



**BEFORE**

Independent Commissioners appointed by Tasman District Council

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of an application by CJ Industries Ltd for land use consent RM200488 for gravel extraction and associated site rehabilitation and amenity planting and for land use consent RM200489 to establish and use vehicle access on an unformed legal road and erect associated signage

**EVIDENCE OF HAYDEN TAYLOR ON BEHALF OF CJ INDUSTRIES LIMITED  
PLANNING**

**15 July 2022**

**1. INTRODUCTION**

- 1.1 My full name is Hayden Craig Taylor. I am a Resource Management Consultant at Planscapes (NZ) Ltd, a resource management and surveying consultancy based in Nelson.
- 1.2 The applicant has applied for resource consents authorising the extraction of gravel, stockpiling of topsoil, and reinstatement of quarried land, with associated amenity planting, signage and access formation at 134 Peach Island Road, Motueka:
- (a) RM200488 land use consent for gravel extraction and associated site rehabilitation and amenity planting; and
  - (b) RM200489 land use consent to establish and use vehicle access on an unformed legal road and erect associated signage.
- 1.3 The Applicant has subsequently received expert advice that in this context cleanfill is a contaminant as defined by s 2(b) RMA. The Applicant therefore also seeks a discharge

permit for discharge of contaminants to land is required to carry out the backfill activity using cleanfill. A separate application has been lodged for this activity.

- 1.4 My evidence addresses planning matters in relation to the land use consents. Because of the crossover between the activities, it is also necessary to refer to relevant aspects of the (new) discharge activity.

### **Qualifications and Experience**

- 1.5 I hold a Bachelor of Science with Honours (Geography) degree from University of Otago, and I am an associate member of the New Zealand Planning Institute.
- 1.6 I have 14 years' experience in resource management and planning practice. I have been employed by Planscapes as a Resource Management Consultant since May 2018. Prior to this I worked in Auckland as a Resource Management Consultant for two years, and before for Auckland Council for five years in Intermediate Planner, Senior Planner and Resource Consents Team Leader roles. Prior to that I worked as a Planner for a London Borough Council for a period of three years.
- 1.7 I have prepared evidence and appeared both for private clients and local authorities as an expert witness at Council and Environment Court hearings, and have also participated in Environment Court mediation proceedings.
- 1.8 For the past four years much of my work has been in the Nelson/ Tasman Region and this has involved preparation of numerous applications for resource consent under the Tasman Resource Management Plan (the TRMP). These include a variety of land use applications in rural zones. I have a sound working knowledge of the TRMP, and its implementation in respect of environs within which the subject site is located.
- 1.9 Although this is not an Environment Court process, in the preparation of my evidence I have complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

1.10 I have visited the site on numerous occasions between June 2020 and the present including in the company of various other specialists engaged by the Applicant and with Council representatives. I am familiar with the site.

1.11 I was involved in the preparation and lodgement of the Application and AEE supporting the Application.

**Purpose and scope of evidence**

1.12 The purpose of my evidence is to assess the proposal against the relevant provisions of the Resource Management Act 1991, in particular Section 104, and associated statutory documents. I address the following in my evidence:

- (a) A description of the site and proposed activities. This includes revised application documents where relevant and a full set of volunteered conditions of consent.
- (b) A summary of the resource consents required and the activity status of the application.
- (c) Comments on matters raised in submissions.
- (d) Comments on the Council Officers' s42A report.
- (e) An assessment of the proposal against the following statutory documents:
  - (i) Tasman Resource Management Plan (TRMP);
  - (ii) Tasman Regional Policy Statement (TRPS);
  - (iii) National Policy Statement for Freshwater Management (NPS:FW).
  - (iv) Water Conservation (Motueka River) Order 2004 (WCO).
- (f) An assessment of the actual and potential effects of the proposed activities on the environment.
- (g) My conclusions with regard to s104 RMA.

1.13 The Council Officers' s42A report has been structured around eight key issues raised in submissions. I am satisfied that these are relevant matters for consideration, but will also

address additional matters not covered in the s42A report. In the interest of consistency my evidence will largely be structured in the same way.

1.14 My evidence addresses the land use consents sought through the application, and as assessed in Council's s42A report. On expert advice it has now been determined that a permit for discharge of contaminants (cleanfill) to land is also required, and this has been applied for. Separate, supplementary evidence will be provided at a later date in relation to the discharge. I do acknowledge, however, that there is some overlap between considerations relevant to the discharge permit and relevant to the land use consents. Where necessary I will update my analysis from this evidence in supplementary evidence relating to the discharge permit application.

1.15 I have produced my evidence having considered:

- (a) Submissions received on the application.
- (b) Council Officers' s42A report.
- (c) Evidence of the following expert witnesses appearing on behalf of the Applicant:
  - (i) Mr Tim Corrie-Johnson (Corporate and Operations);
  - (ii) Mr Gary Clark (Traffic);
  - (iii) Dr Calum MacNeil (Surface water quality and aquatic ecology);
  - (iv) Mr Ryan Nicol (Groundwater);
  - (v) Mr Jeff Bluett (Dust);
  - (vi) Ms Liz Gavin (Landscape);
  - (vii) Mr Bill Kaye-Blake (Economics);
  - (viii) Mr Tony Payne (Ecology);
  - (ix) Mr Rhys Hegley (Noise);
  - (x) Dr Reece Hill (Soil management and land productivity);

- (xi) Mr Simon Aiken (Flooding/ stop bank stability);
- (xii) Mr David Averill (Land stability);
- (xiii) Mr Michael Nelson (Land productivity – Horticulture).

## 2. EXECUTIVE SUMMARY

- 2.1 CJ Industries Ltd seek resource consent to undertake quarrying (extraction of alluvial aggregates) activities, backfilling of excavation areas with imported cleanfill, and land rehabilitation activities at the subject site, 134 Peach Island Road. Consent is also sought for associated activities being the planting of vegetation and temporary stockpiling of soil in berm land, formation of access within legal road and display of signage. Overall, the proposal is a discretionary activity.
- 2.2 Since lodgement of the application, the proposal has been amended and refined to address matters raised by Council in their further information requests, matters raised in submissions, matters raised in Council's s42A report, and advice received from the Applicant's specialist team. The changes are described in the body of this evidence and are reflected in various management plans that have been provided in support of expert evidence, and are also reflected in the new suite of volunteered conditions of consent attached to this evidence.
- 2.3 I note that the applicant proposes, based on advice, to commence with Stage 2 and Stage 3 of the proposal and undertake Stage 1 last. In order to avoid confusion given the application, s 42A report and submissions have relied on the existing numbering of the stages, the applicants' evidence has retained the same stage names (Stage 1 is still called Stage 1, even though it would come third, etc).
- 2.4 The recommendation of Council's reporting planner, as detailed in the s42A report, is in two parts. Firstly, that consent be granted, subject to appropriate conditions of consent, for the Stage 1 works (within berm land). Secondly, that consent for the Stage 2 and 3 works (on the landward side of the stop banks) be declined. The second part of the recommendation was made on the basis that the reporting planner did not have, at the time of making the recommendation, sufficient information available to reach a different recommendation. The reporting planner noted a willingness to review this decision in light of any additional information becoming available.

- 2.5 In my opinion the information identified by the reporting planner as being previously lacking has now been provided in sufficient detail.
- 2.6 A wide range of matters were raised in submissions on the application. I am satisfied that the matters raised in submissions have now been adequately addressed. My only qualification of this conclusion is in relation to the lack of a Cultural Impact Assessment (CIA). In response to submissions that requested that a CIA be undertaken to fully assess any cultural effects of the proposed activities, the Applicant has since then endeavoured to facilitate the preparation of a CIA, however, to date these efforts have been unsuccessful. As addressed in further detail below, I have assessed to the extent possible the proposal in relation to matters raised in submissions relating to cultural effects. Insofar as I can reach a conclusion on these matters, I consider that the issues have been satisfactorily addressed. However, in the event that a CIA is prepared that concludes otherwise or which provides additional information, I will revisit my conclusions on this.
- 2.7 Overall, taking into account the s42A report, submissions, revised application documents, volunteered conditions of consent and expert evidence, I am satisfied that adverse effects on the environment associated with the proposed activities will be no more than minor. I am also satisfied that the proposal is consistent with all relevant statutory documents.
- 2.8 I am satisfied that the proposal is consistent with Part 2 of the RMA in that it promotes the sustainable management of natural and physical resources. My conclusion in this regard stands on its own, in that effects on the environment and on persons will be adequately managed so as to be no more than minor. However, where adverse effects do occur, these are also justified when considered in the context of the demonstrable need for the mineral resources sought by this application and the functional need for these to be sourced from environments such as the application site.
- 2.9 In my opinion, the proposal, subject to imposition of appropriate conditions of consent as detailed in the volunteered condition set, has sufficient merit from a resource management perspective to warrant granting of consent.

### **3. EVIDENCE**

#### **Existing environment**

- 3.1 The application site is largely located at 134 Peach Island Road, Motueka. The approximately 13.5 hectare property is owned by Timothy George Corrie-Johnston and is legally described as Lot 2 DP 2357 comprised in RT NL77/73 and Lot 2 DP 432236 comprised in RT 524970. The site contains a house and a shed, accessed via right of way from Peach Island Road. The remainder of the site is in pasture which is grazed. For the purposes of access, adjacent unformed legal road, an area of marginal strip (both in pasture and grazed) and a right of way over 493 Motueka River West Bank Road (RTNL11A/1111) are proposed to be utilised.
- 3.2 The existing environment surrounding the application site is rural in nature. Land located immediately surrounding the site on the river flats is predominantly in productive use, including pasture, horticulture and a plant nursery, with associated dwellings. Land located further from the application site, particularly on surrounding hillsides, includes rural-residential activities and some plantation forestry. The existing environment surrounding the application site includes current and former aggregate quarrying sites on Peach Island and at Douglas Road, as will be addressed in more detail to follow.

### **The proposal**

- 3.3 The proposal is described in detail in the application documents lodged with Council on 15 June 2020 and as amended by the further information response documents provided to Council on the 8<sup>th</sup> and 10<sup>th</sup> of June 2021. These are accurately summarised at Section 2 of the s42A report, so in the interest of avoiding duplication I have not repeated this here. Some important changes and clarifications have, however, been made to the proposal subsequent to the notification of the application and preparation of the s42A report. These address matters raised in submissions and in the s42A report. The key changes and clarifications are as follows:
- (a) Gravel extraction will not take place in the 'Stage 1' area until after quarrying of the Stage 2 and 3 areas has been completed. This is to allow landscape mitigation planting around the Stage 1 area (which is not screened by the stop bank) to establish prior to quarrying activities in that area commencing.
  - (b) No excavation will occur below a level 300mm above the actual groundwater level at any time. Where excavations are undertaken below a level 1.0m above groundwater level, the excavation will be backfilled to 1m above groundwater level on the same day. Excavation below a level 1m above

groundwater will only occur in dry weather conditions. The excavation level control is to be achieved through real-time groundwater level monitoring in the nearest up-gradient monitoring bore to excavations, and with the use of a GPS-equipped excavator for all aggregate extraction. This process is explained in greater detail in the draft Groundwater and Clean Fill Management Plan (GMP) prepared by Pattle Delamore Partners Ltd dated July 2022, in the Groundwater Evidence of Mr Nicol and in the Operations Evidence of Mr Corrie-Johnston.

- (c) Excavated aggregates waiting to be taken from the site, topsoil, subsoil and cleanfill material awaiting backfilling will all be stockpiled separately on site. These stockpiles will be located in an area on the landward side of the stopbank as shown in the Canopy landscape plans. The stockpile area will be excavated to a level 1m below existing ground level, prior to establishment. Stockpiles will be maintained to a height of approximately 4m (or 3m above existing ground level) which is approximately 1m higher than the adjacent stopbank. This excludes stockpiles of topsoil, subsoil and cleanfill that are to be used on any given day, which may be located near to the excavation area.
- (d) Excavations and backfilling will be undertaken progressively to ensure that an 'excavation pit' area no greater than 1600m<sup>2</sup> is open at any one time, typically as an approximately 20m by 80m strip. The excavation will progressively move across the site as material is excavated from the front of the excavation pit, and is reinstated at the rear of the pit. This will enable the Applicants to ensure that no area of land will remain open for longer than 6 months, and generally no longer than 1 month. For the stage 1 area on the bermland, the extraction pit will be aligned parallel to the direction of flood flow.
- (e) The haul road will be formed to a sealed standard, including where located in currently unformed legal road and marginal strip (the latter subject to Department of Conservation ("DOC") authorisation). The formation will be from Motueka Valley West Bank Road to the extraction site, (via 493 Motueka Valley West Bank Road, marginal strip and unformed legal road) and will not extend to the northern end of Peach Island Road, because the



direction of travel for vehicles accessing and egressing the site will be to the south. No gates, fences or other obstruction of the legal road or marginal strip will be put in place. The haul road will be formed to a 3.5m wide sealed standard, with localised seal widening on corners to accommodate tracking. The road formation within the legal road and marginal strip will be removed and returned to pasture following cessation of the quarrying activities, unless requested otherwise by Council (for legal road) and/or DOC (for the marginal strip). A concession application has been lodged with DOC for the temporary use of the marginal strip, and is currently being processed. Upgrades will be undertaken to the access to 493 Motueka River West Bank Road to accommodate the proposed quarry traffic, with the access upgraded to a standard generally in accordance with Diagram 2 of Drawing SD409 in the of NTLDM, except where modifications are necessary to ensure vehicle tracking and its connection to the new bridge are fit for purpose. These upgrades will not be removed at the cessation of quarry activities. The formation of the stop bank crossing will comprise access ramps on either side of the stopbank and a 200mm sacrificial gravel layer on the crest of the stopbank which will be maintained to ensure no localised lowering of the crest occurs. The crossing will be removed at the cessation of quarrying activities.

- (f) An iwi cultural monitor will be invited to be present for any topsoil and subsoil removal activities on site. Accidental discovery protocols will be adhered to for all works on site, and at the processing plant at Hau Road (as they currently are). The Applicant also volunteers the involvement of a Matakite for a site walkover prior to commencement of works on site, and will adhere to any recommendations made by the Matakite, provided these recommendations do not frustrate the exercise of the consent.
- (g) Activities are proposed on site Monday to Friday, 7.00am to 5.00pm, with no works are proposed to be undertaken on weekends or on public holidays. This is as detailed in the application as lodged, however the Applicant is also willing to volunteer a closure period between 20 December and 10 January each year, and also volunteers that heavy machinery will not be used on site earlier than 7.30am on any day.

- (h) Fill will be clean, substantially inorganic material that meets the WasteMINZ definition of 'cleanfill'. This includes a maximum of 2% (by volume) of organic material. This is a reduction from the 10% identified in the application as lodged, and no 'hardfill' material such as bricks or concrete will be included. Procedures for the monitoring, testing and reporting of fill quality, and ongoing groundwater quality testing for the duration of the proposed quarrying activities are included in the draft GMP.
- (i) The following noise mitigation measures have been proposed by Mr Hegley, and these recommendations are adopted as forming part of the proposal:
1. Construction of a bund to screen 131 Peach Island Road;
  2. Replacing tonal reversing alarms with broadband ones;
  3. Lining the trays of trucks with a plastic liner to reduce impact noise as loads are added; and
  4. Access road to the site will be sealed to reduce body rattle.

These are detailed in the evidence of Mr Hegley's and will be addressed in the final NMP as required by volunteered conditions.

- (j) Landscaping is proposed to be undertaken on the site within the first full planting season available following the granting of consent. This is to provide screening to mitigate the visual effects of the activities. This involves planting along the periphery of extraction areas and the haul road, with details of this along the northern part of the site having been updated slightly to accommodate the acoustic earth bund recommended by Mr Hegley. Additionally, part of the Stage 1 area is proposed to be replanted with native 'river terrace' species following completion of the Stage 1 works. This is intended to provide for visual amenity and ecological betterment. Both the pre-works and post-Stage 1 plantings are detailed in the plans prepared by Canopy as included with the evidence of Ms Gavin, and they have been considered in terms of their ecological appropriateness in Mr Payne's terrestrial ecology evidence, and in terms of any impacts on flood risk in Mr Aitken's evidence.

- (k) The removal and storage of topsoil and subsoil, its reinstatement following aggregate extraction and backfilling activities, and its management for a period following this will be undertaken under in accordance with a Soil Management Plan (SMP), which will be prepared to be in general accordance with the draft SMP prepared by Dr Reece Hill and included in support of his evidence, and certified by Council prior to commencement of works. This is to ensure that the land is reinstated to a condition that will minimise adverse effects on the productive potential of the site, and may result in some improvement in this potential. The draft SMP has been updated since being provided to Council in draft prior to notification of the application.
- (l) Works will be carried out in accordance with a Dust Management and Monitoring Plan (DMMP), which will be prepared following granting of consent. A draft DMMP has prepared by Pattle Delamore Partners. This is included with the evidence of Mr Bluett. Specific mitigation measures include dust suppression with water, washing of the sealed haul road, restrictions on quarrying within 100m of horticultural activities between January and May, and ceasing of operations in times of high wind speed where there are sensitive down-wind receptors within 250m.
- (m) A change is proposed to the proposed batter angles near site boundaries. These are proposed to be:
  - (i) Lower Gravels to be battered at 1H:1.3V max
  - (ii) Upper mantle to be battered at 1H:1.7V max
- (n) This is slightly shallower than the 1:1 batters proposed in the application as lodged. It is also proposed to divert any concentrated stormwater flows away from cut batters, and to have geotechnical supervision of batters close to site boundaries. This is addressed in more detail in the evidence of Mr Averill.

3.4 These changes and clarifications are reflected in the volunteered set of consent conditions include at Appendix B to this evidence. These have been based to the extent possible on those included in Council's s42A report. The attached condition set represents a full suite of conditions but I acknowledge that some may more appropriately sit in a discharge permit, and these have been identified through being 'greyed out'.

### Resource consents required and status of the application

- 3.5 The s42A report accurately details the consent requirements of the proposed activities as understood at the time of preparation of that report.. These are:
- (a) Land use consent to disturb land and rehabilitate for the purpose of gravel extraction within the Rural 1 zone. This involves the stockpiling of material and plantings within berm land of the Motueka River, as a **restricted discretionary** activity under Rule 16.10.2.2 of the TRMP; quarrying activities in the Rural 1 zone as a **discretionary** activity under Rule 17.5.2.9, and; quarrying within Land Disturbance Area 1 that includes land that is not berm land, as a **discretionary** activity under Section 87B of the RMA.
  - (b) Land use consent to erect signage and establish access via an unformed legal road. This involves erection of signage as a **controlled** activity under Rule 16.1.5.3 and formation of access within unformed legal road as a **restricted discretionary** activity under Rule 16.2.2.6.
- 3.6 The s42A report does not refer to the need for a discharge permit. As noted above, the need for this additional consent has subsequently been identified, and this has been applied for.
- 3.7 Overall, with bundling, the proposal is for a **discretionary** activity. This overall activity status will not be changed by the discharge permit sought.
- 3.8 I agree with the reporting officer's conclusions detailed in the s42A report regarding those aspects of the proposal that are a permitted activity.

### Relevant statutory considerations

- 3.9 I concur with the list of statutory documents relevant to the consideration of the application given at Section 6 of the s42A report, these being:
- (a) National Policy Statement for Freshwater Management 2020 (NPS:FW);
  - (b) Tasman Resource Management Plan (TRMP);
  - (c) Tasman Regional Policy Statement (TRPS);

(d) Motueka River Water Conservation Order (WCO)

3.10 I have also considered the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and the Resource Management (National Environmental Standards for Drinking Water) Regulations 2007. I am satisfied no regulations apply to the proposal.

3.11 I also concur with the following other matters of relevance:

(a) Statutory acknowledgements of Ngāti Rārua, Ngāti Toa Rangitira, Ngāti Tama ki Te Tau Ihu, Ngāti Kuia and Te Ātiawa o Te Waka-a-Māui in relation to the Motueka River and its tributaries.

