
Section 42A Report – McPherson Quarry

To	Independent Commissioner
Prepared By	Victoria Majoor
Date	9 th November 2020
Approved By	Jason Wright – Consents Team Leader
Application	LUC0123/19
Applicant	McPherson Resources Ltd

Executive Summary

This report has been prepared pursuant to s.42A of the Resource Management Act 1991 (RMA) and provides an assessment of the proposal in accordance with the relevant matters specified in the RMA.

McPherson Resources Ltd have applied for land use consent for the continuation and expansion of mineral extraction activities at the McPherson Quarry with the extraction of 490,000 tonne of quarry material (weathered greywacke) annually for a period of up to 45 years over three stages, with associated overburden removal and placement; deposition of cleanfill; and, indigenous vegetation clearance of an Identified Significant Natural Feature, Schedule 5A area and Significant Natural Area in the Rural Zone.

The application overall falls to be a Non-Complying Activity under the Operative Waikato District Plan- Franklin Section (ODP) and a Discretionary Activity under the Proposed Waikato District Plan (PDP).

The key elements of the proposal are as follows:

- Mineral extraction of 490,000 tonne of weathered greywacke annually for a period of up to 45 years over three stages.
- Hours of operation- 7:00am to 7:00pm Monday to Saturday.
- 165 daily truck movements (approx. 82 arriving to the site and approximately 82 trucks departing from the site including importation of cleanfill).
- Earthworks with a volume of approx. 18,784,018 m³ over approx. 28.77 ha (Stage 1 = 8.72 ha, Stage 2 = 8.39 ha, Stage 3 = 11.66 ha) and vertical faces with a maximum of 15m high with 7.5m wide benches.
- The deposition of cleanfill with a maximum volume of 100,000m³ per annum over a period of 45 years. Importation of cleanfill will not result in additional traffic movements as trucks that bring in cleanfill will leave with aggregate.
- Removal of 2.45ha (2.08ha in Stage 1 and 0.37ha in Stage 3) of indigenous vegetation within an Identified Significant Natural Feature and Schedule 5A area (policy overlay area under the ODP).
- Approximately 1,249,468m³ of earthworks are proposed within the Significant Natural Area (PWDP notified layer) over an area of 2.08ha (within Stage 1). The remainder 0.37ha of indigenous vegetation to be removed is outside the SNA area.

- Compensation planting to form a 4.53ha ecological corridor to the north of the quarry expansion

The application includes the following technical assessments:

- Landscape and Visual Assessment
- Traffic Impact Assessment
- Noise Assessment
- Ecological Report
- Ecological Management Plan
- Hydraulic Assessment
- Earthfill methodology
- Erosion and Sediment Control Plan for Stage I
- Concept Erosion and Sediment Control Plan for Stages 2 & 3
- Draft Quarry Management Plan

The key concerns raised through the submission process relate to the following matters:

- Reliance on Existing use rights and legality of current operation;
- Dust;
- Noise and vibration effects;
- Hours of operation;
- Visual Landscape;
- Amenity Effects;
- Property Values;
- Ecological effects;
- Timing of planting ecological corridor
- Traffic movements and traffic safety;
- Increased Co2 emissions;
- Duration and extraction rate;
- Rehabilitation;
- Impacts on waterways – water quality and ecological habitats;

After reviewing the application documentation, further information received, the submissions and the technical reviews undertaken, it is my opinion that effects of this proposal, are able to be avoided, remedied or mitigated and are therefore acceptable. This is based on additional mitigation and a satisfactory assessment from the Applicant and their experts in terms of visual landscape and ecological effects. Suggested conditions of consent are recommended in this regard.

Based on the above conclusion, it is also my opinion that overall, this proposal is consistent with the relevant objectives and policies of both the Operative and Proposed District Plan and will be consistent with the purpose of the RMA.

In conclusion, it is my recommendation that the application by McPherson Resources Ltd can be granted, subject to suggested consent conditions.

Please note that the conclusions reached and recommendations made in this report are not binding on the Commissioner and it should not be assumed that the Commissioner will reach the same conclusions and/or recommendation after having considered all the evidence.

Applicant:	McPherson Resources Limited
Property Address:	47 Mcpherson Road MANGATAWHIRI, and 93 Irish Road MANGATAWHIRI
Legal Description:	<u>47 Mcpherson Road MANGATAWHIRI</u> Allotment 162 Parish of Mangatawhiri comprised in Record of Title NA2D/497 Allotment 22 and Allotment 139-140 Suburban Section 1 Parish of Mangatawhiri and Allotment 161 and Allotment 163 Parish of Mangatawhiri comprised in Record of Title NA2D/412 Section 164 Parish of Mangatawhiri comprised in Record of Title NA2D/961 <u>93 Irish Road MANGATAWHIRI</u> Allotment 159-160 Parish of Mangatawhiri comprised in Record of Title NA423/102 Allotment 23-24, Allotment 130 and Allotment 132-133 Settlement of Pokeno comprised in Record of Title NA577/25
Site Area:	NA2D/497 – 13.7593ha NA2D/412 – 44.2246ha NA2D/961 – 21.2182ha NA423/102 – 78.5596ha NA577/25 – 20.2343ha
District Plan:	Waikato District Plan (Franklin Section) 2000 AND Proposed Waikato District Plan (Notified Version 2018)
Activity Status:	Operative District Plan: Non-Complying Activity Proposed District Plan: Discretionary Activity
Zoning:	Operative District Plan: Rural Zone Proposed District Plan: Rural Zone
Policy Area:	<u>Operative District Plan:</u> Hunua Rural Management Area Identified Significant Natural Feature: Mt William Walkway Environmental Enhancement Overlay Area Schedule 5A Area Ecological Corridor Waikato River Catchment <u>Proposed District Plan:</u> Significant Natural Area
Proposal:	To expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area in the Rural Zone

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APPENDIX L:	Suggested Consent Conditions

1.0 INTRODUCTION

1. Pursuant to Section 88 of the RMA, Kinetic Environmental Consulting Ltd (the Agent) has applied for resource consent on behalf of McPherson Resources Ltd (the Applicant) to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area.

1.1 Application Documents

2. The application was lodged on 1st October 2018 and was accepted by Waikato District Council (WDC) pursuant to s.88 of the RMA on 3rd October 2018.
3. The application documentation is substantial and comprises a number of supporting technical reports, plans and illustrations. A complete list of this documentation is provided in **Appendix A**. This documentation is referred to in this report, where relevant, to assist with the description of the site and surrounding features and proposed works and assessment of effects.

1.2 Applications to Waikato Regional Council

4. The Applicant has also lodged applications with the Waikato Regional Council (WRC). The WRC applications as set out below, are being processed concurrently with this application:

Reference Id	Activity Subtype	Activity Description
AUTH137612.01.01	Water - other	To discharge stormwater
AUTH137612.02.01	Surface water take	To take surface water
AUTH137612.03.01	Land - disturbance	Earthworks and vegetation clearance in High Risk Erosion Areas in association with the operation of McPherson Quarry
AUTH137612.04.01	Land - other	Discharge overburden to land in association with the operation of McPherson Quarry
AUTH137612.05.01	Land - other	Discharge cleanfill to land outside of High Risk Erosion Areas
AUTH137612.06.01	Diversion	Divert Water in association with the operation of McPherson Quarry

5. The above applications were also subject to a limited notification process, that resulted in four submissions being received within the submission period - all opposing the applications. All applications to WRC and WDC are being heard and considered together via a joint hearing.

1.4 Description of Site

6. The subject site is located at 47 McPherson Road, Mangatawhiri and is within the Rural Zone and contains an Identified Significant Natural Feature (ISNF) and Schedule 5A policy overlay under the operative plan, and Significant Natural Area (SNA) under the proposed plan.

7. Section 2 of the application Assessment of Environmental Effects (**AEE**) provides a description of the site as follows:
8. Section 2 of the application AEE provides a description as follows:

The site has a total area of 78.89 ha and contains a mix of vegetation, with forests on the hillsides to the east and west, and pastoral land on the flat land to the south. The quarry is situated in a rural environment in the foothills of the Bombay Hills and in the south-west area of the Hunua Ranges, with Mt William Walkway to the west and Pouraureroa Stream to the east. The quarry itself and the surrounding area contain several swales, natural watercourses, overland flow paths and culverts. A number of existing man-made ponds are also present across the site. These are primarily recreation and/or animal watering ponds. The southern end of the site contains two existing sediment control/treatment ponds.

Areas of the site have been identified as Significant Natural Areas/Significant Natural Features, largely as a result of the area acting as habitat for the king fern and forming part of the southern limit of taraire puriri forest. The quarry is surrounded by a large amount of indigenous forestry or shrub, particularly to the west/north-west (approx. 2.2 km² of contiguous forest) and east/north-east (approx. 15.96 km² of contiguous forest) of the site.

In terms of existing internal stormwater management, runoff from the central pit and quarry face is directed through a culvert system with a proportion being collected in two 20,000 litre tanks. This water is then used for dust suppression across the site and the overflow from these tanks is directed into the existing settling pond on the south-east margin of the site, before discharging to a local drain system. From the drain system, the water flows approx. 540 m to a tributary of the Waipunga Stream, which flows to the wetland area adjoining the Mangatawhiri River approximately 3 km to the south.

The McPherson Road/SH2 intersection, being the access point from the nearest main road, is a priority controlled 'T' intersection with traffic movements on SH2 having priority. SH2 at this location is comprised of one-through lane in each direction. No right turn bay is provided into McPherson Road. Approaching the intersection, SH2 has a slight uphill gradient eastbound, and McPherson Road has a slight downhill gradient. The existing intersection is located on the outside of a curve on SH2. McPherson Road deviates to the left on approach to the intersection to bring the approach angle onto SH2 closer to 90 degrees.

9. In addition to the above, various paper roads traverse the site including through the existing quarry face. The Applicant has applied to stop the roads under the Public Works Act 1981. WDCs Property Team have raised no concerns with the application.
10. Figures 1 and 2 below shows the location of the subject site in context of the surrounding area.

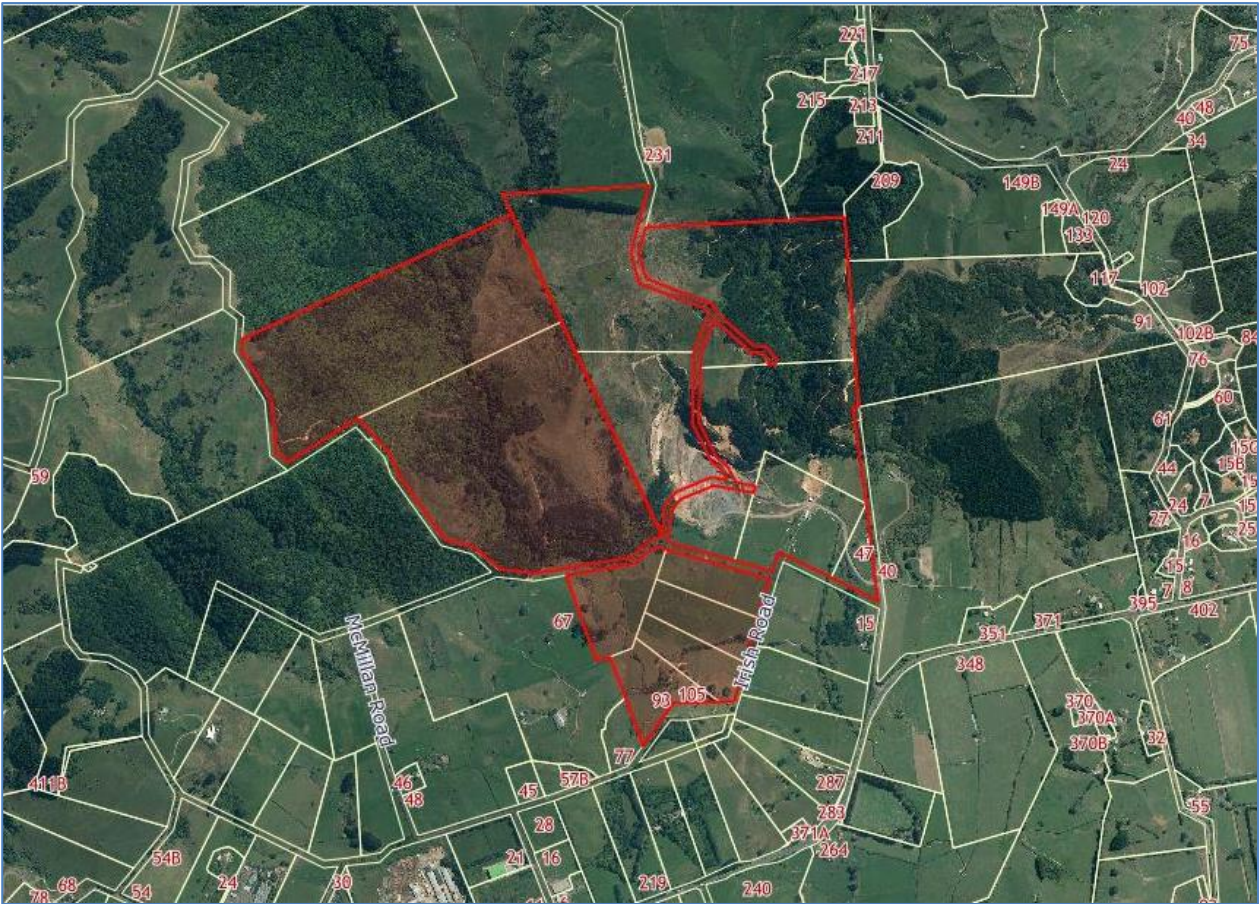


Figure 1 – Aerial photograph of site and surrounding area (2012)



Figure 2 - 2020 Google aerial view of site (sourced from google aerals)

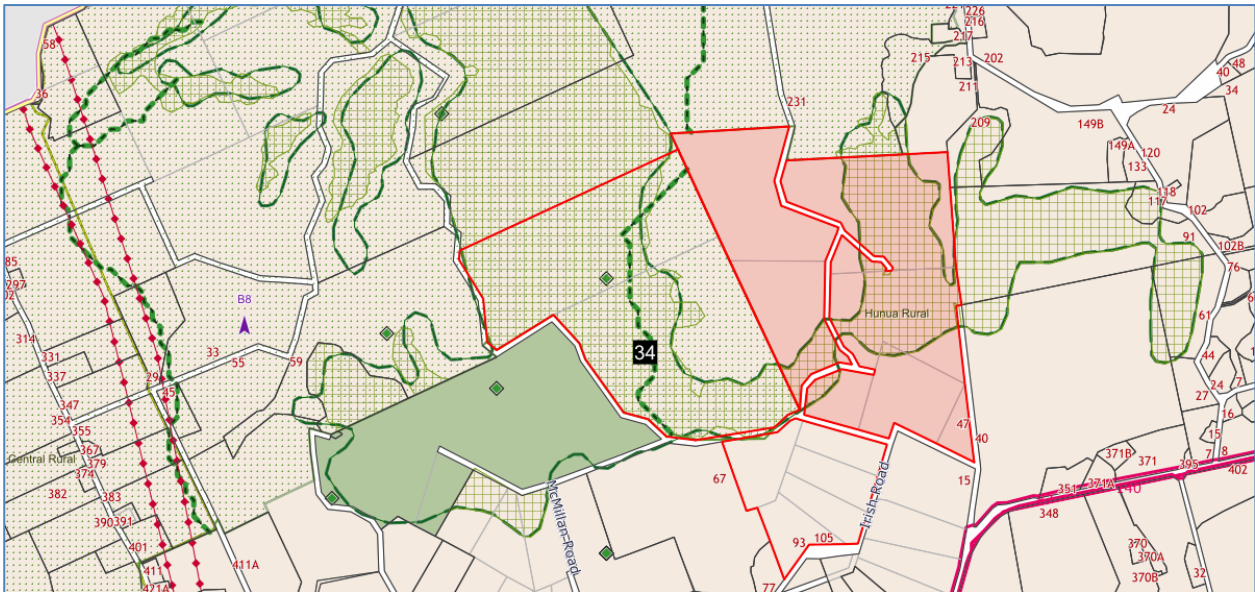


Figure 3 - Operative District Plan Map Overlay



Image 1 – View north towards existing quarry face



Image 2 – View west across easting quarry face towards Mt William



Image 3 – View south east at top edge of quarry face



Image 4 – View north east towards the site from Irish Road



Image 5 – View east towards quarry from Mt William Summit



Image 6 - View south east towards overburden area (from north-western edge of overburden area)



Image 7 – View north towards site from SH2 (Image sourced from Mansergh Graham- VP 4 of VLA)



Image 8 - Site entrance off McPherson Road, (sourced from google streetview 2012)

1.4 Site History

11. Section 3.1 of the AEE provides an overview the history/background to the McPherson Quarry. I have included a summary below for ease of reference:

The existing quarry is a relatively small-scale operation which has been part of the local landscape for over 60 years. The site is located away from a large viewing audience, with good access to SH2. The quarry includes a series of cut faces and benches with haul roads and man-made watercourse diversions and ponds. The processing and stockpiling activities take place on the quarry floor. A number of buildings are also located near the floor of the quarry and with the exception of the highest quarry faces, the operation is largely unseen from beyond the site.

The quarry extracts weathered greywacke and has been doing so for many decades (largely under existing use rights). As a result, a large amount of the topsoil and overburden has been removed across the site, meaning that reasonably large rock faces are exposed. The rock is stripped using conventional quarrying techniques (such as blasting) with material being loaded at the rock face and then put through a sizing screen and crushing plant. Following this, the material is stockpiled and removed offsite depending on demand. Any removed overburden which is not immediately sold is hauled to the dedicated disposal area located below the quarry pit, where it is compacted and contoured. The McPhersons try to on-sell as much of the overburden as possible, which keeps the overburden disposal to a minimum. However, the ability to sell cleanfill/overburden is dictated by market demand, which means that at times of low demand, the overburden disposal area is more intensively used.

Over the last few years, there have been some minor changes to the onsite stormwater system due to a necessary expansion of the stockpile areas. As briefly touched on in section 2, runoff from this area (which includes some naturally occurring spring water from the quarry face) is directed through a buried culvert after which a proportion of the water flows into two 20,000 litre tanks. This water is used for dust suppression with any overflow being directed into a settling pond/treatment system before being discharged to an unnamed tributary of the Waipunga Stream.

Last year the quarry transported approximately 400,000 tonne of quarry material out of the gate and this year it is estimated that approx. 350,000 tonnes will be extracted and exported from the site. While the quarry has largely been operating under existing use rights (save for the consents referred to in section 3.1.2 below), the intention of this application is to formally legalise the quarry's operations under the RMA by applying for all requisite resource consents (both from Waikato District Council and from Waikato Regional Council).

Existing Consents

12. The AEE goes on to outline the following in terms of the existing WRC consents:
The existing resource consents for the quarry operations relate to water extraction (AUTH116085.01.01) and discharge (AUTH116015.01.01) granted in 2007. As explained, the water extracted is derived from a natural spring and collected in two large tanks before being used. The above consents were applied to be renewed pursuant to section 124 of the RMA in November 2017. These applications are currently on hold pursuant to s 91 of the RMA. As a result, this report provides additional information for these applications to now be assessed.

Existing Use Rights

13. As part of my assessment, I reviewed WDC's property file relevant to the site to determine what advice had been previously provided from the consent authority regarding existing use rights and to establish a timeline of events since 1995.

The Aerials and Images in **Appendix E** show the extent of the operations over the last 20-25 years.

Below is a summary of the contents of the property file:

- In 1995, Franklin District Council (FDC) investigated the quarry's status and determined that, at that time, the quarry was operating under existing use rights in accordance with S10 of the RMA.
- A memo dated 9 November 1995 set out the extent of the existing use rights. The quarry was extracting 6-7,000 tonne of rock a year (approximately 13 truck movements a week). It was noted that the next major benching exercise would be about two years away (1997) which would involve cutting back into the grassed knoll which was visible at the top of the quarry face. The additional visual effect was noted to be significant and potentially adverse. The overburden disposal area was also noted as a concern.
- In December 1998, FDC received a complaint regarding the illegal operation, blasting effects and rehabilitation of the.
- In March 1999, FDC sent a letter to Peter McRobbie (then owner of the quarry) advising of a complaint which had been received from a resident of Pokeno regarding the status of the quarry. There are no further details on the complaint, but the letter advised that resource consent was now required.
- A file note created by the FDC Monitoring and Compliance Officer and dated 29th November 2005 refers to conversations in 1999 with Peter McRobbie and Steve McPherson to the effect that *'providing the quarry did not grow in intensity, waterways were not contaminated and that no further complaints were received, that "existing use rights" would apply.'*
- In January 2014, WDC received a query/complaint by a member of the public through the duty planner seeking confirmation on whether McPhersons Resources Ltd had the necessary consents. A reply was sent to the customer noting WDC held no resource consents for the activity. The customer was advised that any complaints should be directed to WDC's Monitoring and Compliance Team.
- In February 2014, WDC received a complaint from a member of the public that the quarry activities were operating without resource consent (COMP0392/14).
- In December 2015, WDC received a complaint regarding the blasts at the quarry (COM0133/16).
- In December 2015, internal email correspondence between WDC's monitoring officer and Senior Planner confirmed that resource consent was required for the quarry operation to continue.
- In July 2018, WDC received a complaint relating to COM0133/16- regarding the legality of the quarry operation and clearance of vegetation (COM0005/19). WDC's monitoring and compliance team determined that it was appropriate that the quarry could continue to operate while applications for the appropriate resource consents were being prepared. The complainant was advised of this in an email from the Monitoring Officer.

- On 1 October 2018, the application for land use consent was lodged on. The application indicated that the quarry had extracted the following volumes in the previous three years:
 - 2017 – 330,000 tonnes
 - 2018 – 320,000 tonnes
 - 2019 – 400,000 tonnes

14. From review of the aerals and extraction rates provided over the previous three years (being 2017-2019), it appears the most notable level of change in scale and intensity of the activity has been over the last 5 years.

2.0 Proposal

15. The proposal is for the continuation and expansion of mineral extraction activities at the McPherson Quarry with the extraction of 490,000 tonne of quarry material (weathered greywacke) annually for a period of up to 45 years over three stages. Resource consent is also sought for earthworks and vegetation clearance and the importation of cleanfill.

