

1606

BEFORE THE CHRISTCHURCH CITY COUNCIL

In the matter of the First Schedule the Resource Management Act 1991

And

In the matter of the Canterbury Earthquake (Christchurch Replacement District Plan) Order
2014

**SUBMISSION OF FAULKS INVESTMENTS LTD ON PUBLICLY NOTIFIED
PROPOSAL 6A OF THE PROPOSED CHRISTCHURCH REPLACEMENT
DISTRICT PLAN**

20 April 2015

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To Christchurch City Council

This is a submission by Faulks Investments Ltd on Proposal 6A Proposed Christchurch Replacement District Plan, publicly notified on 7 February 2015.

1 I could not gain a competitive advantage in trade competition through this submission.

2 I am directly affected by an effect of the subject matter of the submission that:

2.1 adversely affects the environment; and

2.2 does not relate to trade competition or the effects of trade competition.

3 The specific provisions of the proposal that my submission relates to are Proposal 6A(i),:

3.1 Table and Rule 6.4.3.2.1, including P1, P5;

3.2 Table and Rule 6.4.3.2.2, including RD6.

4 My submission is:

Support

4.1 I support the provision under Rule 6.4.3.2.1, P1 for a permitted activity extending temporary site-specific approvals to 1 April 2018;

4.2 I support in part the provision under Rule 6.4.3.2.1, P5.a.i. for storage facilities in the rural zones as permitted activities until 1 April 2018;

4.3 I support the provision of a restricted discretionary activity under Rule 6.4.3.2.2 for activities authorised by Rules 6.4.3.2.1 P1 and P5, to continue until 1 April 2022.

Oppose

4.4 I oppose the uncertainty in Rule 6.4.3.2.1, P5 as to whether this extends to storing vehicles that transport materials to and from sites as part of constructions activities to repair or rebuild land, buildings, infrastructure or other facilities damaged by the Canterbury Earthquakes.

Reasons

- 4.5 Faulks Investments Ltd ("Faulks") operates a contracting business which is heavily involved in the Christchurch Earthquake Recovery. Its main activity is the transport, using its fleet of 18 trucks, of aggregate from the quarries located in the Special Quarry portion of the Rural Zone to recovery reconstruction sites, and clean fill from demolition sites back to the quarries as backfill. In conjunction with this it also operates construction machinery used to do earthworks on the recovery construction sites. Its trucks are as much part of the machinery required for rebuild construction activities as its earthmoving machinery.
- 4.6 Faulks was granted temporary approval to operate its overnight vehicle storage facility in the rural zone, in recognition of the importance of its contribution to the recovery, the shortage of appropriately sized land with rules expressly allowing that activity within close proximity to the quarries on which it is dependent and which it supports and services.
- 4.7 Provision for this activity to continue as of right on a par with other earthquake recovery activities is appropriate to give effect to Objectives 3.6.1 and 3.3.15(a).
- 4.8 Rule 6.4.3.2.1, P1 therefore appropriately gives effect to Objective 3.6.1 and 3.3.15(a). However, Rule 6.4.3.2.1, P5 fails to do so, as it creates uncertainty and raises the possibility that only the Faulks earthmoving machinery, but not its trucks, would be expressly authorised to be stored on a rural site under this rule. That is inappropriate in that the trucks are as much essential to the recovery reconstruction activities as the earthmoving equipment.
- 4.9 The Recovery Plans, with which this proposed district plan cannot be inconsistent, project post-earthquake recovery and growth out to 2028. In no way do they require or envisage a full completion of recovery or termination of growth arising from the recovery by 2018. There is every indication that if Objective 3.3.1 and 3.3.15(b) are to be given proper effect, recovery and growth will have to extend considerably beyond 2018 and the district plan will have to enable this.
- 4.10 On this basis providing for Faulks' activity after 2018 and at least until 2022 as a restricted discretionary activity is appropriate to give effect to Objectives 3.3.1 and 3.3.15(b), provided it can be demonstrated that its contribution to the recovery will not have ceased by 2018 and the adverse effects will continue to be appropriately avoided, remedied or mitigated. It is more appropriate than its current classification as a non-complying activity, which discourages that

contribution after 2018 under the above circumstances and therefore less appropriately gives effect to Objectives 3.3.1 and 3.3.15(b).

5 I seek the following decisions from the local authority:

5.1 Retain Rule 6.4.3.2.1, P1. | 1606.1

5.2 Amend Rule 6.4.3.2.1.a.i. P5 by adding after the words "Construction Contracts Act 2002", the words "*including any vehicles used for and essential to the transport of materials to and from such construction activities*". | 1606.2

5.3 Retain Rule 6.4.3.2.1 RD6. | 1606.3

6 I wish to be heard in support of my submission.

7 If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Dated 20 March 2015



J M van der Wal

Solicitor for the submitter

This document is filed by Johannes Michael van der Wal of Duncan Cotterill, solicitor for the submitter.

The address for service of the submitter is:

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Documents for service on the submitter may be:

- Left at the address for service.
- Posted to the solicitor at PO Box 5, Christchurch 8140
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