(b) The Ngāti Rārua, Ngāti Tama, Pakohe and Te Ātiawa o Te Waka-a-Māui Iwi Management Plans. I do not consider the Ngāti Kōata Trust Iwi Management Plan identified in the s42A Report to be relevant as the site is outside of the rohe of this iwi.

(c) Matters of precedent.

3.12 The above matters will be considered, along with consideration of the actual and potential effects of the proposed activities on the environment, in relation to each of the 'key issues' sections below.

3.13 With regard to the TRPS, I concur with the view of the reporting planner that the TRMP gives effect to the TRPS, and therefore I have little to comment on specifically with regard to the TRPS. However, I would like to draw attention to Issue 6.9 in the TRPS, which acknowledges that minerals:

*“are locationally fixed and non-renewable, and if they are to be extracted or protected, they must be extracted (and often processed) or protected where they occur. Minerals do not exist in isolation from other resources: they may underlie outstanding landscapes, significant ecosystems, or land of high productive value...”*

3.14 This is not in tension with any provisions of the TRMP, however it does provide some useful context to the fact that the mineral resources that this application relates to are locationally fixed within the region, generally within rural zones. The evidence given by Mr Corrie-Johnston and Mr Kaye-Blake talks to the local and finite need for these

mineral resources and the need for them to be sourced from where the resource exists, and near to where they will be used (for reasons of cost and transport carbon emissions). If these resources are to be available for use in high value end products (concrete and sealing chip) then there is a functional need for these activities to be located within existing or former rivers, which are generally within rural zones. The TRPS recognises this. Clearly, the effects of such activities need to be assessed on a case-by-case basis to determine whether this can be achieved whilst also achieving consistency with the other provisions of the TRPS and other statutory documents.

3.15 The reporting planner addresses permitted baseline at paragraphs 6.5 to 6.10 of the s42A report. I agree that the scale of quarrying activities permitted in the Rural 1 zone is significantly different to that proposed in the application, so as to not provide a useful comparison for the purposes of assessing effects. However, s104(2) of the RMA does not only allow the effects of an activity to be disregarded if that activity is permitted by the Plan or an NES, but rather if any activity with that effect is permitted. There are a range of activities that could be undertaken as of right on the site that have an effect that is sufficiently similar to that of the proposal as to warrant consideration as part of the permitted baseline. These include:

- (a) Horticultural activities and associated vehicle movements, which could involve heavy machinery.
- (b) Agricultural activities, including intensive farming and associated vehicle movements, could involve heavy machinery.
- (c) Disturbance or recontouring of the land over the entire site. This could include activities like cultivation.
- (d) Formation of any road or track up to 100m per hectare.

3.16 These activities could result in effects similar to those that would result from the proposed activities in relation to visual effects, noise effects, dust effects, erosion and sediment movement. It is acknowledged that there are in some cases performance standards/ conditions given in the TRMP in relation to these effects that would need to be met in order to undertake them as a permitted activity. However, where these do exist (for example for noise, sediment movement into waterways), such performance standards are also proposed to be met in respect of the proposed activities.

- 3.17 The permitted baseline is discussed in expert evidence relating to specific effects of the proposal relevant to their area of expertise.

### **Submissions**

- 3.18 I have reviewed all submissions received. Few submissions raise issues specifically related to planning matters. Where such matters are raised I will address these specifically. Most submissions raise matters relating to specialist topic areas addressed in the evidence of other experts appearing on behalf of the Applicant. I will generally refer to this expert evidence in respect of how these matters have been addressed, rather than duplicate this myself. I consider that the summary of the issues raised in submissions given at section 5.8 of the s42A report generally encompasses the relevant issues raised in submissions.
- 3.19 I agree with the conclusions reached by the reporting planner in respect of ‘other matters’ raised in submissions that are not necessary to consider further in determining the application, namely effects on property values and effects of vehicle movements on Hau Road.

### **Key Issues**

#### **Amenity Effects (noise, dust and visual effects)**

- 3.20 The amenity effects of the proposed activities were a key issue raised in submissions, in particular from submitters who reside or own land within close proximity to the application site<sup>1</sup>. I note that one of the closest residences is owned by Mr Corrie-Johnston, who lives there with his family.
- 3.21 An important matter to consider in relation to any amenity effects associated with the proposal is whether quarrying is an ‘anticipated’ activity in the rural zones in general, and in this location specifically. The view put forward in the s42A report is that it is not. I disagree with this view. In particular, this influences the reporting planner’s conclusions regarding noise effects, as discussed in more detail below, but is also relevant to the

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<sup>1</sup> These include (but are not limited to) D and S Kellogg (submitter 33), Wakatu Inc (submitter 15), GH and CM LeFrantz (submitter 37), J and V Walker (submitter 16), A Hodder (submitter 24), GJ Peacock (submitter 04), T Howie (submitter 27), D Bisley (submitter 44), JF Lucas (submitter 49), AE Woodcock (submitter 46), PJ Taia (submitter 86), R Frater (submitter 85), HL Mae (submitter 84), DA Sundbye (submitter 83), M Swainson (submitter 99) JA Foote (submitter 67), M Lucas (submitter 65), O Langridge (submitter 109), IM Barnes (submitter 100), HP Webster (submitter 105), N Langridge (submitter 132), A Hutton (submitter 23), EJ and AL Taylor (submitter 60), A Garmey (submitter 124), and Valley RAGE Inc (submitter 128).

context of how other effects are considered. The Principal Reasons for Rules for the Rural 1 zone state:

***‘Quarrying***

*The Rural 1 Zone is, in places, closely subdivided and closely settled, is often used for intensive productive rural activity, and the land resources have high actual and potential productive and versatile qualities for present and future generations. Quarry activities have a range of potential adverse effects. In the context of the zone, the effects of new quarries and quarry expansion activities need to be evaluated on a case-by-case basis as a discretionary activity.’*

- 3.22 This indicates to me that the activity is anticipated, but needs to be assessed on a case-by-case basis. This is further supported by the fact that the activity is specifically provided for in the Rural 1 zone as a permitted activity at smaller scales and as a discretionary activity at larger scales. I also note that ‘Quarry Areas’ which are in-situ rock (rather than river aggregate) resources identified in the TRMP are exclusively located within rural zones. The primary production activities that occur within rural zones include quarrying activities, as reflected in the definition of primary production in the National Planning Standards:

*“Primary production” means: (a) any aquaculture, agricultural, pastoral, horticultural, **mining, quarrying** or forestry activities; and (b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a); (c) includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but (d) excludes further processing of those commodities into a different product.’ (emphasis added).*

- 3.23 Furthermore, there is a history of consented aggregate quarrying activities in the surrounding area, both within berm land and elsewhere. Of specific relevance to the particular locality of this proposal, a variety of aggregate quarrying activities have been consented and carried out on two sites within Peach Island (15 Peach Island Road and 130 Peach Island Road), in addition to various operations nearby at Douglas Road. In my opinion this makes a position that suggests such activities are unexpected or unanticipated in this environment untenable.

Noise



- 3.24 The existing noise environment of the site and surrounds, anticipated noise associated with the proposed activities, the effects of this noise on the environment including surrounding residents and the proposed measures to mitigate this noise as a best practicable option (BPO) have been detailed in the evidence of Mr Hegley. This evidence builds on the initial noise assessment submitted with the application, and the noise management plan provided at s92 and rectifies omissions raised in submissions in relation to the location of the proposed haul road and the dwelling located at 131 Peach Island Road. Mr Hegley also addresses matters raised in submissions relating to the manner in which his predicted noise levels have been generated. Mr Hegley has made recommendations for measures to mitigate noise effects, detailed above.
- 3.25 Taking into account the noise mitigation measures proposed by Mr Hegley, his conclusions are:
- (a) *'The resulting predicted levels of operational noise are considerably below the noise levels that the TRMP defines as reasonable for the rural zone. A comparison to the ambient sound shows that the levels to the most exposed houses will be clearly audible but consistent with the ambient sound.'*
  - (b) *'The conclusion of operational noise is, therefore, that it is reasonable.'*
  - (c) *'Noise from trucks on the local road network has also been considered. Analysis shows that, while individual trucks will likely be audible their contribution to the overall level of road traffic noise will be too low to change the average resident's perception of the noise from the road.'*
- 3.26 Mr Hegley considers that noise effects from quarrying activities on site to range from less than minor to minor (depending on the receiver), and from trucks using the surrounding road network to be less than minor.
- 3.27 The permitted baseline assessment at paragraphs 6.7 to 6.10 of the s42A report details why no permitted baseline applies with regard to noise effects. This is stated as being because the activity is neither permitted or anticipated in the Rural 1 zone, and that the noises associated with gravel extraction would be different in character, intensity and duration to 'typical rural noises' including intermittent and temporary plant activity. I disagree with this. As addressed earlier in this evidence, the proposed activity does not need to be permitted in order to form part of the permitted baseline, just an activity

which has that effect. As detailed, there are a variety of activities including use of heavy machinery and plant that could be undertaken as of right that would have similar noise effects. Mr Hegley has addressed the permitted baseline in assessing the noise effects of the proposal.

- 3.28 Given that the noise effects of the activities have been demonstrated to be within the levels specified for permitted activities in the TRMP and consistent with ambient noise levels, I agree with Mr Hegley that the proposed noise effects are reasonable and, I conclude, minor at worst. Discounting of adverse effects that form part of the permitted baseline is not relied upon to reach this conclusion.
- 3.29 The reporting planner takes the position that, as quarrying activities are not ‘anticipated’ within the Rural 1 zone, that noise effects of this activity are also not anticipated and that compliance with the permitted noise standards is not able to be relied upon in determining what a ‘reasonable’ level of noise is. This position prompted the request for ambient noise levels to be provided, and with the results of this now available in the evidence of Mr Hegley, this matter should be resolved. Notwithstanding this, for completeness I note that I disagree with this proposition in general as detailed above.
- 3.30 In my opinion, the noise standards for permitted activities provide guidance as to what noise levels are reasonable in the Rural 1 zone. The Principal Reasons for Rules for the Rural 1 zone (Section 17.5.20) seem to support this view:

**‘Noise**

*The rural environment is a working environment where noise is generated as part of many rural activities. Rules limit noise problems arising from continuous sources and from residential sources within the zone, but greater freedom is given to the types of noise that arise in normal day-to-day rural activities. For these types of noise, methods other than rules such as codes of practice or the best practicable option approach, will be applied as appropriate.’*

- 3.31 This makes a distinction between continuous noise sources and residential sources (which the specified levels address) and intermittent noise sources that are typical of rural activities (which are given more flexibility). The noise effects of the proposed activities belong to the first type of noise, and have been demonstrated to comply with the levels set to manage the effects of these. ‘Typical rural noises’ as described in the s42A report, from intermittent and temporary noise sources, are provided for above and beyond these

noise limits so they effectively have no noise limit. I consider that the stated levels in the permitted standard are intended to set a benchmark to provide certainty for residents and emitters of noise as to what levels are appropriate and can be reasonably expected. Noise levels associated with the proposed activities have been determined to meet these expectations.

3.32 In conclusion, I consider that noise associated with the proposed activities, to the levels proposed, can be reasonably expected within the ‘working environment’ that the Rural 1 zone comprises, and will result in adverse effects on rural amenity values (including those values as experienced by residents and recreational receivers within this environment) that are, at worst, minor. The s42A report states that *“I concur with the Council’s Team Leader – Environmental Health that the noise associated with the proposed activity will be noticeable, but it may not necessarily be unreasonable”*. The report also stated that a definitive conclusion could not be reached on noise effects until additional information had been provided by the Applicant. I am satisfied that these matters, and also those raised in submissions, have been satisfactorily addressed by Mr Hegley.

3.33 In addition to the measures recommended by Mr Hegley, the Applicant is willing to adopt the Christmas holiday shut-down period proposed in the s42A draft condition set. Additionally, the Applicant is willing to volunteer that no heavy machinery be operated on the site earlier than 7.30am on any day. These measures will reduce the duration over which the minor or less than minor noise effects detailed above will be experienced by surrounding residents.

#### Dust

3.34 No aggregate crushing will occur on site. Crushing is a major dust (and noise) source at other operations. There are however some potential dust sources associated with proposed activities, including from excavation, transport (within and to/ from the site), stockpiling and rehabilitation activities. This is a matter relevant to nuisance effects on residential amenity, health effects, ecological effects and also in relation to effects on productive land use activities in the surrounding area, specifically horticulture. These include GH and CM Le Frantz who reside and operate an orchard adjacent to the site at 131 Peach Island Road.

3.35 Proposed measures to manage dust effects on the site have been addressed in the evidence of Mr Bluett and are detailed in the Dust Management and Monitoring Plan (DMMP). Key measures include sealing of the access road, regularly washing/ sweeping of dust off this road, water suppression and ceasing operation in times of higher wind speeds where the wind is from a direction that places sensitive receptors within 250m downwind of the works area. An additional measure is proposed in relation to minimising risks of impacts on surrounding horticulture at times of the year that are critical to fruit growth and harvesting. This restricts quarrying activities within 100m of neighbouring horticultural crops to the months of June to September (inclusive).

3.36 The evidence of Mr Bluett addresses dust effects, concluding that:

- *Dust or total suspended particulate (TSP) (particles >10 µm in diameter) which can generate adverse amenity impacts and inhalable particulate matter (PM10) (particles <10 µm in diameter) which can be inhaled and cause adverse human health impacts may be discharged into the air from the development, operation and closure of the proposed Peach Island Quarry.*
- *The receiving environment is of generally moderate sensitivity to the impacts of dust, but 10 highly sensitive residential or horticultural receptors have been identified within 250 m of the proposed quarry boundary.*
- *The potential effects of dust on the receiving environment and highly sensitive receptors includes amenity, human health and ecological impacts.*
- *A comprehensive programme of dust mitigation and monitoring has been developed to ensure the dust emissions from the proposed quarry site are minimised.*

*When combining the influences of the scale of the activity, the sensitivity of the receiving environment, the proposed mitigation measures and dust travel distance, I consider the potential effects of dust discharged from the proposed activity are less than minor.'*

3.37 On the basis of Mr Bluett's advice I am satisfied that adverse effects associated with dust generated on site, on amenity values (including for surrounding residents), on surrounding productive land use activities, on ecological values and also with regard to health risks, will be less than minor. I am also satisfied that Mr Bluett has adequately addressed dust-related matters raised in submissions and I agree that these matters are now adequately addressed by the proposal.

3.38 I note that sufficient water supply exists on site to undertake the dust suppression measures proposed in the DMMP. The DMMP indicates that up to 30m<sup>3</sup> per day would be required to effectively manage dust through water suppression. The owner of the subject site, Tim Corrie-Johnston, holds existing water permit RM171337 which provides for the take and use of up to 8.33l/s and 2625 cubic metres per week from an on-site bore for irrigation purposes. An application has been made to Council to vary this consent to allow for the water to be used for irrigation and dust suppression purposes. The volume of water authorised by this permit far exceeds the small volume required to undertake dust suppression, and will allow for irrigation to continue over the remainder of the site for irrigation of pasture (including on rehabilitated land) and any landscape plantings undertaken.

#### Visual effects

3.39 The visual effects of the proposal are relevant, given the visibility of the site from neighbouring properties, public roads and private property in the surrounding hills. Council's reporting officer notes that visual effects will be mitigated through:

- Limiting excavation to 1600m<sup>2</sup> area with progressive backfill and rehabilitation;
- Locating stockpiles behind the stopbank;
- Proposed amenity planting as detailed in the Canopy plan submitted at s92 stage.

3.40 Consequently, the reporting officer's conclusion is that visual effects will be minor, and consistent with policies 5.2.3.1 and 5.2.3.4<sup>2</sup>. The s42A report notes that dwellings close to the site are on the flat and will be sufficiently screened from the site by existing and proposed vegetation, and; elevated properties are significantly set back from the site (greater than 200m) such that adverse visual effects will be no more than minor.

3.41 The expert evidence of Ms. Gavin specifically addresses landscape and visual effects. The key conclusions of Ms Gavin's evidence are:

- *'Overall the landscape and amenity effect of the application will have a **low-moderate** adverse effect on landscape character, and visual amenity associated with the stockpile and excavation activity. This will reduce to an **overall low visual effect** as landscape mitigation establishes.*

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<sup>2</sup> 5.2.3.1 To maintain privacy in residential properties, and for rural dwelling sites.

5.2.3.4 To promote amenity through vegetation, landscaping, street and park furniture, and screening.

- *There will be an overall **low-moderate** adverse effect on landscape character and amenity values considering the type of rural activity that could occur within the site and the permitted activities that can occur associated with horticultural activity (1m disturbance across the whole site); and quarrying (50m<sup>3</sup> within a one year timeframe). In RMA language this equates to a minor adverse effect. While the proposed activity bears some similarities to permitted and anticipated rural activities (such as quarrying up to 50 cubic metres), ploughing or re-contouring earthworks; those types of farming activities are more likely seasonal; and this, as well as the slight increase in scale of the exposed area of works and activity within the site means there is a difference in intensity and duration of effects over and above the permitted baseline.*
- *Most of the haul road is located on a paper road that will be formalised and sealed as part of this application. The formation of the paper road is part of the character that is generally anticipated.*
- *The stockpile is proposed to be screened by mitigation planting from views to the east, north and south. It will sit 1m below existing ground level, and will be up to 4m high. This means that 1m of stockpile will be visible above the 2m high berm from the closest distance of 180m when on MRWB Road. I note that there are already some established trees located along the base of this berm that will provide upfront mitigation. Without added mitigation this would have a low adverse visual effect. This will be added to with interplanting within the shelterbelts to create increased screening, that over 5-7 years will reduce the visibility of the stockpile area to a **very low adverse visual effect** from MRWB Road.*
- *The excavation burrow has been restricted to an area no bigger than 1600m<sup>2</sup> in area. This will restrict the extent of open earthworks occurring within the site at any one time and will reduce adverse visual effects of the activity to a level of earthworks consistent in character to a rural activity. The excavation pit will be remediated progressively to reduce the visual effects of the excavation activity.*
- *The periphery of the Stage 1 area is to be planted prior to excavation of that area, to enable adverse visual effects from the section of MRWB Road parallel to the Stage 1 area to be mitigated prior to excavation. This will reduce the visual effects on amenity values to low within 5-7 years. While this planting is establishing, excavation will begin in the Stage 2 and 3 areas, moving between the two seasonally in order to best manage dust.*
- *The natural character values within the site have been highly modified and degraded through past farming activities including clearance of native vegetation; and earthworks associated with stop banks and drainage work. The restoration of the Stage 1 area will have positive amenity and natural*

*character values by reintroducing native alluvial landscape species into the site that will result in a net ecological gain . This will be realised at the end of the consent when the area is revegetated.*

- *I consider that the adverse effects on landscape character are mitigated to the point where they have an overall **low-moderate** (minor) adverse effect on rural character and visual amenity values during the consent, reducing to low positive effect on completion of consent.*
- *I also note that the adverse effects experienced will not only be minor but will also only be experienced over a medium term. Adverse effects will cease when gravel extraction ceases which will be after a maximum period of 15 years.'*

3.42 Ms Gavin notes that, following the cessation of the activity:

- *'On completion of quarrying activities, the rural and amenity values that are currently on site associated with an agricultural landuse and its simple geometric patterns will be retained. There will also be an enhancement associated with the revegetation of the Stage 1 area in alluvial terrace native species, and through building on the existing shelterbelt pattern by increasing the representation of native species in these areas. This ecosystem is rare within this section of the Motueka Valley.'*

3.43 Taking into account this expert advice, I am satisfied that adverse effects on the visual amenity of residents of the surrounding areas, general members of the public who may be able to view the site from public vantage points, and also effects on the overall character and amenity values of this rural location will be no more than minor, and will reduce over time as mitigation plantings become more established. These adverse effects are also of limited duration, as pointed out by Ms Gavin. This is consistent with the views of Council's reporting officer. I note that Ms Gavin's conclusions are based on additional mitigation measures to those considered in the s42A report, including reduced ground levels in the proposed stockpile area, and reduced stockpile heights. These measures form part of the application and are included in the volunteered condition set. The restoration planting proposed by Ms Gavin serves as a long-term net gain for the amenity and landscape values on the site (in addition to other values that will be addressed later). I note that submitter 86 (P Taia), has questioned the likely viability of plants located on the river side of stopbanks where they may be subject to flooding. Mr Payne has addressed this in his evidence, confirming that the plantings proposed are suitable to this environment and will be viable. Volunteered conditions of consent require the submission of final landscape plans for Council certification, and also a Maintenance and

Establishment Plan that will detail methodologies for establishment of the plantings and replacement of any plants that die or significantly decline, including where this is caused by impacts of flooding, drought or disease.

