MITCHELL DAYSH

BEACON HILL CONTRACTING LIMITED

OREIPUNGA ROAD SAND QUARRY

Resource Consent Applications for a Mineral Extraction Activity and Associated Works

6 May 2022

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REPORT INFORMATION

Report Status	FINAL
Our Reference	MDL000739 – Beacon Hill Contracting Limited
Author	Mason Jackson
Review By	Nicki Williams

PART A

Resource Consent Applications

FORM 9

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To Waikato Regional Council
401 Grey Street
Private Bag 3038
Waikato Mail Centre
Hamilton 3240

1. **Applications for Resource Consents**

Beacon Hill Contracting Limited, applies for all necessary resource consents to authorise the sand quarrying activities described further in Part B of this Assessment of Environmental Effects ("AEE"), namely:

In accordance with the Waikato Regional Plan:

- A **land use consent** for soil disturbance in a high-risk erosion area (a Discretionary Activity pursuant to Rule 5.1.4.15 of the Waikato Regional Plan); and
- A **discharge permit** for diverting and discharging stormwater to land (via soakage within sand quarry pits) at locations within the 10m - 100m setback of a wetland (a Non-complying Activity under Regulation 54(c) of the NESFW).

2. **The names and addresses of the owner and occupier (other than the applicant) of any land to which the application relates are as follows:**

Legal Description	Owner Details
LOT 1 DPS 80319 BLK VIII MAUNGATAUTARI SD	Mark Andree-Wiltens 599 Oreipunga Road RD 2 Cambridge 3494

3. **The location to which the applications relate is described as:**

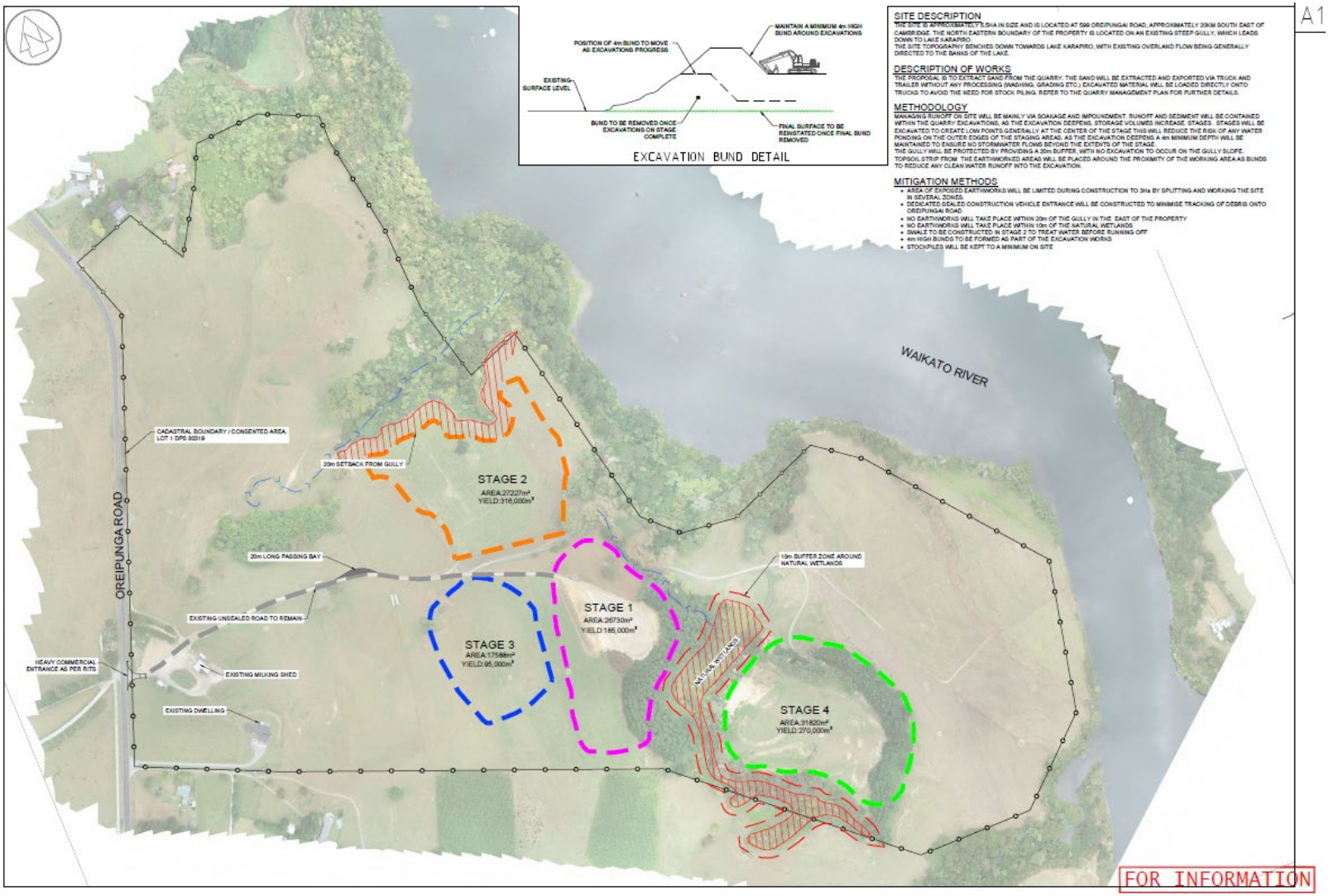
Address: *599 Oreipunga Road RD 2 Cambridge 3494,*

