FEEDBACK TO THE MINISTRY FOR THE ENVIRONMENT ON FIRST SET OF DRAFT
THE NATIONAL PLANNING STANDARDS

1. Introduction

1.1. Fulton Hogan Limited ("Fulton Hogan") welcomes the opportunity to submit on the
Ministry for Environment's ("Ministry") Draft National Planning Standards published
June 2018 ("Planning Standards").

1.2. Fulton Hogan is a New Zealand civil contracting company that has been operating
since 1933. Fulton Hogan specialises in civil construction, particularly (but not limited
to) road construction and maintenance and asphalt surfacing. Fulton Hogan's civil
contracting and construction operations operate throughout New Zealand, Australia
and the South Pacific. Employing over 5,500 people, Fulton Hogan remains privately
owned, having approximately 35% employee ownership.

1.3. Fulton Hogan's operations include:
   a) Over 34 quarry sites across New Zealand (including both hard rock and gravel
      quarries) and river gravel extraction in the South Island;
   b) Asphalt plants and bitumen plants as well as regional and branch depots around
      the country; and
   c) Supporting the creation of infrastructure required to support growth in residential
      development, including installation of water and waste water infrastructure,
      construction and maintenance of bridge structures, rail construction and
      maintenance, airport runway construction and maintenance, ports hardstand
      areas, irrigation infrastructure, and precast / pre-stressed concrete fabrication
      amongst other things.

1.4. Fulton Hogan is also a major national land developer having undertaken many
significant large scale greenfield residential developments.

1.5. Fulton Hogan has expended a significant amount of time and resource in planning
processes across the country, including more recently the Auckland Unitary Plan and
the Christchurch Replacement District Plan, in order to ensure that the planning
framework supports the significant investment that Fulton Hogan has made in its
existing operations and provides for its future growth.

2. Outcomes and Benefits

2.1. Fulton Hogan is supportive of the Ministry developing the Planning Standards and
from a user’s perspective agrees with the Ministry’s focussed outcomes.
   a) Less time and resources required to prepare and use plans
   b) Content is easier to access, and relevant content easier to find.
   c) National consistency in plans, resulting in better implementation on the ground.
   d) Council focus resources on plan content that influence local resource
      management outcomes important to the community.
   e) Good planning practice is applied quickly across councils.

2.2. Fulton Hogan is keen to spend less time and resources making submissions on
regional and district planning processes. To this end Fulton Hogan supports the
proposal to introduce the Planning Standards as consistent and clear documents
that set out consistent standards incorporating common definitions within and across
all regions. We are also supportive of a plan development process supported by an
efficient council planning and resource management practices implemented by councils.

2.3. Fulton Hogan supports the staged approach that the Ministry is adopting to the development and implementation of the Planning Standards. A staged approach should allow opportunity for the inevitable creases in the Planning Standards to be identified and ironed out as an iterative process.

3. **Standard - S-ASM Structure- area specific matters – zones**

3.1. Fulton Hogan is of the view that the Planning Standards should provide direction as to the types of zones available and to how these are to be used while maintaining a level of discretion with councils as to the application of these zones. Given the potential implications of zone descriptions (i.e. setting expectations around levels of amenity and potential for reverse sensitivity effects), clear guidance and understanding of zoning definitions and content is something to be strongly considered when developing the Planning Standards.

3.2. For Fulton Hogan, a key consideration for any zones included through the standards is the protection of existing activities that are established in the environment. This would help to avoid future conflicts when unrelated or conflicting activities cohabitate in one area with the resulting reverse sensitivity problems. From our experience, reverse sensitivity issues are very time consuming and costly to councils, communities and industry from a time, engagement and economic perspective. Quarries provide a very topical example of reverse sensitivity matters from the perspective of communities, industry and councils. At present, we have a number of projects where compelling but competing objectives or goals are trying to be achieved.

3.3. Zones also have the potential to provide protection to a resource such as aggregate by identifying the resource, and clearly indicating to the community the intended land use (e.g. quarrying). While zones can provide protection, they can also drive up land costs. There is also the potential for the existence of a zone to restrict expansion of existing quarries or the establishment of new quarries outside the zone regardless of effect or suitability of the resource at the site.