16. The proposal also includes the following activities:

- Earthworks - including topsoil and overburden stripping and stockpiling;
- Importation of cleanfill up to 100,000m³ annually over a period 45 years;
- Vegetation clearance including removal of Identified Significant Natural Feature/ Significant Natural Area

17. The following technical reports have been provided as appendices to the application:

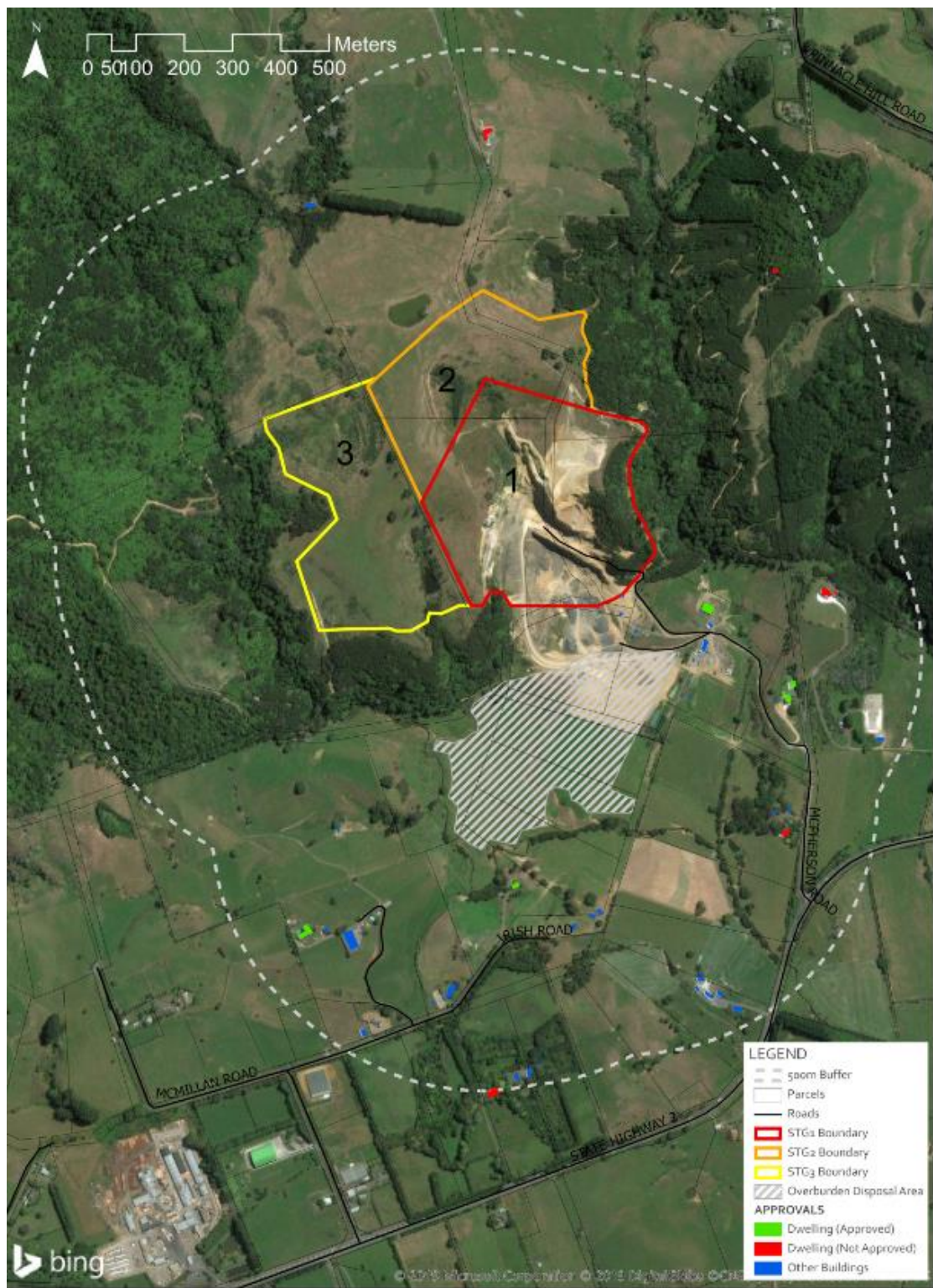
- Landscape and Visual Assessment – *Opus Consultants and Mansergh Graham Landscape Architects*
- Traffic Impact Assessment – *Opus Consultants*
- Blasting Records - *Orica*
- Noise Assessment – *Hegley Acoustic Consultants*
- Ecological Report – *Ecology NZ*
- Ecological Management Plan – *Ecology NZ*
- Hydraulic Assessment – *Opus Consultants*
- Earthfill methodology – *HD Geo Consultants*
- Erosion and Sediment Control Plan for Stage 1 – *Southern Skies*
- Concept Erosion and Sediment Control Plan for Stages 2 & 3 – *Opus Consultants*
- Quarry Management Plan

Duration of proposal

18. The application seeks a consent term of 45 years to undertake the proposal in three stages as described in Figure 1. The application states that the proposed expansion of the existing quarry will take place over a period of 10-15 years for Stages 1 and 2 and up to 30 years for Stage 3.

Staging

19. As noted above, it is proposed to undertake the expansion of the mineral extraction in stages. Section 3.2.1 of the application provides an overview of the stages in detail.



NEIGHBOURS MAP

Figure 4 – Staging plan I including 500m buffer

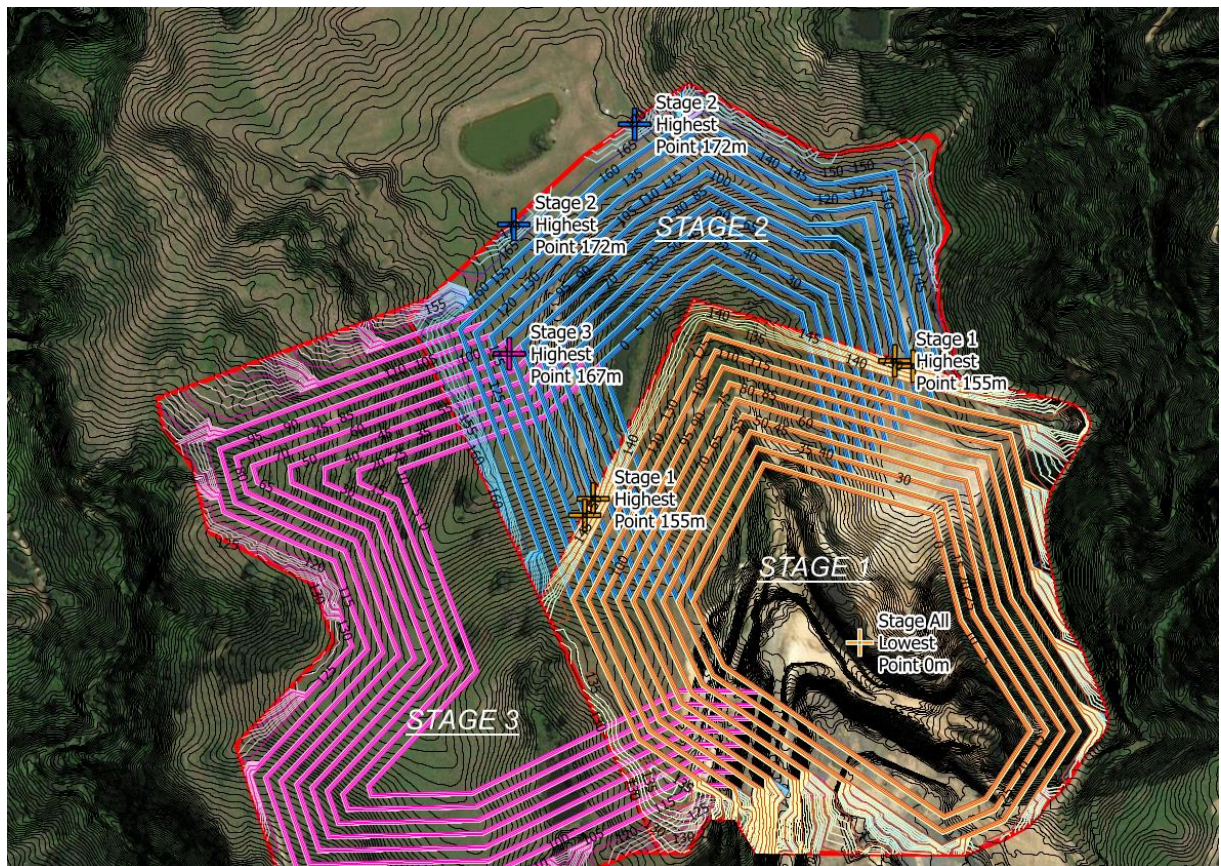


Figure 5 – Stage 1-3 contours High/Low points

Noise

20. The application includes a noise assessment prepared by Hegley Acoustic Consultants Ltd. This noise assessment outlines the main sources of noise:

-Cat 980H loader	-Finlayson 883 Screen
-Rock drill	-Cat 336FI Excavator
-Cat 980G loader	-Terex Finlay Jaw Crusher
-Mitsubishi HD550 Grader	-Cat 350A Excavator
-Cat D10N Dozer	-Sandvik QH331 Cone Crusher
-Mack Metroliner Water Cart	-Cat 769D Dump Truck
-Cat D8I Dozer	-Road trucks and trailers

21. The noise assessment has adopted the noise levels of the Proposed District Plan (PDP), in the absence of noise limits listed under the Operative District Plan (ODP).

Vibration

22. Vibration and blast reports from Orica Mining Services (Orica) are included Appendix I of the application. Orica record the specifics of the blasts, such as:
- Peak vector sum velocity; and
 - Peak overpressure.
23. The latest blasting records show compliance with the Rule 23A.5.2.4.9 of the operative plan which limits the peak overall sound pressure to 128 dB linear peak.

Hours of Operation

24. Further information provided on the 7th August 2019 confirms the proposed hours of operation as 7:00am to 7:00pm Monday to Saturday.

Traffic movements

25. As stated in section 6.6.3 of the application and AEE document (submitted as further information on 12 October 2018), estimated traffic movements have been calculated based on the following assumptions:
1. 50% of haulage vehicles are trucks (10 tonne payload) and 50% being truck and trailer units (30 tonne payload), resulting in an average payload of 20 tonnes per haulage vehicle;
 2. The quarry will operate between 7.00am to 6.00pm (11 hrs) for six days per week (Monday to Saturday);
 3. The quarry will operate 297 days a year (with the facility closed on Sundays and public holidays, as well as two weeks over Christmas, equating to 68 days a year);
 4. Consistent movement of trucks throughout the day; and
 5. 50/50 split between left and right turning trucks.
27. The estimated daily truck movements are 165 per day (approx. 82 arriving to the site and approximately 82 trucks departing from the site).

Earthworks/ Overburden

28. The proposal involves earthworks to remove overburden and cut and bench the quarry face as it expands. The application notes that *'This will be carried out using a combination of hydraulic excavators, front-end loaders, dump trucks and bulldozers. All recoverable soil will be stored on-site for future rehabilitation uses. Overburden which is not saleable will be located in the overburden placement sites, with material being transported within the site by dump truck. Overburden will be placed on land to the south of the quarry area, as shown in Figures 1 and 2 above.'*
29. Earthworks quantities are proposed as follows (as per further information provided on the 7th May 2019):

Total volume of earthworks (for all three stages): approx. 18,784,018 m³

Total area affected (for all three stages): The whole site is approx. 55 ha and the area subject to earthworks is approx. 28.77 ha (Stage 1 = 8.72 ha, Stage 2 = 8.39 ha, Stage 3 = 11.66 ha – refer to the attached Site Layout Plans). Areas used for quarrying but not subject to earthworks include the overburden/cleanfill areas and the construction compound.

Depth of excavation: The vertical faces will be a maximum of 15m high with 7.5m wide benches. Note: Some caution must be taken in relation to these figures as it is assumed that the same bench sizes will continue throughout the stages of the quarry operations (but is very difficult to calculate before works begin on each Stage as it depends on the topography and make-up of each location). If changes are proposed for any of the future stages, the applicant will seek a variation (as required) at the appropriate time.

Cleanfill Importation

30. The proposal includes the deposition of cleanfill with a maximum volume of 100,000m³ per annum over a period of 45 years.
31. Further information provided on the 7 May 2019, notes that the volume of aggregate extraction (being 490,000 tonnes p.a) will determine the traffic movements that are agreed to with NZTA. Therefore, cleanfill will only be imported to the site on trucks which subsequently leave with aggregate or overburden.

Erosion and Sediment Control

32. The application indicates that provisions will be made to establish methods to ensure that long term management of stormwater run-off minimises the risk of soil erosion and sediment discharge from the rehabilitated land. An Erosion and Sediment Control Plan (ESCP) has been included and the application notes the following:

'ESCP report in Appendix F specifically only deals with Stage 1. This is because at this stage, it is difficult to assess with any certainty what the effects will be of Stages 2 and 3, insofar as erosion and sediment control is concerned. In saying that, the applicant has prepared a Concept Design for Stages 2 & 3 (refer Appendix G). As it is, the ESCP design approach for all stages is primarily focused on development activity (topsoil and overburden removal), with an emphasis on sub-catchment staging and use of localised sediment retention ponds (SRP's) for overburden removal and stockpile activity.

Because of the uncertainty surrounding effects and appropriate erosion and sediment control in Stages 2 & 3, the applicant would be happy to accept a consent condition requiring the preparation of a detailed design for these stages at an appropriate time, which would then require the review and approval (in a technical certification capacity) of WRC.

Vegetation clearance

33. The proposal includes earthworks and vegetation clearance of 2.45ha Identified Significant Natural Feature (ISNF) which is also a Schedule 5A area – the Mt William Walkway. The application confirms this as follows:

As outlined in section 4.1.1 of this report, 2.45 ha of indigenous vegetation will be removed as a result of the expansion (2.08 ha in Stage 1 and the remaining 0.37 ha in Stage 3). The quarry is surrounded by indigenous forests, a large majority of which has been identified as SNA in the ODP. A small area of SNA would be cleared over the course of expanding the quarry (being the next 45 years), with the majority of the clearance happening in stage 1 and 3.

The indigenous areas to be removed form part of the larger area of contiguous indigenous bush around the quarry. As noted in section 2 of this report, the quarry is surrounded by contiguous indigenous forest on either side (2.2 km² and 15.96 km² respectively, or 1,818 ha in total). Of this larger area, approx. 23.4 ha is situated within the quarry site.

As such, the removal of 2.45 ha of indigenous forest (a proportion of which is made of up scattered stands of Manuka trees, identified as 'Manuka shrubland') vegetation consists of manuka trees, manuka shrubland and heavily grazed indigenous vegetation (otherwise undefined). Historically this

was an overburden area which has been allowed to regenerate over the years. As a result, the age of the indigenous vegetation (insofar as it exists) in this area is relatively young with no mature or significantly old trees.

Rehabilitation

34. No rehabilitation plan has been provided with the application. However, the Mansergh Graham Visual Landscape s92 response recommends a quarry closure plan be prepared 10 years prior to the end of works.

3.0 PROCESS MATTERS

3.1 Key Dates

35. A summary of key dates for this application are as follows:

Date	Description	Working days
01/10/2018	Application lodged under Section 88 of the Resource Management Act 1991 (RMA)	0
03/10/2018	Timeframes extended under 37 from date of lodgement until acoustic and vegetation assessment reports provided to Council	0
12/10/2018	Acoustic and vegetation assessment reports provided to Council	10 (30)
16/10/2018	Application accepted under Section 88 of the RMA.	12 (30)
24/10/2018	Application put on hold under Section 92.	16 (30)
18/02/2020	Further information received.	16
5/06/2019	Commissioning of Peer Review Reports Request under S92(2)	16
10/02/2020	Peer review reports received	16
04/06/2020	Notification of application	
02/07/2020	Close of Submissions	
27/07/2020	Further information requested	
07/10/2020	Further information received	
05/03/2020	S37 extension of timeframes agreed to by Applicant to align timeframes with WRC and move the hearing dates to the end of November	+120

3.2 Technical Comments

36. In reviewing this application, WDC sought the following technical expertise to evaluate and advise on aspects of the proposal:

Person	Organisation	Responsibility/Expertise
Naomi McMinn	Gray Matter	Traffic
Oliver May	Boffa Miskell	Visual and landscape assessment

Siiri Wilkening	Marshall Day Acoustics	Noise and Vibration
Inderpaul Randhawa	Waikato District Council	General Land Development Engineering Matters

Traffic Effects

37. The proposal was reviewed by Ms Naomi McMinn of Gray Matter, in relation to the traffic related effects of the proposal that relate to safety, efficiency from an increase in heavy vehicle movements along McPherson Road, and impacts of such movements on the pavement on McPherson Road. Refer to **Appendix F**.

Landscape and Visual Effects

38. The proposal was reviewed by Mr Oliver May of Boffa Miskell in relation to the landscape and visual effects of the proposal. The landscape and visual effects relate to the effects on visual amenity and effects on landscape character. Refer to **Appendix G**.

Noise and Vibration Effects

39. The proposal was reviewed by Ms Siiri Wilkening of Marshal Day Acoustics, in relation to the noise and vibration related effects from the proposal. Refer to **Appendix H**.

General Land Development Engineering Matters

40. The proposal was reviewed by Mr Inderpaul Randhawa in relation to general Land Development Engineering Matters including Geotech and site suitability. Refer to **Appendix K**.

Ecological

41. The proposal was reviewed by Ms Lyndsey Smith and Mr Michiel Jonker of Aecom (on behalf of both WRC and WDC) in relation to ecological effects. Refer to **Appendix J**.
42. In addition, WRC has engaged a number of technical experts in relation to Air Quality (Terry Brady Consultants) and erosion and sediment control (Bryant Environmental). Where relevant those peer reviews/technical assessments are also referred to in this report to demonstrate that those effects have been managed through the WRC consents.

4.0 STATUS OF ACTIVITY

43. The Franklin Section of the ODP was made operative in February 2000. An assessment of the proposal's compliance with the relevant rules of the ODP has been completed (see electronic file). In summary, the proposal triggers consent under the following rules:

Rule #	Rule Name	Status of Activity	Comment
23A.1.4	Discretionary activities	Discretionary activity	The proposal is for the continued operation and expansion of mineral extraction and processing activities
23A.1.5	Non Complying Activities	Non-Complying	The proposal does not comply with Rule 23A.2.1.4 as noted below which is not otherwise listed as a permitted or controlled activity within the Rural Zone.
23A.2.1.4	Outstanding	Non-	The proposal results in the removal of ISNF

	Natural Features Identified in the Schedules to Part 5 of the Plan	Complying	area which is also listed as a Schedule 5A Area – 34 Mount William Walkway
15.5.2	Earthworks throughout the District	Restricted discretionary activity	The proposal results in earthworks in excess of the permitted standards as follows: Volume: approx. 18,784,018 m ³ Area: approx. 28.77 ha (3 stages) Depth: 15m max high with 7.5m wide benches (with a total of 172m cut at its maximum)
15.6.3.2	Vegetation clearance	Restricted discretionary activity	As result of the quarry expansion a total of 2.45ha of indigenous vegetation will be removed (2.08ha in Stage 1 and 0.37ha in Stage 3)
15.1.2.8	Cleanfill	Discretionary activity	The proposal includes the importation of cleanfill of up to 100,000m ³ annually over a period of 45 years

44. As outlined in the assessment above, the Application is a Non-Complying Activity under the operative planning documents, being the highest status indicated by the above rules.

45. Part 50 of the ODP provides two definitions which are directly relevant to this Application, being; “mineral extraction and processing” and “cleanfill”.

46. Mineral Extraction and Processing

“Mineral extraction and processing means the excavation, blasting, processing (crushing screening, washing and blending) storage, distribution and sale of mineral products and includes ancillary activities such as earthworks, landscaping and rehabilitation works (including cleanfill) and treatment of stormwater and wastewater, together with ancillary buildings and structures (including caretakers accommodation).”

47. Cleanfill

“Cleanfill means any material that has no potential of actual ability to adversely affect the environment. This material should be of a natural origin such as clay, rock and soil, and other material, such as clean concrete brick and demolition products that are free of combustible and organic materials, substantially free of voids, and not subject to biological breakdown.”

4.2 Proposed Waikato District Plan

48. On 18 July 2018, WDC notified the PDP (Stage 1). Submissions closed on 9 October 2018.
49. On 27 July 2020, WDC notified the PDP (Stage 2) and Variation 2 to Stage 1 of the PDP. Stage 2 of the PDP covers Natural Hazards and Climate Change ('Stage 2 of the PDP'); and Variation 2 to Stage 1 makes minor amendments to some chapters within stage 1 to better align the two stages. Submissions for Stage 2 and Variation 2 closed on 23 September 2020.
50. Pursuant to S86B(1) of the RMA, a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified under clause 10(4) of Schedule 1. The exception to this is if the rule has immediate legal effect in accordance with S86B(3) of the RMA.
51. Decisions have not yet been made on Stage 1 & 2 and Variation 1 & 2 of the PDP. Accordingly, only those rules that qualify under S86B(3) of the RMA have immediate legal effect from the date of notification of the PDP. The rules with immediate legal effect are highlighted in green in the PDP. Rules that do not have legal effect do not trigger the need for a resource consent under the PDP.
52. An assessment of this proposal against the rules of the PDP that have immediate legal effect has been completed (see electronic file) . The assessment identified the following rules which have legal effect and are relevant to this proposal:

Rule #	Rule Name	Status of Activity	Comment
22.2.3.3	Earthworks – Significant Natural Areas	Restricted discretionary activity	Approximately 1,249,468m ³ over 1.97ha (within Stage 1)
22.2.7	Indigenous vegetation clearance outside a Significant Natural Area	Discretionary activity	A total of 2.08ha of indigenous vegetation within the SNA (Stage 1) is proposed to be removed

53. As outlined in the assessment above, the application is a Discretionary activity under the PDP, being the highest status indicated by the above rules.

5.0 NOTIFICATION AND SUBMISSIONS RECEIVED

5.1 Notification Decision

54. Following the assessment carried out pursuant to S.95A of the RMA, the notification report, dated 12 March 2020, concluded that the adverse visual landscape and rural character effects on the environment arising from this proposal would be more than minor and accordingly, public notification was required.
55. In addition to the public notification of the application, in accordance with Regulation 10(2)(a) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003, notification was also served on affected persons. Notification was served on 4 June 2020 with submissions closing on 2 July 2020.
56. A copy of the notification decision report is attached in **Appendix B**.

5.2 Submissions Received

57. As noted above, submissions closed on the 2 July 2020 with a total of 37 submissions received. Of these submissions, 18 were in support, two were neutral and 17 were in opposition. 18 submitters requested to be heard.

5.3 Summary of Submissions

58. Each submission is summarised in **Appendix C**. **Appendix C** also includes a locality map of the properties of submitters opposing the application relative to the site. In summary, the main concerns raised by the submissions include:
- Reliance on Existing use rights and legality of current operation;
 - Dust;
 - Noise and vibration effects;
 - Hours of operation;
 - Visual Landscape;
 - Amenity Effects;
 - Property Values;
 - Ecological effects;
 - Timing of planting ecological corridor
 - Traffic movements and traffic safety;
 - Increased Co2 emissions;
 - Duration and extraction rate;
 - Rehabilitation;
 - Impacts on waterways – water quality and ecological habitats;

5.4 Late Submissions

59. No late submissions were received.

6.0 SECTION 104 CONSIDERATIONS

60. The key statutory considerations that are applicable to the assessment of the application are set out in sections 104, 104B, 104D and Part 2 of the RMA. Each of these are assessed below.

6.1 Section 104D

61. The key statutory considerations that are applicable to the assessment of the application are set out in sections 104, 104B, 104D and Part 2 of the RMA. Each of these are assessed below.

6.1 Section 104D

62. Section 104D(1) of the RMA provides that WDC may grant consent for a Non-Complying Activity only if one of the "gateway" or "threshold" tests is satisfied. To pass one of the tests, the consent authority must be satisfied that either the adverse effects of the activity on the environment will be no more than minor (section 104D(1)(a)) or, that the application is for an activity that will not be contrary to the objectives and policies of the ODP and PDP (section 104D(1)(b)). If the application passes one of these tests, the application may be considered on its merits. Case law has held that it is of no consequence whether the decision maker addresses section 104D before or after the assessment under section 104. For convenience, and to avoid repetition, I will first examine the proposal against the matters listed in section 104(1) before returning to my conclusion under section 104D.

6.2 Section 104

63. Matters to be considered when assessing an application for resource consent under s104 of the RMA include, subject to Part 2, any actual and potential effects on the environment; any relevant objectives, policies, rules or other provisions of a Plan or Proposed Plan and any other matters considered necessary (i.e. under s104(1)(c)).
64. The following sections of this report will assess the proposal's effects on the environment and against any relevant objectives, policies of the ODP, the Operative and Proposed Regional Policy Statement and the Regional Plan, any relevant regulations and other matters considered necessary.

6.3 Permitted Baseline

65. Section 104(2) contains the statutory definition of the permitted baseline. This section specifies that when forming an opinion with regard to the actual and potential effects on the environment of allowing the activity, the consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. Application of the permitted baseline is a matter of discretion for the consent authority. If it is applied, permitted effects cannot then be taken into account when assessing the effects of a particular resource consent application. The baseline has been defined by case law as being non-fanciful (credible) activities that could be permitted as of right by the District Plan. I will address the permitted baseline further in Section 6.0 below.

6.4 Part 2 Matters

66. All of the above considerations under section 104 are subject to Part 2 of the RMA – purpose and principles (sections 5, 6, 7 and 8). The key matter when considering this application will

be the RMA's single purpose as set out in section 5, which is to promote the sustainable management of the natural and physical resources.

67. A full discussion and assessment of all Part 2 matters and a final overall judgement of whether the proposal promotes this part of the RMA is set out in later sections of this report.

7.0 PERMITTED BASELINE ASSESSMENT

68. As addressed in my notification report, I do not consider the permitted baseline to be applicable to this proposal.

8.0 EXISTING ENVIRONMENT

69. When undertaking an assessment of the effects of the proposal, it is important to note that such an assessment is required to be measured against the receiving environment as it exists today.
70. Relevant to the existing environment are the effects of activities that are lawfully established on the site (either by being permitted under the ODP or through consent) and the effects of activities with existing use rights.
71. Section 1.5 of this report provides an overview of the site history including discussion on the existing use rights and previous advice given. Section 3.1.1 of the AEE states that *'While the quarry has largely been operating under existing use rights (save for the consents referred to in section 3.1.2 below), the intention of this application is to formally legalise the quarry's operations under the RMA by applying for all requisite resource consents (both from Waikato District Council and from Waikato Regional Council).'*
72. Existing use rights are provided for under S10(1)(a) of the RMA which allows for the continuation of the use of land which would normally contravene a district plan when that use was lawfully established by providing:

(1) Land may be used in a manner that contravenes a rule in a district plan or proposed district plan if:

(a) Either

- (i) The use was lawfully established before the rule became operative or the proposed plan was notified; and*
- (ii) The effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified.*

73. For this proposal to rely on existing use rights, it must first be established that the use was lawfully established and that the effects of the use are the same or similar in intensity and scale to those that existed before the ODP became operative in 2000.
74. The reference point for the assessment of the lawfulness of the use is the time when it was established, before any change in the planning controls.