Conclusion regarding amenity effects and associated provisions

- 3.44 Overall, I consider that noise, dust and visual effects will be appropriately managed to ensure that effects on amenity values are reasonable, and are no more than minor.
- 3.45 I consider the proposal to be consistent with the relevant provisions at Chapter 5 of the TRMP that address matters of amenity, specifically Objectives 5.1.2<sup>3</sup> and 5.2.2<sup>4</sup> and supporting policies 5.1.3.1<sup>5</sup>, 5.1.3.9<sup>6</sup>, 5.2.3.4 and 5.2.3.8<sup>7</sup>. This extends to the impact of traffic noise on amenity values, as addressed by Objective 11.1.2<sup>8</sup> and supporting policy 11.1.3.4<sup>9</sup>. I am satisfied, on the basis of expert advice, that amenity values on the site and in the surrounding community will be maintained.
- 3.46 Policy 7.4.3.2<sup>10</sup> is noted, which acknowledges that rural activities may involve levels and types of effects that may not meet standards typically expected in urban areas. This concept is also reflected in policy 5.1.3.14<sup>11</sup>. Within this context and through managing effects to avoid impacting adversely on other productive rural activities, and rural

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<sup>3</sup> 5.1.2 Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources

<sup>4</sup> 5.2.2 Maintenance and enhancement of amenity values on site and within communities throughout the District

<sup>5</sup> 5.1.3.1 To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated

<sup>6</sup> 5.1.3.9 To avoid, remedy, or mitigate effects of:

(a) noise and vibration; (b) dust and other particulate emissions; (c) contaminant discharges; (d) odour and fumes; (e) glare; (f) electrical interference; (g) vehicles; (h) buildings and structures; (i) temporary activities; beyond the boundaries of the site generating the effect.

<sup>7</sup> 5.2.3.8 To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas

<sup>8</sup> 11.1.2 A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.

<sup>9</sup> 11.1.3.4 To avoid, remedy or mitigate adverse effects of traffic on amenity values.

<sup>10</sup> 7.4.3.2 To provide for rural activities which may involve levels and types of effects, including noise, dust, smoke and odour, that may be permanent, temporary or seasonal, and that may not meet standards typically expected in urban areas

<sup>11</sup> 5.1.3.14 To provide sufficient flexibility in standards, terms and methods for rural sites to allow for the wide range of effects on amenities which are typically associated with rural activities, and which may vary considerably in the short or long term



character and amenity values, consistency with Objective 7.4.2<sup>12</sup> and supporting policy 7.4.3.4<sup>13</sup> is achieved.

3.47 The s42A report includes objective 6.5.2.1 and supporting policy 6.5.3.6 in the table of relevant provisions for this key issue. These provisions relate to the urban environment, and specifically to appropriate locations for industrial activities. As the application site is not urban and does not involve industrial activities as defined in the TRMP<sup>14</sup>, I do not consider these provisions relevant.

3.48 Based on the expert evidence of Ms Gavin I am satisfied that the proposal is consistent with the Objective 8.2.2, supporting policies 8.2.3.4 and 8.2.3.7, and objective 9.2.2<sup>15</sup> and supporting policies 9.2.3.3<sup>16</sup>, 9.2.3.4<sup>17</sup> and 9.2.3.5<sup>18</sup>. These relate to maintaining the natural character of the margins of rivers and of the contribution that rural landscapes make to the character and amenity values of the District. In particular, Policy 9.2.3.4 encourages landscape enhancement and mitigation of changes through landscape analysis and planting proposals throughout rural areas. Based on the advice of Ms Gavin it is evident that the proposal achieves this.

3.49 With regard to dust effects, Objective 34.1.2<sup>19</sup> and supporting policies 34.1.3.1<sup>20</sup>, 34.1.3.4<sup>21</sup> and 34.1.3.8<sup>22</sup> are relevant. It is important to note that, as detailed in Policy

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<sup>12</sup> 7.4.2 Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values

<sup>13</sup> 7.4.3.4 To exclude from rural areas, uses or activities (including rural-residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated

<sup>14</sup> Industrial activity – means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing, storage, maintenance, or repair of goods, but does not include home occupations.

<sup>15</sup> 9.2.2 Retention of the contribution rural landscapes make to the amenity values and rural character of the District, and protection of those values from inappropriate subdivision and development.

<sup>16</sup> 9.2.3.3 To retain the rural characteristics of the landscape within rural areas.

<sup>17</sup> 9.2.3.4 To encourage landscape enhancement and mitigation of changes through landscape analysis, subdivision design, planting proposals, careful siting of structures and other methods, throughout rural areas.

<sup>18</sup> 9.2.3.5 To evaluate, and to avoid, remedy or mitigate cumulative adverse effects of development on landscape values within rural areas.

<sup>19</sup> The discharge of contaminants to air in such a way that avoids, remedies or mitigates adverse effects while: (a) maintaining existing air quality; and (b) enhancing air quality where existing quality is degraded for natural or human uses or values

<sup>20</sup> 34.1.3.1 To ensure that any discharges of contaminants to air are undertaken in a way that avoids, remedies or mitigates any adverse effects on the receiving environment or surrounding activities

<sup>21</sup> 34.1.3.4 To provide for management of some actual and potential adverse effects of discharges to air - particularly odour and dust effects - as ancillary to land use activities, and to take them into account when resource consent applications are being considered.

<sup>22</sup> 34.1.3.8 To adopt the best practicable option for discharge of contaminants to air associated with

34.1.3.4, the TRMP provides for the management of dust as ancillary to land use activities rather as discharges in their own right, and to take them into account when assessing the land use activities that may generate dust. Based on the expert evidence of Mr Bluett and the mitigation measures proposed, I am satisfied that dust is to be managed by way of the best practicable option to avoid, remedy or mitigate adverse effects on the receiving environment including surrounding activities.

### **Traffic effects**

- 3.50 A key issue raised in submissions is traffic effects, including from Gillian Wratt on behalf of the Tasman Great Taste Trail (submitter 32) and a number of residents or owners of properties located close to the application site<sup>23</sup>. The s42A report addresses the various aspects of the traffic-related matters in turn. This approach is also taken below. The expert evidence of Mr Clark for the Applicant addresses traffic matters. I refer to Mr Clark's evidence is referred to in relation to each matter below.

### **Access**

- 3.51 Mr Clark has recommended upgrading the existing vehicle crossing generally to the 'Diagram 2' Drawing SD409 standard specified in the NTLDM (but with variations to ensure that it is best fit for purpose) and undertaking minor works and tree removal in the road reserve to enable appropriate sight distance to be achieved and maintained. . Mr Clark is of the opinion that the volunteered improvements to the access will enable vehicles to enter and exit the site safely without impacting on the safety of other road users. Council's traffic expert, Mr Fon, agrees with this, and Council's Transportation Manager, Mr McPherson has confirmed that works within the road reserve to achieve this are acceptable. The recommendation made in the s42A report to extend the 6m formation width the full distance between Motueka River West Bank Road and the backflow channel bridge and to provide passing bays on the haul road are not considered by Mr Clark to be necessary as the management of the small number of vehicle

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activities which are temporary or informal in nature.

<sup>23</sup> These include (but are not limited to) Wakatu Inc (submitter 15), GH and CM LeFrantz (submitter 37), J and V Walker (submitter 16), A Hodder (submitter 24), GJ Peacock (submitter 04), T Howie (submitter 27), D Bisley (submitter 44), JF Lucas (submitter 49), AE Woodcock (submitter 46), PJ Taia (submitter 86), R Frater (submitter 85), HL Mae (submitter 84), DA Sundbye (submitter 83), M Swainson (submitter 99) JA Foote (submitter 67), M Lucas (submitter 65), O Langridge (submitter 109), N Langridge (submitter 132), A Hutton (submitter 23), EJ and AL Taylor (submitter 60), A Garmey (submitter 124), and Valley RAGE Inc (submitter 128).

movements (including trucks) are able to be easily managed through radio communications to avoid conflicts occurring on the haul road or at the site access.

#### Bridge (and haul road formation)

3.52 Mr Fon considers that the proposed haul road formation width be formed to 4.5m (plus passing bays), and that the existing backflow channel bridge should be widened to match the haul road width. Mr Clark considers that a minimum 3.5m width for the access (plus graveled shoulders and localized widening on corners) will satisfactorily provide for safe and efficient access within the site. . Ultimately, the haul road formation and bridge width only affect the internal workings of the site, and need only be wide enough to enable the consent holder to safely and efficiently use them. As such, there will be no adverse effects beyond the site associated with these aspects of the haul road formation. I suggest Mr Clark's recommendations be conditioned as a minimum, with the Applicant able to provide a wider formation width if desired. The volunteered conditions reflect this.

#### Road capacity

3.53 Information provided in the s42A report confirms that current traffic volumes on Motueka River West Bank Road are relatively low, at approximately 300 vehicle per day including 24 heavy vehicles. The report invites the Applicant to assess the effect of the proposal on road capacity in light of these figures. This has been addressed by Mr Clark in his evidence, where he describes the existing road network, existing traffic data and crash history for the surrounding road network. With regard to the capacity of the road network to accommodate traffic from the proposed activity, the following key points are noted by Mr Clark:

- Existing traffic volumes on Motueka River West Bank Road are low and well below the anticipated flows of its listed road hierarchy designations.
- The proposal will result in a very low number of traffic movements (4 movements per hour). Although the s42A report notes that this will roughly double the daily number of heavy vehicle movements along Motueka River West Bank Road on weekdays, Mr Clark notes that:

*‘Small numbers with small increases can have the effect of exaggerating the real and true effects of a development, such as noted in Section 9.15 “...with a doubling of the number of heavy vehicle movement.” Doubling the heavy vehicle movement does not necessary translate to the doubling of the effect especially when traffic flows are very low.’*

- The hourly flows along Motueka River West Bank Road are around 23 vehicles (per hour) during the hours of operation. The activity will add four trips in these times making a total of 27 trips per hour. While the percentage increase may be high for heavy vehicles, the actual number of movements is very low.
- In summary generally Motueka River West Bank Road and Motueka Valley Highway have the width and road geometry to accommodate much higher flows safely and efficiently. Where there are more moderate curves trucks will drive more slowly and be able to track within the traffic lanes.
- Trucks are using Motueka River West Bank Road along with other road users each day safely and largely without incident. The low increase in truck movements of four an hour is small, and any change will be indiscernible to existing users of the road.

3.54 Based on Mr Clark’s evidence there do not appear to be any particular constraints within the road network that would suggest that the proposed additional traffic movements cannot be safely and efficiently accommodated.

#### Traffic safety

3.55 The s42A report notes that no traffic safety assessment has been undertaken to enable conclusions to be drawn on matters of road safety including that of cyclists on the Great Taste Trail. This has been addressed by Mr Clark in his evidence, where he notes that the road standard on both Motueka River West Bank Road and Motueka Valley Highway is suitable for use by heavy vehicles, and Council’s designation and certification of this route for HPMV vehicles (which are for heavy and longer trucks) supports this. Mr Clark notes that the route is also currently used by HPMV trucks as well as others generally without incident. Having inspected the crash history of this area Mr Clark confirms that the few crashes that have occurred have not resulted from the standard of the roads or their use by heavy vehicles.

3.56 With particular regard to the Tasman Great Taste Trail, Mr Clark notes the following:

- *The trucks associated with the application will be regular users of the route to and from the site and depot. They are professional drivers and subject to the rules and operational procedures for the company. The drivers will be aware of the TGTT and cyclists being present on the road and drive accordingly.*
- *In one of my drive overs inspections in the truck I observed that the truck offers much better forward visibility of the road ahead due to the increased height of the driver's position. While carrying out these observations, the driver came across a group of cyclists using the road. The driver was able to easily identify the cyclists and take the appropriate action to ensure the safety of these road users.*
- *As a precautionary approach, I have suggested to the applicant that they put a reduced speed limit on their trucks using MRWBR as an additional safety measure. The applicant has confirmed that they would accept a consent Condition reducing the speed limit for their trucks to 60 km/h while travelling along MRWBR. This is an effective method of reducing risk to cyclists and making it safer for these users and others using the road.*
- *The trucks used by the applicant have E-Tags which allows management to monitor their location, speed and some other information. Trucks travelling over 60 km/h will result in an alert to management and a warning to the driver.'*

3.57 Additionally, I note that the Applicant has engaged with the Tasman Great Taste Trail Trust to seek to assist in achieving an off-road cycle trail through this area. I agree with the s 42A report assessment<sup>24</sup> that an off-road cycle track would mitigate effects on cyclists and pedestrians in principle if the track were built prior to extraction commencing, but I am aware that this outcome may not be secured. I note that Mr Clark does not rely on this outcome as mitigation for the effects of the proposal on cycle safety. As such, I do not consider that such an outcome should be a requirement of consent conditions. Despite the Applicant's willingness to assist with funding for an off-road cycle trail as described in Mr Corrie-Johnston's evidence, developing this trail will be a long-term project involving various landowners, and so the timeframes for this and certainty of such an outcome are largely outside of the control of the Applicant.

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<sup>24</sup> Paragraph 9.23

Conclusion regarding traffic effects

- 3.58 Overall, the Mr Clark concludes that, with adherence to draft conditions of consent (including with amendments and additions he has recommended, which are incorporated into the volunteered condition set at Appendix B) the activity will operate safely and efficiently within the existing road environment with any effects being less than minor.
- 3.59 Relying on this expert advice, I conclude that any adverse effects of the proposed activities on the safe and efficient operation of the road environment and of access to the site, including effects on cyclists and pedestrians, will be less than minor.
- 3.60 The objectives and policies of the TRMP relevant to the effects of the proposed activities on the safe and efficient operation of the surrounding road network as a result of vehicle movements associated with the quarrying activities, and their access to the site are contained at Chapter 11 (Land Transport Effects). These seek:
- A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated<sup>25</sup>, and;
  - The avoidance, remedying, or mitigation of adverse effects on the environment from the location, construction, and operation of the land transport system, including effects on:
    - (a) the health and safety of people and communities;
    - (b) the amenity of residential areas, workplaces and recreational opportunities;
    - (c) air and water quality;
    - (d) natural habitats and ecosystems;
    - (e) landscapes and natural features;
    - (f) aggregate and energy resources;
    - (g) the productivity and use of land<sup>26</sup>.
- 3.61 Based on the expert evidence of Mr Clark, I conclude that consistency is achieved with the above objectives. Specifically, the proposed activities are in a location with appropriate access to roads that are able to safely and efficiently accommodate vehicle movements associated with the activity, and with site access will be appropriately

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<sup>25</sup> Objective 11.1.2

<sup>26</sup> Objective 11.2.2

designed and located to achieve consistency with policies 11.1.3.2<sup>27</sup>, 11.1.3.3<sup>28</sup>, 11.1.3.6<sup>29</sup> and 11.2.3.3<sup>30</sup>.

3.62 Potential amenity effects associated with traffic movements are principally associated with noise and dust. These have been assessed above, and I am satisfied that the proposal will appropriately maintain amenity values in the rural environment such that consistency is achieved with policies 5.1.3.9 and 5.2.3.8 (addressed earlier), 11.1.3.4<sup>31</sup> and 11.2.3.3. I concur with the view expressed with the reporting planner at paragraphs 16.1 and 16.2 that effects of vehicle movements on residents of Hau Road are not a relevant consideration for this application, given that delivery of aggregates to the Applicants' processing plant there will occur irrespective of where in the region the aggregates are sourced from.

3.63 I do not consider Objective 7.2.2.3 and policy 7.2.3.9, which are listed in the s42A report in relation to traffic effects, are relevant as these relate to the location of Rural Industrial activities in rural areas. The proposed activity is not a rural industrial activity as defined in the TRMP because there is no processing of aggregate proposed for the site<sup>32</sup>.

3.64 Additionally, Policy 11.1.3.12 seeks to facilitate a regional cycle trail, a matter raised in submissions in relation to the Tasman Great Taste Trail. The Trail has already been achieved and is in place with use of Motueka River West Bank Road. As noted above, the Applicant has agreed to work with the Trust to help facilitate the addition of further off-road sections of the trail, but do not anticipate this being a condition of consent. The

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<sup>27</sup> 11.1.3.2 To ensure that land uses generating significant traffic volume: (a) are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency; (b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network

<sup>28</sup> 11.1.3.3 To avoid, remedy or mitigate adverse effects of high traffic-generating land uses on the community cost of the road network resource of the District.

<sup>29</sup> 11.1.3.6 To control the design, number, location and use of vehicle accesses to roads; including their proximity to intersections and any need for reversing to or from roads; so that the safety and efficiency of the road network is not adversely affected.

<sup>30</sup> 11.2.3.3 To promote transport routes, and approaches and methods of design, construction, and operation which avoid, remedy, or mitigate adverse effects on:

(a) the health and safety of people and communities; in particular, cyclists and pedestrians; (b) amenity values of neighbourhoods and areas of special character; (c) air and water quality; (d) natural habitats and ecosystems; (e) landscapes and natural features; (f) aggregate and energy resources; (g) the productivity of land.

<sup>31</sup> 11.1.3.4 To avoid, remedy or mitigate adverse effects of traffic on amenity values.

<sup>32</sup> Rural industrial activity - means the use of land and buildings for an industrial activity that depends on produce harvested from plant and animal production, or the sea, or any other land-derived product, including any sawmill, timber treatment plant, abattoir, stockyard, packhouse, cold storage, rural contractor's depot, and the processing of minerals and quarry products.

proposal will not be contrary to this policy, in that it will in no way inhibit the achievement of a regional cycle trail.

### **Productive land effects**

3.65 The impact of the proposed quarrying activities on the productive value or potential of the subject land is a key issue, which has been the subject of detailed assessment and discussion with Council throughout the application process. This matter is also raised in submissions<sup>33</sup>.

3.66 The characteristics of the subject land relevant to land productivity have been assessed by Dr Hill in his evidence. The TRMP defines “high productive value” in Chapter 2 as:

*‘High productive value – in relation to land, means land which has a combination of at least two of the following features, one of which must be (a):*

*(a) a climate with sufficient sunshine that supports sufficient soil temperature;*

*(b) a slope of up to 15 degrees;*

*(c) imperfectly-drained to well-drained soils;*

*(d) soil with a potential rooting depth of more than 0.8 metres and adequate available moisture;*

*(e) soil with no major fertility requirements that could not be practicably remedied;*

*(f) water available for irrigation;*

*where that combination is to such a degree that it makes the land capable of producing crops at a high rate or across a wide range.* (emphasis added).

3.67 The evidence of Mr Nelson with regard to land productivity – horticulture, confirms that the subject land is currently not capable of producing crops at a high rate or across a wide range. This is principally a result of variability of physical soil properties across the site. As such, despite satisfying some of the features identified at clauses (a)-(f) above, the subject land is not land of ‘high productive value’ as defined in the TRMP.