3.4. On this basis further discussion and investigation into other methods that could be used for resource identification and protection should be considered as an alternative to zoning. For example, resource presence could be identified through the development of an overlay. This overlay would allow for early identification of areas where quarry activities could expand to or develop helping set community expectations about the possibility of quarrying in the district. It may also assist in avoiding the sterilisation of a high value resource through guiding land use development over or in close proximity to the resource.

3.5. Fulton Hogan are of the view that zoning may not suit quarrying in all districts and realise that there is a need for further investigation and analysis of this issue. On this basis, they would like to see discretion retained with plan makers as to whether quarry related zones are included in district plans or not, and not have quarrying or mining zones included in the national planning standards at this stage.

3.6. Reverse sensitivity effects on aggregate and quarry resources also has the potential to sterilise existing and future productive resource. This has the potential to reduce both private and public sector revenue, as central government holds significant ownership of crown mineral rights and derives significant revenues from these.
4. Standard F-1 Electronic accessibility and functionality

4.1. Fulton Hogan is very supportive of electronic accessibility and functionality particularly direct access to geospatial referenced planning documents that can more easily be kept current enabling Fulton Hogan more efficient assessment of the legislative parameters and authorisation processes that apply.

4.2. We are also of the view that the wider development and use of e-plans will not only support consistency and efficiency within councils but also enable efficient use with the corresponding positive community and economic effect.

5. Definitions Standard CM-1 & CM-2 Content and Metric Standards

5.1. Fulton Hogan acknowledges there are significant benefits in having standardised definitions included in the Planning Standards to help reduce uncertainty and misunderstanding, which can lead to delays, drawn out consent processes and inefficiency from a user and council perspective.

5.2. However there are some standard definitions included in Table 29 (Standard CM-1) that could adversely impact Fulton Hogan's activities. We have identified and provided further explanation in Attachment 1. There are also some additional definitions that we believe could be included to help achieve the objectives of the Planning Standards. (More detailed comment of these additional definitions is also provided in Attachment 1).

5.3. Fulton Hogan considers that the inclusion of Metric Standards within the Planning Standards could generally be problematic if they are not broad enough to keep up with technology changes or future metric standard changes. For this reason Fulton Hogan considers that Metric Standards should sit outside the Planning Standards, by way of a separate national supporting document. This would allow for Metric Standards (e.g. noise) to be more easily updated as required, without the need to vary the Planning Standards.

6. Effective Implementation

6.1. Fulton Hogan considers that a key issue in the overall effectiveness of the proposed Planning Standards is the process for implementing these new Planning Standards. We believe there is a large disparity in the ability of local councils to fund the cost of implementing any significant changes in central government planning direction and requirements, such as those contemplated by the Planning Standards.

6.2. For this reason we believe that key to effective implementation of the Planning Standards is the need for comprehensive guidance material that addresses issues such as changes to plans in order to implement the mandatory standards. Preferably this guidance material should include community and industry input, to ensure the change process remains clear and transparent.

7. Additional guidance material required - Industry practice

7.1. Fulton Hogan is an active contributor and leader within the wider Aggregate and Quarry industry and is of the view that the Aggregate and Quarry industry needs to strongly consider the development and implementation of quarry industry standards.

7.2. To this end it would seem logical for the Aggregate and Quarry industry standards to be developed in parallel with the Planning Standards. Should future industry
discussions and consultation lead to increased guidance on industry practices and obligations, there will be a ready-made and accepted set of standards to include within the future stages of the Planning Standards development.

7.3. Fulton Hogan would support the national development of an aggregate and quarry standard or code of practice that considers the needs of alluvial and hard rock situations. With this industry led standard there would also be discussion on resource protection, to not only protect current resources but avoid possible resource sterilisation through future incompatible land use.

7.4. On this basis it is also important that the current Planning Standards (both structure and content) allow for future technical innovation and the development of industry led good management practice.

8. Other Comments

8.1. Global political focus is on climate change and the increased natural hazard events Auckland 2011 – tornado, Auckland 2012 – tornado, 2013 Haast Pass – landslide, 2014 Northland – flooding, 2015 Wellington – flooding, 2017 Edgecumbe – flooding, 2018 Cyclones Fehl and Gita), along with targeted action to lower carbon emissions that NZ Inc has signed up to plus ensuring affordable housing across our communities. Analysis by the Aggregate and Quarry Association shows that approximately 50% of New Zealand’s aggregate supply goes into horizontal infrastructure (e.g. roads) and the remainder split between buildings and vertical infrastructure. In our view it is important to provide security of current NZ aggregate supply to ensure NZ Inc continues to reach these goals. Key to this is having resources that are close to end users and markets to assist NZ Inc in meeting its carbon agreement goals as well as supply cost effective resources to create affordable housing and public infrastructure.