75. I am aware of the quarry operating in 1994. In 1995, FDC confirmed that the quarry was operating under existing use rights. Those existing use rights therefore were in place when the ODP became operative on 29 February 2000.
76. However, the lawfulness of the existing use rights is also dependent on the activity meeting the criteria of S10(1)(a)(ii). That is, the effects of the use must be the same (or similar) in character, intensity and scale to those that existed before the ODP became operative in February 2000.
77. To that end, it should be noted that in 1999, FDC determined that the use of the quarry had increased and, as such, a resource consent was required. I am aware that the quarry was extracting 6-7,000 tonne of rock per annum in 1995 and the application itself confirms that the extraction from the quarry had increased from 330,000 tonnes in 2017 to 400,000 tonnes in 2019.
78. It is questionable as to whether the effects of the use of the quarry are similar in intensity or scale as when it was 'lawfully established, particularly when considering the effect of traffic movements which have increased from approximately 13 truck movements per week in 1995 to 165 truck movements per week as proposed in the application.
79. Without a record of extraction rates and traffic movements prior to 2017 it is difficult to determine when the extraction rates increased from the 6-7,000 tonne in 1995. However, due to the nature of quarrying activities and based on my review of the aerial photos of the site, it appears that the intensity and scale started to increase between 2002-2004.
80. Section 6.1.2 of the AEE states that *'the quarry has operated under existing use rights for an extended period of time which arguably gives rise to a certain level permitted baseline. In saying that, the McPhersons accept that the lack of available records makes it difficult to show the scale and intensity of such historical activities. As a result, the below assessment of effects largely disregards the permitted baseline and only includes references to the existing environment insofar as that is relevant (such as for the landscape and visual assessment).'*
81. It is therefore evident that the visual landscape assessments were based on the quarry as viewed at the time the assessments were undertaken (2018/19/20). This was reconfirmed in the further information response dated 7 October 2020 and provided after notification of the application, which stated *'the visual effects assessment is based on the quarry as it appears today and compares that to what it will look like should the consent application be granted, which is the standard and industry accepted way of assessing visual effects.'*
82. The matter of *Maskill & Maskill Contracting Ltd v Palmerston North (DC W037/2006)* determined that if activities require consent but do not have one, they cannot be considered as part of the permitted baseline. The Court upheld previous decisions that an existing activity which does not have a necessary consent should not be given any advantage.
83. That position was maintained in *Lake Road Preservation Society Incorporated* where it was agreed that an existing environment should not be assessed in a way which includes unlawful activities and such matters should be judged as a greenfields proposal.

84. Therefore, the consideration of the existing environment cannot take into account the unlawful quarrying activity. The baseline would have to revert back to that which it was when it was a lawfully established activity.

8.1 Submissions on Existing Use Rights

85. A number of submissions raise concerns with the applicant's reliance on existing use rights including:

- Historic removal of native vegetation;
- Expansion of quarry outside existing use rights;
- Growth to date outside current consent levels.

86. Concerns have been raised by submitters regarding the legality of the operation of the quarry over the last 20 years. As determined in my notification report, the existing environment for visual landscape is considered to be as it was in 1997. The aerial images and photos in **Appendix E** give an indication of the visual landscape effects at this time.

87. Given this, it is my view that the potential effects which require further examination relate to traffic, visual and landscape (post 1997), noise and vibration, instability and erosion, dust, ecological concerns, rural character and amenity, archaeological and cultural. These are addressed in my notification report and/or in section 9.0 below.

88. In terms of historic removal of indigenous vegetation (as raised in Submission #29), I have reviewed the relevant property files, and historic aerials to determine the timing of removal and extent of the area removed. WRC provided vegetation maps on top of WRAPS2002 and WRAPS2017 showing vegetation clearance between 2002-2017. These are also included in **Appendix E**.

89. Although the applicant has not applied for consent for the removal of this vegetation, my view is that this should be addressed in this application- as the applicant should not be given any advantage should this consent application be approved. The outcome from dealing with this matter separately through enforcement action is unknown and no enforcement action has been undertaken to date on this matter. Additionally, I note that this vegetation would have been existing in 1997 (this is evident from the aerials). Therefore, I have considered the historic vegetation removal in my assessments below.

9.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT– S104(1)(a) OPERATIVE DISTRICT PLAN:

90. This section of the report outlines the actual and potential effects on the environment of allowing the activity. In considering what is an 'effect' for this part of the report, I have had regard to S3 of the RMA which sets out the meaning of effect:

In this Act, unless the context otherwise requires, the term effect includes –

- (a) Any positive or adverse effect; and
- (b) Any temporary or permanent effect; and
- (c) Any past, present, or future effect; and
- (d) Any cumulative effect which arises over time or in combination with other effects – regardless

- of the scale, intensity, duration or frequency of the effect, and also includes –*
- (e) Any potential effect of high probability; and*
 - (f) Any potential effect of low probability which has a high potential impact.*

91. It is also appropriate to consider the meaning of environment, which is listed under section 2 of the RMA as being:
- (a) Ecosystems and their constituent parts, including people and communities; and*
 - (b) All natural and physical resources; and*
 - (c) Amenity values; and*
 - (d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) which are affected by those matters.*
88. A full assessment of environmental effects, including a summary of relevant technical documents, was included in section 3.4 of my notification report and will not be repeated in full here. Rather, I will provide a brief summary of the key findings and address any relevant matters raised by submitters. In doing so, and having regard to the definition applied by the RMA, I consider the actual and potential adverse effects on the environment associated with the proposal can be broken down broadly into the following categories:
- Preliminary Matters
 - Traffic Effects
 - Ecological Effects
 - Cleanfilling Effects
 - Erosion and Sedimentation Effects
 - Noise and Vibration Effects
 - Dust Effects
 - Visual Landscape Effects
 - Rural Character and Amenity Effects
 - Positive Effects
89. Please note that a number of the above matters are also discussed in the WRC reporting officer's s42A report as they are cross-over issues.
90. Where relevant, the assessment identifies if actual and potential effects can be avoided, remedied or mitigated with the use of appropriate conditions of consent. Should it be concluded that consent can be granted, reference to such conditions are set out as **Appendix L**.

9.1 PRELIMINARY MATTERS

91. Some submissions raised matters which either are not fundamental to the consideration of the effects of the proposal, or, do not fit within the key environmental issues identified above. These matters have been considered here as preliminary matters.

9.1.1 Previous Compliance

92. A number of submissions question the validity of existing use rights and raise the issue of previous compliance.

93. Prior conduct of applicants has been considered by the Courts in *Hinsen v Queenstown Lakes District Council Decision No. A150/03*.
94. In this case the Environment Court reaffirmed the established principles that in considering an application for resource consent:
- Conduct of an Applicant should not influence the judgement of a resource consent application in a punitive manner, and
 - It is wrong to confuse decision-making on a resource consent application for the prosecution or enforcement proceeding, and
 - That an applicant should not benefit by prior irregular conduct.
95. In the matter of *Lake Road Preservation Society Incorporated v Lake Road Quarry Limited and O'Callaghan Holdings Limited [2020] NZEnvC 027*, the Court determined that complaints made by residents in close proximity to a site can be taken into consideration when looking at the effects of an activity. In that matter, when considering the consequences of quarrying activity which had been carried out without consent (particularly in relation to the amenity and character of the area), the Court accepted that, along with the observable changes, the complaints by the residents evidenced that the amenity and character of the area had been adversely affected.
96. In terms of the applicant's ability to comply going forward, the Commissioners must be satisfied that any adverse effects of this proposal can be appropriately avoided, remedied and mitigated by the imposition of conditions. In doing so, the Commissioners are entitled to take a cautious approach to the imposition of conditions and ensure that compliance with such conditions can be easily measured and enforced if necessary. If the Commissioners consider approval of this proposal is warranted, then a schedule of possible conditions have been drafted and are provided at the end of this report.

9.1.2 Impact on Property Values and the Community

95. Some submitters have expressed concern that if consent is granted, their properties would reduce in value or the ability to sell would be affected.
96. Although the purpose of the RMA includes peoples' "economic... well-being" in S5, the Environment Court has established that only economic effects at a 'macro' level (i.e. effects on the economic well-being of district or regional communities) are relevant. In other words, economic effects on individual landowners are not a relevant concern under the RMA. The Court will only consider 'primary' effects on the environment (e.g. noise, dust, traffic), not 'derivative' effects such as the diminution of value and saleability of land.
97. I appreciate that the above comments do not alleviate the submitters' concerns in relation to this issue, however I note that the focus of this report and the work of the Commissioners will be to examine the primary effects on the environment caused by this proposal and determine the appropriateness of the proposal accordingly.

9.1.3 Climate change

- 98. A number of submissions raise concerns in relation to increased CO² emissions from additional truck movements and impacts on climate change with the removal of indigenous vegetation.
- 99. Currently, S7 of the RMA restricts local authorities to considering the effect of climate change on an activity (i.e., response to the effects of climate change, including natural hazards). Under the RMA, climate change mitigation (reduction of greenhouse gas emissions) is beyond the scope of local authority resource management responsibility.

9.1.4 Consultation

- 100. A number of submitters have expressed concern that consultation carried out by the Applicant was inadequate.
- 101. It is important to note that there is no requirement under the RMA for an applicant to consult with anyone. Whilst it is certainly good practice, the only requirement is for the applicant to document the nature and outcomes of any consultation undertaken. The Applicant carried out consultation in relation to this application, the outcomes of which are detailed in Section 5 of the application.

9.1.5 Other Matters

- 102. There are a number of other matters raised in the submissions such as consideration of religious beliefs and evidence provided in previous Environment Court decisions.
- 103. These matters are either not RMA matters, or do not directly relate to this application and, as such, will not be addressed in this report.

9.2 Traffic Effects

- 104. The application includes a Traffic Impact Assessment prepared by Opus, dated August 2018. This assessment sets out the existing traffic environment, anticipated traffic effects from this proposal and the mitigation measures proposed. This report was originally reviewed by WDC's Senior Land Development Engineer. Gray Matter (GM) were then engaged to specifically address concerns raised in submissions and review the TIA report prepared by Opus.
- 105. In summary, the expert findings were that, subject to the imposition of recommended consent conditions, the potential traffic safety effects will be acceptable.
- 106. The GM Transportation Review confirms that *'The proposal results in an increase in heavy vehicle trips on McPherson Road and at the McPherson Road /SH2 intersection. Compared to the baseline (no existing use rights) the increase is 165 trucks per day. The proposal increases turning movements at the McPherson Road/SH2 intersection and includes upgrading the intersection to provide a right turn bay, an auxiliary left turn in lane and improved sight distance. We recommend conditions limiting daily trip generation by heavy vehicles to 210 trucks per day, and average daily trip generation of 165 trucks per day (calculated over three months). This framework allows the Applicant to respond to*

meet peaks in aggregate demand and provide the community with more certainty about the frequency and intensity of the peaks.”¹

107. In terms of the Heavy Vehicle Pavement assessment, the GM Transportation review notes that ‘the assessment (referring to the 2018 assessment by GM) was based on an increase of 38 HCV/day on the basis that the existing quarry operation had existing use rights. We understand that existing use rights do not apply and have therefore reassessed the pavement impact. The revised assessment based on the previous Waikato DC draft policy results in a financial contribution of \$53,992. If the fee were collected over 45 years the contribution would be \$1,200/year. We recommend that if Council chooses to collect a heavy impact fee that the contribution should be collected as a lump sum over a period of 1-3 years to minimise administration costs and to enable it to be used for improvements to McPherson Road.

The baseline assessment of the heavy vehicle impact fee considered the full width of pavement. The impact of cleanfill loaded inbound trucks on pavement condition has already been accounted for in the fee. There would be additional pavement impacts if the number of loaded inbound vehicles exceeds the number of outbound loaded vehicles. However, our assessment is that around 28 trucks per day will be cleanfill trucks, around a third of the expected quarry trucks. We recommend that monitoring and reporting of the cleanfill loads be a condition of consent to ensure the impacts on the pavement are consistent with the assumptions in the Application.²

108. The NZ Transport Agency (NZTA) (being the entity responsible for SH2 which is affected by this proposal) provided a submission which does not oppose the application. The NZTA submission provided the following comments in relation to mitigation measures proposed by the applicant:

1. The applicant has incorporated the mitigation letter into their proposal and subsequently agreed to the following mitigation measures:

- Modification of the bank and vegetation on the southern side of the McPherson Road/SH2 intersection to provide at least 151 m forward visibility for westbound traffic to observe and respond to a right-turning truck from McPherson Road to SH2.*
- A 42 metre right turn bay on SH2 to provide sufficient stacking space for a truck and trailer unit to wait on SH2 in order to undertake safe right turning movements into McPherson Road; and*
- An Auxiliary Lane (AUL) for left turning vehicles from SH2 to McPherson Road. The AUL will be 100m long and commence at the barrier flare approximate 10 m east of Graham Bridge.*

2. The application is of the same scale and intensity as that which the Transport Agency initially reviewed.

109. Specific concerns raised in submissions in relation to traffic effects are addressed in 8.2.1 below. In terms of the potential adverse amenity effects associated with the operation of the site and the heavy traffic movements over 45 years, these are discussed under rural character and amenity section below.

9.2.1 Submissions on Traffic Effects

110. A number of the submissions raise concern with traffic safety effects along SH2 and the McPherson Road intersection. These concerns are summarised as follows:

¹ Section 13, Pg 15 GM Transportation Review

² Section 9, Pg 10 GM Transportation Review

- Traffic safety at intersection and increase of traffic and traffic safety on SH2
- Increase in traffic on McPherson Road
- 50/50 split of traffic
- Traffic route
- Tracking onto road
- Queuing at site entrance
- Increase in traffic movements from Cleanfill

Traffic Safety on SH2 (including Grahams Bridge)

- I 11. There are a number of submissions that raise concern with traffic safety effects from the proposal on SH2.
- I 12. Submission #30 specifically raises traffic safety concerns with Grahams Bridge, which is located to the west of the McPherson Road intersection.
- I 13. NZTA is the Crown entity with the sole power of control for SH2 and they have confirmed that they do not oppose the application subject to the imposition of conditions which have been agreed to by the Applicant. Those conditions include the upgrade of the McPherson Road intersection with SH2 to incorporate a right turn bay; a short deceleration lane for left turning traffic into McPherson Road; and earthworks to the south of the intersection to maintain site distances.
- I 14. Further comment regarding traffic safety effects along SH2 was sought from NZTA on the 2 October 2020. NZTA responded as follows:

The applicant is proposing to undertake upgrades to the intersection of McPherson Road and State Highway 2, however these do not extend to Graham Bridge. These include:

- *Modification of the bank and vegetation on the southern side of the McPherson Road/SH2 intersection to provide at least 151m forward visibility for westbound traffic to observe and respond to a right-turning truck from McPherson road to SH2;*
- *A 42 metre right turn bay on SH2 to provide sufficient stacking space for a truck and trailer unit to wait on SH2 in order to undertake safe right turning movements into McPherson Road; and*
- *An Auxiliary Lane for left turning vehicles from SH2 to McPherson Road. This lane will be 100m long and commence at the barrier flare approximately 10m east of the bridge.*

The applicant undertook consultation with Waka Kotahi which resulted in various mitigation measures being incorporated in the proposal, as detailed above and in the attached submission.

Waka Kotahi is satisfied that the mitigation offered by the applicant will enable free and safe traffic flow and that if there are unforeseen effects on the highway network these will be identified and mitigated through the independent safety audit which Waka Kotahi required as a condition and was agreed to by the applicant.

The submitters concerns regarding constriction of traffic flows across the bridge and increased risk of serious accidents was a factor considered when reviewing this proposal. Waka Kotahi consider the deceleration (auxiliary) lane will enable slow moving vehicles to move off the highway before reaching

McPherson Road so eastbound vehicles should not be adversely effected, and improvements to sightlines through banking works will ensure westbound vehicles are able to safely view any heavy vehicles manoeuvring right from McPherson Road and amend speeds accordingly.³

- 115. Submission #17 considers an independent safety audit of the McPherson Road/SH2 intersection is necessary prior to any hearing. However, it is noted that NZTA have confirmed that an independent safety audit is proposed to be undertaken during the detailed design phase of the intersection with SH2 and McPherson Road and again post construction.
- 116. The upgrades to the intersection including sight distances, deceleration lane and right turn bay at the SH2/McPherson Road intersection, can be addressed through conditions of consent which will ensure that intersection improvements are in accordance with draft conditions provided by NZTA.

Increase in traffic on McPherson Road

- 117. Some submissions raise concern with an increase in traffic on McPherson Road, and where during peak hours there could be an additional 32 veh/hr (being one every 1-2 minutes).
- 118. Section 6.0 of the GM Transportation Review does address the peak trip generation from the proposal: *'The peak operating scenario occurs when two loaders are working in two different areas with a capacity of 24 loads/hour resulting in 48 truck movements/hour. Extended over the proposed 12 hour working day this equates to 576 trucks/day. Based on normal loading operations (1 loader capable of 12 loads/hour) is 24 truck movements/hour and up to 288 trucks/day. 48 truck movements/hour is around one truck every 75 seconds. Based on the turning split of 70/30 (and equal inbound/outbound split) would be one truck turning right into McPherson Road every 8-9 minutes. The right turn bay with 42m stacking is considered adequate for the peak demand. The dominant right-out movement towards SH1 would result in 17 trucks/hr turning left in and 17 trucks/hr turning right out of McPherson Road. The proposed left turn auxiliary lane will provide for the increase in left turning trucks. Given the through volume on SH2, the additional right turn demand from McPherson Road will increase queuing and delays on McPherson Road leading to drivers risking smaller gaps to turn right, particularly during peak traffic periods on SH2. Although the turning volume of one truck every 3-4 minutes is relatively low, these vehicles will be fully laden with larger gaps required to account for the slower vehicle acceleration. We consider that extended periods of operation at maximum loading is likely to lead to safety risks at the intersection and increased risk of queuing at SH2/McPherson Road.'*
- 119. Given the above safety risk, GM have recommended the imposition of a daily maximum of 210 truck movements and a daily average of 165 truck movements (over three-months) to control the frequency and intensity of the peak periods.
- 120. In addition, *'pavement impacts have been assessed and a fee required to compensate the pavement impacts.'*⁴
- 121. I agree with the conclusions reached by GM and I consider that conditions in relation to a daily cap on traffic movements and a pavement impact fee will ensure that the traffic efficiency and safety effects along McPherson Road will be appropriately managed.

³ NZTA Email Response re SH2 dated 12/10/20

⁴ Table 2 – GM Transportation Review

50/50 Split of Traffic

122. Several submissions raise concern with 50/50 split between left and right turning trucks at McPherson Road/SH2 as assumed in the Opus TIA.
123. Section 5 of the GM Transportation Review notes that *‘the TIA assesses daily trip generation as 165 truck movements per day (approximately 82 inbound and 82 outbound). The TIA averages the daily truck movements over 11 hours which results in hourly movements of 16 vehicles per hour (8 inbound and 8 outbound). We note that if the movements were averaged over a 12 hour day the hourly movements would reduce to 13 veh/hr. The TIA states that some trucks travelling to the quarry will transport clean fill and leave loaded with extracted quarry material. The TIA states that the clean fill operations will not generate additional truck movements. The transport assessment appears reasonable based on the information provided. Further assessment from WSP and Kinetic Environmental Planning states that based on client provided information on recent markets and activity, the directional split at McPherson Road/SH2 is more likely to be 70/30 with more vehicles heading to and from Auckland. Based on the above amended assumption it is likely that the majority of vehicles will be turning left in and right out via SH2.*
124. Overall, GM confirm that *‘the auxiliary left turn lane and right turn bay provides space for vehicles to turn with minimal disruption to through traffic. The intersection form should be in accordance with the conditions proposed by NZTA requiring construction of a right turn bay and an auxiliary left turn lane. We note that the time of writing this report NZTA had not been advised of the amended trip distribution. In my view, the mitigation proposed is adequate.’⁵*
125. I agree with the above comments and conclusions drawn by GM, and consider that the upgrades proposed to the intersection will ensure that there is minimal disruption to through traffic. The Applicant is proposing to undertake the upgrades (as required by NZTA) to the intersection and these can be imposed via conditions of consent.

Traffic Route

126. A number of submissions also raise concerns surrounding the traffic safety effects associated with trucks utilising Pinnacle Hill Road as a traffic route for north bound traffic. The Applicant has confirmed that Pinnacle Hill Road is not proposed to be used as a traffic route and that north bound traffic will turn right at the McPherson Road intersection.
127. The GM Transportation Review considers that no mitigation is required in this respect as quarry traffic is unlikely to use this route as there are more direct alternative routes to SH1.⁶
128. I agree and consider the risk of traffic utilising Pinnacle Hill Road to be minimal. The Applicant has also confirmed that *‘Pinnacle Hill Road is a public road and therefore open for use by the public for any purpose, it is not a haulage route for McPherson Quarry’s clients due to its steepness and availability of better, more suitable transfer routes. Importantly, Pinnacle Hill Road is not used by trucks entering or exiting the quarry, which is the main traffic effect to assess in this instance. For these reasons, any effects on this road have not been assessed in the resource consent application and/or the traffic impact assessment.’⁷*

⁵ Table 2 – GM Transportation Review

⁶ Table 2 – GM Transportation Review

⁷ Point 2 s92 Response from KE, dated 7/10/20

Tracking onto road

- I29. Some submissions raise concern with dust and dirt being tracked onto the roads resulting in safety issues including the road markings being less visible.
- I30. The GM Transportation Review considers that this concern *'could be addressed through conditions which cover requirements for water carts onsite and wheel wash stations on-site prior to the vehicle crossing to minimise dust and debris being tracked onto the road. Sealing at the entrance within the site would also minimise the risk of dust and debris being tracked onto McPherson Road.'*⁸
- I31. Furthermore, it is noted that WDC impose advice notes or consent conditions relating to tracking onto the roads from activities. Of note, Rule 15.5.2.2 of the ODP requires that vehicle movements from earthworks shall not result in any material deposited on a public road creating a hazard or nuisance.

Queuing at site entrance

- I32. Some submissions raise concern with inadequate stacking space for truck and trailer units, resulting in vehicles potentially parking on McPherson Road while waiting to turn into site.
- I33. The GM Transportation Review considers that *'the vehicle crossing and internal road should allow for two-way movement and sufficient stacking for at least one truck and trailer unit. This should be addressed with conditions.'*⁹
- I34. I agree with the comments above- the upgrades to the site entrance can be addressed through the imposition of consent conditions. A suggestion of such conditions are included in **Appendix L**.

Cleanfill Trucks

- I35. Some submissions raise concern with there being no guarantee that cleanfill trucks will be backloaded with aggregate and the potential for more trucks to and from the site as a result.
- I36. It is considered that the above concern can be addressed through the imposition of conditions of consent, including conditions relating to the monitoring of the cleanfill, recording of truck movements through log books, annual haulage limits (as per NZTA condition) and a limit on daily traffic movements.

9.2.2 Conclusion on Traffic Effects

- I37. Overall, the traffic effects are considered to be acceptable. I have relied on the expertise of both the Opus and GM Traffic Engineers in forming this opinion. If consent is granted, conditions of consent will ensure that the mitigation and management measures are undertaken as recommended.

