

Notice is hereby given that a Meeting of the Resource Management Committee will be held on:

**Date:** Friday, 12 June 2015  
**Time:** 9.30 am  
**Meeting Room:** Council Chambers  
**Venue:** 15 Forth Street  
Invercargill

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## Resource Management Committee Agenda

### OPEN

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#### MEMBERSHIP

**Chairperson** Paul Duffy  
**Councillors** Lyall Bailey  
Rodney Dobson  
John Douglas  
Julie Keast  
Gavin Macpherson

#### IN ATTENDANCE

**Manager** **Resource** Simon Moran  
**Management**  
**Senior** **Resource** Jennifer Green  
**Management Planner**  
**Committee Advisor** Debbie Webster

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**Full agendas are available on Council's Website**  
[www.southlanddc.govt.nz](http://www.southlanddc.govt.nz)

## **Terms of Reference for the Resource Management Committee**

This committee is a committee of Southland District Council and has responsibility to:

- Monitor the consent process and make decisions on all notified hearings, excluding those being heard by a commissioner
  - Monitor non-notified consents and review decisions where objections are received.
  - Develop a District Plan, and/or District Plan changes, hear submissions on those and deliberate on those before making recommendations to Council
  - Participate in joint hearings
  - Decide on designations
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TABLE OF CONTENTS

ITEM	PAGE
<b>PROCEDURAL</b>	
1 Apologies	5
2 Leave of absence	5
3 Conflict of Interest	5
4 Public Forum	5
5 Extraordinary/Urgent Items	5
6 Confirmation of Minutes	5
<b>REPORTS FOR RESOLUTION</b>	
7.1 Minutes Southland District Council Resource Management Hearing South Catlins Charitable Trust (SCCT) 2 February 2015	9
7.2 Minutes of a Resource Management Hearing for The Around The Mountain Cycle Trail held 2 - 5 February 2015	23
7.3 Unconfirmed minutes Resource Management Hearing AG and GJ Whyte Land Use Consent Submission Friday 13 March 2015 OPEN	55
<b>HEARING</b>	
8.1 Report to Resource Management Committee - Hearing Glencoe Quarries Limited - Land Use Consent. 9.30am Friday 12 June 2015.	63



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**1 Apologies**

At the close of the agenda no apologies had been received.

**2 Leave of absence**

At the close of the agenda no requests for leave of absence had been received.

**3 Conflict of Interest**

Councillors are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as a councillor and any private or other external interest they might have. It is also considered best practice for those members in the Executive Team attending the meeting to also signal any conflicts that they may have with an item before Council.

**4 Public Forum**

Notification to speak is required by 5pm at least two days before the meeting. Further information is available on [www.southlanddc.govt.nz](http://www.southlanddc.govt.nz) or phoning 0800 732 732.

**5 Extraordinary/Urgent Items**

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting, -

- (a) That item may be discussed at that meeting if-
  - (i) That item is a minor matter relating to the general business of the local authority; and
  - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

**6 Confirmation of Minutes**

6.1 Meeting minutes of Resource Management Committee, 27 March 2015

# Resource Management Committee

## OPEN MINUTES

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Minutes of a meeting of Resource Management Committee held in the Council Chambers, 15 Forth Street, Invercargill on Friday, 27 March 2015 at 10am.

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### PRESENT

<b>Chairperson</b>	Rodney Dobson
<b>Councillors</b>	Lyall Bailey
	Julie Keast
	Gavin Macpherson

### IN ATTENDANCE

Simon Moran  
Debbie Webster

**1 Apologies**

An apology for absence was received from Crs Duffy and Douglas.

Moved Cr Bailey, seconded Cr Keast and **resolved that the apologies be accepted.**

**2 Leave of absence**

At the close of the agenda no requests for leave of absence had been received.

**3 Conflict of Interest**

There were no conflicts of interest noted and declared.

**4 Public Forum**

There was no Public Forum.

**5 Extraordinary/Urgent Items**

There were no Extraordinary/Urgent items.

**6 Reports for Resolution**

**6.1 Unconfirmed Minutes of the Resource Management Committee 24 October 2014**

**Record No: R/15/3/5439**

Moved Cr Bailey, seconded Cr Macpherson and **resolved that the committee confirms the minutes dated 24 October 2014 as a true and correct record.**

**7 Public Excluded**

**Exclusion of the Public: Local Government Official Information and Meetings Act 1987**

Moved Cr Keast, seconded Cr Bailey and **resolved that the public be excluded from the following part(s) of the proceedings of this meeting. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:**

**C8.1 Proposed Southland District Plan Appeal Mediation Preparation**

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Proposed Southland District Plan Appeal Mediation Preparation	s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists..

The public were excluded at 10.05am

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available unless released here.

The meeting closed at 1.50pm

**CONFIRMED AS A TRUE AND CORRECT  
 RECORD AT A MEETING OF THE RESOURCE  
 MANAGEMENT COMMITTEE HELD ON**

**DATE:**.....

**CHAIRPERSON:**.....

# Minutes Southland District Council Resource Management Hearing South Catlins Charitable Trust (SCCT) 2 February 2015

Item 7.1

Record No: R/15/6/9560  
Author: Debbie Webster, Committee Advisor  
Approved by: Debbie Webster, Committee Advisor

Decision  Recommendation  Information

- 1 Unconfirmed Minutes of the Resource Management Hearing South Catlins Charitable Trust held on Monday 2 February 2015 at 9.06 am. TRIM r/15/3/4748.

## Recommendation

That the Resource Management Committee:

- a) Receives the report titled “Minutes Southland District Council Resource Management Hearing South Catlins Charitable Trust (SCCT) 2 February 2015 ” dated 2 June 2015.
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.

## Attachments

- A Unconfirmed minutes Resource Management Hearing South Catlins Charitable Trust 2 February 2015 [View](#)

**SOUTHLAND DISTRICT COUNCIL**  
**RESOURCE MANAGEMENT HEARING**  
**SOUTH CATLINS CHARITABLE TRUST (SCCT)**  
**2 FEBRUARY 2015**

Minutes of a Resource Management Hearing of the Hearing Commissioner held on Monday, 2nd of February 2015 at the Ascot Park Hotel (Aparima Room), Cnr Tay Street and Racecourse Road, Invercargill at 9.06 am.

**PRESENT:** Mr Allan Cubitt (Hearing Commissioner)

On behalf of the Applicant, South Catlins Charitable Trust was represented by:

Mr Chris Thomsen (Counsel on behalf of the applicant)  
Mr Luke McSoriley (Opus Consultants on behalf of the applicant)  
Mr Paddy Baxter (Landscape Architect on behalf of the applicant)  
Mrs Pam Callahan (Chair, South Catlins Charitable Trust on behalf of  
the applicant)  
Dr Kelvin Lloyd (Ecologist on behalf of the applicant)

The following Southland District Council staff were present:

Ms Jennifer Green (Senior Resource Management Planner)  
Mr Bruce Halligan (Group Manager Environment and Community)  
Ms Debbie Webster (Committee Advisor)  
Ms Alana Dixon (Communications Officer)  
Dr Marion Read (Landscape Architect for Council)

**1.0 APOLOGIES**  
No apologies were recorded

**2.0 WELCOME AND ADDRESS**

Mr Cubitt welcomed everyone to the hearing, introducing himself and gave an outline of his role as Commissioner. Noting he had read all the submissions however some were outside the scope of the RMA, such as funding, visibility, trade competition, walking track locations which were more appropriately covered under the Reserves Act.

Ms Green outlined housekeeping matters and further introductions were made of those in attendance at the hearing.

Mr Cubitt advised that no cross-examination was allowed, staff can ask for points of clarification and he reminded all parties present to be courteous. He then advised the order of the day and time frames around this. Mr Thomsen requested of the Commissioner if Ms Ros Cole of DOC could give her submission before 11 am due to other commitments, Mr Cubitt agreed.

### 3.0 HEARING

#### 3.1 **Joint Hearing 360/10/14/250 - SOUTH CATLINS CHARITABLE TRUST (SCCT) - 601 Waikawa Curio Bay Road, Slope Point - Curio Bay - Land Use Consent for a Heritage Centre Development at Curio Bay Camping Ground.**

360/10/14/250

Report by Jennifer Green, Senior Resource Management Planner dated 16 January 2015.

### 3.2 STAFF REPORT

Ms Green tabled her report and read the introduction noting what she considered were the key issues associated with the development of the project.

Ms Green noted that Council commissioned a Landscape and Visual Assessment report undertaken by Dr Marion Read, Landscape Architect, who was present at the hearing to assist the Commissioner in his deliberations.

Ms Green asked the Commissioner to address the two late submissions which had been received from Mark Stevenson and the Department of Conservation (DOC). She also noted that the submission of Mary Sutherland was received by Council within the submissions timeframe but omitted from the report in error. As Mrs Sutherland supports the application and the reasons for support are shared in other submissions supporting the application, Ms Green did not consider the omission of the submission would raise any new issues for consideration that have not already been covered in her report.

Ms Green noted she had been asked to table submissions on behalf of the New Zealand Fire Service and Heritage New Zealand.

Mr Cubitt asked Mr Thomsen if he had any issues receiving the late submissions. Mr Thomsen confirmed he had no objection and agreed to accept the submissions from Mark Stevenson, DOC and Mary Sutherland.

### 3.3 THE APPLICANT

#### **9.30 am Submissions of Counsel for the Applicant the South Catlins Charitable Trust presented by Mr Thomsen (Appendices 1)**

Mr Thomsen presented the submission of Counsel, noting evidence/exhibits in form of photos and plans which were available for viewing at the hearing. He remarked that plan A shows relevant information as to the geography of the area, where current infrastructure is and where natural ecological sites are such as the penguin habitat.

Mr Thomsen noted that he considers the written approval on the affected persons forms he submitted at the hearing can and should be considered. He commented the project is being driven by the South Catlins Charitable Trust with the support of its community, highlighting that the application is part of a larger vision held by the community which includes the Southland District Council and the Department of Conservation. The parties have entered into a memorandum of understanding that records an overall shared vision and road map that recognised the best way to work together to achieve the Heritage Centre, car park, camp ground upgrade, waste water treatment plant upgrade and Smith's Bush.

The Heritage Centre will be the main tool to manage the visitors to the area and also being the central point for visitors to Curio Bay. Mr Thompson noted that in Dr Lloyds evidence there is a plan showing the known Yellow Eyed Penguin sites in Curio Bay and the approximate number of breeding pairs in the area. He commented the applicant is working very closely with DOC as to where to place the building so it does not interfere with any known penguin nesting sites.

Regarding the permitted baseline evidence, Mr Thomsen noted that caravans, campervans, and tents should be regarded as part of the built environment in terms of Section 104(2).

He also noted the advice notes (a) - (e) in Ms Greens report had no place in the application. And condition (7) in the report on the exterior materials of the Heritage Centre was considered too restrictive. Mr Baxter will address this in his evidence and a draft condition will be submitted.

Mr Thomsen tabled a letter from Awarua Rūnanga supporting the Trusts proposal noting the Trust has consulted extensively with the local Runanga. Tāngata Whenua have an important role to play at the Heritage Centre because their stories will be told there too.

*Mr Thomsen concluded his submissions at 10.27am.*

*There were no questions.*

#### **10.29 am Submission of Ms Rosalind (Ros) Cole on behalf of the Department of Conservation**

Ms Cole spoke to the submission starting at point 10 commenting the Curio Bay area is a home to many geological and environmental attractions of international significance.

A number of wildlife species are resident or visit the area and are taonga species for local Iwi. Ms Cole noted the top threat is to NZ Sea Lions followed by Yellow Eyed Penguins and Hector's Dolphins (around 40 animals) who move around to the mouth of the Matarua River over the winter. The education and awareness the Heritage Centre will provide to tourists will assist in the protection of these animals.

Ms Cole commented there are 4 - 7 nests of Yellow Eyed Penguins on an annual basis predominately in the flax areas. There are only a couple of areas to beach access for the birds. The penguins are more in the open areas and they are being monitored because of this proposal. They are regularly having one or two chicks per season; the proposed Heritage Centre is well away from the current nesting areas. Over 100,000 visitors come to the area per annum. DOC are working on education with visitors to teach respect and understanding of wildlife in the area and see the Heritage Centre as an opportunity to support that.

*Questions:*

Mr Cubitt asked if Ms Cole thought the proposed site for the Heritage Centre was the best location, noting some submitters have concerns about the walking track disturbing the penguins.

Ms Cole responded it was as good an option as you've got, considering the bulk of the penguins are using the nesting area, they don't like nesting in view of another penguin preferring cover and security. She recommended the site development happen outside of

the breeding season and possibly molting season (finished by end of April) as that is when the birds are most stressed or sensitive and vulnerable.

Mr Halligan queried with DOC supporting the proposed location, would Ms Cole suggest any changes to what is proposed?

Ms Cole responded, no changes.

Dr Read asked Ms Cole if she could foresee what impact (adverse, neutral or nil effect) the vegetation around the Heritage Centre might have on the penguins?

Ms Cole responded it would only have positive benefits particularly with the track for increasing penguin habitat.

*Ms Ros Cole concluded her submission at 10.47 am.*

*The Hearing convened for morning tea at 10.48 am*

*The Hearing reconvened at 11.04 am*

#### **11.04 am Brief of evidence of Pamela Callahan for the Applicant**

Mrs Pamela Callahan spoke to the submission providing the history, the vision; work with Iwi, Smith's Bush and proposed DOC car park and community support of the proposal.

Mrs Callahan noted there have been many efforts and energy put towards public consultation through newsletters, public meetings, field days, website, Question & Answer handouts around this project.

Mr Cubitt noted the applicant's evidence was very significant and valued. He asked if fishing markers were not being affected adversely by this proposal. Mrs Callahan responded no not at all.

*No Questions*

*Mrs Callahan concluded her evidence at 11.19am*

#### **11.19 am Brief of evidence of Dr Kelvin Lloyd for the Applicant**

Dr Lloyd spoke to his evidence which included his qualifications and experience, scope of evidence, site context, vegetation and habitats, wildlife values, ecological significance, potential ecological effects of the Natural Heritage Centre, assessment of submissions, ecological benefits of the Natural Heritage Centre, avoidance of adverse effects on Yellow Eyed Penguins

He noted he concurred with Ms Cole in her evidence that the breeding season from September to the end of February was to be avoided when planning building construction, avoiding excessive noise. Dr Lloyd did not think the molting period (through to the end of April) was as critical to adversely affecting penguins.

Mr Cubitt queried point 26 of Dr Lloyd's submission regarding location of flax. Dr Lloyd responded the location of the flax is critical, the direction the birds come up from the beach and then disperse into the flax to nest. He also noted if more habitats are created near the penguins landing area improvements in nesting growth may become evident.

*Questions:*

Ms Green queried how do the penguins get up from the beach to the areas of nesting and breeding as indicated in the map included in Dr Lloyds evidence?

Dr Lloyd responded there is a patch of flax in the map that is the main access point and then they move on from there. The clump of flax is quite critical.

Mr Halligan queried if Dr Lloyd would like to see the temporary fencing to be used during breeding season, covered in the mitigation plan and what would be a good buffer?

Dr Lloyd responded the temporary fence should be as close to the Heritage site as possible, buffer at top of hill, penguins at bottom of hill.

*Dr Lloyd concluded his evidence at 11.45 am*

**11.47 am Statement of evidence of Mr Paddy Baxter, Landscape Architect / Director Baxter Design Group Ltd**

Mr Baxter spoke to his tabled evidence. This included a colour chart which showed recommendations of colours for the roof and walls of the proposed structure, which he recommended should be a condition. He recommended in point 25 that if concrete block was to be used in construction it should be painted the same colour as rest of building.

Mr Baxter requested that condition (2) in the planners report on the maximum height of the Heritage Centre, be amended to incorporate point (17) of his evidence.

*Questions:*

Mr Cubitt queried views as flax removed relating to attachments C and D?

Mr Cubitt queried attachments E and F - demonstrating the effect of Porpoise Bay development and the carpark full of campervans. Mr Baxter commented there was an opportunity to develop a more 'organic' carpark.

Mr Cubitt queried the value of restriction on materials as opposed to colour on the building. Mr Baxter responded that weatherboard is okay and he is less concerned about the materials than colour noting the colour of the building should be darker than the vegetation it is sitting in.

Ms Green asked if the colour scheme was finalised. Mr Baxter responded the colours should be indicative of or similar to.

*Mr Baxter finished at 12.40 pm*

*The Hearing convened for lunch at 12.42 pm*

*The Hearing reconvened from lunch at 1.36pm*

**1.40 pm Evidence of Mr Luke McSoriley, Opus International Consultants**

Mr McSoriley tabled and spoke to his evidence. Noting the following:

Point 49 regarding signage stating Ms Green has asked clarification on the signage, Mr McSoriley asked the Commissioner to consider the signage as indicated on the diagrams available today.

Point 60 Matters raised in submissions, of the 77 submissions lodged on the application the majority (57) are in support of the proposal and this represents a significant level of local community support.

Point 68 Advice notes (a) to (e) are matters that relate to the proposed DOC amenity upgrade and car parking project and are not directly relevant to the Natural Heritage Building application.

*Questions:*

Mr Cubitt queried the relevance of signage under PRA.7, given COA.2? Mr Thompson responded yes, considered under Section 104.

Mr Halligan queried condition (2) natural ground level can this be met? It was responded the Applicant would need to come back on this matter.

Mr Baxter and Mr Thomsen provided clarification of evidence proposing the following:

Mr Baxter proposed condition 7 as 'tint, or in concrete block. When concrete block is used it shall be painted or stained in a recessive colour similar to those listed in condition 8' and a second condition to do with utilities like rubbish bins 'all utilities such as rubbish bin stands, air conditioning units and others shall be located in close proximity to the Heritage Centre and shall be screened from view. Screening materials shall be subject to the same colour and cladding conditions as the Heritage Centre.'

*The Applicant finished its presentations at 2.38pm*

**2.44 pm Dr Marion Read gave a verbal response.**

Dr Read noted she maintains the view in her report. Commenting there were no profile poles present at the time of her site visit. She concluded that effects on the headland may have been overstated and agreed after view Mr Baxter's photo that the impact will be of a lesser extent.

Dr Read commented that she maintains the view that a large building is out of character. Most dwellings are less than 150 m<sup>2</sup> in area and she concedes that Porpoise Bay development allows for larger dwellings. She remarked the darkly stained exposed aggregate would be suitable although the use of concrete block could result in mixed colours or the whole building being concrete.

Dr Read commented on the permitted baseline discussion by the Applicant noting a dwelling comparison of the site was not considered and would likely be of a more modest size than the Heritage Centre.

Regarding landscaping Dr Read remarked a large building with some landscaping might have an adverse effect / be distinctive in itself. Hence a revegetation plan is recommended to make visual textures more complex and blend in. She noted that Ms Green's report condition (12) last sentence the change made to the original condition Dr Read recommended is inappropriate; it should be a maximum attrition rate of 20% would be more appropriate.

*Dr Read concluded her verbal response at 2.55 pm*

### 3.4 THE SUBMITTERS

#### **Mr McFarlane – Yellow Eyed Penguin Trust**

Mr McFarlane spoke to the tabled written submission. The Trust strongly supports the planned new Heritage Centre at Curio Bay, foreseeing that as well as contributing to the improvement of visitor facilities (interpretation, sewage etc) it will also assist with the wider issues affecting native biodiversity in the area. Some points Mr McFarlane highlighted were:

- The path connecting the Heritage Centre to tracks and the Petrified Forest may create a barrier for Yellow Eyed Penguins getting to Smiths Bush. It is not insurmountable but needs to be addressed when path is designed.
- Viewing hide associated with Heritage Centre a good idea as reduces the disturbance to penguins.
- Build the Centre somewhere from March to August, noting moulting penguins could be picked up and moved if needed. To be aware that August is time of bird's pair bonding.

*Questions:*

Ms Green queried Condition (13) as recommended in her report was Okay? Mr McFarlane noted yes, the building construction period is not so concerning, the human intervention would be more concerning.

*Mr McFarlane stood down at 3.12 pm*

*The Hearing convened for an interval at 3.12 pm*

*The Hearing reconvened at 3.28 pm*

#### **3.28 pm Mr Kevin Millard.**

Mr Millard spoke to the tabled written evidence which included a series of 18 points and questions.

Mr Halligan said he appreciates Mr Millard's comments on who is paying for the project and the ongoing costs of wages etc. He noted the Southland District Council has included this in its Long Term Plan which will be available mid-March giving the chance to submit on many of the issues Mr Millard has raised in his submission. He also noted the sale of alcohol would need liquor licensing to manage the effects.

*Mr Millard stood down at 3.37 pm*

#### **3.38 pm Mr Shane Hatwell presented Department of Conservation's submission**

Mr Hatwell gave a verbal submission in full support of the Applicant, commenting the location of the Heritage Centre was appropriate and able to capture visitors before they visit the Petrified Forest while also giving opportunity to educate visitors on appropriate interactions with wildlife. He also noted the car park expenditure is out of the Department of Conservations capital not operating budget.

Mr Hatwell remarked on the Memorandum of Understanding between DOC and SDC that was established in 2012, underpinning the work and resources for Curio Bay as a collaborative effort.

*Mr Hatwell stood down at 3.45 pm*

**3.46 pm Mr Paul Duffy.**

Mr Duffy outlined his history of association with the area including his role as a trustee on the South Catlins Trust and also as a SDC Councillor. Noting the strong partnership between SDC, the Trust, DOC and Iwi has been to the greater good of the Curio Bay community. He commented on Curio Bay being the gate way to the wider Catlins and a valuable resource and opportunity for people to interact with wildlife. He also noted that now that the waste water scheme has been approved it will facilitate movement forward on these other projects.

*Mr Duffy stood down at 3.51 pm*

**3.52 pm Mr Kevin McNaught.**

Mr McNaught has been the Southland District Council Property Manager for over 15 years. He spoke to his original submission.

Mr Cubitt queried Mr McNaught's time at the SDC if he had noticed an increase in the pressure on infrastructure on Council owned facilities. Mr McNaught responded yes, he was there when the Trust first formed and it was the waste water issue that held things back.

*Mr McNaught stood down at 3.56 pm*

**3.57 pm Mrs Greta Buckingham.**

Mrs Buckingham spoke to her tabled submission. She commented she is a Trustee on the South Catlins Trust as well as being a volunteer relief ranger for DOC a few years ago. Mrs Buckingham noted she had seen considerable change in the area over many years and significant increase in visitor numbers.

*Mrs Buckingham stood down at 4 pm*

**4.01 pm Ms Val Whyte – Curio Bay Holiday Park.**

Ms Whyte spoke to her original submission. She is a Director and operator of the Curio Bay Holiday Park.

Mr Cubitt queried if Ms Whyte sees this development as important to the growth of the camping ground? Ms Whyte responded yes she did.

*Ms White stood down at 4.03 pm*

**4.04 pm Mrs Bobbi Brown - Venture Southland.**

Mrs Brown gave a verbal submission. She highlighted the roles she had played as Community Development Officer for the Curio Bay area which have included:

- Assisted with the drafting of the MOU
- Funding – helped to identify and access funding

- Project viability

Mrs Brown made the following points in support of the Heritage Centre:

- Curio bay is unique with endangered and rare wildlife, people will come to see this whether there are facilities or not.
- Area has become more accessible with the sealing of road and installation of cell phone tower.
- Current infrastructure is outdated and lacking and does not meet needs.
- Need to improve how visitors are managed and educated, this will assist DOC.
- Curio Bay is on the Southern Scenic Route – important for Southland tourism industry. This is a product for development – has international appeal.
- Number of smaller business owners that struggle with seasonality.
- Freedom camping is an issue and camping grounds assist with management of this.

Mrs Brown noted that the challenge is how to optimise the opportunities that the high numbers of tourists bring, 100,000 visitors per annum is conservative, based on car numbers. She said people want to share in the close up experience you can have at Curio Bay. Venture Southland had undertaken considerable research in this area, helping to create the Southland Tourism Strategy and the Catlins Tourism Strategy.

The Community Trust of Southland has contributed considerably towards this project already giving \$800,000.00 with an additional \$500,000 loan possible.

#### *Questions*

Mr Cubitt queried what public consultation has been undertaken on this project? Mrs Brown responded there had been considerable public consultation over the past 13 years.

*Mrs Brown stood down at 4.20 pm*

#### **4.22 pm Mrs Pam Yorke - Curio Bay landowners.**

Mrs Yorke spoke to her original submission, which highlighted concern from the community of who would be responsible for cleaning up from visitors to the region.

*Mrs Yorke stood down at 4.25 pm*

#### **4.26 pm Mrs Pam Yorke - Lazy Dolphin Lodge.**

Mrs Yorke gave a verbal submission as owner/operator of a 15 bed, two storied B&B based at Curio Bay. She noted they have had to put in their own effluent system at a cost of \$50,000 and improved telecommunications has considerably helped. The business struggles to be viable with the seasonal nature of the area.

*Mrs Yorke stood down at 4.31pm*

#### **4.27 pm Mr Sydney Stronach.**

Mr Stronach gave a verbal submission noting his long association with Colac Bay as he was born and bred in the area, 74 years ago. His family had lived in the area over 160 years. Mr Stronach commented he had an issue with a public notice from November 2014 to let people know what was going on with the project.

He commented he and his wife have the Rural Delivery mail run in the area which they do almost every day. They experience the regular issues with the gravel roads in the region.

Mr Stronach noted he was opposing the application for several reasons including:

- The building and the car park are too far apart making it 85 metres people will have to walk, which is OK in the fine weather but not if its bad.
- Issues with the viability of the business, questioning what camping ground has a fifty seat café in it? That it is a private business but the café will be paid for with rate payer's money.
- What will the charge be for the theatre? Suggested a gold coin donation – but will that cover costs? Concerns over the limited usage of the theatre due to seasonality of the tourists.
- Noted the South Catlins Trust operated well for 6 years with good communication, but it has spent \$50k on a model of the proposed changes, Mr Stronach believe that \$50k model is now collecting dust in a woolshed.
- Fishing marks that were very important have all disappeared.
- Location of the Heritage Centre important for all visitors especially the shop. Noted the current shop location is preferable as it has historically helped prevent a number of possible drowning's.
- More thought needed regarding the location of the carpark.
- The weather will impact on visitor numbers, how will the Heritage Centre survive?
- The shop and garage at Tokanui are opposed to the project.

*Mr Stronach stood down at 4.46 pm*

#### **4.47 pm Ms Liz Hodgson.**

Ms Hodgson gave a verbal submission which queried how the Centre would be maintained in the long term, including the maintenance of the building. Ms Hodgson gave an explanation of her history and experience in tourism, hospitality and conferencing dealing with visitors to New Zealand. The comment she has received from the local community is to keep the area as in its natural and un-commercialised state.

Ms Hodgson queried the lack of detail around the operation of the Café. Noting visitor expectation will be high especially around the café standards. She questioned if there would be wireless technology available to visitors? Would the Centre hold a commercial kitchen facility? And how would visitor numbers be managed, guided tours onto the viewing platform, penguin hide? Ms Hodgson noted there needed to be a plan to manage all of this and that the application outline the long term plan of any of those issues just external cladding issues etc.

She also noted the second part of submission relates to security and maintenance, there are community concerns about vandalism and possible break in's. Ongoing building maintenance with sea spray being an issue, theft of outdoor furniture etc as the building is hidden from view.

Mr Cubitt noted a lot of what Ms Hodgson had raised is operational issues which cannot be addressed at the hearing. Ms Green noted any operational requirements for the kitchen or the café will require health licensing and permits.

*Ms Hodgson stood down at 5.05 pm*

**5.06 pm Mr Bruce Lamb**

Mr Lamb gave a verbal submission. He noted he is a farmer at Quarry Hills, third generation at Curio Bay. Mr Lamb's commented he is not against the Heritage Centre, his greatest concern was the penguins and he would not want to see a track go through the penguin colony, the access to the penguins could be on the current track with the Heritage Centre located closer to the carpark.

*Mr Lamb stood down at 5.09 pm*

**5.10 pm a written submission from Mary Sutherland was tabled and read out by Ms Green.**

**5.11pm a written submission from Heritage New Zealand was tabled and read out by Ms Green.**

**5.13 pm a written submission from the New Zealand Fire Service was tabled and read out by Ms Green.**

*Submissions closed at 5.19 pm.*

Dr Read advised that she and Mr P Baxter agreed with Conditions (11) and (12) of the planner's report. Dr Read requested that the wording of the last sentence of Condition (12) be reverted back to Dr Read's original final report recommendation.

*The hearing convened at 5.23 pm*

*The hearing reconvened at 5.38 pm*

**5.38 pm Mr Chris Thomsen - closing remarks of the Applicant.**

Mr Thompson noted a number of the submissions made were around operational matters that cannot not be commented on. However he also noted due diligence has been done on the viability of the Café at the Heritage Centre.

He made the following comments:

- What is notable is the education opportunities about wildlife and species wide benefits the Heritage Centre will bring. Also the breeding period of Yellow Eyed Penguins is key although perhaps not so the moulting period, suggested leaving the condition as it is.
- 'Avoid Policy' in the District Plan - avoid or mitigate in the Coastal Zone. ONF - 'inappropriate'. ODP COA 2 'intensive development'.
- Affected persons no statutory limitation on when they can be received.
- Photo's D and E of Mr Baxter's evidence show human element in the current environment and how it affects the character. Photo B shows the existing building which will remain.
- Dr Read's evidence "effects above non-fanciful baseline" agree; don't agree all cribs are small in locality "a mass when viewed".
- Discussion about the Heritage Centre being located next to the carpark - would bring it closer to the penguins.
- On-going agreement re revegetation with Iwi - when flax removed it must be replaced.
- Condition (2) want to have 5.5 m rather than 5.0 m for the building height.

- Condition (16) new condition, regarding screening of utilities, rubbish bins, air conditioning and other utilities. "Close proximity" means 4-5 m in relation to this new condition.
- Revegetation strategy - experts agree 40 m area is desirable. This becomes a 40 m bubble around the Heritage Centre. Part camp ground upgrade will fit everything together, makes more sense to look at whole site. It becomes environmental compensation. Want condition to limit species - suggested a plan be submitted.
- With the benefit of Mr Baxter's review his suggestions are more fitting. Suggest supplying a mitigation plan showing area on current Opus plan. Look to remove Condition (12) and revise Condition (11) with smaller planting species recommended.

*6.05 pm Mr Thompson completed his summary.*

At the conclusion of evidence Mr Cubitt thanked those present for presenting their evidence and closed the hearing.

Mr Cubitt said would reserve his decision and deliberate the issues at hand in private. His decision would be circulated to all parties in due course.

The hearing concluded at 6.15 pm.



## Minutes of a Resource Management Hearing for The Around The Mountain Cycle Trail held 2 - 5 February 2015

Record No: R/15/6/9573  
Author: Debbie Webster, Committee Advisor  
Approved by: Debbie Webster, Committee Advisor

Decision  Recommendation  Information

- 1 Unconfirmed Minutes of the Southland District Council Resource Management Committee Joint Hearing for land use consent to construct, use and maintain the Upper Oreti section to the Around The Mountains Cycle Trail which is approximately 28km of cycle trail from Mt Nicholas Road to Centre Hill following the course of the Oreti River.

### Recommendation

That the Resource Management Committee:

- a) Receives the report titled “Minutes of a Resource Management Hearing for The Around The Mountain Cycle Trail held 2 - 5 February 2015” dated 2 June 2015.
- b) Determines that this matter or decision be recognised not as significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.

### Attachments

- A Unconfirmed minutes of Resource Management Committee Hearing of The Around the Mountains Cycle Trail 2 - 5 February 2015 [View](#)

**SOUTHLAND DISTRICT COUNCIL**  
**RESOURCE MANAGEMENT HEARING**  
**2 - 5 FEBRUARY 2015**

Minutes of a Resource Management Hearing of the Hearing Commissioner held on Monday 2nd February to Thursday 5th February 2015 held at the Southland District Council Chambers, 15 Forth Street, Invercargill at 9.00 am.

**JOINT HEARING - SOUTHLAND DISTRICT COUNCIL'S APPLICATION FOR LAND USE CONSENT TO CONSTRUCT, USE AND MAINTAIN THE UPPER ORETI SECTION OF THE AROUND THE MOUNTAINS CYCLE TRAIL WHICH IS APPROXIMATELY 28 KM OF CYCLE TRAIL FROM MT NICHOLAS ROAD TO CENTRE HILL FOLLOWING THE COURSE OF THE ORETI RIVER.**

**MONDAY, 2 FEBRUARY 2015**

**PRESENT:** Mr D Nugent (Hearing Commissioner)

**IN ATTENDANCE:** Council staff and advisors  
 Mr M Roy (Resource Management Planner)  
 Mr S Moran (Manager Resource Management)  
 Mr I Marshall (Group Manager Services and Assets)  
 Mrs L Pagan (Communications and Governance Manager)  
 Ms D Webster (Committee Advisor)  
 Mr M Moore (Landscape Architect)  
 Ms J Gilroy (Environment Southland)  
 Ms S Hamilton (Opus International Consultants)  
 Mr S West (Environment Southland)  
 Mr C Young (Environment Southland)

For the Applicant  
 Ms C Lenihan (Counsel)  
 Mr P Blakely (Landscape Architect)  
 Mr R Greenaway (Recreation Consultant)  
 Mr S Beale (Terrestrial Ecologist)  
 Mr N Goldwater (Aquatic and Wetland Ecologist)  
 Mr G Chapman-Olla (Projects and Roding Engineer)  
 Mr D Bamford (Tourism Consultant)  
 Mr D Stimpson (Economist)  
 Mr J Engel (Resource Management Consultant)  
 Mr M Smith (Surveyor)

Southland Fish and Game  
 Mr J Smyth (Resource Management Officer)  
 Mr S Sutherland (Fish and Game Officer)  
 Mr M Unwin (Freshwater Scientist)  
 Mr M Rodway (Manager Southland Fish and Game)  
 Mrs Y Pflugger (Landscape Architect)

Dr C Murray (Economist)  
Sir A Mark (Botanist)  
M P Wilson (Planner)  
M J Sutton (Construction Contractor - by telephone)

Submitters

Cr J Douglas represented by Cr B Dillon  
Mr B McKay  
Mr R Scott  
Mrs H Wysocki  
Mrs B Brown  
Southland Mountain Bike Club represented by Mr D Brookland and  
Mr W Watt  
Mr R and Mrs J Bowler  
Mr G Watson  
Mr G Gilder  
Wyndham Angling Club represented by Mr A Leitch  
Mr R Peacock  
Mr L Weber  
Representative from The Southland Times was also in attendance.

**1.0 APOLOGIES**

No apologies were recorded

**2.0 WELCOME AND ADDRESS**

Mr Nugent welcomed everyone to the hearing, introducing himself and those in attendance. He outlined housekeeping matters and emergency exits.

Mr Nugent noted there were a number of late submissions. He queried this with Ms Lenihan, Council for the Southland District Council, and allowed for them to be considered at the Hearing. He also noted that Southland Fish and Game had raised the question whether the Commissioner had all the proper applications before him for the Southland District Council application and as such he believed it was appropriate for Southland Fish and Game to go first today. Mr Nugent asked if there were any submitters present who want to make legal submissions in support of Fish and Game's contention or any that want to support the Southland District Council's position. There were none.

Mr Nugent gave the order of the days hearing beginning with Southland Fish and Game, then the Applicant and Council Officers followed by Southland Fish and Game's right of reply.

**9.05 am Mr J Smyth for Southland Fish and Game**

Mr Smyth gave a verbal summary of Southland Fish and Games late submission, he acknowledged that the status of the unformed legal road in the Upper Oreti Valley was beyond the hearing to consider however there were two matters that need to be considered:

1. Application of Rule TRANS.2, did that allow the Applicant to construct a road within the footprint of the unformed legal road?
2. Whether the Rule acts in a standalone capacity, insofar as it negates the need for the Applicant to apply for any auxiliary consent?

Mr Smyth noted that the Applicant proposed the Cycle Trail was a road, Fish and Game acknowledge that it could be a subset of a road. He questioned if the Rule TRANS.2 should remain operative, stating Fish and Game submission states it does. The construction of road or cycle trail within a road reserve was not an unqualified activity. Mr Smyth stated that Fish and Game understood Rule TRANS.2 to permit technical construction of a road but not an actual construction without other consents being sought. He noted that the District Plan does not designate for a cycle trail in the Upper Oreti Valley, in this case the Applicant would require land use consent as a discretionary activity under the District Plan. Mr Smyth said the proposed full scope of the activities to build the cycle trail on the legal road were unclear. He noted Rule PAR.5 limits the removal of vegetation and Rule PAR.6C sets standards to soil disturbance with earthworks / maintenance of any road or track, such activities require consent. There was an issue as to whether Rule MAR.1 remains operative - Fish and Game suggests the proposed board walk fall under the definition of a structure under the Resource Management Act.

Mr Nugent responded that Section 86F was clear that Rules become inoperative when relevant Rules are treated as operative and if there was no equivalent Rule what purpose would be served in continuing to treat operative something which the proposed Plan no longer seeks to control.

Mr Smyth accepted Mr Nugent's point.

Mr Smyth continued, turning to rules that Fish and Game think are applicable, including Rules HER.3(3), stating that the point was that they are dealing with some Rules of the proposed Plan as being applicable and some Rules of the old Plan as also being applicable. Mr Smyth suggested it was difficult to divorce the rule from axillary applications in the Plan.

In summary Mr Smyth noted the principal point in Fish and Games submission was the application of Rule TRANS.2 which referred to permitted activity status, in that case constructing of the trail as a permitted activity, if so the question arose if consents are required for permitted axillary activities under either the operative version of the Southland District Plan or the old version?

#### Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent queried page 6 of Fish and Games submission regarding PAR.2 where the submission noted there was no equivalent rule in the proposed Plan. Was this the same situation as discussed earlier? Mr Smyth responded, yes. Mrs Nugent followed asking if in PAR.4 to what extent Mr Smyth thought that may be relevant as little '1' was explicitly for extraction purposes and little '2' only applied on private property? Mr Smyth acknowledged that may fall outside the gambit in this case, due to ambiguity of the rule in the Plan.

Mr Nugent remarked that in paragraph 20 the submission referred to the category of local roads and primary function was property access, the use of that term wasn't exclusive it didn't mean there was no other function. Mr Smyth responded Fish and Games contention was that the cycle trail was intended as a recreational tourism asset it doesn't provide any access other than what was publicly available to anyone. Mr Nugent replied wouldn't it nonetheless be an 'all other road'? Mr Smyth said yes it would but it certainly didn't appear to fit any of the other five other classes in roading. Mr Nugent asked to what extent is the category of road relevant? Mr Smyth responded the category of road appears it becomes a question if the trail fits into any of the hierarchy established, the appropriateness of a road in a particular location. Mr Nugent suggested that it is possible that given the wording of section nine that roads that fall into the category set out in TRAN.1 are bound by the following rules but roads that don't fall into that category may be a permitted activity under Section 9 because it is not contrary to the Rule. Mr Smyth remarked in his submission under Section 9, there is a consented requirement unless the designated procedure is then followed. The interpretation of the rule is difficult by the way it has been drafted.