Legal Descriptions: *LOT 1 DPS 80319 BLK VIII MAUNGATAUTARI SD*

Copies of the Records of Title are attached in **Appendix A.**

The location and boundaries of the application site and extent of proposed quarry works are identified in the site plan provided as Schedule ONE below.

Schedule ONE: Site Plan



4. **The activities to which these applications relate to are described fully in Part B of this document.**

5. **Other Resource Consents Required**

Waipa District Council:

- **Land Use Consent** for a Discretionary Activity for the establishment and operation of a mineral extraction activity (sand quarry) and associated works in the Rural Zone pursuant to Rule 4.4.1.4(h), within the River and Lake Environs Policy Area pursuant to Rule 25.4.1.1 (t) and other ancillary activities.

6. **Assessment of Environmental Effects**

Attached (as Part B of this document) in accordance with section 88 of, and Schedule Four to, the Resource Management Act 1991, is an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the activities may have on the environment.

7. **Other Information**

No other information is required to be included in this application by the District or Regional Plan, the Resource Management Act 1991, or any regulations made under that Act:

Dated: 6 May 2022

Signature: Beacon Hill Contracting Limited

By its duly authorised agents Mitchell Daysh Limited

Mason Jackson
Associate

Address for Service: Mitchell Daysh Limited
PO Box 1307
HAMILTON 3240
Telephone: (027) 230 8567
Email: mason.jackson@mitcheldaysh.co.nz
Contact person: Mason Jackson

Address for additional copy and billing:	Attention: Mark Andree-Wiltens 599 Oreipunga Road RD 2 Cambridge 3494	
	Telephone:	+64 27 573 5541
	Email:	info@bhcontracting.co.nz

FORM 9

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To Waipa District Council
Private Bag 2402
TE AWAMUTU 3840

1. **Applications for Resource Consents**

Beacon Hill Contracting Limited (Company #1897054), applies for all necessary resource consents to authorise the sand quarrying activities described further in Part B of this AEE, namely:

- **Land Use Consent** for a Discretionary Activity for the establishment and operation of a mineral extraction activity (sand quarry) and all ancillary activities including:
  - associated works in the Rural Zone in accordance with Rule 4.4.1.4(h);
  - associated works within the River and Lake Environs Policy Area in accordance with to Rule 25.4.1.1 (t);
  - the use of a vehicle entrance that does not comply with Vehicle Entrance Separation from Intersections and Other Vehicle Entrances in accordance with Rule 16.4.2.5; and
  - use of unsealed on-site parking, loading and access areas in accordance with Rule 16.4.2.14.