Releasing submissions

Your submission may be released under the Official Information Act 1982 and will be published on the Ministry’s website. Unless you clearly specify otherwise in your submission, we will consider that you have consented to both your submission and your name being posted on the Ministry’s website.

Please check this box if you would like your name, address, and any personal details withheld. 

☐
Fulton Hogan Limited;

Date: 17 August 2018

Signature: 

Don Chittock
South Island Resources and Sustainability Manager

Address: [Redacted]
Phone: [Redacted]
Email: [Redacted]

(See Attachment 1)
<table>
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<tr>
<th>Definition</th>
<th>Comment</th>
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<tr>
<td><strong>cleanfill</strong></td>
<td>means an area used for the disposal of exclusively inert, non-decomposing material. This definition seeks to cover both the area used for disposal and the content of cleanfill material. As drafted this definition could exclude materials such as concrete which is commonly used as a cleanfill material but could not be described as ‘exclusively inert’.</td>
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<tr>
<td><strong>NEW cleanfill material</strong></td>
<td>Suggest that a new definition be included to specifically cover the material deposited as cleanfill, that aligns with the MfE definition of cleanfill material.</td>
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<td><strong>earthworks</strong></td>
<td>means any land disturbance that changes the existing ground contour or ground level. This definition using the associated definition of ‘land disturbance’ is very broad and needs to be amended as currently drafted it could include activities such as preparing a raised bed vegetable garden. Fulton Hogan considers that this definition will not assist councils who will be forced to further define earthworks through objectives, policies and rules.</td>
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<td><strong>functional need</strong></td>
<td>means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment. This definition should be of assistance when describing the rationale for locating quarries in environments where the rock or aggregate resource is located.</td>
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| **industrial activity**          | means an activity for the primary purpose of—(a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing

This definition may address a key component of quarrying activity, namely the processing of rock and aggregate into a saleable product. However the relationship between quarrying, the processing of material and what land use category these activities sit in (i.e. rural, industrial etc.) needs to be...
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<td>goods;</td>
<td>carefully considered due to the potential unintended consequences of these categorisations.</td>
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<td>or</td>
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<td>(b) research laboratories used for scientific,</td>
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<td>industrial or medical research; or</td>
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<td>(c) yard-based storage, distribution and</td>
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<td>logistics activities; or</td>
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<td>(d) any training facilities for any of the above activities</td>
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<td><strong>land disturbance</strong></td>
<td>This definition creates a difficult relationship with the definition of ‘cleanfill’.</td>
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<td>means the alteration to land, including by</td>
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<td>moving, cutting, placing, filling or excavation of soil, cleanfill,</td>
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<td>earth or substrate land.</td>
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<td><strong>mining</strong></td>
<td>The definition of ‘mining’ would include winning aggregate or rock from a quarry. Fulton Hogan considers that a further specific definition of ‘quarrying activity’ is needed to avoid the unintended consequences the mining definition alone could have on how the range of activities that make up quarrying activities are addressed in plans.</td>
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<td>has the same meaning as in section 2 of the RMA and Crown Minerals Act</td>
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<td>1991</td>
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<td><strong>quarry</strong></td>
<td>This definition focuses on the quarry site. Consideration needs to be given to the relationship with other relevant definitions contained in the Planning Standards (e.g. ‘industrial activity’ and ‘mining’) or that may be included in the Planning Standards or in plans (e.g. ‘quarrying activity’).</td>
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<td>means an area of land (as defined) where the</td>
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<td>excavation, with or without the processing, of minerals and other</td>
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<td>solid natural substances occurs</td>
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<td>Definition</td>
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<td>NEW quarrying activity</td>
<td>Fulton Hogan suggests that a new definition of ‘quarrying activity’ be included that specifically incorporates the component parts of quarrying including the winning, processing, sale and transport of natural sand, gravel, clay, silt and rock. Alternatively if such a definition is not included, consideration should be given to how quarrying activities will be defined within plans in light of the other standard definitions (e.g. industrial activity and mining).</td>
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