#### 9.26 am Ms C Lenihan Counsel for the Applicant

Ms Lenihan read her preliminary legal submissions of CM Lenihan Counsel for the Applicant (**APPENDIX 1**).

#### Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent asked if the Applicant was relying on the road being formed, he noted there was a part of the road where the four wheel road track doesn't follow the alignment of the legal road. Was it the Councils contention that that part of the legal road was formed anyway albeit not used now? Ms Lenihan responded that was correct. The Council had requested LINZ to re-align the section of the road because that was the section of the road that was used originally by horse and cart in the 1800's. She noted they are looking at a portion of 9.9 kms of the legal road, what difference did that make to the status of the rest of the road in terms of formation?

Mr Nugent queried if Section 10 applied to paragraph 46 of Ms Lenihans submission? Ms Lenihan responded she was not sure if it did but was also not sure if it mattered if Mr Nugent accepted her arguments the end result would be the same. She noted Rule TRAN 1.G does appear incongruent however looking back in hindsight TRANS 1.G sits comfortably in the hierarchy. It could just as comfortably sit in a standalone position. Noted it referred to both formed and unformed roads.

Mr Nugent asked Ms Lenihan, if in paragraph 50 where you look at the alternative, had she considered the way permitted activity is centrally defined in each of the operative and proposed Plans? In the operative Plan it clearly says that district wide rules need to comply with the relevant zone standards. Ms Lenihan responded it was not explicit but it was a matter of interpretation looking and trying to ascertain from other sub rules in that section whether they lead you to the conclusion that Heritage and other matters are provided for in the section. Which she believed they were, there's two other rules Rule TRAN.2 (3) (a) and there were cross references to other parts of the Plan that aren't there.

Mr Nugent queried paragraph 53 in saying wouldn't Ms Lenihans suggestion at the bottom be one of those ultra vires rules where the Council Officer can determine if something is permitted or not? Ms Lenihan responded she did not believe they could not take some reference to an external reference point and make that decision, she noted she had looked at the bylaw the Council has produced in relation to roads and could not find a specific

reference to refer to. Mr Nugent noted that without the Local Government Act Council does not exist and has no powers. The LGA gives provision and power to Councils to construct and administer roads but doesn't also the RMA give provision that Council has to comply with its own District Plan so it is not enough to say the LGA gives power to do this, Council has to apply its own District Plan rules, they could cut across that, would you agree with that? Ms Lenihan replied that yes she would however they would have to be very explicit in how they did that because of the very specific nature of powers under the LGA.

Mr Nugent noted it would be useful to have the evidence on the formation of the road before he makes a determination and suggested Ms Lenihan, Mr Moran and Mr Smyth discuss this over the adjournment how to facilitate that.

***The hearing was adjourned for morning tea at 10.05 am.***

***The hearing was reconvened at 10.20 am.***

Mr Nugent asked Ms Lenihan if the Applicant had sought a certificate of compliance under Section 139. Ms Lenihan replied the Applicant had for the structures including bridges, culverts and the boardwalk. She said it was included in the AEE in an addendum sent separately.

Ms Lenihan updated Mr Nugent on the discussion over the adjournment between herself, Mr Moran and Mr Smyth. She noted they agreed it would be beneficial to call Mr Smith as Fish and Game have raised some concerns however Mr Smith is not available until tomorrow. It was agreed to hear the Applicants case and evidence including Mr Smith on the formation of the road and then give Council and the Submitters right of reply.

#### **10.25 am Ms C Lenihan Counsel for the Applicant**

Ms Lenihan read her opening legal submissions of CM Lenihan Counsel for the Applicant (**APPENDIX 2**).

#### Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent queried if there are drawings/plans of an alternative bridge? Ms Lenihan responded yes there were. It was noted the conclusion of Mr Roy was the bridges are non-complying and not bundled.

Mr Nugent noted his delegations did not extend to Section 139 they are to Section 169; he said he had the power to make the decision on Resource Consents only not on a certificate of compliance that would have to be dealt with separately.

#### **10.42 am Mr I Marshall**

Mr Marshall introduced himself as the Group Manager Services and Assets at the Southland District Council and read the summary of his Statement of Evidence (**APPENDIX 3**).

There were no questions.

10.47 am Mr P Blakely

Mr Blakely introduced himself as a landscape architect of Blakely Wallace Architects and tabled photographs as part of his Statement of Evidence (APPENDIX 4). He noted he had some corrections to his summary Statement of Evidence, the first being in paragraph 3 the last sentence insert the word minor as in 'less than minor over time'. And in his main Statement of Evidence in paragraph 8 of page 4, the fifth bullet point should read 'proposed Oreti section' rather than 'Upper Oreti section'. Also paragraph 23, bullet point 2 rather than 'passing' should be 'passes through farmland'. Paragraph 31, there were originally six locations where the trail comes within 50 metres of the river he noted he now thinks there are technically 8 locations one being the lookout above the gorge and the other in location 1. There are now two sites there that are about 150 metres apart this has been added as location 8. These are identified on the map and listed in the schedule as tabled. Paragraph 41 states in the first sentence that the short curved causeway is 18 metres that means it is 18 metres from the end of the true right of the bridge to the toe of the slope the actual causeway where it curves around and ends up on a low terrace is 70 metres long. Change the 18 metres to 70 metres. This was done in consultation with Mr Beal to avoid shrubland.

Mr Blakely read the summary of his Statement of Evidence (**APPENDIX 4**).

#### Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent queried the locations of the trail being within 50 metres of the river, if locations 1 and 7 have been separated. Mr Blakely confirmed that was correct.

Mr Nugent stated he will make a note of the 18 metres is to the toe of the slope and add the total causeway is 70 metres. (Refer photo 4 in Appendices).

Mr Nugent asked Mr Blakely for clarification on the locations where the track comes within 50 metres of the river, where the landscaping is proposed for mitigation. Mr Blakely indicated in his evidence in paragraph 31 the wording around this being locations 2, 3 and 5.

Mr Nugent asked Mr Blakely to speak to the appendices and visualisations tabled at today's hearing. Mr Blakely gave an explanation of these. Mr Nugent noted there was some discussion on the toilet block being moved closer and Mr Blakely agreed that would be better. He also noted the scarring on the side of the hill suggesting fencing around the areas for rehabilitation which would make a significant difference. It is a modified landscape.

Mr Blakely noted the visualisations tabled which have been prepared according to the NZ Institute of Landscape Architects for visual simulations. Number one is the view downstream from the Ashton Burn Bridge with the bridge design inserted with abutments including green flags indicating the height of the handrail. Number two is 800 metres downstream where it is difficult to pick up the Ashton Burn Bridge; it is difficult to see with the naked eye. Number three is also the Ashton Burn it is a 250 end on perpendicular to the bridge looking south. Number four is the Oreti Bridge 250 metres downstream looking north.

Mr Nugent asked how close to the river channel the bridge is and if Mr Blakely could provide the location plan over the next day or so? Mr Blakely said they were supposed to be taken from the river bank that is what the instruction was. He also suggested that what is shown in the picture is darker than what it will be in reality once the timber has weathered.

Number five is downstream at 1 km. It is taken from the Riverbed looking back because of the landform you only see the western end of the bridge estimated 25% of the bridge would be seen from a distance of 1 km.

Number six is the Oreti Bridge from 250 metres upstream from the true left bank where you can see all of the bridge. Number seven is 1 km upstream of the Oreti Bridge, it is confirmed that from 1 km it is difficult to see the bridge with the naked eye. The final, number eight is 250 metres out on the Ashton Flat side. Mr Nugent asked if this one includes the curving abutment on the true right. Mr Blakely said no it doesn't he noted you will see a line running around the trail on the causeway and on the trail on its full length.

Mr Roy queried Mr Blakely if he considered the three Kings as a feature or landscape? Mr Blakely responded a feature in the landforms with the river, landscape and the gorge. Mr Nugent asked Mr Blakely to draw a line around what he considers an outstanding natural feature. Mr Blakely qualified that. Mr Nugent asked if he could clarify if there is a distance between an outstanding natural feature and an outstanding natural landscape. Mr Blakely responded an outstanding natural landscape is a wider or broader view.

#### 11.35 am Mr R Greenaway

Mr Greenway introduced himself and read out the summary of his Statement of Evidence (**APPENDIX 5**).

#### Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent asked if there is any data on the characteristics of cyclists that use long distance trails that would help to find the type of effects. Mr Greenway responded the different market for cycle trails verses mountain bike settings it is easy to consider the different type of track development that is happening throughout the country for off road cycling. He gave an example of the Kaiteriteri Mountain Bike Park and the Great Days Trail, the mountain bike park is for mountain bikers. An example would be the photographs advertising the differences where a mountain bike park would show a low angle shot of a bike coming down a slope with helmet etc whereas a cycle trail would show two young lovers with a sunset in the background. You are talking about a broad market for a cycle trail used by a wide age range and wide range of ability and built to an easy grade. Verses mountain biking which is used by an experienced rider often younger and male. These are two very different markets between mountain biking and cycle trail riders. There is data on the use of the Otago Rail Trail; Dave Bamford may have the breakdown on that data.

Mr Nugent noted on page 107 Mr Greenway talked about the retention of angling resource, is there any data on the basis of angling satisfaction, what makes angling satisfying? Mr Greenway responded Mr Unwins research is the most recent on The Values of New Zealand Fisheries, there are about 8 or 9 factors that he refers to that he defines as the values such as catch rate, size of fish, wilderness settings etc. He gives a good summary of those values and places the Oreti River in context of those values.

***The hearing adjourned for lunch at 12 noon and reconvened at 1 pm.***

Mr I Marshall introduced the Maps to the Commissioner and Hearing.

**1.05 pm Mr S Beale**

Mr Beale introduced himself as a Terrestrial Ecologist and Planner employed by MWH Ltd and read out the summary of his Statement of Evidence (**APPENDIX 6**).

Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent referred to paragraph 2, Mr Beale began with 'significant vegetation' and 'significant habitats', was that all of the indigenous vegetation and habitats or only some areas? Mr Beale responded that these are the areas where there is a specific assessment criteria triggered in the Southland District Plan, some of those areas where you have more open shrubland I wouldn't consider those as significant.

Mr Nugent queried paragraph 35 in Mr Beale's main brief of evidence, can there alignment avoid these specimens while remaining in the road reserve? Mr Beale responded, yes I think there is some degree of latitude that can be decided on by DOC who will be involved in tweaking these areas. Mr Beales reference was mostly in regard to the Three Kings area, in the Boulder field area they would need to be careful with use of machinery and careful trimming of shrubs. There should be no need to move boulders.

Mr Nugent noted in last bullet point of paragraph 6 Mr Beale talked of the Beech Forest - building up the carriage way, did he see that with bridging or wood or metal as the most appropriate. Mr Beale responded he spoke with Richard Kennett who works with DOC and does a lot of trail work around Wakatipu and you can use material like displaced soil to build up a trail and on the down side slope of the trail you could use a retaining wall to be built up to keep the trail slightly elevated to keep it consistent.

Mr Nugent remarked he looked at the vegetation and clearance part of Mr Beale's submission and it seemed a construction management plan was needed if he were to grant consent. With some conditions identifying what matters should be in a construction management plan.

He also noted that in paragraph 61 Mr Beale talked about successful establishment plantings dependant on quality of nursery propagated plants, would it be of value for the Applicant to set up a nursery for the project or are there adequate commercial nurseries available to supply plantings? Mr Beale responded he believed there were adequate commercial nurseries.

**1.30 pm Mr N Goldwater**

Mr Goldwater introduced himself as Senior Ecologist with Wildland Consultants Ltd and read the summary of his Statement of Evidence (**APPENDIX 7**)

Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent queried paragraph 38 of Mr Goldwater's evidence where it talks about using sourced gravel in construction noting this seems counter-intuitive. Land pits do not have gorse and broom, are you saying the river does? Mr Goldwater responded he got that statement from Mike Barnett and the question should be directed to him. It was noted Mr Barnett is not a witness and able to respond. Mr Nugent suggested deleting this from the Mr Goldwater's Statement of Evidence, Mr Goldwater agreed. Mr Nugent continued his queries

asking about paragraph 40 which speaks about treated wood being rested, he asked if this should be stipulated in the conditions. Mr Goldwater responded that he believed it was, he noted it was for three months which is over and above industry practice of two months. Paragraph 43 speaks about the amount of sediment released when piles are driven into the river. What is the quantity of that sediment as compared to what is caused by a four wheel drive going through the river? Mr Goldwater responded the drilling would cause more than a four wheel drive however it was localised and short term, it would rapidly dissipate and the flow would carry the sediment well downstream.

Paragraph 44 talks about avoiding the brown trout spawn but also talks about avoiding bird nesting, what months are left to not avoid these things? Mr Goldwater responded the birds it would be recommended a specialist visit the site to see if any birds were nesting at that time and that is usually between November and January. And that his expert had said it is unlikely that black billed gulls or others would nest close to the site.

The issue of indigenous fish spawning would it be necessary to avoid that time when the site was being constructed? Mr Goldwater responded the indigenous fish are most likely to be in the tributaries, it would be preferable to avoid breeding season which is late winter to early spring.

**1.55 pm Mr Steve Edwards**

Mr Edwards was available by telephone. Mr Nugent had no questions for Mr Edwards on his Statement of Evidence.

**1.56 pm Mr G Chapman-Olla**

Mr Chapman-Olla introduced himself as a Projects and Roading Engineer with Opus International Consultants Ltd and read the summary of his Statement of Evidence (**APPENDIX 8**).

Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent asked if Mr Chapman-Olla had the opportunity to read the evidence of Mr Sutton and Professor Mark and if he was able to add any comments beyond his summary on how the geo-tech difficulties Mr Sutton suggests exists on those slopes? Mr Chapman-Olla responded he had read Mr Suttons evidence and that he mentions the gravel on the site is a free flowing gravel which Mr Chapman-Olla does not believe are a true definition of the materials, most of the gravel on the site are alluvial gravels, a rounded river stone, which are bound with silt. They are still holding up at quite steep gradient. He noted as the material is cut through, the material properties do change and differ and you have to adapt to those changes with the construction methodology.

Mr Nugent queried there are several bridges and boardwalks proposed and would they be of adequate strength for the construction machinery to travel over them? Mr Chapman-Olla responded that without seeing the designs but based on the first stage of the trail that has been built he believes so, the boardwalks were built 1.5 metres wide and were rated for a small farm vehicle to travel over them but were not designed for a HO loading that are the road trucks. Mr Nugent continued queried page 11 of Mr Chapman-Olla's evidence if they were able to keep machinery within the foot print of the trail? There are areas where bridges have to be crossed like south of the Oreti River and would that be achieved or would it be

necessary to go outside the footprint? Mr Chapman-Olla responded that in the past they put in temporary culverts or if water too high put in a temporary route.

Mr Roy referred to page 3 on the Trail construction Mr Chapman-Olla talks about a nominated burn site for burning of excess vegetation and asked if there was going to be a need for burning? Mr Chapman-Olla responded that the local farmer often nominates a burn section on their farms for a burn site if it's needed. Mr Roy continued with page 6 speaking about the use of vibratory rollers, he asked if beyond construction would there be any machinery utilised for maintenance of the trail. Mr Chapman-Olla responded that not in the short term, but perhaps in the longer term of 5 - 10 years there may be the need for maintenance of gravel however they usually use a hand plate compactor.

**2.16 pm Mr D Bamford**

Mr Bamford introduced himself as a Consultant to TRC Tourism Ltd and read the summary of his Statement of Evidence (**APPENDIX 9**).

Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent queried paragraph 6 which speaks to the Upper Oreti Bridge down to the Centre Hill car park, you don't see as down to Mossburn as a day trip? Mr Bamford responded that yes he does but looking at who the market is for the trail, some people will bike to Mossburn no doubt but that piece of the trail is a nice 3 or 4 hour bike ride, a package in and of itself. For those doing the 4 - 5 day trail they most likely will go down to Mossburn. Mr Nugent continued by asking about the Centre Hill car park which a Fish and Game witness raised as being an arrangement with Landcorp for Fishermens access, rather than a public road and car park. What extent do the public access have access? Is it available as an end point? Mr Bamford responded he couldn't comment on the legal nature of the access but from a visitor use perspective if you are doing a multi-day trip you would sail past the car park and go onto Mossburn. If you were doing the day trip you would want to have an arrangement to be collected from either the lake or one of the downstream villages.

Mr Nugent had asked about table 5 in Mr Bamfords evidence where he talks about the daily expenditure of cyclists in relation to the Queenstown Trail which he said he understood it is not a multi-day trail. It is a day trip as part of their stay in Queenstown, so people would spend the money in Queenstown whether they are on the trail or not? Mr Bamford responded the survey data referred to was from people cycling on the Queenstown Trail and what they spent their money on was spent in Queenstown. Mr Bamford noted that there was a survey in 2011 over several cycle trails asking users if they were staying on to do the day trail in Queenstown or were they doing it as an alternative. Mr Nugent asked Mr Bamford whether the expenditure which is higher in Queenstown is due an anomaly of people being in Queenstown. Mr Bamford said yes, people that are in Queenstown will stay on to do the trail. He noted that in the original business plan there was not much focus on day use, but there has been an increase in day use as well as multi day use. This was a surprise for the Otago Rail Trail. Mr Nugent asked why increase in riders from Mr Barnett's 2009 calculations he had 14,000 day cyclists on the route you have gone to 50,000. Mr Bamford responded it was on the basis of considerable increase in day use in the past five years. This growth was unexpected from the market research completed six years ago. It was noted Mr Bamford had visited the route.

Mr Nugent noted table 1 of page 8 of Mr Bamfords evidence and asked if those numbers were for the entire route? Mr Bamford apologised for the confusion they were for the entire route.

Mr Nugent queried why the Mavora Lakes Road option change the numbers of day cyclists? Mr Bamford responded his concern about the whole package was that unless the trial is regarded nationally and internationally as a great cycle trail you won't have the traction in the market. The appeal for doing the Around the Mountain Cycle Trail will drop unless there is a lot of transportation support. Mr Nugent asked where Mr Bamford thought the day cyclists would come from. Mr Bamford responded he wasn't exactly sure although he thought the majority will come out of Queenstown. He then asked if Mr Bamford knew of any survey that might have been done on where the cyclists come from that use the Otago Rail Trail. Mr Bamford remarked there had been a survey done in 2010/11 by the Central Otago District Council. However they did not segment out the day users from the multi day users. He commented it is 50/50 male female; 40% North Islanders, 38% South Islanders and 22 % from overseas. The motivation to go on the cycle trails seems to be driven by being with family/friends, and afternoon or day out. Over half the users are over the age of 50 years.

Mr Nugent queried the estimate of day users is dependent on infrastructure? Mr Bamford responded yes in particular accommodation and if someone sets up a transportation option, to pick people up in one or more places or the whole length. Day users will also use the accommodation, and services that link in the area.

#### 2.32 pm Mr D Stimpson

Mr Stimpson introduced himself as a Director of Stimpson and Co and read the summary of his Statement of Evidence (**APPENDIX 10**).

#### Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent queried table 7 on page 19 of Mr Stimpsons evidence the use of domestic cyclist spend and domestic anglers spend, asking what they spent \$145.00 a day on. Mr Stimpson responded there is still an accommodation spend or spending over a 24 hour period. Following on in paragraph 51 is it correct that all cyclists are visitors? Mr Stimpson responded that on table 8 the day cyclists are suggested that 10% of domestic cyclists present nett new income and probably 5% for overseas visitors. Mr Nugent continued by querying paragraph 53 you have 1750 domestic day cyclists does that come from Mr Bamfords numbers? Mr Stimpson responded yes it does. Mr Nugent commented on paragraph 55 that he was not sure if this is making a fair comparison between cyclists and angling it seems you are counting more days for cyclists than you are for anglers? Mr Stimpson remarked in terms of the total trip that for the cyclists they have a pre and post day with multi day trips for Anglers he counted just the day of the angling.

Mr Nugent asked what was the angler spend. Mr Stimpson indicated that he would look at the Mararoa option and indicated in table 10 the status quo for angler is \$500,000. Worst case scenario for angling would be collapse of the guided international anglers. There is a perception that increased access might see increase angler use of the resource so total angler numbers may go up, but the share of internationals might collapse. If they cancel a day on the Oreti they may well cancel the whole week as a worst case scenario; however it is a large judgement call as to how realistic that is.

Mr Nugent queried paragraph 72 which speaks to figures adjusted for inflation. Mr Stimpson said that will bring it up compounding by 2 - 3 % per year. There are misconceptions around the target market for this, it is not a mountain biking market it is for people who demand comfort and are prepared to pay for it.

Mr Roy queried to what extent would Mr Stimpson consider the locals riding the trail? Mr Stimpson said they are all incorporated in Mr Bamfords numbers however he discounts the economic impact as he assumed that domestic riders only 10% reflect a nett new increase.

**2.47 pm Mr J Engel**

Mr Engel introduced himself as a Resource Management Consultant and read the summary of his Statement of Evidence (**APPENDIX 11**).

Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent queried page 3 footnote 2 are there some words missing? Mr Engel noted it meant to read 'periodically they do need maintenance'. Page 6 paragraph 20, 'the applicant adopts the report...' do you adopt that evidence? Mr Engel said yes he does adopt it.

Mr Nugent noted page 11 paragraph 45, states 'no trail construction carried out on public holidays'? Should that be limited to no weekends as well? Mr Engel responded that a lot the issues around construction are around the noise standards. It is not limited it in that way because it does lengthen the construction period if you leave out those days and contractors will want to work at least some Saturdays. Mr Nugent remarked that he wondered if the area has more usage on weekends whether there are amenity effects on that usage. Mr Engel could not offer any particular evidence on that, although he said there may be more local fishers on the weekend days. It could be a factor to be considered in a construction management plan.

Paragraph 118 on page 25 speaks about landscape and natural features; Mr Nugent's query was is it necessary for a landscape to be identified as outstanding in a document for it to be outstanding? Mr Engel responded no to be outstanding it does not have to be documented but to give it some sort of statutory protection would help to be recognised and Section 6 would apply.

In your table of rules on page 35 you have referenced to PR4.2. The rule refers only to private land which encompasses the Landcorp Land, what is your view on whether the little 3 applies on the public land? Mr Engel responded the little 3 applied on public land.

In paragraph 161 it talks about monthly recording, how many months do see that would have gravel extractions? Mr Engel responded he would be guessing, it could be a one off extraction completed. Mr Chapman-Olla advised two weeks for crushing construction for the whole area, it wouldn't exceed a month.

Paragraph 165 on page 48 it says 'all the proposed structures are within the permitted baseline for that type of activity' is that true for all the bridges south of the proposed Oreti River Bridge? Mr Engel responded to the extent that with rural land you can carry out activities associated with access, single span bridges are permitted activities in the Regional Plan so in the District Plan a farmer planning a single span bridge isn't required to get consent. If I was being exact one of the bridges is on LINZ/DOC land that would be outside 7.

In your summary what weight do you think Te Tangi and the Conservation Management Strategy have in the overall assessment process? Mr Engel responded said they are both relevant documents, they wouldn't similar to the weight of the District Plan. The Trail is not in the conservation park but there is stewardship land, there are no cultural sites in the area.

*The hearing adjourned at 2.58 pm and would reconvene on Tuesday, 3 February at 9 am.*

**TUESDAY, 3 FEBRUARY 2015**

**PRESENT:** Mr D Nugent (Hearing Commissioner)

**IN ATTENDANCE:** Council staff and advisors  
 Mr M Roy (Resource Management Planner)  
 Mr S Moran (Manager Resource Management)  
 Mr I Marshall (Group Manager Services and Assets)  
 Mrs L Pagan (Communications and Governance Manager)  
 Ms D Webster (Committee Advisor)  
 Mr M Moore (Landscape Architect)  
 Ms J Gilroy (Environment Southland)  
 Ms S Hamilton (Opus International Consultants)  
 Mr S West (Environment Southland)  
 Mr C Young (Environment Southland)

For the Applicant  
 Ms C Lenihan (Counsel)  
 Mr P Blakely (Landscape Architect)  
 Mr R Greenaway (Recreation Consultant)  
 Mr S Beale (Terrestrial Ecologist)  
 Mr N Goldwater (Aquatic and Wetland Ecologist)  
 Mr G Chapman-Olla (Projects and Roding Engineer)  
 Mr D Bamford (Tourism Consultant)  
 Mr D Stimpson (Economist)  
 Mr J Engel (Resource Management Consultant)  
 Mr M Smith (Surveyor)

Southland Fish and Game  
 Mr J Smyth (Resource Management Officer)  
 Mr S Sutherland (Fish and Game Officer)  
 Mr M Unwin (Freshwater Scientist)  
 Mr M Rodway (Manager Southland Fish and Game)  
 Mrs Y Pflugger (Landscape Architect)  
 Dr C Murray (Economist)  
 Sir A Mark (Botanist)  
 M P Wilson (Planner)  
 M J Sutton (Construction Contractor - by telephone)

Submitters  
 Cr J Douglas represented by Cr B Dillon  
 Mr B McKay  
 Mr R Scott  
 Mrs H Wysocki  
 Mrs B Brown  
 Southland Mountain Bike Club represented by Mr D Brookland and  
 Mr W Watt  
 Mr R and Mrs J Bowler

Mr G Watson  
Mr G Gilder  
Wyndham Angling Club represented by Mr A Leitch  
Mr R Peacock  
Mr L Weber  
Representative from The Southland Times was also in attendance.

## 1.0 APOLOGIES

No apologies were recorded

### ***The hearing reconvened at 9.00 am.***

Mr Moran noted he had inadvertently left off policies RU.4, RU.5 and SUB.12, a copy of these were circulated at the hearing.

## **SUBMITTERS:**

### **9.01 am Mr M Smith**

Mr Smith introduced himself and read the summary of his Statement of Evidence (**APPENDIX 12**).

#### Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Smith clarified Mr Nugent's queries on locations by illustrating on the topographical map. Copies of the plan Mr Smith referenced will be forwarded to Mr Nugent.

Ms Lenihan commented Mr Smith's evidence confirmed the factual design behind that decision on the formation of the road.

There was discussion to gain clarity around the Resource Management Act Rule Tran 1 and 1G where an old road was being upgraded.

### **9.35 am Mr J Smyth for Southland Fish and Game Council**

Mr Smyth introduced himself as a Resource Management Officer employed by Southland Fish and Game based in Invercargill and noted he had been admitted as a Barrister and Solicitor by the High Court of New Zealand (2011) and read his tabled written Submissions for Fish and Game - Southland Region

Mr Smyth commented that evidence in support of Southland Fish and Game's submission would be given by Mr S Sutherland, Mr M Unwin, Mr M Rodway, Ms Y Pfluger, Mr J Sutton, Dr B Lovelock, Mr P Wilson, Dr A Mark and Dr C Murray.

There were no questions.

***The Hearing adjourned for morning tea break at 10.05 am and reconvened at 10.28 am.***

**10.35 am Mr S Sutherland**

Mr Sutherland introduced himself and read his tabled his Summary of Statement of Evidence on behalf of Southland Fish and Game Council.

Mr Sutherland noted he had been a Field Officer / Fish and Game Officer with the Southland Acclimatisation Society / Southland Fish and Game Council based at Lumsden since 1973. He mentioned he had been involved in all Oreti River trout fishery research projects since that time, most of which has focused on the main stem above Mossburn, and he had spent many hours surveying and checking the compliance of sports fish anglers in the upper Oreti area.

Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent asked when the farming of Ashton Flats ceased. Mr Sutherland responded Land and Survey farmed the area, then DOC took over the land in the 1990's and it was farmed for another year or so.

Mr Nugent said he would make a decision overnight as to whether consents were required and will verbally acknowledge this tomorrow morning Wednesday 4 February 2015.

***The Hearing adjourned for lunch at 12.11 pm reconvened at 1.10 pm.***

Questions Continued:

Mr Sutherland noted changes to point 32 of his submission as figures have altered.

Mr Nugent queried paragraph 33a where it speaks of having a section of river to oneself to fish, in terms of the RMA he asked whether the provision of the Act is to lock up a resource for one group of people to the exclusion of others. Mr Sutherland responded that the peak of the fishing day is from 10am to 3pm and he suspected cyclists and anglers would be at their peak the same time of the day.

My Smyth asked about the trail being 50 m from the river and were there chances of channel shifts? Mr Sutherland responded it is likely that they might be 100m today but in a big flood they may be 15m, like above and below Patersons Bush as it is an active channel.

**1.26 pm Mr M Unwin**

Mr Unwin introduced himself and read his tabled summary of Evidence (**APPENDIX 13**).

Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent asked why Mr Unwin didn't include number 3 in his summary. Was that because he didn't consider it applied? Mr Unwin replied, yes it did not apply to Southland fisheries.

Mr Nugent commented in paragraph 6 Mr Unwin noted attaching the 2013 hearing evidence and it was not attached. Mr Nugent said if it was relevant to his consideration he would appreciate a copy. In the same evidence in paragraph 19 he wanted to clarify the first line which noted more than a 1000 overseas angler visits 290 plus or minus days, did that mean that each of those anglers spent 2.59 on average days on the Oreti? Mr Unwin responded that he thought that was the correct interpretation.

#### 1.39 pm Mr M Rodway

Mr Rodway introduced himself and read his tabled summary of evidence. He included in his submission a power point presentation with photographs highlighting points of submission (**APPENDIX 14**).

#### Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

It was noted that Brown Trout eggs laid in June / July emerge from gravels from end of October they are around 20mm long when they emerge they live in the river edge in shallow water, they grow to around 100mm in one year then they go downstream. There will always be some fish vulnerable either native or brown trout

Mr Nugent queried paragraph 29 where it talks about a 'commercially orientated' cycle way what did Mr Rodway mean by that? He asked if he were suggesting there will be commercial operations along the Oreti River. Mr Rodway responded he meant a nationwide led cycle way promoted by commercial operators so a number of people will be part of commercially driven tour packages.

Mr Nugent queried paragraph 30 where Mr Rodway talked about the status of the conservation land tender there does the presence of a legal road make a difference, does that road alter that in any way? Mr Rodway responded yes in its current state I thought it would, noting a four wheel drive track that was not used very much.

#### 2.21 pm Ms Y Pfluger

Ms Pfluger introduced herself and read her tabled summary of evidence (**APPENDIX 15**).

#### Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent queried paragraph 39 on page 12 he asked when considering the visual impact wasn't it appropriate to consider the viewing audience? In this instance if the trail was to be there, would the impact across the total viewing audience or on the nature of the viewer be it angler or cyclist? Ms Pfluger responded that arguably, it would depend on the perspective of the viewer and if you knew the before and after impact.

Mr Nugent queried paragraph 45 and asked if he were to find the upper part of the Ashton Flats as an ONL would a trail through there in Ms Pflugers view be inappropriate? Ms Pfluger responded that she thought that would depend on someone's preference as well. The trail on the flats would create an unnatural line but the impact of the bridge would be greater. She noted she would expect people who knew the current landscape might find it inappropriate. But again that would be dependent on the viewer expectation. A bridge of that scale would be unexpected in that area.

Mr Nugent queried paragraph 47 where Ms Pfluger speaks on what she sees are 'the natural character effects of the trail'. Ms Pfluger responded that was the natural environment, patterns - patterns of the river flats - the introduction of the trail would create an unnatural line, processes - hydrological processes. With the manmade elements in the landscapes with the introduction of the bridge given there is nothing like that there at the moment.

Mr Nugent asked about the area around the boulder field would Ms Pfluger consider a board walk be advantageous to avoid damage the existing vegetation? Ms Pfluger responded that she thought you would still have to remove the vegetation even to put in a boardwalk.

**2.45 pm Dr C Murray**

Dr Murray introduced herself and read her summary of evidence (**APPENDIX 16**).

***The hearing adjourned at 2.55 pm for afternoon tea and reconvened at 3.15 pm.***

Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent asked if in paragraph 18 and 19 of the evidence, should be included the values that the Water Conservation Order does not include? Dr Murray responded possibly if they can be identified.

Mr Nugent queried page 10 of Dr Murrays evidence, paragraph B includes figures from the Central Otago Rail Trail, he asked if it would be fair to say riders on the ATMCT be less than 50 a day? Dr Murray responded that the information they had was on average of 50 people per day, they were not sure of the total number of day trippers but definite on the numbers for multi trippers.

Mr Nugent queried paragraph 43 asking Dr Murray if they should be considering the time involved in the expenditure of the anglers before and after the fishing? Dr Murray responded that if they were only coming for the angling then yes but if they are participating in other activities then no.

*3.28 pm it was noted that the written submissions of Dr Lovelock and Mr Sutton are tabled as read.*

**3.31pm Mr and Mrs Bowler**

Mr and Mrs Bowler gave a verbal submission of their evidence. They said they live in Oregon, USA where they operate a travel business, specialising in guided Fly Fishing trips to Southland. They noted they believe the best fishing was run by private guides not associated with accommodation providers. The Bowlers have written and published two Fly Fishing books. They organise highly personalised trips from the USA, each unique to the individual traveller. Mr Bowler gave an example of the price of the tours, which ranged in price from \$22,980 NZD to over \$50,000 NZD for two to three week all inclusive guided Fly Fishing luxury tours.

The Bowlers noted that a number of Americans are aware of the Oreti River and what it offers, they are also aware through social media the proposed ATMCT. In his opinion Mr Bowler said he believed the proposed Cycle Trail would completely delete the international anglers coming to the region and there would be a great loss to guided angling. Mr Bowler strongly supported the Mararoa option over the Oreti option.

Mr Bowler noted the section from Rocky Point, near Mossburn up to the Von Bridge into 10 - 15 beats, if there were 10 beats there would be 20 anglers a day or 15 beats 30 anglers, with a conservative financial impact/loss to the local economy of \$700,000 - \$900,000 per annum possibly up to \$2,000,000.

Mrs Bowler said they have fished the Oreti for almost 36 years; they have owned a house in New Zealand for 25 years and have paid rates. She noted she had spent 35 - 40 days each year fishing for the past 36 years and knows the river well. Mrs Bowler said if a cycle trail is bought in to the area it will ruin the fly fishing. There was a conflict in the travel pattern between anglers and cyclists as the angler's fish going upstream and the cyclists are coming from upstream down. Fly fishing and cyclists are not complimentary they are opposing activities. Mrs Bowler noted that she believed there may be an issue with cyclists bringing Didymo into the Oreti River and queried how this might be mitigated?

Mrs Bowler noted the fishing guides who undertake this work with international anglers will be out of jobs, the impact on those people needs to be considered.

Mrs Bowler noted the Oreti is shared by trampers, hunters and bird watchers. It was a shared area that did not need a bike trail included in that. She said to have the Oreti for the fisherman and the Mararoa for the bikers.

There were no questions.

#### 4.09 pm Mr J Douglas

Mr B Dillon gave a verbal submission on behalf of Mr J Douglas in his absence. He noted Mr Douglas supported the construction of the cycle trail in the Upper Oreti because it offered the cyclist the opportunity to be in a remote area. Mr Douglas had read and understood the planners report and agreed with the proposed cycle trail in the Upper Oreti. He noted there was now only one bridge over the Oreti and that it would provide toilets for both anglers and cyclists. He believes the Oreti route offers better visual effects than the Mararoa. The construction of stage 2 will complete the ATMCT giving the towns in the region greater economic benefit. The trail construction had provided much needed work for local contractors and provided opportunities for local towns with new businesses particularly in accommodation and hospitality areas. The trail will provide good opportunity for national and international visitors and the Upper Oreti was the jewel in the crown of the ATMCT.

There were no questions.

#### 4.15 pm Mr B McKay

Mr McKay read his submission of evidence (**APPENDIX 17**).

#### Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent asked if Mr McKay's view of the Oreti River was unique because of his point of view as a photographer. Mr McKay responded that they are both different but lovely landscapes but the Oreti Valley has restricted access.

**4.30 pm Mr R Scott**

Mr Scott gave a verbal submission. He noted he is chair of the local Community Development Area and was also an owner of a café and accommodation business. He also bought his submission from a family perspective as a father and husband. Mr Scott said he moved to the area from Wellington eight years ago for the serenity and scenery. He noted it was important to make the area available to as many people as possible without damage to the environment. He agreed with some of the points made by Fish and Game, but also saw that they represent only a small number of people.

Mr Scott noted as a businessman he sees the potential of having the Cycle Trail being realised and that is bringing people into the area and bringing in new revenue to businesses. He said he has employed more staff as a result of the Cycle Trail and believed the Cycle Trail is important to the whole Southland region.

There were no questions.

**4.35 pm Mr G Watson**

Mr Watson gave a verbal submission. He commented he had farmed for many years and now worked for a conservation organisation and also as a fishing guide in the Lumsden area for the past 10 years and was also a keen cyclist. He noted his standard clients have fished all around the world and they rate New Zealand in the top three and the Oreti as top of the list. Mr Watson said the changes the Cycle Trail will bring to the Oreti will compromise his clients coming to the Oreti to fish. Comments received from some clients have been, why would we compromise one tourism operation for another? The economic loss to the Southland community would be great as the international visitors would not spend as long in Southland. One of Mr Watson's clients would spend up to \$3000 a day, noting the high end spending that would be lost if the alternative route down the Mararoa is not taken.

Mr Watson said he had bookings for next year already and was hiring new guides to support this. As a rate payer he thought the Southland District Council needs to reconsider the Cycle Trail down the Oreti and need to consider the Mararoa option. He said he thought rate payers have been misled on the information of the Oreti versus the Mararoa and the benefits of international anglers.

There were no questions.

**4.40 pm Mr G Gilder**

Mr Gilder gave a verbal submission. He said he was an angler and promoted the benefits of the Oreti River for fly fishing. Mr Gilder believed if the cycle trail goes down the Upper Oreti that potentially something very special will be lost and won't be retrieved. He noted there is no other fishery that gives such large fish, with low numbers that is accessible. He commented that the point had probably already been raised that the river works on a beat system and anglers rely on other anglers working on that system. He said anglers respect other angler's beats and do not step in on someone else's beat. Mr Gilder noted that if a fish was disturbed it would be for the day. He said trout are very sensitive to the smell of humans so if someone had been in the river, like a cyclist, they will also compromise the

anglers. The human scent will spook the fish. Mr Gilder said that as people have pointed out it is a highly competitive fishing area for fisherman and guides. The last thing needed is cyclists jumping in the river ruining the opportunity to fish, not respecting river etiquette and compromising an anglers fishing.

Mr Gilder said he believed the route should be changed to the Mararoa option and that the dust issues can be dealt with by emulsion. Cyclists have many alternatives but he didn't believe the Upper Oreti should be sacrificed as it is a world class fishery.

#### Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent asked when anglers are in the river and cross the river do they not create smell that also spooks the fish? Mr Gilder responded the fish will be spooked by smell and vision, that's why anglers start upstream of the fish.