2. **The names and addresses of the owner and occupier (other than the applicant) of any land to which the application relates are as follows:**

Legal Description	Owner Details
LOT 1 DPS 80319 BLK VIII MAUNGATAUTARI SD	Mark Andree-Wiltens 599 Oreipunga Road RD 2 Cambridge 3494

3. **The location to which the applications relate is described as:**

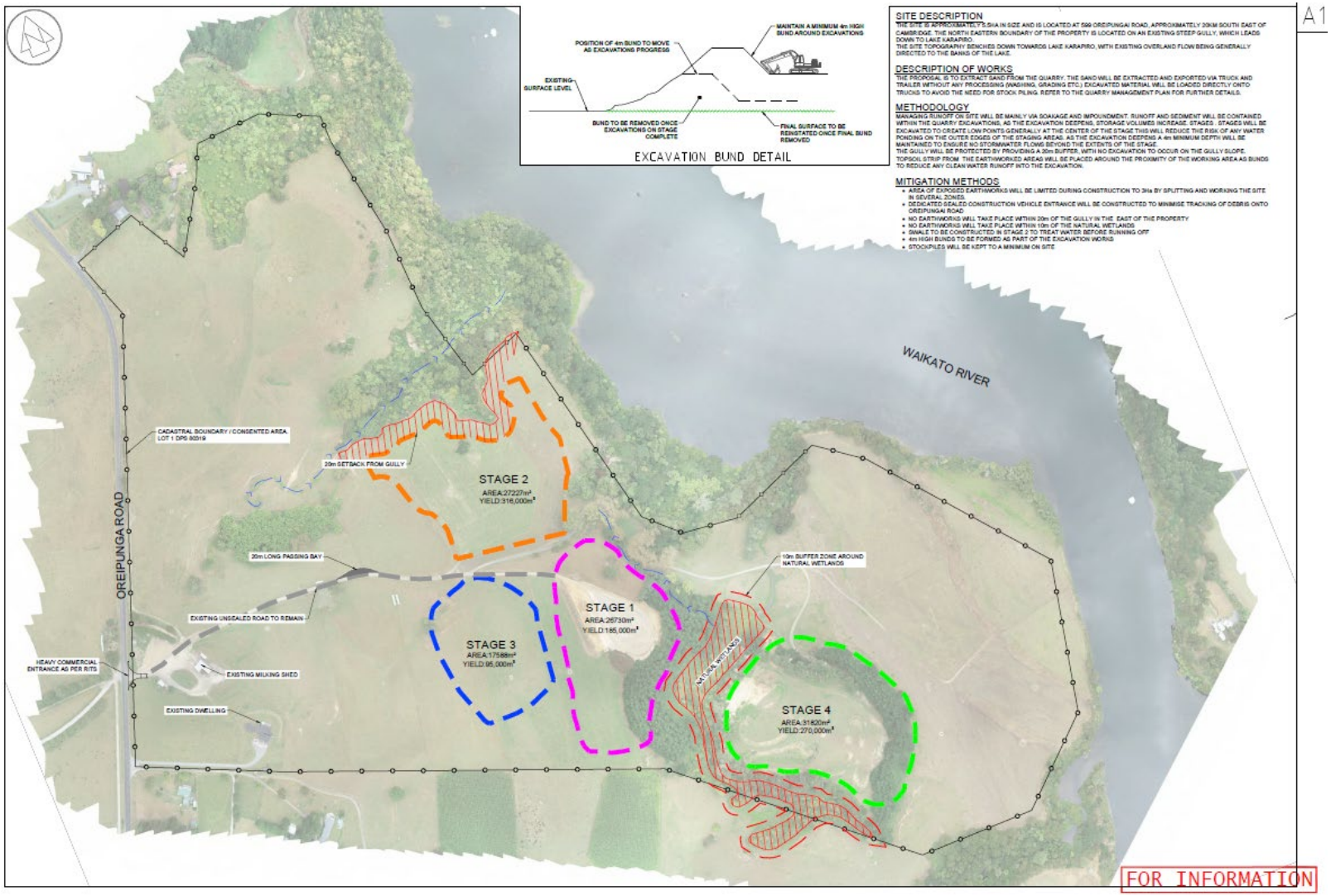
Address: *599 Oreipunga Road RD 2 Cambridge 3494,*

Legal Descriptions: *LOT 1 DPS 80319 BLK VIII MAUNGATAUTARI SD*

Copies of the Records of Title are attached in **Appendix A.**

The location and boundaries of the application site and extent of proposed quarry works are identified in the site plan provided as Schedule ONE below.

