

7 May 2019

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By email: kelly.cattermole@waidc.govt.nz

**Resource Consent – McPherson Quarry, McPherson Road. Response to Requested Further Information
(Reference: LUC0123/19)**

Dear Kelly,

In response to WDC's request for further information (24 October 2018) pursuant to section 92 of the Resource Management Act 1991, we provide the following letter with attachments.

Planning

District Plan Non-Compliance

1. *The application seeks consent to undertake mineral extraction, earthworks and vegetation clearance but does not specifically seek consent for clean filling activities under operative district plan rule 15.1.2.8. Please confirm you wish consent to undertaken [sic] clean filling under this rule and confirm the volume (per annum) sought and duration (i.e. 45 years).*

Response: We confirm that the applicant seeks to import cleanfill pursuant to OWDP Rule 15.1.2.8, details as follows:

Information sought	Response
Volume per annum:	100,000 m ³
Duration:	For the duration of the three stages, i.e. 45 years
Vehicle generation:	The volume of aggregate extraction sought as per the application (being 490,000 tonnes p.a.) determines the traffic movements agreed with the NZ Transport Agency. In order to stay within these parameters, cleanfill will only be brought in on trucks which subsequently leave <u>with</u> aggregate. As such, the traffic movements will remain the same, irrespective of how



	<p>whether the full volume sought (i.e. 100,000 m³ per annum) is accepted.</p> <p>Historically, the quarry has accepted approx. 5,000 to 10,000 m³ of cleanfill per annum as a result of requests from local businesses. The main source of cleanfill has been from building sites around Pokeno and the greater Franklin area.</p> <p>Due to repeated requests from local businesses, the applicant seeks to increase the amount of cleanfill received annually (as outlined above). While it is difficult to estimate how much the cleanfill volumes may increase if/when the applicant accepts larger quantities, it is anticipated that the current volumes could be increased 10-fold, hence the reason for applying for a volume of 100,000 m³ per annum.</p>
Location, surrounding environment and access:	<p>The cleanfill is proposed to be disposed of in the same area as that identified for overburden on the attached Site Layout Plans. The reason being that cleanfill can be very wet, meaning it can be difficult to handle. By mixing it with overburden (which is dry), the material becomes easier to manage (including the effects of the same).</p> <p>The overburden site is best suited for cleanfill and overburden material on the basis of its location in relation to the quarry operations (namely close enough to easily dispose of overburden but physically separated from the day-to-day operations) and its topography (i.e. largely flat with light undulation). It is also a site where effects can be managed to ensure that any nearby watercourses are not adversely affected. Importantly, the area can also be easily accessed by trucks entering and leaving site by using existing access roads.</p>
Monitoring:	<p>It is accepted that cleanfill needs to be monitored to ensure it meets MfE's Guide to Management of Cleanfill. It is proposed that conditions be imposed in relation to monitoring, such as frequency of sampling, analysis and record keeping of the same.</p>
Management Plan:	<p>There is no current Management Plan for the quarry. As it stands, the application and subsequent communication has detailed how the site is and will be managed going forward. This information is considered sufficient for the purposes of assessing the proposal and the effects of the same.</p>
Landscape and reinstatement:	<p>Due to the proposed mixing of cleanfill and overburden, the measure proposed in relation to landscaping and reinstatement in relation to the overburden (refer section 3.2.3 of the application) applies equally to the cleanfill.</p>

2. *As communicated via email on 16/10/2018, please confirm the proposed volume, area and maximum depth of excavation cut/fill in regards to the proposed earthworks sought under operative district plan rule 15.5 (earthworks through the district).*

Response: See below table.