4.52pm

Mr Roy tabled a written submission by Heritage New Zealand (Appendix 9)

***The hearing adjourned at 5.20 pm to 9.00 am on Wednesday, 4 February 2015.***

**WEDNESDAY, 4 FEBRUARY 2015**

**PRESENT:** Mr D Nugent (Hearing Commissioner)

**IN ATTENDANCE:** Council staff and advisors  
 Mr M Roy (Resource Management Planner)  
 Mr S Moran (Manager Resource Management)  
 Mr I Marshall (Group Manager Services and Assets)  
 Mrs L Pagan (Communications and Governance Manager)  
 Ms D Webster (Committee Advisor)  
 Mr M Moore (Landscape Architect)  
 Ms J Gilroy (Environment Southland)  
 Ms S Hamilton (Opus International Consultants)  
 Mr S West (Environment Southland)  
 Mr C Young (Environment Southland)

For the Applicant

Ms C Lenihan (Counsel)  
 Mr P Blakely (Landscape Architect)  
 Mr R Greenaway (Recreation Consultant)  
 Mr S Beale (Terrestrial Ecologist)  
 Mr N Goldwater (Aquatic and Wetland Ecologist)  
 Mr G Chapman-Olla (Projects and Roding Engineer)  
 Mr D Bamford (Tourism Consultant)  
 Mr D Stimpson (Economist)  
 Mr J Engel (Resource Management Consultant)  
 Mr M Smith (Surveyor)

Southland Fish and Game

Mr J Smyth (Resource Management Officer)  
 Mr S Sutherland (Fish and Game Officer)  
 Mr M Unwin (Freshwater Scientist)  
 Mr M Rodway (Manager Southland Fish and Game)  
 Mrs Y Pflugger (Landscape Architect)  
 Dr C Murray (Economist)  
 Sir A Mark (Botanist)  
 M P Wilson (Planner)  
 M J Sutton (Construction Contractor - by telephone)

Submitters

Cr J Douglas represented by Cr B Dillon  
 Mr B McKay  
 Mr R Scott  
 Mrs H Wysocki  
 Mrs B Brown  
 Southland Mountain Bike Club represented by Mr D Brookland and  
 Mr W Watt  
 Mr R and Mrs J Bowler  
 Mr G Watson  
 Mr G Gilder  
 Wyndham Angling Club represented by Mr A Leitch  
 Mr R Peacock  
 Mr L Weber  
 Representative from The Southland Times was also in attendance.

## 1.0 APOLOGIES

No apologies were recorded

### *The hearing was reconvened at 9 am.*

Mr Nugent noted his determination on the issue of the road and how that should be dealt with. He noted Section 9 and 84 of the Act and determined that Rules TRAN 1 and TRAN 2 are not an exclusive code as they could be subject to specific rules in the relevant resource area. He commented that whether the road had been formed in the past or not it was a permitted activity under TRAN 1G or TRAN 2z and there were no specific rules in the rural resource area that changes that status. He noted on the balance of probabilities the road has been formed in the past and TRAN 1G does apply. The other matter in TRAN 2A is the provision that all roads etc must be built to class one standard, which must be interpreted as applying to the carriage way of the road. Roads include footpaths and berms it is not logical for all those other paths to be built to Class one heavy vehicle standard. It must follow that a cycle trail in a road reserve equally does not need to be built to a class one heavy vehicle standard. In the matter of the bridges they are caught by another rule that requires them to be dealt with separately. Mr Nugent considered Rule HER3 and noted that is not a rule in the resource area that could be used to change the activity status of the road. If that rule is applicable it must apply in the circumstances of the case and could in each individual or group sense requires an individual consent.

Ms Lenihan asked for clarification around the point Mr Nugent made on a consent being required under HER 3 under particular circumstances, she asked if that could be at a later date not necessarily done now? Mr Nugent responded yes there are provisions in HER3 which exclude clearance of indigenous vegetation for certain things including all road safety purposes that may or may not apply.

## SUBMITTERS

**9.11 am Sir Allan Mark**

Sir Mark read the summary of his Statement of Evidence, which included a power point presentation (**APPENDIX 18**)

### Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Clarification was given on what was considered grey shrub land.

Mr Smyth asked Mr Mark what he thought was the age of the mature Matagouri? Sir Mark responded that he could only give an estimate - these plants have reached maturity, he estimated a guess of around a century old. Mr Smyth also asked what the growth rate of recovery plants, Sir Mark said from seedlings they grow around 10cm a year, dependant on the functionality of the soil. It would take around 50 years to grow 2 metres in height.

**9.26 am Mr P Wilson**

Mr Wilson introduced himself and read the summary of his Statement of Evidence (**APPENDIX 19**)

Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent queried the discussion about the CMS in paragraphs 33 and 34 - where do you see the relevance of section 6d of the Resource Management Act in that? Mr Wilson responded that the usual approach by CMS is that legal unformed roads forms a vital mechanism of access to public conservation land so that where you have public conservation land that already exists, you have access.

Mr Nugent queried CMS and roads, what role does the CMS have under the local government act, when roads are being stopped? Mr Wilson responded the CMS would provide guidance to the decision maker on the value of those roles.

**9.40 am Mr A Leitch**

Mr Leitch read the submission on behalf of the Wyndham Angling Club (**APPENDIX 20**)

There were no questions.

**9.55 am Mrs H Wysocki**

Mrs Wysocki gave a verbal submission noting she lived at 3 Meadow Street Lumsden. She said she was an avid cyclist and her husband an avid fisherman. Mrs Wysocki supports the cycle trail on the Upper Oreti River. She noted that the area is for all to enjoy, not just an isolated part of the community.

Mrs Wysocki remarked that in 1937 the whole part of the western side of the Oreti River was part of the West Holm Station 80,000 acres. She noted it was her father a Mr Taylor who purchased this property in 1937 and would be saddened to think that area of land which was given back to the NZ Government to be part of the conservation area that it was not available for all people to enjoy.

Since the Roxburgh to Lawrence cycle trail opened October last year, Mrs Wysocki has cycled it three times similarly the Lumsden trail. She did not believe people would only bike trails just once that it is something cyclists would do many times. Again Mrs Wysocki reiterated her desire to see the cycle trail go through the Upper Oreti as proposed.

There were no questions.

***The hearing adjourned for morning tea break at 10 am and reconvened at 10.17am***

**10.17 am Mr R Peacock**

Mr Peacock read the summary of his Statement of Evidence (**APPENDIX 21**)

There were no questions.

**9.26 am Mrs B Brown**

Mrs Brown gave a verbal submission on behalf of herself, her husband Alistair Brown and their family. Noting they are born and bred Southlanders who farm in Clinton. The family enjoy many outdoor activities and are in support of the proposed cycle trail. Mrs Brown noted that the applicant had looked at what was declined in the last application and have done considerable work since then which gives her confidence the current application is the best option.

Mrs Brown works with Venture Southland for the past thirteen years working alongside rural communities in the northern Southland area. She noted the economic challenges rural communities faced and has observed that the cycle trail has been a tool for these areas to help revitalise their communities. And also the growth of community pride has been evidenced as a response to the cycle trail

The main reason her family supports the project is that it presents opportunities for local Southlanders and it provides better infrastructure like toilets in the region. Mrs Brown also noted the safety aspect of a cycle trail for families and children, rather than being exposed to the mail traffic.

In conclusion we support this proposal because:

- Our family - increased recreational benefits for our family and other Southland families.
- Tourism - need to develop a product that meets the needs of its users in the best way possible.
- Community growth - the better the product is the greater benefit will be to local community.

There were no questions.

**10.35 am Mr L Weber**

Mr Weber read three submissions on behalf of himself, Mr D Bell and the NZ Guides Association.

There were no questions.

**11.02 am Mr A Petrie**

Mr Petrie introduced himself read his submission (**APPENDIX 22**)

Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent asked for clarification on paragraph 36 where it talks about anglers fishing the Lincoln Hill beat, and the cyclist being viewed by the anglers from the zigzag track, if anglers are fishing downstream won't they have their backs to the cyclists on the switchback? Mr Petrie responded that it would depend on the weather conditions and flies being used as to where in the river the angler stands so that will vary.

Mr Nugent queried if paragraph 23 should be taken as read? Mr Petrie responded that was correct.

*The hearing adjourned for lunch at 12.04 pm adjourned for lunch and reconvened at 1 pm.*

**1 pm Mr W Watt**

Mr Brookland introduced the statement of Evidence by the Southland Mountain Bike Club and Mr Watt read the submission (**APPENDIX 23**).

Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent asked one of the areas of the proposed trail in the switchbacks in the three Kings area, would moving to the grade 2 design allow a better way to achieve getting over those slopes with less earthworks impact or would you still be faced the same design problem? Mr Watt responded that with a grade 2 or 3 you could have a steeper section on the trail with less switch backs, a less experienced rider may have to walk some of that. Adequate signage could be put up indicating the change of grade making it safe for riders. Switchbacks corners may need to be flattened out to allow for greater safety at the turn. He suggested minimising the switchback by surfing the slope.

Mr Nugent asked that if he were to grant the consent to include that the applicant come back with an alternate plan for the switchbacks. Would it be in scope to change the grade of the track from 1 to 2 and/or 3 in places? Mr Watt responded that he thought it would but appropriate to seek agreement from the parties on, the application was presented as a concept not as a detailed design. Mr Brookland noted that if the grade was changed to grade 2 or 3 it would attract a number of riders who are looking for a different challenge.

**1.44 pm Mr D Haynes**

Mr Smyth read Mr Haynes submission in Mr Haynes absence. Mr Smyth noted that Mr Haynes submission has been prepared independently by the NZ Federation of Freshwater Anglers and Southland Fish and Game Association has had no direct involvement in its preparation.

There were no questions.

**1.51 pm Mr W Duffy**

Mr Duffy introduced himself and read his submission in support of the Applicant (**APPENDIX 24**).

Mr Duffy noted further to his submission that he didn't believe the cycle track doesn't need to be as wide as the proposed track and could be upgraded to a grade 2 or grade 3 because of the environment, lessening the impact on the vegetation and visibility to other users. Also making the trail attractive to Intermediate and advanced riders.

Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent asked if Mr Duffy had cycled the Wanaka to Glendhu track and was it a grade one track. Mr Duffy said yes he had several times; it was grade one at the beginning and end but increased grades in between.

**2 pm Mrs P Duffy**

Mr Roy read out Mrs Duffy's submission in her absence (**APPENDIX 25**)

There were no questions.

**2.08 pm Mr S Caldelari**

Mr Caldelari's submission was tabled and taken as read (**APPENDIX 26**).

There were no questions.

**2.11 pm Mr J Sutton**

Mr Sutton was available via teleconference to speak to his submission (**APPENDIX 27**).

Questions and Clarification

The following questions/points of clarification were sought by the Commissioner:

Mr Nugent asked Mr Sutton two questions regarding his evidence:

1. When you visited the site in December with Mr Sutherland inspecting the Three Kings area did you dig any test pits to check the nature of the soil?

Mr Sutton replied, the soil tracks were falling down and gravelly and loose. We looked at two of those, there are photos showing what happens on a not so steep area but when you get to a steeper area then you get just loose gravel with no vegetation, we also went up and down the river by a few kilometre in both direction and did not find anywhere that was any different.

2. With the switch backs you comment that you need a large area at each end for smallest trucks to turn around and then you say that when you have multiple switchbacks the truck can drive down one leg forward and then reverse down the next leg? Would that be the normal way, you would not turn the truck, you would manoeuvre it?

Mr Sutton replied yes there is no way you could turn a truck with the loose gravel; you need to be well inside a full cut away from the edge to have a decent weight bearing capacity. You cannot make it too narrow.

**2.15 pm Mr J Smyth - Fish and Game Southland Summary**

Mr Smyth noted the evidence of Fish and Game has come to a close. Mr Smyth's closing comments on the relevant matters for Fish and Game being:

- Section 6a of the Resource Management Act with respect to the natural character and the Oreti River in particularly the bridge spanning the river and the trail that lies in some situations in close proximity to the River.
- Landscape effects there are matters of national support insofar as Section 6 be advised. Evidence has been presented that the Ashton Flats area be considered as Outstanding Landscape and Three Kings being an Outstanding Feature.
- Earthworks particularly around Three Kings that may result in a significant adverse effect.
- Permitted Baseline in respect to the Three Kings Area, there is no permitted baseline insofar as Rule HER 3 of the District Plan applies that's requires consent for vegetation removal. Soil and its extraction are limited and there are issues in the area for instability especially in the switchbacks.
- In Section 6c the application does raise matters of national importance in regards to habitats of indigenous fauna and in addition matters for consideration to Section 7 - amenity values especially to angling amenity, and to respect of the habitat of trout.
- The Mararoa route promoted by Fish and Game that consideration of this as an alternative route. It is relevant and necessary pursuit to Section 104(1c) considering this application.
- Fish and Games submission there is an alternative; even if consent is declined for the consents which have been sought there are other alternatives which will also have consents to be sought.

**OFFICERS REPORTS****Ms S Hamilton - OPUS International Consultants Summary**

Ms Hamilton reviewed one or two matters that were raised in regards to the report. Section 42 report around the Outstanding Natural Landscape discussion in consideration in is noted those policies and objectives from the relevant plans were omitted from her report on the basis that at the time of writing the report its not identified as an Outstanding Natural Landscape but they do not oppose the view that it can be taken into consideration as such. Regional plan policies 1 and 2 on landscapes are relevant.

In regard to the Section 42a report not assessing the explanations or anticipated environmental outcomes that is on the basis we rely on objectives and policies set out that are implicit and implied.

Consideration of the wetland effects no application before Environment Southland for the structures in the wetlands; these are considered to be permitted activities. The boardwalks in the regional plan would be permitted.

Natural character and landscape there was expert assessment of the outstanding natural landscape assessment and the expectations of the person viewing the structure. In terms of the regional water plan Rule 26 provides for the use of the bridge as a permitted activity. The water conservation order does not to prohibit the grant of consents and thus is permitted.

Regarding the fish spawning and survival note the flood flows can affect the spawning seasons we would suggest the effects of the bridge construction would be less than a flood flow.

### Mr M Moore - Landscape Architect Summary

Mr Moore noted that from the evidence heard at the Hearing he believed the number suggested in his original report could be amended or broadened to capture a number of different aspects.

The question of should the Upper Valley be considered an outstanding natural landscape (ONL), there is a standard assessment procedure for ONL which Mr Moore noted he has not undertaken in this instance. He has looked at the water conservation order decision he noted that standing is a rigorous test and he would cast doubt on whether the area would be considered an ONL. He believed it had very high natural values but thought the human impact of historic burning detracts from that. He believed it was on the cusp if it should be considered an ONL.

Mr Moore noted the Three Kings area could be an outstanding natural feature (ONF), he provided Mr Nugent with an aerial photograph of the area. He noted that Mr Blakely in his report talked about geological features of rock forms, cliffs, part of the gorge, river flats and grey scrub. Mr Moore agreed with Mr Blakely that it was not just the three rock stacks but more than that. Mr Moore had included a line that would go around the grey shrublands and to include some of the river flats and extent of those on the true left. The key point being generally the development is outside or adjacent to the area he has identified. But the viewpoint would not be. The big rocky bluff should be part of the ONF, it is very much a part of that same geological formation.

He noted that Ms Pfluger's evidence focused a lot on the Mararoa option which was not a part of Mr Moores brief to consider, so he was not able to comment.

Mr Blakely mentioned a point of disagreement with Mr Moore on the wire mesh on the bridge, Mr Moore noted he was happy to accept that was a minor point and he was not worried the effects of galvanised mesh. He was looking at the original simulation and was more concerned about the short term effects.

Mr Moore noted the key issue from a Landscape point of view is the bridge and in reference to Mr Petrie's evidence he stands by his assessment of that as a moderate effect as the scale of the landscape he believes although it does introduce element in the scale of the landscape it puts it into perspective. The character of it was as stated in his report a DOC style character that is not inappropriate in this setting.

Mr Moore noted Mr Petrie also suggested 1Km was not exactly a cut off point for minor effects, he does not agree with that because of the scale and height of the bridge and it's see through nature, from a kilometre it would be minor. It was also worth noting the bridge is close to a point in the landscape where more modification is evident. This helps to minimise its impact. It is a more than minor effect.

In terms of the switchbacks Mr Moore noted that he was interested in the comments made about the grade of the cycle trail and the possibility that could help to minimise the need for as many switchbacks and earthworks. He noted he would support anything that could help to reduce those. The key thing about mitigation of those is getting vegetation back on the batters, grass and shrubland. He sees the initial effects as being major but once grass cover is back that will reduce significantly and the effects will be short term.

He noted the visual effects and angling amenity, clearly there was heartfelt views on that Mr Moore noted that he is not an angler but is a trumper and understands the connection people would have with a valley like this. He thought cyclists would also be highly sensitive to the visual effects as they will come to the area seeking its natural values.

Overall Mr Moore believed there was quite a separation in the upper valley from the river to the cycle trail and in the lower valley there was a modified context which is why he had come to the ratings he came to in his report of the visual effects.

#### Mr M Roy - Resource Management Planner Summary

Mr Roy declared an interest in that Submitter number 152 is Mr Roy's father in law, Graeme Stuart Dick. And Mr Roy is also a member of the Southland Mountain Bike Club.

Mr Roy noted Dr Mark's concerns on the Beech Tree stands cutting the stumps and tree roots of the larger Beech trees and suggested the Applicant would look to mitigate this perhaps by rerouting through this section. Also the matters raised by the Mountain Bike Club on the switchbacks. Mr Roy noted that from a practical perspective minimizing the zigzags and gradients on some of those slopes, he noted the fewer zigzags you have would lead to less visual scarring.

The extent the outstanding natural feature if that extends beyond how far west of the Three Kings should be considered without compromising the feature itself.

Mr Nugent noted he would like Ms Lenihan to work with the Mr Roy and the Regional Council to capture the proposed changes to conditions (via track changes) to give to Mr Nugent to consider. And he also asked if Ms Lenihan could address the possible changes to the grade as suggested in the submission from the Southland Mountain Bike Club.

***The hearing adjourned at 2.52 pm and will reconvene Thursday 5 February 2015 at 10am.***

**THURSDAY, 5 FEBRUARY 2015**

**PRESENT:** Mr D Nugent (Hearing Commissioner)

**IN ATTENDANCE:** Council staff and advisors  
Mr M Roy (Resource Management Planner)  
Mr S Moran (Manager Resource Management)  
Mr I Marshall (Group Manager Services and Assets)  
Mrs L Pagan (Communications and Governance Manager)  
Ms D Webster (Committee Advisor)  
Mr M Moore (Landscape Architect)  
Ms J Gilroy (Environment Southland)  
Ms S Hamilton (Opus International Consultants)  
Mr S West (Environment Southland)  
Mr C Young (Environment Southland)

For the Applicant

Ms C Lenihan (Counsel)  
Mr P Blakely (Landscape Architect)  
Mr R Greenaway (Recreation Consultant)  
Mr S Beale (Terrestrial Ecologist)  
Mr N Goldwater (Aquatic and Wetland Ecologist)  
Mr G Chapman-Olla (Projects and Roding Engineer)  
Mr D Bamford (Tourism Consultant)  
Mr D Stimpson (Economist)  
Mr J Engel (Resource Management Consultant)  
Mr M Smith (Surveyor)

Southland Fish and Game

Mr J Smyth (Resource Management Officer)  
Mr S Sutherland (Fish and Game Officer)  
Mr M Unwin (Freshwater Scientist)  
Mr M Rodway (Manager Southland Fish and Game)  
Mrs Y Pflugger (Landscape Architect)  
Dr C Murray (Economist)  
Sir A Mark (Botanist)  
M P Wilson (Planner)  
M J Sutton (Construction Contractor - by telephone)

Submitters

Cr J Douglas represented by Cr B Dillon  
Mr B McKay  
Mr R Scott  
Mrs H Wysocki  
Mrs B Brown  
Southland Mountain Bike Club represented by Mr D Brookland and  
Mr W Watt  
Mr R and Mrs J Bowler  
Mr G Watson  
Mr G Gilder  
Wyndham Angling Club represented by Mr A Leitch  
Mr R Peacock  
Mr L Weber  
Representative from The Southland Times was also in attendance.

## 1.0 APOLOGIES

No apologies were recorded

### *The hearing reconvened at 10 am.*

Mr Ian Marshall spoke to two aerial photographs circulated at the hearing. The first was Map 28 labelled Three Kings the grey line indicated the original proposal. They have at the potential for rerouting the zigzag switchback on a longer span above the scrub land. The redesign was partly in response to the Mountain Bike Clubs comments. Mr Marshall noted they are sticking to a grade one trail to meet the target market.

Mr Marshall noted Map 29 where the primary issue is the zigzag that occurs in the Beech Forrest noting Dr Mark's comments re the Beech trees. The priority is still to construct in that area but to avoid the root structure of the trees and considering moving the zigzagging out into Land Corp farmland as a possible option.

Mr Marshall made the following points on the proposed alternate route down the Mararoa:

- The flooding issues adjacent to the Mararoa consider are significant and influence the design to a large extent where the trail would need to go up into the higher ground.
- Creates an extent of boardwalk as opposed to constructing a trail being 20 times more expensive a linear metre as opposed to a constructed trail.
- There is a least one bridge necessary in that alignment.
- Sealing the Mavora Lakes road to mitigate the dust effects, the sealing of 7km of road is in the region of an additional \$800,000 in costs.

### **10.09 am Ms Lenihan - Closing Legal Submissions**

Ms Lenihan read her closing legal submission (**APPENDIX 28**)

Ms Lenihan noted to strike out paragraph 91 on page 14 of her closing submission.

Ms Lenihan noted the issue of Bundling was inadvertently omitted from her submission circulated today. She will forward this information to the Hearing Commissioner by the end of the day. Ms Lenihan noted that none of the activities should be bundled as they are not interconnected.

The suggested conditions with tracked changes to the proposed conditions in Mr Roy's report will be forwarded to Mr Nugent.

*The hearing of submissions was adjourned on the 5th February 2015 at 11.12 am.*

*The Joint Hearing Stage 2 Around the Mountain Cycle Trail was closed on the 27th February 2015 at 2.36 pm.*

## Unconfirmed minutes Resource Management Hearing AG and GJ Whyte Land Use Consent Submission Friday 13 March 2015 OPEN

Item 7.3

Record No: R/15/6/9578  
Author: Debbie Webster, Committee Advisor  
Approved by: Debbie Webster, Committee Advisor

Decision  Recommendation  Information

- 1 Unconfirmed Minutes Resource Management Hearing AG and GJ Whyte Land Use Consent Submissions held on Friday 13 March 2015 OPEN.

### Recommendation

That the Resource Management Committee:

- a) Receives the report titled “Unconfirmed minutes Resource Management Hearing AG and GJ Whyte Land Use Consent Submission Friday 13 March 2015 OPEN” dated 4 June 2015.
- b) Determines that this matter or decision be recognised not as significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.

### Attachments

- A Unconfirmed Minutes Resource Management Hearing AG and GJ Whyte Land Use Consent Friday 13 March 2015 [View](#)

**SOUTHLAND DISTRICT COUNCIL****RESOURCE MANAGEMENT COMMITTEE****AG AND GJ WHYTE - LAND USE CONSENT SUBMISSION HEARINGS**

Minutes of the A G and G J Whyte - Land Use Consent to Extract 400,000 m<sup>3</sup> of Gravel For Commercial Sale and to Deposit 250,000 m<sup>3</sup> of Cleanfill for Reinstatement - 109 Turkey Bush Road, Branxholme (Accessed off Price Road) Submission Hearings before the Southland District Council Resource Management Committee Friday, 13 March 2015 in Council Chambers, Southland District Council Offices, 15 Forth Street, Invercargill, commencing at 9:00 am.

<b>FRIDAY, 13 MARCH 2015</b>
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**PRESENT:** Crs P Duffy (Chairperson), L Bailey, R Dobson, J Keast.

**APOLOGIES:** Crs G Macpherson and J Douglas.

**IN ATTENDANCE:** Council Staff  
 Mr S Moran (Manager Resource Management)  
 Mr L Place (Graduate Resource Management Planner)  
 Ms D Webster (Committee Advisor)

Members of the Public/Submitters  
 Mr S Whyte (Representative for the Applicant)  
 Ms C Lenihan (Counsel for the Applicant)  
 Mr K Grieve (Submitter)  
 Mrs W Holder (Submitter)  
 Mr T Holder (Submitter)

**WELCOME AND ADDRESS:**

Cr Duffy welcomed those present to the A G and G J Whyte Land Use Consent Submission Hearings and explained that the Committee would hear submissions received on the application of A G and G J Whyte to extract 400,000 m<sup>3</sup> of gravel for commercial sale and to deposit 250,000 m<sup>3</sup> of cleanfill for reinstatement - 109 Turkey Bush Road, Branxholme (accessed off Price Road).

Cr Duffy went over requirements in the event of an evacuation of the building and other housekeeping details.

Cr Duffy introduced the Committee members and Council staff and explained that the order of speakers with the Applicant's Counsel and representative first followed by the Submitters. They were also reminded of granted speaking times.

Cr Duffy informed that Council endeavoured to make its hearings as relaxed and informal as possible however there were still legal requirements and protocols that must be followed. The hearing procedure did not permit cross-examination. The Chair of the Committee may allow a question to be asked of the staff members present to clarify something within the recommending report, or to advise on any technical or statutory matters.

If any Committee member considered they may have a conflict this would be declared and the member would be permitted to stay, but not take part in any questioning or decision making on that issue.

The report of the Council's Resource Management staff on the application had been circulated previously. Cr Duffy explained that at the conclusion of hearing submissions, the hearing would be closed. The Committee would then exclude the public during its deliberations, as provided by the Local Government Official Information and Meetings Act 1987.

All parties would be notified in writing of the decision of the Committee as soon as possible, in accordance with Sections 113 - 115 of the Resource Management Act 1991, within 15 working days of the hearing.

Mr Place asked that his report to the Resource Management Committee be taken as read however he commented the Applicant is seeking some changes that are not included in the report.

### **APPLICANT:**

#### **9.05 am Ms Clare Lenihan - Counsel for the Applicant**

Ms Lenihan explained she was the Counsel representing the Applicant today, in place of Mr Rex Chapman who was unable to be the Hearing.

Ms Lenihan tabled the Legal Submissions of CM Lenihan Council for Applicant (annexed hereto and marked "**Appendix 1**") and spoke to the Applicants submission noting the changes the Applicant had made to the original submission, which she commented Mr Whyte will speak to in more detail. In summary the changes included:

- (i) Maximum amount of cleanfill reduced to 80,000 cubic metres (condition 4)
- (ii) The size of the operation remains the same but the location is adjusted slightly (condition 5) to accommodate the 10 non-excavation condition (condition 8) and move the operation 30 m further away from the boundary of the Holder property.
- (iii) The intent of condition 8 isn't clear with the use of the word "disturbed" - does this include not drive along if it would disturb the soil? This word should be replaced by the word "excavated".
- (iv) Condition 11 - hours of operation - are changed to accommodate duck shooting. This would include closing the operation during the opening and closing weekends of duck shooting and reducing the hours of operation on a Saturday for the first month of the duck shooting season to operating during the hours of 11 am to 2 pm (instead of 7 am to 2 pm).
- (v) Condition 25 - dust suppression carried out over the summer months when the dust issue occurs, rather than all year round.

Ms Lenihan remarked that she believed the decision making on the application was reasonably straight forward and she noted the starting point that a discretionary activity will not, of itself, be contrary to or incompatible with the plan, depending on the degree to which it is able to comply with relevant standards.

*There were no questions from the Committee.*

**9.15 am Mr Scott Whyte - Representative for the Applicant**

Mr Whyte tabled and read the written submission of his witness statement in support of the application (attached hereto and marked "**Appendix 2**").

Questions and Clarification

The following questions and points of clarification were sought by the Committee:

Mr Whyte was asked about the bank stability on the northern boundary of the quarry, if water had ever got in there and what was the chance of back scouring? He responded he did not believe so and from information supplied by Environment Southland on the 1984 floods there was ponding but no major flow. Mr Whyte said he did not think there would be scouring. He also noted the diagram on page 17 of his witness statement showed the gradient of the quarry wall on its northern side which would not allow for a waterfall effect. Mr Whyte noted the depth of the quarry was 6 metres with the gradient being at 45° with benches at 3 - 4 metres.

There was a question on the distance of the planting of trees to establish a hedgerow along a fence line? Mr Whyte responded he would need to measure the distance but he did indicate on the map in his statement where the hedgerow would run.

The hours of operation over public holidays were queried and Mr Whyte confirmed the quarry would be closed on public holidays. It was also queried if there was always someone on site to view the cleanfill being brought onto the site? Mr Whyte remarked there was at least one and usually more persons on site at all times they were open.

The process around dealing with contaminated cleanfill was queried; Mr Whyte responded that Environment Southland requirements are that the first loads from a given site were checked and if any contamination found the loads were rejected. Environment Southland has a list of contaminated sites which are not accepted.

Mr Whyte was asked if the existing stock bank of 5 metres in width had passing bays? Mr Whyte responded these are to be widened with drivers currently radio checking clearance.

It was noted the quarry is not currently consented to undertake crushing however Mr Whyte commented they want to keep that option open.

*The Hearing convened at 10.30 am for morning tea and reconvened at 10.50 am.*

**SUBMITTERS:****10.50 am Mr Kenneth Grieve on behalf of GA Hall and KJ Grieve**

Mr Grieve spoke to his submission, noting that he and Mr Hall were not against gravel extraction but rather against having a pond so close to their property, he noted it would be 90 metres from their property to the pond. Mr Grieve commented that gun pellets could travel the distance easily landing in the middle of the Whyte's proposed pond, he viewed this as a safety issue. He noted this is also an issue for when he undertakes pest control on their property; he said he would be restricted to when he could use a firearm.

Mr Grieve also mentioned flooding being an issue that the proposed paddock was inundated with water in the 1984 floods. In the 2010 flood the same paddock was half full of water. He

indicated he would like to see the boundary fence build up a metre from its current level. Mr Grieve also queried if there was to be deer fencing place around the whole boundary?

Mr Grieve also noted the driest time was January and February where the dust issue was at its worst. He commented that where there is a southerly breeze on hot days the dust across his property and water collected on roofs for stock may be contaminated.

#### Questions and Clarification

The following questions and points of clarification were sought by the Committee:

Cr Duffy noted the safety and gun issues Mr Grieve raised, around the pond are outside of Resource Management authority and the committee could not respond to these. He did note however that the restricted operating hours the Applicants proposed around the duck shooting season would help eliminate some of these issues.

Mr Grieve was asked if he takes cleanfill onto his property. Mr Grieve responded that no they don't, they did go for consent however it required someone to be at the site when cleanfill was delivered and that was not workable for them.

#### **11.04 am Mrs Wendy Holder and Mr Tom Holder**

Mrs Holder tabled and read their written submission in opposition to the application of resource consent by Whyte Gravel Ltd. (attached hereto and marked "**Appendix 3 and 4**").

Mrs Holder also had the following questions / points for Mr Whyte:

1. Mr Whyte said it was not their intention to crush however page 5 of their application refers to crushing?
2. Will trucks be left running when waiting to pass on stock banks?
3. Now Whyte Gravel Ltd has decided to go with 80,000m<sup>3</sup> cleanfill what do they plan to do with the additional space?
4. Noted research shows that the oiling of roads is linked to some cancers.
5. Please clarify what activity Whyte Gravel Ltd plans to do on the eastern side of Price Road.
6. How many trucks currently go down the road to the existing cleanfill?

#### Questions and Clarification

The following questions and points of clarification were sought by the Committee:

Cr Duffy noted some of the issues Mrs Holder raised in her submission are covered in the Environment Southland Hearing and asked Mrs Holder if they have an opportunity to speak at that? Mrs Holder remarked no they will not have that opportunity.

Cr Duffy noted the recreational swimming and fishing spot by the bridge may not be as affected as the quarry is not operational on the weekends. Mrs Holder responded that over the summer months that spot is being used every night of the week.

Mrs Holder was asked if the changes to the hedgerows would alleviate some on her visual concerns. She responded that no as they had plans to build on the 65 acre site and would be within 300 m of the quarry.

Mr Moran asked the Holders if there were any issues with trucks going in and out of Mr Grieves property around the recreational areas. The Holders responded that Ryal Bush come and take gravel however that quarry is not a mine.

*The Hearing convened at 11.50 am for the Applicant and Applicants Council to prepare their summary.*

*The Hearing reconvened at 12.30 pm.*

#### **12.30 pm Ms Lenihan gave the Applicants Summary**

Ms Lenihan gave a verbal summary on behalf of the Applicant, she commented at the beginning of her summary that relevant council experts had looked into issues raised by submitters and considered them to be minor.

In regards to the noise issue raised, Ms Lenihan noted the Applicants have committed to comply with standards and limits in the District Plan. She also noted noise from the quarry operations will not be generated to maximum limits every day this will vary. There is a history of quarrying in the area, 3.1 of the Plan acknowledges it is a rural zone with farming not being the only activity permitted.

The Applicant understands the Holders concern regarding the proposed use of their property however Ms Lenihan noted there is no consent before the Resource Management Committee for land use on the Holders property. The Holders current dwelling is 1.6 kilometres away.

Regarding the submission from Mr Grieve and issues around Duck Shooting season the Applicant believes the changes to the application mitigate these.

Regarding the bank stability the Applicant is willing to work with Mr Grieve to build up the bank and lower areas and also to fence them. These actions should mitigate Mr Grieves concerns.

Ms Lenihan noted the water issues raised are to be dealt with through Environment Southland and unable to be considered at this Hearing.

The safety issues raised by submitters, Ms Lenihan noted the Applicant has consulted with both the NZ Police and Fish and Game on safety issues and she remarked she was not sure how they were relevant to this Hearing.

In response to Mr Grieves query regarding deer fencing placed around the Applicants boundary, this was not part of the application and will not be erected. Also in response to Mr Grieves question on the size of the pond due to less landfill, Ms Lenihan noted the size of the pond will remain the same.

Regarding dust issues raised by submitters while referencing the McGregor's quarry, Ms Lenihan commented the Applicants have been quarrying in the area for 10 years under consents. The history of their operations to date is relevant when considering them doing what they say they are going to do. She noted the McGregor's site mentioned in the Holders submission is an open quarry the Whyte's quarry will not be open all the time, reducing issues with dust. The condition in the application that a water tanker is on site at all times able to reduce dust. Also vehicle speed is the main generator or dust as well as screening. The Applicant uses mostly wet screening which greatly limits dust.

Ms Lenihan noted crushing was not in the application and the Applicant is happy to go further and have stated in the consent that no crushing would be undertaken. It was noted that crushing causes considerably more dust than screening.

Regarding the quality of the cleanfill Ms Lenihan noted that any leaching is an Environment Southland issue. The site is a minimum of 90 metres from the river, which is a matter for Environment Southland to consider.

Ms Lenihan commented that hedgerows would not obscure views from the Holders dwelling and there was no evidence of any proposed dwelling from the Holders.

It was noted the maximum number of trucks would be less than 60 and commonly 20 to 30 a day and some days there would be none.

In submissions it was asked if the ponds established by the Applicant would be made available to the public, Ms Lenihan remarked this was not in the AEE however in the overall operation it was proposed to be accessed by the public.

Ms Lenihan concluded her summary by saying the Applicants have been operating well for 10 years with no complaints, the activity with conditions proposed was minor.

*12.46 pm this concluded submissions on the application of A G and G J Whyte - Land Use Consent to Extract 400,000 m<sup>3</sup> of Gravel For Commercial Sale and to Deposit 250,000 m<sup>3</sup> of Cleanfill for Reinstatement - 109 Turkey Bush Road, Branxholme (Accessed off Price Road)*

*The hearing adjourned at 12.47 pm to enable the Committee to move into public excluded to undertake deliberations on the submissions it had received. Deliberations commenced at 1.30 pm on Friday 13 March 2015.*

### **EXCLUSION OF PUBLIC**

Moved Cr Dobson, seconded Cr Keast  
and RESOLVED THAT PURSUANT TO SECTION 48(1) OF THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 THAT THE PUBLIC BE EXCLUDED FROM THE MEETING SO THAT THE COMMITTEE CAN UNDERTAKE DELIBERATIONS ON THE SUBMISSIONS THAT IT HAD RECEIVED ON THE AG AND GJ WHYTE - LANDUSE CONSENT TO EXTRACT 400,000 m<sup>3</sup> OF GRAVEL FOR COMMERCIAL SALE AND TO DEPOSIT 250,000 m<sup>3</sup> OF CLEANFILL FOR REINSTATEMENT - 109 TURKEY BUSH ROAD, BRANXHOLME (ACCESSED OFF PRICE ROAD).

AND THAT THE REASON FOR THE PASSING OF THE RESOLUTION IS THAT IT WOULD BE LIKELY TO RESULT IN DISCLOSURE OF INFORMATION WHICH WOULD:

7(2)(f) MAINTAIN THE EFFECTIVE CONDUCT OF PUBLIC AFFAIRS ARISING DIRECTLY FROM THE NEED TO PROTECT MEMBERS AND STAFF FROM IMPROPER PRESSURE OR HARASSMENT;

7(2)(i) ENABLE THE COUNCIL TO CARRY OUT NEGOTIATIONS WITHOUT PREJUDICE OR DISADVANTAGE (INCLUDING COMMERCIAL AND INDUSTRIAL NEGOTIATIONS);

7(2)(j) PREVENT THE DISCLOSURE OR USE OF OFFICIAL INFORMATION FOR IMPROPER GAIN OR ADVANTAGE;

### **EXCLUSION OF PUBLIC - STAFF**

Moved Cr Dobson, seconded Cr Keast  
and RESOLVED THAT THE COUNCIL OFFICERS LISTED BELOW BE PERMITTED TO  
REMAIN AT THE MEETING AFTER THE PUBLIC HAVE BEEN EXCLUDED BECAUSE OF  
THEIR KNOWLEDGE OF (a) MEETING PROCEDURE AND/OR (b) THE SUBJECT  
MATTER UNDER CONSIDERATION.

MANAGER RESOURCE MANAGEMENT  
GRADUATE RESOURCE MANAGEMENT PLANNER  
COMMITTEE ADVISOR

### **RETURN TO OPEN MEETING**

Moved Cr Dobson, seconded Cr Keast  
and RESOLVED THAT THE RESOURCE MANAGEMENT COMMITTEE RESUME IN  
OPEN MEETING.

*Cr Duffy closed the hearing on the A G and G J Whyte - Land Use Consent to Extract  
400,000 m<sup>3</sup> of Gravel For Commercial Sale and to Deposit 250,000 m<sup>3</sup> of Cleanfill for  
Reinstatement - 109 Turkey Bush Road, Branxholme (Accessed off Price Road) at 2.37 pm  
on Friday 13 March 2015.*

CONFIRMED:

CHAIRPERSON:

DATE:

## Report to Resource Management Committee - Hearing Glencoe Quarries Limited - Land Use Consent. 9.30am Friday 12 June 2015.

Item 8.1

Record No: R/15/6/9594  
Author: Debbie Webster, Committee Advisor  
Approved by: Debbie Webster, Committee Advisor

Decision  Recommendation  Information

- 1 Report to Resource Management Committee for Hearing Glencoe Quarries Limited - Land Use Consent. Report by Jennifer Green, Senior Resource Management Planner dated 28 May 2015. Included with the report are attachments including the application with AEE and Plans, further information, affected party approvals, Council staff comments, submissions, proposed District Plan objectives and policies, Iwi Management Plan and site visit photographs.