Schedule ONE: Site Plan



4. **The activities to which these applications relate to are described fully in Part B of this document.**

5. **Other Resource Consents Required**

Waikato Regional Council

- A land use consent for soil disturbance in a high-risk erosion area (a Discretionary Activity pursuant to Rule 5.1.4.15 of the Waikato Regional Plan); and
- A discharge permit for diverting and discharging stormwater to land (via soakage within sand quarry pits) at locations within the 10m - 100m setback of a wetland (a Non-complying Activity under Regulation 54(c) of the NESFW).

6. **Assessment of Environmental Effects**

Attached (as Part B of this document) in accordance with section 88 of, and Schedule Four to, the Resource Management Act 1991, is an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the activities may have on the environment.

7. **Other Information**

No other information is required to be included in this application by the District or Regional Plan, the Resource Management Act 1991, or any regulations made under that Act:

Dated: 6 May 2022

Signature: Beacon Hill Contracting Limited

By its duly authorised agents Mitchell Daysh Limited

Mason Jackson
Associate

Address for Service: Mitchell Daysh Limited
PO Box 1307
HAMILTON 3240

Telephone: (027) 230 8567

Email: mason.jackson@mitcheldaysh.co.nz

Contact person: Mason Jackson

Address for additional copy and billing:	Attention: Mark Andree-Wiltens 599 Oreipunga Road RD 2 Cambridge 3494	
	Telephone:	+64 27 573 5541
	Email:	info@bhcontracting.co.nz

B

PART B

Assessment of Environmental Effects

1. INTRODUCTION

1.1 PROPOSAL SUMMARY

Beacon Hill Contracting Limited (the "**Applicant**") is applying for resource consent approval from the Waipa District Council ("**WDC**") and Waikato Regional Council ("**WRC**") to authorise the operation and expansion of a Sand Quarry on a rural property located at 599 Oreipunga Road with an area of approximately 55.72 hectares (the "**Site**").

The Applicant runs a family-owned earthmoving company that started out as general farm maintenance company before moving on to farm conversion jobs and larger scale earthmoving projects. The Applicant also undertakes civil works, drainage and roading work.

Sand quarrying activities have already begun on the site. Therefore, this application also seeks to address any associated unauthorised activities retrospectively as part of its scope.

The Site is considered ideally suitable for sand quarrying activities given the large supply of sand resource on the site.

It is estimated that the site has the potential to supply approximately 900,000 m^3 of sand across the four stages. Overall the extraction area within the Site will not exceed 3 hectares at any one time across the four staged areas of possible extraction.

The rate at which the sand will be extracted will vary, and will be dependent on a number of factors, but predominantly market demand. In any event, a maximum extraction limit of 95,000 m^3 per year is proposed.

1.2 DEMAND FOR SAND RESOURCE

The areas of Hamilton, Cambridge and Te Awamutu are experiencing high levels of growth and there are a number of large infrastructure projects underway to respond to this growth and unlock areas earmarked for residential development. These include, but are not limited to, the Hamilton and Tamahere interchange sections of the Waikato Expressway, the Southern Links Project and the Peacockes Development in the South of Hamilton.

Commencement of other sizable construction projects are also signalled in the short to medium term future. These include, but are not limited to, the construction of:

- Infrastructure to service new growth areas in Cambridge east including growth cells C1, C2 and C3 which are planned to commence next year to provide around 2,500 new houses;

- Infrastructure to service future Cambridge growth areas (C4, C6 and C8) which are planned to commence within the next decade;
- A new intersection on Cambridge Road near Te Awa Lifecare;
- Infrastructure to service and unlock several earmarked growth cells on the northern perimeter of Te Awamutu township, which is anticipated to commence sometime in the next 15 years;
- Hamilton Airport expansion developments; and
- The Cambridge to Piarere extension of the Waikato Expressway.