⁸ Table 2 – GM Transportation Review

⁹ Table 2 – GM Transportation Review

9.3 Ecological Effects

138. Approximately 2.45ha of indigenous vegetation is proposed to be removed onsite. Of this, approximately 2.18 ha is within the ISNF layer. The Ecological Impact Assessment (EclA) prepared by Ecology New Zealand, dated 15 October 2019 provides an assessment of effects of the quarry operations on the loss of ecological values.
139. As part of the WRC consent process, Aecom was engaged to undertake a review of the proposal and the findings and recommendations of the EclA for both WRC and WDC.
140. The Aecom review considers that *'the applicant has sought to reduce the impacts that the quarry expansion would have on the SNA, albeit, that the loss of SNA habitat will still occur. It is considered that the magnitude of effect on terrestrial habitats and associated fauna (bats, birds) is greater than the EclA indicates - low ecological effect. However, it is considered that the habitat linkage that will be provided by the northern corridor could provide ecological benefits that are not currently present on site (connectivity), if delivered appropriately.'*¹⁰
141. Section 4 of the review report sets out 16 recommendations which have been proffered by the applicant, as per the email dated 18 February 2020.
142. The ISNF connects to the Mt William Walkway which is administered by the Department of Conservation to the west of the site. The ISNF overlay which is shown to run through the site is separated by the existing quarry face, as shown in Figure 6 below:



Figure 6 - Operative District Plan Map showing ISNF overlay and existing quarry face

¹⁰ Section 4.0 of Aecom Peer Review Report dated 31/01/20

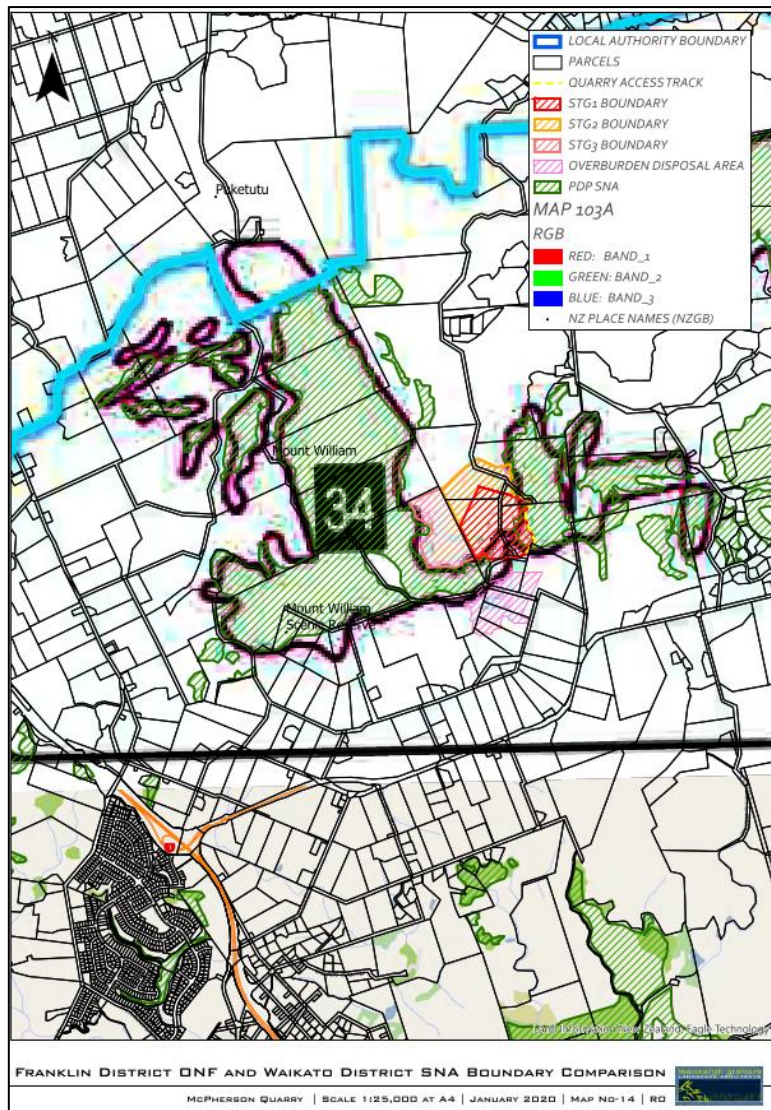


Figure 7 - Operative ONF policy overlay

143. The ONF was addressed by MGLA have addressed the ONF in their further information letter response dated 23 January 2020. Map 103a was georeferenced into the current GIS data set to show the geophysical extent of the former ONF with the SNA identified in the PDP. As can be seen in Figure 6 and 7 above, a portion of the vegetation that comprises part of the Mt William Walkway in map 103a has already been removed, meaning there is no connection to the indigenous vegetation to the east and west.
144. From review of the property file and aerials, it appears that the majority of this vegetation was removed when the quarry was operating under existing use rights (the western quarry face). However, it appears there is an additional 2ha (approx.) of vegetation that has been removed post 1997 on the eastern quarry face.

9.3.1 Submissions on Ecological Effects

145. The submissions have raised the following concerns as they relate to ecological effects:
 - Historical removal of SNA;

- Removal of Indigenous Vegetation and Area of Compensation;
- Timing of establishment;
- Effects on surrounding habitats from dust and noise pollution;
- Effects on wetlands to the north of the quarry;
- Mitigation for the removal of tributary I and effects on stream I being inadequate;
- Presence of Kauri and Kauri dieback;
- Robust, science based conditions.

146. Aecom have reviewed the submissions and concerns raised in their report and these are discussed below. I have addressed the historical vegetation separately below.

Historical removal of SNA

147. A number of the submissions raise concern, with removal of Indigenous Vegetation. After reviewing the property file and historical photos and aerials (including WRC maps), it appears that approximately 2.88ha of indigenous vegetation was removed between 2002 and 2017 to expose the eastern most face of the quarry.
148. Rule 15.6 (Vegetation Clearance) of the ODP became operative on 29 June 2011. As a result, any vegetation removal prior to this date was likely to be a permitted activity.
149. WRC have provided the below vegetation map on top of WRAPS2002 and the same for WRAPS2017 shows vegetation clearance between 2002-2017.
150. The clearance is shown to be kanuka dominated forest and losses can be split into the following date ranges:
- 0.56 ha 2002-2007
 - 0.32 ha 2007-2012
 - 2.0 ha 2012-2017
151. A portion of this is shown as ISNF under the ODP but not as SNA under the PWDP.
152. It is therefore only vegetation removal carried out post June 2011 which would require consent, being approximately 1.95ha (minus 2.5% of 2ha). Although the ecological planting goes a considerable way to mitigating the effects of the proposed vegetation removal, it is considered that additional mitigation should be undertaken to offset the historical removal of vegetation. I invite the Applicant to provide details of ways that the loss of historic vegetation removal can be offset.

Removal of Indigenous Vegetation and Area of Compensation

153. Some submissions raise concern with the removal of indigenous vegetation and concern that the area of compensation planting proposed is too low.
154. Section 3.1 of the Aecom review notes *'Ecological mitigation should be calculated based on the level of planting needed to meet the same ecological value as that of the vegetation to be removed or affected. The compensation quantity should consider the representativeness (ecological health/ degree of modification) of the vegetation to be removed as well as the ecological importance of that vegetation. Additional consideration should be given the "lag period" or the time it will take for compensation planting to provide the same ecological value as the vegetation that has been removed. The value of*

native vegetation impacted by the Proposal was assessed as **High** for Kanuka-dominated forest. The proposed quarry expansion will result in the loss of 2.45 ha of Kanuka dominated forest, of which 2.08 ha is designated as an SNA2. The overall ecological effect of this loss is assessed as **Low**.

155. As discussed above, the applicant has agreed to additional management and mitigation measures including the planting of a 4.56ha ecological corridor (increased from 4.53ha as a result of recommendations by MGLA on the 20 October 2020), fencing and protection via QEII covenant.

Timing of establishment

156. Some submissions raise concern with the timing of planting the ecological corridor to achieve visual mitigation.

157. Section 3.2 of the Aecom review considers that *‘following a strict interpretation of the like-for-like principle, the lag time should be as small as possible. The applicant therefore needs to demonstrate consideration to lag time and measures taken to minimise the lag period. To this end two measures have been included:*

- *The inclusion of plant species that ensure quick reestablishment of canopy cover;*
- *Although not stated as a deliberate intent within the EMMP, the compensation ratio used (e.g. 2:1) also assists in mitigating for the “lag” in ecological utility between planting and vegetation removal. The significance of the lag period needs to be assessed against the loss of ecological functions within the areas where native vegetation will be removed. As discussed in Section 3.1, the significance of the vegetation to be removed relates to its relative position between other ecological nodes and the potential presence of species of conservation significance. The relevance of the former is limited due to the extent of existing fragmentation, while the latter is limited based in the findings of the baseline assessment. With consideration to the residual functions and the potential implication of a protracted lag period the following is recommended to be included within the consent conditions:*
 1. *Planting must commence in the next planting season from when consent is given; and*
 2. *The northern corridor is planted in no more than three planting seasons.*

158. The above measures have been agreed to by the Applicant. Further to the above, I note the works for Stage 1 and 2 will take place over 10-15 years and Stage 3 over 30 years. Given the mitigation measures proposed and timing for staging, the corridor should provide sufficient visual mitigation.

Effects on surrounding habitats from dust and noise pollution:

159. Some submissions raise concern with the effects on surrounding habitats as a result of quarrying including noise and dust. Aecom address both terrestrial and aquatic habitats in their report. Given aquatic ecology is a regional matter, I rely on their assessments in relation to this. Effects on terrestrial habitats is discussed below:

160. Section 3.7 of the Aecom review notes that *‘Details regarding dust control measures have not been reviewed. The EclA and EMMP also do not make specific reference to noise and dust pollution. However, it is understood that, with the increase in water allocation for dust suppression in the way proposed, all potential and actual dust effects will be managed to a standard considered appropriate by the WRC. Moreover, buffer planting will further assist in mitigating operational dust and noise*

impacts to the receiving environment. Operational activity will be restricted to daytime, thus reducing the potential effects on nocturnal species such as potentially occurring longtail bat.'

161. Further to the above, and as assessed in section 9.6 and 9.7 noise and dust effects will be managed to acceptable levels subject to robust conditions of consent.

Effects on wetlands to the north of the quarry

162. Some submissions raise concern with the effects of the proposed activity on wetlands to the north.
163. Aecom note that the wetlands to the north forms part of the headwaters of the stream to the east of the quarry activities and is upslope from the existing and proposed quarry activities. It is therefore unlikely that this wetland specific wetland be affected.¹¹

Mitigation for the removal of tributary I and effects on stream I being inadequate

164. Some submissions raise concern with mitigation proposed for loss of tributary I and downstream effects on stream I.
165. As noted above, aquatic ecology and hydrology is a regional matter and I rely on their assessments in relation to this. However, as noted in the Aecom report that the ecological values of tributary I has been assessed as low and the pre-mitigation effect of sediment on the receiving Waipunga Stream and downstream receiving environment has been assessed as Very High. Erosion and sediment related risks are confirmed to be appropriately managed through the implementation of erosion and sediment management plan.¹²
166. Overall, WRC have confirmed that subject to subject to mitigation measures and robust conditions of consent, that mitigation for the loss of tributary I and downstream effects will be acceptable.

Presence of Kauri and Kauri dieback

167. Some submissions have noted the presence of Kauri (including the presence of Kauri within 50m of Stage I) and concern with Kauri dieback.
168. Section 3.6 of the Aecom Reports have addressed as follows:

The EclA and EMMP did not refer to the presence of Kauri trees within the proposed footprint or enhancement areas. Subsequent ecological reviews of the EclA and EMMP also did not specifically identified Kauri dieback as an issue. However, given the presence of Kauri trees within the surrounding landscape and the soil disturbance that will occur with the project footprint, it is considered that precautional measures must be implemented.

Mitigation measures include hygiene stations, avoidance of soil disturbing activity within a predefined distance of the dripline of kauri trees and avoidance of soil disturbing activity within the wetter months in locations where dieback may occur. It is therefore recommended that access to native bush on either side of the proposed expansion be controlled to prevent the potential spread of dieback to these

¹¹ Section 3.5, Aecom Submission Reivew dated October 2020

¹² Section 3.3 Aecom Submission Review dated October 2020

areas. Access should be restricted as far as possible and where unavoidable, control measures must include soil cleaning and sterilisation stations. Only approved disinfectants (such as Sterigene) must be used at control stations. Details regarding access and dieback should be included into the employee induction and reference should be made to available Kauri dieback resources.

169. Overall, I consider that the above concerns can be addressed via the imposition of conditions which clearly set out the management and mitigation measures required in relation to Kauri dieback. The suggested conditions have been drafted with this in mind and are included in **Appendix L**.

Robust, science-based conditions

170. Submissions (in particular submission 27) raises the need for robust, science based conditions so that adverse ecological effects are avoided, remedied or mitigated.
171. Section 3.9 of the Aecom Report note that *'the ecological baseline assessment applied industry standard assessment methods for avifauna, bats and lizards, while similar standard approaches were applied for the aquatic ecology assessment. The terrestrial vegetation assessment could benefit from a tree count of species with a DBH exceeding 15cm. This will be particularly useful to inform the compensation quantity for the northern corridor enhancement area.*
172. It is agreed, that there is the need for robust, science based conditions which clearly set out the management and mitigation required. The suggested conditions have been drafted with this in mind and are included in **Appendix L**.

9.3.2 Conclusion on Ecological Effects

173. Objective 5.2.1 of the ODP requires adverse effects on the life capacity of indigenous ecosystems to be avoided, remedied or mitigated. Objective 5.2.3 of the ODP seeks to protect outstanding natural features and landscape from inappropriate use. Although the proposal involves the removal of indigenous vegetation, including ISNF, the ecological values of these areas have been assessed as low. Proposed mitigation, including compensation planting to form a 4.56ha ecological corridor to the north of the quarry expansion and proposed management by way of bat, lizard, bird and planting plans will ensure effects are appropriately managed and remedied. I have relied upon both the authors of the of the EclA and Aecom's reviews.
174. Subject to a satisfactory response from the Applicant in relation to the additional mitigation measures recommended for the historical removal of vegetation, and the imposition of the recommended conditions of consent, I conclude that overall, the ecological effects of the proposal will be acceptable. In coming to this conclusion, I have relied upon both the authors of the EclA and Aecom's reviews.

9.4 Cleanfill Effects

175. As detailed in section 2.0, the proposed activity includes the importation of 100,000m³ cleanfill per annum over a period of 45 years. Importation of cleanfill will not result in additional traffic movements as trucks bringing in cleanfill will leave with aggregate. Any submissions received on the traffic effects from the backfilling of trucks with cleanfill with aggregate are addressed above in section 9.2.
176. The Applicant has confirmed that cleanfill material to be deposited on the site will meet the

definition of cleanfill set out in the ODP (noted as largely comprising of earthworks from residential development within the winter months). It is proposed that cleanfill will be spread in thin layers between the overburden fill or thoroughly mixed with the overburden (depending on the level of saturation of the cleanfill).

177. The application also includes a Draft Quarry Management Plan (DQMP) which details the management of environmental risks associated with the operation of the quarry and cleanfill area (DQMP). Section 3.2-3.4 of the DQMP sets out the measures on cleanfill methodology, acceptance and measures around fill rejection.

9.4.1 Submissions cleanfill effects

178. Some submissions raise concern with the management around the importation of cleanfill.
179. The importation of cleanfill needs to be carefully managed to prevent contamination effects. This matter is being addressed by WRC through their consenting process. As such, I defer to their assessment.
180. Subject to suitable controls being imposed by WRC, it is my opinion that the cleanfill acceptance criteria is appropriate, and any contamination effects from the discharge of the proposed cleanfill will be acceptable. I have reviewed the draft WRC conditions in relation to this matter and replicated those which I consider relevant to WDC.

9.5 Erosion and Sedimentation Effects

181. The WRC Notification Report confirms that *'stormwater from the quarry catchment is drained into sediment retention ponds prior to discharge into an unnamed tributary of the Waikato River. The primary contaminant is sediment from active areas such as stripping earthworks and vegetation clearance, the stockpile areas, the haul road, overburden site, quarry pit and aggregate processing site. The chemical treatment of stormwater will discharge residual flocculent to receiving water which must be managed carefully to avoid ecotoxicity effects to aquatic environments.'*¹³ Stormwater design has been provided for Stage 1. The Applicant is proposing to provide further detailed stormwater design for Stages 2 and 3, and has offered up conditions of consent requiring the same. However, the Applicant has provided preliminary external stormwater solutions for all stages.

9.5.1 Submissions on erosion and sedimentation effects

182. The submissions have raised the following concerns as they relate to erosion and sedimentation effects:
- Sedimentation during heavy rains over the upper section of the valley and Grahams Stream.
 - No detailed design for stages 2 and 3- how can the AEE conclude that the effects will be less than minor if detailed designs are not in place?
183. WRC have assessed the proposal in terms of erosion and sedimentation effects and conclude that *'subject to implementation of the detailed ESCP prepared by Southern Skies for the current*

¹³ Pg 11 of WRC Notification Report

operation, and further detailed ESCP's for each stage of works based upon the above listed high-level plans, I consider the sediment management system to be in accordance with best practice standards outlined within WRCs TR2009/02 Guideline. Appropriate to minimise potential sediment discharge effects from the quarry, fill site and ancillary activities.'

184. I agree with WRC's conclusion above and consider that any potential erosion and sedimentation effects can be appropriately managed subject to the imposition of conditions of consent.

9.5.2 Conclusion on Erosion and sedimentation Effects

185. Overall, I consider the erosion and sedimentation effects of the proposal will be acceptable subject to the imposition of, and compliance with, conditions of consent.

9.6 Noise and Vibration Effects

186. My assessment of noise effects is primarily informed by the expert reports provided by Mr Hegley, Acoustic Consultant from Hegley Acoustic Consultants on behalf of the Applicant (HAC) and Ms Wilkening, Acoustic Consultant from Marshall Day Acoustic Consultants on behalf of WDC (MDA) attached in **Appendix H**. The reports provided by those experts have been summarised in my notification report and will not be repeated in full here.
187. The HAC report recommends the application of the relevant noise limits set in the PWDP. MDA agrees with this position and recommends the imposition of additional conditions to control blasting noise.
188. In summary, the reports provided by both HAC and MDA conclude that the predicted noise levels can achieve compliance with the daytime noise limit (as set by the PWDP) at all dwellings for all stages of works, including the fill activities in the south of the site.

9.6.1 Submissions on Noise Effects

189. The submissions have raised the following concerns as they relate to noise effects:
- Hours of operation;
 - Location and timing of noise measurements and predictions;
 - Noise from trucks;
 - Assessment of Noise Effects.
190. After reviewing the received submissions, further information was requested from the Applicant on the 27 July 2020. The information was in relation to noise predictions for the two-story dwellings which are in close proximity to the quarry and an assessment of the noise effects on those dwellings from HAC. This information was provided on the 7th October 2020 and was reviewed by MDA who have included comments in their report.
191. MDA have reviewed the submissions and these are addressed under the following headings:
- Hours of operation
192. A number of submissions question the hours of operation proposed as the AEE and its various

supporting technical reports note the proposed hours as being either 7am-6pm Monday to Saturday or 7am-7pm Monday to Saturday. In an email received on 7 August 2019, it was confirmed that the hours of operation are proposed to be 7am to 7pm Monday to Saturday. This was reconfirmed after reviewing submissions provided on the 9 October 2020.

193. A number of submissions raise concern with the hours of operation proposed, including the operation on Saturday. Some of these submissions consider the hours of operation should be reduced.
194. Section I of the MDA review report considers that *'While the character of the area appears to change from rural to lifestyle, the area is zoned Rural. The predicted noise levels are not unreasonable for a rural environment, and therefore we do not recommend a reduction in Saturday operating hours for acoustic reasons.'*
195. I agree with the above comments, and consider that the hours of operation are reasonable, given the Rural Zone is a working environment- and the noise levels demonstrate compliance with the levels set out in the district plan (the Proposed District Plan levels).

Location and timing of measurements and predictions

196. Some submissions raise concern with the location of measurements and predictions undertaken by HAC. Noise from trucks, crushers and drilling have been raised as concerns. Additionally, concerns have been raised with the predictions vs increase in production and noise.
197. In terms of the noise measurements undertaken by HAC, Section 4 of the MDA report notes that *'the ambient sound environment is described as being affected by noise from SH2 and potentially SH1, and natural sounds. These levels are as expected for a rural environment during daytime and support the District Plan daytime noise limit of 50 dB L_{Aeq}'*
198. MDA go onto to say, that *'while it is unfortunate that no long duration survey was undertaken to gain a fuller understanding of the ambient environment, we are satisfied that the measured levels show a snapshot of the receiving environment that is within an expected range. The wind direction during the measurement at 231 Pinnacle Hill Road was described as being from south west, so from the quarry and SH1 to the receiver position. The ambient noise levels provided by HAC are within the range expected in the area, also supported by MDA surveys undertaken on unrelated projects in the area.'*
199. In terms of the noise level predictions Section 5.0 of the MDA Report notes the following:

'HAC predicted noise levels for various operating scenarios, both existing and future. Allowance was made for all equipment operating concurrently and in "worst case" locations for each stage. Noise level predictions are generally undertaken for a universal downwind situation, i.e. the modelling algorithm assumes downwind propagation to all receivers. Therefore, noise levels would reflect a reasonable worst case in terms of meteorological conditions.

The predicted noise levels indicate that compliance with the daytime noise limit can be achieved at all dwellings for all stages of works, including the fill activities in the south of the site. Predictions have been provided for the notional boundary and the upper floor level of multi storey houses. Generally, the upper floors will receive higher noise levels due to less terrain and incidental

shielding. The highest predicted noise level is 49 dB L_{Aeq} at the upper floor of 40 McPherson Road. This level is just compliant with the 50 dB L_{Aeq} daytime noise limit, which suggests that the quarry needs to carefully manage its noise generation in order to ensure compliance at all times.'

200. As highlighted by MDA, the noise predications are based on the worst-case scenarios in terms of all equipment operating at once, wind direction, locations- and these predictions demonstrate that compliance can be achieved with the district plan noise levels. Subject to the imposition of consent conditions that require noise levels to comply with the district plan standards, it is my opinion that the noise effects from the proposal will be acceptable.

Trucks on the road

201. A number of submissions raise concern with the noise from trucks on the road, in particular trucks on Pinnacle Hill Road.
202. Section 7 of the MDA report confirms that *'Trucks on the public road are not controlled by the relevant zone noise limits. Nevertheless, the effect should still be assessed, particularly if the road would not otherwise carry a large number of heavy vehicles.'*

Some submitters are concerned that trucks to or from the quarry will use Pinnacle Hill Road, a windy road that carries very low traffic volumes in general, and even less heavy vehicles. The latest traffic count on Pinnacle Hill Road that is available, was done in 2010, and showed a daily traffic flow of 540 vehicles, with 1% heavy vehicles (i.e. 5 per day). Upscaling to 2020 at 3% non-compounding per year, would result in a daily traffic flow of around 700 vehicles per day and 7 trucks.

Further questions for clarification to the applicant show that it is not intended that quarry trucks would use Pinnacle Hill Road, unless they are delivering material to a project on that road. Therefore, in our opinion, no further assessment is required.'

203. I agree with the above, and consider that as Pinnacle Hill Road is not proposed as a heavy vehicle haulage route, that any risk from noise of trucks will be minimal.

Assessment of effects

204. Submission #17 notes that while acoustic modelling has been undertaken, that no assessment of the potential amenity of the surrounding residents was undertaken.
205. After the close of submissions, HAC provided an assessment of the noise effects on the normal day to day residential activities in their response dated 5th October 2020.
206. Section 9 of the MDA report notes that *'generally, predicted noise levels and measured ambient noise levels are similar. The quarry activities will be audible at receivers not only when activities are in close proximity but also at other times, due to the character of the noise. At times of low ambient sound (e.g. still days with little traffic flow on the surrounding roads) quarry noise levels will be more prominent, particularly for dwellings near, or elevated above, the site with line of sight to the quarry operation. However, audibility is not an assessment requirement, but rather if the noise level is reasonable in the context of the environment.'*

Based on the measured levels provided, noise level surveys undertaken by MDA on an unrelated project in the area and the HAC assessment of effects, the predicted quarry noise levels would not be unreasonable compared with existing noise levels. The quarry will be audible and noticeable but should not interfere with normal day to day residential activities.'

207. The noise predictions indicate that compliance can be achieved- and these predications are based on the worst-case scenario. While I acknowledge that amenity values are subjective and different from person to person, the site is within the Rural Zone- a working environment. Mineral extraction activities do form part of the rural environment- where the effects including noise and vibration can be managed. It is my view that should the Commissioner be of a mind to grant consent, that conditions of consent requiring compliance with the noise levels and recording of compliance with those levels will be acceptable and are consistent with what is anticipated by the District Plan. Appropriate noise conditions are recommended in the suggested consent conditions in **Appendix L**.

9.6.2 Submissions on Vibration Effects

208. The submissions have raised the following concerns as they relate to vibration effects:

- Effects from blasting including shock waves (in particular submissions #29 and #30).

209. A number of submissions raise concern with the adverse effects of blasting including damage to buildings from shockwaves/vibrations. Section 3 of the MDA notes *'the submissions have included reference to adverse vibration effects, and while we cannot comment on the validity of some submissions' assertion that blasting vibration has caused damage to buildings, we consider that a vibration control should be included in the conditions.*

The Proposed Waikato District Plan does not to contain any vibration limits. The Operative Waikato District Plan – Franklin Section references AS2187.2. This standard sets a vibration limit for blasting, of 10 mm/s PPV at dwellings, but also recognises that this level may be not appropriate. It states that "In the absence of a particular site-specific study which may determine the appropriate damage criterion, then peak particle velocity is suggested as a damage criterion and a maximum level of 5 mm/s is recommended for blast design purposes..."