### Recommendation

That the Resource Management Committee:

- a) Receives the report titled "Report to Resource Management Committee - Hearing Glencoe Quarries Limited - Land Use Consent. 9.30am Friday 12 June 2015." dated 2 June 2015.
- b) Determines that this matter or decision be recognised as significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.

### Attachments

- A FINAL Report to Resource Management Committee 12 June 2015 Glencoe Quarries Ltd Land Use Consent [View](#)
- B Attachment to report Glenco Quarries Ltd Hearing [View](#)

**REPORT TO RESOURCE MANAGEMENT COMMITTEE****HEARING - COMMENCING 9.30 AM ON  
FRIDAY, 12 JUNE 2015****(Pursuant to Section 42A of the Resource Management Act 1991)****Meeting Date:** Friday, 12 June 2015**Hearing Venue:** Southland District Council Chambers, 15 Forth Street, Invercargill**Subject:** Glencoe Quarries Limited - Land Use Consent to extract 100,000 m<sup>3</sup> per annum of aggregate rock for commercial sale over a 25 year consent period, making a maximum extraction total of 2,500,000 m<sup>3</sup> at 243 Wilson Road, Glencoe. The activities will include extraction, crushing, screening and blasting of rock. The site will be reinstated in accordance with the Environmental Management Plan submitted as part of the application.**File No.:** 360/10/14/212

Report by Jennifer Green, Senior Resource Management Planner, dated 28 May 2015.

**A. Attachments**

- A1 - R/15/5/9338 - Application - Including AEE and Plans
- A2 - R/15/5/9340 - Further Information
- A3 - R/15/5/9341 - Affected Party Approvals
- A4 - R/15/5/9342 - Council Staff Comments
- A5 - R/15/5/9343 - Submissions
- A6 - R/15/5/9330 - Proposed District Plan
- A7 - R/15/5/9320 - Iwi Management Plan
- A8 - R/15/5/9344 - Site Visit Photos - RM Planner - 07.10.2014
- A9 - R/15/5/9345 - Site Visit Photos - Compliance Officer - 18.03.2015

Signature

\_\_\_\_\_  
Author\_\_\_\_\_  
Executive Staff

**B. Summary of Report**

An application for land use consent has been received from Glencoe Quarries Limited to extract 2,500,000 m<sup>3</sup> of aggregate rock for commercial sale, over a 25 year period on land at 243 Wilson Road, Glencoe. The application advises that the extracted aggregate rock will principally be used for roading material, dairy runs and general construction. Activities will include extraction and where required the crushing, screening and blasting of rock. Given the nature of the rock, it is not anticipated that there will be a lot of crushing or blasting required. The application does not include the washing of rock. Site reinstatement will be undertaken in accordance with an Environmental Management Plan. The transportation of rock leaving the application site will be via Wilson Road, a Southland District Council (Council) administered road which intersects with State Highway 96.

This activity requires resource consent from both the Council and from Southland Regional Council (Environment Southland). Environment Southland resource consent is required for the discharge of water or sediment (contaminant) into surface water. At the time of writing of this report, Environment Southland is working through draft resource consent conditions with the applicant. No joint hearing is necessary in this instance as Environment Southland is processing these resource consents on a non-notified basis. The following reference has been assigned to the relevant Environment Southland resource consent:

- Discharge to water - AUTH-20147215

This application to Council was limited notified following a site visit and discussions with the applicant's consultant.

**C. Recommendation**

That the Resource Management Committee considers the application of:

Glencoe Quarries Limited

For land use consent to extract 100,000 m<sup>3</sup> per annum of aggregate rock for commercial sale over a 25 year consent period, making a maximum extraction total of 2,500,000 m<sup>3</sup>. The activities will include extraction, crushing, screening and blasting of rock. The proposal is a discretionary activity in accordance with both Rule RURAL.4 of the Proposed Southland District Plan 2012 and Rule PRA.4 of the Operative Southland District Plan.

**Legal Description**

Section 53, Blk I, Lindhurst Hundred, being land held in Computer Freehold Register SL8B/628 and being Valuation Reference 29430/526/00.

**Zoning**

The site to which this application relates is located within the Rural Zone of the Proposed Southland District Plan 2012 and the Hills Rural Resource Area of the Operative Southland District Plan.

It is recommended that the Committee grants land use consent to this application pursuant to Sections 104 and 104B of the Resource Management Act 1991.

*Please note: This Section 42A report is a recommendation only and the Committee is not bound by it.*

**D. Recommended Conditions**

1. That the commercial rock extraction operation, including extraction, crushing, screening and blasting activities, shall be undertaken in accordance with the information submitted with the resource consent application lodged on 5 September 2014 and further information received on 9 February 2015, 27 February 2015 and 19 March 2015, except as varied by the conditions set out below.
2. That in accordance with Section 123(b) of the Resource Management Act 1991 this resource consent shall expire 25 years from the date of the decision.
3. That the maximum amount of rock authorised to be extracted from the extraction site is 100,000 m<sup>3</sup> per annum for commercial sale, over a 25 year consent period, making an overall extraction total of 2,500,000 m<sup>3</sup>.
4. That the commercial rock extraction operation shall be carried out entirely within the area identified to be extracted on the plans attached to this resource consent (RPC Consultants I1166/c, I1166/d, I1166/e, and Southern Land R4125 T4), having a maximum working area open at any time of 2 hectares - approximately 120 metres x 140 metres. It shall be the consent holder's responsibility to clearly define the perimeters of the extraction site prior to work commencing and to ensure that all parties involved in the operation are aware of their responsibilities.
5. That the maximum depth of excavation below existing natural ground level shall not exceed 45 metres as identified on the attached cross-section (RPC Consultants I1166/c).
6. That a minimum buffer between the quarry and the northern boundary creek shall be 10 metres as shown on the "Quarry extent plan - Southern Land R4125 T4". All vegetation within this buffer shall be left undisturbed.
7. That all rock and soil stockpiles shall be located within the boundaries of the extraction site. Rock stockpiles shall not exceed a height of 2 metres above natural ground level and soil stockpiles shall not exceed a height of 4 metres above natural ground level.
8. That all machinery and other equipment shall be located within the boundaries of the extraction area for the duration of this resource consent.
9. That the quarry working hours shall be limited to 7.30 am to 8.00 pm, Monday to Friday **and** 8.30 am to 5.00 pm, Saturday and Sunday.
10. That the consent holder, at its cost, shall ensure that the rock extraction site is kept free of all pest plants as designated in the Regional Pest Management Strategy to reduce the risk of pest plants establishing on the extraction site and being transported to other sites.

## 11. Kōiwi Accidental Discovery

If Kōiwi (human skeletal remains) are discovered, then work shall stop immediately and Te Ao Mārama Incorporated (Ngāi Tahu (Murihiku) Resource Management Consultants) will be advised.

They will arrange a site inspection by the appropriate tangata whenua and their advisers, including statutory agencies, who will determine whether the discovery is likely to be extensive and whether a thorough site investigation is required.

In recognition of Section 6 of the Resource Management Act 1991 and legal requirements under the Historic Places Act 1993, there is a requirement to consult Heritage New Zealand when archaeological sites are disturbed without authorisation previously obtained. The New Zealand Police also need to be consulted if the discovery includes Kōiwi or human remains.

Materials discovered will be handled and removed by Iwi responsible for the tikanga appropriate to their removal or preservation.

### Taonga or Artefact Accidental Discovery

Taonga or artefact material (eg pounamu/greenstone artefacts) other than Kōiwi will be treated in a similar manner so that their importance can be determined and the environment recorded by qualified archaeologists alongside the appropriate tangata whenua.

### In-situ (Natural State) Pounamu/Greenstone Accidental Discovery

Pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997, all natural state pounamu/greenstone in the Ngāi Tahu tribal area is owned by Te Rūnanga o Ngāi Tahu. The Ngāi Tahu Pounamu Resource Management Plan provides for the following measures:

- Any *in-situ* (natural state) pounamu/greenstone accidentally discovered should be reported to the Pounamu Management Officer of Te Rūnanga o Ngāi Tahu as soon as is reasonably practicable. The Pounamu Management Officer of Te Rūnanga o Ngāi Tahu will in turn contact the appropriate Kaitiaki Papatipu Rūnanga.
- In the event that the finder considers the pounamu is at immediate risk of loss such as erosion, animal damage to the site or theft, the pounamu/greenstone should be carefully covered over and/or relocated to the nearest safe ground. The find should then be notified immediately to the Pounamu Management Officer.

Contact details for the Pounamu Management Officer are as follows:

Te Runanga o Ngāi Tahu	E-mail: <a href="mailto:info@ngaitahu.iwi.nz">info@ngaitahu.iwi.nz</a>
71 Corsair Drive	Tel: +64 3 366 4344
PO Box 13046	Tel: 0800 KAI TAHU (0800 524 8248)
Wigram	Fax: +64 3 341 6792
Christchurch 8141	

12. That the consent holder shall ensure all activities authorised by this consent comply with the following noise performance standards:

	Day-time (7.00 am - 10.00 pm inclusive)		Night-time (All other times)	
	L <sub>Aeq</sub> (15 min)	L <sub>AF, max</sub>	L <sub>Aeq</sub> (15 min)	L <sub>AF, max</sub>
<b>When measured at the boundary of any adjoining property:</b>	65 dB	85 dB	45 dB	70 dB
<b>When measured at any point within the notional boundary of any dwelling on an adjoining property:</b>	50 dB	75 dB	40 dB	70 dB

All sound measurements shall be carried out in accordance with NZS 6801:2008, Acoustics; Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008, Acoustics; Environmental Noise.

13. The consent holder shall notify in writing, both Council and any surrounding landowner or occupier within a 2.5 km radius of the extraction site at least three days prior to any blasting occurring at the site in association with the extraction activity, of the date, time and duration of any such blasting.
14. Where dry weather creates a dust nuisance beyond the site boundaries, the consent holder shall dampen any track, open working face, surface, or stockpile in dry conditions so as to ensure that dust does not create an objectionable effect beyond the boundaries of the application site, nor contaminate any domestic roof-water supply.
- 15.(a) - The consent holder, **within 12 months of granting the consent**, shall seal the first 300 metres of Wilson Road, from the intersection of Wilson Road with Glencoe Highway. Prior to extraction commencing, the consent holder shall enter into a bond to the value of \$100,000 to cover the sealing of the first 300 metres of Wilson Road. All costs associated with this proposed upgrade shall be borne by the applicant.
- Wilson Road shall be widened from 6 metres to 8 metres and strengthened by applying a minimum of 100 mm of suitable strengthening materials, followed by a 50 mm running course (AP 25-35). Widening work shall also include formation of new drainage tables on each side of the widened road.
  - Council requires the proposed widening and strengthening work to be completed and signed off by the appropriate Council Engineer, prior to the commencement of extraction under the new consent. The consent holder shall advise Council's Engineer for an inspection prior to roading works commencing. The applicant must submit a pavement design to Council for approval, prior to construction commencing.
  - All physical works must be undertaken by a reputable (Council approved) contractor and shall be undertaken at the consent holder's cost.

- All work within the road reserve must comply with Southland District Council's Policies, Procedures and Bylaws, such as the Subdivision Land Use and Development Bylaw 2012.

Prior to any works commencing in the Road Reserve, a Corridor Access Request and Traffic Management Plan must also be submitted to Council for approval.

Please note the existing fencing on the east side of Wilson Road is located within the Council road reserve and may need to be relocated as part of any road widening works. If this is the case, the new fenceline shall be located either on the property boundary, or a minimum of 3 metres off the edge of the new formation, in order to allow room for drainage and clear zone etc. For clarification, if the fenceline does require relocation, this shall be at the applicant's cost.

- 15.(b) Should deterioration of Wilson Road occur which, in the opinion of Council's Engineer, is directly attributable to vehicles removing gravel from the site of this consent, then the consent holder shall make the material from the site of this consent available to Council, or alternatively sourced complying materials, loaded on to Council's contractors' trucks at the quarry at no cost to Council, for the reinstatement of the damage to the road, for the lifespan of this consent. Such material shall be of a quality determined by Council's Engineer, being similar to GAP 25-35. The extent of the material required to be provided by the consent holder under this consent shall be limited to material required to reinstate road damage directly attributable to the consent holder's exercise of this consent.
16. That Council requires the consent holder to arrange and pay for a second coat seal on the newly sealed section, within three years of the first coat having been sealed. The consent holder shall be responsible for the maintenance and any associated costs of the newly sealed section of road until the application of this second coat seal.
17. That all trucks and other vehicles associated with the quarry activity shall be required to enter and exit the application site via the new accessway on to Wilson Road as outlined in the application and as identified on the site plan attached to this resource consent.

The formation standard shall be constructed to R09-2. The accessway shall be formed and constructed at the consent holder's cost prior to the commencement of extraction.

18. That the consent holder shall arrange with Council to have a new Council compliant sign "Road not maintained by Southland District Council" to be placed at RP 1715 (gates at the bottom of the hill). This shall be at the consent holder's expense.

Note: To clarify, although this portion of road is not maintained by Council, this does not limit the rights of the travelling public, in terms of access. It does not constitute a "Private Road" or "exclusive access".

19. That upon completion of the new accessway to the quarry, the consent holder shall erect signage within the legal title boundary of the site warning the public to keep out (eg Danger - Keep Out - Quarry Site - Private Road). This signage shall be erected by the consent holder, at the consent holder's cost, prior to extraction commencing on-site.
20. That the consent holder shall permanently place folding "Trucks" signage (similar to TW 2A and TW 2.7A) prior to commencement of extraction, for use during the periods of carting to and from the quarry. The signage shall only remain open during periods of carting. The post for the sign shall be placed on Wilson Road, approximately 100 metres from the intersection of Wilson Road with the Glencoe Highway.
21. That the intersection of Wilson Road and State Highway 96 shall be upgraded to the New Zealand Transport Agency Diagram E access standard. This work shall be undertaken at the consent holder's cost and prior to commencement of extraction.

A Traffic Management Plan and Agreement to Work on the Highway shall be submitted to and approved by the New Zealand Transport Agency network management consultant, Opus International Consultants of Invercargill, at least seven working days prior to the commencement of any works.

22. The extraction area shall be benched to prevent catastrophic slipping and/or slumping of soil and rock off the quarry face. The benching will include a minimum 1:1 batter constructed at the external boundaries of the extraction site to ensure stability of the quarry face as the quarry floor is lowered.
23. Prior to extraction commencing, the consent holder shall engage a surveyor to undertake a topographic survey of the existing extraction area, in order that compliance with consent conditions can be accurately established and to serve as a baseline to ensure ongoing compliance. The results of this survey shall be forwarded to Council's Compliance Officer.

Further, subsequent topographic surveys shall be undertaken on a three yearly basis, on the anniversary of the granting of this consent.

All surveys shall detail:

- The perimeter of the extraction operation that has been undertaken.
  - Site elevations and contours of the extraction pit.
  - The volume of material extracted since the previous survey.
  - A current aerial image of the site.
24. That progressive reinstatement of the extraction shall occur in accordance with the application's Environmental Management Plan.

Reinstatement shall involve the replacement of the topsoil layer, using the stockpiled topsoil and then oversowing in pasture. Final reinstatement of the site shall occur within six months of cessation of extraction activities on the site, or upon expiry of this consent (25 years), whichever is first.

The reinstatement shall occur as follows:

- Topsoil from the extraction areas shall be stripped and then stockpiled in the general areas as outlined in **Attachment 1** of the application, in preparation for reinstatement work.
  - Immediately after the completion of rock extraction, the extracted areas shall be shaped to a natural contour to fit the shape of the surrounding landform.
  - Topsoil shall be spread over the re-contoured areas and be sown in pasture.
  - Any backfill shall consist of quarry material only and shall not include hazardous substances, domestic refuse or other debris.
25. That the Council shall monitor the commercial rock extraction operation every six months for compliance with the conditions of this consent. The initial monitoring visit shall occur within six months of Council's receipt of the notice of commencement of work. Additional monitoring visits shall then be undertaken twice every year for the remaining period of this resource consent. A final monitoring visit will also be undertaken after 12 June 2040 to ensure reinstatement has occurred in accordance with Conditions (4) and (24) of this resource consent. All actual and reasonable costs of this monitoring shall be a cost recoverable by the Council in accordance with Section 36 of the Resource Management Act 1991. If, as a result of this monitoring, additional visits are necessary due to non-compliance with the conditions of the consent, then such additional monitoring will also be a cost recoverable by the Council in accordance with Section 36 of the Act.
26. That the consent holder shall be required to forward the attached "Notice of Commencement of Work" to the Council's Compliance Officer at the address provided on this Notice, at least two working days prior to the commencement of the activities authorised by this resource consent.
27. That the consent holder shall be required to provide a written record to the Council's Compliance Officer **on a 12 monthly basis for the duration of the consent** which outlines the volume of material which has been extracted in the preceding 12 months and the progress which has been made towards reinstatement - this should include a plan based on the RPC Consultants I1166/c "Proposed Quarry Working Plan" showing the extent of extraction undertaken, the extent of rehabilitation undertaken, location of internal access tracks, and the next area to be worked.
28. That pursuant to Sections 108(2)(b), 108A and 109 of the Resource Management Act 1991, the consent holder shall enter into a bond with Council with a surety of \$75,000, including GST, in order to ensure reinstatement of the site and compliance with Condition (24) of this consent.

A bond shall be maintained in place for the duration of the resource consent. The value of the bond shall be reviewed and adjusted every five years in order to reflect any changes in the New Zealand Transport Agency's cost index adjustment factor for construction from June 2015.

(The initial calculation for reinstatement is based on the fact that the applicant has shown that the quarry be left largely flat with only the one end of the quarry being potentially benched or perhaps cut at one big flat batter. It is also based on the fact that the maximum area open at any one point in time will be no more than 2 hectares as nominated in the application).

This bond document is required to be prepared by the Council's Solicitor, Mr Barry Slowley, at the consent holder's expense. The bond shall be required to be entered into prior to the extraction operation authorised by this consent commencing on-site.

It shall be the responsibility of the consent holder to contact Mr Slowley, PO Box 744, Invercargill, telephone (03) 214 0042, in order to arrange for the preparation of the bond document.

29. That the Council reserves the right to review the conditions of this consent, annually on the anniversary of the granting of the consent, as provided for under Section 128 of the Resource Management Act 1991.

Specifically, this review condition is to enable the Council to ensure that the conditions of this consent do not become irrelevant, outdated, or inadequate, and to enable Council to address any unanticipated adverse environmental effects which may arise from the exercise of this consent.

Those aspects which the Council shall address with respect to this review condition are:

- The adequacy of, or necessity for, monitoring conditions.
- Adequacy of traffic safety and roading measures.
- Reinstatement of the site.

**Advice Notes:**

- (a) It is the consent holder's responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.
- (b) Section 16 of the Resource Management Act 1991 requires the consent holder to adopt the best practicable option to ensure that the emission of noise from this activity does not exceed a reasonable level.
- (c) Any mobile diesel tank must be compliant with the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004. Stationary diesel tanks of capacity 1,000L or more are subject to various rules; please contact Council's Hazardous Substances Officer for more information.
- (d) It is the consent holder's responsibility to obtain any such additional resource consents as may be required for this activity from Environment Southland.
- (e) It is recommended that the consent holder ensures that a copy of this resource consent is made available to any contractors or other persons who may be undertaking work on the site, to ensure that they are aware of these conditions.
- (f) As per the previous consent granted for this site, Council shall not be responsible for the upgrading and/or future maintenance of Wilson Road beyond the gates at RP 1715.

- (g) Subsequent to the proposed upgrade works of Wilson Road, from approximately RP 300 to 1715, Council shall resume responsibility for maintenance once the second coat seal is applied. Maintenance responsibilities will then transfer to Council.

## E. Background

Council records indicate that extraction has occurred on this property for commercial purposes since 2008. The following is a brief outline of the consents granted in relation to this site.

Council resource consents:

- Resource Consent 08/71, being a land use consent to extract 15,000 m<sup>3</sup> of gravel at 243 Wilson Road for commercial sale, over a period of five years. This resource consent was granted to Roger Sutton on 24 October 2008. A significant part of this activity was undertaken prior to resource consent being granted by Council. This led to Council undertaking enforcement action and Mr Sutton (Director of Glencoe Quarries, applicant for this current application) pleading guilty and being fined. At the time, the site was owned by A G and M J Erskine.
- Resource Consent 14/54, being a land use consent to extract 40,000 m<sup>3</sup> of rock over a two year period at 243 Wilson Road for commercial sale. This resource consent was granted to Phil Cotter of Idesia Investments Limited on 20 March 2014. This consent has a condition restricting a maximum extraction of 20,000 m<sup>3</sup> per annum. At the time of writing this report, approximately 20,000 m<sup>3</sup> may still be extracted under this consent. This consent has been transferred to A J and D A Caldwell Limited and is due to expire on 18 March 2016. The extraction site is in the same location as the resource consent application currently being applied for.
- Council will need to ensure both consent holders fulfil their obligations under their respective consents and that reinstatement occurs in accordance with their consent decisions. Given that the same extraction site is to be utilised, I consider the Committee should not allow extraction to commence under this current application until Consent 14/54 has expired and the site has been checked for compliance by Council's Compliance Officer, or alternatively, Consent 14/54 is surrendered.

Environment Southland resource consents:

- No consents were required from Environment Southland for Resource Consents 08/71 and 14/54. Consent is required for this latest application and as mentioned earlier, this is currently being processed by Environment Southland on a non-notified basis.

Glencoe Quarries Limited now seek a land use consent from Council for a commercial rock extraction operation. The application and further information received is included as **Attachments 1 and 2**. Specifically, the application seeks approval for the following activities:

- Extract 2,500,000 m<sup>3</sup> of rock (100,000 m<sup>3</sup> per annum) over a period of 25 years for commercial sale from land at 243 Wilson Road, Glencoe. The title area for this site is 182 hectares and the existing extraction area is 117 metres x 140 metres. It is intended to progress north with the quarrying with a maximum area not rehabilitated at any given time not to exceed 2 hectares. The extraction site will have a maximum depth of 45 metres.

- Operate the extraction site between the hours of 7.30 am - 9.00 pm, seven days per week.
- The rock will be extracted using two diggers and a motor scraper. A bulldozer may be used to move material to stockpile areas. Blasting and drilling may occur on rare occasions and the need for crushing, sorting and screening is minimal due to the nature of the rock.
- The number of vehicle movements per day is estimated to be an average of 20 movements in and 20 movements out (ie an average of 40 vehicle movements per day).
- Stockpile material to a height not greater than 4 metres within the designated stockpile areas.
- Develop an earth bund on two sides of the quarry to prevent run-off from directly entering adjacent waterways. Access tracks will be formed on the top of the bunds.
- Refuelling and ancillary vehicle servicing is only to occur within the area designated on the quarry layout plan.
- Site reinstatement to occur in accordance with the Environmental Management Plan. In general terms, this will be reinstated to pasture, with waterways fenced off from stock.

#### F. Site Visit

A site visit was undertaken on 7 October 2014 by the report writer and with the applicant's representative, Mr Roger Sutton, the landowner Mr Caleb Smith, Ms Louise White - Consents Officer from Environment Southland, as well as Southland District Council staff Hartley Hare - Roading Asset Management Engineer and Simon Moran - Manager Resource Management.

The site is rolling hills grading to steeper slopes to the north and west. The quarry site is approximately 220 metres west of Wilson Road. The site is currently bare pasture land with a few cattle being grazed on-site for maintenance purposes. Land surrounding the application site is covered in indigenous vegetation.

The nearest dwelling not in ownership of the applicant is approximately 800 metres from the extraction site - Mr Hamilton has lodged a submission on the application.

#### G. Limited Notification

This application was limited notified on 20 March 2015. Notice was served on 19 parties. Submissions closed on 20 April 2015. The limited notification process enables any person who is served with a copy of the application to make a submission.

The Southland District Council received two submissions, both opposing the application.

A copy of the submissions received is included as **Attachment 5**.

Issues raised in the submissions of opposition to this application related to:

- Devaluation of surrounding properties.

- Adverse effects that compromise the existing environment with the potential to go beyond the ability to remedy or mitigate.
- Safety concerns regarding the intersection of Wilson Road and State Highway 96.
- Concerns about the effects on wildlife and water quality.
- The hours of operation.

The resource consent application was assessed by the following internal Southland District Council staff:

- Area Engineer, Kushla Tapper.
- Roading Asset Management Engineer, Hartley Hare, and Roading Engineer, James McCallum.
- Environmental Health Manager, Michael Sarfaiti.

The following matters were raised by Council staff with regard to the application:

- Area Engineer, Kushla Tapper
  - The formation standard and widening of Wilson Road and any necessary repairs to Wilson Road as a result of truck movements associated with the activity.
  - Formation standard of the site access.
  - Signage - Road Not maintained, Keep Out, Trucks Crossing.
  - Bond for sealing of Wilson Road (due to the delay proposed for undertaking the work).
- Roading Asset Management Engineer, Mr Hartley Hare, and Roading Engineer, Mr James McCallum
  - The need to apply for a Corridor Access Request for any activities to be undertaken within Council road reserve.
  - The need to apply a bond for reinstatement of the quarry.
- Environmental Health Manager, Mr Michael Sarfaiti:
  - Control of hours of operation, noise, and vibration.
  - Control the use of blasting.
  - A review clause regarding noise and hours of operation.
  - Section 16 of the Resource Management Act 1991.
  - The presence of diesel storage tanks on the application site.

Conditions and advice notes relevant to the above matters have been included in the recommended conditions to the Committee.

#### **H. Proposed Southland District Plan 2012**

The application site is located within the Rural Zone as defined in the Proposed District Plan 2012 and within the Hills Rural Resource Area in the Operative Southland District Plan.

The Proposed Southland District Plan 2012 was notified in November 2012 and hearings were held in the middle of 2014. Council notified decisions on the Proposed District Plan on 15 October 2014, which was after this resource consent application was lodged.

At the time of writing this report, the appeal period on the Proposed District Plan has closed and accordingly those parts of the Proposed Plan that have received no appeals are treated as if they are operative and supersede the Operative Plan. The only exception to this are those provisions which have been appealed. Matters under appeal that relate to this application are some provisions of the Rural Zone. However, Rule RURAL.1(6) relating to the extraction of gravel or rock does not apply due to the volume of extraction proposed in this application and the default Rule RURAL.4 has no appeal.

Therefore, given the progression of the Proposed District Plan, and the fact that both the Operative and Proposed Plans require consent as a discretionary activity, I consider it is appropriate to assess the proposal with more weight being given to the Proposed District Plan and note that matters that would be considered are the same in any regard, regardless of the Plan.

All activities within the Rural Zone are required to take place in accordance with the relevant District-wide objectives, policies, methods and rules outlined within Section 2 of the District Plan, and Section 3.1 of the District Plan relating to activities in the Rural Zone.

The relevant provisions of the Proposed District Plan are:

- Section 2.1 **Tangata Whenua** - (Objective TW.1, Policy TW.1);
- Section 2.10 **Transport** - (Objective TRAN.1, Policy TRAN.1, Policy TRAN.2, Policy TRAN.3, Policy TRAN.4);
- Section 2.11 **Noise** - (Rule NSE.11);
- Section 3.1 **Rural** - (Objective RURAL.1, Objective RURAL.2, Policy RURAL.1, Policy RURAL.2, Policy RURAL.3, Policy RURAL.4, Policy RURAL.7, Policy RURAL.8).

A full copy of these objectives and policies and other statutory matters are located in **Attachment 6**.

These above identified objectives, policies and rules seek to:

- Recognise the connection between Māori, the land and water. Recognise the special significance treasured resources play in Māori culture.
- Recognise and provide for tangata whenua involvement in the decision-making process, including Iwi Management Plans.
- To achieve a safe and efficient transport network whilst avoiding, remedying or mitigating adverse effects on the environment.
- Manage development to achieve integration with the transport network and protect from incompatible use.
- Manage vibration limits.
- Manage development in a manner that maintains the productive value of the land resource and amenity values.
- Avoid, remedy or mitigate reverse sensitivity effects.

- Avoid, remedy or mitigate the adverse effects of earthworks.

Resource consent is required for this activity in accordance with Rule RURAL.4 of the District Plan as a discretionary activity. I consider that the key issues that need to be considered by the Committee with respect to District Council functions are:

- The effects on Council's roading network.
- Amenity related effects, including visual, noise and dust.
- Ensuring appropriate reinstatement of the site.

I will consider each of these issues in turn below.

#### H1. The Effects on Council's Roding Network

In regard to the effect on Council's roading network, Mr Nowak, submitter, raised concerns regarding the safety of Wilson Road at the intersection with State Highway 96 and the "social effects" of paving the bottom end of Wilson Road. It is recommended this point is clarified at the Hearing.

The key issues raised by Council's Roding staff relate to the formation standard - sealing, strengthening and widening of Wilson Road, and a bond to cover the roading works and signage. The roading staff do not oppose the application, rather a suite of conditions and advice notes have been suggested to avoid, remedy or mitigate potential adverse effects.

The New Zealand Transport Agency (NZTA) has provided written approval to the application, conditional upon the intersection of Wilson Road and State Highway 96 being upgraded to NZTA's Diagram E standard. The applicant has agreed to this as a condition of consent and accordingly this is promoted by the applicant as part of the application.

The application and assessment of environmental effects (AEE) also promotes and agrees to the sealing of the first 300 metres of Wilson Road from the intersection with State Highway 96 and the widening of Wilson Road to 8 metres. The application advises that there will be an average of 40 heavy vehicle movements (HVMs) per day created by the quarry activity. I consider this could vary from month to month depending on the demand for gravel products, and the season and its associated weather conditions. Despite this, the application states that no more than 40 round trip HVMs on any given day are anticipated in association with the proposed activity. This has been factored into formulating appropriate conditions by Council's Roding staff.

Further, the application outlines that traffic to the extraction site will utilise a new accessway off Wilson Road on to the application site. Conditions were imposed on previous gravel extraction resource consents granted for this site, relating to the site access on to Wilson Road, the widening and formation standard of Wilson Road, and road warning signs.

This application has been assessed by Council's Area Engineer, Kushla Tapper, who has commented on the effects that this activity will have on Council's roading network. Mrs Tapper has recommended conditions which require the upgrading and widening of Wilson Road. Further, the recommended conditions require the new accessway on to Wilson Road to comply with Bylaw standards. Mrs Tapper's recommended conditions also require traffic warning signs to be erected by the applicant, and a bond regarding the timing of the seal of Wilson Road.

Subject to the imposition of conditions as recommended, both the Area Engineer and the Rooding Asset Management Engineer are satisfied that Wilson Road will have the capacity to meet the demand placed on it by the proposed activity. The application and recommended conditions also identify and control the location and standard of the access on to Wilson Road, the location of the internal access track, the number of truck movements, and that the applicant will need to cover the cost of any necessary repairs to Wilson Road.

Accordingly, I consider that the activity is not inconsistent with Objective TRAN.1 or Policy TRAN.4 of the Proposed District Plan as the conditions imposed ensure that the activity does not compromise the safety of Council's rooding network. Given the above, I consider that the effects on Council's rooding network will be no more than minor in this instance.

## H2. **Amenity Effects**

The application and AEE describe effects which may be generated by the activity in regard to amenity, in particular, visual, noise and dust related effects. These are discussed in turn below.

### H2.1 Visual Effects

Submitter Mr Nowak has raised concerns in regard to the "activity compromising the existing environment with the potential to go beyond the ability to remedy or mitigate".

In regard to potential visual effects from the activity, the application anticipates that any visual effects will be no more than minor given the remote location of the activity and its distance from roads and dwellings not held in the ownership of the applicant. Further, the application indicates that the topography and vegetation in the area surrounding the application site provides substantial screening of most of the extraction site, with the exception of the Hamilton property.

The application outlines that the quarry site will be progressively rehabilitated back into pasture in accordance with the rehabilitation section of the Environmental Management Plan, ie the replacement of the topsoil layer, using the stockpiled topsoil and then oversowing in pasture. Topsoil will be located within the general quarry area and will be no greater than 4 metres in height. The application does not anticipate significant stockpiling of rock as material is expected to be crushed, sorted and/or transported off-site at the time it is extracted.

I consider that the remote location of the quarry and distances from site boundaries and from the nearest dwelling on neighbouring land and screening from the surrounding Hokonui forest on the north, west and southern boundaries will significantly mitigate adverse effects. However it is also important that the site is reinstated to an appropriate standard, especially given the scale of the quarry and the duration of consent sought. In this regard I consider that Mr Nowak has a legitimate concern and I recommend a bond be imposed as calculated by Council's Rooding staff. This bond would cover Council undertaking any rehabilitation works should it be required. The calculation has been based on the fact the application shows the quarry to be left largely flat with only one end being potentially benched or battered and the maximum area open at any one point in time will be no more than 2 hectares.

In regard to pest plants, a condition has been recommended relating to the control of pest plants in accordance with the Regional Pest Management Strategy and thus, will mitigate the visual effects of pest plants.

Given the above and the recommended conditions, I consider that any visual effects generated by the activity will be no more than minor.

## H2.2 Noise Effects

Mr Hamilton's submission has requested reduced hours of operation from those applied for in the application. The application proposes hours of operation seven days a week from 7.30 am - 9.00 pm and Mr Hamilton requests hours be reduced to five days a week from 7.30 am - 8.00 pm. Further discussion with Mr Hamilton clarified that his key issue relates to the banging noise emanating from empty trucks arriving on-site prior to carting.

In regard to potential noise effects from the activity, the application acknowledges that some noise will be generated by vehicle movements, machinery operation, digging and occasional blasting if required. The application anticipates that the effects of noise generated from the activity will be mitigated by the location of the activity and its distance to surrounding dwellings. Further, the application anticipates that noise generated by the activity will not exceed the noise performance standards set out within the District Plan. Council's Environmental Health Manager, Mr Michael Sarfaiti, has assessed this application and, in his opinion, considers that any noise effects generated by the activity will be no more than minor subject to appropriate conditions being imposed.

I have discussed Mr Hamilton's submission with Mr Sarfaiti and it is suggested that a condition be imposed restricting the hours of operation for those activities associated with more noise - washing, crushing, screening, blasting and the transport of empty trucks to the site. It is suggested that these activities be restricted to the hours of 7.30 am - 8.00 pm, Monday - Friday and 8.30 am - 5.00 pm, Saturday and Sunday. This would still enable quarrying and maintenance activities to occur. Subject to this compromise and conditions as suggested by Mr Sarfaiti being imposed, it is not considered that noise effects associated with this activity will be more than minor.

## H2.3 Dust Effects

In regard to potential dust effects from the activity, the application indicates that dust may be generated as a result of the quarry operation and from stockpiled soil on windy days. The application outlines that if dust were to become an issue that after three days, water would be used to dampen the exposed soils. I would not anticipate significant adverse effects from dust given the absence of sensitive activities in close proximity to the site. However, the applicant still has a duty to avoid unreasonable and nuisance effects generated by dust beyond the boundaries of the site.

Council's Environmental Health Manager, Mr Sarfaiti, did not raise any concerns in regard to dust. Mr Sarfaiti has recommended that conditions be included in any resource consent for this activity in order to ensure that dust should not create a nuisance to any person beyond the boundary of the application site nor contaminate any domestic roof-water supply.

I consider that, subject to appropriate dust suppression related conditions being imposed, dust effects will be no more than minor. This determination is based on Mr Sarfaiti's comments, and the remoteness of the extraction site from adjoining properties.

While dust suppression measures were promoted in the application, these would be difficult to assess and determine for compliance. Accordingly, a condition is recommended in my report that seeks to ensure dust does not cause an objectionable effect beyond the boundary.

#### H2.4 Amenity-related Effects

In summation in regard to amenity-related effects, I consider that the activity is not inconsistent with Objectives RURAL.1, RURAL.2, NSE.1 or Policies RURAL.1, RURAL.2, RURAL.3, RURAL.4, RURAL.7, RURAL.8 or NSE.1. This determination is based on the information submitted and in the ability to formulate conditions to mitigate the potential adverse environmental effects on the amenity, character and life supporting capacity of the rural environment, while also recognising the potential socio-economic benefits of production related activities within the rural environment, including rock extraction.

Additionally, a proposed monitoring regime has been suggested in order to ensure that the activity will be undertaken as described in the application and in accordance with the recommended conditions.

### I. Other Matters

This application for land use consent should be considered by Council as a discretionary activity.

Therefore, Section 104B of the Resource Management Act 1991 applies and the Committee has the discretion to either grant or decline consent to this application and if the consent sought is granted, may impose conditions in accordance with Section 108 of the Resource Management Act 1991.

Section 104 of the Resource Management Act 1991 states that subject to Part 2 of the Resource Management Act 1991, when considering an application for resource consent and any submissions received, the consent authority shall have regard to a number of matters, these being any actual and potential effects on the environment, any relevant provisions of a National Environmental Statement, National Policy Statement, a Proposed Policy Statement, a Regional Policy Statement or proposed Regional Policy Statement, or a Plan or Proposed Plan.

#### I1. **National Policy Statement (NPS)**

The NPS for Freshwater Management 2014 is the only NPS relevant to this application. There is a Proposed NPS for Indigenous Biodiversity but it is not operative and accordingly has no legal effect at the time of writing this report. The NPS for Freshwater Management directs regional councils to establish objectives and set limits for fresh water in their regional plans. Environment Southland is thus required to assess the activity against the NPS for Freshwater Management. At the time of writing of this report, Environment Southland is working through draft resource consent conditions and expects to approve resource consent in due course. I consider that no further assessment need be undertaken in regard to the NPS for Freshwater Management.

#### I2. **National Environmental Standard (NES)**

The NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 is the only NES relevant to this application. This NES aims to ensure that land

affected by contaminants in soil is appropriately identified and assessed. The application site has not been identified as a 'piece of land' subject to assessment against this NES. Further, it should be noted that this land was previously production land and Council has no records of buildings or activities which could result in contamination in the area subject to the proposed activity. As such, I consider that no further assessment need be undertaken in regard to the NES for Assessing and Managing Contaminants in Soil to Protect Human Health.

13. **The Southland Regional Policy Statement (RPS)**

The RPS was made operative on 15 December 1997. A Proposed RPS has been prepared by Environment Southland which was publicly notified on 19 May 2012; submissions closed on 18 July 2012. No decisions have yet been released on this Proposed RPS, and as such it should not be given significant weight.

14. **Part 2 - Purpose and Principles**

Sections 5 (Purpose), 6 (Matters of National Importance), 7 (Other Matters) and 8 (Treaty of Waitangi) are key matters which the Committee need to consider when making a decision on this application. A full list of the sections of the Act are listed in **Attachment 5**.

In terms of sustaining the natural resources of the site, the application proposes a relatively common rural activity under the District Plan, albeit at a greater scale in terms of volume and timeframe than that which is permitted as of right.

In my opinion, this activity is unlikely to create long term sustainability issues, as the site will be progressively reinstated back into productive pasture land for grazing purposes. Both of these land uses are common in the surrounding environment. Hence, the reinstatement of the site is an important aspect of the application. Given this, if the activity is undertaken in accordance with the recommended conditions, I consider that the activity will achieve sustainable management and the material produced has the potential to provide economic and social benefits.