Based on the exponential growth within the Waikato Region, and the recent promotion and support of "shovel ready" projects by the Government to help off-set the negative economic impacts of Covid-19, the above projects, and potentially others, may in fact commence and progress more quickly than anticipated.

All these current and future developments are the result of this exponential growth within the Waikato Region and are consistent with plans and anticipated outcomes set out in the Waipa District's "Waipa 2050" growth strategy, and/or in "Future Proof" – the growth strategy specific to the Hamilton, Waipa and Waikato sub-region.

Relevant to this proposal, all the current and future developments described above will require sand for various stages of construction. It follows that, access to suitably located sand products of sufficient quality and quantity is a vital component of any future economic growth for the Waipa District and the wider Waikato Region.

A key feature of the sand market is that the sand products for construction need to be transported over relatively short distances in order to be cost effective and to minimise wider environmental and social costs to society (i.e. the local ratepayers). This means that the location of sand extraction sites is key to the economic viability of future development within the region.

The Waikato Region has extensive reserves of good quality raw pit sand deposits (which is the desired sand product for use in infrastructure construction projects). These reserves are mainly found in areas adjacent to the Waikato River channel. Despite these sand deposits being located in rural areas, they are very difficult to access and develop into operational quarries due to the presence and abundance of rural residential and lifestyle blocks that occupy these areas.

Good quality pit sand for foundation construction is in short supply within the Hamilton, Cambridge and Te Awamutu areas. Of particular note, with the recent closure of the Porritt Sand Quarry on Hooker Road, and with limitations on good quality raw pit sand supplies from other local quarry operators, local contractors are having to travel to places as far away as the Weddings Quarry in Huntly to secure reliable supplies of good quality sand.

The sand at the proposed quarry site is of very high quality. It is also fit for purpose without any processing which reduces cost and additional potential off-site effects.

In addition to the sand at the Site being of a high quality, and in high demand, the Applicant's Site also has a number of other inherent advantages that support the proposed Sand Quarry. These include:

- A very low density of nearby residential dwellings with only two nearby dwellings located along the southern boundary of the Site;
- Land to the west of the Site, on the opposite side of Oreipunga Road, is also owned by the Applicant;
- The presence of mature pine plantation areas, providing both visual and dust screening benefits to some proposed sand extraction areas;
- Its strategic location in relatively close proximity to SH1; and
- Access onto a straight section of a local road with good sight distance in both directions.

These factors all combine to provide a very strong rationale for this proposal.

1.3 REPORT STRUCTURE

This document has been prepared to describe the nature of the activities proposed and provide an Assessment of Environmental Effects (**"AEE"**) as required under section 88 of the Resource Management Act 1991 (RMA).

Specifically:

- Section 2 provides a description of the existing environment.
- Section 3 describes the proposed activities.
- Section 4 identifies the status of the proposed activity under the RMA. This includes an assessment against the relevant Waipa District Plan and Waikato Regional Plan provisions.
- Section 5 provides an assessment of the effects on the environment associated with the proposed activities.
- Section 6 provides an analysis of the proposed activity in relation to the provisions of the relevant policy and planning documents.
- Section 7 analyses the activity under Part 2 of the RMA.
- Section 8 addresses consultation undertaken with interested and potentially affected parties and the results of that consultation.
- Section 9 requests appropriate notification processes for each consenting authority.

- Section 10 sets out the consent duration sought by the Applicant.
- Section 11 sets out the key conclusions of this AEE.

1.4 RESOURCE CONSENTS APPLIED FOR

Resource Consent approval is sought for the following activities and works:

Within the jurisdiction of the Waipa District Council:

- Land Use Consent for a Discretionary Activity for the establishment and operation of a mineral extraction activity (sand quarry) and associated works in the Rural Zone pursuant to Rule 4.4.1.4(h) of the Waipa District Plan.

Within the jurisdiction of the Waikato Regional Council:

- A land use consent for soil disturbance in a high-risk erosion area (a Discretionary Activity pursuant to Rule 5.1.4.15 of the Waikato Regional Plan); and
- A **discharge permit** for diverting and discharging stormwater to land (via soakage within sand quarry pits) at locations within the 10m - 100m setback of a wetland (a Non-complying Activity under Regulation 54(c) of the NESFW).