We consider that a vibration limit of 5 mm/s PPV is appropriate to avoid building damage and deal with amenity effects, provided prior notification is given. Recommended condition wording is included in this letter.

210. A number of submissions raise concern with and annoyance and startle from blasting. Section 6 of the MDA report notes *'that is a common management measure, where blasts are notified to people in the vicinity prior to the blast occurring (e.g. 30 min prior and then again 1 min prior). Such notification can be undertaken via siren over a wider area, or more targeted via text message. Either has been used successfully at other quarries, and we recommend that a similar regime is implemented at this quarry. Both options are pros and cons. Sirens may result in additional noise pollution as they need to be at a level that notifies a wider area, however, sirens are easy to use and means that everyone in the vicinity is aware of the impending blast. Text messages are targeted at those neighbours that are concerned about blasting, but may be missed if reception is insufficient or people do not have their phone on them.*

We recommend gauging submitters' preference on notification and condition one blast notification option.'

211. Subject to compliance with these standards it is my opinion that any off-site vibration effects, as raised in the submissions, will be acceptable and are consistent with the ODP blasting

standards. Appropriate blasting conditions are recommended in the suggested consent conditions in **Appendix L**.

9.6.3 Conclusion on Noise and Vibration Effects

212. Overall, I consider the noise and vibration effects of the proposal will be managed to acceptable levels subject to the imposition of and compliance with conditions of consent.

9.7 Dust Effects

213. WRC primarily assess the air quality effects, however there is a cross over with the District Council in that the WDC is also concerned with whether the air quality effects of the activity will be a nuisance and thereafter affect the amenity values of the surrounding environment.
214. This proposal has the potential for dust discharge to air as a result of the quarrying and cleanfill operations. Specifically, dust can be generated from blasting, extraction, deposition of cleanfill and from vehicle movements.

9.7.1 Submissions on Dust Effects

215. The submissions have generally raised the following concerns as they relate to dust effects:
- Dust pollution – health risks
 - Insufficient water for dust suppression
 - Proximity of cleanfill area to boundary and managing dust particulate within the site
 - Dust deposition on neighbouring dwellings (sludge in gutters and getting into water supply)
 - Dust deposition on McPherson Road and SH2
216. The Applicant engaged air quality expert Andrew Curtis from Pattle Delamore Partners and WRC have engaged Air Quality Expert Terry Brady to address air quality concerns raised by submitters.
217. Mr Curtis provided a draft assessment of expected particulate from the proposal and TSP/PM10 effects and this will be included in his evidence. Terry Brady reviewed and provided preliminary comments confirming that he concurs with Mr Curtis's assessment of expected particulate and TSP/PM10 effects and that they should be no more than minor provided that the recommended mitigation procedures are followed.
218. As a consequence, WRC are recommending robust conditions of consent be imposed to ensure that potential adverse effects on air quality from this proposal are appropriately managed. It is concluded that with the imposition of such conditions and the proposed mitigation measures will be adequate for the level of risk associated with those potential adverse effects. I consequently rely on the WRCs assessment and their suggested consent conditions.
219. In terms of dust deposition on the road, my view is that this can be addressed via condition of consent. The suggested conditions in **Appendix L** have been drafted with this in mind.

9.7.2 Conclusion on Dust Effects

220. Overall, I consider the dust effects of the proposal will be acceptable subject to the imposition of and compliance with conditions of consent. I have relied on the expertise of both Mr Curtis and Mr Brady in forming this conclusion.

9.8 Visual Landscape Effects

221. A full assessment of the visual effects associated with the proposal has been included in my notification report and is largely informed by the Applicants expert Mansergh Graham Landscape Architects (MGLA) and WDCs expert Boffa Miskell (BML).
222. The application was originally supported by a Visual Landscape Assessment prepared by Opus, dated 31 August 2018. This report was peer reviewed by BML on 28 June 2019 and further information requested as a result. MGLA then provided a response to the review dated November 2019 and 23 January 2020. The purpose of the MGLA response was to review and verify the findings of the 2018 Opus report and respond to the further information request by Boffa Miskell.
223. A number of submissions raise concern with the reliance on existing use rights in the application assessments.
224. As noted in Section 1.2 above, the FDC determined in 1995 that the quarry was operating under existing use rights and any future works, including a major benching exercise and partial removal of a grassed knoll would result in “significant and potentially adverse visual effects.”¹⁴ At this time, it was confirmed that the quarry was extracting approximately 6-7,000 tonne of material per year. As addressed in the notification report, it is considered that the existing use rights in relation to the visual effects of the quarry, are as it was viewed between 1994-1997, not as it is currently viewed.
225. As confirmed above, the assessments undertaken by WSP Opus and MGLA did not consider the ‘statutory baseline’(established as the visual landscape effects in 1997) as to the magnitude of the landscape and visual change. Accordingly, Boffa Miskell were asked to include in their response to submissions, a preliminary assessment of visual effects associated with this view (the ‘statutory baseline’). The Boffa Miskell report is included in **Appendix G** of the application and a summary provided below:

BML response – against the existing environment:

The WSP Opus assessment relies on the existing presence of the quarry and its presence setting a precedent in the landscape “The quarrying activity is not new to the landscape, as the quarry has been in operation over 60 years, and as such is considered part of existing landscape character”. In section “4.3 Site Landscape Content” of the assessment, the quarry is described as being “in operation for 60 years, so the appearance of cut faces has been a consistent element in the landscape and the expansion won’t be a new element in the landscape and is considered to be part of the existing landscape”⁵. These factors contribute to the landscape character being assessed as being of “low” sensitivity for all stages by WSP Opus. Within the context of this baseline and the additional landscape character information provided by MGLA in the s92 response. It is considered by BML that the landscape description, magnitude of change and level of effects rating were reliable.

¹⁴ FDC Memorandum dated 9/11/95

BML response – against the statutory baseline environment:

With consideration of the 1997 baseline environment, the expected sensitivity of the receiving environment has the potential be greater than when assessed against only the existing environment (at the time of application).

When applying the statutory baseline of annual extraction rate, and then assessing the proposed expansion of the quarry, the extent of modification and magnitude of change is substantially greater than what exists on site today. By this we mean that had the quarry operated within it's permitted extraction rate the existing environment would be substantially less modified than what currently exists. As noted above MGLA have not undertaken an assessment against the statutory baseline and we acknowledge that there are complexities to applying this when it is difficult to determine the likely landform a permitted extraction rate would have resulted in.

It is considered the sensitivity of this landscape remains consistent with what has been assessed by WSP Opus and MGLA. However, when considering the scale and volume of extraction and applying the statutory baseline, the magnitude of change is increased to a moderate degree. As a result, the potential degree of adverse landscape effect are likely to be moderate.

226. I agree with the above assessment provided by BML- that the magnitude of change experienced when considering the statutory baseline, results in moderate landscape effects. This has been taken into consideration when addressing submissions below.

9.8.1 Submissions on Visual Landscape Effects

227. 16 of the 17 submissions (including one community submission) opposing the application have raised the following concerns as they relate to visual landscape effects:

- Views from residents on Pinnacle Hill Road, including impacts from individual private properties including reliance on Pine trees for screening at 211 Pinnacle Hill Road;
- Impacts of views from Mt William – a popular walking track;
- Removal of the Ridge Line- which currently obscures views towards lights from the Pokeno township and opening up views of overburden area;
- No details on final landform/rehabilitation for the quarry.

228. The above matters are addressed under their respective headings below:

Views from private residences

229. After reviewing submissions, MGLA, BML and WDC visited 9 properties on 6 August 2020 to get a better appreciation of potential visual landscape effects on residences. These properties were selected to be visited to represent 17 properties identified in 12 submissions which had concerns regarding visual effects (listed below):

- 40 McPherson Road (Submission 30)
- 209 Pinnacle Hill Road (Submission 33)
- 211 Pinnacle Hill Road (Submission 17)
- 215 Pinnacle Hill Road (Submission 22)
- 217 Pinnacle Hill Road (Submission 21)
- 219 State Highway 2, Heartland Farm (Submission 29)
- 231 Pinnacle Hill Road (Submission 18)
- 231B Pinnacle Hill Road (Representative of views from 231A, 233A, 233B, 233C, 233D, 233E, 233F and 235) (Submissions 24, 29, 31 and 35)
- 247 Pinnacle Hill Road (Submission 15)

230. As a result of the site visits, MGLA in preparation of their evidence, have prepared a 3D model showing views of the quarry over the three stages. This was shared with WDC and WRC on 20 October 2020- prior to the circulation of the s42A reports. In order to mitigate the visual effects of stages 2 and 3 from the northern properties, the Applicant has proposed screen planting along the north east boundary of stage 2. Figure 8 below shows the updates to the ecological corridor planting. The Applicant confirmed that *'the screen planting increases the overall planting area to approx. 5.26 ha (not including the riparian margin planting or wetland planting), which includes approx. 4.56 ha of native planting and 0.7 ha of visual screen planting.'*¹⁵



Figure 8 - Ecological Corridor and Screen Planting Plan

231. BML have reviewed the proposed mitigation screen planting and conclude that *'the proposed ecological corridor to the north will provide a small amount of visual screening for most properties to the north of the proposal in combination with the existing retained shelterbelt. The additional proposed exotic screen tree planting will reduce visual effects for the properties along Pinnacle Hill Road, in particular at 215 Pinnacle Hill Road which sits at a lower elevation. The audience at 209 Pinnacle Hill Road to the east will also experience some benefit from the additional screen planting, due to their position in relation to the quarry activities. It is considered that overall the proposed mitigation planting for properties accessed from Pinnacle Hill Road will lower visual effects however partial views of Stage 2 and Stage 3 are expected to be attained.*

Views from properties to the south (particularly at 219 State Highway 2), will experience little benefit from the proposed mitigation planting due to planting being positioned lower in the view corridor for elevated properties. However, the additional proposed screen planting provided will soften the form of the ridgeline as the trees mature.

¹⁵ Kintec Environmental Email Dated 20/10/20

It is noted that MGLA has yet to provide an assessment of visual effects pertaining to these views and the degree of effectiveness of the mitigation planting.”¹⁶

232. BML considered that five of the properties visited on 6 August 2020 have views that do not align closely to the viewpoints in the MGLA report. BML describes the views in 2.3 of their report, including a comparison assessment between the existing environment and statutory baseline. As acknowledged in the BML report, the quarry is currently not visible from the properties located to the north (of the quarry). Therefore, the statutory baseline assessment is the same as the existing environment assessment. The key findings from the BML statutory assessment are as follows:

40 McPherson Road (Submitter #30)- *the visual effects on this audience with respect to the statutory baseline in Stage 1 of the works are expected to be Moderate in nature, Stage 2 effects are expected to be Low, Stage 3 effects are expected to be Negligible.*

209 Pinnacle Hill Road (Submitter #33) – *The potential visual effects associated with Stage 1 of the works are expected to be Low – Moderate in nature. Stage 2 effects are expected to be High while the topsoil stripping and early works are undertaken but reduce to Moderate as the activity lowers behind screening and then eventually Low. Stage 3 effects are expected to be Low to Very Low.*

211 Pinnacle Hill Road (Submission #17) - *Views of the existing and future quarry will not be visible from this residence and therefore it is expected that the proposed quarry works will have no visual effects on this audience with respect to the existing environment and statutory baseline.*

215 Pinnacle Hill Road (Submission #22) - *Potential visual effects associated with Stage 1 of the works would likely be Low to Low – Moderate in nature, Stage 2 effects would potentially be High while the top soil stripping and early works are undertaken but would likely reduce to Low – Moderate as the landform lowers and then eventually Low, Stage 3 effects would likely be Very Low.*

219 State Highway 2, Heartland Farm (Submitter #29) - *The noticeable change to the view, when applying a ‘theoretical’ magnitude change from 1997 including the proposal, the magnitude of change is likely to be low – moderate to moderate. This is based on the assumption that the extent of the visible quarry face would be substantially reduced in scale and considers the degree of visual change with the proposal. With this in mind adverse visual effects likely to be experienced from the top deck of the dwelling would likely be Low – Moderate for stage 1, Low for stage 2 and Negligible effect for Stage 3.¹⁷*

233. For context, I have included the below images to show the views towards the quarry from some of the surrounding properties. These images were taken on the site visits on 6th August 2020.

¹⁶ Section 2.2, Pg 4 BML Submission Review Report

¹⁷ Section 2.3, Pg 4-8 BML Submission Review Report



Image 9 - View from main living area of residence at 209 Pinnacle Hill Rd



Image 10 - View from residence at 247 Pinnacle Hill Road



Image 11 - View towards quarry from south of residence at 40 McPherson Road



Image 12 – View north towards quarry from deck of residence at 219 SH2

Views from Mt William Walkway

234. As per section 2.4 of the BML report, a number of submissions raise concern on the potential adverse effects from the Mt William Walkway including users of this popular DOC walking track.
235. I note that DOC administer the walkway and were served direct notice of public notification of the application. DOC asked to receive a copy of the WDC notification report, but no submissions were received.
236. Section 2.4 of the BML report considers the following in terms of views from the Mt William Walkway (with respect to the statutory baseline):

Although it is difficult to determine what the exact landform of the quarry would have been, had they operated with the permitted extraction rate, it is likely that the eastern facing quarry slope would be less noticeable. The audience at and around Mt William would likely have a high degree of sensitivity. The noticeable change to the view, when applying a 'theoretical' magnitude of visual change, 1997 and including the proposal, is likely to be high. This is based on the view from the Mt William Walkway of having very little exposure to quarrying activity when applying the statutory baseline.

Within the context of this adjusted sensitivity of the audience it is considered that Stage 1 would have Moderate adverse effects, Stage 2 would have High adverse effects and Stage 3 would have Very High adverse effects.¹⁸

237. The existing quarry is only partly visible from the Mt William Summit as shown in image 10 and 11 below. MGLA has assessed the effects from Stage 1 as Low-Moderate, Stage 2 as moderate and Stage 3 as High. The MGLA notes that 'the quarry will become increasingly visible as extraction expands to the west and the opens views into the pit floor. This is likely to change the existing characteristics of the view across the landscape, with the quarry becoming the dominant visual

¹⁸ Section 2.4, Pg 9 BML Submission Review Report

element within the vista. The rural characteristics of the view will change to that of an extractive industry.

Section (7.1) of the Opus LVA identifies that “The noticeable differences from the surrounding landscape are the variation in colour, with the quarry face ranging from the yellow/ brown soils to the dark grey/ blue rock, with contrasts with the varying shades of green found in the pasture and bush cover.” Although other quarries and excavated works can be seen from this VP, due to the proximity to the application site from Mt. William, the adverse effect on the surrounding landscape character and amenity will be considerable. The machinery movement and safety beacons will draw attention to their presence during stripping and excavation operations.’¹⁹



Image 12 - View east towards existing quarry from Mt William Trig



Image 13 - Existing View East from Mt William Summit (source MGLA S92 Response)

¹⁹ Pg 19 of MGLA s92 Response

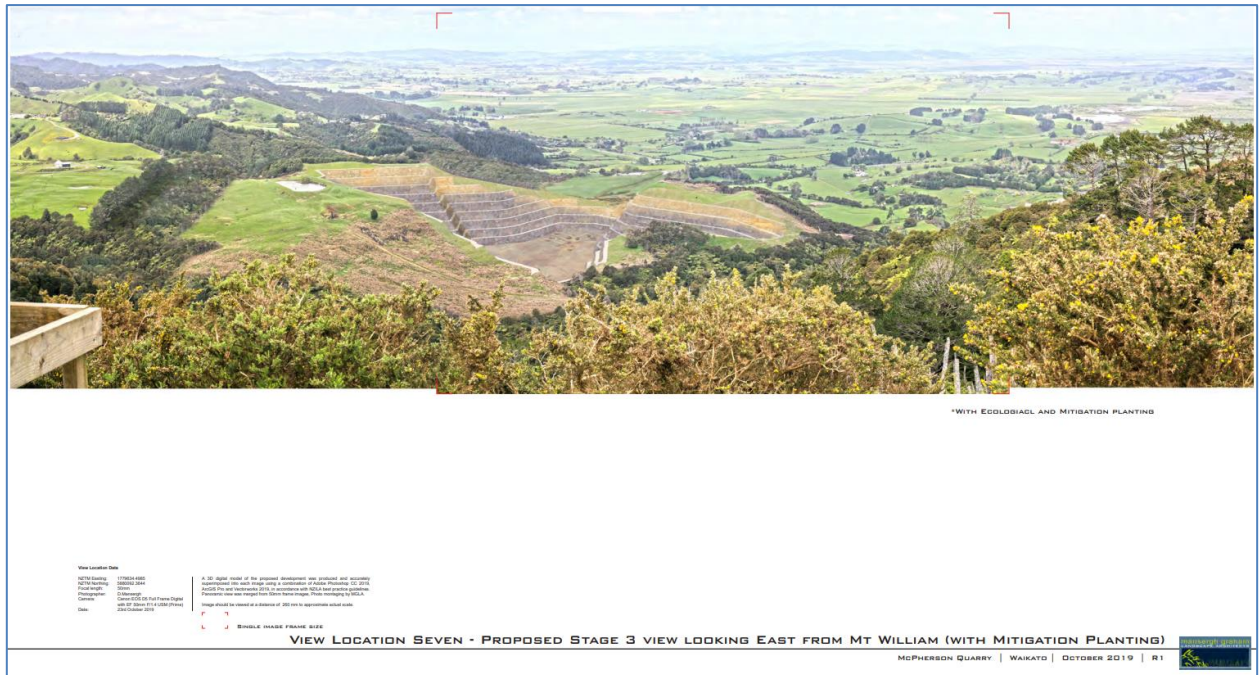


Image 14 - Proposed Stage 3 View East from Mt William Summit (source MGLA S92 Response)

238. The MGLA s92 Response does acknowledge that visual mitigation from the Mt William walkway is not practically achievable. Given the baseline assessment, BML considers the effects rating for stage 3 to be very high. MGLA have also assessed the effects as high (based on the existing views today).
239. It is noted that there are no private residences between Mt William and the site which would be more sensitive to the visual landscape effects of quarrying.
240. I accept that quarries do have visual impact, and that screening the views of the quarry from this viewpoint is not practically achievable given the height of Mt William in comparison to the site. However, I consider that some mitigation could be achieved by planting a mix of quick growing species and indigenous vegetation to the west of Stage 3.
241. Furthermore, I acknowledge that the change in views from Mt William will be incremental, and that in time (45years) the site will be rehabilitated.

Removal of intervening landform and ridgeline opening up views

242. As noted in Section 2.5 of the BML report, several submitters have raised concern with removal of the intervening landform and ridgeline (in stage 2) and opening up views towards the Pokeno Village (lights from the Industrial area) and the overburden/cleanfill area.
243. Section 2.5 of the BML report considers the visual effects:

As detailed in 2.3 of this report, private residences were visited to determine potential visual effects on each individual viewing audience. Although the lowering of landform will open up views in the to the south and southwest for some properties. It is considered that for the majority of properties to the north of the quarry which have existing open expansive views. Within this context wider the loss of landform will neither introduce a new element into the view or result in a dominant feature being introduced into views, due to the wider context and distance from Pokeno. Potential visual effects on

*the properties at 215 and 209 Pinnacle Hill Road in particular are likely to be more affected by the lowering of landform in the middle distance than other properties.*²⁰

Final landform/rehabilitation

244. A number of submissions have raised concern with the lack of any indication on the final landform and rehabilitation. As set out in Section 2.0 above, the application does not include a rehabilitation plan. However, the MGLA report recommends that a quarry closure plan be prepared 10 years prior to the end of works. After the close of submissions, WDC requested further information on 27 July 2020 in relation to the preparation of the Rehabilitation Program/Plan in accordance with Rule 23A.5.2.A.2(e) of the ODP. The Agent provided a response to this on 7 October 2020 which agreed that all quarries must be rehabilitated but considered that it is *'too early in the process to prepare a Rehabilitation Plan or Program with any level of certainty, whether at concept level or more detailed.'* Generally, the reasons provided as to why a Rehabilitation Program/Plan was not appropriate at this point in time was due to the nature of quarrying activities- *'quarrying is a market driven, demand-based industry that depends entirely on the level of ongoing local/regional development needing aggregate products (which then drives aggregate sales). In that sense and while quarries generally apply for land use consents on a maximum and/or average annual extraction basis, there is no way of knowing whether this level will be able to be achieved year in and year out.'*²¹
245. In the response, the Agent did however, provide a list of common rehabilitation measures for quarries:
- *Limiting surrounding views of the quarry through shelterbelts, hedgerow planting and/or relying on existing topography;*
 - *Revegetating benches and batters with appropriate species to help quarry faces visually integrate with the surrounding landscape;*
 - *Topsoiling, mulching and fascining to allow for native species to regenerate over existing benches;*
 - *Ongoing/long term predator and weed control in defined areas (to allow re-vegetation and/or infill planting to achieve canopy cover); and*
 - *Infilling of the quarry pit with water or soil/overburden/cleanfill.*
246. The Agent considers that *'by linking the preparation of the plan/program to an anticipated closure date, Council will be able to ensure (through its role as reviewer/approver/certifier of the Plan) that it provides the most value and benefit to the surrounding area/environment, as it will be based on the quarry as it exists at that stage (rather than a predicted end-stage which is, at this point, unknown).'*
247. Although I consider that the submission of a draft concept plan would have been helpful, it is acknowledged that WDC have previously accepted rehabilitation of mineral extraction activities being required through conditions of consent. In addition, I acknowledge that the staging of the quarry and landform does not lend itself to progressive rehabilitation.
248. Regardless, it is my view that should consent be granted, rehabilitation of the quarry be appropriately managed through conditions of consent such as preparation of a rehabilitation plan, implementation, and review. Indicative conditions are included in **Appendix L**. In terms

²⁰ Section 2.5, Pg 9 BML Submission Review Report

²¹ Kinetic Environment Further Info Response 7/10/20

of a bond condition, my understanding is that this will be recommended by WRC and therefore need not be duplicated in the Land Use consent.

9.8.2 Conclusion on Landscape Effects and Visual Effects

249. The mitigation plan in the MGLA Report combines the proposed ecological mitigation with the recommended landscape and visual mitigation plantings. The purpose of the mitigation plan is to:

- a) *Screen the leading edge of the overburden disposal area from view from residential dwellings and SH2 to the south using fast growing exotic species;*
- b) *Ensure that overburden is shaped to integrate with the adjacent natural landform and progressively re-grassed;*
- c) *Provide a landscaped buffer between the overburden disposal area and the stream (riparian and native planting);*
- d) *Screen the quarry pit from view from the dwelling at 231 Pinnacle Hill Road using the ecological mitigation planting along the northern boundary of the site.*²²

250. Overall, BML have concluded that *‘the applicant’s LVA to date is well considered and commensurate to the proposal and its potential effects overall, within the context of the existing environment. However, in lieu of receiving a response from the applicant’s Landscape Architect (MGLA) assessing the additional private viewpoints it is not possible to make a determination on the assessment as a whole. The above provides guidance on the potential degree of effect however remains subject to receipt of further assessment from MGLA, particularly taking into regard BML’s role as peer reviewer. The additional mitigation measures proposed by the applicant to address potential effects of Stage 2 and 3 appear to appropriately address identified potential adverse visual effects. Further detail is required to ensure that these measures are successful.*

*In relation to the statutory baseline provided by council it is considered that this conflicts with the existing environment used in applicant’s assessment. This has resulted in the likely visual effects being greater than those predicted in the applicant’s LVA assessment. Within the context of the statutory baseline we are not able to concur with the outcomes and conclusions of the applicant’s assessment and effects ratings.*²³

251. I agree with the comments provided by BML, particularly given the level of change experienced within the context of the statutory baseline. Although it may be likely that the additional mitigation measures proposed by the Applicant will adequately address the potential adverse visual effects of Stage 2 and 3, it is recommended that MGLA address the additional viewpoints in their evidence (in particular 209 and 215 Pinnacle Hill Road).

252. The visual landscape effects from Mt William have been assessed as being significant. While I acknowledge that quarries generally do have visual impact, should the Commissioners be of a mind to grant consent, it is my view that further planting to the west of stage 3 would provide further mitigation of the visual landscape effects. Further planting details could be addressed via a landscaping plan. A suggested condition is included in **Appendix L**.

253. Overall, subject to a satisfactory response from MGLA, additional mitigation measures and

²² Pg 21 of MGLA S92 Response Report

²³ Section 4.0, Pg 13 BML Submission Review Report

conditions of consent, I conclude that the potential adverse visual and landscape effects of the proposal will be acceptable.