15. **Section 6 - Matters of National Importance**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall recognise and provide for those matters of national importance as outlined in Section 6. I consider that subsection (e) outlined in Section 6 of the Resource Management Act is relevant to this application, due to Māori Freehold Land directly adjoining the site to the north and south. Further, I consider that this application is not inconsistent with subsection (e). The written approval of the Waimumu Trust, administrator of the land to the south has been received. There are no recorded administrators for the block to the north and a perusal of the ownership list identifying the major owners revealed that they are all deceased. Council has no other way of tracking individual owners. Notice was served on the Ministry of Māori Development in accordance with Council's name and Address Register (NAR) listing. Hence, notice is deemed to be served. Written approval was also received from Te Ao Mārama Incorporated. The extraction site is not located directly adjacent to any property boundaries and will not compromise Māori ancestral lands, water, sites, wāhi tapu, other taonga or protected customary rights.

16. **Section 7 - Other Matters**

Section 7 outlines other matters which consent authorities shall have particular regard to. With regard to subsection (b) relating to the efficient use and development of natural resources, the scale and nature of the activity proposed, in my opinion, does not constitute improper development, given the surrounding environment, and it seeks to ensure that the site is reinstated so that it can be utilised for productive pasture in the future. With regard to subsections (c) and (f) relating to the maintenance and enhancement of amenity and the quality of the environment, it is considered that the activity proposed and the recommended conditions will ensure that these other matters have been given particular regard.

#### 17. **Section 8 - Treaty of Waitangi**

Section 8 of the Act, regarding the Treaty of Waitangi, has been given due regard by Council, primarily, but not exclusively, through consideration of Te Tangi a Tauria - Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008. The application site is located within the Takitimu Me Ona Uri - High Country and Foothills in terms of the Te Tangi a Tauria Iwi Management Plan 2008. The relevant issues and policies of the document include:

- Section 3.5.8, Earthworks - the potential to unearth cultural materials or disturb urupa or the potential to damage or destroy culturally important sites or places associated with mahinga kai resources or valued indigenous vegetation.
- Section 3.5.9, Mining - ensuring future mining developments do not compromise the natural environment, particularly water.
- Section 3.5.10, General Water Policy - ensuring water is maintained in the best possible condition.
- Section 3.5.12, Discharge to Water - discharges to water have the potential to adversely affect water quality.
- Section 3.5.13, Water Quality - striving for the highest possible water quality.

A full list of these policies is contained in **Attachment 6**.

The application is not inconsistent with these policies. An Accidental Discovery Protocol has been suggested as a condition of consent and Environment Southland is processing the resource consent required for the discharge of water or sediment (contaminant) into surface water to ensure water quality is not adversely compromised. Accordingly, I consider the Committee must:

- Recognise the important role of Iwi in the resource consent decision-making process and emphasise the need to undertake consultation with Iwi representatives.
- If approval is to be granted, ensure that an appropriate accidental discovery protocol is incorporated into resource consent decisions.

The applicant has undertaken pre-application consultation with Te Ao Mārama Incorporated. Te Ao Mārama Incorporated has provided its written approval to the activity proposed. The receipt of this written approval means that any effects on Iwi and cultural related interests in this instance cannot be considered by Council. Council records do not indicate that there are any wāhi tapu items or features present on the site of this application. Given this, I consider that the activity is consistent with the policies of the Tangi a Tauria Iwi Management Plan 2008.

#### **J. Conclusion**

To conclude, this application should be considered by the Committee as an application for a discretionary activity land use resource consent.

I recommend that the Committee grants the consent sought subject to a suitable set of conditions, including appropriate monitoring. A more stringent monitoring regime than usual has been suggested given the scale and duration of the consent sought.

A suggested set of conditions which may be appropriate have been outlined for the benefit of submitters, the applicant and the Committee. These are suggested conditions only and the Committee may wish to impose further or different conditions from those outlined, if approval is granted. Likewise, the recommendation to grant consent subject to such conditions is a recommendation and is not binding on the Committee.

Jennifer Green  
**SENIOR RESOURCE MANAGEMENT PLANNER**

**Application – Including AEE and Plans**



**Application for Consents**



**Description of proposal and Assessment of Effects on  
the**

**Environment**

**August 2010**

Table of Contents	2
1. Introduction	3
2. Description of the Proposal	3
2.1 Site details	44
2.2 Operational details	44
2.3 Environmental Management Plan	66
3. Statutory Considerations	66
3.1 Southland District Plan Rule PRA 4	66
3.2 Southland District Plan Objectives and Policies	88
3.3 Proposed Southland Regional Water Plan	111
3.4 Ngai Tahu ki Murihiku Natural Resources and Environmental Management Plan	111
3.5 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	131
4. Existing Environment	131
4.1 Vegetation	131
4.2 Wildlife	141
4.3 Rainfall	151
4.4 Soils	151
5. Assessment of Effects on the Environment	161
5.1 Soil disturbance and soil stability	161
5.2 Surface water and sediment	161
5.3 Effects on Vegetation and Pest plants	171
5.4 Effects on Ecosystems and Wildlife	171
5.5 Traffic effects	181
5.6 Effects on Neighbouring Properties	181
5.6.1 Noise	181
5.6.2 Dust	191
5.7 Landscape and visual effects	191
5.8 Natural Hazards and Hazardous substances	191
5.9 Cultural values	202
5.10 Positive Effects	202
6. Mitigation Measures and Proposed Conditions	202
6.1 Proposed Conditions	202
6.2 Other Mitigation measures	222
7. Settling Pond Discharge	232
8. Earthworks related to road and culvert realignment	252
8.1 Description of the Proposal	252
8.2 Assessment of Effects	272
8.3 Proposed Conditions	282
9. Consultation	282
10. ENVIRONMENTAL MANAGEMENT PLAN	313

## 1. Introduction

Glencoe Quarries Ltd currently operates a gravel extraction quarry at 243 Wilson Road, Glencoe, Southland. The existing quarry is owned and operated by Mr Roger Ian Sutton. Resource consent is currently held to extract an annual maximum volume of 3,000 m<sup>3</sup> and a total maximum of 15,000 m<sup>3</sup> of gravel from the site over a period of five years, expiring in October 2013.

The success of this quarry has become evident since its inception. Glencoe quarries is able to efficiently extract soft-rock aggregate; which is ideal for road metalling and dairy runs, without the need for extensive processing (although some crushing and sorting is occasionally required). The quarry is ideally placed in central Southland, so that transport expenses are minimised, and the quarry is in a remote area where dust and noise do not present significant problems.

Accordingly, due to increased demand and the low environmental impact of quarrying the site, Glencoe Quarries Ltd wish to expand its operations at 243 Wilson Road. This requires an increase in the annual maximum extraction from 3,000 m<sup>3</sup> to 70,000 m<sup>3</sup>, and an extension in the life of the quarry from 5 years to 25 years; meaning a total maximum amount of material to be removed to be 1,750,000 m<sup>3</sup>, expiring in 2035. This amount has been confirmed as available from the Wilson Road site.

This AEE has been prepared on behalf of the applicant (Mr Roger Ian Sutton and Glencoe Quarries Ltd) in accordance with S 88 and the 4<sup>th</sup> Schedule of the RMA, and the relevant provisions of the Southland Regional Water Plan and the Southland District Plan.

## 2. Description of the Proposal

This application is for the establishment and operation of a quarry to extract soft aggregate rock, principally for roading material, dairy runs and general construction. The type of rock is fractured sedimentary rock, lying beneath a topsoil overburden of up to 3 metres depth. Consents are sought for:

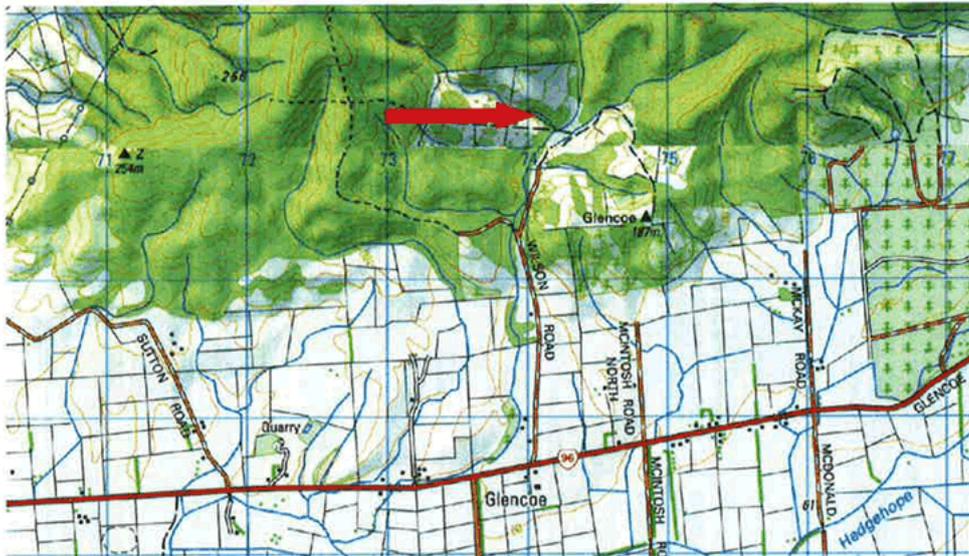
1. The extraction of 100,000 m<sup>3</sup> per annum for a 25 year period, making a maximum extraction of 2,500,000 m<sup>3</sup>. The activities will be limited to the extraction, crushing, screening and blasting of rock, and the discharge of groundwater seepage and stormwater from a settling pond – Southland District Council.
2. Earthworks associated with the diversion and construction of the new access road, and placement of the new culvert, on the access road into the quarry site – Southland District Council.
3. Disturbance of a streambed with the placement of a new culvert in an unnamed tributary of Hedgehope Stream – Environment Southland.
4. Discharge of water from a sediment settling pond to an unnamed tributary of Hedgehope Stream – Environment Southland.

This Assessment of Effects provides information on the quarrying activities (Sections 2 to 6), and separate information on the application for consent to discharge (Section 7) and application for roading earthworks and culvert placement (Section 8).

## 2.1 Site details

The site is legally described as Section 53 Block I Lindhurst Hundred, covering an area of approximately 182 hectares (450 acres). Of this, 2.5 hectares (10 acres) is intended to be quarried. The entrance to the site is located at Grid Reference 2174085E; 5440125N, map reference NZMS260: F45 741 401. It is directly accessed from Wilson Road, which intersects with the Glencoe Highway (State Highway 96) at Glencoe (Figure 1). Wilson Road is a public road until it reaches the quarry turnoff, about 500 metres from the quarry. The access road to the quarry is a private road.

The site is rolling hills grading to steeper country to the north in the adjacent Hokonui Hills. It is entirely grassed, and is typical of hill country pastoral areas in Southland. The quarrying area is fringed on two sides by small unnamed tributaries of Hedgehope Stream, which drain the immediate catchment in a southerly direction.



**Figure 1.** Location map of Glencoe Quarry (red arrow)

## 2.2 Operational details

The quarry will be progressively developed through the following operations:

1. Topsoil will be removed using a motor scraper and bulldozer. The topsoil will be stockpiled in the nominated stockpile areas (see Quarry Layout Plan - Appendix 1) to a height of up to 4 metres. As the quarry front progresses into the hillside, the stockpiled topsoil will be used to rehabilitate the quarried area.

2. The aggregate material will be extracted using 2 diggers and a motor scraper. Blasting and drilling may occur on rare occasions. This work will be outsourced to experienced contractors as required. A consent condition relating to blasting has been proposed (Section 6.1 Proposed Condition 14). A bulldozer may be used to move material to stockpile areas. Stockpiles may be formed, to a height of up to 4 metres, in designated stockpile areas.
3. The depth of excavation will be to a maximum depth of 45 metres.
4. The need for crushing, sorting and/or screening is minimal. The aggregate material is non-metallic, fractured sedimentary rock, commonly known as “rotten rock” (for its brittle nature) and “blue metal”. It is easily fractured and hence does not usually need crushing. This material is in demand for roading, farm tracks, diary lanes and general construction purposes throughout Southland District. These uses normally do not require screening nor sorting to any extent. If crushing, screening or sorting is required, then the client(s) or contractors will be expected to bring this equipment on-site and undertake it themselves. Therefore, this equipment will not be permanently held on site, and is unlikely to be extensively used.
5. Quarrying activity will be conducted seven days a week. Loading and cartage shall occur within the following times:
  - From 7.30am to 9pm
6. The number of vehicle movements per day is estimated to be an average of 20 movements in, and 20 out, per day (i.e. an average 40 vehicle movements per day); with a maximum of 8 vehicles in, and 8 out, per hour (i.e. maximum of 16 vehicle movements per hour).
7. The quarry will be earth-bunded on two sides to prevent groundwater and rainfall runoff from directly entering the adjacent waterways. Access tracks will be formed on the top of the bunds. These are labelled “track bunds” on the Quarry Layout Plan (Appendix 1).
8. No permanent buildings will be erected on site. Vehicles, trailers and other associated equipment may be located in the area labelled “parking area” on the Quarry Layout Plan (Appendix 1).
9. Refuelling and ancillary vehicle servicing will occur only in the site labelled “fuel service area” on the Quarry Layout Plan (Appendix 1). The fuel service area site shall have an impermeable plastic drip-tray which will collect and contain any fuel or oil which might spill during vehicle servicing.
10. Resource estimates rate this quarry as having a life of at least 25 years, if the maximum amount of material is extracted per annum. Consent is therefore sought for 25 years. The nature and frequency of quarry operations will, however, depend on the demand for rock material.
11. Site reinstatement will be undertaken in accordance with the reinstatement outlined in the Environmental Management Plan (Section 10). Generally, the site

shall be reinstated back into improved pasture land, with adjacent waterways fenced from stock.

### 2.3 Environmental Management Plan

Rural Resource Area Rule PRA.4(iii) requires that a management plan be submitted as part of a resource consent application. The Environmental Management Plan for this application is provided in Section 10. It deals with the operations outlined in this application, and environmental mitigation and reinstatement. The Environmental Management Plan will be kept on site at all times.

## 3. Statutory Considerations

### 3.1 Southland District Plan Rule PRA 4

The site is located in the Rural Resource Area as defined in the District Plan. Rural Resource Area Rule PRA 4(i), "soil displacement activities", defines permitted activities as follows:

*Where material is extracted for use the following shall apply*

*-Volume displaced shall not exceed 1000 m<sup>3</sup> over a 12 month period provided that the total amount extracted over any time period does not exceed 3000 m<sup>3</sup> from one site unless a resource consent is received under Rule PRA 4(iii).*

The volume of material excavated will exceed 1000 m<sup>3</sup>. The activity therefore requires a consent under Rule PRA 4(iii) as it is considered a **discretionary activity**.

Rule PRA 4 (iii) requires the following matters to be considered in any assessment of such an activity:

*(a) Compliance with the rules contained within the District Plan, (in particular, rules in relation to heritage sites, including waahi tapu).*

The operational area has no known heritage sites in the immediate vicinity. The standard koiwi accidental discovery clause is included in suggested conditions (see section 6). Other District Plan Rules do not apply to this activity, although the discharge from the settling pond requires consent as a discretionary activity in the Southland Regional Water Plan.

*(b) Operations for removal, storage and future use of topsoils and subsoils.*

These are detailed in Section 2.2, and are included in the Environmental Management Plan (see Section 10).

*(c) Proposals for stockpiling material and its effects on the environment.*

This application does not propose any significant stockpiling (i.e. > 2m high), with all extraction generally proposed to occur at the time it is to be crushed, sorted and/or transported off site. The only significant stockpiling of excavated material will be topsoil and subsoil, which will be used for site reinstatement.

*(d) Water requirements, disposal of water and control of runoff.*

Details of storm water and groundwater runoff, and suspended sediment management prior to discharge, are provided in Sections 2 and 7.

*(e) Leachate control and treatment*

No leachate is expected to come from topsoil stockpiles. Leachate coming from storm water and/or groundwater runoff shall be managed in accordance with the provisions outlined in Section 7 and 10.

*(f) Engineering structures*

No permanent structures will be placed on-site and all machinery and plant will be portable.

*(g) Hours of operation*

The hours of extraction and associated activities, including any loading and unloading of vehicles on site, are from 7.30 am to 9.00 pm.

*(h) Transportation and access requirements.*

Access to the site is from Wilson Road, which intersects with the Glencoe Highway (State Highway 96) at Glencoe. There are no anticipated roading and access issues off the Glencoe Highway. An upgrade of Wilson Road is proposed, by widening it from 6 metres to 8 metres (i.e. two truck widths), so that vehicles can readily pass each other at any point along the road.

*(i) The effects of noise, vibration, dust and smell*

The issues of noise and dust are discussed in Sections 5.6.1 and 5.6.2. The relatively remote setting of the proposed quarry (see Appendix 4), and proposed conditions will mitigate these effects to the extent where they will be no more than minor.

*(j) Effects on essential services such as roading and utility reticulation.*

The applicant has undertaken to widen Wilson Road to the extent that trucks can pass each other at any point (currently this is not the case). This road upgrade will benefit other users of Wilson Road. The connecting driveway from Wilson Road to the quarry site is considered to be of a standard capable of handling the size of vehicles (trucks) and volume of traffic from the quarry site.

The Central Southland location of the quarry, and ability of gravel trucks to utilise suitable roads, makes this quarry of considerable benefit to Southland's infrastructure and roading utility. Haulage times will be reduced, and roading/construction gravel material will now be available from a convenient and centrally-located site within Southland District.

*(k) Possible future use of the property.*

It is proposed that the site will be fully reinstated into pasture at the completion of the activity. The sediment settling pond will be filled in and the discharge to the tributary of the Hedgehope Stream will subsequently cease.

*(l) Progressive restoration and rehabilitation of the site including landscaping.*

The site will be progressively rehabilitated back into pasture in accordance with the rehabilitation section of the Environmental Management Plan Plan (see Section 10).

*(m) Fire safety requirements*

It is considered that there are no required fire safety requirements, as no permanent structures shall be erected and there will be no on-site storage of fuel.

*(n) Likely effects on residents in the locality*

The nearest resident from the operations area is approximately 3 kilometres away, at the junction of Wilson Road and the Glencoe Highway (SH 96). It is unlikely that there will be any adverse effects from noise, dust, vibrations and/or smell from this distance. The main issue for residents is the number of heavy vehicle movements to/from Wilson Road to the Glencoe Highway. Effects include the noise from gravel truck airbrakes and dust generated from Wilson Road. To mitigate noise effects, restrictions on quarry hours of operation are proposed, and gravel truck drivers will be instructed to not use exhaust brakes at the Wilson Road/Glencoe Highway intersection. To mitigate dust effects, within 12 months of grant of consent, the applicant shall pay to have Wilson Road sealed for 300m from the intersection with Glencoe Highway.

*(o) The provisions of the operation Programme or Management Plan developed.*

This application includes an Environmental Management Plan (Section 10), containing provisions for site management and rehabilitation.

### **3.2 Southland District Plan Objectives and Policies**

The objectives and policies of the District plan relevant to this proposal are as follows:

#### **Section 7.2.1 Mineral Extraction**

*Objective MIN 1: To recognise that non-energy mineral resources are important to the present and future needs of the district and that development of such resources is a possibility.*

This application is consistent with this objective. It provides the opportunity to extract the non-energy mineral resources (gravel) to allow ongoing roading and development within Southland District.

*Objective MIN 2: To ensure that the effects of mineral resource extraction are managed so as to protect natural and physical resources as far as practicable.*

This application outlines how minerals will be extracted with no significant adverse effects on natural and physical resources.

*Policy MIN 2: To provide a regulatory framework which allows for the development of mineral resources in such a manner that the life supporting capacity of air, water, soil and ecosystems is safeguarded and that adverse effects of mineral extraction on the environment are avoided, remedied or mitigated.*

This proposal is on a greater scale than those listed in the District Plan as permitted, and it is expected that the scale and significance of this proposal will require public notification. However, the applicant has undertaken to consult widely with known affected parties, and the implementation of mitigation measures are expected to prevent any significant adverse effects on the environment. In particular, the measures proposed to prevent the contamination of waterways, and the rehabilitation plan, are considered sufficient to ensure that this proposal is consistent with Objective and Policy MIN 2.

#### **Section 7.2.2 Water and Soil Resources**

*Objective RU 2: To maintain the quality of the District's water and soil resource to enable it to meet the needs of future generations.*

*Policy RU 2: To minimise the adverse effects activities can have on water quality*

*Policy RU 3: To avoid, remedy or mitigate the adverse effects of vegetation removal and soil disturbance from riparian areas.*

This application includes methods for ensuring that groundwater and surface runoff, and associated contaminants (such as sediment) from the mine site do not enter local waterways in quantities which may cause adverse effects on water quality or aquatic ecosystems. In addition, measures have been proposed to ensure that contaminants from activities such as refuelling do not enter waterways. Accordingly, this proposal is consistent with Objective and Policy RU 2 and Policy RU3 of the District Plan.

*Objective RU 4: To maintain where practical and efficient, the amenity values of the rural environment.*

*Policy RU 7: To mitigate or avoid the adverse effects activities have on the amenity*

*value of the rural environment.*

*Policy RU 9: To avoid the adverse effect of noise in the rural area.*

The operational limits and proposed conditions are designed to allow the efficient extraction of gravel, without significantly affecting the amenity values of the rural environment. There are no dwellings or workplaces within 2-3 km of the operational area, and access roads will be upgraded to be able to cope with heavy traffic movements. With regard to noise, it is not anticipated that any significant noise will emanate from the enclosed gully where the operational area is located. The only significant noise will come from occasional blasting, which will be managed through normal blasting protocols. Accordingly, this proposal is consistent with Objective RU 4 Policy RU 7 and Policy RU 9 of the District Plan.

### **Section 7.2.3 Amenity**

*Objective AME 1: To avoid or mitigate the adverse effects that activities have on the amenities of the District, and the quality of the environment particularly on neighbouring properties.*

*Policy AME 1: To ensure that activities which give rise to odour, glare, electrical interference, smoke, fumes or dust, particularly on roads, do not adversely affect neighbouring properties.*

Conditions have been proposed which are expected to avoid or mitigate any adverse effects on the amenity value of the land, and the effects of dust, smoke, fumes etc caused by the proposed operations. It is not expected that there will be any significant discharge of smoke or dust from the immediate vicinity of the mine site. If these effects occur, then Environment Southland's air discharge rules will apply and a consent will need to be applied for. It is considered that this proposal will not generate any significant level of dust or smoke, and is consistent with Objective and Policy AME 1

### **Section 7.2.4 Noise**

*Objective NSE 1: To protect the District's amenity values and the well-being of the District's people, and indigenous fauna from the adverse effects of noise.*

*Policy NSE 1: To avoid or mitigate the adverse effects of noise on*

- (a) The well-being of people in the District; and*
- (b) The amenities of the District; and*
- (c) Significant habitats of indigenous fauna*

It is not anticipated that significant noise levels will emanate beyond the bounds of the site, except during blasting, which will happen infrequently. The effects of blasting will be managed through adherence of national standards. Native birds may be scared by blasting, but the infrequency of this occurring should cause this effect to be no more than minor. Because of the remote setting of the operations area, it is not expected that noise from quarrying, loading, occasional screening or occasional crushing will have any adverse effects on the district as a whole, or amenity values in

general. This proposal is therefore consistent with Objective and Policy NSE 1 of the District Plan.

#### **Section 7.2.5 Transportation**

*Objective TRAN 1: To mitigate the adverse effects of land use activities on the District's transportation system.*

Heavy vehicles will be moving from the operations area to Wilson Road, which has very little use by other landowners. Wilson Road intersects directly with the Glencoe Highway (State Highway 96). The District Plan provides for the movement about the district of goods or produce, preferably through the arterial roading system. The ability of heavy vehicles to gain direct access to SH 96 from Wilson Road, means that this proposal is consistent with Objective TRAN 1 of the District plan.

### **3.3 Proposed Southland Regional Water Plan**

The Southland Regional Water Plan requires a consent for the discharge of groundwater from construction and/or mining sites. As the operations site includes the gathering and discharge of groundwater to a tributary of the Hedgehope Stream, a resource consent has been applied for. Further details are in Section 7.

### **3.4 Ngai Tahu ki Murihiku Natural Resources and Environmental Management Plan**

This iwi management plan outlines values, knowledge and perspectives on environmental and resource management in the Southland region, and provides guidance on the issues that consent applicants should give regard to.

The issues and policies relevant to this proposal are:

#### **Section 3.5.8 Earthworks:**

*Issue: Compliance with accidental discovery protocols (ADP).*

*Policy 2: Consent applicants who are undertaking earthworks may be required to enter into Accidental Discovery protocol and monitoring agreements with Ngai Tahu ki Murihiku, stating that earthworks, fencing, landscaping or other such activity has the potential to uncover archaeological sites. Procedures and processes associated with such occurrences should also be outlined.*

*Policy 5: Any understandings or agreements between companies/applicants and Ngai Tahu ki Murihiku must also be reflected in the contractors who are working on the ground.*

This recognises that ground disturbance activities have the potential to unearth cultural materials or disturb urupa. Consultation with Ngai Tahu ki Murihiku will

take place to determine ADP response procedures and a monitoring agreement in the event of an accidental discovery. All contractors and staff will be made aware of these procedures.

#### **Section 7.4.2 Mining**

*Issue: Impacts on natural landscape values; 'scars' on the landscape.*

*Policy 3: Require that, as a condition of consent, mine development plans include provisions for:*

- a. Site beautification, including landscaping with native plants;*
- b. Restoration of mining site to pre-mining states; or, where appropriate, and improved or enhanced state;*
- c. Opportunities to enhance cultural values (e.g. rehabilitation of quarry floor as wetland waterfowl habitat);*
- d. Continued monitoring of mine site post rehabilitation (e.g. leachate).*

This application includes an Environmental Management Plan, which contains provisions for site management and rehabilitation Plan. This will include enhancement, restoration and site monitoring. Opportunities to enhance cultural values will be discussed with Ngai Tahu ki Murihiku throughout the rehabilitation process. This will be detailed in Environmental Management Plan.

*Issue: Restoration of mining sites.*

*Policy 4: Require that the responsibility of a mining company in avoiding and managing adverse effects on a mining site extends beyond the life of the mine. Monitoring of mine sites is required for at least 5 years after mine closure, to ensure that all adverse effects associated with mine operations are addressed by the company.*

Monitoring the quarry site will continue during the life of the quarry, and if deemed necessary, after the quarry is closed. It is expected that this monitoring will be determined by the District and Regional Councils as the monitoring information is analysed. Consultation with Ngai Tahu ki Murihiku will be a necessary part of this process.

*Policy 7: Avoid adverse effects on land, water, mahinga kai resources and places and biodiversity as a result of mining.*

This proposal contains provisions to prevent any adverse effects of mining (quarrying) on all of these values. These include:

Effects on land: Mine Rehabilitation Plan and Site plan address these effects.

Effects on water: Implementation of sedimentation settling pond, discharge consent conditions and bunding to prevent the discharge of sediment to local waterways.

Effects on mahinga kai resources: Measures to prevent sediment discharge to water will protect mahinga kai resources.

Effects on biodiversity: All areas of indigenous vegetation will not be quarried. Vegetation, wildlife and indigenous ecosystem processes will not be affected by this proposal.

*Policy 9: Avoid any discharge of contaminated water (e.g. stormwater) to surface or groundwater as a result of mining activity.*

The discharge of stormwater and groundwater to a tributary of Hedgehope Stream cannot be avoided. However, the construction of a sediment settling pond has allowed the discharge to have no greater amount of sediment than the receiving waters, and no contaminants such as hydrocarbons or coliform bacteria.

### **3.5 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health**

The applicant is required to provide evidence to show whether or not it is more likely than not that the site the activity will take place on either currently is, or has previously been, used for an activity that may potentially contaminate the soil.

It is most likely that the site has never been used for an activity that may potentially contaminate the soil. Evidence of this comes from the Environment Southland list of contaminated sites, which does not include this area. Mr Bill Chisholm, a Certified Environmental Practitioner, has also visited the site on a number of occasions, and could not find any evidence of contamination, nor evidence that the site has been used for any activity on the Ministry for the Environment Hazardous Activities and Industries List (HAIL). It is noted that the existing gravel extraction site does not apply, as gravel extraction is exempted from HAIL.

## **4. Existing Environment**

The site consists of rolling upland farmland, with deeply incised bush gullies, and bounded on three sides by native forest (Hokonui Forest). There are two unnamed tributaries of Hedgehope Stream which bound the southern and North-eastern sides of the proposed quarry. A location map is provided in Figure 1.

The surrounding area is predominantly farmland, and is isolated from any dwellings or other human activity. There are no dwellings within a 2-3 km radius of the site (see Appendix 4).

### **4.1 Vegetation**

The vegetation of the proposed quarry site is pastoral land consisting of mainly ryegrass, clover and other unimproved pasture species. Approximately half of the quarry site has been improved through cultivation in ryegrass and clover. The unimproved pasture has some pest weeds present; mainly gorse, broom, ragwort and thistle.

The stream gullies are well shaded with predominantly native vegetation. Species recorded from steam gullies include:

Vines and lianes: Muhlenbeckia vine, supplejack, rata vine (*Metrosideros* sp.)

Ground ferns: Bracken fern (*Pteridium esculentum*), Prickly shield fern (*Polystichum vestitum*), hard fern (*Blechnum* sp.)

Shrubs: Lancewood (*Pseudopanax crassifolius*), small-leaved coprosmas (*Coprosma* sp.), *Neopanax pedunculatus*, *Phyllocladus alpinus*,

Trees: Three-finger (*Pseudopanax simplex*), five-finger (*Pseudopanax arboreus*), peppertree (*Pseudowintera colorata*), tawa (*Belschmidia tawa*), rimu (*Dacrydium cupressinum*), kamahi (*Weinmannia racemosa*), mahoe (*Melicactus ramiflorus*).

Native forest backs on to the quarry site, principally that of the Hokonui Hills Conservation Area. The vegetation of this forest consists largely of rimu/kamahi/tawa forest, with similar species present to those recorded from the adjacent stream gullies. The Hokonui forest is approximately 300 metres from the quarry boundary to the west, 300 metres to the north and 300 metres to the south. The eastern boundary of the quarry site is mainly unimproved farmland and shrubland.

## 4.2 Wildlife

The quarry site lies within 300m of native mixed-podocarp forest. Bird species recorded on site included, bellbird, grey warbler and fantail. Other native birds recorded from the general area include native falcon, yellow-breasted tomtit, brown creeper, morepork and kereru (native pigeon). Introduced birds recorded from the area include sparrow, chaffinch, blackbird, thrush, magpie and harrier hawk.

While the nearby native forest probably contains the normal compliment of native invertebrates and lizards, there are no species of special conservation interest (i.e. threatened or endangered) recorded from the area. An exception might be the native NZ falcon, which is listed by the Department of Conservation as endangered. This species is known to visit the area on occasions, but is not known to exhibit any nesting behaviour there.

Fish species present in the Hedgehope Stream tributaries have not been recorded. However, it is likely that the native fish present might include various galaxiid (whitebait) species, eels, lamprey, bullies and possibly torrentfish. Acclimatised sportsfish present are probably only brown trout, and these tributaries are not large enough to sustain trout of a takeable size. Angling does not occur in these tributaries. It is possible that brown trout spawn in these headwater tributaries, although this has not been recorded.

The wider area contains most of the introduced mammal species, many of which are pests. These include red deer and wild pigs, which provide a recreational hunting resource in the area.

### 4.3 Rainfall

Rainfall data for the Hokonui Hills at Lora Station are available from Environment Southland. Figure 2 provides rainfall data for the previous year March 2009 – March 2010. Total rainfall was 1054.50mm, which is typical for Southland. Periodic high rainfall occurs at any time of the year, with the months of May 2009 and January 2010 having higher than normal rainfall.

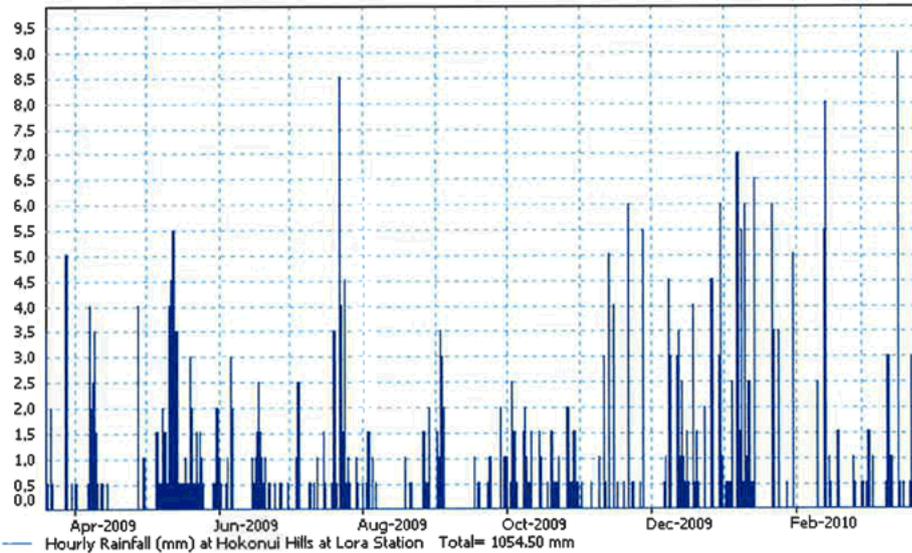


Figure 2: Annual rainfall March 2009-2010 for Hokonui Hills at Lora Station.

### 4.4 Soils

Soils are best described by the Environment Southland Soil Information Sheet 60 – Hokonui. Hokonui soils are formed in dominantly fine alluvium or in situ weathering of tuffaceous argillite, with varying minor inputs of loess derived from greywacke and schist rock. Hokonui soils have poor drainage, moderately deep rooting depth, moderate water holding capacity, and heavy silt loam to clay texture. They are used for pastoral farming with sheep, dairy and beef cattle with some cropping. Soils receive regular rain but can be dry in summer in some years.

Hokonui soils have moderate plant available water and a moderately deep rooting depth that is limited by the high bulk density in the lower subsoil. The rooting depth may also be limited by poor aeration during wet periods due to the poor drainage and slow subsoil permeability. Textures are heavy silt loam to clay in the upper horizons, and silty clay to clay in the lower subsoil. Topsoil clay content is 30–50%. The soils are typically stone free, although the moderately deep phases will have gravel or bedrock between 45 and 90cm depth.

## 5. Assessment of Effects on the Environment

This section discusses the actual and potential positive and adverse effects of undertaking the activities for which consent has been applied for i.e. extraction of rock and discharge of water. Methods of avoiding, remedying or mitigating the actual and potential adverse effects are also discussed.

### 5.1 Soil disturbance and soil stability

The extraction area shall be benched to prevent catastrophic slipping and/or slumping of soil and rock off the quarry face. The benching will include a 1:1 batter constructed at the external boundaries of the extraction site to ensure stability of the quarry face as the quarry floor is lowered.

As the quarry front proceeds, the topsoil and overburden will be progressively stripped and stockpiled. These stockpiles will not exceed 4 metres in height, and will be contained within the bunded area of the quarry to avoid sediment being washed into nearby watercourses. If excessive amounts of soil are being lost through wind, the stockpiles will be planted with grass seed and regularly watered, to reduce dust generation and help stabilisation. The amount of topsoil and overburden stockpiled may vary depending on the extent of quarrying operations at any given time.

Stockpiled topsoil shall be progressively redistributed, compacted and returned to pasture behind the quarry front, as part of the rehabilitation plan.

### 5.2 Surface water and sediment

The area of exposed quarry is currently 0.4 hectares. On grant of consent, this operational area is likely to increase to an area not exceeding 0.8 hectares. The height of the quarry face will not exceed 45 metres. Surface runoff water shall be confined to the operations area through 2-3 metre high track-bunds on the outer perimeters of the quarry (see Appendix 1). All surface water and groundwater runoff shall therefore become confined to the settling pond at the bottom end of the quarry face. An existing sediment settling pond currently traps surface and groundwater seepage. This pond is presently 0.1 hectares in size. It will be enlarged to approximately 0.25 hectares to receive water from the enlarged quarry. The earth that is removed to enlarge the pond will be used to help fill in uneven areas of the rehabilitated sites.

The settling pond will have a depth of no greater than 2 metres. The settling pond will have a maximum capacity of 5000 m<sup>3</sup>, which is enough to contain any heavy rainfall which may be experienced in the region. This does not take into account water loss from the proposed discharge, nor further losses through evaporation or groundwater seepage. The settling pond will be surrounded largely by bedrock (and not fill), so shoreline erosion or slumping is very unlikely. Consequently, no further construction or shaping will be necessary.

As the quarry 'front' moves, the settling pond will move with it. As the settling pond

enlarges, older areas will be progressively filled in and these areas added to the rehabilitated area.

Surface runoff water and groundwater will therefore be contained within the settling pond. Sediment will naturally disperse through the pond, as currently occurs with the existing settling pond. Water quality readings from the discharge from this pond are outlined in Appendix 5. While the volume of water discharged is likely to increase with the enlarged operational area, the enlarged settling pond is expected to maintain the existing water quality through settling sediment.

### **5.3 Effects on Vegetation and Pest plants**

The vegetation of the area is predominantly pasture, although some native trees and shrubs are common in the adjacent gullies. These gully areas shall not be disturbed by quarrying operations or the discharge from the settling pond.

Pest weeds present at the site include gorse, broom, ragwort and thistle. These pest plants shall be removed from the site as quarrying progresses. However, there is the potential for pest plants to establish on topsoil stockpiles and around the mine operations site, which can then be dispersed throughout Southland District through gravel spreading for roading and other agricultural purposes.

Accordingly, a condition on the consent is proposed that the gravel extraction site and all stockpiles are kept substantially free of pest plants ("pest plants" are defined in the Southland Regional Pest Management Strategy), to reduce the risk of allowing seeds and other vegetative material establishing elsewhere in Southland.

### **5.4 Effects on Ecosystems and Wildlife**

Freshwater ecosystems of the tributaries are likely to retain significant native and introduced fish communities, which are sensitive to temperature fluctuations and the discharge of contaminants and sediment. There will be no fuel or oil stored on-site, with only minor diesel refuelling and vehicle servicing to occur on-site through the use of a mobile trailer-bowser. All refuelling shall be undertaken at a designated site, which is at a reasonable distance from the watercourses to prevent any potential contamination. Refuelling shall occur only on impermeable drip-trays, which will collect and contain any spilt fuel. Truck washing and major equipment servicing shall not occur on-site.

The water quality assessment outlined in Section 7 demonstrates that the discharge from the sediment settling pond is unlikely to have any significant effect on the fish fauna of these tributaries.

Native and introduced fauna will not be significantly affected by operations, although noise and general human disturbance may have a slight effect on some bird species. In particular, the NZ falcon is known to be sensitive to human disturbance. While no falcons have been observed at the existing quarry site, any observations of falcons,

especially those which may be exhibiting nesting behaviour, shall be reported to the Department of Conservation.