1.5 TECHNICAL REPORTS

The following technical reports have been prepared in support of this application and assessment of environmental effects:

- A geotechnical appraisal prepared by HDGeo (**Appendix C**); and
- An Integrated Traffic Assessment (ITA) prepared by CKL (**Appendix D**)

The activities will be undertaken in accordance with the recommendations within the above technical assessments and reports, and as detailed within this application report.

2. EXISTING ENVIRONMENT

2.1 SITE DESCRIPTION

2.1.1 Location

The Site is a rural property located at 599 Oreipunga Road, located approximately 3.5km south of the settlement of Maungatautari as shown in Figure 1 below. It sits adjacent to and west of the upper reaches of Lake Karapiro on the Waikato River, approximately 8.5km to the south of State Highway 1 and approximately 21 km southeast of Cambridge township.

Figure 1: Location of the Application Site (Source Waipa District Council on-line mapping).

2.1.2 Existing Site Land Uses and Development

An aerial photograph of the Site showing current land uses and key internal and local features is presented in Figure 2.

Figure 2: Aerial Photo of the Site Showing Key Features (Source: Google Earth).

The site adjoins Oreipunga Road to the west, other rural properties to the north and south and Lake Karapiro / Waikato River to the east. The Waikato River, in this location, demarcates the territorial boundary between the Waipa and South Waikato Districts. The Mangakara Stream enters the Waikato River just beyond the site's southern boundary. Directly opposite, on the Waikato River's eastern bank, is the confluence with the Waipa Stream.

The site is currently used for farming activities including dairy farming, grazing and cropping.

Historic farming activities on the site included the development of a small Farm Quarry. More recently, the applicant has expanded the Farm Quarry into a modestly sized commercial quarry operation. The location of this quarry is near the centre of the site (see Figure 2). Its western boundary is lined with an existing stand of mature pine trees, forming a visual screen when viewed from the east. Due to the local topographical terrain, its location is also hidden when viewed from neighbouring dwellings located towards the west.

The main buildings on the site comprise a dairy shed, a farm implement shed and a modern dwelling owned and occupied by the applicant.

2.2 SURROUNDING LAND USE

Land surrounding the site is an established rural area in which the predominant land use activities are farming, horticulture, horse training and lifestyle blocks.

The Little Waipa Reserve is located alongside the eastern bank of the Waikato River opposite the southern part of the site. This area forms part of the Waikato River Trails route frequented by mountain bikers and is also used by the public for fishing, boating and camping.

Horahora School is located approximately 5 km to the north of the site near the intersection of Oreipunga and Maungatautari Roads. The Pohara Marae is located approximately 3km to the southwest of the site.

Directly towards the west of the site lies Sanctuary Mount Maungatautari - a mainland ecological island reserve.

2.3 SURROUNDING LAND OWNERSHIP

The neighbouring land and dwellings are shown in Figure 3 (refer white reference numbers).

Table 1 lists landowner details (where known) along with setback distances between dwellings and the extent of works boundary (where relevant).

Figure 3: Aerial Photo showing the location of the application site and neighbouring land holdings.

