

In respect of these activities, it should be noted that horizons.mw may have separate consent requirements.

R 9.9.3 Quarrying, Including the removal of sand, shingle, soil or other material

Quarrying, including the removal of sand, shingle, soil or other material is a Discretionary Activity (Unrestricted).

In determining whether to grant consent and what conditions if any to impose, Council will, in addition to the City View objectives in section 2 and the Rural Zone objectives and policies, assess any application in terms of the following further policies:

- (a) To avoid, remedy or mitigate the adverse effects on the safe and efficient operation of the roading network from the traffic movements generated by activities.
- (b) To ensure the provision of adequate on-site parking, loading, manoeuvring and access space to avoid this taking place on roads.
- (c) To avoid, remedy or mitigate the effects of noise, dust and other environmental disturbances on the amenity values of the area, particularly on adjacent residential uses.
- (d) To require any proposed reinstatement works to return the land to its previous, or a better state.
- (e) To avoid, remedy or mitigate the effects of the proposal on any area of environmental or

cultural significance, or of particular significance to Tangata Whenua.

- (f) To ensure that the extraction of gravel has no adverse effects on the management of the potential of the river and/or stream to flooding.
- (g) To avoid, remedy or mitigate the effects on soil stability.
- (h) To avoid, remedy or mitigate any potential effects on water quality and river or stream habitats if quarrying is undertaken near rivers or streams.

Explanation

Quarrying within the City frequently takes place at the interface of the land and a river. As such, this area represents a delicate environmental area on which there is the potential for significant adverse effects. Care needs to be exercised to ensure these and other effects such as noise can be mitigated and that land is restored to a reasonable state at the end of operations.

In respect of these activities, it should be noted that the Manawatu-Wanganui Regional Council may have separate consent requirements.

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R 9.9.4 Community and Leisure Facilities and Tourist Facilities (excluding those prohibited by R 9.11.1).

Community and Leisure Facilities and Tourist Facilities are Discretionary Activities (Unrestricted).

In determining whether to grant consent and what conditions to impose, if any, Council will in addition to the City View objectives in section 2 and the Rural Zone objectives and policies, assess any application in terms of the following further policies:

- (a) To avoid, remedy or mitigate the effects of noise, hours of operation and other environmental disturbance on surrounding rural environments, particularly residentially used properties.
- (b) To avoid, remedy or mitigate the adverse effects on the safe and efficient operation of the roading network from the traffic movements generated by activities.
- (c) To ensure the provision of adequate on-site parking, loading, manoeuvring and access space to avoid this taking place on roads.
- (d) To avoid, remedy or mitigate the visual impact of any proposed buildings or structures on the rural environment.
- (e) To ensure the design and appearance of any structure is in character with or complementary to the ambience and amenity values of the rural environment.
- (f) To ensure that building construction is fitted with appropriate acoustic insulation to achieve a satisfactory internal noise environment.

NOTE TO PLAN USERS:

Refer to Section 5.4 (j) - Information Requirements for Land Use Consents for additional information to be provided when lodging an application for a resource consent in respect of noise attenuation.

Explanation

Both these activities have the potential to cater for the recreation and leisure needs of the rural and wider community, including visitors to the City. However their potentially diverse nature means they must be carefully assessed to ensure that all adverse effects are avoided, remedied or mitigated.

- (e) To assess the adequacy of any proposed reinstatement works to return the land to its previous or better state.

Explanation

The New Zealand Defence Force (NZDF) may need to carry out temporary military training activities which do not meet the performance conditions for permitted activities. In this case, it is important to ensure that any adverse effects of training activities on the environment are avoided, remedied or mitigated.

22.8.3 Rules : Discretionary Activities (Unrestricted)

R 22.8.3.1 Discretionary Activities (Unrestricted)

The following activities are Discretionary Activities (Unrestricted).

- (i) Quarrying;
- (ii) Concrete Manufacturing, including machinery, plant, buildings and associated retailing activities.

In determining whether to grant consent and what conditions to impose, if any, Council will, in addition to the City View objectives in section 2 and the Natural Hazards objectives and policies, assess any application in terms of the following further policies:

- (a) To avoid, remedy or mitigate the effects of traffic on the safe and efficient operation of the roading network and on the surrounding area through adequate provision of parking, loading, manoeuvring and access space.
- (b) To avoid, remedy or mitigate the effects of noise, dust and other environmental disturbances on the amenity values of the area, particularly on adjacent residential uses.
- (c) To assess the adequacy of any proposed reinstatement works to return the land to its previous or better state.
- (d) To ensure that any exacerbation of flooding hazard associated with the site is avoided, remedied or mitigated.
- (e) To avoid, remedy or mitigate the effects of the proposal on any area of environmental or cultural significance.
- (f) To avoid, remedy or mitigate the effects on the adjacent river including effects on flows, water quality, bank stability and habitats.

R 22.8.3.2 Bridges

Bridges are a Discretionary Activity (Unrestricted).

Explanation

Given the dissected nature of urban development within the City, the Council recognises that the construction of a further bridge or bridges across the Manawatu River may be required in future to ensure a more efficient movement of vehicles across this watercourse.