9.9 Rural Character and Amenity Effects

254. Developments have the potential to adversely affect the character and amenity of a locality where the density, scale, intensity or location for that development is inappropriate. To assess this, we are guided by what the District Plan and the RMA suggests makes up the character of a locality.
255. In terms of rural character, the ODP identifies the following elements which make up the character of the rural area:
- Farming, forestry and horticulture, mineral extraction, major industries, areas of indigenous bush, riparian and stream systems.
256. In terms of amenity, the RMA defines amenity values as those “*natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.*” Adverse noise, traffic, dust and visual effects can all impact upon amenity values.
257. In considering the cumulative and intrinsic effects of the activity I note that, while not a permitted activity, mineral extraction is an expected component of rural character along with areas of indigenous vegetation. Chapter 16.3.3 of the ODP acknowledges that mineral extraction and the processing of minerals have the potential to cause significant adverse environmental effects: ‘*Their very nature may require considerable alterations to landforms, the creation of noise and dust and potential impacts from discharges. It is therefore necessary to ensure that such potential effects are mitigated and where the environment is particularly sensitive, that such activities be avoided.*’ As discussed in my notification report (attached in **Appendix B**) I consider that, given the uniqueness of the site (ISNF and Schedule 5A area with indigenous vegetation surrounding the site either side), and the difference between what has been lawfully established (through existing use rights) and what is proposed, the proposal has the potential to significantly alter the rural character of the area.
258. For the avoidance of doubt, the proposal has been assessed as a greenfields proposal (apart from the visual and landscape effects of the quarry in 1997).

9.9.1 Submissions on Rural Character and Amenity

259. A number of the submissions have raised concerns with loss of rural character and amenity as a result of the proposal.
260. It is noted that within the Rural Zone the ODP provides for a wide range of rural activities, including farming and rural production activities, forestry and mineral extraction, to occur and contribute to the wellbeing of the district. Major industries include the New Zealand Steel Mill at Glenbrook and mineral extraction sites. Chapter 16.2.3.2 of the ODP does set out a range of attributes that contribute to rural character:

- a) The dominance in the landscape of natural vegetation and dynamic primary production regimes, including pasture, crops and forestry;
- b) The absence or subservience of manmade structures other than those related to rural production activities;
- c) A high ratio of open space relative to the built environment;
- d) Significant areas of land in pasture, crops, forestry and/or indigenous vegetation;
- e) Noises, smells, dust and effects associated with the use of rural land for a wide range of agricultural, horticultural, forestry and mineral extraction and processing purposes;
- f) Low population densities relative to urban areas.

261. The Rural Zone is a working environment. In this case, the immediate surrounding area comprises of dairy farming, horticulture activities, indigenous vegetation, countryside living, the Max Birt Saw Mill, intensive farming, and Biofert. State Highway 2 also contributes to the existing character and amenity of the area.

262. In a wider context, it is noted that there are various mineral extraction activities within the northern Waikato Rural Zone surrounding the site. These are shown in Figures 9 and 10 below.

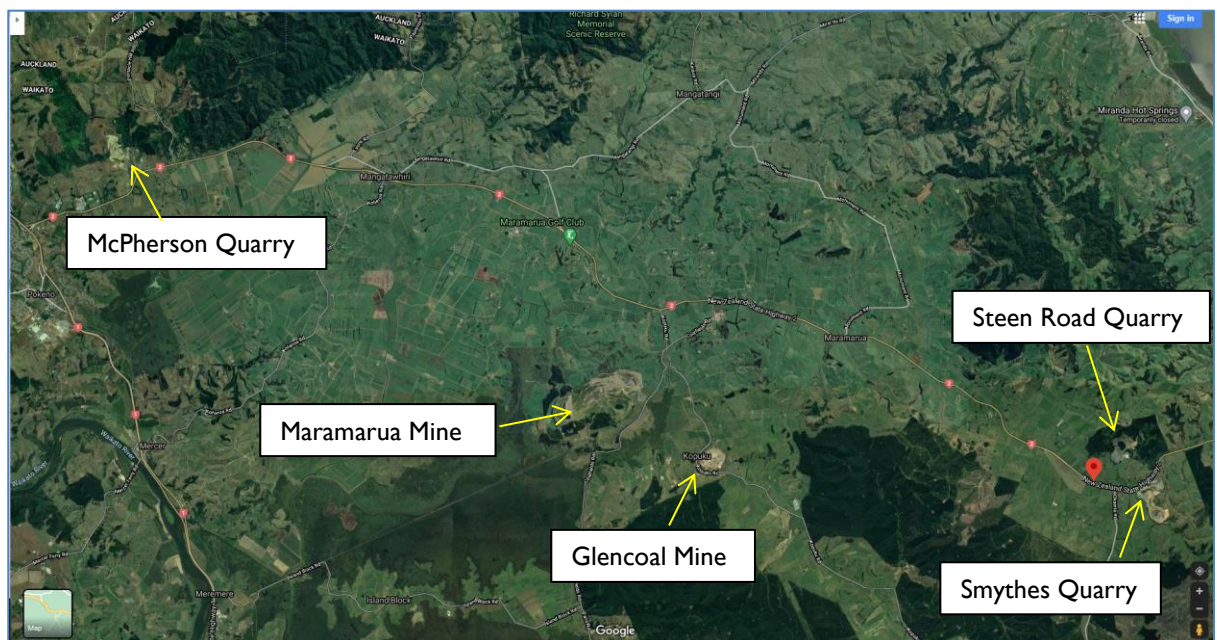


Figure 9 - 2020 Google image aerial of mineral extraction activities in northern Waikato

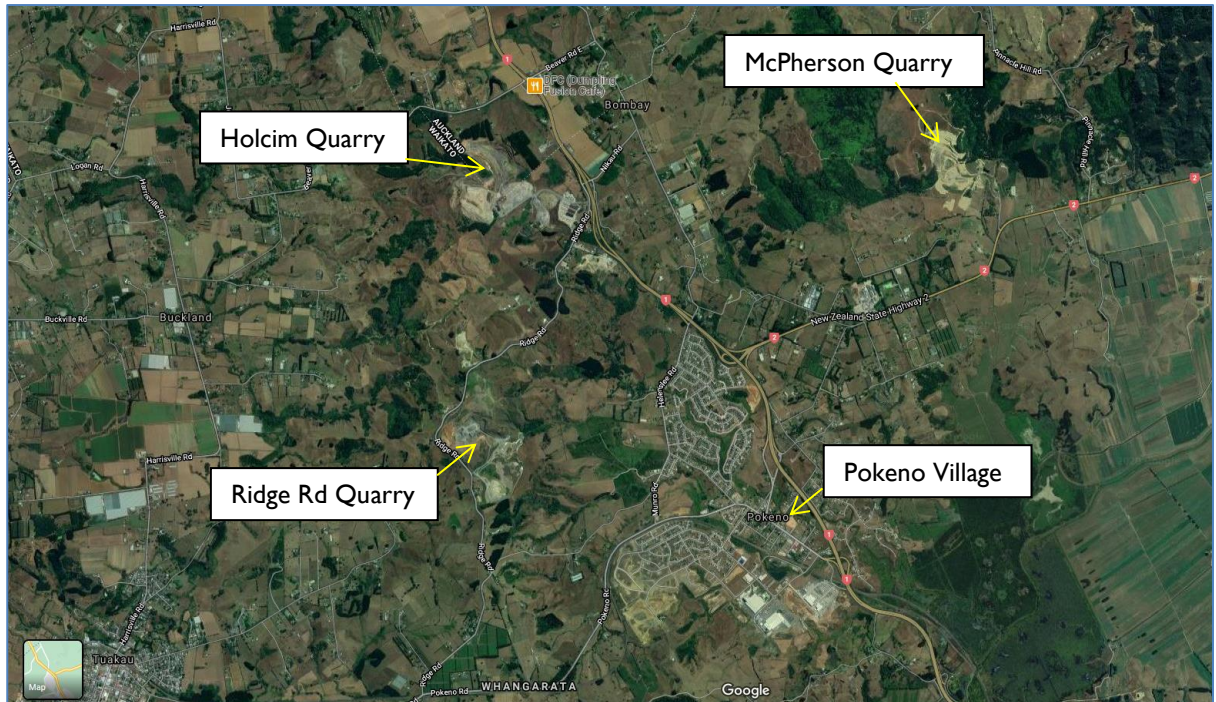


Figure 10 - 2020 Google image aerial of mineral extraction activities in the area

263. While it is evident that mineral extraction activities are an expected component of rural character (and this is evident in the figures above), the expectation should only occur where the potential adverse effects can be avoided, remedied or mitigated. My view is that, because of the surrounding landscape, natural features and properties within the 500m buffer, this location is more sensitive to the effects of quarrying.
264. As discussed in section 9.8 above, MGLA considered that views from Mt William have considerable landscape effects on amenity and character and that mitigation was not practically achievable. While I acknowledge that complete screening from this viewpoint is not possible, my view is that additional screening planting to the west of stage 3 would go some way to mitigate effects.
265. There are a number of neighbouring sites which are located within 500m of the quarry and overburden/cleanfill area (4 of which have submitted opposing the application- 231 and 209 Pinnacle Hill Road, 40 McPherson Road and 219 SH2). Because of this close distance, these properties have the potential to be impacted by adverse visual, noise, vibration, traffic and dust effects which, cumulatively, can erode amenity values experienced. This is particularly relevant with this application given the changes that will be experienced and duration of the activity sought (45 years).
266. As discussed in section 9.8.1 above, site visits were undertaken to some of the submitter's private residences, including 4 of the properties within the 500m setback. Overall, it was found that views from the residences at 231 Pinnacle Hill Road, 40 McPherson Road and 219 SH2 are either limited due to existing topography and vegetation or will be mitigated by planting proposed by the Applicant (screen planting and ecological corridor). It was also found that the views from 209 Pinnacle Hill Road, were likely to be mitigated by the additional screen planting proposed by the Applicant near the ecological corridor (this conclusion is subject to a satisfactory assessment from MGLA in their evidence). In addition, the visual effects from the residence at 209 Pinnacle Hill Road will reduce as the overburden is removed.

267. Vehicles entering and exiting the site, along with vehicles manoeuvring throughout the site has the potential to adversely affect character and amenity, particularly at 40 McPherson Road. The main living areas in this residence are on the ground floor and face to the north east away from the quarry. The main bedroom has discrete views towards the quarry, although the larger window and outlook tends to be towards the south. The dwelling itself is located approximately 310m from the entrance of the quarry, and truck movements will be heading south away from the dwelling (they do not move past the dwelling). In addition, as the quarry moves to the north, the activity will progressively move away from the dwelling at 40 McPherson Road.
268. As discussed in section 9.6 above, noise predictions undertaken demonstrate that compliance with the daytime limits as set out in the ODP can be achieved and will not result in adverse amenity impacts on day to day residential activities.
269. In addition, as concluded in the WRC assessments and section 8.7 above, dust is able to be managed to acceptable levels, subject to the imposition of and compliance with robust conditions of consent.
270. As the management of the site can have an impact on amenity effects, rigorous and robust conditions of consent have been recommended. Provided compliance with those conditions is achieved, I consider that the potential adverse effects on the character and amenity will be acceptable.

9.9.2 Conclusion on Rural Character and Amenity

271. As discussed above, expert advice confirms that noise, vibration, dust, traffic and visual landscape effects can be managed and mitigated to acceptable levels subject to compliance with robust consent conditions. Considering these effects cumulatively, along with the mitigation measures proposed and robust conditions of consent, my view is that that the potential adverse effects on the character and amenity will be acceptable.

9.10 Positive Effects

272. Section 3 of the RMA defines the meaning of effects to include positive effects and it is entirely appropriate to consider whether a proposal creates positive effects on the environment (which includes people and communities). Positive effects that result from a proposal can be balanced against any adverse effects that might not be able to be avoided, remedied or mitigated and may outweigh such adverse effects and enable a conclusion to be made for a proposal to be approved.
273. The continued quarrying and provision of a site for the disposal of cleanfill has the potential to give rise to the following positive effects:
- Provision of 490,000 tonnes of weathered greywacke rock annually over 45 years to be used by the construction industry.
 - Provision of a cleanfill site within proximity of the Auckland region that is experiencing substantial growth and demand for fill sites.
 - Creating/maintaining job opportunities and employment choice for Waikato District residents.
 - Forming the ecological corridor to the north of the quarry

274. These positive effects/benefits must be taken into account and balanced against the adverse effects of the project when considering whether granting the consent will achieve the purpose of the RMA.

9.1.1 Summary of Effects

275. This section of the report has examined the actual and potential effects of the proposal on the environment. Based on the information submitted with the application; the further information; the submissions received; the advice received from the peer reviewers and my assessment above, it is my opinion that the actual and potential effects on the environment from granting this consent would be acceptable. This conclusion is, however, reliant on the Applicant providing a satisfactory response in respect to Visual Landscape assessments and additional mitigation measures including additional planting to the west of stage 3 and planting to offset the historical removal of vegetation.
276. On the basis of that expert advice I am satisfied that the actual and potential adverse effects of the proposal will be acceptable subject to compliance with suggested conditions of consent and the proposal passes the first gateway test under s104D(1)(a).
277. Further I note that there will be positive social, economic and ecological effects for the wider community as a result of the proposal.

10.0 RELEVANT PLAN PROVISIONS – S104(1)(b)

278. In accordance with section 104(1)(b) of the RMA, the following assessment considers the proposed extraction activities in terms of relevant provisions of policy statements and plans. The assessment is to establish if the proposal is consistent with the objectives and policies of relevant plans in addition to consideration of issues, environmental outcomes, rules, explanations and reasons.

10.1 National Environmental Standards

10.1.1 National Environmental Standard for Managing Contaminants in Soil to Protect Human Health

279. Regulation 5 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) describes soil disturbance and change of land use as an activity to which the NES applies where an activity that can be found on the Ministry for the Environment Hazardous Activities and Industries List (HAIL) has occurred.
280. Further information provided by the Applicant on 7 May 2019 confirms that diesel fuel is stored on site - A17 on the HAIL activity list. WDC's Contaminated Land Specialist has reviewed the proposal and further information and confirmed the quarry operation and expansion will not disturb soil around the fuel storage location. As such the NES does not apply to the proposal.

10.1.2 National Environmental Standard for Air Quality

281. The Ministry for the Environment states that the primary purpose of the ambient standards is to provide a guaranteed level of protection for the health of all New Zealanders. The ambient standards are the minimum requirements that outdoor air quality should meet to guarantee a set level of protection for human health and the environment. The standards are ambient, that is, they apply outdoors. However, there are no air quality guidelines in New Zealand for nuisance dust. Instead, the Ministry for the Environment recommends that dust nuisance be controlled through the use of appropriate management programs. Section 9.7 details how dust effects will be managed to an acceptable level.

10.2 Waikato Regional Policy Statement

282. The Waikato Regional Policy Statement (RPS) became operative on 20 May 2016. The RPS is a high-level broad-based document that provides an overview of the resource management issues in the Waikato region and the ways to achieve integrated management of the natural and physical resources of the region. In the assessment of the applications for regional consents, the consenting officer concluded that the proposal is consistent with the RPS. I consequently rely on that assessment as it relates to the regional matters or where there is cross-over. Other matters relative to WDC include the following objectives and policies:
- Relationship of tangata whenua with the environment (Objective 3.9)
 - Built environment (Objective 3.12)
 - Ecological integrity and indigenous biodiversity (Objective 3.19)
 - Amenity (Objective 3.21)
283. Those relevant to this application are as follows:
- Collaborative approach (Policy 4.2)
 - Tangata Whenua (Policy 4.3)
 - Manage discharges to air (Policy 5.2)
 - Manage adverse effects on amenity (Policy 5.3)
 - Access to minerals (Policy 6.8)
 - Maintain or enhance indigenous biodiversity (Policy 11.1)
 - Protect significant indigenous vegetation and significant habitats of indigenous fauna (Policy 11.2)
 - Collaborative Management (Policy 11.3)
284. Having regard to the above matters, it is my view that:
- The Applicant has undertaken consultation with tangata whenua and, as a result, were provided with a joint cultural impact assessment (CIA). Tangata whenua is considered to have been an active participant. The CIA included recommendations which are appended to the application and provided in the effects assessment above. Those recommendations have been included in the suggested consent conditions.
 - Provided that the proposed dust mitigation techniques are implemented, the proposal will be able to manage any discharges to air and prevent degradation of air quality and consequential adverse effects on amenity.
 - Policy 6.8 of the RPS specifically provides for the “need for mineral resources to be available for infrastructure and building development”. The quarrying component of this application is therefore entirely consistent with that policy.
 - Policy 11.2 of the RPS seeks protection of significant indigenous vegetation and habitats of indigenous fauna by ensuring the characteristics that contribute to its significance are

not adversely affected to the extent that the significance of the vegetation of habitat is reduced. As addressed in section 9.3, the applicant is proposing to offset the effects from the removal of indigenous vegetation (which has been assessed as having low ecological value) by forming the ecological corridor to the north. Mitigation and management measures are also proposed to ensure there are no adverse effects on habitats.

285. Based on the above assessment, it is my opinion that that the proposal, as amended in this report, is generally consistent with the RPS.

10.3 Waikato Regional Plan

286. The Waikato Regional Plan contains policies and methods to manage the natural and physical resources of the Waikato region and implements the Regional Policy Statement.
287. The Applicant has applied to WRC for consents for the proposal. Through his assessment of the applications for WRC consents, Project Planner for WRC, Mr Rodriguez, will advise on the compliance of the proposal; with the Waikato Regional Plan in relation to land and soils, air, water, and ecology. I adopt his assessment for the purposes of my report.

10.4 Operative Waikato District Plan (Franklin Section) 2000

288. Assessment of this proposal against the relevant ODP objectives and policies are provided below.

10.4.1 Part 5: Conservation of Natural Features

289. The relevant objectives and policies under Part 5 of the ODP are as follows:

Objectives	Policies
<p>5.2.1 Ecosystems</p> <p>To avoid, remedy or mitigate the adverse effects of activities on the life supporting capacity of <u>indigenous</u> ecosystems.</p>	<ol style="list-style-type: none"> 1. To control the effects of activities where they compromise, directly or indirectly, the life supporting capacity of any <u>indigenous ecosystem</u> including those ecosystems which cross the boundary of Mean High Water Springs. 2. That priority be given to avoiding any adverse effects of land subdivision, use or development on those areas identified in <u>Schedule 5A</u>.
<p>5.2.3 Sustainably Managing Natural Heritage Resources</p> <p>To sustainably manage the natural heritage resources of the district by:</p> <ol style="list-style-type: none"> 1. Protecting the following items from inappropriate subdivision, use, and development: 	<ol style="list-style-type: none"> 1. Adverse effects of land use activities that have the potential to damage or destroy the values of those items listed in Schedules <u>5A</u>, <u>5B</u> and <u>5C</u> shall be avoided. 2. Significant natural features, areas of <u>indigenous</u> vegetation and habitats of <u>indigenous</u> fauna not listed in Schedule 5A which contribute to the rural or natural character of the area should be retained. In the assessment of the significance of such heritage resources the following criteria will be taken into account: <p>Whether the native bush:</p> <ol style="list-style-type: none"> 1. Is of sufficient size and shape to maintain its intrinsic qualities;

<p>(a) Outstanding natural features and landscapes;</p> <p>(b) Areas of significant <u>indigenous</u> vegetation, and</p> <p>(c) Significant habitats of <u>indigenous</u> fauna including trout and salmon;</p> <p>2. Ensuring that representative samples of natural features, areas of <u>indigenous</u> vegetation, and habitats of <u>indigenous</u> fauna that are of value at a regional and district level are protected.</p>	<p>2. Consists of a coherent well-developed canopy of native species;</p> <p>3. Consists of a range of native species appropriate to that forest type;</p> <p>4. Contains a significant percentage (at least 25 per cent) of mature native trees;</p> <p>5. Represents a significant or prominent landscape feature;</p> <p>6. May contain native species <u>threatened</u> in the district;</p> <p>7. The area has wildlife habitat values, or provides or contributes to a habitat corridor facilitating the movement of wildlife species in the local area.</p> <p>Whether natural features and habitats of <u>indigenous</u> fauna are:</p> <p>1. Of sufficient size and shape to maintain its intrinsic qualities;</p> <p>2. The habitat of <u>threatened</u> species (as defined by IUCN criteria);</p> <p>3. An area of recognised wildlife or earth science significance;</p> <p>4. Freshwater <u>wetland</u>;</p> <p>5. An uncommon <u>indigenous</u> vegetation community;</p> <p>6. Contribute to the national, regional or district geological heritage.</p>
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10.4.1.1 Part 5 Assessment

290. As noted in section 2.0, approximately 2.45ha of indigenous vegetation is proposed to be removed onsite. Of this, approximately 2.18 ha is within the ISNF layer which has been assessed as having low ecological value. The ISNF is also a Schedule 5A area- the Mt William Walkway shown in Map 103a.
291. A portion of the indigenous vegetation that comprises part of the Mt William Walkway in map 103a has already been removed historically, meaning there is no connection to the indigenous vegetation to the east and west. Part 5 of the ODP sets out the potential adverse effects on the Mt William Walkway as follows:
- *Modification, damage or destruction of the native bush and wildlife habitats*
 - *Vegetation clearance and fragmentation*
 - *Reduction in bush quality and naturalness through pests and weeds*
 - *Reduction in regeneration ability through stock grazing, weed invasion, browsing of wild animals*
 - *Loss of threatened species*
292. Section 9.3 of this report details my assessment of ecological effects (which is informed by expert opinion), and concludes that the adverse effects on ecology will be acceptable as they can be mitigated through the imposition of conditions of consent. The Ecological Assessments undertaken by the Applicant confirm that the ecological value of the indigenous vegetation/ecosystems to be removed is low.
293. Further, the proposal includes the planting of a 4.56ha ecological corridor providing linkage between the indigenous vegetation to the east and west of the site and riparian planting along the stream.

294. Overall it is considered the proposal is not contrary to the relevant objectives and policies of Part 5 of the ODP.

10.4.2 Part 9: Transportation

295. The relevant objectives and policies under Part 9 of the ODP are as follows:

Objectives	Policies
<p>9.3.1 Minimise Conflict</p> <p>To minimise conflict between the movement and access functions of roads and ensure, as far as practicable, that activities are compatible with the predominant function of the roads they front.</p>	<ol style="list-style-type: none"> 1. That the district's roads are classified in terms of the relative importance of their movement and access functions and that a road hierarchy be established based on that classification. 2. That the effects of the subdivision, use and development of land are assessed in terms of the road hierarchy to determine and ensure the compatibility of activities with the roads they front or rely upon for access. 3. That activities that would lead to new or extended 'ribbon' development along, and with direct access to, existing or proposed state highways and district arterial roads be avoided through the plan's activity controls and decisions and conditions on resource consents. 4. That activities that generate high volumes of traffic or frequent trips be prevented from establishing in locations where direct access from state highways and district arterial roads is necessary unless the characteristics of, and provision made for, the traffic generated (including crossing and intersection design) are such as to ensure the avoidance of any adverse effects; in the case of state highways and 'arterials', the ingress/egress should be designed in accordance with the New Zealand Transport Agency standards or guidelines. (Note: The New Zealand Transport Agency will generally expect that the requirements of Table 9 are satisfied.) 5. That multi-lot subdivisions in rural and coastal areas be required, where practicable, to obtain access from state highways or district arterial roads via a local road or a single common access lot or easement of right of way rather than through separate vehicle access points for each new lot. 6. That all activities be required to provide off road parking and loading facilities and to have access points (vehicle crossings) which comply with the Council's minimum standards for same. 7. That the plan uses front yards in all zones to assist in minimising conflict between roads and land use activities.

10.4.2.1 Part 9 Assessment

296. The above objectives and policies seek to ensure that activities are compatible with the predominant function of roads and minimise conflict between movements and access functions of roads. Section 9.2 of this report details my assessment of traffic effects (which is informed by expert opinion), whereby I conclude that adverse traffic effects will be acceptable as they can be mitigated through the imposition of conditions of consent.
297. The adoption of those mitigation measures will render any adverse effects on the function or safety of the road network to be acceptable. Therefore, I am satisfied that the proposal is consistent with the relevant objectives and policies of Chapter 9 of the ODP.

10.4.3 Part 10: Financial Contributions

298. The relevant objectives and policies under Part 10 of the ODP are as follows:

Objectives	Policies
<u>10.1.1 - Management of Resources</u> The sustainable and equitable management of infrastructural and open space resources, and other valued natural or physical resources of the district, to avoid remedy or mitigate the adverse, and maximise the positive, cumulative effects of growth for present and future residents and ratepayers of the district.	<u>10.1.3 Rooding</u> <ol style="list-style-type: none">1. That in general, every additional allotment shall contribute through a one-off payment towards the programmed upgrading and extension of the district's rooding network.2. That all activities for which a resource consent is required shall make such contributions as are necessary and appropriate to ensure that the standard of rooding in the immediate vicinity of the <u>site</u> is adequate for the safe and efficient movement of all vehicles and pedestrians associated with or likely to be associated with the activity. Council will, in determining the nature and magnitude of a contribution, take account of the capacity and standard of the existing roads to be used and the extent to which they could absorb the effects of additional traffic, bearing in mind likely increases in traffic from activities which do not require consent.