3.68 The Applicant intends to return the land to productive use following aggregate extraction. Dr Hill, in his evidence and in the draft Soil Management Plan (SMP), outlines

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<sup>33</sup> Including (but not limited to) D and S Kellogg (submitter 33), Wakatu Inc (submitter 15), GH and CM LeFrantz (submitter 37), J and V Walker (submitter 16), A Hodder (submitter 24), GJ Peacock (submitter 04), T Howie (submitter 27), D Bisley (submitter 44), JF Lucas (submitter 49), AE Woodcock (submitter 46), PJ Taia (submitter 86), R Frater (submitter 85), HL Mae (submitter 84), DA Sundbye (submitter 83), M Swainson (submitter 99) JA Foote (submitter 67), M Lucas (submitter 65), O Langridge (submitter 109), IM Barnes (submitter 100), HP Webster (submitter 105), N Langridge (submitter 132), A Hutton (submitter 23), A Garmey (submitter 124), and Valley RAGE Inc (submitter 128).



the detailed methodology that will be followed to minimize the effects of the activity on the productive potential of the soil. In short, this involves the careful removal, storage and replacement of topsoil and subsoil, and the carrying out of these works under strict conditions. Management of the soils through planting and fertilizing after completion of earthworks is also proposed. Dr Hill's recommendations will form the basis of a final SMP that will be prepared prior to commencement of works for Council certification and is volunteered as a condition of consent. If carried out in accordance with these recommendations, Mr Hill considers that:

- *'Adherence to the Soil Management Plan will ensure that the removal, management and placement of soil avoids or minimises impacts on the soil properties prior and following placement, and that the re-established soil can over the long term retain or exceed the soil versatility of the original soil on the site.*
- *Following soil reinstatement, plant roots will be able to extend themselves through the total volume of the restored materials to seek nutrients and moisture.*
- *Provided large rocks are removed prior to placement and the relocated topsoil is rock free, the resulting land should provide improved soil for cropping and horticulture.*
- *Reduced site productivity and impacts on soil physical properties following reinstatement of the soil post gravel extraction are anticipated in the short term (0-3 years). However, careful soil management throughout the operation and following reinstatement of the soil will reduce impacts on soil properties such that any impacts are likely to only be short term (0-3 years) while the pasture establishes and restores soil structure and soil biology.*
- *Key to the effective re-establishment of the soil on the gravel extraction site are careful pre-planning, adherence to the guidance provided in the soil management plan, and the training of all staff involved.*
- *Staging the gravel extraction reduces the loss of productive land on the site during extraction of gravels and reduces the volume of soil requiring stockpiling and the time the soil is stockpiled.*
- *Provided the activity is managed in accordance with those recommendations, the re-established soil is likely to remain productive at a similar level as the original soil and will have similar, or potentially have greater soil versatility than the original soil pre-gravel extraction.*
- *Applying the Tasman Resource Management Plan definition for land of high productive value, the Peach Island Road site land pre gravel extraction, in my opinion, is not classed as land of high productive value. This includes land inside and outside the stop bank.*

- *Following gravel extraction and reinstalment of the soil profile, the land will in my opinion, be classed as land of high productive value based on the Tasman Resource Management Plan definition.*
- *Applying Tasman District's Productive Land Classification pre gravel extraction, only the LUC 3w1 land on the Peach Island Road site is classed as land suitable for cropping and horticulture. This is in agreement with the LandVision report. The wetness limitation of LUC 3w1 land means that the area will not be suitable for horticulture crops requiring well drained soils.*
- *Applying Tasman District's Productive Land Classification post gravel extraction, the land suitable for cropping and horticulture will not be reduced by the proposed activities and could potentially increase post gravel extraction (providing the soil management guidance provided in the Soil Management Plan is adhered to).*
- *Potential for soil loss to water is associated with soil storage, transport, preparation of the receiving surface, soil placement, and post placement management. Provided the guidance in the Soil Management Plan is followed, the risk of any soil loss to water from soil related activities is considered minimal, and any effects less than minor.'*

3.69 Council's s42A report confirms that there is general agreement that the productive potential of the Stage 1 land is limited due to flooding risk. Council officers have little concern with the effect of the stage 1 works on the productive value or potential of the land.

3.70 With regard to the Stage 2 and 3 areas, Council Officers have had the opportunity to review a draft SMP prepared by Dr Hill, and commented that there was insufficient detail regarding the magnitude and duration of expected short-term effects on soil properties, as well as the scale of any residual effects following this. Council officers also questioned whether the proposed methodologies would be followed in sufficient detail in reality, to ensure the expected outcomes are met. I believe that these matters have been sufficiently addressed in Dr Hill's evidence and revised draft SMP.

3.71 From a planning perspective, I also question the relevance of considering short-term effects on productive values of land. There is no obligation under the TRMP for rural landowners to realise the full productive potential of land, where such potential exists. The plan provisions merely seek that the long-term potential is retained. In the case of the subject site, it is currently in pasture, and has been for some time. I understand that the current landowners have no plans to change this land use in the long term, irrespective of whether or not the proposed quarrying activities progress. With this in

mind, if there are short-term impacts on the productivity of the land for activities other than growing pasture these should be given very little weight provided that the overall long-term potential of the land is preserved to an acceptable level, which the evidence of Dr Hill confirms it will.

3.72 Relevant provisions of the TRMP in relation to land productivity are contained at Chapter 7 – Rural Environment Effects. In essence, these provisions seek to avoid, remedy or mitigate effects on the productive value or potential of land of higher value for soil-based production activities and on the character and amenity values of rural areas. I note that the reporting planner puts significant emphasis on the use of the word ‘avoid’ in objectives 7.1.2.1<sup>34</sup> and 7.1.2.2<sup>35</sup> in relation to the loss of value of productive rural land. The reporting officer seems to rely heavily on this wording in reaching an interim view (prior to additional information being provided in the evidence of Mr Hill) that the proposal may be contrary to these provisions. If this is the case, I take a different view. I do not consider that a ‘no adverse effects’ outcome is necessary to ‘avoid loss of value’. Dr Hill’s evidence confirms his view that, whilst there may be some adverse impacts on the physical properties of soil following works (primarily short-term) the proposal will not adversely affect the suitability of the site to support more intensive soil-based production such as horticulture, and may in fact increase the land area suitable for such crops from the present situation. . As such, loss of value is avoided, even where there are effects. Furthermore, I note that the supporting policies to objectives 7.1.2.1 and 7.1.2.2 (policies 7.1.3.2 and 7.1.3.3<sup>36</sup>) use broader language than the objectives. This also the case for land disturbance policy 12.1.3.4<sup>37</sup>. Notwithstanding my views on whether loss of value is avoided by the proposal, I am satisfied that these provisions, taken together, provide for a wider suite of options to ‘avoid, remedy or mitigate’ effects on land productivity, and that they do not impact on land of ‘high productive value’, as Mr Nelson has confirmed that the subject site does not contain such land.

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<sup>34</sup> 7.1.2.1 Except where rural land is deferred for urban use, avoiding the loss of value for all rural land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.

<sup>35</sup> 7.1.2.2 Retention and enhancement of opportunities for plant and animal production on land with high productive value in the District, identified as the Rural 1 Zone

<sup>36</sup> 7.1.3.2 To avoid, remedy or mitigate the effects of activities that reduce the area of land available for plant and animal production purposes in rural areas.

7.1.3.3 To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the rural land resource

<sup>37</sup> 12.1.3.4 To avoid, remedy, or mitigate the adverse effects of earthworks for the purpose of mineral extraction, on the actual or potential productive values of soil, particularly on land of high productive value.

3.73 Policy 7.1.3.11 seeks:

*'To discourage commercial, industrial and rural industrial activities in the Rural 1 and Rural 2 zones, except where the activity is directly associated with plant and animal production in the District or is required for a business activity having a significant functional need to locate in the rural area'.*

3.74 I note that the proposed activities are not commercial, industrial and rural industrial activities. Notwithstanding this, as detailed earlier, the proposed activities do have a functional need to locate in the rural area. There are a number of factors that feed into the functional need to locate where quarries or gravel extraction businesses do. It is not just about the location of the physical resource (as addressed earlier), but also accessibility to quarry that resource in terms of land ownership and vehicle access to and from the site, and proximity to the end use or the market for the resources as detailed in the evidence of Mr Corrie-Johnston.

3.75 Also as noted earlier, I do not consider Objective 7.2.2.3 and policy 7.2.3.9 (which are listed in the s42A report in relation to land productivity effects) are relevant as these relate to the location of Rural Industrial activities. However, I consider that Objective 7.2.2.1 is relevant, as it seeks retention of opportunities to use rural land for activities other than plant and animal production, including rural living, rural residential, rural industrial, tourist services and papakainga activities in restricted locations, while avoiding the loss of land of high productive value. Whilst the proposed activity is not one of those listed, I do not consider that the list is intended to be exhaustive. Whilst the listed activities would result in the 'loss' of productive land in the sense that the change would likely be irreversible in the case of those activities, this is not so for the proposed activities. The activities are of a temporary nature that will not result in the loss of land of high productive value, so are consistent with this policy. Furthermore, based on the advice of Mr Nelson, the subject land is not land of 'high productive value'.

3.76 I note that some submissions on this matter relate to planning matters as well as the technical matter of the effects on the productive value of the subject land. These submissions contend that the Rural 1 zoning does not anticipate quarrying activities, only activities relating to soil-based production. As discussed earlier I disagree with this proposition, as quarrying is provided for in the Rural 1 zone as a permitted activity at small scales, and as a discretionary activity at larger scales. The Principal Reasons for

Rules for the Rural 1 zone expressly state that larger quarrying activities in the Rural 1 zone require consideration on a case-by-case basis.

- 3.77 Overall, I am satisfied that the proposal is consistent with the provisions at Chapter 7 of the TRMP, and also those contained at Chapter 12 that relate to disturbance of productive land.

### **Effects on flood plain and stop banks**

- 3.78 The effect of the proposed activities on flood flows is addressed in the expert evidence of Mr Aiken. The effects of the proposal on the integrity of the stopbanks and on land stability effects for neighbouring properties have been addressed in the evidence of Mr Averill. The key matters for consideration are whether the proposed Stage 1 works would have the potential to affect the integrity of the stop bank during a flood event, whether the Stage 1 works would impact flood flows on the river side of the stop bank (including the Peach Island overflow channel) and impacts of vehicles crossing the stop bank. Mr Aiken's key conclusion regarding flooding effects is:

*'The modelling results indicate that the greatest effect may be an almost indiscernible attenuation of flood flows if the excavation was inundated during the operation of the borrow pit. Based on our assessment of modelled changes in flood depth, level and velocity there is no evidence to suggest this activity will worsen existing flood hazard, impact natural drainage patterns during our modelled flood flow scenarios or negatively impact the flood plain storage or conveyance capacity.'*

- 3.79 Mr Aiken has also reviewed the draft Landscape Mitigation Plan and Stage 1 River Terrace Restoration Plan prepared by Canopy, and considers that this planting will not adversely affect flood flows or flood plain storage.

- 3.80 Mr Averill's key conclusions regarding land and stop bank stability and integrity are:

- Geotechnical stability was checked by T+T using the industry accepted software package, SLOPE/W. The results of the SLOPE/W analysis showed that the proposed gravel extraction works are not expected to affect the stability/function of the existing stopbank surrounding Peach Island.
- He considers the effects of settlement caused by trafficking on the geotechnical integrity of the stopbank to be minor and could be managed by ensuring that a

sacrificial gravel layer is placed on top of the existing stopbank access track. This layer would then be removed upon completion of works.

- Effects on stability of adjacent land can be effectively managed, in accordance with appropriate batter slope angles.

3.81 The evidence of Mr Aiken and Mr Averill has covered the matters raised in submissions<sup>38</sup> and the s42A report with regard to avoidance of damage to the stop bank by vehicles; clarification regarding whether excavations are to be set back from the crest or toe of the stopbank; whether proposed mitigation/ restoration planting on the river side of the stopbanks will adversely affect flood flows, and; whether temporary stockpiles of topsoil in the Stage 1 area may impact on flood flows. In short, a suitable ramp over the stopbank will be constructed including a sacrificial gravel layer across the crest to ensure there is no localized lowering of this due to traffic movements. This is also consistent with the approach approved by Council for other stopbank crossings for quarrying (and other) activities in the area. Excavation setback is from the toe of the stopbank, to be surveyed and marked out prior to commencement of works. Any temporary stockpiles within the Stage 1 area will be aligned parallel to flood flows (which is also the alignment of the excavation pit in this stage). Mr Aiken is satisfied that these will not impact on flood flows.

3.82 Further, the evidence of Mr Aiken and Mr Averill has addressed in detail a number of technical matters raised by submitter 95 (M D Harvey) in relation to Tonkin and Taylor's assessment of flooding and stop bank stability matters. In summary, the evidence concludes that the matters raised by Mr Harvey have been adequately addressed in the analysis undertaken by Tonkin and Taylor.

3.83 The relevant TRMP provisions relating to flood hazards are contained at Chapter 13 (Natural Hazards). These provisions seek to manage areas subject to natural hazard (including flooding and land stability) to ensure that development is avoided or mitigated,

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<sup>38</sup> These include (but are not limited to) MD Harvey (submitter 95), Wakatu Inc (submitter 15), GH and CM LeFrantz (submitter 37), J and V Walker (submitter 16), T Howie (submitter 27), D Bisley (submitter 44), PJ Taia (submitter 86), R Frater (submitter 85), HL Mae (submitter 84), DA Sundbye (submitter 83), M Swainson (submitter 99) JA Foote (submitter 67), EJ and AL Taylor (submitter 60), Te Rununga o Ngāti Rārua (submitter 144), and Valley RAGE Inc (submitter 128)..

depending on the degree of risk. Relevant provisions include objective 13.1.2.1<sup>39</sup> and policies 13.1.3.1<sup>40</sup>, 13.1.3.4<sup>41</sup>, 13.1.3.9<sup>42</sup>, 13.1.3.13<sup>43</sup> and 13.1.3.14<sup>44</sup>. Based on the expert advice of Mr Averill and Mr Aiken I am satisfied that the proposal is consistent with these provisions. I note that the reporting planner is of the same view, subject to satisfaction of the requested clarifications, which have now been addressed by Mr Aiken.

### **Effects on water quality (surface and groundwater)**

3.84 Maintenance of ground and surface water quality are critical elements of the proposal for the Applicants, landowner, surrounding landowners (including those relying on groundwater for drinking water) and Iwi. These matters were raised in submissions, including those from Te Rununga o Ngāti Rārua (submitter 144), Wakatū Inc (submitter 15), Te Atiawa Manawhenua Ki Te Tau Ihu (submitter 143), GH and CM Le Frantz (submitter 37), J and V Walker (submitter 16), DA Sundbye (submitter 83), AL Haycock (submitter 78), and M Swainson (submitter 99). Effects of the proposal on surface and groundwater as it relates to cultural values will be addressed in the section below. Surface and ground water effects will be addressed individually below.

#### Surface water quality

3.85 Effects on surface water quality have been addressed in the expert evidence of Dr MacNeil. Specifically, the potential of the proposed extraction works to degrade instream ecological values in the Motueka River and other surface waterbodies through increased fine sedimentation. Mr MacNeil's key findings are:

- *The main potential impact on water quality, should unrestricted sediment inputs occur, would be increasing suspended sediment levels or affecting substrate characteristics downstream, either*

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<sup>39</sup> 13.1.2.1 Management of areas subject to natural hazard, particularly flooding, instability, coastal and river erosion, inundation and earthquake hazard, to ensure that development is avoided or mitigated, depending on the degree of risk.

<sup>40</sup> 13.1.3.1 To avoid the effects of natural hazards on land use activities in areas or on sites that have a significant risk of instability, earthquake shaking, fault rupture, flooding, erosion or inundation, or in areas with high groundwater levels.

<sup>41</sup> 13.1.3.4 To avoid or mitigate adverse effects of the interactions between natural hazards and the subdivision, use and development of land

<sup>42</sup> 13.1.3.9 To prevent damage or interference with the functioning of the major overland flood flow paths of rivers in the District, except as provided for in Policy 13.1.3.10.

<sup>43</sup> 13.1.3.13 To regulate land disturbance so that slope instability and other erosion processes and inundation are not initiated or accelerated.

<sup>44</sup> 13.1.3.14 To avoid damage by land use activities to flood control structures or works for flood or erosion control.

*by altering grain size or increasing deposited and interstitial fine sediment levels. This can directly and indirectly impact on fish and sensitive macroinvertebrate species.*

- *Given the minimum 20m distance of the excavations from the stop bank, no workings occurring on the Motueka River side of the stop bank and no extraction at or near the river channel itself, in my opinion the above potential effects should not occur as a result of extraction.*
- *I have also considered potential impacts of extraction on the Peach Island overflow channel but note this is approximately 30m distance from the nearest proposed works and as a result .*
- *During major flood events, inundation of stage 1 works (the only stage not completely enclosed by stop banks) may ultimately lead to sediment discharges reaching the Motueka River, particularly if seepage through or overtopping of stop banks occurs. However, it is my opinion in the event of severe flooding, any sediment discharge from the site would also be accompanied by discharges and run-offs from the surrounding landscape. Any impact from the works will be less than minor in relation to the impacts of the flood and the flood's interactions with other anthropogenic features of the landscape, such as forestry and farmland. In such circumstances, in my opinion it would not be possible to realistically ascribe the impacts on water quality and ecological values to any identifiable source.*
- *I have made a number of recommendations as regards temporarily stored topsoil and fill material, dust management on site and use of haul roads, to minimise the potential of these factors contributing to any sediment / suspended solid discharge from the site. With the adoption of those recommendations, I am satisfied that the proposal will have less than minor effects on surface water bodies and will be consistent with relevant policy direction for freshwater.'*

3.86 The mitigation measures recommended by Dr MacNeil have been adopted and form part of the volunteered condition set. With this expert advice in mind, I am satisfied that the proposal will have adverse effects on surface water quality, including that of the Motueka River, that are less than minor. I note that the reporting officer reaches a similar conclusion in the s42A report, noting the significant separation distance of the proposed activities from the Motueka River. With regard to erosion and sediment control, I note Dr MacNeil's comments regarding the relatively low risk posed by the site due to separation from watercourses and the fact that much of the quarry area will be bunded from the river by the stopbank. These comments are also reflected in the evidence of Dr Hill, who notes the flat topography of the site which makes management of erosion and sediment movement more straightforward and able to be managed principally through limiting the area of bare soil exposed and promptly revegetating reinstated land.



Erosion and sediment control measures are most appropriately managed through the Soil Management Plan conditions proposed, rather than through a separate Erosion and Sediment Control Plan as proposed in the condition set contained in the s42A report.

#### Ground water quality

- 3.87 Effects on groundwater quality are addressed in the evidence of Mr Nicol. The potential effects that could result from quarrying and backfill activities are associated with water quality. The potential risks to groundwater quality are those associated with exposure of groundwater in open excavations which might create a contamination pathway, and through groundwater inundation of backfill material that might result in the mobilization of contaminants into the groundwater. Any adverse effects could impact on down-gradient groundwater users, and down-gradient waterways. Mr Nicol considers that these effects will be avoided or mitigated through the implementation of a Groundwater and Clean Fill Management Plan (GMP). A draft of this management plan has been prepared by Pattle Delamore Partners Ltd, and adherence to this is volunteered as a condition of consent. The GMP addresses the methodology for extraction of aggregates whilst avoiding excavation below groundwater levels (including real-time groundwater monitoring, alerts, and use of telemetry in excavating machinery), controls over the nature of fill materials that may be used (including quality control, monitoring and reporting requirements), emergency spill and vehicle refueling controls and, out of an abundance of caution, ongoing groundwater quality monitoring, reporting and response requirements to demonstrate that these measures have been effective. Volunteered conditions of consent detail the environmental outcomes that preparation of and adherence to the GMP must achieve in respect of these matters.
- 3.88 Overall, Mr Nicol acknowledges that the introduction of cleanfill material will likely result in material that has a different geology and chemistry to that of the materials that will be extracted, and that this may result in some level of change in groundwater chemistry. However, Mr Nicol is satisfied that concludes that adherence to the GMP will ensure that the level of change in the aquifer will not be expected to cause adverse effects on groundwater resources at Peach Island. Any change would most likely be subtle differences in the concentrations of common cations and anions that would not be noticeable to people who use the aquifer for drinking-water supply purposes.. Overall, Mr Nicol is satisfied that the proposed activities will result in less than minor effects on

groundwater quality. I am satisfied that Mr Nicol has satisfactorily addressed all groundwater-related matters raised in submissions.