## 5.5 Traffic effects

Heavy vehicles (HCV 1 & 2) will be moving from the operations area to Wilson Road. Wilson Road intersects directly with the Glencoe Highway (State Highway 96). The intersection is formed to a typical rural intersection T standard. The intersection has "Give Way" controls and has good visibility in both directions. The speed limit along Wilson Road and SH 96 is 100 km/hour.

This activity shall generate an average extra 40 heavy truck movements per day, with a maximum of 8 vehicles in, and 8 out, per hour (i.e. maximum of 16 vehicle movements per hour). This is estimated to increase the percentage of heavy vehicle movements along SH 96 and its associated roading network by 10 – 15%.

Wilson Road and the on-site access road will be upgraded from 6 metres width to 8 metres width, to allow heavy trucks to pass each other at any point along these roads. This upgrade shall be in accord with the 250 metre visibility requirements of District Plan Rule TRANS.5. There is no public access to the quarry site.

There will be no issues of safety or delays at the intersection of Wilson Road, or at associated intersections along SH 96, as the traffic is not significant enough to affect these. Therefore, this activity will have no adverse effects in terms of delays or queues on Wilson Road, SH 96, or the associated roading network.

The District Plan provides for the movement about the district of goods or produce, preferably through the arterial roading system. The ability of heavy vehicles to gain direct access to SH 96 from Wilson Road, means that this proposal is consistent with the policies and objectives of the District Plan.

## 5.6 Effects on Neighbouring Properties

Appendix 4 outlines the proximity of dwellings to the quarry site. There have been no issues from neighbouring property owners with the existing quarry site, nor the existing quarrying operations and ancillary traffic. This is mainly due to there being no dwellings within approximately 3 kilometers of the quarry site.

### 5.6.1 Noise

Noise and vibration effects may be generated by quarrying operations, including vehicle movement, machinery operation, digging and occasional blasting. The District Plan recommends upper limits for construction noise received at residential boundaries in rural areas. The Plan requires that noise generated from construction meets the requirements of NZS6803:1999. A condition is proposed which would require the consent holder to undertake operations which meet these standards, to

ensure that any noise levels at the boundaries of distant households are not significant.

Owing to the isolated location of the quarry, and the low degree of public amenity improvements in the area (such as picnic areas, rest areas etc), it is not expected that there will be any significant noise effects on wider public amenity values.

### **5.6.2 Dust**

Dust can be generated by general quarrying operations, and also from stockpiled soil and the operations site on windy days. The generation of dust in the rural zone should be considered in the context of general farming operations, such as ploughing and drilling (both of which are permitted activities). In addition, Wilson Road is unsealed, and dust is generated through vehicle movements along this public road. It is more likely that if dust was to become a problem, it would be primarily an Occupational Health Problem at the quarry site, rather than elsewhere. Therefore, if dust becomes a problem on windy days, after three days water will be used to dampen the exposed soils, to reduce the problem.

The District plan allows for dust generation so long as the adverse effects are mitigated. It is not envisaged that any adverse effects will be significant, mainly because of the > 2 kilometre distance to the nearest dwelling. Mitigation is available through dampening exposed soils.

## **5.7 Landscape and visual effects**

The “opencast” nature of a quarry will normally detract from the visual and landscape qualities of an area, through bare rock/soil stockpiles, exposed soil and the presence of heavy machinery working in the area. However, landscape and visual effects are related to the “viewing audience”. The quarry’s remote location, situated away from any public amenity, significantly mitigates these adverse effects. The site is not visible from any other private dwelling. There is no ability for the public to see the quarry site unless they travel towards the end of Wilson Road (a dead-end road). People who might use this road would be either local landowners or recreational hunters. Neither activity will be adversely affected by any adverse landscape/visual effects caused by quarrying operations.

Rehabilitation of the site will transform it from its current state of weed-infested, unimproved pasture, to improved pasture. This will improve the landscape and visual amenity of the area and is considered a positive effect.

## **5.8 Natural Hazards and Hazardous substances**

Natural hazards may include ground instability, soil slipping and slumping, caused by excavation and stockpiling of quarry material. The District plan does not envisage this area being prone to these hazards. Benching at the quarry face will mitigate the potential for slipping and slumping in this area. If these effects occurred, the bunding tracks on the edge of the operations area would ensure that effects would be contained on site. Topsoil stockpiles will not exceed 4 metres in height, so slipping and/or

slumping of these stockpiles should not occur.

There are no hazardous substances required to be used during quarrying activities (with the exception of fuel and possibly explosives, which are dealt with elsewhere in this AEE).

### **5.9 Cultural values**

There is the potential for adverse effects on cultural values through excavation operations at the quarry site. While the site is not known for specific cultural or heritage values, it is important to ensure that the appropriate practices are undertaken if any artefacts are unearthed. A suggested condition is proposed whereby Te Ao Marama's accidental discovery protocols are employed in these circumstances.

### **5.10 Positive Effects**

The extraction of rock at this site is considered to provide significant positive effects for the District, and the wider Southland Region. The rock demand from other, less suitable sites should lessen, allowing them to be downscaled when necessary. The central-Southland location is ideal for reducing cartage costs, and associated traffic effects, to the absolute minimum. The quarry will improve the availability of rock-metal for roading, farm tracks and construction, and this will maintain costs of this material to a minimum, for the Southland Region.

The quarry itself will employ up to 4 full and part-time staff, supporting the local workforce and associated infrastructure (schools, halls etc). Wilson Road will be upgraded at the intersection with the Glencoe Highway, and widened throughout its length to allow for heavy trucks to pass each other.

Site rehabilitation will improve what is currently weed-infested unimproved pasture, to weed-free improved pasture. This will improve the visual amenity of the site, and allow for better farming productivity from the rehabilitated land. The spread of weeds from the infested site will also be reduced.

## **6. Mitigation Measures and Proposed Conditions**

To mitigate the actual and potential adverse effects identified in this AEE, the following conditions and additional mitigation measures are proposed:

### **6.1 Proposed Conditions**

1. The exercise of this consent shall be in accordance with the information supplied in the resource consent application, and any accompanying information, lodged by the applicant. In particular, the activity shall be limited to the extraction, crushing, screening and blasting of the rock, and the siting of the extraction areas shall be as per the plans submitted with the resource consent application, including Appendices.

2. There shall be no washing of rock, vehicle washing facilities or permanent on-site fuel storage in association with the extraction activity.
3. The maximum total amount of rock to be extracted by this consent shall not exceed 2,500,000 m<sup>3</sup>
4. The depth of extraction below the natural ground level shall not exceed 45 metres.
5. The hours of extraction and associated activities, including any loading or unloading of vehicles on the site, shall be limited to 7.30am to 9pm:
6. If Koiwi (human skeletal remains) are discovered, then work shall stop immediately and Te Ao Marama Incorporated will be advised. They will arrange an inspection on-site by the appropriate Tangata whenua and their advisers, including statutory agencies, who will determine whether the discovery is likely to be extensive and whether a thorough site investigation is required.

In accordance with RMA Section 6 and the Historic Places Act, the Historic Places Trust shall also be advised of any archaeological site which has been accidentally disturbed. The NZ Police shall also be notified if any human remains are discovered.

Materials discovered will be handled and removed only by the Crown agency or iwi responsible for their appropriate removal or preservation.

7. Any other taonga or artefact accidental discovery shall be treated in the same manner as that outlined in Condition 6. Any natural state pounamu/greenstone shall be treated as the property of Te Runanga o Ngai Tahu in accordance with the provisions of the Ngai Tahu (Pounamu Vesting) Act 1997.

8. All activities authorised by this consent shall comply with the following noise standards:

The noise produced by the authorised activity shall not exceed the following sound levels at the notional boundary of any residential, hospitality, tourist, educational or health activity site:

50 dB LA<sub>eq</sub> (15 minutes)

With “notional boundary” meaning a line 20 metres from any building used for residential, hospitality, tourist, educational or health activity, or the legal boundary of the site on which the building is located, where the boundary is closer to the building than 20 metres.

All sound measurements shall be carried out and assessed in accordance with NZS 6801:2008: Acoustics; Measurement of Environmental Sound.

9. The consent holder shall maintain a minimum buffer of undisturbed area between the extraction site and the two unidentified tributaries of the Hedgehope Stream of 10 metres.

10. The extraction area shall be benched to prevent catastrophic slipping and/or slumping of soil and rock off the quarry face. The benching will include a 1:1 batter constructed at the external boundaries of the extraction site to ensure stability of the quarry face as the quarry floor is lowered.

11. Any stockpiles of topsoil or other materials will be watered when dry weather

exceeds three days and the wind exceeds 15 knots, to mitigate dust effects.

12. There shall be no more than 20 Heavy Commercial Vehicle (HCV) movements into and out of the site per hour (i.e. a maximum of 10 vehicle movements in, and 10 vehicle movements out per hour).

13. The consent holder shall ensure that the rock extraction site and any stockpile sites are kept substantially free of all pest plants, as designated in the Southland Regional Pest management Strategy.

14. The consent holder shall notify, in writing, within 7 days, both Southland District Council and surrounding landowners within 2.5 kilometers, of any blasting occurring at the site. Notification will include the date and time of blasting activity.

15. Progressive reinstatement of the site shall occur in accordance with the information supplied in the Environmental Management Plan attached to this application.

16. The term of these consents shall be 25 years

17. The intersection of Wilson Road and State Highway 96 shall be upgraded to the NZ Transport Agency's Diagram E access standard.

18. A Traffic Management Plan and Agreement to Work on the Highway shall be submitted to and approved by the NZ Transport Agency's network management consultant, Opus International Consultants of Invercargill, at least seven working days prior to the commencement of any works.

## 6.2 Other Mitigation measures

Other mitigation is proposed to improve vehicle access to the quarry. These are:

1. The first 300 metres of Wilson Road, from its intersection with the Glencoe Highway, shall be sealed to prevent damage to Wilson Road at the intersection and stop dust being generated.

2. Wilson road shall be widened to 8 metres throughout its length. This will allow oncoming heavy vehicles to pass each other at any point along the road. Currently, the road is too narrow for overtaking in some places.

## 7. Settling Pond Discharge

Consent is also sought for the discharge from the sediment settling pond. The location of the settling pond will vary, as the quarry face advances through the operations area. The current site of the settling pond is provided in Appendix 1, and the layout of the wider operations area is provided in Appendix 2.

The operation of the sediment settling pond is described in Section 5.2. There is presently a settling pond and discharge to an unnamed tributary of Hedgehope Stream. Environment Southland has advised that this discharge requires resource consent. This discharge has the following parameters:

- pipe diameter - 20 cm
- average discharge – 2400 litres per hour ( 0.66 litres per second)
- maximum discharge – approximately 20,000 litres per hour (5.55 litres per second)

Water collected by the pond is mainly quarry-face stormwater and groundwater, and quarry operations-area stormwater. The total site area is 22,500m<sup>2</sup>. The area of exposed quarry face is currently 0.2 hectares. On grant of consent, this area is likely to increase to a maximum of 0.8 hectares. The area of ancillary operations is unlikely to change much from that presently experienced.

The discharge pipe is approximately 20 cm diameter, although under normal circumstances the discharge is significantly less than the maximum. The present rate of discharge (0.66 l/s) changes very little, regardless of rainfall. This indicates that much of the water gathered by the pond is sourced from groundwater, rather than surface runoff.

As the quarry face expands, the size of the settling pond will also be enlarged. This pond is presently 0.1 hectares in size, and an average 1m depth, allowing a maximum capacity of 1000 m<sup>3</sup>. It will be enlarged to approximately 0.25 hectares in size, and 2 metres depth, allowing a new maximum capacity of 4000 m<sup>3</sup>. Given the nature of the water collected (mainly groundwater seepage), it is expected that this fourfold increase in pond size will be enough to contain any heavy rainfall which may be experienced on the enlarged quarry face.

There are few hazardous substances on the site and those identified are considered to be in safe storage.

To assess the nature of the pond discharge, and any consequent effects on downstream values, water testing was carried out on 24<sup>th</sup> May 2010. The lab report with the results of this testing is provided in Appendix 5.

Samples were taken while the discharge was occurring, using certified containers supplied by Citilab Dunedin. Samples were taken at three sites:

1. The unnamed tributary of Hedgehope Stream immediately upstream of the discharge
2. The unnamed tributary of Hedgehope Stream downstream of the discharge (at a point where there had been “reasonable mixing”).
3. The pond discharge itself.

The following parameters were tested by Citilab Dunedin, an accredited laboratory certified by International Accreditation New Zealand (IANZ).

1. PH
2. Turbidity (measures changes in visual clarity)
3. BOD5 (measures the ability to cause undesirable biological growths)
4. Faecal coliforms (measures suitability for drinking water for humans and stock).
5. Total Petroleum Hydrocarbons –TPH. (measures potential oil and grease runoff from the wider operations area).

Water temperature was measured on site with a thermometer. No detectable difference in temperature was recorded from each of the three sites.

No other contaminants were likely to be present in the discharge. (eg pesticides, heavy metals etc).

Water quality results are as follows:

**1. PH @ 20<sup>0</sup> C. (detection limit 0.02 pH unit)**

Upstream site:	7.07
Downstream site:	7.89
Discharge:	7.85

The RMA Third Schedule Section 6 (being water managed for water supply purposes) states that “*the pH of surface waters shall be within the range 6.0 – 9.0 units*”. All three sites are within this guideline.

**2. Turbidity (detection limit 0.1 NTU)**

Upstream site:	3.8 NTU
Downstream site:	7.0 NTU
Discharge:	3.1 NTU

Section 107 of the RMA states:

“If, after reasonable mixing, the contaminant or water discharged ..... is likely to give rise to all or any of the following effects:

- *Any conspicuous change in colour or visual clarity”*

The upstream sample and discharge sample were relatively clear at 3.8/3.1 NTU respectively. While the downstream sample had higher turbidity than upstream, this is not caused by the discharge, which is clearer than both the upstream and downstream samples. It is therefore unlikely that the discharge would give rise to any significant change in the colour or visual clarity of the receiving waters.

**3. Biochemical Oxygen Demand (BOD5) (detection limits 0.01 g/m<sup>3</sup>)**

Upstream site:	1 g/m <sup>3</sup>
Downstream site:	< 1 g/m <sup>3</sup>
Discharge:	< 1 g/m <sup>3</sup>

Water quality criteria from MFE 1992 guidelines state: *“To prevent undesirable growths of sewage fungus, concentrations of unfiltered BOD5 in the receiving waters should be less than 1 gram per cubic metre”*. The sample taken from the discharge, at < 1 g/m<sup>3</sup>, and the downstream sample, also at < 1 g/m<sup>3</sup>, indicates a minimal level of BOD5, and hence meets this guideline.

**4. Faecal coliforms. (confidence limits + or - 42%)**

Upstream site:	73 cfu/100ml
Downstream site:	90 cfu/100ml
Discharge:	100 cfu/100ml

All faecal coliform samples are within the +/- 42% confidence limits of each other, so there is no contamination shown from the discharge.

**5. Total Petroleum Hydrocarbons (no specified detection limits)**

Upstream site:	<0.7 mg/l
Downstream site:	<0.7 mg/l
Discharge:	<0.7 mg/l

All three samples have the same TPH levels. These TPH concentrations are at trace levels only.

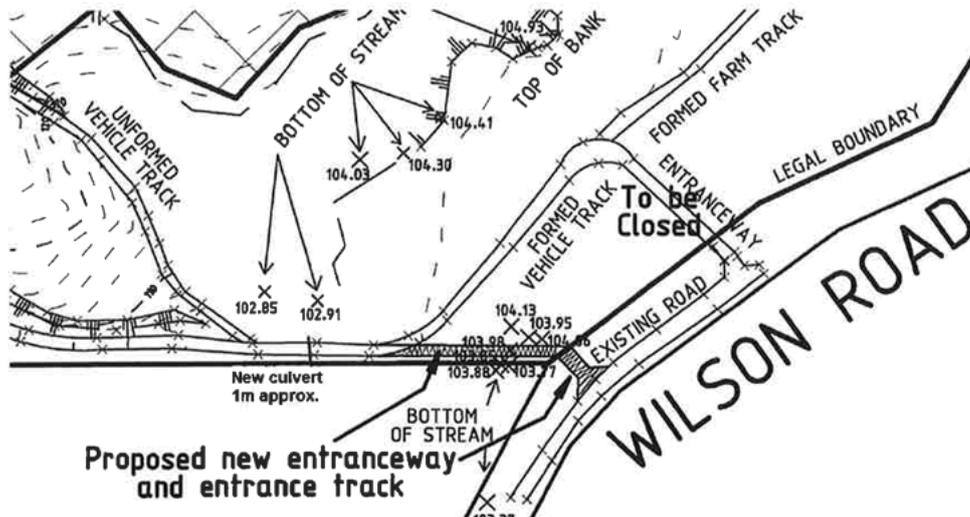
In conclusion, there are no significant actual or potential effects resulting from the discharge, and all water quality guidelines are complied with. While the volume of the discharge may increase, the nature of the discharge is unlikely to change with the enlarged quarry face. It can therefore be reasonably expected that the effects of the discharge to the unnamed tributary of Hedgehope Stream will be no more than minor.

**8. Earthworks related to road and culvert realignment****8.1 Description of the Proposal**

In order to improve access to the quarry site, it is proposed to realign the existing vehicle access track and associated culvert which crosses the unnamed tributary of Hedgehope Stream. Earthworks will be necessary to complete these works. The works will include:

- Retirement of approximately 400 metres of existing access track and creation of approximately 150 metres of new access track (see Figure 3)

- Excavation and placement of less than 1000 cubic metres of rock to be used as surface material for the new vehicle track and for culvert placement.
- Excavation and placement of a new 1 m diameter culvert (see Figure 3)



**Figure 3:** Diagram of location of new access track and culvert (See Appendix 2 for enlarged diagram).

The location of the proposed works will be at or about map reference NZMS 260 F45: 742 401. There are no alternative locations nor methods for the placement of this culvert and associated earthworks. The track route highlighted on Figure 3 is not definite. The route is expected to be decided in-situ as work is being carried out. This means that should a route requiring less disturbance become evident during works, that this path will be chosen.

The new vehicle track will be prepared on a carriage-way width of at least 3 metres, requiring a total formation width of 5 metres including any side drains. The track will be developed on an average slope of 5 degrees, but not less than 1.5 degrees to allow for drainage. The track will be in-sloped to control water buildup on the road surface.

The watercourse and its banks in the area where the crossing is to be installed can be described as on a relatively flat section of land, so little or no bank disturbance, bunds nor coffer dams are expected to be necessary. Diversion of the stream will not be necessary, but there will be disturbance to the streambed when installing the culvert to 1/3 of the depth of the structure below the natural bed level of the stream. Vegetation and wildlife values of the stream are described further in Sections 4.1 and 4.2. The culvert will be placed using an 18 tonne excavator (or similar). No other instream structures will be installed with the culvert. Because of the level nature of the adjacent streambanks, no bank stabilisation or flood protection works are necessary. There are no nearby upstream or downstream crossings.

The catchment area upstream of the crossing has been estimated at 1000 - 1500 hectares. Flow statistics for this stream are not available, but flows in this stream are reasonably constant (much of the catchment is native forest), and mean flows (including discharge from the culvert) are estimated at approximately 100 -300 litres per second.

The aim of the new track is to provide safe all-weather access to the operations area. The route may involve clearing mostly exotic scrub and pasture vegetation between 0.1 and 1.5 metres height. Vegetation clearance will be restricted to a corridor of 10 metres maximum width and will be avoided altogether if possible.

Surfacing material may be required for the new track and culvert. This will be sourced from the existing quarry. Maintenance will be ongoing for the vehicle track to the operations area. Roding works will be done using a D6 Bulldozer (or similar) and/or 18 tonne excavator (or similar), but culvert placement will only be done using the excavator. It is expected that the time required to complete these works shall not exceed three days.

## 8.2 Assessment of Effects

The placement of a new culvert will cause the disturbance of the bed of a very small tributary of the Hedgehope Stream. Its normal flow was estimated (by eye) at less than 100 litres per second. These small tributaries contain the normal 'common core' of macroinvertebrate species (including *Deleatidium* mayflies, cased caddis and freshwater snails). Rewi Anglem (Hokonui Runanga) advised that freshwater crayfish (koura) are present in these streams. No native fish were seen, but it is expected that these side streams would probably contain small eels, bullies and various Galaxiid (whitebait) species.

Disturbing the bed of a river or watercourse has the potential to adversely affect riverbed plants and animals due to the changes in surrounding habitat. There is also the potential for sediment to enter the watercourse, lowering the water quality and smothering in-stream biota.

Therefore, works will be carried outside the trout spawning season of May to August (inclusive). Given the small scale and nature of the works, it is expected that the works are unlikely to have any lasting nor significant effect on instream plants and animals; probably no less than that caused by an average annual flood. To ensure that effects are kept to a minimum, the applicant will take all practicable measures to minimise disturbance of the instream environment.

To minimize the potential for sediment discharge into the waterways, an excavator will be used to place the culverts rather than a bulldozer. In addition, the exact location of the track will be determined in-situ as the works are being carried out. This means that the path selected will be that requiring the least disturbance, helping reduce effects on the surrounding habitat.

Machinery will be used near the waterway. Therefore, to avoid direct effects on the instream habitat, machinery use in the waterway will be restricted to the minimum necessary, and refuelling of machinery will not take place in or near any waterway.

To prevent the culvert from acting as a barrier to fish passage, it shall be placed in the waterway in such a way that they do not cause a flow “drop”, which might block the passage of migratory fish species.

### 8.3 Proposed Conditions

To ensure that any adverse effects of the activities on the environment are no more than minor, the applicant proposes that the following conditions be attached to the consent:

- The culvert will be installed in accordance with Southland District Council Rooding Policy Procedures (see Appendix 6).
- The works shall be carried out in accordance with details submitted in the consent application
- All practicable measures shall be undertaken to minimise the discharge of sediment to any stream arising from the works,
- All practicable measures shall be undertaken to minimise vehicles or machinery entering any stream channel
- There shall be no storage of fuel or re-fuelling of vehicles or machinery anywhere near the bed of a river
- All practicable measures shall be undertaken to minimise adverse effects on property, amenity values, wildlife, vegetation and ecological values
- The works shall not prevent the passage of fish, or cause stranding of fish in pools or channels
- The installation of any culverts shall not cause erosion to the bed or banks of any stream

## 9. Consultation

Consultation has taken place with Southland District Council, to ensure this application is lodged to an appropriate standard of information. Mr Matt Hoffman, of Environment Southland, was also briefly contacted about information requirements for the discharge consent.

Previously, a site visit was carried out on Wednesday 2<sup>nd</sup> March 2011. This site visit was attended by Donna Shepard, Department of Conservation; Jacob Smythe, Fish & Game Council; and Rewi Anglem, Hokonui Runanga. Roger Sutton and Bill Chisholm were also present, representing the applicant. The principle issues raised were:

1. The quality of the settling pond discharge to the unnamed tributary of Hedgehope Stream, and monitoring this discharge.

With regard to the settling pond, it was considered that this was probably the best method of managing sediment runoff from the operations site. The quality of the discharge to date has been within acceptable limits, and it was not expected that this

would change much, as the water collected was mainly groundwater seepage. It was suggested that the discharge be monitored during the establishment of the increased operations to ensure that water quality (especially sediment) remains within acceptable limits. It was expected that Environment Southland would consider this when recommending consent conditions.

2. Effects of earthworks on water quality, including earthworks associated with access road realignment and culvert placement.

Runoff from earthworks at the operations site would be confined within the track bunds and collected in the sediment settling pond. Standards for roading earthworks and culvert placement are available (see Appendix 6), which should keep sediment discharge to Hedgehope Stream to a minimum.

3. Stock management around the operations site.

The applicant agreed to fence off the operations site to completely exclude stock, with the exception of allowing stock access through the site to nearby paddocks.

4. Whether the sediment settling pond collected mainly surface runoff or groundwater, and the potential effects of groundwater capture on flows in the Hedgehope Stream tributary.

The runoff to the settling pond, and the discharge rate, remains fairly constant (~2.4 litres/second) regardless of rainfall. It was therefore considered that the water which is discharged from the sediment settling pond is largely groundwater seepage from the operations site. The effects on flows in the Hedgehope Stream is thought to be no more than minor.

Transit NZ were contacted and a draft copy of this application and appendices was forwarded to their consultants on 3<sup>rd</sup> March 2011. Transit NZ's response, by email from Kirsten Klitscher on 29<sup>th</sup> March 2011, was as follows:

*Hi Bill,*

*I've just found a copy of Kirsty's letter to you, dated today (she must have completed it before she headed off at 10am). Unfortunately I'm not able to attach a full copy of her letter, however in summary, the NZTA is seeking the inclusion of the following in the resource consent application:*

- 1. The intersection of Wilson Road and State Highway 96 shall be upgraded to the NZ Transport Agency's Diagram E access standard.*
- 2. A Traffic Management Plan and Agreement to Work on the Highway shall be submitted to and approved by the NZ Transport Agency's network management consultant, Opus International Consultants of Invercargill, at least seven working days prior to the commencement of any works.*

*On receipt of such an application, the NZTA will be able to consider providing written approval to the application.*

*My apologies for being unable to provide a copy of the full letter. Please feel free to contact me if you have any further queries.*

*Kind regards  
Kirsten*

These two conditions have been included as proposed conditions 17 and 18 (see Section 6).

In July 2014, copies of this document were again provided to the following organisations:

- Department of Conservation
- Southland Fish & Game Council
- Te Ao Marama Inc and Hokonui Runanga
- Transit NZ
- Caleb Smith, the landowner

(NB: Hokonui Runanga is also the adjacent landowner to the proposed operations site).

To date, responses have been received from Southland Fish & Game Council and Transit NZ. Transit NZ have advised that they remain happy with the application, and have submitted an "Affected Persons Approval Form". Mr Caleb Smith has also signed this form.

The Southland Fish & Game Council have expressed concerns about turbidity in the Hedgehope Stream, and how this might be mitigated. After some discussions, it was decided that the Environmental Management Plan (See Section 10, 3) might need to include some additional black disk turbidity monitoring of this stream, at times of stable flow. Such monitoring will be able to determine whether sediment is being washed into the stream as a result of quarry works. This has been incorporated into the management actions of Section 10, 3.

## 10. ENVIRONMENTAL MANAGEMENT PLAN

### 1. Fuel/oil management.

Actual or potential effects:

- Water contaminated with hydrocarbon oils etc from washing equipment and vehicles.
- Fuel and oil spillage from refuelling and lube activities
- Leakage from poorly maintained vehicles, hydraulic lines, or accidental damage

Consent conditions:

That there shall be no washing of rock, vehicle washing facilities, or on-site fuel storage in association with the extraction activity.

All refuelling and lubricating activities shall be undertaken in the designated area containing drip trays which are able to collect any spillages.

Management Actions:

Any maintenance or servicing of vehicles and plant shall be done in the designated area.

If emergency maintenance of vehicles and plant is required, only that which does not affect fuel, oil or hydraulic systems shall be authorised.

All fuelling or lubrication of vehicles and plant shall be undertaken at the designated refuelling site.

### 2. Noise

Actual or potential effects:

- Excessive noise can disturb the quiet enjoyment of the public conservation areas nearby. Irregular loud noises can disturb wildlife in the area.
- Excessive noise from vehicles using Wilson Road could disturb neighbouring dwellings, especially at the intersection of Wilson Road and SH 96.

Consent conditions:

That the hours of extraction and associated activities, including any loading and unloading of vehicles on site, shall be limited to 7.30am to 9pm daily, all year round:

No extraction, or associated activities, including vehicle movements associated with rock extraction on and to and from the site, are to occur outside of these hours.

That the applicant shall ensure all activities authorised by this consent comply with consent conditions and assessed in accordance with NZS 6802: 2008, Acoustics; Environmental Sound.

Management Actions:

In addition to the conditions of the resource consent, Section 16 of the RMA establishes a duty for all persons to avoid unreasonable noise. Similar provisions also exist under the Health Act.

Council will be invited to undertake monitoring of noise at the notional boundary of the nearest affected residences once within three months of the commencement of the activity, and one further noise monitoring event within 6 months of the operation commencing, at such times as when the gravel extraction machinery is in operation, then annually from then on for the next 25 year period. The costs of this monitoring shall be at the consent-holders expense.

All contractors and trucking companies associated with Glencoe Quarries to be notified, in advance, of the hours of operation. The entrance to the quarry site shall be locked outside these hours.

All trucking companies travelling to/from Glencoe Quarries to be instructed, in advance, not to use engine brakes at the intersection of Wilson Road and SH 96.

See also blasting provisions in this Plan.

### **3. Water Quality**

Actual or potential effects:

Discharge of contaminants (including hydrocarbons, sediment and chemicals) to unnamed tributaries of Hedgehope Stream, adjacent the quarry site.

Consent conditions:

The consent holder shall maintain a 5 metre minimum buffer between the excavation site(s) and the unnamed tributaries of Hedgehope Stream adjacent the site.

Stockpiles of topsoil and other materials associated with the operation, may not be sited in areas where runoff from these stockpiles might directly enter the unnamed tributaries of Hedgehope Stream which are adjacent the site.

Management Actions:

Establish and maintain sediment settling pond.

Establish and maintain vehicle track/earth bunds to contain any runoff from the operations site to the sediment settling pond.

No works to be undertaken outside the vehicle track/earth bunds, nor within 5 metres

of any watercourse. All works should be carried out in a manner designed to avoid direct runoff of stormwater into waterways during operations.

Black disk turbidity monitoring to take place monthly at stable flows at or below the confluence of the two surrounding tributaries of Hedgehope Stream, for the first 12 months, to assess whether site works are contributing to stream turbidity.

Any fuelling or servicing of equipment shall be undertaken at the designated site. Fuelling or servicing vehicles shall be undertaken on drip trays which will be designed to trap and contain any spilt contaminants.

#### **4. Reinstatement**

Actual or potential effects:

Adverse landscape and visual amenity effects. Reduction in productivity of the quarried land. Spread of unwanted weeds.

Consent Conditions

Progressive reinstatement of the site shall occur in accordance with the information supplied in the Environmental Management Plan attached to this application

Management Action

Reinstatement shall involve the replacement of the topsoil layer, using the stockpiled topsoil, and then over sowing it in pasture. Final reinstatement of the site shall occur within 6 months of cessation of extraction activities on the site, or upon expiry of this consent (after 25 years), whichever comes first.

The reinstatement shall occur as follows:

- Topsoil from the extraction areas shall be stripped away and stockpiled in the general area(s) outlined in Appendix 1, for reinstatement work.
- Immediately after the completion of rock extraction, the extracted areas shall be shaped to a natural contour to fit the shape of the surrounding landform.
- Topsoil shall be spread over the re-contoured areas and re-grassed with appropriate grazing species.
- Any backfill shall consist of clean fill material only and shall not include hazardous substances, domestic refuse or other debris (e.g. car bodies etc.).

It is accepted that a bond will need to be paid to Council to ensure reinstatement is complied with.

#### **5. Cultural & archaeological sites**

Actual or potential effects:

Disturbance and damage to archaeological sites.

Consent conditions:

- If Koiwi (human skeletal remains) are discovered, then work shall stop immediately and Te Ao Marama Incorporated will be advised. They will arrange an inspection on-site by the appropriate Tangata whenua and their advisers, including statutory agencies, who will determine whether the discovery is likely to be extensive and whether a thorough site investigation is required.
- In accordance with RMA Section 6 and the Historic Places Act, the Historic Places Trust shall also be advised of any archaeological site which has been accidentally disturbed. The NZ Police shall also be notified if any human remains are discovered.
- Materials discovered will be handled and removed only by the Crown agency or iwi responsible for their appropriate removal or preservation.
- Any other taonga or artefact accidental discovery shall be treated in the same manner as that outlined in Condition 6.
- Any natural state pounamu/greenstone shall be treated as the property of Te Runanga o Ngai Tahu in accordance with the provisions of the Ngai Tahu (Pounamu Vesting) Act 1997.

Management Actions:

Preparation and implementation of accidental discovery procedures, with guidance from Te Ao Marama Inc.

Require works to cease immediately if any archaeological or historic feature, human remains and/or pounamu is found, and notify appropriate agencies.

## **6. Landscape/visual/amenity**

Actual or potential effects:

Adverse landscape and visual amenity effects are unavoidable. Mitigation is required through minimisation of noise and dust, controls on blasting and crushing, and effective site rehabilitation.

Consent Conditions

All consent conditions are designed to mitigate adverse landscape, visual and amenity effects of quarrying.

Management Action

Compliance with all consent conditions, and other District and Regional Plan

requirements.

## 7. Ecology

Actual or potential effects:

Adverse effects on the ecology of Hedgehope Stream. Spread of unwanted weeds

Consent Conditions

The consent holder shall maintain a 10 metre minimum buffer between the excavation site(s) and the unnamed tributaries of Hedgehope Stream adjacent the site.

Stockpiles of topsoil and other materials associated with the operation, may not be sited in areas where runoff from these stockpiles might directly enter the unnamed tributaries of Hedgehope Stream which are adjacent the site.

Progressive reinstatement of the site shall occur in accordance with the information supplied in the Environmental Management Plan attached to this application

Management Actions

Establish and maintain all sediment mitigation measures.

No works to be undertaken outside the bunded vehicle access tracks, or within 10 metres of any watercourse.

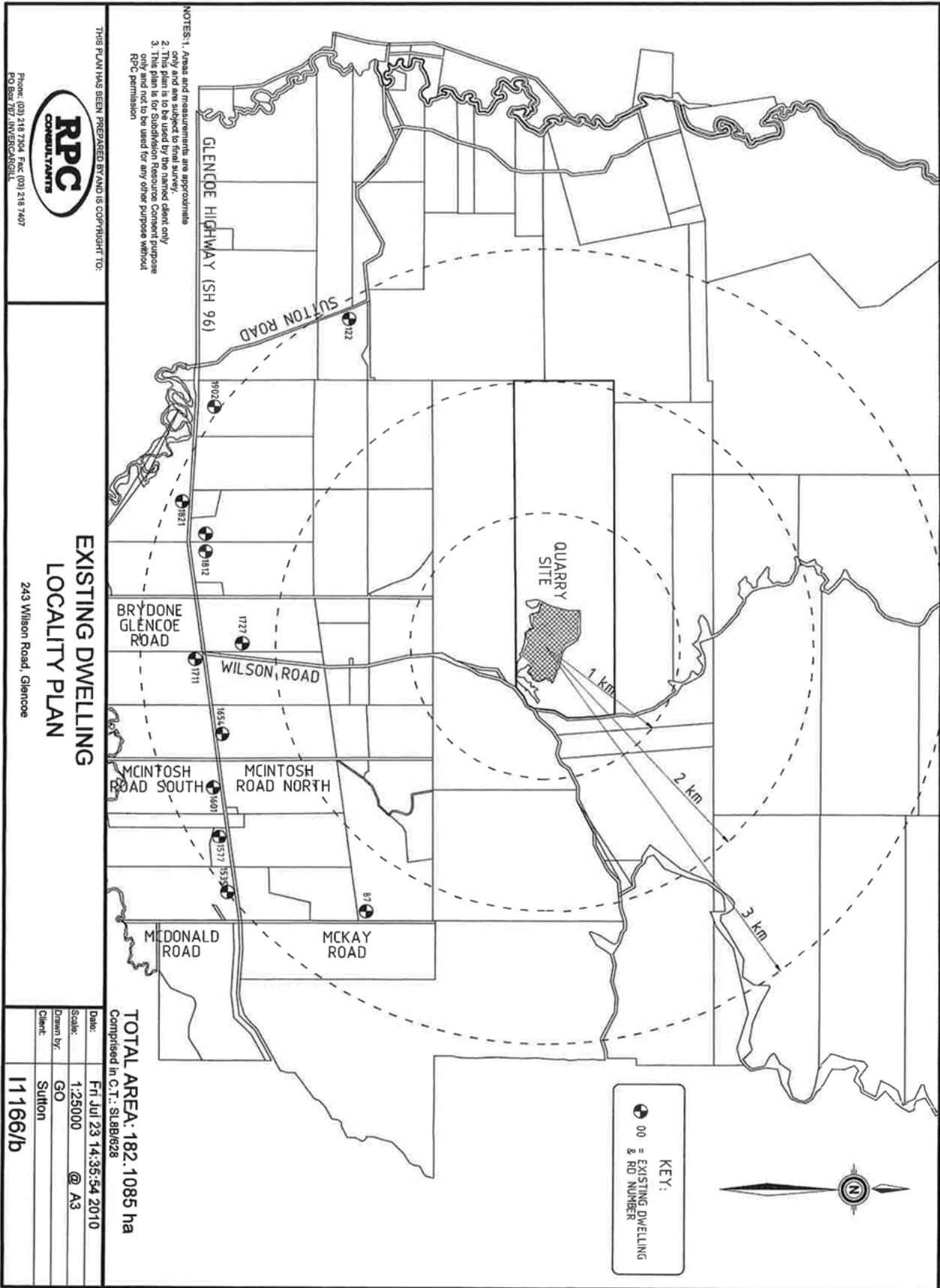
Divert any potential runoff towards the sediment settling pond.

Removal of any riparian vegetation (regardless of whether it is 10 metres from the watercourse or not) should be avoided where possible.