Table 1: Neighbouring Landowner / Dwelling Details

Neighbour Location (Figure 6)	Landowner / Occupier Name and Address	Legal Description	Dwelling Setback from Extent of Works Boundary
WAIPA DISTRICT			
1	The Applicant 599 OREIPUNGA ROAD RD 2 Cambridge 3494	Lot 1 DPS 80319	N/A
2	The Applicant 590 OREIPUNGA ROAD RD 2 Cambridge 3494	Part Horahora BLK	N/A
3	Unknown 537 OREIPUNGA ROAD RD 2 Cambridge 3494	Lot 1 DP 346016	470m (Stage 2)
4	Unknown 367 Oreipunga Road RD 2 Cambridge 3494	LOT 2 DP 346016 LOT 2 DP 320685 SEC 25 PT DP 7155 BLKS IV VI II MAUNGATAUTAR I SD	No Dwelling
5	Unknown 539 OREIPUNGA ROAD RD 2 Cambridge 3494	Lot 1 DPS 74817	400m (Stage 2)
6	Unknown 1/601 OREIPUNGA ROAD	LOT 1 DPS 85553	340m (Stage 3)
7	Unknown 2/601 Oreipunga Road RD 2 Cambridge 3494	LOT 1 DP 88918	320m (Stage 3)
8	Unknown 601 Oreipunga Road RD 2 Cambridge 3494	LOT 2 DPS 85553	200m (Stage 3)
9	Unknown 660 Oreipunga Road RD 2 Cambridge 3494	LOT 10 DP 24577 LOT 1 DPS 75777 SEC 6 DPS 59316 SEC 3 SO 59316 and 4 more	No Dwelling
10	739 Oreipunga Road RD 2 Cambridge 3494	PT LOT 1 DP 8284 PT LOT 2 DP 8910 LOT 1 DPS 75571 SECS 2 5 S O 59316	No Dwelling

Neighbour Location (Figure 6)	Landowner / Occupier Name and Address	Legal Description	Dwelling Setback from Extent of Works Boundary
		BLK VIII MAUNGATAUTARI SD	
11	Her Majesty the Queen Waikato River Bed		N/A
SOUTH WAIKATO DISTRICT			
12	No registered address	Lot 1 DPS 21946	No Dwelling
13	735 Horahora Road, Arapuni, 737 Horahora Road, Arapuni 739 Horahora Road, Arapuni,	Lot 1 DPS 26849	No Dwelling
14	871 Horahora Road, Arapuni 873 Horahora Road, Arapuni, 875 Horahora Road, Arapuni, 877 Horahora Road, Arapuni,	Lot 2 DP 462749	650m (Stage 4)
15	910 Horahora Road, Arapuni	Lot 3 DPS 27689	400m (Stage 4)

2.4 CULTURAL SETTING

The site falls within Tainui, Ngāti Korokī Kahukura and Ngāti Hauā areas of interest.

Tainui

In oral tradition the Tainui canoe, captained by chief Hoturoa, made its final landfall at Kawhia some 800 years ago. The canoe had travelled around various parts of the central North Island, including the Bay of Plenty, the Coromandel, the Manukau Heads and the Hauraki Gulf, with some people leaving the voyage and settling in these areas (Te Ara). Hoturoa is said to have made his base at Kawhia and over the years the Tainui people expanded inland from there. This included movement into the Waikato and Maori settlements spread throughout the region, with many concentrated along the coast to exploit the rich resources available there. Further inland, settlements were made along navigable waterways, such as the Waikato and Waipa Rivers and their tributaries, with

numerous pa sites identified as well as gardening and food storage sites. One of these pa is recorded at the northern end of the property (refer Figure 4).

Ngāti Korokī Kahukura

Maungatautari, to the west of the site, is the tuupuna maunga and living taonga to the people of Ngāti Korokī Kahukura. Ngāti Korokī Kahukura also hold strong cultural connection to the Waikato River and its contributing tributaries. One of their main Marae is the Pōhara Marae located approximately 4.5 km to the south of the site. It has ancestral links to the Tainui Waka. Its principal hapū are Ngāti Korokī and Ngāti Mahuta.

Ngāti Hauā

Hauā is the eponymous ancestor of Ngāti Hauā. His father Koroki married Tumataura and had two sons, Hape through whom Ngāti Korokī descend; and Hauā from whom Ngāti Hauā descends. Whilst Ngāti Korokī remained in the Maungatautari area, Ngāti Hauā encompassed the lands and waters within the east and north of Maungatautari, in particular Tamahere, Tauwhare, parts of Hamilton City, Morrinsville up to Te Aroha across the kaimai ranges into Matamata and Hinuera. The historical description of the Ngāti Hauā area of interest can generally be associated with the location of maunga. These maunga are Taupiri, Maungatautari and Te Aroha.[1]

2.5 ARCHAEOLOGICAL VALUES

Since the proposed area of works avoids recorded archaeological / heritage sites, an archaeological values assessment has not been undertaken in support of this proposal. It is noted, however, that a recorded pa site is located near the northern boundary of the Applicant's property (Figure 4). This indicates it is likely that other nearby areas were used by pre-european māori.