### The NPSFM

- 3.89 Land disturbance will occur near freshwater bodies, so the NPSFM is relevant to this proposal. The fundamental concept underlying the NPSFM is Te Mana o te Wai. This is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.
- 3.90 The overarching objective of the NPSFW is to ensure that natural and physical resources are managed in a way that prioritises:
- (a) first, the health and well-being of water bodies and freshwater ecosystems
  - (b) second, the health needs of people (such as drinking water)
  - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
- 3.91 Key policies of relevance to this proposal are:
- Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.
  - Policy 2: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.
  - Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.
  - Policy 8: The significant values of outstanding water bodies are protected.
  - Policy 15: Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement

3.92 Mr MacNeil and Mr Nicol have specifically addressed consistency with the NPSFM in their evidence, concluding that they are satisfied that the proposed activities will be consistent with the NPSFM, including preservation of Te Mana o te Wai and the protection of drinking water resources. Based on the specific methodologies proposed in the application to avoid effects on groundwater and freshwater resources, and the expert advice of Mr MacNeil and Mr Nicol I consider that the proposal is consistent with the above provisions. Whilst I am unable to comment conclusively regarding Māori freshwater values, given that adverse physical effects on water quality will be avoided and loss of river extent (and associated values) will be avoided, if there is alignment between Māori freshwater values and the physical, chemical and biological characteristics of water then adequate information appears to be available for a conclusion to be drawn that these values will also be maintained. I will reconsider this opinion should further information become available from tangata whenua.

3.93 The s42A report specifically discussed Policy 7 and Clause 3.24 of the NPSFM, which requires that:

*‘The loss of river extent and values is avoided, unless the Council is satisfied: (a) that there is a functional need for the activity in that location, and; (b) The effects of the activity are managed by applying the effects management hierarchy.’*

3.94 The reporting planner does not consider that there is a functional need for the activity in this location. As correctly noted in the s42A report, the NPS:FM defines functional need as:

*‘the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment’*

3.95 I have a differing interpretation of this to that of the reporting planner. I consider the ‘particular environment’ in this case to be land where alluvial aggregates are located, which means a current or former riverbed. The particular site or river is irrelevant to this. There is clearly a functional need when quarrying alluvial aggregates, to do so within a river environment.

3.96 More fundamentally, Policy 7 and Clause 3.24(1) are not concerned with activities that occur on land and may affect surface or groundwater. The intent of 3.24 as written in

the NPS:FM 2020 as discussed on p 69 of the s 32 report<sup>45</sup>, is to control loss or degradation of riverbeds through instream works such as piping, diversions and reclamation. Amendments to Policy 7 and Policy 3.24 are currently proposed by MFE to align the wording with the policy intent by inserting the term “river bed”.<sup>46</sup> The activities proposed by this application will not result in the loss of river extent, and associated values associated with river extent.

- 3.97 The reporting planner says at paragraph 18.5 of the s42A report that *In my opinion, the applicant has not adequately demonstrated to date that the works can be managed in a way that...avoids effects on groundwater quality in line with policy 7 and clause 3.24 of the NPS\_FW?* For the reason given above, I do not consider Policy 7 and Clause 3.24(1) to be relevant to this proposal. However, as Dr MacNeil and Mr Nicol have assessed effects as less than minor on surface and groundwater, if these policies did apply they would be achieved.

The Motueka River Water Conservation Order (WCO)

- 3.98 The Motueka River WCO is applicable to this proposal. The part of the river that is adjacent to the site is listed in Schedule 2 of the WCO. This means it is subject to a direction that no resource consent shall be granted that:
- (a) will cause the material alteration of the channel cross-section, meandering pattern, and braided river channel characteristics of the form of any river specified in Schedule 2.
  - (b) will cause, for those rivers specified in Schedule 2, at any time of year, either by itself or in combination with other existing consents or rules, a 50% or greater increase in the deposition of fine sediment (less than 2 mm diameter) on the riverbed after reasonable mixing, relative to the point immediately upstream of the area to which the resource consent or rule relates.
- 3.99 Given that no works are proposed in or near the bed of the Motueka River, only Clause (b) above is relevant. Dr MacNeil has specifically addressed this requirement in his evidence, concluding that the proposal is consistent with these requirements and

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<sup>45</sup> ‘Policy 7 specifically targets the unacceptable loss and degradation of New Zealand’s rivers (a term which is defined in the RMA to include streams). Targeted activities include piping, diversion, and reclamation of streams and rivers. The purpose is to retain river and stream extents and associated values to the extent practicable.’

<sup>46</sup> [https://consult.environment.govt.nz/freshwater/npsfm-and-nesf-exposure-draft/user\\_uploads/exposure-draft-changes-to-npsfm-2020.pdf](https://consult.environment.govt.nz/freshwater/npsfm-and-nesf-exposure-draft/user_uploads/exposure-draft-changes-to-npsfm-2020.pdf), pages 10 and 29.

stipulations. In his opinion the Motueka River will not be impacted by the gravel extraction or activities related to the extraction process, provided volunteered conditions are met (such as adherence to erosion, sediment and dust management plans) given that all works will be setback at least 20m from stop banks, permitted activity rules under the TRMP are complied with (stormwater management, sediment control and river bed disturbance – in the latter case, this applies and is limited to the Peach Island overflow channel bridge site and immediate locale only) and his recommendations, as incorporated into the draft Soil Management Plan, are followed.

### TRMP provisions

- 3.100 Relevant TRMP provisions relating to water quality are contained at Chapters 5, 8, 12 and 33. The Chapter 5 provisions are primarily focused on preserving amenity values and the qualities of natural and physical resources (Objective 5.1.2<sup>47</sup>). Specific policies of relevance to water quality issues seek protection of ground and surface water quality and avoidance of discharge of contaminants beyond site boundaries (policies 5.1.3.2<sup>48</sup> and 5.1.3.11<sup>49</sup>), and appropriate management of stormwater flows and contamination risks (policy 5.1.3.8<sup>50</sup>, 5.1.3.9<sup>51</sup>). Implementation of the proposed site management measures detailed above will enable consistency with these provisions to be achieved.
- 3.101 Objective 5.5.2<sup>52</sup> is also relevant in relation to hazardous substances. Policies 5.5.3.4<sup>53</sup>, 5.5.3.5<sup>54</sup> and 5.5.3.6<sup>55</sup> deal with avoidance of discharge of hazardous substances to ground or surface water, and adopting land management practices that avoid potential

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<sup>47</sup> 5.1.2 - Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources

<sup>48</sup> 5.1.3.2 To protect the quality of groundwater and surface water from the adverse effects of urban development and rural activities.

<sup>49</sup> 5.1.3.11 To avoid, remedy, or mitigate the likelihood and adverse effects of the discharge of any contaminant beyond the property on which it is generated, stored, or used

<sup>50</sup> 5.1.3.8 Development must ensure that the effects of land use or subdivision activities on stormwater flows and contamination risks are appropriately managed so that the adverse environmental effects are no more than minor.

<sup>51</sup> 5.1.3.9 To avoid, remedy, or mitigate effects of: ...(b) dust and other particulate emissions;(c) contaminant discharges; ...beyond the boundaries of the site generating the effect.

<sup>52</sup> 5.5.2 -

Reduction of risks to public health and safety, property and the environment, arising from fire and hazardous substances..

<sup>53</sup> 5.5.3.4 To avoid any escape or discharge to surface water or groundwater, or drift to other property, of any hazardous substance, from within the site where it is used.

<sup>54</sup> 5.5.3.5 To require adoption of land management practices that avoid the potential for creating future contaminated sites.

<sup>55</sup> 5.5.3.6 To require the preparation of a contingency plan to avoid, remedy or mitigate any adverse effects of an emergency discharge or accidental spill of hazardous substances.

to create future contaminated sites. These provisions are effectively replicated by Objective 33.2.3<sup>56</sup> and supporting policy 33.2.3.2<sup>57</sup> in relation to discharges.

3.102 Objective 8.2.2<sup>58</sup> and its supporting policies relate to the maintenance and enhancement of the natural character of the margins of rivers, and the protection of that character from adverse effects of activities including on habitats, ecosystems and natural processes. I only consider this relevant in relation to its supporting policy 8.2.3.23, which relates to the NPS:FM requirements to avoid loss of river values, as addressed above. The same applies to policy 27.1.3.1A which relates to rivers.

3.103 Objective 12.1.2<sup>59</sup> and supporting policies 12.1.3.1<sup>60</sup> and 12.1.3.4<sup>61</sup> seek to avoid, remedy or mitigate effects of land disturbance on rivers and habitats. These provisions are very

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<sup>56</sup> 33.2.3 The avoidance, remediation or mitigation of the adverse effects resulting from emergency discharges or accidental spills.

<sup>57</sup> 33.2.3.2 To ensure that land use and discharge activities are carried out, having regard to contingency planning measures appropriate to the nature and scale of any discharge and risk to the environment for any accidental discharge of any contaminant that may result in connection with the activity.

<sup>58</sup> 8.2.2 Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of the subdivision, use, development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes.

<sup>59</sup> 12.1.2 The avoidance, remedying, or mitigation of adverse effects of land disturbance, including: ... (c) sediment contamination of water and deposition of debris into rivers, streams, lakes, wetlands, karst systems, and the coast; (d) damage to river beds, karst features, land, fisheries or wildlife habitats, or structures through deposition, erosion or inundation; ... (f) damage or destruction of indigenous animal, plant, and trout and salmon habitats, including cave habitats, or of sites or areas of cultural heritage significance; (g) adverse effects on indigenous biodiversity or other intrinsic values of ecosystems.

<sup>60</sup> 12.1.3.1 To promote land use practices that avoid, remedy, or mitigate the adverse effects of land disturbance on the environment, including avoidance of sediment movement through sinkholes into karst systems.

<sup>61</sup> 12.1.3.2 To avoid, remedy, or mitigate the actual or potential soil erosion or damage, sedimentation, and other adverse effects of land disturbance activities consistent with their risks on different terrains in the District, including consideration of: (a) natural erosion risk, and erosion risk upon disturbance; (b) scale, type, and likelihood of land disturbance; (c) sensitivity and significance of water bodies and other natural features in relation to sedimentation or movement of debris; (d) Coastal Risk Area.

similar in their intent to Objective 33.1.2.1<sup>62</sup> and supporting policies 33.1.3.2<sup>63</sup>, 33.1.3.4<sup>64</sup>, 33.1.3.5<sup>65</sup> and 33.1.3.6<sup>66</sup> which relate to discharges and maintenance of water quality.

3.104 Collectively, the above provisions seek to ensure land use activities on the site, and any associated discharges to water, or to land where they may enter water, do not result in adverse effects in terms of contamination of ground and surface water and therefore diminish the diverse values associated with them. Consistency with these provisions is achieved through:

- (a) Ensuring the quality of fill that is introduced to the site, through adherence to the procedures detailed in the GMP. Additional checks and balances are provided through the detailed monitoring, reporting and response procedures detailed in this strategy;
- (b) Adoption of management practices to minimize the potential for transfer of sediment and dust beyond site boundaries in accordance with the recommendations of Dr MacNeil and Mr Bluett, and;

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<sup>62</sup> 33.1.2.1 The discharge of contaminants in such a way that avoids, remedies or mitigates adverse effects while:

(a) maintaining existing water quality; and (b) enhancing water quality where existing quality is degraded for natural and human uses or values.

<sup>63</sup> 33.1.3.2 To avoid, remedy or mitigate the adverse effects of discharges of contaminants so that both individually and cumulatively with the effects of other contaminant discharges, they enable the relevant water quality classification standards to be complied with.

<sup>64</sup> 33.1.3.4 To ensure that water quality is not degraded where the existing water quality is the same or higher than the relevant water classification or any water conservation order.

<sup>65</sup> 33.1.3.5 To ensure that existing water quality is not degraded after reasonable mixing as a result of any discharge of contaminants into water and to take into account the following criteria when determining what constitutes reasonable mixing: (a) The depth, width and flow characteristics of the receiving water body, including the nature and extent of mixing which may occur and the assimilative capacity of the water. (b) The extent of the mixing zone and the likely adverse effects on aquatic life or ecosystems within the mixing zone. (c) The characteristics of the discharge, including the presence of toxic constituents. (d) The community (public) uses and values of the water or any mixing zone, including those specified in the Plan, any water conservation order or water classification for any water body.

<sup>66</sup> 33.1.3.6 To take into account the following factors in determining the significance of actual or likely adverse effects on the receiving water of or from contaminant discharges: (a) Any water classification given in any schedule to Chapter 36 or water conservation order. (b) Existing water quality of the receiving water. (c) The significance or sensitivity of the aquatic life or ecosystem. (d) The extent of the water body adversely affected. (e) The magnitude, time of year, frequency and duration of the adverse effect, including any cumulative effects as a result of the discharge. (f) The range and intensity of uses and values of the water body. (g) The conflicts between uses and values of the water body. (h) The nature of the risks of the adverse effect. (i) Any relevant national or international water quality guidelines or standards, or water conservation order.

- (c) To minimize the risk of accidental discharge of fuel on the site and appropriate management of these should they occur.

3.105 The evidence of Dr MacNeil and Mr Nicol supports the conclusion that the proposal is consistent with these provisions.

Effects on cultural values

3.106 Cultural effects were raised in a number of submissions, including those from Te Rununga o Ngāti Rārua (submitter 144), Wakatū Inc (submitter 15) and Te Ātiawa Manawhenua Ki Te Tau Ihu (submitter 143). Effects of the proposal on cultural values, the extent of consultation undertaken with manawhenua Iwi, and associated consistency of the proposal with the provisions of the NPSFM and Part 2 of the RMA were all raised as outstanding matters in Council's s42A report.

3.107 I include a summary of the Applicant's engagement with Wakatū, Ngāti Rārua and Te Ātiawa in Appendix A. This summary is a compilation of matters that I was involved in or directly aware of, and steps that others (in particular, Mr Maru and representatives of CJ Industries) undertook. I therefore do not have personal knowledge of every step, but as there is no single person who has been involved in every engagement step, and as I do not understand the steps taken to be in contention, I consider it is appropriate for me to provide this information within my evidence. The Applicant's engagement with Wakatū, Ngāti Rārua and Te Ātiawa to date has not resulted in the preparation of a CIA. As a consequence of not having the benefit of a CIA at the time of writing, I acknowledge that I am not able to provide conclusive comments in relation to cultural effects of the proposal, noting that I am not personally qualified to assess these. I will, however, comment to the extent I am able on matters relevant to an assessment of these effects.

3.108 My summary of the key issues raised in the submissions by Wakatū, Te Ātiawa and Ngāti Rārua relating to cultural effects, and my comments on these are as follows:

- Concerns with the nature of backfill material proposed, associated impacts on groundwater quality and the Mauri of the land. Unsuitability of reinforced concrete as a fill material specifically noted. CIA required to gauge the level of impact of this.

The nature of backfill material proposed for use has now been substantially refined, including the exclusion of any concrete products. Specific and detailed management,



monitoring and recording of fill materials used is proposed. Although I cannot comment on the effects of the activity on the Mauri of the land in the absence of a CIA, it is relevant to note that expert evidence confirms that the proposed fill material, whilst technically considered a contaminant, will not result in adverse effects in terms of land or groundwater contamination.

- Marginal strip Supreme Court decision.

In my opinion this is not a matter that is relevant to the resource consent application process. This will be addressed by counsel.

- Potential for the disturbance or discovery of items of cultural significance during earthworks. CIA required to identify the appropriate level of iwi involvement required in respect of this. A site walkover by a Matakite may also be required.

Conditions of consent are now volunteered requiring an invitation to be extended to all five iwi that have Statutory Acknowledgement over this area to undertake cultural monitoring of all topsoil/ subsoil removal, in addition to adoption of accidental discovery protocols. A condition is also volunteered requiring a site walkover by a Matakite prior to works commencing and adherence to any recommendation made as a result of this, to the extent that these can be accommodated without frustrating the resource consent.

- Submitter objects to any assessment of cultural effects in the absence of a CIA.

The Applicant has endeavored to facilitate the preparation of a CIA and will continue to do so prior to the hearing.

- Reference to previous proof of consultation document prepared by Ngāti Kuia, and reference to accidental discovery protocols involving Ngāti Kuia (but not mana whenua Iwi).

The volunteered condition of consent relating to iwi monitoring as detailed above, will be extended to all five iwi that have Statutory Acknowledgement over this area.

- No evidence provided of consultation with mana whenua Iwi/ inadequate consultation undertaken. Unable to see how feedback given in the consultation that did occur has been taken into consideration in the application. Request made that the

Applicant fully understands the importance of meaningful consultation with mana whenua Iwi. Distinction between tangata whenua and mana whenua iwi noted.

It is now understood that Te Ātiawa and Ngāti Rārua do not consider that the consultation undertaken with them was sufficient. It is acknowledged that the application documents as notified did not clearly show the matters raised in consultation that had been incorporated into the proposal at that point. However, the application documents and volunteered conditions of consent now make clear how the matters raised through that consultation have been incorporated into the proposal. Specifically:

- i. The nature and quality of backfill material has been refined and has been confirmed to not create adverse effects in relation to land or groundwater quality;
- ii. Erosion and sediment control measures will be utilized to avoid discharge of sediment from the site;
- iii. No river crossing will take place (an existing upgraded or replacement bridge crossing will be utilized);
- iv. The Applicant has engaged experts in terrestrial and aquatic ecology. They have confirmed there is no indigenous species habitat or notable native vegetation on site.
- v. Ecological restoration is now proposed in the form of the river terrace restoration planting over 1.35ha of the site.

The Applicant has acknowledged the importance of engagement with iwi and has been actively pursuing further engagement with iwi.

- Request that if consent granted, that conditions consistent with the recent Council decision for similar activities at Douglas Road (RM200392) be applied.

The volunteered conditions of consent are considered to be generally consistent with those imposed under RM200392. There are key differences between the two activities, most notably that RM200392 authorizes excavation to approximately 5.5m below groundwater level and the retention of the open pit as a wetland.

- Inadequate recognition in the application regarding the nature of statutory acknowledgement over the Motueka River, and what these relate to.

This is addressed in more detail in this evidence.

- Application inadequately assesses proposal with regard to Sections 6(e) and 7(a) of the RMA.

This is addressed in more detail in this evidence.

- Inadequate information to adequately assess the effects of the activity on the Motueka awa, which is highly significant to mana whenua Iwi.

It is considered that, with the expert evidence and additional reports and management plans now provided, this information shortfall has now been addressed.

- Impact of land disturbance on the Mauri and integrity of the land, and may alter the behaviour of the river and groundwater.

There is now a significant level of technical advice regarding the impacts of the proposal on the land resource, groundwater, surface water, ecology, and river dynamics. Whilst this advice does not speak directly to the Mauri of the land, it provides additional clarity to the physical effects that may influence this.

- Do not support 15 year duration of consent.

The cultural significance of the duration of consent is not clearly understood. The need for this duration of consent has been addressed in the evidence of Mr Corrie-Johnston and is also discussed below.

- Do not support any restriction of public access.

Public access will not be restricted by the proposed activities.

3.109 Ngāti Toa Rangatira, Ngāti Rārua, Te Ātiawa o Te Waka-a-Māui, Ngāti Kuia and Ngāti Tama ki Te Tau Ihu have Statutory Acknowledgement over The Motueka River and its tributaries. These Statutory Acknowledgements apply to those parts of the river and its bed that is owned by the Crown. The Statements of Associations of those iwi who have Statutory Acknowledgement over the Motueka River and its tributaries provide some

further insight into the cultural values held in relation to these awa. These associations are of course varied, but collectively encompass:

- The river as a source of life.
- A location which tūpuna explored and used.
- A travel route linking Golden Bay and Tasman Bay with the Wairau and Kawatiri districts.
- Pahi, mahinga kai and cultivations are associated with the awa and its environs.
- The river was also part of the pakohe trade including quarries and flinting sites, and also for the sourcing and trade of pounamu.
- Used for travel by waka, with numerous landing sites.
- Tributaries including the Shaggery also of major significance.
- A location which iwi have a strong spiritual connection with and responsibility for protecting as kaitiaki. This includes protection of the health and mauri of the land and waters.