10.4.3.1 Part 10 Assessment

299. The relevant objectives and policies in Part 10 of the ODP enable WDC to require payment of contributions as necessary and appropriate in relation to all activities for which a resource consent is required. These contributions ensure the standard of rooding is adequate for the safe and efficient movement of vehicles. In doing so WDC shall take into account the capacity and standard of the existing road and the extent to which they can absorb the effects of additional traffic.
300. As part of the application, in 2018, GM completed a heavy vehicle impact fee assessment for the extraction of 490,000 tonnes/year. That assessment was based on an increase of 38 HCV/day and relied on the quarry operation having existing use rights. It has been determined that existing use rights do not apply and, as a result, the pavement impact was reassessed in the GM Transportation Review in October 2020.
301. The revised assessment was based on the previous WDC draft policy, and resulted in a financial contribution of \$58,492 to be paid by the Applicant. If the fee were collected over 45 years, the contribution would be \$1,200/year. The preference is for a lump sum to be paid, allowing WDC to complete meaningful improvements to McPherson Road that would not be achievable to the same level if the pavement impact fee was paid on an annual basis for the duration of the activity. The imposition of the pavement impact fee is entirely consistent with the financial contribution objectives and policies.
302. It is noted that the Resource Legislation Amendment Act 2017, provides that, from 18 April 2022 councils will not be able to impose financial contributions as a condition of consent. However, the any financial contribution condition imposed before 18 April 2022 remains in full force and effect, notwithstanding the repeal of financial contributions from 18 April 2022.

10.4.4 Part 17: Key Rural Coastal Zone Objectives and Policies

303. The relevant objectives and policies under Part 17 of the ODP are as follows:

Objectives	Policies
<p>17C.2.1</p> <ol style="list-style-type: none"> To maintain and enhance opportunities for rural activities that utilise soil resources in a sustainable manner and for activities which rely on natural and physical resources. To manage landuse activities, subdivision and development carefully so that <u>versatile land</u> resources are not compromised, <u>reverse sensitivity</u> issues are minimised and rural character and amenity values are maintained or enhanced. To recognise and provide for the protection of Maaori cultural values, especially the protection of sites of significance. To avoid, remedy or mitigate the adverse effects of <u>reverse sensitivity</u> between agriculture and <u>horticulture</u> activities, <u>mineral</u> extraction sites, rural industry, major industrial activities and countryside living opportunities. To promote the protection, enhancement and restoration of ecological values, where possible. To provide for a directed <u>Environmental Enhancement Overlay Area</u> within the northern sector of the district where demand for rural living is greatest: <ol style="list-style-type: none"> with the requirement for environmental protection, enhancement or restoration including but not limited to soil <u>conservation</u>, <u>indigenous biodiversity</u>, non-saline or non-estuarine wetlands, water quality enhancement and riparian management; that addresses <u>reverse sensitivity</u>, maintains or enhances rural and coastal character; and provides incentives for the transfer and redistribution of latent capacity and to avoid a wide 7 dispersal of lots throughout the district. To provide for more limited and small scale subdivision outside the <u>Environmental Enhancement Overlay Area</u>, only where 	<p>17C.2.2 Land Management</p> <p>Minerals and Major Industry</p> <ol style="list-style-type: none"> That the presence of agriculture and <u>horticulture</u> activities, <u>mineral</u> extraction sites, rural industry and major industrial activities be included as a relevant consideration in making resource management decisions. <p>Amenity, landscape and ecological values</p> <ol style="list-style-type: none"> Maintain and enhance landscape, cultural, archaeological, heritage and amenity values. Ensure all subdivision, use and development is designed in such a way that landscape and ecological values are maintained or enhanced. Protect areas of significant <u>indigenous</u> vegetation and fauna habitats.

<p>significant environmental protection and enhancement occurs and does not undermine the hierarchical approach to growth management in the district.</p> <p>8. To recognise and provide for the sustainable management of natural resources.</p> <p>9. To provide for local social, cultural and economic non-residential activities of an appropriate size and scale that maintain and/or enhance rural character, rural productivity and the wellbeing of the people and communities of, and visitors to, the district.</p>	
17C.3 Managing Conflicts and Amenities in Rural and Coastal Areas	
<p>17C.3.1 – Managing Conflicts</p> <p>To manage conflicts between different productive primary activities and with residential activities while recognising that a certain level of noise, odour and other adverse effects are characteristic of the rural and coastal environments.</p>	<ol style="list-style-type: none"> 1. Activities in the rural area shall not create effects of noise, odour, dust and spray that would not normally be expected from a predominantly rural environment. 2. Activities in the rural area shall not cause an adverse effect that would result in activities which are dependent on the productive potential of land and soil resources being prevented or constrained from operating. 3. Mechanisms such as setbacks and buffer distances will be used to manage the potential for conflicts between urban, villages and <u>intensive farming</u> operations. The main concern outside the buffer distances shall be to mitigate any adverse effects. 4. The expansion of the main urban centres and selected villages shall be in those directions where the potential for creating conflicts with established rural activities is minimised. 5. The creation of new rural titles must demonstrate that such development avoids, remedies or mitigates any <u>reverse sensitivity</u> conflicts between existing or potential primary productive activities and the use of rural land for ‘countryside living’.
<p>17C.3.2 – Coastal and Rural Amenity and Character</p> <ol style="list-style-type: none"> 1. To avoid or minimise the adverse effects of activities on outstanding natural features and significant habitats 2. To manage other effects on rural and coastal landscapes, character and <u>amenities</u>. 3. To maintain and/or enhance the character of rural and coastal zones. 	<ol style="list-style-type: none"> 1. New activities, subdivision or development should have regard to the way the proposed use, subdivision or development relates to the rural or coastal character of the locality so as to avoid, remedy or mitigate adverse effects on the rural or coastal character. 2. New activities locating in the rural and coastal zones shall be of a nature, scale, intensity and location that maintains and/or enhances rural and coastal character. 3. Recognition shall be given to the type of amenity, rural nuisance effects and rural visual form, that are typical of and exhibited by permitted primary production activities.

	<ol style="list-style-type: none"> 4. Buildings and structures be sited and designed so that they do not visually compromise outstanding natural features or the values of significant habitats of <u>indigenous</u> fauna as identified in Schedule 5A, or the natural character of the coastal environment. 5. Adverse visual impacts of countryside living development on the rural and coastal landscape and character shall be avoided, remedied or mitigated. 6. Adverse visual impacts of signs on the rural and coastal landscapes shall be avoided, remedied or mitigated. 7. Proposed <u>mineral</u> extraction activities shall be assessed against their impact on rural and coastal landscapes. 8. All subdivisions have regard for the likely development of the land including the way this might adversely affect significant landscape features as well as the rural and coastal amenity of the district. 9. Buildings and structures be sited and designed so that they do not visually compromise items listed in Schedule 8A.
17E.3.3 Hunua Rural Management Area	
<ol style="list-style-type: none"> 1. To protect and enhance the connectedness of <u>indigenous</u> vegetation with the Hunua Forestlands and the ecological <u>biodiversity</u> of the area. 2. To provide for a wide range of rural, recreation, tourism, visitor and environmental activities in ways which complement each other. 3. To recognise the existence of the production forests within the management area and provide for their continued operation. 	<ol style="list-style-type: none"> 1. Provide for and encourage appropriate tourist activities, outdoor recreation and visitor accommodation and services. 2. Focus development in and around rural villages. 3. Enable existing <u>PRODUCTION FORESTRY</u> activities to continue.

10.4.4.1 Part 17 Assessment

304. The relevant objectives and policies in Chapter 17 of the ODP recognise the importance of mineral resources and the need to protect physical resources and also minimise conflict between other activities in the Rural zone.
305. Objective 17C.2.1.1 seeks to manage the soil versatility and accessibility for activities that rely on the natural and physical resource. WDC's Land Use Capability Map shows the site comprises 6e14, 6e17, 3e4 and 2w3 soils. Areas of 3e4 and 2w3 on the site are to the north and south of the existing quarry face. Some of the 3e4 soils remain to the north, and some will be cut as overburden and placed to the south of the overburden/cleanfill area. Although the proposal is not strictly consistent with objective 17C.2.1.1, I do not find the proposal to be contrary to Part 17C.2.1 as a whole, given rural character and amenity values will be

maintained (as discussed below) and the proposal will not prevent rural uses from occurring on adjoining sites. Furthermore, there is nothing preventing the site being utilised for rural purposes in the future.

306. Policy 17C.2.2 encourages mineral extraction sites to be included as a relevant consideration in making resource management decisions. Given the historic quarrying activities it is evident that there is mineral resource on the site. However, this need to be balanced carefully against the effects of quarrying, particularly where the location is sensitive to its effects.
307. Objective 17C.3.2.2.1 seeks the avoidance or minimisation of adverse effects of activities on outstanding natural features and landscapes. As already established, the site is shown to contain the overlay for the Mt William Walkway- an outstanding natural feature listed in Schedule 5A of the ODP. However, the site itself does not form part of the Mt William Walkway reserve. Furthermore, it is noted that a portion of the overlay which runs through the quarry face has been removed historically as a permitted activity. Accordingly, my view is that, subject to further mitigation/offset of the unauthorised vegetation removal, the proposal will maintain and enhance the ecological value of the area with the forming of the ecological corridor to north.
308. Furthermore, given that the proposal seeks to maintain the ecological values of the indigenous vegetation and provide further protection of the ecological corridor via the imposition of a covenant (as proposed by the Applicant), I find the proposal to be consistent with Policies 17C.2.2.11-13.
309. The policies of 17C.3.2.3 refer to 'new' activities. Although it is accepted that the quarry has been operating since the 1960's, it has been operating since approximately 1997 without the necessary consents. On the basis that the proposal should not benefit from any unauthorised activity, it has been assessed as a greenfields proposal (apart from the visual and landscape effects of the quarry as viewed in 1997). As assessed by BM, the rate of change to the visual effects from 1997 compared to what is proposed, is generally consistent with the assessments in the MGLA- and this is due to the direction of quarrying, and location and viewpoints of sensitive receivers. The Applicant has proposed mitigation of the visual effects, including screen planting and riparian planting along the stream to the south of the quarry. It is also my view that additional mitigation is required to offset the removal of the historic removal of indigenous vegetation and to soften views from Mt William.
310. In addition, the assessments in section 9 of this report conclude that the potential adverse noise, vibration, traffic, ecological and dust effects, can be managed subject to robust, scientific consent conditions should consent be granted.
311. It is considered the proposal will be consistent with the Objectives and Policies of Part 17E.3 as it will result in the forming of an ecological corridor which will link the areas of indigenous vegetation to the east and west. This will enhance the connectedness of indigenous vegetation as set out in Obj17E.3.3.1.
312. Overall, my view is that the proposal is not contrary to the relevant objectives and policies of Part 17.

10.4.5 Part 21.6: Mineral Resources

313. The relevant objectives and policies under Part 21 of the ODP are as follows:

Objective	Policies
<p>21.6.1 Providing for Mineral Resources</p> <p>To ensure district and regional need for <u>MINERAL</u> resources continues to be met and that the significant <u>MINERAL</u> resources within the district are not unnecessarily compromised or rendered unusable.</p>	<ol style="list-style-type: none"> 1. Impose controls in the rural areas that are necessary to address adverse environmental effects of activities and likely conflicts between incompatible activities. 2. The effects of <u>MINERAL EXTRACTION AND PROCESSING</u> activities on air, water, soil resources, habitats, rural landscape and the community will be assessed through Discretionary resource consent applications (refer to Rule 23A). 3. That generally consent will not be granted for any night-time <u>MINERAL EXTRACTION AND PROCESSING</u> activity which is likely to create adverse noise effects upon the surrounding community. 4. That significant <u>MINERAL EXTRACTION AND PROCESSING</u> will be avoided in sensitive coastal environments.
<p>21.6.2 Managing Mineral Resources</p> <p>To avoid, remedy or mitigate the adverse effects of <u>MINERAL EXTRACTION AND PROCESSING</u> on the environment and community by ensuring that the extraction and processing of <u>MINERAL</u> resources occurs in such a manner that the amenity of the rural and coastal environments and the life supporting capacity of air, water and soil resources are safeguarded.</p>	<p>21.6.1</p> <ol style="list-style-type: none"> 1. To provide for <u>MINERAL EXTRACTION AND PROCESSING</u> throughout the Rural Zone subject to appropriate measures to avoid, mitigate or remedy any adverse effects. 2. That the presence of <u>MINERAL</u> resources is included as a relevant consideration in making resource management decisions about activities whose effects may render such resources unusable. 3. That the plan prevents the establishment or expansion of urban centres and rural 'settlements' on or within land of close proximity to known areas of significant <u>MINERAL</u> resources with a potential to be commercially utilised, unless there are no alternative directions for such expansion. 4. To facilitate the continued operation of established <u>mineral extraction and processing</u> activities and to sustainably manage substantial <u>mineral</u> resources through suitable plan provisions subject to the management of environmental impacts.

10.4.5.1 Part 21 Assessment

314. The objectives and policies of Part 21.6 of the ODP seek to ensure that regional and district need for resources continues to be met, while avoiding, remedying or mitigating the adverse effects of mineral extraction and processing.
315. As detailed in the assessments in Section 9 of this report, the adverse effects of the proposed mineral extraction activity are able to be avoided, remedied or mitigated such that the amenity of the rural environment and life supporting capacity of air, water and soil resources are

safeguarded. This is in reliance of the opinions of technical experts in relation to noise/vibration, traffic, dust, ecological and visual landscape matters and is subject to the imposition of robust consent conditions should the consent be granted.

316. Accordingly, it is my view the proposal is not contrary to the relevant objectives and policies of Part 21 of the ODP.

10.4.6 Summary of Objectives and Policies

317. Having assessed the relevant objectives and policies of the ODP, it is necessary to make an overall conclusion as to whether the proposal is consistent with the direction provided by the plan. Despite some inconsistencies with provisions relating to versatile land, it is my opinion that when read as a whole, the proposal is not contrary to the objectives and policies of the ODP.

11.0 SECTION 104(1)(c) – OTHER MATTERS

318. When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application. These matters are discussed below.

11.1 Waikato Tainui Environmental Plan

319. The Waikato-Tainui Environmental Management Plan was published in August 2013. The Waikato-Tainui Environmental Plan is the Waikato-Tainui environmental planning document which has been recognised by the Iwi Authority Waikato-Tainui Te Kauhanganui Incorporated (WTTKI) who are the Iwi Authority for Waikato-Tainui.

Section 16 Valuable Historical items, Highly Prized Sites and Sites of Significance

320. The objective and policies in this section seek to appropriately manage the discovery of taonga. In this regard an Accidental Discovery Protocol is proposed which would require that cultural advice be sought in the event of a discovery.

Section 21 Land

321. The objectives and policies for land seek to manage soil erosion and control sediment and to achieve integrated catchment management including drainage management. Erosion and sediment controls are proposed for each stage and are in accordance with best practice standards outline within WRCs TR2009/02 Guideline.

Section 26 Infrastructure

322. The objectives and policies for infrastructure seek that infrastructure development occurs in partnership with Waikato-Tainui and manages economic, social, cultural, spiritual, and environmental effects.
323. As outlined within the AEE, engagement has occurred with various tāngata whenua entities and a submission has been received in support of the project. An effects assessment has been undertaken as outlined in section 6.2 of this report. Effects are generally positive or can be suitably managed subject to some further information sought on a number of matters.

Chapter 28 – Mining and quarrying oil, gas, minerals

324. The objectives and policies for mining and quarrying minerals seek that new mining activities effectively manage adverse social, cultural, spiritual, environmental, and economic effects in partnership with Waikato – Tainui.
325. As detailed in Section 5.1.2, of the AEE, consultation has been undertaken with both Ngati Tamaoho Ngati Te Ata and Te Taniwha o Waikato. A joint cultural impact assessment was provided by Ngati Tamaoho and Ngati Te Ata and appended to the application. This addresses the cultural and spiritual effects and includes recommendations which have been agreed to by the Applicant.
326. Furthermore, as assessed in section 9 it is considered the effects of the proposal can be appropriately managed subject to compliance with conditions of consent.
327. Given the above, I consider that this proposal will be compatible with the relevant objectives and policies mentioned above, of the Waikato-Tainui Environmental Management Plan.

11.2 Proposed National Directives

328. There are other National directive documents that are currently being formulated by the New Zealand government which may have relevance to this application. These include the following:

National Policy Statement for Freshwater Management

329. The National Policy Statement for Freshwater Management sets out to:
- strengthen Te Mana o Te Wai as the framework for freshwater management;
 - better provide for ecosystem health (water, fish and plant life);
 - better protect wetlands and estuaries;
 - better manage stormwater and wastewater, and protect sources of drinking water.
330. This includes ensuring that the extent and ecosystem health of rivers and streams in the region, and their associated freshwater ecosystems, are at least maintained.

National Environmental Standard for Freshwater Management

331. The National Environmental Standard for Freshwater Management includes provisions for better protection of existing wetlands and requirements for fish passage within streams and is implemented by regional councils.

12.0 ASSESSMENT OF PART 2 MATTERS

332. The Court of Appeal's decision in *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 was released on 21 August 2018. The Court of Appeal held that the Supreme Court's rejection in *Environmental Defence Society Inc v New Zealand King Salmon Company Limited* [2014] NZSC 38 ("*King Salmon*") of the "overall broad judgment" approach in the context of plan provisions applied in the particular factual and statutory context of the NZCPS which, the Supreme Court confirmed, already reflects Part 2 and complies with the requirements of the RMA. The Court of Appeal did not consider that the Supreme Court in *King Salmon* "intended to prohibit consideration of Part 2 by a consent authority in the context of resource consent applications (paragraph [66])".

333. In the context of resource consents, the Court of Appeal determined that:
- (a) RMA decision makers should usually consider Part 2 when making decisions on resource consents (this is the implication of the words “subject to Part 2” in section 104); and
 - (b) However, doing so is unlikely to advance matters where the relevant plan provisions have clearly given effect to Part 2, or where it is clear that the plan is “competently prepared” with “a coherent set of policies” such that there is no need to refer to Part 2.
334. In the present application, it is appropriate to apply Part 2 as it cannot be said the ODP contains a coherent set of policies or gives effect to the Operative Waikato Regional Policy Statement due to the timing of the two plans. There is therefore potential for incomplete coverage in the ODP. This is one of the three caveats where the Supreme Court in *King Salmon* said recourse should be had to Part 2. Further, the ODP was prepared before the *King Salmon* decision. As such there can be no certainty that it is a competently prepared plan. Accordingly, it is appropriate to provide an assessment of the application against Part 2 below.

12.1 Section 8 – Treaty of Waitangi

335. Section 8 requires WDC to take into account the principles of the Treaty of Waitangi. The RMA does not go so far as to define the principles of the Treaty that should be taken into account, but the Court of Appeal, the Waitangi Tribunal, and statements by Government, indicate that the following are appropriate principles:
- early consultation and acting in good faith;
 - the principle of partnership; and,
 - the need for active protection.
336. Iwi with mana whenua over the area have been actively involved in this consenting process which is reflected in the consultation undertaken by the Applicant and preparation of a CIA. Because of this no submissions from any iwi groups have been received. Similarly, none of the submitters identify iwi or cultural concerns. On this basis, I find the proposal to be consistent with s.8 of the RMA.

12.2 Section 7 – Other Matters

337. Section 7 requires that Council shall have particular regard to:
- (a) *Kaitiakitanga*
 - (aa) *The ethic of stewardship*
 - (b) *The efficient use and development of natural and physical resources*
 - (ba) *The efficiency of the end use of energy*
 - (c) *The maintenance and enhancement of amenity values*
 - (d) *Intrinsic values of ecosystems*
 - (e) *repealed*
 - (f) *Maintenance and enhancement of the quality of the environment*
 - (g) *Any finite characteristics of natural and physical resources*

- (h) *The protection of the habitat of trout and salmon*
- (i) *The effects of climate change*
- (j) *The benefits to be derived from the use and development of renewable energy*

338. I consider the relevant Section 7 matters that apply to this application are 7(a), 7(b), 7(c), 7(d) and 7(f), and these are addressed below:
339. Kaitiakitanga has been recognised through the engagement undertaken and preparation of the CIA.
340. In terms of s7(d), the ecological value of the SNA and ISNF to be removed has been assessed as low, and mitigation proposed- including the formation of an ecological corridor to the north.
341. In terms of 7(b) the proposal seeks to use and develop natural and physical resources efficiently through the utilisation of the mineral resource.
342. In terms of the maintenance and enhancement of amenity values (7(c)) and the maintenance and enhancement of the quality of the environment (7(f)), effects relevant to these matters have been examined throughout section 9 of this report.
343. Based on the analysis of effects and in consideration of the relevant objectives and policies of the ODP, I consider that the proposal is in accordance with these matters, subject to the suggested conditions being imposed.

12.3 Section 6 – Matters of National Importance

344. In achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance: -
- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
 - (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
 - (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
 - (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
 - (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
 - (f) *The protection of historic heritage from inappropriate subdivision, use and development.*
 - (g) *The protection of recognised customary activities.*
345. Clauses 6(a), 6(b), 6(c) and 6(e) are relevant to this application.

346. In terms of 6(a), the proposal will result in the reclamation of tributary 1 with the loss of approximately 311 of instream habitat. The ecological level has been assessed as low, and mitigation measures have been proposed by the Applicant (?).
347. In terms of 6(b) and (c), the site does not directly impact upon the Mt William Walkway – a 5A Outstanding Natural Feature. The ecological assessments confirm the low ecological value of areas of ISNF and SNA which are proposed to be removed and the planting and protection of the ecological corridor to the north will increase the ecological value of the area. As discussed in section 9, the ecological and landscape/visual effects can be adequately managed through the imposition of conditions of consent.
348. In terms of 6(e), the relationship of Maori has been recognised and provided for through the engagement undertaken and the preparation of the CIA.
349. Accordingly, I find the proposal to be consistent with the relevant matters in Section 6.

12.4 Section 5 – Purpose

350. As stated above, sections 6, 7 and 8 all serve to inform the analysis and consideration of whether the purpose of the RMA under section 5 will be achieved by the proposal. Section 5 is set out as follows and the matters within it are considered below:
- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
 - (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -*
 - (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
351. In regard to section 5(2)(a) the proposal will enable people and communities to provide for their social and economic well-being by providing mineral resource for the foreseeable needs of future generations.
352. In respect of the life-supporting capacity of air and water the proposal will not have adverse effects on the life supporting capacity of air and water that cannot be avoided, remedied or mitigated via the imposition of conditions of consent from both WDC and WRC.
353. As assessed in Section 9 it is considered that the potential adverse effects can be mitigated to levels that do not create adverse or nuisance effects through the imposition of suitable consent conditions and thereafter regimented compliance with those consent conditions.
354. Overall, it is my opinion that, subject to the additional mitigation measures in relation to additional planting being imposed or adopted, the proposal achieves the purposes of the RMA, being the sustainable management of natural and physical resources.

13.0 OVERALL ASSESSMENT UNDER OPERATIVE DISTRICT PLAN

355. After having considered the application in accordance with those matters required by s104, I find that the proposal has been found to pass both s104D(1)(a) and s104D(b) gateway tests:
356. In terms of s104(1)(a), it is considered the actual and potential effects of the proposal are able to be avoided, remedied or mitigated through the imposition of conditions and, overall, it results in positive economic and social effects on the local economy.
357. In terms of section 104(1)(b), I have established throughout my report that the activity is, overall, consistent with the policy thrust of the relevant objectives and policies of the ODP and consistent with the relevant provisions of the Waikato Regional Policy Statement and the Waikato Regional Plan. There are no matters in section 104(1)(c) that pose any difficulties for the application. Likewise, it does not give rise to any matters that are contrary to Sections 6-8 of the RMA.
358. A separate Part 2 assessment confirms my view that a grant of consent is appropriate and will promote the sustainable management of the natural land resource for the reasons set out in Section 11 above. In conclusion, I recommend the proposal be **GRANTED** under the Operative Waikato District Plan (Franklin Section) subject to conditions (refer to **APPENDIX L** for suggested conditions).