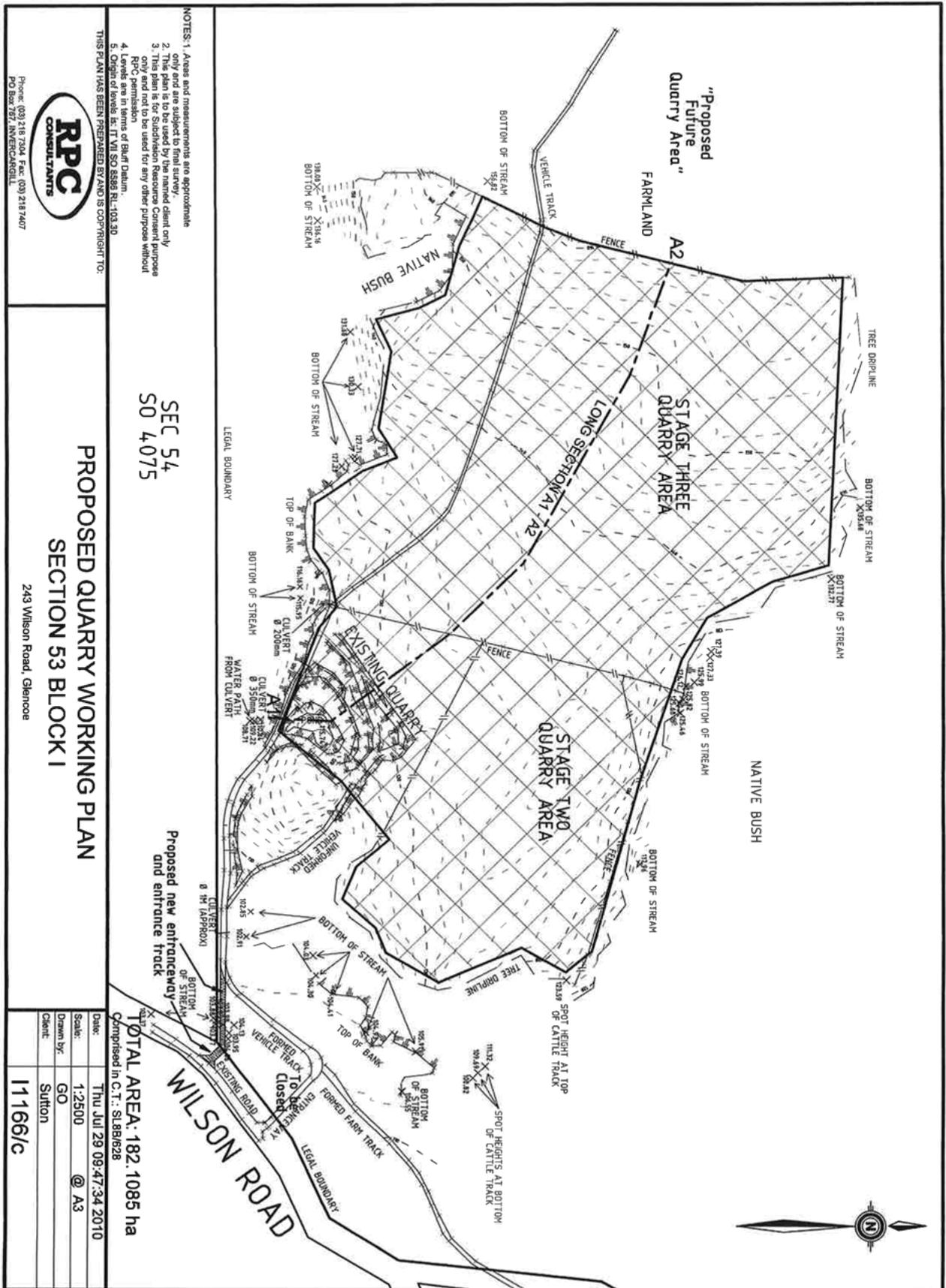
Stabilise disturbed areas as far as possible, especially those in the riparian zone. Stabilisation is best achieved through structural methods or vegetation plantings.

Ensure topsoil and other material stockpiles are contained within the operations area.

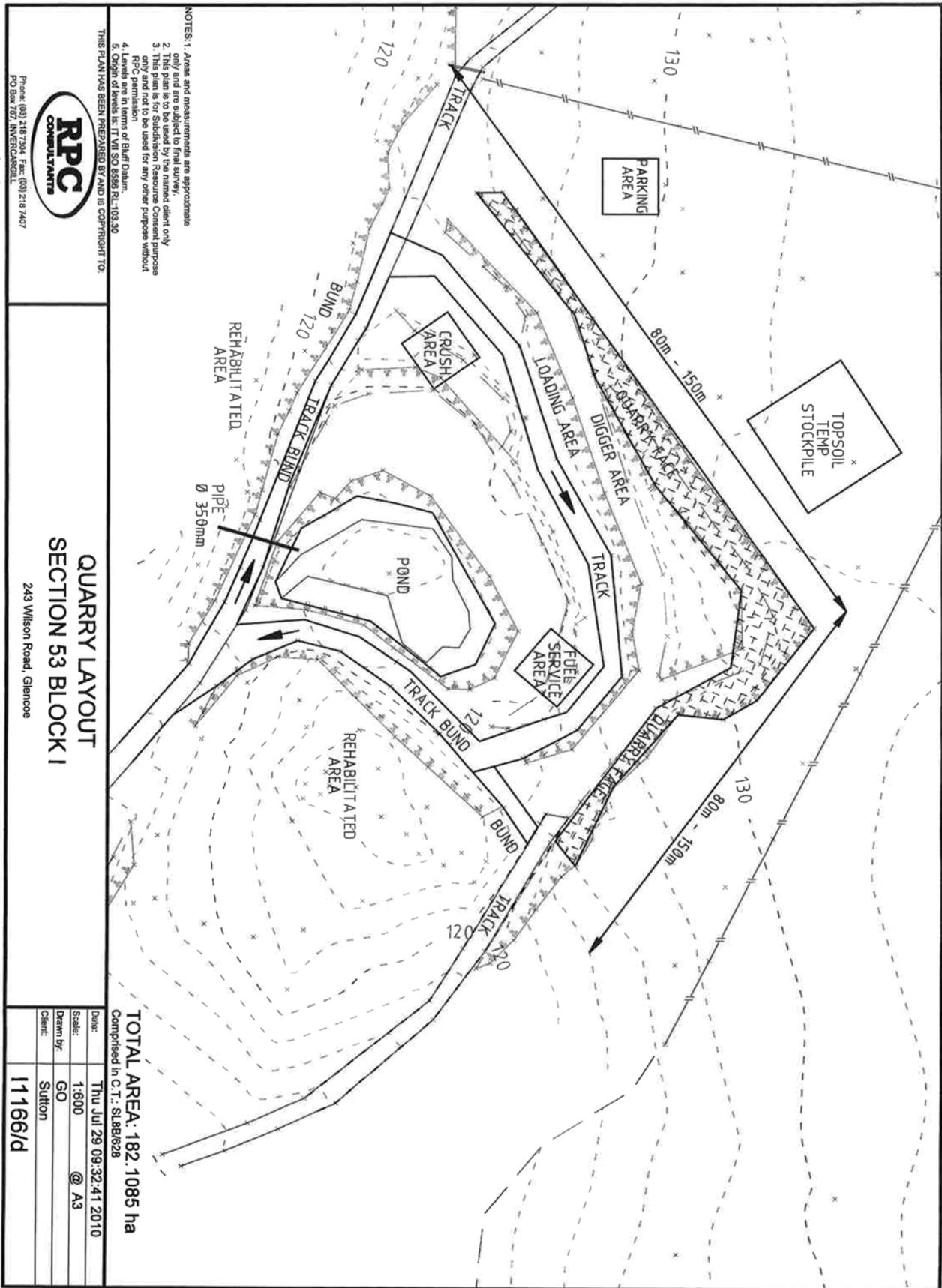
Item 8.1 Attachment B

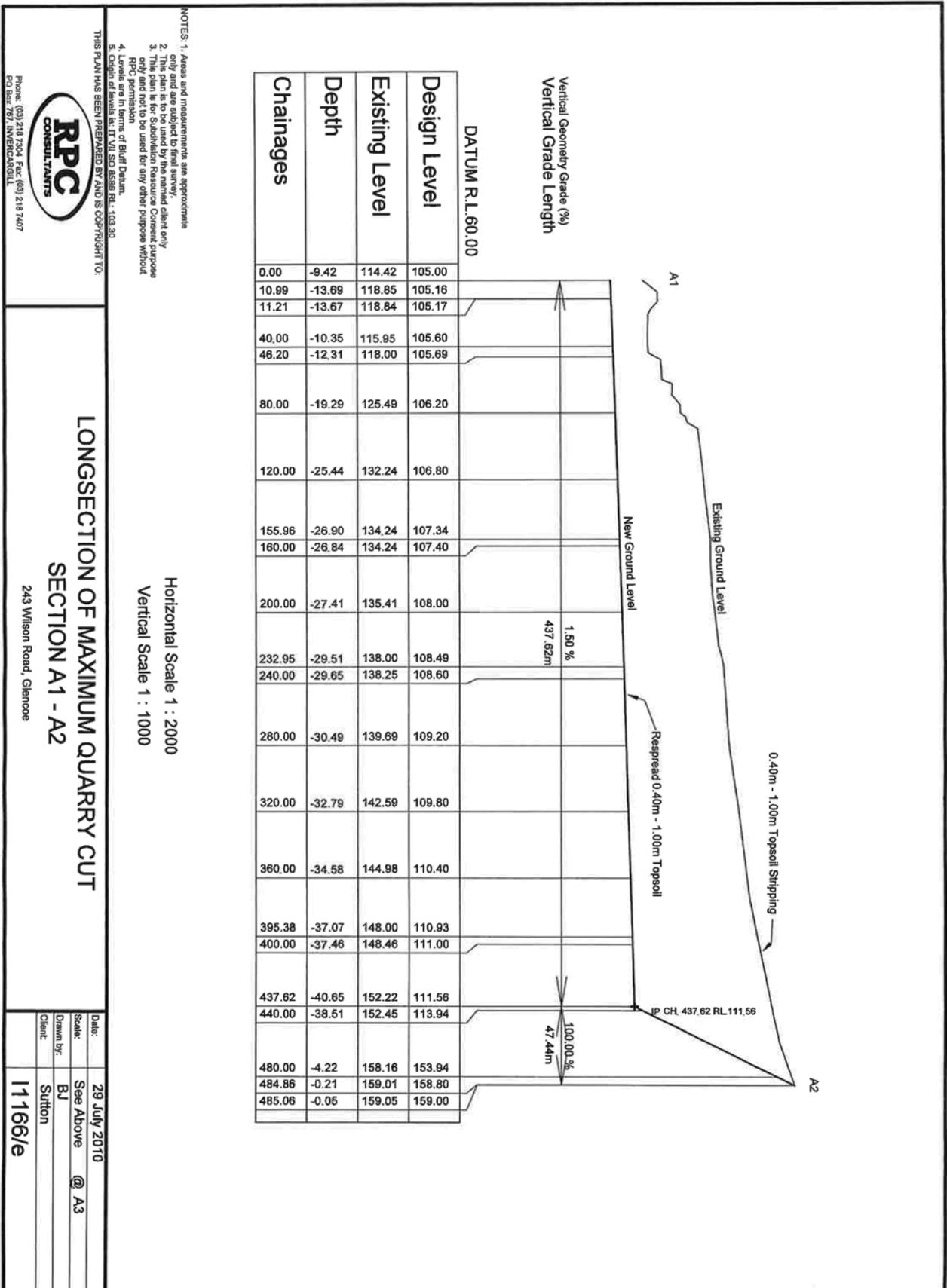


Item 8.1 Attachment B



Item 8.1 Attachment B





**Further Information**

**Jenny Green**

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**From:** Jenny Green  
**Sent:** Friday, 27 February 2015 12:25 p.m.  
**To:** Knowledge Management Staff  
**Subject:** FW: Response to further information received 9 February 2015.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Bill Chisholm [<mailto:bill@chisholm.co.nz>]  
**Sent:** Friday, 27 February 2015 12:00 p.m.  
**To:** Jenny Green  
**Cc:** [louise.white@es.govt.nz](mailto:louise.white@es.govt.nz); 'Roger Sutton'  
**Subject:** RE: Response to further information received 9 February 2015.

Dear Jenny

Thank you for your reply and additional questions. In response I can advise:

1. *Can you confirm the distance of the quarry extent at the closest point from the creek along the northern boundary (scales at about 9.0m?) and what vegetation will be retained.*

The minimum distance between the quarry and this northern boundary-creek is 10 metres. The applicant would be agreeable to a condition requiring a 10 metre minimum buffer between this creek and the quarry. All riparian vegetation and other vegetation within this buffer will be left undisturbed.

2. *Is Glencoe Quarries Ltd a registered company on the Companies Register ?*

The registration of Glencoe Quarries Ltd is currently being dealt with via Roger Sutton's lawyer. It can take some time for new companies to appear on the register. I will forward you the company registration number as soon as it becomes available.

3. *I assume Stage 2 will be benched what will the lowest floor height be?*

Yes stage 2 will be benched as it progresses forward through the quarry site. The height of the benches is determined by the height needed to load a truck from a digger. This height is normally 2-3 metres, so the lowest bench height is 2 metres. The highest bench height would be up to a maximum of 5 metres (depending on local topography), but it is normally 3 metres.

4. *Please confirm your client Roger Sutton is aware of the limited notification procedure and is in agreement with the next step of proceeding down that path.*

I have briefed Roger on the notification pathway and he has no problems with it. Please be aware that we are continuing to consult with Te Ao Marama, Waimumu Trust and Southland Fish and Game, and Affected Party Approvals from them may be forthcoming as a result of this consultation.

5. *After limited notification ES and SDC need to determine whether joint processing is required and depending upon any submissions received and the nature of any such submissions, if a hearing is required.*

Understood.

Yours faithfully

Bill Chisholm\*,  
Chisholm Associates, PO Box 2, Omarama 9448.  
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email [bill@chisholm.co.nz](mailto:bill@chisholm.co.nz)  
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Jennifer Green,  
Southland District Council,  
PO Box 903,  
Invercargill 9840.

9th February 2015

Dear Jennifer

**Response to S 92 request for further information – Roger Sutton Consent  
Application 14/212**

This is a formal response to your S 92 request for further information, dated 16th October 2014. The attached figure from Southern Land Surveyors Ltd should be referred to, especially for questions 3 and 4. Please note that although this figure is marked “draft”, it should be considered as “final” for the purposes of this S 92 request.

**1. Please advise the intentions in regards to surface water and sediment control. The site visit discussed different options relating to surface water management, the landowner and the applicant had different ideas to the applicant as lodged – an agreed position is needed. The details of any changes then need to be submitted to form part of the application – this should include relevant maps, cross-sections, written explanation, etc.**

The quarry is located on farmland, at the toe-end of a gently-sloping paddock. Currently, when there is heavy rain, water naturally flows off the paddock away from the quarry-face, towards a low-point which then crosses a farm track. A small culvert (150mm) had been installed at this point of the farm track as part of normal farming operations. This is the current pattern of water flow off the paddock, and the quarry will not interfere with this.

Sediment management from surface-water runoff from the quarry-face is described in detail in the consent application. Despite what may have been perceived as differences of opinion during the site visit, no additional surface-water management is proposed as part of the quarry operation.

A question was raised by Southland Fish & Game about turbidity management and monitoring, as a result of elevated turbidity levels in Hedgehope Stream upstream of the settling pond discharge pipe. This is the result of an eroding bank, caused by the installation of a farm track nearby. This has caused an erodible earth bank to be formed adjacent the stream, upstream of the settling pond discharge pipe which contributes higher amounts of sediment to the stream. This happened before the quarry was developed, and has nothing to do with present quarry operations, future quarry operations, or the activities applied for in this consent. The applicant has provided evidence that turbidity levels in the settling pond discharge pipe are low, and

do not contribute materially to elevated turbidity levels in the Hedgehope Stream itself.

**2. Please clarify the volume of extraction and consent duration sought.**

This is confirmed as 100,000 cubic metres per annum over the consent duration of 25 years. The total is therefore 2,500,000 cubic metres over the 25 year period of the consent.

**3. Please confirm the maximum quarry area that would be exposed/worked at any one period of time for the purposes of calculating an appropriate bond figure.**

Please refer to the attached Southern Land Surveyors Ltd figure. This area maximum, including gravel stockpiles, is 2.0538 hectares.

**4. Please clarify the location of the quarry in relation to proximity to the northern boundary and the intended buffer to the existing creek.**

Please refer to the attached Southern Land Surveyors Ltd figure. The extent of the quarry is marked along its northern boundary by the red line. The actual northern boundary of the property is marked by the blue line. The creek roughly follows the blue line, (although it may change course from time to time), thereby giving the extent of the proposed buffer. Despite what may have been perceived as differences of opinion during the site visit, the buffer proposed is that outlined in the attached figure.

**5. The option of installing a culvert in the creek under the access road (as you approach the quarry) and potentially diverting the creek was also discussed and there were differing ideas between the applicant and landowner during the site visit. If this is intended full details are required.**

A 1200mm culvert pipe will be installed in this creek for the access road. No discharge or diversion is involved. We are advised by Environment Southland that this installation is a permitted activity.

**6. Is the application to be processed under the name Roger I Sutton or Glencoe Quarries Ltd?**

Glencoe Quarries Ltd.

**7. Any other variations to the application as lodged, following discussions between the landowner after the site visit, should also be forwarded.**

The landowner has been consulted and as a result of this there are no additional variations to the application.

Yours faithfully



Bill Chisholm

CHISHOLM ASSOCIATES



**Affected Party Approvals**

**Item 8.1 Attachment B**



**AFFECTED PERSON(S) WRITTEN APPROVAL FORM**

To: Resource Management Department  
Southland District Council  
PO Box 903  
Invercargill 9840

I/We Caleb Smith  
\_\_\_\_\_

[full names]

being the  owner  
 occupier  
 owner and occupier

of the property situated at 243 Wilson road Gleno  
\_\_\_\_\_

[address and/or legal description of your property]

have read and understand the information on the reverse side of this page and consent to the proposal by:  
Roger Sutton  
\_\_\_\_\_

[name of applicant(s)]

to Extract rock  
\_\_\_\_\_

[description of proposed activity]

on the following property 243 Wilson road  
\_\_\_\_\_

[address of application site]

as outlined in the application submitted and on the associated plans signed by me/us.

Signed: Caleb Smith Date: 1 Aug 2014

Contact Address: (if different from above) \_\_\_\_\_

Telephone: 027 224 2676

If you have any queries regarding the resource consent process and the role and rights of adversely affected person(s), please contact:

Resource Management Department  
Southland District Council  
PO Box 903  
Invercargill 9840

Phone 0800 732 732  
Fax 0800 732 329

before you complete and sign this form and the associated plans



NZ TRANSPORT AGENCY  
WAKA KOTAHI

Level 2, AA Centre  
450 Moray Place  
PO Box 5245  
Moray Place  
Dunedin 9058  
New Zealand  
T 64 3 951 3009  
F 64 3 951 3013  
[www.nzta.govt.nz](http://www.nzta.govt.nz)

06 August 2014

Bill Chisholm  
Chisholm Consultants  
PO Box 2  
**OMARAMA 9448**

Dear Bill

**Glencoe Quarries Limited - Proposed Gravel Extraction - Glencoe - SH 96**

Thank you for forwarding details of the amended gravel extraction activity proposal for our consideration. We understand that your client proposes to establish and operate a rock quarry at Glencoe, near State Highway 96. We note that you have promoted our two requirements as conditions of resource consent (6.1 Proposed Conditions - Conditions 17 and 18).

Further to your correspondence confirming the acceptance of our consent conditions, we are now satisfied that the proposed activity is unlikely to have an adverse effect on the safety and functionality of the State highway adjacent to the subject site. Accordingly, please find enclosed the NZ Transport Agency's written approval to your proposed activity for your information and further action.

Please contact our network management consultant, Opus International Consultants of Invercargill, to obtain the necessary technical details for the Diagram E access standard.

Please do not hesitate to contact me if you have any queries regarding the above information.

Yours sincerely

**Tony MacColl**  
Senior Planning Advisor

cc AMS  
Opus International Consultants, PO Box 647, Invercargill

File Ref: PM/14/73/06/211016

Item 8.1 Attachment B



**AFFECTED PERSON(S) WRITTEN APPROVAL FORM**

To: Resource Planning Department  
Southland District Council  
PO Box 903  
Invercargill 9840

**Tony MacColl**  
Senior Planning Advisor  
Southern Region - Dunedin  
NZ Transport Agency

I/We

[full names]

- being the
- owner
  - occupier
  - owner and occupier

of the property situated at State Highway 96 (SH 96)  
[address and/or legal description of your property]

have read and understand the information on the reverse side of this page and consent to the proposal by:

Glencoe Quarries Limited  
[name of applicant(s)]

to Operate a gravel extraction quarry. Extracting 100,000 m<sup>3</sup> per annum for a 25 year period.  
[description of proposed activity]

on the following property 243 Wilson Road, Glencoe, Southland  
[address of application site]

as outlined in the application submitted and on the associated plans signed by me/us.

Signed: [Signature] Date: 6-8-14

Contact Address: (if different from above) \_\_\_\_\_

Telephone: 03 951 3009

If you have any queries regarding the resource consent process and the role and rights of adversely affected person(s), please contact:

Resource Planning Department  
Southland District Council  
PO Box 903  
Invercargill 9840  
Phone 0800 732 732  
Fax 0800 732 329

before you complete and sign this form and the associated plans

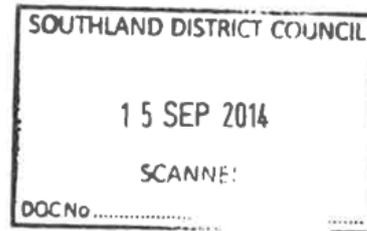


Department of  
Conservation  
*Te Papa Atawhai*

File: SAR-05-84-08

06 September 2014

~~Bill Chisholm  
Chisholm Associates  
P O Box 2  
Omarama 9448~~



Dear Bill

APPLICATION FOR APPROVAL: S95E RMA  
(*Glencoe Quarries, Quarry, 243 Wilson Road Glencoe, 31 July 2014*)

I have considered your application for approval in terms of S95E RMA and am pleased to advise that I grant my approval as an affected person.

My approval is granted on the basis that the proposal is; as described, is for the purposes described, and will have the effects on the Department's interests as described in the application received on 31 July 2014.

This approval is limited to the likely adverse effects of the proposal on the Department's interests and should not be construed as approval to effects on the environment generally.

This approval is specific to the above application and is for the purposes of S95E RMA only. It is not indicative of any associated concession or other statutory approval which may be required from the Department in regard to this proposal.

This approval will be rendered null and void if the proposal to which it refers is changed between the date of this approval and its consideration by the consent authority without referral back to me for my further assessment.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phil Melgren'.

Phil Melgren  
Conservation Partnerships Manager  
Pursuant to delegated authority

cc: Southland District Council

**Invercargill Murihiku Office**

CUE on Don, 33 Don St, PO Box 743, Invercargill 9840, New Zealand  
Telephone 03-211 2400, Fax 03-214 4486  
Docdm-1476350

Attachment B



**AFFECTED PERSON(S) WRITTEN APPROVAL FORM**

To: Resource Management Department  
Southland District Council  
PO Box 903  
Invercargill 9840

I/We  I. Keenan  
[full names]

being the  owner  
 occupier  
 owner and occupier

of the property situated at 1790 Glencoe Highway  
2 RD Invercargill  
[address and/or legal description of your property]

have read and understand the information on the reverse side of this page and consent to the proposal by:  
Glencoe Quarries Ltd  
[name of applicant(s)]

to Land use and related consents to operate a quarry  
at Wilson Road  
[description of proposed activity]

on the following property Section 53, Block 1 Lindhurst Hundred  
(approx 182 ha). As described in Section 2.1 of the AEE  
[address of application site]

as outlined in the application submitted and on the associated plans signed by me/us.

Signed:  Date: 11.12.14

Contact Address: (if different from above) \_\_\_\_\_

Telephone: 03 2306128

If you have any queries regarding the resource consent process and the role and rights of adversely affected person(s), please contact:

Resource Management Department  
Southland District Council  
PO Box 903  
Invercargill 9840

Phone 0800 732 732  
Fax 0800 732 329

before you complete and sign this form and the associated plans



**AFFECTED PERSON(S) WRITTEN APPROVAL FORM**

To: Resource Management Department  
 Southland District Council  
 PO Box 903  
 Invercargill 9840

I/We Fish & Game - Southland Region,  
159 North Road, Invercargill  
[full names]

- being the  owner  
 occupier  
 owner and occupier

I the property situated at \_\_\_\_\_  
[address and/or legal description of your property]

have read and understand the information on the reverse side of this page and consent to the proposal by:

Roger Sutton, Glencoe Quarries Ltd  
[name of applicant(s)]

to Operate a commercial quarry and extract gravel  
with a maximum volume of 2,500,000 m<sup>3</sup> over a 25 year period.  
[description of proposed activity]

on the following property 243 Wilson Road, Glencoe, Southland  
[address of application site]

as outlined in the application submitted and on the associated plans signed by me/us.

Signed: [Signature] Date: 17/03/2015

Contact Address: (if different from above) PO Box 159, Invercargill

Telephone: 03 215 9117

If you have any queries regarding the resource consent process and the role and rights of adversely affected person(s), please contact:

Resource Management Department  
 Southland District Council  
 PO Box 903  
 Invercargill 9840

Phone 0800 732 732  
 Fax 0800 732 329

before you complete and sign this form and the associated plans

nt B



### AFFECTED PERSON(S) WRITTEN APPROVAL FORM

To: Resource Management Department  
 Southland District Council  
 PO Box 903  
 Invercargill 9840

I/we Waimumu Trust

Item 8.1 Attach

[full names]

being the

- owner
- occupier
- owner and occupier

of the property situated at 243 Wilson Rd Glencoe Southland

[address and/or legal description of your property]

have read and understand the information on the reverse side of this page and consent to the proposal by:

Roger Sutton, Glencoe Quarries Ltd

[name of applicant(s)]

to Operate a commercial quarry and extract gravel  
with a maximum volume of 2,500,000 m<sup>3</sup> over a 25 year period.

[description of proposed activity]

on the following property 243 Wilson Road, Glencoe, Southland

[address of application site]

as outlined in the application submitted and on the associated plans signed by me/us.

Signed: R.W. Chyler

Date: 18/3/2015

Contact Address: (if different from above) 140 Charlton Rd. Gore.

Telephone: 021025 344 871

If you have any queries regarding the resource consent process and the role and rights of adversely affected person(s), please contact:

Resource Management Department  
 Southland District Council  
 PO Box 903  
 Invercargill 9840

Phone 0800 732 732  
 Fax 0800 732 329

before you complete and sign this form and the associated plans



## AFFECTED PERSON(S) WRITTEN APPROVAL FORM

**To: Resource Planning Department  
Southland District Council  
P O Box 903  
Invercargill**

We Te Ao Marama Inc

being the  affected party  
 occupier  
 owner and occupier

of the property situated at Murihiku Marae, 408 Tramway Road – P O Box 7078, South Invercargill

have read and understand the information on the reverse side of this page and consent to the proposal by:

**Name of Applicant(s):**

Glencoe Quarries Ltd

**Description of proposed activity:**

Operate a commercial quarry and extract gravel with a maximum volume of 2,500,000<sup>3</sup>m over a 25-year period.

**Address of application site:**

243 Wilson Road, Glencoe, Southland.

as outlined in the application submitted and on the associated plans signed by us.

Please note: This approval is subject to an Accidental Discovery Protocol consistent with Appendix One (attached) being a condition of the consent.

**Signed:**  D Whaanga, Resource Consents

**Telephone:** (03) 931 1242

**Date:** 18/03/2015

**Item 8.1 Attachment B**

**Council Staff Comments**

**Jenny Green**

**From:** Michael Sarfaiti  
**Sent:** Wednesday, 8 October 2014 2:12 p.m.  
**To:** Jenny Green  
**Subject:** RE: TRIM SDC Inwards Mail : 2014/09/8744 : Land Use Consent Application - Roger Sutton - 243 Wilson Road, Glencoe - The excavation and disturbance of land for the purposes of operating a quarry

Hi Jenny

I note that the new consent increases the hours from the previous, and proposes blasting and drilling as well. I agree with the applicant that the remoteness to dwellings (about 3km) means that effects from noise will be minor.

The applicant advises that noise from blasting, crushing, screening will be infrequent. Thus any adverse effects from these activities can be easily further restricted to times of day if necessary under section 16 RMA. Further a review clause may be used to shorten hours of operation if necessary.

Vibration from blasting does need to be regulated and I recommend the proposed rules under proposed district plan, included below. While the applicant's suggested conditions prohibit permanent fuel storage, I would have no objection to this provided the storage was HSNO compliant. I also have no objection to the condition being imposed as the applicant is agreeable to it. I have recommended as advice note concerning explosives compliance.

The applicant advises that the NES for contaminated soils does not apply.

**I recommend the following conditions:**

1. Vibration emanating from any activity, shall not exceed the limits given in any of the following standards at any dwelling, residential activity, educational facility or office on any other property:
  1. AS 2670.1-2001 Evaluation of human exposure to whole-body vibration - General requirements.
  2. AS 2670.2-1990 Evaluation of human exposure to whole-body vibration - Continuous and shock induced vibration in buildings (1 to 80 Hz).
  3. DIN 4150-3:1999 Effects of vibration on structures
2. The noise performance standards in the District Plan.
3. Hours of operation as applied for.
4. A review clause with respect to noise and hours of operation, should complaints be received or future noise-sensitive development occurs nearby.
5. The applicant's recommended condition concerning blasting.

**I recommend the following advice notes:**

1. Section 16 of the Resource Management Act 1991 requires the consent holder to adopt the best practicable option to ensure that the emission of noise from this activity does not exceed a reasonable level. For example, modifying hours of operation in the event that complaints are received.
2. The mobile diesel tank must be compliant with the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004. Contact Council's Hazardous Substances Officer for more information.
3. The use and storage of explosives is regulated under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001. These Regulations set out requirements for the following:

- Item 8. Attachment B
- Approved handlers
  - Locations for storage and use
  - Protection from sources of ignition
  - Segregation
  - Magazines
  - Separation distance requirements
  - Detonation or deflagration requirements
  - Transfer of class 1 substances
  - Transportation
  - Controlled Substance Licence for possessing explosives.

For more information, please contact WorkSafe New Zealand.

1.5 hours @ \$146/hr (incl. GST), 10267.19154

Michael Sarfaiti | Environmental Health Manager  
Southland District Council

-----Original Message-----

From: Nicola Petrie

Sent: Thursday, 2 October 2014 1:06 p.m.

To: Michael Sarfaiti

Subject: TRIM SDC Inwards Mail : 2014/09/8744 : Land Use Consent Application - Roger Sutton - 243 Wilson Road, Glencoe - The excavation and disturbance of land for the purposes of operating a quarry

Hi Michael,

The following resource consent 360/10/14/212 has been referred to you for comment. Please send comments to Jenny Green.

Thanks

Nicola Petrie

-----< TRIM Record Information >-----

Record Number: 2014/09/8744

Title : Land Use Consent Application - Roger Sutton - 243 Wilson Road, Glencoe - The excavation and disturbance of land for the purposes of operating a quarry

**Conditions for new consent:**

Council is in agreement with the applicant's proposal to seal the first 300m of Wilson Road, from the intersection with Glencoe Highway.

The applicant must submit a pavement design to Council for approval, prior to construction. The physical works must be conducted by a reputable (Council approved) contractor, for the associated types of work.

All work within the road reserve must comply with Southland District Council's Polices, Procedures and Bylaws, such as the Subdivision Land Use and Development Bylaw, 2012.

Prior to any works commencing in the Road Reserve, a Corridor Access Request and Traffic Management Plan must be submitted to Council for approval.

Council requires the applicant to arrange and pay for a second coat seal on the newly sealed section, within 3 years of the first coat.

The applicant shall be responsible for the maintenance and any associated costs of the newly sealed section of road until the application of this second coat seal.

The applicant's proposed timing of 'within 12 months of grant of consent' is deemed acceptable, provided a bond in lieu, (value \$100,000) is provided to Council.

All costs associated with this proposed upgrade shall be borne by the applicant.

Council is in agreement with the applicant's proposal to widen the existing road from 6 metres to 8 metres, with all costs being covered by the applicant.

The applicant must submit a pavement design to Council for approval, prior to any construction works. The physical works must be conducted by a reputable (Council approved) contractor, for the associated types of work.

All work within the road reserve must comply with Southland District Council's Polices, Procedures and Bylaws, such as the Subdivision Land Use and Development Bylaw, 2012. Prior to any works commencing in the Road Reserve, a Corridor Access Request and Traffic Management Plan must be submitted to Council for approval.

As part of this widening, Council requires the applicant to strengthen Wilson road by applying a minimum of 100mm of suitable strengthening materials, followed by a 50mm running course (AP 25-35). This shall be detailed within the pavement design, described above. Widening work shall also include formation of new drainage tables on each side of the widened road.

Council requires the proposed widening work to be completed and signed off by the appropriate Council Engineer, prior to the commencement of extraction under the new consent.

Note: The consent holder shall advise Council's Engineer for an inspection prior to roading works commencing.

Note that the existing fencing on east side of Wilson Road is within the road reserve and may need to be relocated as part of any road widening works. The new fenceline shall be located either on the property boundary, or a minimum 3m off the edge of new formation to allow room for drainage and clear zone etc.

As per the previous consent granted for this site, Council shall not be responsible for the upgrading and/or future maintenance of Wilson Road beyond the gates at RP 1715.

Subsequent to the proposed upgrade works of Wilson Road, from approx. RP 300 to 1715, Southland District Council shall resume responsibility for maintenance. However, should deterioration of Wilson Road occur which in the opinion of Council's Engineer is directly attributable to vehicles removing gravel from the site of this consent, then the consent holder shall make the material from the site of this consent available to Council, or alternatively sourced complying materials, loaded onto Council's contractors' trucks at the quarry at no cost to Council, for the reinstatement of the damage to the road, for the lifespan of this consent. Such material shall be of a quality determined

Quarry bond - Sutton Quarry (Wilson Road, Glencoe)

Max excavation depth = 45m

Assuming 5m x 5m benches =  $45/5 = 9$  benches

Assuming 1 benches cut/shaped/cleared etc every 2 days =  $9 \times 2 = 18$  days

General tidy up/misc works = 5 days

Total = 23 days (4.6 weeks)

Description	Quantity (days)	Unit	Rate (day rate)	Total
Establishment to site	1	LS	\$ 5,000.00	\$ 5,000.00
Labour (2 men @ 10hrs/day)	23	Days	\$ 1,000.00	\$ 23,000.00
Plant (Excavator)	23	Days	\$ 800.00	\$ 18,400.00
Plant (Excavator or Dozer)	23	Days	\$ 800.00	\$ 18,400.00
Total (GST Exclusive)				<b>\$64,800.00</b>
<b>TOTAL (GST Inclusive)</b>				<b>\$74,520.00</b>

**Submissions**

**Item 8.1 Attachment B**

Item 8.1: Attachment B



15 APR 2015

### Submission on Limited Notified Application

In accordance with Section 95B of the Resource Management Act 1991.

Southland District Council

Name of Submitter:

Blair Christopher Hamilton

This is a submission on an application from

Glencoe Quarries LTD

for a resource consent (or for a change or cancellation of a condition of a resource consent) to:

[Briefly describe—

- if an application for a resource consent, the type, proposed activity, and location of the resource consent;
- if an application for a change or cancellation of a condition of a resource consent, the type and location of the resource consent, the relevant condition, and any proposed change:

For a Resource Consent to quarry rock at 243 Wilson Road.  
Rogers-Sutton Consent application 14/212

The specific parts of the application that my submission relates to are:

[give details]

Section 2.2 - Part 5, Working 7 days a week from 7:30 - 9:00 pm.

Since The consent application was written in 2010 I have a house that is 800 metres from the edge of the quarry

My submission is:

[include—

- whether you support or oppose the specific parts of the application or wish to have them amended; and
  - the reasons for your views]
- [more can be continued on a separate page if necessary]

I oppose the hours of operation 7 days a week from 7.30 - 9.00 pm.

I seek the following decision from the consent authority:

[give precise details, including the general nature of any conditions sought]

The hours of operation be 5 days a week with any extension with the consent of the neighbours, and open daily from 7.30 am - 8.00 pm

I wish  or I do not wish  to be heard in support of my submission.

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

Yes  No

I would  I would not  be prepared to attend a pre-hearing meeting if one is held.

Signature of submitter (or person authorised to sign on behalf of submitter)

15 of April 2015

Date

Contact person: [name and designation if applicable]:

Blair Hamilton

Contact address of submitter:

48 Margaret St. Invercargill

Telephone:

03-2177583

Fax/email:

**Note to submitter**

You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the consent authority.

**Jenny Green**

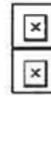
---

**From:** Joe Nowak <railway0342@gmail.com>  
**Sent:** Monday, 20 April 2015 11:57 a.m.  
**To:** General  
**Subject:** Quarry consent, Wilson Road

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Item 8.1 Attachment B

10:37  
 AM  
 (1  
 hour  
 ago)



Name:

Joseph Nowak  
 on behalf of the Nowak Family Trust

This is a submission on an application for a resource consent from:

Glencoe Quarries  
 243 Wilson Road

Briefly describe:

The proposal is outlined in recent correspondence from Glencoe Quarries Ltd, Application for consent as outlined in the AEE of August 2010

The specific parts of the application my submission relates to are:

- 1, Fear adjoining Trust property 56a, as well as all adjoining properties will suffer significant devaluation directly due to activity.
- 2, Activity will compromise existing environment with potential to go beyond the ability to remedy or mitigate.
3. An explanation of how the applicant plans to develop an expired rock pit from zero, to 1.75 million cubic metres a year, and then sustain the extraction for 25 years. The secret could still hold hope for Solid Energy.
4. Misleading wording in consent which overstates the value of the gravel while undervaluing the local environment. While not objecting to the previous operation there had been a notable improvement when the permit expired in September 2013, and the area assumed its old tranquility
- 6.Safety issues regarding intersection at SH 94 need clarification, as well as its future funding status. And where does all that traffic go...
7. What will be the social effects of paving the bottom end of Wilson Road to reduce dust and meet NZTA standards at the intersection? Will road improvements renew interest in traditional activities, which were seen as more than minor. Increased light vehicle traffic must also be considered, which can only further confuse security.
8. Explanation of how a massive increase in activity can be justified when stake holders made their concerns clear for a modest, and justifiable extraction, on a now restored site on the adjacent hill.

9. Impartial, expert Information on the effects on wildlife and a more thorough assessment on the unnamed tributary may be required given the intense nature of the new activity.

Ten high quality graves cannot all lie within the bounds of Sec 51. All adjoining stakeholders must be in possession of similar stone. With so many externalized costs and so few local benefits the operator may wish to share his stake in the mother lode with his neighbours,

10. Planners know that poor planning leads to poor development, which leads to further poor planning. How can this cycle be broken?

Or as Bertolt Brecht appropriately stated:

"Because things are the way they are.  
Things will not stay the way they are."

I seek the following decision from the consent authority.

Consultancy so all interests can better understand each others expectations. This proposal will test whether the District Plan can provide for reasonable development while not only protecting, but enhancing its unusual features forever.

Note\* Further clarification in this decision may be required from SDC, Transit, F&G, Doc, and SDHB in their specialised areas of expertise..

Do you wish speaking rights:.

Will give clarification on any issue the applicant or his advisor request, but have no formal text to present.

If a similar submission were made would I...

no

I would be prepared to attend a pre-hearing, if one is held.

April 19, 2015

Contact address  
RD 4  
63 Terrace Road  
Gore 9774

telephone --  
e mail [railway0342@gmail.com](mailto:railway0342@gmail.com)

The Trust will serve a copy to the applicants representative.

**Item 8.1 Attachment B**

**Proposed District Plan Objectives and Policies**

## RELEVANT PROVISIONS OF THE PROPOSED SOUTHLAND DISTRICT PLAN 2012

### SECTION 2.1 TANGATA WHENUA

#### Objective TW.1

To recognise the importance of and provide for, Māori culture and traditions with ancestral lands, sites, water, wāhi tapu and other taonga.

#### Policy TW.1

To recognise and provide for tangata whenua to exercise kaitiakitanga in the management of and decision-making process regarding natural and physical resources, with particular regard to Iwi Management Plans.