3.110 Iwi management plans prepared by Te Ātiawa and Ngāti Rārua have also been reviewed to provide additional insight into matters raised by these iwi in submissions, in the absence of a CIA being available at the current time. The Ngāti Tama ki Te Waipounamu Trust Environmental Management Plan 2018 has also been considered.

3.111 The Ngāti Rārua Environmental Strategy Poipoia Te Ao Tūroa contains a number objectives and policies of relevance to the proposal. Most relevant to the specific activities proposed are Objective 12.4.1 and supporting policies 12.4.2 (I) and (II):

*‘Objective 12.4.1: Mining and quarrying activities do not adversely affect the mauri and wairua of natural resources.*

*Policy 12.4.2(I): Mining and quarrying activities that destroy or damage wāhi tapu or wāhi taonga will be opposed.*

*Policy 12.4.2(II): Other mining and quarrying activities will be assessed on a case-by-case basis, taking into account effects on:*

*- The quality, quantity and life supporting capacity of fresh and coastal waters*

- *Indigenous plants, animals and ecosystems*
- *Mabinga kai*
- *The potential for net environmental benefits*
- *The social, cultural, environmental and economic wellbeing of Ngāti Rārua whānau*<sup>67</sup>

3.112 Other provisions of relevance are also included in Sections 6(Mauri), 7 (Wai), and 8 (Ngā wāhi taonga tuku iho)<sup>67</sup>.

3.113 Relevant provisions of Te Ātiawa's Iwi Environmental Management Plan primarily relate to the maintenance of the mauri of whenua and wai, maintenance of the integrity of riparian habitats, and the protection of waahi taonga<sup>68</sup>.

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<sup>67</sup> Objective 6.1: The mauri of the natural environment is protected, enhanced and restored, in recognition that the natural world nourishes and sustains us, and that we in turn have a duty of care.

Policy 6.2(I): Protect, enhance and restore the mauri of Papatūānuku and Rangī-nui.

Policy 6.2(VII): Encourage the use of indigenous, site-suitable and locally sourced plant species in all restoration planting.

Policy 6.2(VII): Require the preparation of a cultural impact assessment to evaluate risks associated with the use of toxins or introduction of non-indigenous organisms to control pest species within Te Tauihu.

Objective 7.1.1: The mana, mauri and wairua of wai is protected, enhanced and restored.

Policies 7.1.2 (I-IV): I Require that water is recognised as essential to all life and is respected for its taonga value ahead of all other values. II Require recognition that Ngāti Rārua, as mana whenua, have specific and unique rights and interests in how freshwater resources should be managed and utilised in the rohe. III Require that decision making is based on intergenerational interests and outcomes. IV Require recognition that the responsibility to protect and enhance mauri is held by all those who benefit from the use of water; and that access to take and use water is premised on the responsibility to safeguard and enhance the mauri of that water.

Objective 7.2.1: Water quality, quantity and the functioning of aquatic ecosystems are protected, enhanced or restored.

Policy 7.2.2(III): Support restoration of the riparian margins, to enhance water quality and provide habitat and pathways for indigenous species.

Policy 7.2.2(VI): Support the protection or restoration of the quality of underground water including aquifers and puna in recognition of their intrinsic natural values and cultural associations.

Objective 7.3.1: To protect the mana, mauri and wairua of wai from adverse effects of discharges.

Objective 8.1: Ngāti Rārua protect and maintain their cultural and spiritual associations with ngā wāhi taonga tuku iho and exercise their role as kaitiaki of these places, sites and areas.

Policy 8.2.2(I): Actively participate in local and central government regulatory policy and consent processes that affect the protection of ngā wāhi taonga tuku iho.

Policies 8.2.2(IV-V): IV Where activities may have significant adverse effects on Ngāti Rārua wāhi taonga tuku iho, require the use of appropriate cultural planning and monitoring tools to evaluate risks and identify measures to avoid or mitigate those risks. V Where activities may damage ngā wāhi taonga tuku iho, require that appropriately experienced Ngāti Rārua iwi monitors are present to ensure cultural values are managed according to tikanga and kawa.

<sup>68</sup> Waahi taonga in the rohe will be protected, respected and sustained, as a management priority by Te Ātiawa Iwi, co-managers of the rohe, and by all those who live, work and play in the rohe.

The mauri of whenua in the rohe will be sustained in perpetuity, and Te Ātiawa cultural practices and contemporary aspirations involving whenua will be realised. Policy 1 Work with the co-managers of land in the rohe to ensure sustainable land management outcomes. Policy 3 Actively oppose practices and proposals that counter the sustainable management of the land resource in the rohe.

- 3.114 Relevant provisions of the Ngāti Tama ki Te Waipounamu Trust Environmental Management Plan 2018 include those contained at Part 12.0 Whenua (valleys and plains) and Part 13.0 Wai ora. There are provisions at Section 12.3 Mining and Exploration that relate to mining, but not to quarrying. Provisions at 12.8 relate to earthworks, and in particular seek that earthwork operations avoid contaminants includes dust, sediment run-off from stock piles or any hazardous substances). entering waterways and cultural heritage areas/ sites. With regard to Wai ora, the provisions at 13.2 seek that the mauri and wairua of freshwater resources in the rohe is enhanced and protected.
- 3.115 I have also given consideration to the Pakohe Management Plan, which is an Iwi Management Plan prepared by Ngāti Kuia. It is acknowledged that there are wāhi tūpuna associated with Pakohe resources further up the Motueka Valley and that the valley was used in the past as a trade route for Pakohe as identified above.
- 3.116 The proposal as it now stands appears to generally align with these provisions, and the values identified in the Statements of Associations for iwi that have Statutory Acknowledgement over the Motueka River and its tributaries. In particular:
- i. Procedures for cultural monitoring of land disturbance activities and adoption of accidental discovery protocols are proposed which enable effects associated with the discovery of any items of cultural significance on the site (including Pakohe) to be managed. Involvement of a Matakite prior to commencement of works is also volunteered;
  - ii. The nature and quality of backfill material has been refined and has been confirmed to not create adverse effects in relation to land or groundwater quality;
  - iii. Erosion and sediment control measures will be utilized to avoid discharge of sediment from the site, in particular to waterways;

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The mauri of wai will be maintained as a resource management priority throughout the rohe, and the traditional and contemporary relationship between Te Ātiawa Iwi and fresh water resources sustained.

Objective 1 The quality of fresh water throughout the rohe will be a priority outcome for the community and for all of the managers of the rohe.

Objective 3 The integrity of in-stream and riparian habitats which forms the ecosystem of waterways, and of terrestrial wetlands will be maintained throughout the rohe.

- iv. Ecological restoration is now proposed in the form of the river terrace restoration planting over 1.35ha of the site.

3.117 .

3.118 The TRMP provisions relevant to cultural values are those contained at Chapter 10 Significant natural values and cultural heritage. Objective 10.2.2 seeks appropriate protection, management and enhancement of historic heritage, including cultural heritage sites, heritage buildings and structures, and protected trees, for their contribution to the character, identity, wairua, and visual amenity of the District. Supporting policy 10.2.3.2 seeks to reduce the risk of modification, damage or destruction of cultural heritage sites arising from subdivision, use and development activities. Policy 10.2.3.10 seeks to take into account uncertainties associated with the accuracy and quality of information, in the verification, storage, listing and map representation of cultural heritage sites, and the appropriate use of that information in the management and protection of those sites.

3.119 As noted above, in the absence of a CIA I am not able to form a definitive view with regard to effects on cultural values. However, having considered the specific matters raised in submissions by Wakatū, Te Ātiawa and Ngāti Rārua in respect of cultural effects, cultural values identified in Statutory Acknowledgment documents and the relevant provisions of iwi management plan prepared by Te Ātiawa and Ngāti Rārua, I am satisfied that the application as it now stands (including volunteered conditions of consent and the implementation of various management plans) sufficiently addresses matters relevant to cultural values to enable a conclusion to be drawn that these effects will be appropriately managed. In the event of a CIA being made available I will review this conclusion in light of the findings of the assessment.

### **Duration of consent**

3.120 Various submissions have questioned the proposed 15-year duration of consent sought, A Massey (submitter 116) and KRL Fourie (submitter 142). The s42A report questions whether a shorter duration may be possible, given that it seems that the aggregate resources sought for extraction appear to be able to be able to be extracted in a shorter time based on the parameters sought in the application (extraction area and depth, daily truck movements). This is correct, as detailed in the evidence of Mr Corrie-Johnston. However, as detailed by Mr Corrie-Johnston, the Applicant has sought the proposed

duration of consent to provide flexibility in order to efficiently utilize finite gravel resources. If 15 truck and trailer loads are removed from the site per day, 5 days a week, then it is estimated that all aggregates would be extracted within approximately a shorter duration than 15 years. However, if alternative gravel sources were to become available, such as river gravels (which Council holds global consents for) then these may be utilised on a short-term basis. These gravel sources are, however, more transient, and supply is less certain. If the duration of the consent were constrained then a situation may arise where:

- (a) excessively large stockpiles would be required on or off-site; or
- (b) the consent may expire before the available resources within the Peach Island site have been fully extracted or before rehabilitation of land is complete. As the duration of consent cannot be varied under the RMA, a new consent would be required to complete the works; or
- (c) the applicant may have to forego opportunities to extract river gravels in order to focus on extracting the Peach Island source within the consent term.

3.121 In my opinion, those outcomes are not consistent with efficient use of resources.

3.122 The volunteered parameters of the proposed activities around maximum truck movements and hours and days of operation provide certainty for residents/ submitters as to the maximum level of effects that can be expected. If these parameters are fully utilised then the duration of the activity will be less than 15 years as the resource available is finite. This does not need to be controlled by a shorter duration of consent. If the full duration of consent is utilised, then this will result in lesser effects in terms of daily truck movements and/ or days and hours of operation. Further, duration of consent is a method used to address uncertainty about the adverse effects of consent, particularly if the sensitivity of the receiving environment may change over time. In this case, a significant level of expert advice is available to provide a high level of certainty regarding adverse effects, which have been confirmed to be no more than minor, and; the local receiving environment is well understood. In these circumstances, there seems to be little justification to shorten the term. Similar terms have been applied to similar quarrying



consents in the nearby area. As a result I consider that there are sound planning reasons not to shorten the consent term.

### **Precedent**

- 3.123 The matter of precedent is raised in the s42A report, and in submissions such as RH and I Losch (submitter 39) and A Hodder (submitter 24). The concern raised is whether, in consenting to the proposed quarrying activity, Council would be more likely to consent to other similar activities in the future.
- 3.124 At paragraph 15.3 of the s42A report the reporting officer details various other quarrying activities that have been granted resource consent in the surrounding area, including recent consents such as RM200392. The reporting officer notes that the land disturbance rules in the TRMP contemplate gravel extraction from berm areas, and concludes that the Stage 1 works are anticipated by the TRMP and are, in principle, appropriate.
- 3.125 I consider that the same applies to the principle of quarrying activities outside the berm land (ie the Stage 2 and 3 areas). The land disturbance rules and the Rural 1 zone rules both contemplate quarrying activities, as a permitted activity for small-scale quarrying, and as a discretionary activity for larger-scale quarrying. Quarrying is not a non-complying or prohibited activity. The TRMP provides a pathway for consenting quarrying activities in this location and zone, provided sufficient evidence is provided to support its suitability in any given location. This is made clear in the Principal Reasons for Rules for the Rural 1 zone<sup>69</sup>.
- 3.126 In this case, detailed and comprehensive expert evidence has been presented in respect of the suitability of the proposed quarrying on this site, no issue of precedent arises. The granting of consent to quarrying activities on this site will not make it more or less likely that Council would grant consent to a similar activity on any other site. I note that this is the same conclusion reached by the reporting planner at paragraph 15.6 of the s42A report.

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<sup>69</sup> Quarrying

The Rural 1 Zone is, in places, closely subdivided and closely settled, is often used for intensive productive rural activity, and the land resources have high actual and potential productive and versatile qualities for present and future generations. Quarry activities have a range of potential adverse effects. In the context of the zone, the effects of new quarries and quarry expansion activities need to be evaluated on a case-by-case basis as a discretionary activity.

3.127 Whilst I do not consider that precedent is an issue in deciding this application, if it were, then the resulting precedent would already have been established by Council's granting of the following resource consents for quarrying in the surrounding area:

- RM010624 – Aggregate extraction over 0.5ha of land at 130 Peach Island Road – 2001. Rural 1 zone and on landward side of stop bank. Consent granted to JW and VA Walker (submitter 16).
- RM031206 – Aggregate extraction over approximately 2.78ha at 98 Douglas Road – 2004 and variation in 2005. Rural 1 zone and on the landward side of stop bank. Consent granted to M and C Johnston.
- RM070949 – Quarrying of 30,000 cubic metres of aggregates at 15 Peach Island Road – 2007. Rural 1 zone and on landward side of stop bank. Consent granted to AL and JAM Haycock.
- RM080129 – Quarrying of 31,000 cubic metres of aggregates at 130 Peach Island Road – 2009. Rural 1 zone and on landward side of stop bank. Consent granted to JW and VA Walker (submitter 16).

### **Ecological effects**

3.128 Ecological effects have been raised in submissions. Some submissions relate to effects on freshwater ecology, which have been addressed above. Others<sup>70</sup> relate to the effects of the proposal on terrestrial ecology on site. This matter is addressed in the evidence of Mr Payne for the Applicant. Mr Payne reaches the following conclusions:

- *‘The 13.5 ha site consists of a highly modified and degraded berm land of the Motueka River, dominated by exotic pasture grass with few exotic trees.*
- *Habitat for terrestrial fauna within the site is poor, and the site offers no unique or core habitat for any ‘At Risk’ or ‘Threatened’ species.*
- *There are no natural wetlands within the site, or within 10 m of the site.*

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<sup>70</sup> Including (but not limited to) Valley RAGE (submitter 128), Te Atiawa Manawhenua Ki Te Tau Ihu (submitter 143), R Frater (submitter 85), H Nash (submitter 80), P Dixon-Didier (submitter 53), PM Harris-Virgin (submitter 07).

- *The results of the analysis of values, potential effects, and ecological significance of potential effects under the proposed Application demonstrates that actual and potential adverse effects on ecological values will be very low.*
- *I am confident that any unavoidable adverse effects on terrestrial ecology values are small in scale and are not on species or ecosystems of conservation significance. The proposal to plant 1.35 ha of indigenous vegetation will greatly outweigh any terrestrial ecological effects associated with the development such that the overall net terrestrial ecological effect of the proposed Application will be positive in the long-term.'*

3.129 Provisions of relevance in the TRMP include Objective 12.1.2 which seeks to avoid, remedy or mitigate adverse effects of land disturbance on damage or destruction of indigenous animal and plant habitat, or of sites or areas of cultural heritage significance, and also adverse effects on indigenous biodiversity or other intrinsic values of ecosystems. Also of relevance are provisions already detailed above such as Objective 8.2.2 and its supporting policies, which seek the maintenance and enhancement of the natural character of the margins of rivers, and Objective 12.1.2 and its supporting policies in relation to avoidance, remedying or mitigation of adverse effects of land disturbance on habitats and ecosystems. Additionally, objective 10.1.2<sup>71</sup> and supporting policy 10.1.3.2<sup>72</sup> that seek to protect and enhance indigenous biological diversity and integrity of terrestrial, freshwater and coastal ecosystems, communities and species.

3.130 Based on the expert evidence of Mr Payne in respect of ecological matters, I am satisfied that the proposal will have negligible adverse effects on ecological values on the site, and some positive effects associated with the proposed river terrace restoration works following stage 1. On this basis I am satisfied that the proposal is consistent with these provisions.

### **Positive effects**

3.131 A number of submissions<sup>73</sup> raised the positive effects that would result from the proposed activities. These relate mainly to economic effects associated with the relative

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<sup>71</sup> 10.1.2 Protection and enhancement of indigenous biological diversity and integrity of terrestrial, freshwater and coastal ecosystems, communities and species.

<sup>72</sup> 10.1.3.2 To safeguard the life-supporting capacity of the District's indigenous ecosystems, including significant natural areas, from the adverse effects of subdivision, use and development of land.

<sup>73</sup> Including (but not limited to) CHJ Schmidt (submitter 135), K Newmann (submitter 36), R Fitzgerald (submitter 18), N Wassell (submitter 123), JA Jeffries (submitter 58), Chambers and Jackett Ltd (submitter 126).

cost of aggregates (and associated impact on building costs) sourced from close to Motueka as opposed to sources further away, and the positive social and economic effects for the community in relation to employment by the Applicants.

- 3.132 These matters have been addressed in the evidence of Mr Corrie-Johnson and of Mr Kaye-Blake. On the basis of this evidence, it is evident that there will be positive economic effects to the wider economy (as distinguished from any benefits to the Applicant) associated with the granting of consent, relative to not granting consent which would necessitate the sourcing of aggregates from more distant locations. Mr Kaye-Blakes evidence is that this economic benefit greatly outweighs the economic cost of the loss of pastoral production on the site over the duration of the consent.
- 3.133 The evidence of Mr Kaye-Blake also indicates that the granting of consent for the proposed quarrying activity, compared to a scenario where aggregates are sourced from further away, also results in a significant reduction in greenhouse gas emissions.

### **Compliance and monitoring**

- 3.134 A number of submissions raised concerns relating to the likely efficacy of compliance and monitoring<sup>74</sup>. I am satisfied that the suite of conditions proposed adequately avoid, remedy and mitigate the range of actual and potential effects associated with the activities proposed. Additionally, as detailed in the evidence of Mr Corrie-Johnston described how Standard Operating Procedures (SOPs) prepared by the Applicants will be used to ensure that the requirements of conditions of consent will be clearly staff members who will be undertaking works on a daily basis. Proposed conditions of consent require keeping of detailed records on a variety of operational parameters to ensure that compliance monitoring by Council is practicable and cost-effective. The use of technology such as GPS excavation control and GPS tracking of trucks travelling to and from the site enable compliance with various conditions to be accurately monitored and recorded without the need for human input. Mr Corrie-Johnston also confirms that an Environmental and Consents Officer (“ECO”) role has been established and that the ECO role will include auditing resource consent compliance and reporting to company directors and Council.

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<sup>74</sup> Including JL Azziz (submitter 08), JSM Clark and LA Rombouts (submitter 31), J and V Walker (submitter 16), D Bisley (submitter 44), PJ Taia (submitter 86), HL Mae (submitter 84), DA Sundbye (submitter 83), M Swainson (submitter 99) and Valley RAGE Inc (submitter 128).

3.135 As a general planning principle, it must be assumed that a consent holder will comply with conditions of consent. Council has adequate mechanisms at its disposal to deal with enforcement issues in the event compliance issues should arise. This includes the use of a bond to ensure performance standards are met.

#### 4. CONCLUSIONS

##### Section 104(1) of the RMA

4.1 With regard to section 104(1)(a), having considered the expert evidence detailed above, and taking into account the mitigation measures detailed in the application and the volunteered conditions of consent, I am satisfied that the proposal will adequately avoid, remedy or mitigate adverse effects to the extent that they will be no more than minor overall. With regard to cultural effects, my assessment is made on the basis of the information I have available to me and may need to be revised in the event of information contained in a CIA being provided to the contrary. There will also be positive effects associated with the proposal. These positive effects are not an offset or compensation for any specific adverse effects for the purposes of section 104(1)(ab). Overall, actual and potential effects associated with the proposed activities will be acceptable from a resource management perspective.

4.2 With regard to section 104(1)(b), the proposed activities are considered to be consistent with the relevant statutory instruments including the TRPS, TRMP, and the NPSFM.

4.3 In relation to section 104(1)(c), relevant other matters have been considered. These include the Motueka WCO, Iwi Management Plans, Statutory Acknowledgements and matters of precedent. Having considered these matters I do not consider that they create any impediment to the granting of consent for the proposed activities. I will reconsider this conclusion if/when information is made available through a CIA.