14.0 ASSESSMENT UNDER PROPOSED WAIKATO DISTRICT PLAN (STAGE 1) - NOTIFIED VERSION (18 July 2018)

14.1 Proposed District Plan - Effects Disregarded

359. Pursuant to s104(2), when forming an opinion for the purposes of s104(1)(a) a council may disregard an adverse effect of the activity on the environment if the plan or a NES permits an activity with that effect (i.e. a council may consider the “permitted baseline”).
360. The “permitted baseline” was discussed in section 6 above in relation to the ODP where it was considered that the permitted baseline is not applicable.
361. In terms of the PDP rules with legal effect, my view is that there is no comparable permitted activity. Undertaking earthworks or vegetation clearance within an SNA is not a permitted activity under the PDP and, therefore, the permitted baseline will not be applied to this proposal in respect of the PDP.

14.2 Proposed District Plan - the following actual and potential effects are relevant to this proposal:

362. As noted previously, the proposal triggers rules with legal effect where approximately 1,249,468m³ of earthworks within the SNA over an area of 2.08ha (within Stage 1). The remainder 0.37ha of indigenous vegetation to be removed is outside the SNA area. The effects associated with earthworks and vegetation clearance are assessed as follows:

14.2.1 Ecological Effects

363. The PDP contains objectives and policies which seek to protect, maintain and enhance biodiversity and ecosystems. Specifically policies 3.2.3 and 3.2.4 allow for biodiversity offsetting where the activity results in significant residual adverse effects. Appendix 6 of the PDP sets out a framework for biodiversity offsetting. This framework contains matters such as losses and gains, irreplaceable and vulnerable biodiversity, protection and enhancement of existing areas, loss of values counterbalance by offset, restoration, enhancement and protection.
364. Generally, the above matters have been sufficiently addressed in the EclA and comments received by the Applicant on the 18th February 2020 as a result of the Aecom peer review report. As discussed above, the ecological values of the SNA areas to be removed have been assessed as low by the EclA. Proposed mitigation, including biodiversity offsetting to form a 4.56ha ecological corridor to the north of the quarry expansion and mitigation measures to be implemented to manage effects on habitats by way of bat, lizard, bird and planting plans will ensure effects are appropriately managed and remedied.
365. Although not a consideration for this application- I do acknowledge that the applicant has made submissions on the PDP in relation to SNAs. Generally these submission points [691.3, 691.4, 691.5] seek amendments to ensure that mineral extraction activities are not unreasonably hindered by the existing of indigenous vegetation near proximity to existing quarries. I note the s42A author for Hearing 21A has recommended these be rejected/accepted for the following reasons:
366. At the time of writing this report Hearing 21A has not yet taken place (schedule to commence from the 19th November) and no decisions have been made.

14.2.2 Submissions on Ecological Effects

367. As discussed in section 9.3 of this report a number of submissions raise concern with the removal of the SNA. Section 9.3.1 addresses the concerns raised by the submitters, and this assessment is relevant here. Overall, my assessment of ecological effects (which is informed by expert opinion), concludes that adverse effects on ecology will be acceptable as they will be mitigated (and can be imposed via conditions of consent).

14.2.3 Proposed Waikato District Plan Effects Conclusion

368. With the low ecological value, biodiversity offsetting and other mitigation measures proposed, I consider that the ecological effects from the removal of the SNA and earthworks will be acceptable subject to imposition of the suggested conditions of consent (should consent be granted). I have relied on the expertise of both the authors of the EclA and WRC peer reviewer Aecom in forming this opinion.
369. In summary, it is considered the actual and potential effects of the proposal can be avoided, remedied or mitigated through the imposition of conditions and are therefore acceptable.

15.0 SECTION 104(1)(b) – RELEVANT PLAN PROVISIONS

370. The assessments under section 10.0 to 10.3 above is relevant to the assessment under the proposed plan and will not be repeated here.

15.1 Proposed District Plan

15.1.1 Proposed District Plan Objectives and Policies

371. The Objectives and Policies of the PDP have legal effect and so are relevant to the assessment under section 104(1)(b). The following Objectives and Policies of the PDP are considered relevant to the proposal:

15.1.2 Chapter 2 – Tangata Whenua

372. The relevant objectives and policies under Chapter 2 of the PDP are as follows:

Objective	Policies
2.15 Waikatotanga (way of life) 1. Cultural practices and beliefs of Tangata Whenua are respected.	2.15.1 Ngaa taonga tuku iho (Maaori Sites and Areas of Significance) 1. Ensure subdivision, use and development does not compromise the cultural and spiritual significance of areas, including waahi tapu, urupaa, maunga and other landforms, mahinga kai, and indigenous flora and fauna. Areas and sites of significance to Maaori including waahi tapu sites and waahi tapu areas are protected from adverse effects of development or activities on those sites.
2.16 Tikanga aa-iwi o te takiwaa o Waikato 1. Recognise the cultural significance of Waikato Takiwaa (district).	2.16.2 Aahuatanga Motuhake (special features) 1. Recognise and maintain the cultural significance of wetlands lakes and other waterbodies, including the Waikato and Waipa awa (rivers), coastal areas of Whaingaroa (Raglan Harbour), Aotea, and Te Puaha o Waikato (Port Waikato). Recognise the historic and contemporary relationships of Ngaa iwi o Tainui to Karioi, Taupiri, Hakarimata Range, Hunua and Pirongia maunga.

15.1.2.1 Chapter 2 Assessment

373. As detailed in Section 5.1.2 of the AEE, the Applicant has undertaken consultation with Ngati Tamaoho Trust (Lucie Rutherford) and Ngati Te Ata (Karl Flavell) and a CIA provided as a result. The CIA confirms that both Ngati Te Ata and Ngati Tamaoho Trust are not opposed to the proposal subject to the recommendations which are set out on page 51 of the CIA. The majority of the recommendations are related to planting wetlands to remove fine sediments; two pond/wetland system; an ecological corridor; fencing; notification of any variations; cultural monitoring for earthworks. The Applicant has generally agreed to the recommendations as set out within the table in Section 5.2.1. Furthermore, it is noted that there are no known Maaori sites of significance identified within the site.
374. Accordingly, I consider the proposal to be consistent with the relevant objectives and policies of Chapter 2 of the PDP.

15.1.3 Chapter 3 – Natural Environment

375. The relevant objectives and policies under Chapter 3 of the PDP are as follows:

Objective	Policies
<p>3.1.1 Biodiversity and ecosystems</p> <p>(a) Indigenous biodiversity values and the life-supporting capacity of indigenous ecosystems are maintained or enhanced.</p>	<p>3.1.2</p> <p>(a) Enable activities that maintain or enhance indigenous biodiversity including:</p> <ul style="list-style-type: none"> i. planting using indigenous species suitable to the habitat; ii. the removal or management of pest plant and animal species; iii. biosecurity works. <p>(b) Consider the following when avoiding, remedying or mitigating adverse effects on indigenous biodiversity:</p> <ul style="list-style-type: none"> i. the required range of natural food sources; ii. habitats of threatened and at risk species; iii. ecological processes and corridors iv. ecological sequences; v. migratory pathways; vi. pest plants and pest animals; vii. the Waikato river and its catchment; viii. natural character and landscape values of the area; ix. natural waterway habitats and hydrology; x. ecological corridors, natural processes and buffer areas; xi. legal and physical protection of existing habitat; xii. Provide for the removal of manuka or kanuka on a sustainable basis.
<p>3.2.1 Significant Natural Areas</p> <p>(a) Indigenous biodiversity in Significant Natural Areas is protected and enhanced.</p>	<p>3.2.2 Identify and Recognise</p> <p>(a) Identify significant indigenous vegetation and habitats of indigenous fauna in accordance with the Waikato Regional Policy Statement and identify as Significant Natural Areas</p> <p>(b) Recognise and protect Significant Natural Areas by ensuring the characteristics that contribute to their significance are not adversely affected.</p> <p>3.2.3 Policy - Management hierarchy</p> <p>(a) Recognise and protect indigenous biodiversity within Significant Natural Areas by:</p> <ul style="list-style-type: none"> (i) avoiding the significant adverse effects of vegetation clearance and the disturbance of habitats unless specific activities need to be enabled; (ii) remedying any effects that cannot be avoided; then (iii) mitigating any effects that cannot be remedied; and (iv) after remediation or mitigation has been undertaken, offset any significant residual adverse effects in accordance with Policy 3.2.4. <p>3.2.4 Policy – Biodiversity Offsetting</p> <p>(a) Allow for a biodiversity offset to be offered by a resource consent applicant where an activity will result in significant</p>

	<p>residual adverse effects on a Significant Natural Area, or on indigenous biodiversity outside such Significant Natural Areas.</p> <p>(b) Within a Significant Natural Area, a biodiversity offset will only be considered appropriate where adverse effects have been avoided, remedied or mitigated in accordance with the hierarchy established in Policy 3.2.3; and</p> <p>(i) the biodiversity offset is consistent with the framework detailed in Appendix 6 Biodiversity Offsetting; and</p> <p>(ii) the biodiversity offset can achieve no net loss of indigenous biodiversity:</p> <p>A. preferably in the affected area of Significant Natural Area; or</p> <p>B. where that is not practicable, in the ecological district in which the affected area of Significant Natural Area is located.</p> <p>3.2.6 Policy - Providing for vegetation clearance</p> <p>(a) Provide for the clearance of indigenous vegetation in Significant Natural Areas when:</p> <p>(i) maintaining tracks, fences and farm drains</p> <p>(ii) avoiding loss of life injury or damage to property</p> <p>(iii) collecting material to maintain traditional Maaori cultural practices</p> <p>(iv) collecting firewood for domestic use.</p> <p>(b) Provide for the clearance of indigenous vegetation in Significant Natural Areas for the construction of building platforms, services, access, vehicle parking and on-site manoeuvring and the development of Maaori Freehold Land by:</p> <p>(i) using any existing cleared areas on a site that are suitable to accommodate new development in the first instance</p> <p>(ii) using any practicable alternative locations that would reduce the need for vegetation removal</p> <p>(iii) retaining indigenous vegetation which contributes to the ecological significance of a site, taking into account any loss that may be unavoidable to create a building platform, services, access, vehicle parking and manoeuvring on a site</p> <p>(iv) firewood.</p> <p>3.2.7 Policy - Managing Significant Natural Areas</p> <p>(a) Promote the management of Significant Natural Areas in a way that protects their long-term ecological functioning and indigenous biodiversity values, through such means as:</p> <p>(i) permanently excluding stock through voluntary covenants and conservation subdivisions</p> <p>(ii) undertaking plant and animal pest control</p> <p>(iii) retaining and enhancing indigenous vegetation cover</p> <p>(iv) maintaining and restoring natural wetland hydrology</p> <p>(v) avoiding physical and legal fragmentation</p> <p>(vi) legal protection of Significant Natural Areas through conservation covenants or similar mechanisms providing for the role of Mana Whenua as kaitiaki and for the practical exercise of kaitiakitanga in restoring, protecting and enhancing areas.</p>
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15.1.3.1 Chapter 3 Assessment

376. Specifically, policies 3.2.3 and 3.2.4 allow for biodiversity offsetting where the activity results in significant residual adverse effects. Appendix 6 of the PDP sets out a framework for biodiversity offsetting.

377. This framework contains matters such as losses and gains, irreplaceable and vulnerable biodiversity, protection and enhancement of existing areas, loss of values counterbalance by offset, restoration, enhancement, and protection.
378. Section 9.3 of this report details my assessment of ecological effects (which is informed by expert opinion), whereby I conclude that adverse effects on ecology will be acceptable as they can be mitigated through the imposition of conditions of consent). The Ecological Assessments undertaken confirm that the ecological value of the indigenous vegetation/ecosystems to be removed as being low.
379. The planting of a 4.56ha ecological corridor which provides a linkage between the indigenous vegetation to the east and west of the site and riparian planting along the stream is considered to be consistent Policy 3.2.4.
380. Overall, it is considered the proposal is consistent with the relevant objectives and policies of Chapter 3 of the PDP.

15.1.4 Chapter 5 – Rural Environment

381. The relevant objectives and policies under Chapter 5 under the PDP are as follows:

Objectives	Policies
5.1.1 – The rural environment Objective 5.1.1 is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5 . (a) Subdivision, use and development within the rural environment where: (i) high class soils are protected for productive rural activities; (ii) productive rural activities are supported, while maintaining or enhancing the rural environment; urban subdivision, use and development in the rural environment is avoided.	
5.2.1 Rural resources (a) Maintain or enhance the: (i) Inherent life-supporting capacity and versatility of soils, in particular high class soils; (ii) The health and wellbeing of rural land and natural ecosystems; (iii) The quality of surface fresh water and ground water, including their catchments and connections; (iv) Life-supporting and intrinsic natural characteristics of water bodies and coastal waters and the catchments between them.	5.2.2 – High class soils 1. Soils, in particular high class soils, are retained for their primary productive value. 2. Ensure the adverse effects of activities do not compromise the physical, chemical and biological properties of high class soils. 5.2.3 – Effects of subdivision and development on soils 1. Subdivision, use and development minimises the fragmentation of productive rural land, particularly where high class soils are located. Subdivision which provides a range of lifestyle options is directed away from high class soils and/ or where indigenous biodiversity is being protected.
5.3.1 – Rural character and amenity 1. Rural character and amenity are maintained.	5.3.2 – Productive rural activities (a) Recognise and protect the continued operation of the rural environment as a productive working environment by: (i) Recognising that buildings and structures associated with farming and forestry and other operational structures for productive rural activities contribute to rural character and amenity values;

	<p>(ii) Ensuring productive rural activities are supported by appropriate rural industries and services;</p> <p>(iii) Providing for lawfully-established rural activities and protecting them from sensitive land uses.</p> <p>5.3.5– Earthworks activities</p> <p>(a) Provide for earthworks where they support rural activities including:</p> <ul style="list-style-type: none"> (i) Ancillary rural earthworks and farm quarries; (ii) The importation of fill material to a site; (iii) Use of cleanfill where it assists the rehabilitation of quarries. <p>(b) Manage the effects of earthworks to ensure that:</p> <ul style="list-style-type: none"> (i) Erosion and sediment loss is avoided or mitigated; (ii) The ground is geotechnically sound and remains safe and stable for the duration of the intended land use; (iii) Changes to natural water flows and established drainage paths are avoided or mitigated; (iv) Adjoining properties and public services are protected. <p>5.3.7 – Reverse sensitivity effects</p> <p>(a) Recognise the following features are typical of the rural environment and the effects are accepted and able to be managed:</p> <ul style="list-style-type: none"> (i) Large numbers of animals being farmed, extensive areas of plants, vines or fruit crops, plantation forests and farm forests; (ii) Noise, odour, dust, traffic and visual effects associated with the use of land for farming, horticulture, forestry, farm quarries; (iii) Existing mineral extraction and processing activities; (iv) Minor dwellings; (v) Papakainga housing developments within Maaori Freehold land. <p>(b) Avoid adverse effects outside the site and where those effects cannot be avoided, they are to be mitigated.</p> <p>IMitigate the adverse effects of reverse sensitivity through the use of setbacks and the design of subdivisions and development.</p> <p>(d) The scale, intensity, timing and duration of activities are managed to ensure compatibility with the amenity and character of the rural environment.</p> <p>LEnable the use of artificial outdoor lighting for night time work.</p> <p>(f) Ensure glare and light spill from artificial lighting in the rural environment does not:</p> <ul style="list-style-type: none"> (i) Compromise the safe operation of the road transport network; and (ii) Detract from the amenity of other sites within the surrounding environment. <p>(g) Frost fans are located and operated to ensure adverse effects on the surrounding environment are minimised.</p> <p>(h) Provide for intensive farming activities, recognising the potential adverse effects that need to be managed, including noise, visual amenity, rural character or landscape effects, and odour.</p> <p>5.3.9 – Non-rural activities</p> <ol style="list-style-type: none"> 1. Manage any non-rural activities, including equestrian centres, horse training centres, forestry and rural industries, to achieve a character, scale, intensity and location that are in keeping with rural character and amenity values. 2. Avoid buildings and structures dominating land on adjoining properties, public reserves, the coast or waterbodies. <p>5.3.15– Noise and vibration</p> <p>(a) Adverse effects of noise and vibration are minimised by:</p>
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	<ul style="list-style-type: none"> (i) Ensuring that the maximum sound levels are compatible with the surrounding environment; (ii) Limiting the timing and duration of noise-generating activities; (iii) Maintaining appropriate buffers between high noise environments and noise sensitive activities; (iv) Ensuring frost fans are located and operated to minimise the adverse noise effects on other sites. (v) Managing the location of sensitive land uses, particularly in relation to lawfully-established activities; (vi) Requiring acoustic insulation where sensitive activities are located within high noise environments, including the Airport Noise Outer Control Boundary, Huntly Power Station, the Gun Club Noise Control Boundary. (vii) Ensuring the adverse effects of vibration are managed by limiting the timing and duration of blasting activities and maintaining sufficient setback distances between aggregate extraction activities and dwellings or identified building platforms on another site. (viii) Manage noise to protect existing adjacent activities sensitive to noise effects.
<p>5.4.1– Minerals and extractive industries</p> <p>I. Mineral resource use provides economic, social and environmental benefits to the district.</p>	<p>5.4.2– Access to minerals and extractive industries</p> <ul style="list-style-type: none"> (a) Enable extractive industries provided that adverse effects are avoided, remedied or mitigated. (b) Protect access to, and extraction of, mineral resources by: <ul style="list-style-type: none"> (i) Identifying lawfully established extractive industries in Aggregate Extraction Areas and Coal Mining Areas on planning maps; (ii) Identifying the site of a potential extractive industry within an Aggregate Resource Area on planning maps; (c) Ensure that lawfully established extractive industries are not compromised by new subdivision, use or development; <p>Avoid the location of any sensitive land use within specified buffer areas which otherwise risks the effective operation of a lawfully established extractive industry.</p>

15.1.4.1 Chapter 5 Assessment

382. Objective 5.1.1 is the strategic objective for the rural environment and has primacy over all other objectives in Part 5 of the PDP and seeks to protect high class soils for productive rural purposes. High class soils are defined as those soils in Land Use Capability Classes I and II (excluding peat soils) and soils in Land Use Capability Class IIIe1 and IIIe5, classified as Allophanic Soils, using the New Zealand Soil Classification. While the site does contain an area 2w3 soils in the overburden/cleanfilling area, the topsoil is proposed to be stripped prior to placement of overburden and cleanfill. Furthermore, I note that once rehabilitated, there is nothing preventing productive rural activities being undertaken. Accordingly, I find the proposal to be consider the proposal to be consistent with objective 5.1.1.
383. The objectives and policies of Chapter 5.4 acknowledge the economic, social and environmental benefits to the district from mineral resources. Policy 5.4.2 specifically seeks to enable extractive industries provided the adverse effects are avoided, remedied, or mitigated.
384. As assessed in section 9 of this report, the expert reports provided confirm that the effects related to noise, vibration, dust, traffic, visual and landscape, ecological effects and site

suitability can be appropriately avoided or mitigated to acceptable levels. These findings have been corroborated through a peer review process. Further, I have found that adverse effects on rural character will be acceptable.

385. For these reasons I consider that the proposal would be consistent with the objectives and policies of Chapter 5 of the PDP.

15.1.5 Chapter 6 – Infrastructure

386. The relevant objectives and policies under Chapter 6 of the PDP are as follows:

Objectives	Policies
<p>6.5.1– Land transport network</p> <p>(a) An integrated land transport network where:</p> <ul style="list-style-type: none"> (i) All transport modes are accessible, safe and efficient; and (ii) Adverse effects from the construction, maintenance and operation of the transport network are managed. 	<p>6.5.2– Construction and operation of the land transport network</p> <p>(a) Promote the construction and operation of an efficient, effective, integrated, safe, resilient and sustainable land transport network through:</p> <ul style="list-style-type: none"> (i) Corridor, carriageway and intersection design which is appropriate to the road function as specified in the road hierarchy and in accordance with relevant guidelines; (ii) The appropriate design and location of sites accesses; (iii) Traffic signage, road marking, lighting, rest areas and parking as appropriate; (iv) Provision for pedestrians and cyclists that addresses accessibility, including off-road facilities and connections; (v) Corridor and carriageway design which is sufficient to enable provision of public transport; (vi) Provision for other infrastructure, including where suitable low impact design stormwater facilities; (vii) Provision for stock underpasses where suitable access is not readily available; (viii) Discouraging the installation of new at grade road and pedestrian rail level crossings: <ul style="list-style-type: none"> A. Controlling the location of buildings and other visual obstructions within the sightline areas of rail level crossings; and B. Railway crossing design in accordance with the requirements of the rail operator. <p>6.5.3 Policy – Road hierarchy and function</p> <p>(a) Provide a hierarchy of roads for different functions and modes of land transport while recognising the nature of the surrounding land use within the district.</p> <p>6.5.4 Policy – Road standards</p> <p>(a) Ensure that the construction and operation of roads is consistent with their function in the road hierarchy.</p> <p>6.5.5 Policy - Road safety</p> <p>Ensure that structures, lighting, signage and vegetation are located and designed so as to not compromise the safe and efficient</p>

	operation of the land transport network, or obscure RAPID numbers.
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15.1.5.1 Chapter 6 Assessment

387. These objectives and policies seek to ensure that there is efficient, effective, integrated, safe, resilient and sustainable land transport network.
388. Section 9.2 of this report details my assessment of traffic effects (which is informed by expert opinion), whereby I conclude that adverse traffic effects will be acceptable as they can be mitigated through the imposition of conditions of consent). With the imposition of those mitigation measures, any adverse effects on the function or safety of the road network are considered to be acceptable.
389. Accordingly, I consider that the proposal is consistent with the relevant objectives and policies of Chapter 6 of the PDP.

15.1.6 Proposed District Plan Objectives and Policies

390. Overall the proposal is consistent with the objectives and policies of the PDP, which seek to protect high class soils and provide for mineral extraction activities where adverse effects are appropriately managed.

16.0 SECTION 104(1)(c) – OTHER MATTERS

391. The assessments under section 11.0-11.2 above is relevant to the assessment under the PDP and will not be repeated here.

17.0 ASSESSMENT OF PART 2 MATTERS: PROPOSED PLAN

392. I refer to my commentary regarding the Court of Appeal's decision in *R J Davidson Family Trust* set out in section 11 above relating to the ODP. In the present application, it is appropriate to apply Part 2 as the PDP is in the early stages of the Schedule 1 process and has not been exposed to independent decision making to determine whether the provisions clearly give effect to Part 2 or have been competently prepared with a coherent set of policies. Accordingly, I now provide an assessment of the application against Part 2.
393. Having regard to the above assessment and my assessment in section 11, it is concluded that the proposal is consistent with the principles (sections 6-8) of the Resource Management Act 1991. Overall, the application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose (section 5) of the RMA being sustainable management of natural and physical resources.

18.0 OVERALL ASSESSMENT UNDER PROPOSED DISTRICT PLAN

394. Overall, the above assessment under the PDP confirms that the actual and potential effects of the proposal are able to be avoided, remedied or mitigated through the imposition of conditions and are therefore acceptable. Furthermore, I find the proposal to be consistent with the relevant objectives and policies of the PDP.

395. My assessments on 104(1)(b) and 104(1)(c) and Part 2 matters assessed under the ODP are also relevant under the PDP, and confirms my view that a grant of consent is appropriate and will promote the sustainable management of the natural land resource for the reasons set out in Section 11 above. In conclusion, I recommend the proposal be **GRANTED** under the PDP subject to conditions (refer to **APPENDIX L** for suggested conditions).

19.0 WEIGHTING BETWEEN OPERATIVE DISTRICT PLAN AND PROPOSED DISTRICT PLAN

396. As the outcome is the same under both the Operative and Proposed Plans, no weighting exercise is necessary.

20.0 RECOMMENDATION

397. After having considered the application in accordance with those matters required under s104, I find that the purpose of the RMA is best served by approving this application. Specifically, I conclude that:
- Mineral extraction activities are provided for in the Rural Zone as discretionary activities where the potential adverse effects are able to be avoided, remedied or mitigated;
 - In this case I find that the actual and potential adverse effects of allowing the activity can be adequately avoided, remedied or mitigated via the mitigation measures proposed in the application, the technical reviews and subject to the imposition of the suggested conditions so that the effects on the environment will be acceptable. These conditions include additional planting to address views from Mt William and to offset the historic removal indigenous vegetation. Without the additional mitigation measures, the proposal may give rise to adverse visual, landscape and rural amenity effects which would be unacceptable.
 - The proposal will result positive economic and social effects on the local economy; The proposal is in keeping with the intent of the objectives and policies of the ODP and the PDP;
 - The proposal will be in accordance with the purpose of the RMA which is to promote the sustainable management of natural and physical resources.
398. In reaching this conclusion, it is my opinion that a number of consent conditions should be imposed. A schedule of suggested conditions is contained in **Appendix L**.