**Explanation:** Tangata whenua have a cultural and spiritual relationship with natural resources and the resource management process provides opportunities for tangata whenua to exercise kaitiakitanga, or guardianship, to protect, sustain and preserve these resources. This encompasses the ethic of stewardship. Kaitiakitanga includes management of traditional Māori uses and practices relating to natural resources. It also includes maintenance of mahinga kai and access to areas of natural resources used for customary purposes, maintenance and enhancement of mauri and wairua of natural resources. Protection of places, sites and areas with significant spiritual or cultural value to tangata whenua, such as ancestral lands, sites, water, wāhi tapu and other taonga is also included. Council recognises the importance of maintaining a close working relationship with tangata whenua, to ensure Ngāi Tahu views are heard and considered and cultural and spiritual values are not compromised. This is an integral part of the principle of rangatiratanga.

The resource management process should also have particular regard to relevant Iwi Management Plans, Te Tangi a Tauria, or its equivalent.

### SECTION 2.10 TRANSPORT

#### Objective TRAN.1

An integrated, safe, responsive and sustainable transport network.

#### Policy TRAN.1

Recognise the benefits of a safe and efficient transport network.

**Explanation:** The transport network gives rise to a range of positive socio-economic effects which can be maintained and potentially enhanced, through the provision of safe and efficient transport movements. This includes the reduction of potential hazards or distractions to users and the provision of infrastructure which suitably reflects transport modes and movements

#### Policy TRAN.2

Recognise benefits from the development, operation, maintenance and upgrading of the transport network, whilst avoiding, remedying or mitigating adverse effects on the environment.

**Explanation:** The transport network plays a vital role in the functioning of the District, however, it can give rise to adverse effects on the environment, including effects on water quality, natural character, amenity values and community severance. The development, operation, maintenance and upgrading of every facet of the transport network should give careful consideration to the reduction of any such effects. Particular consideration should be given to adverse effects on public health and safety.

The consideration of the impact of natural hazards on the transport network is considered under Policy INF.4 and Objective NHZ.1.

#### **Policy TRAN.3**

Manage subdivision, land use and development to achieve integration with the transport network.

**Explanation:** Careful consideration should be given to the location, nature and design of subdivision, land use and development to ensure appropriate integration with the transport network. Activities should achieve appropriate accessibility and connectivity, to and from the network.

The New Zealand Building Code, District Plan and Southland District Council's Subdivision, Land Use and Development Bylaw 2012 provide guidance on this. The integration of activities and the transport network support best practice urban design. Where appropriate integration is not achieved, adverse effects on the transport network can arise.

#### **Policy TRAN.4**

Protect the transport network from incompatible land use, subdivision and development.

**Explanation:** The transport network can give rise to reverse sensitivity issues. Typically this arises where incompatible land use, subdivision or development occurs in the vicinity of the transport network. Often it may be inappropriate for noise sensitive activities to be located adjacent to the transport network. To ensure the ongoing development, operation, maintenance and upgrading of the transport network, the presence and function of the network should be recognised and, where possible, adverse effects should be reduced.

### **SECTION 2.11 NOISE**

#### **Rule NSE.11 - Vibration**

Vibration emanating from any activity, shall not exceed the limits given in any of the following standards at any dwelling, residential activity, educational facility or office on any other property:

1. AS 2670.1-2001 Evaluation of human exposure to whole-body vibration - General requirements.
2. AS 2670.2-1990 Evaluation of human exposure to whole-body vibration - Continuous and shock induced vibration in buildings (1 to 80 Hz).
3. DIN 4150-3:1999 Effects of vibration on structures

**Note:** This rule excludes vibration produced by Temporary Military Training Activities as this is controlled by the noise standards in Rule NSE.4.

## SECTION 3.1 RURAL

### Objective RURAL.1

Subdivision, land use and development in the Rural Zone shall be undertaken in a manner that maintains the life supporting capacity and productive value of the land resource.

### Objective RURAL.2

Maintain amenity values, including rural character.

### Policy RURAL.1

Recognise the benefits of subdivision, land use and development in providing for growth and development of the District, whilst avoiding, remedying or mitigating adverse effects on the environment.

**Explanation:** Well planned subdivision, land use and development can provide a framework for the sustainable growth and development of the District. Farming and non-farming activities are key contributors to the socio-economic wellbeing of the District. However, adverse effects can arise from the nature and scale and the physical or built form, of some rural activities. Land use and development should integrate with infrastructure and transportation networks and careful consideration should be given to the location and nature of activities in order to avoid, remedy or mitigate adverse environmental effects. The District contains a diverse range of activities within the rural area that contribute to the continued growth and development of Agriculture, such as the Woodlands Research Farm and other industry monitor farms.

### Policy RURAL.2

Manage subdivision, land use and development in a manner that maintains or enhances amenity values, including rural character and landscapes.

**Explanation:** Subdivision, land use and development should be sympathetic to rural character and amenity values, and enhance these where possible.

The dominant character of the District's rural working landscapes includes reasonable separation between dwellings to maintain privacy and a sense of openness, the clustering of dwellings with other farm buildings and structures, a generally low background noise level but with some intermittent and/or seasonal noise from rural activities, clean air but with some significant short term and/or seasonal odour associated with farming activities.

### Policy RURAL.3

Avoid, remedy or mitigate reverse sensitivity effects.

**Explanation:** The Rural Zone provides for a range of activities that may at times be incompatible with each other. Further, rural character and amenity values can serve as an attraction for residential activity in the Rural Zone. However, character associated with working rural environments can give rise to conflict between land use activities and result in reverse sensitivity. Conflict between land use activities can occur where neighbouring or nearby land uses are not compatible. In the Rural Zone some farming and intensive farming activities can generate significant noise, lighting, odour and dust effects. In many cases these effects should be avoided, remedied or mitigated. Such effects should be reasonably expected within the Rural Zone and it is preferable that the management of these effects do not result in undue restrictions on farming and intensive farming activities.

**Policy RURAL.4**

Subdivision, land use and development shall be undertaken in a manner that:

- Promotes sustainable land use and soil management practices.
- Maintains the life supporting capacity and productive value of the land resource.
- Avoids or mitigates erosion, sedimentation and instability of soils, particularly on hill country land.

**Explanation:** The District's land and soil resources are a key contributor to the socio-economic wellbeing of the District. The control of inappropriate subdivision, land use and development of land and soil resources can protect and maintain the productive use of land and ensure that the economic value of these resources is preserved. Land use practices should ensure soil properties are maintained or enhanced and erosion, compaction, nutrient loss and soil disturbance are avoided or minimised, this is particularly critical for high value soils and soils on hill country land. These soils provide highly productive farming land, suitable for a range of rural production activities. The District's hill country can be prone to erosion and instability and inappropriate activities can give rise to adverse effects including sedimentation and slips. Fragmentation of rural properties for rural-residential subdivision can potentially reduce the productive use of land in the Rural Zone.

**Policy RURAL.7**

Recognise the benefits of gravel extraction, whilst ensuring that adverse effects are avoided, remedied or mitigated.

**Explanation:** On site mineral extraction can provide for socio-economic wellbeing by reducing the time and financial costs of sourcing gravel from elsewhere, while minimising the transport of rock or gravel for activities which assist in reducing the wear on the roading network. However, these extraction and associated processing activities can give rise to adverse environmental effects. Careful consideration should be given to the location and nature of these activities to manage any adverse effects and should include the implementation of a robust management and monitoring plan as part of any resource consent application.

**Policy RURAL.8**

Avoid, remedy or mitigate the adverse effects of earthworks.

**Explanation:** Earthworks are often necessary as part of day to day farming activities or land use and development activities. Earthworks can give rise to a range of adverse effects, including effects on slope and soil stability, biological diversity, visual amenity, water quality and heritage (including archaeological) values. Earthworks should be managed through the implementation of a robust methodology and works supervision procedures to avoid adverse effects. Industry specific Standards and Guidelines provide one way of demonstrating these methods and procedures and achievement of the required environmental outcomes. Particular consideration should be given to the avoidance of effects on water and soil quality and public health.

**Iwi Management Plan**

**Item 8.1 Attachment B**

**TE TANGI A TAUIRA - NGAĪ TAHU KI MURIHIKU**  
**NATURAL RESOURCE AND ENVIRONMENTAL IWI MANAGEMENT PLAN 2008**

**SECTION 3.5.8 - EARTHWORKS**

Earthworks (ground disturbance) is a component of a range of activities, including subdivision, building, drainage works, the construction of farm tracks, tree removals, roadworks, and the laying of underground cables.

Given the long history of Ngāi Tahu land use and occupancy in Murihiku, earthworks and other ground disturbance activities have the potential to unearth cultural materials or disturb urupā. Such activities also have potential to damage or destroy culturally important sites or places associated with particular mahinga kai resources or valued indigenous vegetation.

**Ngā Take - Issues**

- Protection of wāhi tapu and archaeological values from disturbance as a result of earthworks.
- Impact on cultural landscape values, including indigenous vegetation, as a result of earthworks.
- Cultural monitoring of earthworks activities.
- Appropriate processes associated with the accidental discovery of cultural materials.
- Compliance with Accidental Discovery Protocols (ADPs).
- Uncertainty on the part of contractors with regards to what an archaeological or cultural site looks like.

**Ngā Kaupapa - Policy**

1. Consent applicants who are undertaking earthworks may be required to enter into Accidental Discovery Protocol and monitoring agreements with Ngāi Tahu ki Murihiku, stating that any earthworks, fencing, landscaping or other such activity has the potential to uncover archaeological sites. Procedures and processes associated with such an occurrence should also be outlined.
2. Any activity involving earthworks that has the potential to modify, damage or destroy a wāhi tapu or archaeological site will require one or more of the following, pre resource consent (at the cost of the applicant):
  - a. site visit;
  - b. archaeological assessment (walk over/test pitting), or a full archaeological description, by an archaeologist approved by Ngāi Tahu ki Murihiku;
  - c. cultural impact assessment;
  - d. cultural monitoring;
  - e. an authority from Historic Places Trust;
  - f. recommended consent notices/conditions.
3. In areas considered high risk, Ngāi Tahu ki Murihiku may require that a Rūnanga cultural monitor or archaeologist is present, at the cost of the applicant, to monitor all surface clearing or sub-surface excavation, and to record sites or information that may be revealed.
4. Consider the use of archaeological wānanga, as a forum to provide education and training for companies and contractors about protecting sites of significance during earthworks activities.
5. Any understandings or agreements between companies/ applicants and Ngāi Tahu ki Murihiku must also be reflected in the contractors who are working on the ground.
6. Oppose any earthworks activity where the adverse effects on cultural values are considered too significant.
7. Where practical, indigenous vegetation that is removed or damaged as a result of earthworks activity should be recovered and returned, or replaced.
8. Recommend the planting of indigenous species as an appropriate mitigation measure for any adverse impacts as a result of earthworks activity.
9. Any earthworks or roadworks near rivers must have appropriate measures in place to avoid contaminants (including dust, sediment run-off from stockpiles or any hazardous substance) from entering waterways that may cause contamination, discolouration, or siltation in such waterways.

The removal of taonga species during construction or earthworks activities is an important issue for Ngāi Tahu ki Murihiku. For example, when safety improvement works to a footpath were undertaken, the community removed a large number of amenity plantings before the work commenced. However, the removal of two mature tī kōuka was very concerning for Oraka Aparima Runaka. "...while most of the amenity plantings were removed by the community before work commenced, for us it was the removal of two very mature tī kōuka that was most senseless. At least if we were notified seed could have been gathered plus young shoots would have been saved. These trees were excellent seed sources and closely watched by us!"

### SECTION 3.5.9 - MINING

There are extensive deposits of coal on the Murihiku plains, accessed via opencast mining (e.g. Ōhai opencast mine in Central Southland). Opencast mining involves removing overburden to access coal deposits from the surface, as opposed to underground.

Mining also occurs in Murihiku to access limestone, a sedimentary rock used as an agricultural fertiliser, and also in road and building construction. Ngāi Tahu ki Murihiku believe that mining will continue to be an important activity in Murihiku, particularly lignite mining. We intend to be proactive in terms of ensuring future mining developments do not compromise the natural environment, particularly water.

#### Ngā Take - Issues

- Cumulative and historical effects of mining (e.g. sometimes we may not see the effects on groundwater until five years after the mine has opened).
- Impacts on natural landscape values; 'scars' on the landscape.
- Proximity of mining activity to culturally important sites (e.g. the nature of limestone areas means that there is a high risk for accidental finds).
- The nature of limestone areas means that there is always a potential for operators to discover accidental finds. Need to be educated and informed.
- Run off of heavy metals and other contaminants into water and impacts on waterway health and instream life.
- Unknowns about future effects e.g. mining activities can trigger dormant effects such as the release of arsenic.
- Discharge contaminants to air.
- Loss of indigenous vegetation through clearance or damage.
- Location and design of mine waste (e.g. tailings and waste rock) disposal facilities.
- Restoration of mining sites.

#### Ngā Kaupapa - Policy

1. Avoid the establishment of commercial mining in areas and landscapes that are of cultural significance, particularly areas associated with wāhi tapu values.
2. Require that the impacts on surface and groundwater are fully recognised and provided for in mining applications.
3. Require that, as a condition of consent, mine development plans include provisions for:
  - a. site beautification, including landscaping with native plants;
  - b. restoration of mining site to pre-mining states, or, where appropriate, an improved or enhanced state;
  - c. opportunities to enhance cultural values (e.g. rehabilitation of quarry floor as wetland waterfowl habitat);
  - d. continued monitoring of mine site post rehabilitation (e.g. leachate).

## Item 8.1 Attachment B

4. Require that the responsibility of a mining company in avoiding and managing adverse effects on a mining site extends beyond the life of the mine. Monitoring of mine sites is required for at least 5 years after mine closure, to ensure that all adverse effects associated with mine operation are addressed by the company.
5. Promote the use of environmental contingency funds or bonds, established prior to mine development, to ensure that funds are available to address environmental issues on mine sites post mine closure.
6. Require that the location and design of mine waste disposal facilities is such that adverse effects on the environment are avoided.
7. Avoid adverse effects on land, water, mahinga kai resources and places and biodiversity as a result of mining.
8. Require that the highest environmental standards are applied to any consent application involving mining.
9. Avoid any discharge of contaminated water (e.g. stormwater) to surface or groundwater as a result of mining activity.
10. Require robust monitoring of any consent activity relating to mining, to detect non-compliance with consent conditions and best practice. Non-compliance must result in appropriate enforcement action to discourage further non-compliance.

### SECTION 3.5.10 - GENERAL WATER POLICY

NB: Provisions 3.5.10- 3.5.20 are applicable to High Country Lakes and Waterways. Ngāi Tahu ki Murihiku recognise that the welfare of the people and the success of their activities within the environment depends on water being maintained in the best possible condition. We believe that "if you have your water right, you will have everything else right".

#### Ngā Take - Issues

- Participation of iwi in freshwater management.
- Access to freshwater resources for cultural and customary use.
- Maintenance of water quality and water quantity.
- Protection of the mauri and wairua of rivers, lakes and wetlands.
- Protection, maintenance and enhancement of mahinga kai.
- Protection of wāhi tapu and wāhi taonga associated with rivers, lakes and wetlands.
- Recognition of the special significance of particular water bodies to Ngāi Tahu ki Murihiku.
- The aspirations of iwi to develop, use and protect water resources.
- Enhancing waterways, in addition to ensuring no adverse effects.
- Lack of knowledge as to the nature and extent of the sustainable water resource.
- Relationship between what happens on land and what happens to the water.
- Direct and indirect discharges to water.

#### Ngā Kaupapa - Policy

1. The role of Ngāi Tahu ki Murihiku as kaitiaki of freshwater must be given effect to in freshwater policy, planning and management.
2. Work with local authorities and other statutory agencies involved in freshwater management to ensure that cultural values and perspectives associated with freshwater management are reflected in statutory water plans, best practice guidelines and strategies, and in resource consent processes for activities involving water.
3. Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku.
4. Manage our freshwater resources wisely, mō tātou, ā, mō ngā uri ā muri ake nei, for all of us and the generations that follow.

5. Promote the management of freshwater according to the principle of ki uta ki tai, and thus the flow of water from source to sea.
6. Promote catchment management planning (ki uta ki tai), as a means to recognise and provide for the relationship between land and water.
7. Ngāi Tahu's right to development, as per the Treaty of Waitangi, must be recognised and provided for with respect to future development and commercial activities in Fiordland, including the export of water.
8. Protect and enhance the customary relationship of Ngāi Tahu ki Murihiku with freshwater resources.

### SECTION 3.5.12 - DISCHARGE TO WATER

Discharges to water may be point source discharge (e.g. actual discharges to water), or non-point source discharge (e.g. from land to water). Activities that may involve the discharge to water include sewage or industrial waste disposal. Such discharges may result in increased nutrient and contaminant loads, and thus degraded water quality. Indirect discharges such as contaminated stormwater run-off, agricultural run-off, and sedimentation also have the potential to adversely affect water quality.

#### Ngā Take - Issues

- General impacts on water quality from discharge activities.
- Using dilution of pollution as a form of mitigation – this may not be culturally acceptable.
- The disposal of treated or untreated sewage to water.
- Local solutions for discharge issues.
- Agricultural runoff and nitrogen loading in waterways.
- Discharge of stormwater from roads into open drains.
- Impacts on the mauri of the receiving environment as a result of discharge activities.
- Impacts on mahinga kai and biodiversity as a result of discharge activities.
- Impacts on cultural use of waterways as a result of discharge activities.
- Appropriate discharge to land activities, to prevent soil and groundwater contamination.

*Traditionally, to Europeans, water has been seen as a versatile transport medium and, because of its ability to break down and assimilate waste, it has been intimately linked to waste disposal. Such use directly conflicted with Māori beliefs, and illustrates the cultural differences in relation to natural resources. Whilst Māori saw themselves as part of nature, Europeans saw themselves as ascendant to nature. Although such views persist, developing environmental awareness has shifted the balance towards recognition of the natural environment's intrinsic value. This shift is consistent with Māori beliefs in regards to resource management, with the protection of mauri being a fundamental principle.*

Source: Te Ao Mārama Inc. Submission on the Ōreti Water Conservation Order application. November 2006.

#### Ngā Kaupapa - Policy

1. Avoid the use of water as a receiving environment for the direct, or point source, discharge of contaminants. Even if the discharge is treated and therefore considered "clean", it may still be culturally unacceptable. Generally, all discharge must first be to land. This general policy is a baseline or starting point. From this point, the Rūnanga can assess applications on a case by case basis.
2. Assess discharge to water proposals on a case by case basis, with a focus on local circumstances and finding local solutions.
3. Consider any proposed discharge activity in terms of the nature of the discharge, and the sensitivity of the receiving environment.
4. When existing rights to discharge to water come up for renewal, they must be considered in terms of alternative discharge options.

## Item 8.1 Attachment B

- 5 When assessing the alternatives to discharge to water, a range of values, including environmental, cultural and social, must be considered in addition to economic values.
- 6 Encourage the establishment of wetland areas, where practical, as an alternative to the direct discharge to water. Discharge to a wetland area allows Papatūānuku the opportunity to filter and clean any impurities.
- 7 Any discharge activity must include a robust monitoring programme that includes regular monitoring of the discharge and the potential effects on the receiving environment.
- 8 Require robust monitoring of discharge permits, to detect non-compliance with consent conditions. Noncompliance must result in appropriate enforcement action to discourage further non-compliance.
- 9 Promote the use of the Cultural Health Index (CHI) 13 as a tool to facilitate monitoring of stream health, and to provide long term data that can be used to assess river health over time.
- 10 Ngāi Tahu ki Murihiku consider activities involving the discharge of contaminants to water a community issue. For this reason, ngā rūnanga may, where seen as appropriate, recommend that a consent application be notified.

*Cross reference: Provisions 3.5.1 Farm Effluent Management; 3.5.2 Wastewater Disposal; 3.5.10 General Water Policy; 3.5.13 Water Quality, Section 3.5 Te Rā a Takitimu – Southland Plains*

### SECTION 3.5.13 - WATER QUALITY

Water is held in the highest esteem because the welfare of the life that it contains determines the welfare of the people reliant on those resources. Ensuring that water that is meant for drinking is of drinking water quality, and that water where mahinga kai is harvested is safe to eat from, and the water where our kids swim is safe for them to swim in, is our kaitiaki responsibly as Ngāi Tahu ki Murihiku.

Water quality policies in this iwi management plan focus on improving water quality across the Rohē, and striving for the highest possible standards, whilst still being effective and practical.

*“One of the reasons that I am inhibited to exercise my kaitiaki responsibilities is that I do not have enough influence over water quality.”*

#### Ngā Take - Issues

- Adverse effects of point source discharges on water quality, surface and ground.
- Adverse effects of non-point source discharges on water quality, surface and ground.
- Lack of influence over water quality and the setting of water quality standards, and impact on ability to exercise kaitiaki responsibilities.
- Run-off of agricultural chemicals, and the entry of nitrates and phosphates in water bodies through accelerated soil erosion are seriously affecting water quality in waterways on the Southland Plains.
- Impacts on water quality in lower catchment areas as a result of hill country developments.
- Poor water quality in some Murihiku Rivers: our children are not able to swim in some rivers.
- Adverse effects on catchment water quality as a result of degraded, or absent, riparian areas, and drained wetlands.
- Adverse effects of abstraction, damming and diversion on water quality of Southland rivers.
- Insufficient recognition of the relationship between water quantity and water quality in consent applications.
- Cumulative effects over time of land use and discharge activities on water quality, and difficulty of addressing such effects within RMA framework.

#### Ngā Kaupapa - Policy

1. The role of Ngāi Tahu ki Murihiku as tangata whenua and kaitiaki of water must be recognised and provided for in all water quality management.

2. Strive for the highest possible standard of water quality that is characteristic of a particular place/waterway, recognising principles of achievability. This means that we strive for drinking water quality in water we once drank from, contact recreation in water we once used for bathing or swimming, water quality capable of sustaining healthy mahinga kai in waters we use for providing kai.
3. Require cumulative effects assessments for any activity that may have adverse effects of water quality.
4. Avoid compromising water quality as a result of water abstractions.
5. Avoid the use of water as a receiving environment for the direct, or point source, discharge of contaminants. Generally, all discharge must first be to land.
6. Avoid impacts on water as a result of inappropriate discharge to land activities.
7. When assessing the effects of an activity on water quality, where the water source is in a degraded state, the effects should be measured against the condition that the water source should be, and not the existing condition of the water source.
8. Promote the restoration of wetlands and riparian areas as part of maintaining and improving water quality, due to the natural pollution abatement functions of such ecosystems.
9. Require the use of buffer zones, riparian areas, bunds and other mechanisms to prevent stormwater and other wastewater from entering waterways.
10. Water quality definitions, categories, and standards must be determined, measured, and assessed with cultural values and indicators alongside scientific information. Such indicators and values centre on the ability of the waterway to support life, and the fitness of water for cultural uses.
11. Require robust monitoring of discharge permits, to detect non-compliance with consent conditions. Noncompliance must result in appropriate enforcement action to discourage further non-compliance.

*Improving water quality can be absolutely simple. Promote riparian areas and wetlands restoration, build proper bridges to avoid run off . It is about investing in day-to-day management and doing things in the right way.*

*In assessing a resource consent application for discharge to water, Te Ao Mārama Inc. received a letter stating that: "because the stream is a minor watercourse with reduced water quality due to surrounding land uses, the impact of this discharge on the environment should be minor". For Ngāi Tahu ki Murihiku, it is not enough to say that a proposed activity will not have adverse effects on the current condition of a waterway. Many of our waterways need to be improved, and human use (e.g. abstractions, discharge) should be conditional on improving the current state of waterways where needed. We need to be requiring improvements and enhancements to river health and water quality. An activity should do more than ensure it won't degrade a river any further.*

13 The Cultural Health Index Assessment is a tool developed to help Rūnanga quantitatively assess the health of waterways, and participate in the management of water resources. See Tipa, G. and Teirney, L. 2003.

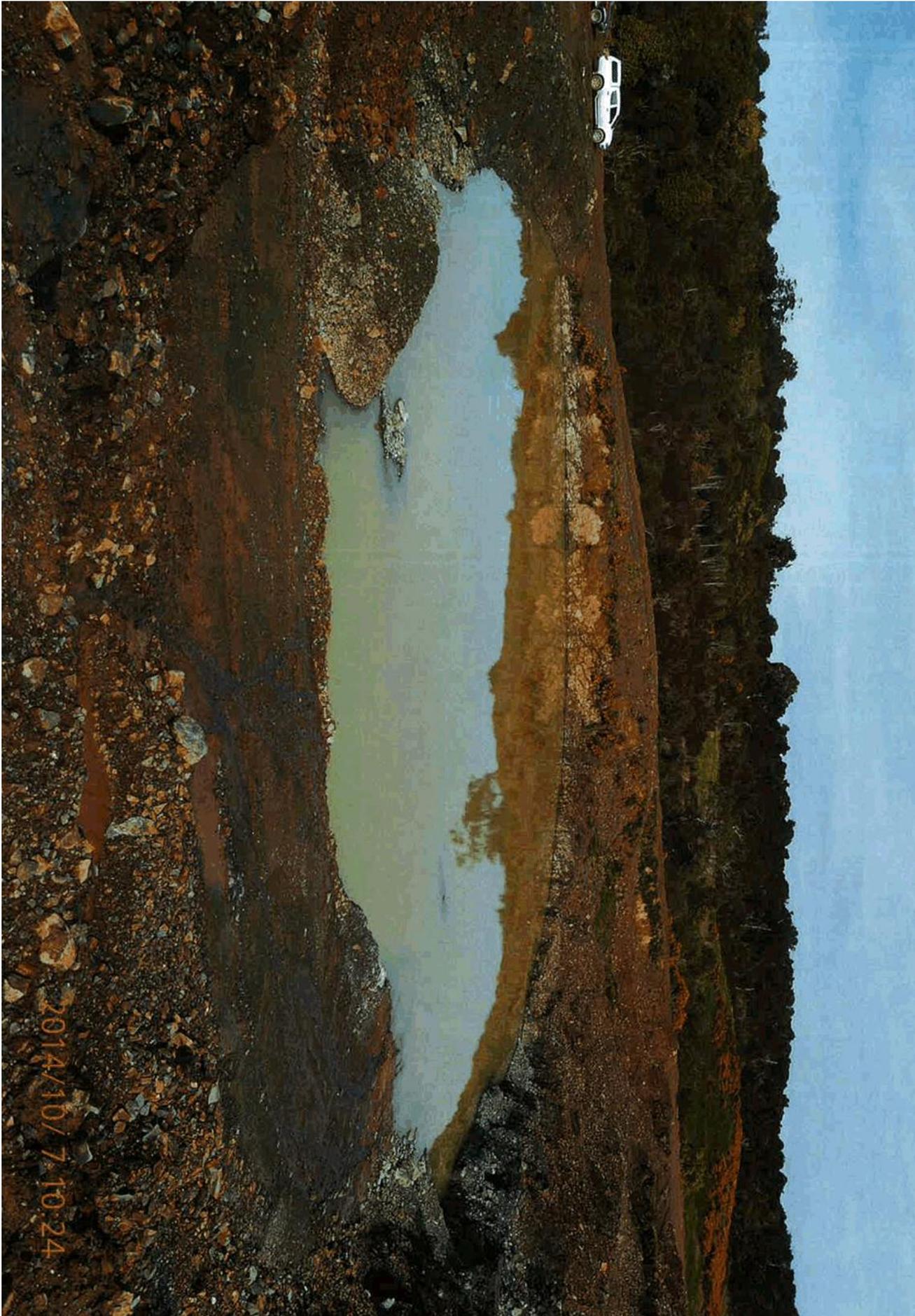
Cross-reference: Provisions 3.5.1 Farm Effluent Management; 3.5.2 Wastewater Disposal; 3.5.10 General Water Policy 3.5.12 Water Abstractions; 3.5.10 General Water Policy, Section 3.5 Te Rā a Takitimu – Southland Plains

**Item 8.1 Attachment B**

**Site Visit Photos – 07.10.2014**

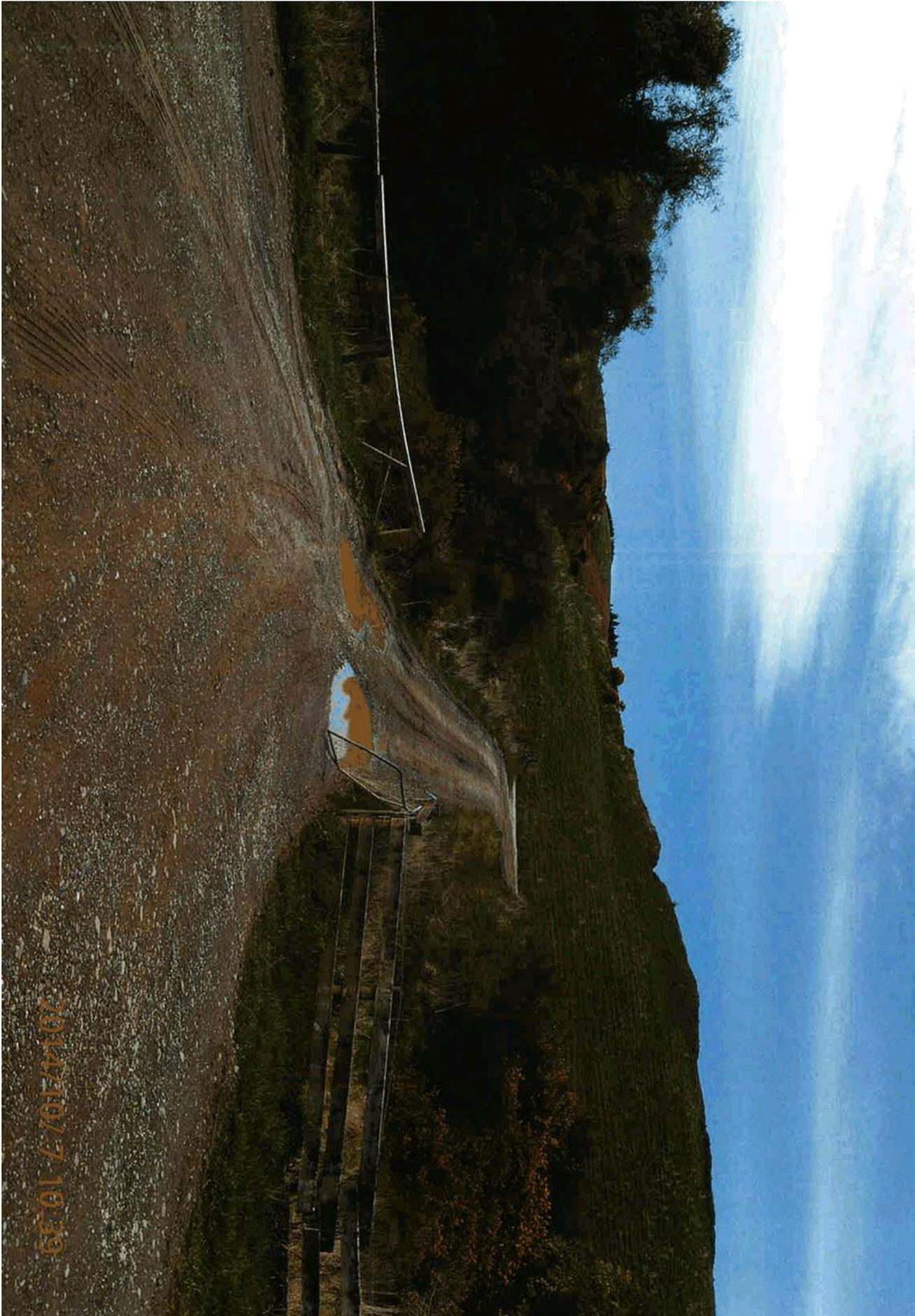


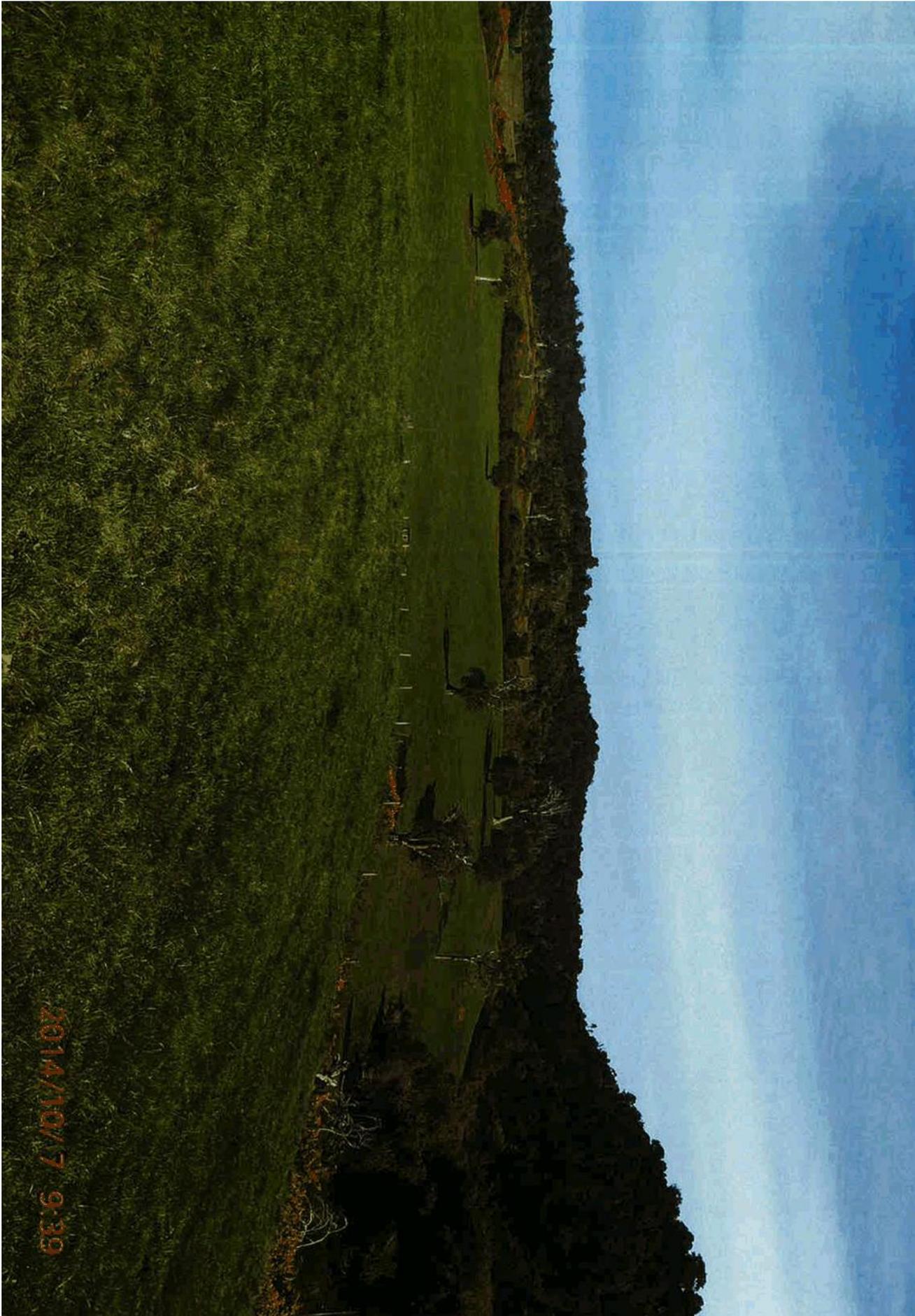
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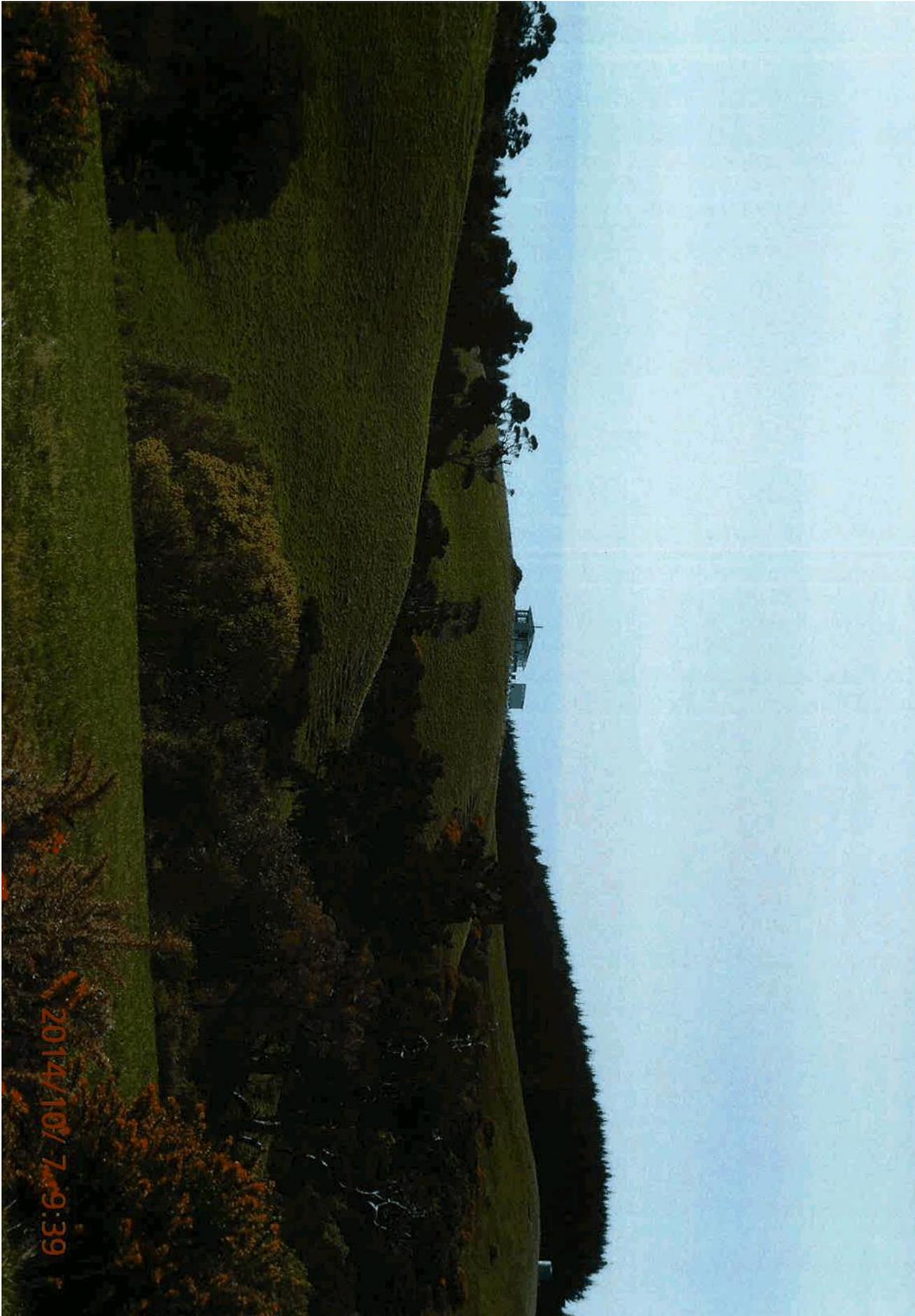
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Item 8.1 Attachment B





Item 8.1 Attachment B

**Item 8.1 Attachment B**

**Site Visit Photos – 18.03.2015**



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Item 8.1 Attachment B

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Item 8.1 Attachment B