##### Part 2 of the RMA

4.4 Taking into account the matters raised in submissions and the evidence of expert witnesses, and taking into account the volunteered conditions of consent, I consider that the proposal will achieve the overall purpose of the Act, being to promote the sustainable management of natural and physical resources. In particular, the extraction of aggregates from the site will provide for the needs of the community through providing aggregate

resources for construction activities in the region at a cost-effective price and through creating local employment opportunities, whilst sustaining the productive values of the land to meet the needs of future generations. By carrying out the proposed activities in accordance with the proposed conditions of consent, the life-supporting capacity of air, water, soil and ecosystems will be sustained, and adverse effects of the activities on the environment will be avoided, remedied or mitigated<sup>75</sup>.

- 4.5 The proposal raises matters of national importance<sup>76</sup>, being; the preservation of the natural character of rivers and their margins; the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tāpu and other taonga, and; the management of significant risks from natural hazards.
- 4.6 The proposal also raises relevant other matters<sup>77</sup> for consideration. These include kaitiakitanga and the ethic of stewardship; the efficient use the natural and physical aggregate resources; the maintenance and enhancement of amenity values; intrinsic values of ecosystems; maintenance and enhancement of the quality of the environment, and; any finite characteristics of natural and physical resources. Consideration of the principles of the Treaty of Waitangi<sup>78</sup> is also relevant.
- 4.7 The reporting planner identifies in the s42A report, four potential inconsistencies with the above considerations. These are addressed below.

The maintenance and enhancement of amenity values, in particular the effects of noise and dust on amenity values.

- 4.8 On the basis of the expert evidence given in relation amenity effects, including dust and noise evidence, and in adhering to the requirements of the Dust Management Plan and Noise Management Plan in respect of these effects, I am satisfied that the proposal will provide for the maintenance of amenity values to the extent appropriate to the rural environment that the site is located within.

The efficient use and finite characteristics of natural and physical resources with regards to the effects on land productivity.

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<sup>75</sup> Section 5 of the RMA

<sup>76</sup> Section 6 of the RMA

<sup>77</sup> Section 7 of the RMA

<sup>78</sup> Section 8 of the RMA

4.9 This is relevant to productive land values as identified by the reporting planner. Based on the expert evidence of Mr Hill on this matter, and in adhering to the methodologies detail in the SMP, I am satisfied that the proposal appropriately recognises and responds to the finite characteristics of the region's productive land resource and will use this efficiently. This matter is also relevant to the finite nature and efficient use of the alluvial aggregate resource in the region. The finite nature of this resource has been addressed in the operational and economic evidence. As discussed earlier in this evidence, there is a functional need to undertake extraction of these resources within river plain areas such as this, and these are almost invariably located within the rural zones and, often, in areas of higher land productivity. The efficient use of the aggregate resources on site is provided for in the proposal, including the proposed methodologies to optimise extraction depth through carefully managed methodologies that will ensure maintenance of the quality of the environment, as detailed below.

The maintenance and enhancement of the quality of the environment, in particular with regard to groundwater quality.

4.10 With the amendments made to the application regarding the nature of fill materials proposed, and with adherence to the GMP there is now greater assurance that adverse effects on groundwater quality will be avoided. Taking into account the expert evidence of Mr Nicol in respect of this matter, and of other experts regarding other effects on the environment, I am satisfied that the proposal will maintain the quality of the environment.

Consideration of Māori freshwater values, Te Māna o te Wai and effective consultation with iwi.

4.11 Māori freshwater values and Te Māna o te Wai have been considered and, to the extent possible I am satisfied that the application as it now stands (including volunteered conditions of consent and the implementation of various management plans) sufficiently addresses these matters to enable the conclusion to be reached that these values will be maintained. Matters raised in direct consultation with iwi have been addressed to the extent possible, as have relevant matters raised in submissions from iwi. Continued efforts toward further consultation have been made. The role of mana whenua iwi as kaitiaki of the Motueka River and its environs is recognized, and is reflected in volunteered conditions of consent.

4.12 As detailed above, I consider that the proposed activities have been appropriately designed and will be appropriately managed to achieve consistency with Part 2 of the RMA. That said, there will be some level of adverse effects on amenity values and the environment, albeit minor. In the context of the overall balancing required by Part 2, these are justified, in my opinion, given the need for such aggregate resources within the region, and the functional need for these to be sourced from locations such as this.

Overall conclusion

4.13 In terms of an overall opinion, I am satisfied that, subject to imposition of appropriate conditions of consent as detailed in the volunteered condition set, the proposal is acceptable from a resource management perspective and that granting of consent is warranted.



**Appendix A: Summary of the Applicant's engagement with Wakatū, Ngāti Rārua and Te Ātiawa**

- The Applicant engaged directly with Wakatū Inc (Wakatū) prior to lodgment of the application with Council. Wakatū advised the Applicant at that time to engage directly with Te Rununga o Ngāti Rārua (Ngāti Rārua) and Te Ātiawa Manawhenua Ki Te Tau Ihu (Te Ātiawa).
- Hui were held between the Applicant and representatives of Te Ātiawa on 5 November 2020 and between the Applicant and a representative of Ngāti Rārua on 21 September 2021. I was also involved in these hui. Matters of interest to iwi were raised and discussed, and follow-up correspondence was undertaken to confirm these matters and how the Applicant sought to address these. The matters raised related to the quality of backfill material proposed to be used; erosion and sediment controls and supervision of works to avoid mobilization of silt; avoidance of river crossings and disturbance of habitat of native species including birds; ensuring that the proposed excavations did not adversely affect the flow dynamics of the Motueka awa; removal of native vegetation and the potential for opportunities to provide ecological enhancement including potential wetlands, and; consideration of engagement of ecologists to advise on these matters. No further correspondence was received from Ngāti Rārua or Te Ātiawa raising further issues, and no CIA was requested.
- Following notification of the application, submissions were made in opposition to the application by Wakatū, Te Ātiawa and Ngāti Rārua. The submissions requested preparation of a CIA.
- The Applicant engaged Mahanga Maru, an expert in building cultural capability, to assist it in further engagement with Wakatū, Te Ātiawa and Ngāti Rārua and, if considered helpful by those parties, to assist progressing the preparation of a CIA.
- An initial hui was held between the Applicant and representatives of Wakatū, Te Ātiawa and Ngāti Rārua on 4 March 2022. The advice received from Wakatū was that the Applicant should progress matters with the two iwi. Process of working toward the preparation of a CIA was discussed, with Te Ātiawa and Ngāti Rārua representatives to discuss further with iwi and report back.

- On 7 March 2022 the Applicant wrote to Council to give written notice that it was requesting suspension of its application. The letter recorded that the Applicant had met with Ngāti Rārua, Te Ātiawa, and Wakatū on 4 March and that it was clear that additional time for formal engagement was required.
- The same day, Mr Maru contacted Ngāti Rārua and Te Ātiawa to request a meeting to discuss the suspension and process from there. The meeting was not able to proceed due to availability constraints, therefore the Applicant sent an email stating:

*We have taken the decision to seek a new hearing date to allow sufficient time to work with you all to develop our relationship and to understand your concerns.*

*We appreciate the need for a CIA and will work with you on that basis. It is unfortunate we did not clearly understand this requirement early on in the process however we are at a point where we can rectify this oversight.*

*Mahanga Maru will make contact tomorrow regarding the proposed next steps.*

- Mr Maru contacted representatives of Ngāti Rārua and Te Ātiawa on 9 March to offer to support them with preparation of a CIA. Mr Maru noted that he was available to work with whanau on that matter immediately.
- A Response was received from Te Ātiawa on 14 March thanking Mr Maru for the offer of assistance and advising that he could expect to hear further in the next week or so with suggestions.
- Mr Des Corrie-Johnston and Mr Maru travelled to Waitomo to meet Mr Rore Stafford at his home in Waitomo on 31 March 2022 to discuss the proposal.
- On 7 April 2022 the two iwi identified that due to resource constraints they were amenable to Mr Maru preparing a CIA with their input. The Applicant prepared a revised proposal summary incorporating developments since lodgement of the application to provide iwi an accurate description of the proposal to inform their involvement in the CIA.
- Mr Maru, the Applicant and representatives of Te Ātiawa and Ngāti Rārua held hui on 5 May 2022, 17 May 2022 and 31 May 2022 in seeking to progress the preparation of a CIA.

- Te Ātiawa and Ngāti Rārua wrote to the Applicant on 9 June 2022 to advise that they were not willing to continue working with Mr Maru, but intended to continue to progress the CIA without the involvement of Mr Maru.
- The Applicant replied on 17 June 2022 to convey its regret that steps taken to date had not met iwi expectations, reiterating its willingness to assist with the preparation of a CIA in any way that iwi would like, and asking to meet.
- The Applicant wrote to Wakatū Inc on 30 June 2022 advising them of the ongoing consultation with representatives of Te Ātiawa and Ngāti Rārua, and asking if Wakatū preferred consultation to continue to be directly with the iwi as previously requested, or whether they would like to liaise directly with CJ Industries as well.
- The Applicant has continued to liaise with Te Ātiawa and Ngāti Rārua since then to seek to facilitate the CIA preparation. There appears to be a willingness from both of these iwi to ensure a CIA is prepared, and the Applicant is continuing to pursue this.

## **Appendix B: Draft Conditions**



## Resource consents sought for:

- RM200488 Land use consent to disturb land and rehabilitate for the purpose of gravel extraction within the Rural 1 Zone.
- RM200489 Land use consent to erect signage and establish access via an unformed legal road.

## Recommended conditions

### General

1. The consent holder shall ensure that all works are carried out in general accordance with:
  - (a) the application documents received by the Council on 15 June 2020;
  - (b) the further information received on 8 and 10 June 2021;
  - (c) Plan **XX**;

Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

2. The consent holder shall ensure all persons undertaking activities authorised by this resource consent are made aware of the conditions of the consent and ensure compliance with those conditions. A copy of the consent documents shall be kept available on site and shall be produced without unreasonable delay upon request from a servant or agent of the Council.
3. Quarrying in the Stage 1 area shall not commence until the Landscape Mitigation Planting required by condition 37 below has been established for a period of at least 6 years. Quarrying activities in the Stage 2 and 3 areas may take place in any order provided that all other conditions of this consent are met.

Commented [HT1]: Check against final LG evidence

### Review

4. For the purposes of, and pursuant to section 128 of the Resource Management Act 1991 ('the Act'), the Council reserves the right to review this consent annually commencing 12 months from the date this consent is granted, for the purposes of:
  - (a) dealing with any adverse effect on the environment which may arise from the exercise of this consent that were not foreseen at the time of granting of the consent, and which it is therefore more appropriate to deal with at a later stage; and/or

- (b) requiring the consent holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the exercise of this consent; and/or
- (c) requiring compliance with operative rules in the Tasman Resource Management Plan or its successor; or
- (d) requiring consistency with any relevant regional plan, district plan, national environmental standard or Act of Parliament.

### Lapse and expiry

5. Pursuant to section 125 of the Act, this consent shall lapse 5 years after the date of issue of the consent unless either the consent is given effect to, or the Council has granted extensions pursuant to section 125(1A)(b) of the Act.
6. This consent shall expire 15 years after the date it commences.

### Bond

7. Prior to starting work the consent holder shall enter into a performance bond with the Council. The performance bond shall be for \$40,000.  
  
The sum secured by the bond shall be increased by the annual increase in the consumer price index for each year that the bond required by this condition remains in force, commencing with the first anniversary of the date of issue of the consent and confirmed on each subsequent anniversary. The movements in the consumer price index shall be taken from the published increases available on 31 December following the issue of the consent and on 31 December in each subsequent year.
8. The performance bond is to be prepared by the consent holder's Bank or Solicitor and submitted to the Council's Team Leader - Monitoring & Enforcement for approval.
9. The purpose of the performance bond required by **condition 7** shall be to conduct remedial, repair, or rehabilitation works to the site, stopbank and/or access road, in the event that the consent holder fails to comply with conditions of this consent to the satisfaction of the Council's Team Leader - Monitoring & Enforcement.

### Advice notes

*The Council will make reasonable attempts (if practicable in the circumstances) to contact the person identified in condition **11 12(b)(i)** who is the Council's principal contact person in regard to this consent, to give the consent holder the opportunity to remedy the matter prior to the Council taking any action.*

*The consent holder remains liable under the Act for any breach of the conditions of this consent and for any adverse effect on the environment which becomes apparent during or after the expiry of this consent.*

## Prior to the work

10. At least five working days prior to earthworks commencing, the consent holder shall contact Ngāti Toa Rangatira, Ngāti Rārua, Te Ātiawa o Te Waka-a-Māui, Ngāti Kuia and Ngāti Tama ki Te Tau Ihu and advise them of the commencement date of the earthworks to provide an opportunity for an iwi monitor to be present when earthworks are started in each area.

### Advice note

*The discovery of any pre-1900 archaeological site (Māori or non-Māori) which is subject to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 needs an application to the Heritage New Zealand for an authority to damage, destroy or modify the site.*

11. The Consent Holder shall engage a Matakite (someone who can visualise and feel the mauri of early occupants of the site and locate kōiwi). No excavation shall be undertaken until the Matakite has walked the site, and the Consent Holder shall follow all recommendations made by the Matakite as a result of what is found on site, provided that such recommendations are able to be implemented and do not frustrate this resource consent.

12. The Council's Team Leader - Monitoring & Enforcement shall be notified in writing:
- (a) A minimum of 10 working days prior to commencement of work for each Stage; and
  - (b) Prior to the recommencement of work where works have been discontinued for more than one month.

Notification shall include:

- (a) The proposed start date for the period of work; and
- (b) The name and contact details of the following persons:
  - (i) A representative nominated by the consent holder who shall be the Council's principal contact person in regard to matters relating to this resource consent; and
  - (ii) The Site Manager (if not the consent holder's representative).

Should either of the above persons change during the term of this resource consent, the consent holder shall provide the new name and contact details, in writing, to the Council's Team Leader - Monitoring & Compliance within five working days.

### Submission of plans

13. The consent holder shall, at least 10 working days prior to the commencement of works, prepare and submit the following plans and management plans to the Council's Team Leader - Monitoring & Enforcement for certification. No works shall be undertaken until these plans/ management plans have been certified by the Council's Team Leader - Monitoring & Enforcement, unless **condition 14** is invoked.

- (a) existing and proposed Contour Plans prepared in accordance with **condition 15**;
- (b) a Noise Management Plan prepared in accordance with **condition 16**;
- (c) a Soil Management Plan (SMP) prepared in accordance with **condition 17**;
- (d) a Dust Management and Monitoring Plan (DMMP) prepared in accordance with **condition 18**;
- (e) a Groundwater and Clean Fill Management Plan (GMP) prepared in accordance with **condition 19**;
- (f) a Landscape Mitigation Plan, Stage 1 River Terrace Restoration Plan and Maintenance and Establishment Plan prepared in accordance with **Condition 20**.

### Advice note

*Certification of the management plans above is in the nature of certifying that adoption of the management plans will result in compliance with the conditions of this consent.*

14. The following shall apply in respect of **condition 3**:
- (a) the consent holder may commence the activities in accordance with the submitted plans 15 working days after their submission, unless the Council advises the consent holder in writing that it refuses to certify them on the grounds that it fails to meet the requirements of the condition and gives reasons for its decision; and
  - (b) should the Council refuse to certify the plan, the consent holder shall submit a revised plan to the Council for certification. Clause (a) shall apply to any resubmitted plan.
15. The Contour Plans required by **condition 13(a)** are required to ensure that finished ground levels across the site are generally consistent with existing ground contours. The plans shall include as a minimum:
- (a) A topographic survey to New Zealand Vertical Datum 2016 (NZVD 2016) of the existing site, with contour intervals at 0.2 metres;



- (b) A plan, referenced to NZVD 2016, of the proposed finished levels on site after excavation and recontouring has occurred, with intervals at 0.2 metres.

Advice note: LiDAR survey may be used to prepare this plan.

- (c) The plans shall show the location of property boundaries, surface waterbodies, legal roads, survey benchmarks, and other details as appropriate.

16. The Noise Management Plan (NMP) required by **condition 13(b)** shall detail the best practicable option for ensuring the noise standards specified at **conditions 45 and 46** of this consent are complied with. The NMP shall be in general accordance with the draft NMP prepared by Hegley Acoustic Consultants dated May 2021, and shall address, as a minimum:

- (a) Mitigation measures proposed. These shall include:
  - (i) All trucks exporting material from the site shall be fitted with a sound deadening, plastic deck liner.
  - (ii) Tonal warning/ reversing alarms on plant on site shall be replaced with broad band alarms.
  - (iii) An earth bund of at least 3m height as shown in the Canopy Landscape Mitigation Plan. This shall be constructed prior to the commencement of quarrying activities on site.
- (b) Training of staff
- (c) Equipment Maintenance
- (d) Neighbour Liaison
- (e) Complaints
- (f) Contingency Plan
- (g) Key Personnel and their Responsibilities

17. The SMP required by **condition 13(c)** shall demonstrate the best practicable option to ensure that the restored soils achieve the standards specified in **condition 44** and that **condition 42** is complied with in respect of the control of erosion and sediment. The SMP shall be in general accordance with the draft SMP prepared by LandSystems Ltd dated 15 May 2022 and shall address, as a minimum:

- (a) Procedures to mitigate the potential effects on soil properties including for:
  - (i) soil removal;
  - (ii) soil storage;
  - (iii) soil placement (including the sequence of soil placement);

- (iv) transport;
  - (v) the preparation of the receiving surface;
  - (vi) fill (overburden), subsoil and topsoil properties; and
  - (vii) post soil placement management.
- (b) Procedures to minimise the risk of soil loss from overland flow including:
- (i) during soil removal;
  - (ii) for soil storage; and
  - (iii) during vegetation establishment.
- (c) Soil monitoring required including
- (i) Sampling and analysis of the original soil prior to extraction to provide a base line;
  - (ii) Soil properties (soil indicator) to be monitored following vegetation establishment;
  - (iii) Monitoring frequency; and
  - (iv) Recommended measures should monitoring show a decline in soil quality.

18. The DMMP required by **condition 13(d)** shall demonstrate the best practicable option to ensure that dust is managed on site to minimise the adverse impacts of potential dust discharges on the receiving environment and to achieve the standard specified in **condition 41**. The DMMP shall be in general accordance with the draft DMMP prepared by Pattle Delamore Partners dated 2022 and shall address, as a minimum:

- (a) Consent Compliance and Key Performance Indicator
- (b) Sources of Dust
- (c) Management and Mitigation Measures
- (d) Roles and Responsibilities
- (e) Implementation and Operation of DMMP
- (f) Environmental Monitoring Programme
- (g) DMMP Review
- (h) Complaints
- (i) Emergency Contacts
- (j) Annual Reporting

19. The GMP required by condition 13(e) shall demonstrate the best practicable option to ensure that discharge of cleanfill to land is managed to avoid adverse effects on groundwater, to:

- Ensure that excavations do not expose groundwater in excavations (condition 76).
- Ensure that all backfill material is strictly managed to ensure it meets the definition of 'clean fill' under WasteMINZ guidelines (conditions 81-83).
- Ensure that under no circumstances that the land use and discharge activities associated with quarry activities result in groundwater quality exceeding the acceptable values in the Drinking Water Standards for New Zealand.

The GMP shall be in general accordance with the draft GMP prepared by Pattle Delamore Partners dated July 2022 and shall address, as a minimum:

- (a) Acceptable clean fill materials
- (b) Proposed clean fill management system
- (c) Groundwater level monitoring and excavation controls
- (d) Response and mitigation to a spill
- (e) Groundwater quality monitoring
- (f) Results of background water quality monitoring required by condition 40
- (g) Response to issues arising from groundwater quality monitoring
- (h) Complaints
- (i) Reporting requirements

20. The Landscape Mitigation Plan, Stage 1 River Terrace Restoration Plan and Maintenance and Establishment Plan required by condition 13(f) shall be prepared in general accordance with the draft plans prepared by Canopy, dated March 2022. The landscape Management Plan shall be prepared to ensure that the proposed landscape mitigation and restoration plantings successfully establish and shall include, as a minimum:

- Timing of plantings
- Preparation
- Setout and spacings
- Mulching
- Pest management
- Staking

- Maintenance
- Replacement plantings

### Site meeting

21. The consent holder shall arrange for a site meeting between the consent holder's representative and the Council's assigned monitoring officer, which shall be held on site prior to any works commencing. No works shall commence until the Council's assigned monitoring officer has completed the site meeting.