Rule 15.5.2 Earthworks	Analysis
<p>15.5.2 Earthworks throughout the District</p> <p>15.5.2.1 All earthworks shall be undertaken with the establishment and maintenance of recognised methods and techniques for the retention of sediment on site and the prevention of discharges of sediment off-site or into waterbodies.</p> <p>15.5.2.2 Vehicle movements to and from the site or the location where earthworks are being undertaken shall not result in any material being deposited on a public road creating a hazard or a nuisance to road users.</p> <p>15.5.2.3 Standards for permitted activities</p>	<p><u>Total volume of earthworks (for all three stages):</u> approx. 18,784,018 m³</p> <p><u>Total area affected (for all three stages):</u> The whole site is approx. 55 ha and the area subject to earthworks is approx. 28.77 ha (Stage 1 = 8.72 ha, Stage 2 = 8.39 ha, Stage 3 = 11.66 ha – refer to the attached Site Layout Plans). Areas used for quarrying but not subject to earthworks include the overburden/cleanfill areas and the construction compound.</p> <p><u>Depth of excavation:</u> The vertical faces will be a maximum of 15m high with 7.5m wide benches.</p> <p><i>Note: Some caution must be taken in relation to these figures as it is assumed that the same bench sizes will continue throughout the stages of the quarry operations (but is very difficult to calculate before works begin on each Stage as it depends on the topography and make-up of each location). If changes are proposed for any of the future stages, the applicant will seek a variation (as required) at the appropriate time.</i></p> <p><u>Methods and techniques:</u> The quarry operates in accordance with accepted quarrying methods, including for stripping material/soil. In addition, the applicant has prepared an updated ESCP post-lodgement to ensure that any sediment discharge is dealt with appropriately and while avoiding any discharges offsite or into waterbodies or any tracking of earthwork material. This updated ESCP has been peer reviewed and approved by Waikato Regional Council.</p>

3. As communicated via email on 16/10/2018, please confirm the proposed volume, area and maximum depth of excavation cut/fill in regards to the proposed earthworks sought under proposed district plan rule 22.2.3.3 (earthworks – significant natural areas) which has legal effect.

Response: See below table.

Rule 22.2.3.3 Earthworks SNA	Analysis
<p>RD1: (a) Earthworks that do not comply with Rule 22.2.3.3 P1 or P2.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) The location of earthworks, taking into account waterways, significant indigenous vegetation or habitat;</p> <p>(ii) The effects on the Significant Natural Area.</p>	<p><u>Total volume of earthworks for SNA:</u> Approx. 1,249,468 m³ (calculated on a percentage of total volume for Stage 1, i.e. 1.97 ha of SNA out of a total of 8.72 ha for Stage 1). It is noted that the applicant no longer seeks to remove the SNA identified as part of Stage 3, based on the length of time until that area will be quarried (towards the end of Stage 3, i.e. between 40-45 years from now). As outlined below (question 4), the SNA affected is a historical overburden area which has been allowed to regenerate over the years, meaning it is relatively young and immature indigenous vegetation.</p> <p>Further, as can be seen in the attached Site Layout Plan – Stage 1, our experts have confirmed that the affected total SNA area is in fact 1.97 ha in size. The area forming part of Stage 1 was wrongly calculated as between 1.64 ha (by the ESCP) and 2.6 ha (by the Vegetation Assessment). The specialists have now come together and agreed on the size of the area as above.</p>



	<p><u>Total SNA area affected:</u> As noted above, the applicant has amended its proposal to the extent that the only SNA sought to be removed is that affected by Stage 1. This area is approx. 1.97 ha.</p> <p><u>Depth of excavation:</u> The vertical faces across the whole quarry will be a maximum of 15m high with 7.5m wide benches.</p> <p><i>Note: Some caution must be taken in relation to these figures as it is assumed that the same bench sizes will continue throughout the stages of the quarry operations (but is very difficult to calculate before works begin on each Stage as it depends on the topography and make-up of each location). If changes are proposed for any of the future stages, the applicant will seek a variation (as required) at the appropriate time.</i></p>
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4. As communicated via email on 16/10/2018, please provide an assessment of the proposed vegetation clearance in regards to the proposed district plan rule 22.2.7 (indigenous vegetation clearance inside a significant natural area) which has legal effect. If you cannot comply with this rule, please revised [sic] your AEE document to seek consent under this rule.

Response: See table below.

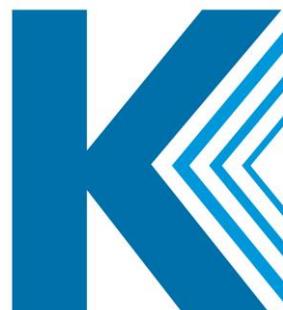
Rule 22.2.7 Indigenous vegetation clearance inside SNA	Analysis
<p><i>RD: Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 5 (Urban Allotment Significant Natural Areas) that does not comply with one or more conditions in Rule 22.2.7 P1, P2, P3, P4, P5 or P6.</i></p>	<p>The proposal includes the removal of 1.97 ha of indigenous vegetation in a Significant Natural Area (refer Rule 22.2.3.3 above). The vegetation consists of manuka trees, manuka shrubland and heavily grazed indigenous vegetation (otherwise undefined). Historically this was an overburden area which the has been allowed to regenerate over the years. As a result, the age of the indigenous vegetation (insofar as it exists) in this area is relatively young with no mature or significantly old trees.</p> <p>The proposed vegetation removal fails to meet any of the permitted activity standards, meaning consent is required for a Restricted Discretionary Activity per Rule 22.2.7.</p>

Evidence of Consultation

5. Please provide outcomes of consultation with NZTA including written confirmation they are not opposed to the proposal.