### Signage

22. Signage shall be installed on Motueka River West Bank Road to provide warning to oncoming vehicles of the potential presence of trucks. As a minimum, permanent warning signs (PW-50) "Trucks Crossing" signs shall be installed on West Bank Road either side of the site entrance, at a position to be confirmed with the Council's assigned monitoring officer.

### Upgrade of vehicle entrance and site access

23. The consent holder shall remove the willow trees north and south of the entrance to the site and undertake trimming on the bank on the eastern side of Motueka River West Bank Road, as identified in the Traffic Concepts report submitted with the application, to improve site access visibility.

24. The consent holder shall undertake ongoing trimming of vegetation to ensure that visibility is not impaired and shall ensure that the sight distances at the intersection with Motueka River West Bank Road meet the minimum requirements set out in Table 4-14 of the Nelson Tasman Land Development Manual 2020 (NTLDM).

25. The existing vehicle crossing at 493 Motueka River West Bank Road shall be upgraded/formed generally to the standard shown in Diagram 2 of Drawing SD409 in the of NTLDM, except where modifications are necessary to ensure vehicle tracking and its connection to the new bridge are fit for purpose.

26. The proposed access shall be formed to a sealed carriage width of generally no less than 3.5 with 0.5m gravel shoulders and side drains to drain to existing drain paths and/or soakpits. Localised widening on corners shall be provided to accommodate vehicle tracking. The access shall be maintained for the duration of this consent by the Consent Holder.

#### Advice note

*This consent does not grant access to the excavation area. Site access and management of the tracks should be arranged with the landowner.*

27. The proposed access shall not connect to the southern end of Peach Island Road, unless requested to by the Council.

## Bridge

28. The appropriateness of the existing bridge across the overflow channel (located on Section 1 SO 15112) shall be assessed by a suitably qualified engineer to demonstrate compliance with **condition 29**.

29. The bridge shall be able to carry Class 1 loads (or higher loads if the applicant proposes to use HPMV trucks for the operation), and any necessary upgrade or replacement to achieve this shall be carried out by the consent holder prior to the bridge being used under this consent.

## Survey

30. The consent holder shall survey the boundaries of the unformed legal road and shall clearly identify the boundaries of the legal road on site.

## Stopbank

31. The location of the toe of the stopbank adjacent to the proposed excavation sites shall be clearly identified and marked on site by a suitably qualified and experienced geotechnical professional or river engineer.

32. The 20m setback from the toe of the stopbank on both sides of the stopbank shall be clearly marked to ensure that works do not encroach into the setback, except for the stopbank crossing (required by **condition 34**)

33. The construction of any fence within bermland (i.e., on the outer side of the stopbank), shall be of a post and wire construction only and, if required by the Council, shall be removed on completion of the works.

34. The consent holder shall form and maintain a ramp over the stopbank to provide vehicle access. This shall include a 200mm sacrificial gravel layer on top of the stopbank crest, which shall be removed upon completion of the quarrying activity. The crest of the ramp shall be maintained so as to be no lower than the adjacent stopbank crest immediately up- and downstream of the ramp, to the satisfaction of the Council's Asset Engineer - Rivers.

35. The consent holder shall not block the stopbank, and shall ensure that it is available to the Council's Rivers Engineers at all times for flood monitoring.

## Landscape mitigation and Restoration Planting

36. Within the first planting season following the granting of consent, landscape mitigation planting shall be carried out in accordance with the certified Landscape Mitigation Plan and Maintenance and Establishment Plan required by **Condition 21**.

37. Within the first planting season following the completion of the Stage 1 quarrying activities (including soil rehabilitation), restoration planting of the Stage 1 area shall be undertaken in accordance with the certified Stage 1 River Terrace Restoration Plan and Maintenance and Establishment Plan required by **Condition 21**.

## Groundwater monitoring to establish background levels

38. The consent holder shall establish one dedicated bore upstream and two downstream of the works for groundwater quality monitoring purposes. These shall be installed in accordance with the recommendation contained in the GMP.

### Advice note

*The appropriate bore locations shall be confirmed by the Council's Senior Resource Scientist – Water to account for groundwater flow direction in the area.*

39. A minimum of two groundwater samples, at least 3 months apart, shall be taken prior to commencement of any works to establish background levels. The samples shall be analysed by a suitably qualified and experienced person for:

- Measurements of depth to water (where possible) prior to purging.
- pH (field and laboratory measurement).
- Electrical Conductivity (field and laboratory measurement).
- Water temperature (field measurement).
- Calcium.
- Magnesium.
- Hardness.
- Alkalinity.
- *E. coli*.
- Dissolved Aluminium.
- Dissolved Arsenic.
- Dissolved Cadmium.
- Dissolved Chromium.
- Dissolved Copper.

- Dissolved Lead.
- Dissolved Nickel.
- Dissolved Manganese.
- Dissolved Iron.
- Sodium.
- Sulphate.
- Chloride.
- BTEX compounds.
- Total Petroleum Hydrocarbons.

All testing equipment must be calibrated and verified as accurate prior to testing by a suitably qualified and experienced person. All testing shall be at the full expense of the consent holder. Sampling results shall be submitted to Council's Team Leader - Monitoring & Enforcement prior to the commencement of any works.

## Environmental standards

### Dust

40. There shall be no noxious, dangerous, objectionable or offensive dust beyond the boundary of the site.

### Water quality

41. Land disturbance shall not result in runoff of sedimentation that results, after reasonable mixing, in any of the following effects in the receiving waters:

- (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
- (b) any conspicuous change in the colour or visual clarity;
- (c) any emission of objectionable odour;
- (d) the rendering of fresh water unsuitable for consumption by farm animals;
- (e) any significant adverse effects on aquatic life.

42. Quarrying activities, including the discharge of cleanfill to land and any accidental spills on the site shall not result in any existing water supply bore within a 1 km buffer zone downgradient of the quarry to breach the maximum acceptable values or guideline values in the Drinking-water Standards 2005 (revised 2018).

## Soil

43. Following completion of soil restoration and rehabilitation activities, restored soils shall achieve the following:

- (a) A minimum of 800 mm of plant growth medium with little or no limitations to root penetration. As a guide, soil penetration resistance should not exceed approximately 2300 kPa.
- (b) Soil strength to be such that there is no serious limitation to cultivation and movement of machinery, i.e. no visually obvious contrasting compacted layers within the restored soil profile, especially between the subsoil and the topsoil, and no visually obvious compaction within the upper 300–400 mm of topsoil.
- (c) Be at least imperfectly drained, preferably moderately well or well drained where the inherent soil drainage characteristics of the land allow.

## Noise

44. Noise associated with construction activities on site (such as construction of the noise bund and haul roads) shall not exceed 70dB  $L_{Aeq}$  and 85dB  $L_{AFmax}$  when measured 1m from the most exposed façade of any dwelling located beyond the subject site.

45. The consent holder shall ensure that all other activities on site, including quarrying activities) are designed and conducted, and all equipment used on site is maintained, so that noise generated by activities on site does not exceed an uncorrected noise level of 55 dBA  $L_{eq}$  (day) and 40dBA  $L_{eq}$  and 70 dBA  $L_{max}$  (night) measured at the notional boundary of any dwelling. Noise shall be measured and assessed in accordance with the provisions of NZS 6802:2008 - Acoustics - Environmental Noise.

## During work

46. There shall be no extraction of gravel from the unformed legal road.

## Hours of work

47. Work shall only be carried out between 7:00 am and 5:00 pm Monday to Friday. No heavy machinery shall be operated on site earlier than 7.30am. No operations shall occur on Saturdays, Sundays, public holidays, or between 20 December and 10 January the following year (Christmas holiday period).



## Access and vehicle entrance

48. Access to the site by vehicles associated with quarrying activities shall only be via the upgraded vehicle crossing at 493 Motueka River West Bank Road.

### Advice note

*This consent does not grant access to the excavation area. Site access and management of the tracks should be arranged with the landowner.*

## Traffic movements

49. There shall be no more than 30 truck movements per day to and from the site (a return trip being two truck movements). A truck may include a trailer.

50. All vehicles shall observe a speed limit of 15 kilometres per hour when travelling on any unsealed surfaces on site. It is the consent holder's responsibility to inform drivers of this speed limit.

51. All trucks shall observe a speed limit of 60 km/h when travelling along Motueka River West Bank Road.

52. All trucks shall be fitted with GPS based speed logging and records shall be supplied to the Council's Team Leader - Monitoring & Enforcement on request. The GPS system shall be set up to provide alerts to the quarry manager if the speed limits specified in the conditions above are exceeded.

53. No processing, washing, crushing or screening of gravel shall be carried out on the site.

## Site management

54. Works shall be undertaken in accordance with the certified NMP, DMMP, GMP and SMP.

55. Specific dust control measures described in the DMMP shall be implemented.

56. No works shall be carried out during periods of high wind (>7.5m/s) and where there are sensitive receptors within 250m in a downwind direction. No excavations shall be undertaken if heavy rain or high wind is forecast in the period before measures can be implemented to secure the excavated area and any stockpiles from the effects of overland flows and dust generation.

57. No quarrying activities shall take place within 100m of horticultural activities on neighbouring properties between the months of October and May (inclusive).

58. The consent holder shall undertake meteorological monitoring (i.e., wind direction and wind speed) on site and store this data electronically and it shall be made available to the Council's Team Leader - Monitoring & Enforcement on request.

59. Machinery movement over stockpiled soil is prohibited, other than in the construction of the proposed noise bund on the northern boundary.

60. No backfill or any other material shall be stored or stockpiled on the river side of the stopbank, unless awaiting reinstatement placement on that day. In the event that there is temporarily stockpiled material on the river side of the stopbanks and heavy rain is forecast, the stockpiled material shall be relocated to the landward side of the stopbank.

61. Stockpiled materials, other than those to be used for backfilling on the same day, shall be located in the area identified on the Landscape Mitigation Plan as 'Stockpile and Service Area'. This area shall be excavated to a level 1m below existing ground level. Stockpiles in this area shall be managed so as to be no greater than 4m in height above the lowered ground level (3m above surrounding ground level).

62. The consent holder shall maintain the site in a clean and tidy manner. Redundant machinery and equipment not required for the operation of the quarry shall be removed from site.

63. All practicable measures shall be undertaken to prevent:

- (a) erosion of the Motueka River berm; and
- (b) the discharge of sediment to the Motueka River;

as a result of the works.

#### Advice note

*This consent does not authorise the discharge of any sediment to water. Relevant TRMP and / or national environmental standards permitted rules must be met or consent applied for accordingly.*

### Refuelling and spill management

64. All machinery shall be maintained and operated in such a manner minimising, so far as practicable, any spillage of fuel, oil and similar contaminants to water or land, particularly during machinery refuelling.

65. No refuelling or machinery maintenance shall be undertaken within 20 metres of surface water.

66. All spills shall be immediately contained and controlled by an approved product and shall be removed from the site for appropriate disposal. Any spills greater than 20 litres shall be immediately reported to the Council's Team Leader - Monitoring & Enforcement.

67. Fuel shall be stored securely or removed from site overnight.

## Excavation

68. Topsoil and subsoil shall be stripped and stockpiled separately for the purpose of reuse on site. All soil stockpiles shall be:

- (a) no more than 3 metres in height;
- (a) stored on site for no more than 6 months before use.

69. Topsoil and subsoil shall only be excavated in dry soil conditions, as defined in the SMP.

70. Any excavation in berm land shall occur in strips aligned parallel to the general direction of flood flow across the berm land. No individual strip shall be wider than 20 m.

71. The excavation shall be progressively backfilled so that the maximum size of excavation open at any one time shall not exceed 1600m<sup>2</sup> (generally 20 m in width and 80 m in length).

72. The number of excavations open at any one time shall not exceed one, except when the excavation of one strip has been completed and the excavation of a new strip is commencing, in which case two open excavations are permitted.

73. Excavations adjacent to property boundaries or adjacent to the 20m setback from the toe of stopbanks shall not exceed (be steeper than) the following batter angles:

- (a) Lower Gravels to be battered at 1H:1.3V max;
- (b) Upper mantle to be battered at 1H:1.7V max

These batter angles may only be exceeded adjacent to property boundaries where the adjacent landowner agrees to a proposal such that the applicant is to repair/reinstate any damaged land caused by shallow surficial landslips during the gravel extraction pit works.

74. At the commencement of each stage of excavation, the initial excavation shall be inspected by a Geo-professional so that they can verify that the above batter angles are appropriate given actual exposed ground conditions. The Geo-professional shall at the same time undertake test-pitting across the remainder of the stage area and advise on the depths of upper mantle/lower gravel materials. If, during excavations over the remainder of the stage the Consent Holder identifies any unforeseen ground conditions during the gravel pit extraction works (i.e. deep layer of topsoil than anticipated test-pitting) then a Geo-professional shall inspect and advise what further steps (if any) are required to ensure ongoing land stability for the remaining duration of the stage.

75. Appropriate stormwater controls shall be put in place to avoid concentrated stormwater flows discharging onto temporary cut slopes.

76. All excavation shall be undertaken in accordance with the GMP to ensure that excavations do not occur below a level 0.3m above actual ground water level at the time of excavation. Where excavations are undertaken below a level 1.0m above groundwater level, they shall only be undertaken in dry weather conditions, and shall be backfilled to a level not less than 1.0m above groundwater level by the end of the same working day.

77. There shall be no excavation, removal of gravel or other disturbance of land within 20m of the toe of the stopbank. For the avoidance of doubt, this applies on both sides of the stopbank.

### Backfilling

78. During the course of excavations, backfilling shall be undertaken as soon as practicable. Any excavated area in a particular location shall not remain open for longer than 6 months.

79. Backfilling shall be undertaken in accordance with the certified SMP and GMP. This includes a requirement to monitor the level of the excavation pit floor relative to changing ground levels to ensure that the freeboard requirements at condition 75 are complied with at all times.

80. Backfilling shall be to the finished levels on site as specified in the Contour Plan required by condition 15.

81. Only material that meets the definition of cleanfill under the WasteMINZ document 'Technical Guidelines for Disposal to Land (2018)' shall be imported to the site for backfill. There shall be no disposal of sawdust, large trees, stumps, refuse, cans, bottles, plastics, timber, household rubbish, or liquid waste. Fill material shall only be imported to the site if total soil contaminant concentrations are below regional soil background concentration limits, as specified in "Background concentrations of trace elements and options for the managing of soil quality in the Tasman and Nelson Districts" - Landcare Research (2015).

82. Organic material imported to the site shall not exceed 2% by volume per load and is limited to incidental organic matter associated with the excavation of inert natural materials. For the avoidance of doubt this does not apply to topsoil retained on site for reinstatement.

83. Any backfill material sourced from offsite shall only be brought to the site by the Consent Holder and/or its contractors, and shall be pre-screened for compliance with these cleanfill requirements before being brought to site. A record shall be kept of all cleanfill used as backfill. The record shall be in accordance with the requirements specified in the GMP. This record shall be kept available on site, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.

## Reinstatement and rehabilitation

84. Subsoil and topsoil shall be reinstated, and ongoing management shall be undertaken, in accordance with the methodology specified in the certified SMP.
85. Topsoil and subsoil shall only be reinstated in dry soil conditions, as defined in the SMP.
86. Revegetation of reinstated areas shall occur within a month of reinstatement of the soil and be actively management following revegetation (as detailed in the SMP) to ensure full vegetative cover is achieved and maintained.

## Groundwater monitoring

87. The monitoring bores required by condition 38 shall be sampled every three months following the commencement of any works, in accordance with the GMP. The samples shall be analysed by a suitably qualified and experienced person for all of parameters detailed at condition 38.

All testing equipment must be calibrated and verified as accurate prior to testing by a suitably qualified and experienced person. All testing shall be at the full expense of the consent holder. Sampling results shall be submitted to the Council's Team Leader - Monitoring & Enforcement within 10 working days of the results being obtained.

Sampling and reporting shall continue for two years following the cessation of quarrying and backfilling/ rehabilitation activities on the site.

88. Procedures to respond to any issues arising from the groundwater monitoring shall be in accordance with the requirements detailed in the GMP.

## Accidental Discovery Protocol (ADP)

89. In the event of Māori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The consent holder shall notify a representative of Ngāti Rārua and Te Ātiawa and Heritage New Zealand Pouhere Taonga Central Regional Office (phone 04 494 8320), and shall not recommence works in the area of the discovery until the relevant approvals to damage, destroy or modify such sites have been obtained.

## Reporting & monitoring

90. Monitoring and reporting in relation to dust management, and soil reinstatement and rehabilitation shall be undertaken in accordance with the requirements of the certified DMMP and SMP.

91. The consent holder shall maintain a complaint's register, which shall detail the following as a minimum:
- (a) The person responsible for the complaints register and appointment of a nominee who can be contacted in case of concerns/ complaints arising;
  - (b) The location, date and time of the complaint;
  - (c) The nature of the complaint (e.g., noise, dust, vehicle speeds etc.);
  - (d) A description of weather conditions at the time of complaint (notably wind speed and direction as per the meteorological monitoring required by **condition58**);
  - (e) Any identified cause of the complaint;
  - (f) The action(s) taken to investigate and if appropriate remedy the issue.
92. The consent holder shall inform the Council's Team Leader Monitoring and Enforcement within one working day of any complaint being received.
93. The complaints register shall be forwarded to the Council's Team Leader - Monitoring & Enforcement on request.
94. A contact number of the nominee detailed in the complaint's register shall be provided to all adjoining property owners and occupiers.
95. The consent holder shall, no more than 20 working days following the completion of each stage of work, notify the Council's Team Leader - Monitoring & Enforcement. Notification shall be in writing and include a visual representation (such as photo or video) of the completed stage of work.
96. The consent holder shall keep a daily record of the weight of gravel extracted, which shall be submitted on a monthly basis to the Council's Team Leader - Monitoring & Enforcement.
97. Within 3 months of the completion of all recontouring work on site the consent holder shall forward to the Council's Team Leader - Monitoring & Enforcement a topographic survey to NZVD 2016 of the final levels on site, with intervals at 0.2 metres, as required by **condition 13(a)**.

### Unformed legal road

98. Following completion of the works, the consent holder shall confirm with the Council's Transportation Manager whether:
- (a) the section of unformed legal road ("paper road") used to access the application site shall either be returned to pasture at the consent holder's cost; or
  - (b) retained in its current form.

## ADVICE NOTES

1. *Officers of the Council may carry out site visits to monitor compliance with resource consent conditions. The consent holder is liable to the Council for actual and reasonable inspection and monitoring costs associated with this consent.*
2. *An Approval to Work Permit is required from Council's Transport team to form the unformed legal road (paper road).*
3. *The consent holder should meet the requirements of the Council with regard to all Building, Safety, and Health Bylaws, Regulations and Acts.*
4. *Access by the Council or its officers or agents to the property is reserved pursuant to section 332 of the Resource Management Act.*
5. *All reporting required by this consent should be made in the first instance to the Council's Team Leader - Monitoring & Enforcement.*
6. *This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:*
  - (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);*
  - (b) be allowed by the Resource Management Act; or*
  - (c) be authorised by a separate resource consent.*
7. *The Council draws your attention to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. In the event of discovering an archaeological find during the earthworks (e.g., shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc.) you are required under the Heritage New Zealand Pouhere Taonga Act 2014 to cease the works immediately until, or unless, authority is obtained from Heritage New Zealand under Section 48 of the Heritage New Zealand Pouhere Taonga Act 2014.*
8. *The consent holder must meet the requirements of the Tasman-Nelson Regional Pest Management Plan (2019-2029) when dealing with any pest plants or animals within the subject site.*
9. *Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.*