Response: The applicant has spent approx. 3 years negotiating with NZTA in relation to this proposal, largely due to the fact that the SH2/McPherson Road intersection is not, in its current state, well equipped to deal with heavy traffic movements. As a result of these extensive negotiations, the applicant and NZTA have agreed on a number of mitigation measures aimed at addressing all of NZTA's concerns. These are outlined in section 6.6.6 of the application.

NZTA has now provided written confirmation that they approve of the proposal subject to a number of consent conditions, which the applicant accepts. A copy of this confirmation is **attached** to this letter. We have further confirmed with Waikato District Council's Property Team what is required to meet condition 5 of NZTA's mitigation letter, see email correspondence from Michelle Smart **attached**.



6. *Please provide a copy of the outcomes of consultation with the same Iwi that Waikato Regional Council have already requested of you to consult with. If Iwi provide recommendations; please advise which/any of the recommendations you wish to incorporate into your application.*

Response: We met with representatives of all three iwi identified by Waikato Regional Council, namely Ngāti Tamaoho (Lucie Rutherford), Ngāti Te Ata (Karl Flavell) and Te Taniwha o Waikato (Patience Te Ao). The meetings were held onsite on Tuesday 13 November and Tuesday 20 November 2018. Both meetings were well received and all three representatives expressed appreciation at being shown around the quarry.

The main topics discussed at the meetings were around water discharge quality and potential use by iwi of vegetation within the overburden area (as firewood).

Following the site visits, we sent all three representatives a brief description of the proposal (outlining the consents sought and the key aspects of the quarry activities) as well as a copy of the neighbour consultation letter and a letter prepared by archaeologist Kirsty Potts (confirming the recommendation that the quarry operate under an ADP, due to the low archaeological risk).

After the site visits, Ngāti Tamaoho and Ngāti Te Ata prepared a combined cultural values/impact report, please see **attached**. Prior to the completion of the assessment, the applicant made contact with Te Taniwha o Waikato (TToW) to enquire as to whether they also wished to form part of the combined Cultural Values Assessment (CVA). As no response was received from TToW it was agreed with Waikato Regional Council that the applicant would engage Tamaoho and Te Ata to commence their CVA without awaiting a reply from TToW.

The CVA makes a number of recommendations which the applicant is working through with the experts and WRC before responding to. In that regard, consultation with iwi will continue throughout the consenting phase and we will provide Council with updates on the process as and when appropriate.

7. *As identified in the application, please provide details (names and address) of outcomes of any consultation with neighbouring properties.*

Response: The applicant has consulted with a large number of the immediate neighbours. In the interest of completeness, please see **attached** map and below table of those neighbours (as well as the two parties the applicant chose to not consult with).

Party	Outcome
Mt William Ltd	No response
Bhanabhai and Bray	Not consulted
McKinstry and Spencer	No response
Glasgows	Signed
Cowan	No response
Graham	No response
David Phillips	Not consulted
Kuchlein and Miller	Signed
Peacocks	No response
Murrays	Signed
McCombs	Signed



In terms of the consultation process, this was completed by the applicant and consisted of personal visits to all those identified as consulted within the above table. All these parties were given a brief explanation of the proposal (as per the **attached** letter) and the applicant explained the process of providing written approval, should they wish to do so. All those consulted with were told by the applicant that the decision to sign the approval form or not was entirely theirs and that no pressure would be imposed on them either way.

This process resulted in four written approvals being received (also **attached**). In terms of the other parties consulted with, no one has raised any concerns or provided explanations for why they elected to not sign the form. In saying that, we have been informed by WRC that one party (Mt William Ltd) has been in contact with WRC directly in relation to the proposal, but we are unaware of the specifics of any concerns raised (as they have not been raised directly with the applicant or ourselves).

8. *Please provide outcomes of consultation with Fish and Game. If Fish and Game provide recommendations; please advise which/any of the recommendations you wish to incorporate into your application.*

Response: We have been in contact with David Klee of Auckland/Waikato Fish & Game Council who has expressed a desire to meet with us and discuss water discharge quality. It was agreed that such a meeting will be postponed until some further water monitoring has been completed (and analysed) and draft consent conditions have been prepared (as this is the aspect of most interest to Fish & Game). Following this agreement, we sent some recent water monitoring results to David, which he has reviewed and saved for his records. As more monitoring is completed, the results will be sent to David so that the discussion can carry on. As a result, an update on this consultation process will be provided as and when appropriate.

In the interest of completeness and while not specifically asked for, we also note that we met with representatives from the Department of Conservation in early December last year to discuss the proposal. No main concerns were raised at that point, but DOC noted that they wished to see a copy of the Ecological Assessment once complete. Such a report has been prepared and provided to WRC, but at this stage we are still waiting for comments from WRC's peer reviewer on the report itself. Once the peer review is complete and our technical experts have responded to the same, a copy of the completed report will be sent to DOC for review and another meeting will be arranged.

Other

9. *Please confirm/breakdown the hours of operation for all proposed activities (mineral extraction, earthworks, vegetation clearance and clean filling).*

Response: The proposed hours of operation are the same as current hours, with standard hours being between 7:00am to 6:00pm, Monday to Saturday. However, on occasion the Quarry has larger jobs which require slightly longer operating hours, in which case they start at 6:00am instead of 7:00am (meaning it is open from 6:00am to 6:00pm).

In terms of standard quarry operations, the quarry is open for approx. 303 days of the year, taking into account the days of closure (being Sundays and public holidays).

In addition to the above, the quarry undertakes a range of activities outside of normal working hours, such as rip and push out of rock, crushing, development work and machine maintenance. The applicant seeks consent to undertake these non-operational activities between the hours of 5:00am and 10:00pm, 7 days a week, all year round.

10. *Please provide a copy of the Site Management Plan for the existing quarry if it exists.*

Response: The applicant does not currently have a Site/Quarry Management Plan. It is considered that the information provided with the application and post-lodgement (including this letter) provides sufficient information for Council to assess the proposal.

Land Development Engineering

Erosion Sediment Control Plan – Stage 1



Please confirm the figures are correct as per comments from Inderpaul Randhawa (Land Development Engineer). If not correct, please provide correct figures.

The total cut overburden topsoil volume given in the last paragraph under Project Description in ESCP for stage 1 do not seem right. The figure 5,327,680m³ must be including extracted rock volume which is not part of the clean fill stockpile for ESCP. The volume table in 3.2.3 Overburden disposal in the Summary report from Kinetic also indicates that the cut volume above 118RL of 1,427,655 m³ is overburden and below 118RL of 3,900,024 m³ is rock extracted. Can we get these figures confirmed from OPUS.

Response: We have sought and received a response from WSP Opus as follows:

*“Re Erosion and Sediment Control Plan – Stage 1, last paragraph under Project Description: Typo, should say: **A total cut, including topsoil/overburden volume for Stage #1 of approximately to 5,327,680 m³ is proposed.**”*

Contaminated Land and Hazardous Substances

11. *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) is applicable to this application as soil disturbance is proposed. Alan Parkes (Council’s Contaminated Land Specialist) has provided the following comments / request for further information.*

Please ... provide an assessment of the applicability of the NES to the proposal and, if considered to apply, the activity status of the proposal under the NES.

Please confirm the type, quantity, storage details and location on site of all hazardous substances including fuel storage associated with the HAIL activity A17 and any certification held under the Hazardous Substances and New Organisms Act 1996. Please identify systems and measures in place to manage hazardous substances and prevent the substances from reaching the environment.

Response: In the interest of completeness, the applicant engaged a contaminated land specialist to assess the HAIL activity, please find **attached** a copy for your records. For ease of reference, that assessment concludes that the storage of the diesel should be classified as a permitted activity pursuant to the NES Soil.

I trust that this response adequately addresses the request for further information insofar as the information is available at this point in time. Once further information becomes available (such as in relation to the ongoing consultation) we will provide you with updates at our earliest convenience.

Regards


Eloise Lonnberg-Shaw
Senior Planner

Enc:

- Site Layout Plan – Stage 1
- Site Layout Plan – Stages 2 & 3
- Letter from NZTA re approval (subject to conditions)
- Email from Michelle Smart, Waikato District Council
- Cultural Values Assessment
- Map of neighbours
- Consultation letter (generic)
- Written approvals x 4
- HD Geo Contamination Assessment