[1] From "Taangata Whenua Statement and Engagement Report – Kaipaki Road Sand Quarry and Cleanfill Operation" prepared by Te Huia Natural Resources, 1 September 2020.

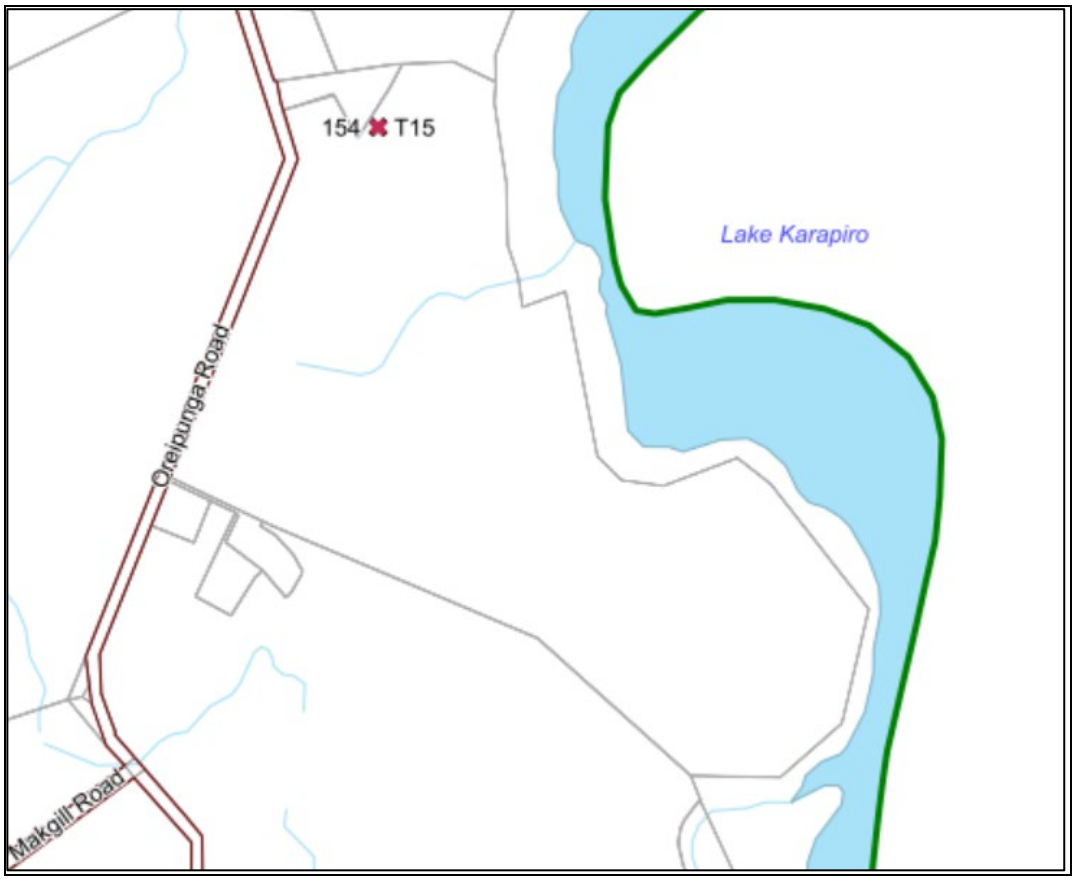


Figure 4: Excerpt from the Waipa District Plan Planning Maps Showing Recorded Pa Site.

2.6 TOPOGRAPHY

Topographical contours of the site are presented in Figure 5. This shows that the site consists of three distinct river terraces. The upper terrace is in the west and the lower terrace is in the east bordering the Waikato River. There is also one terrace in between these. Figure 5 shows the profile of the eastern terrace.

There are several gully features running from the terraces to the Waikato River. There are gullies located in the northern and southern parts of the site. A wetland is located within the southern gully (refer red cross-hatched area in Figure 5).

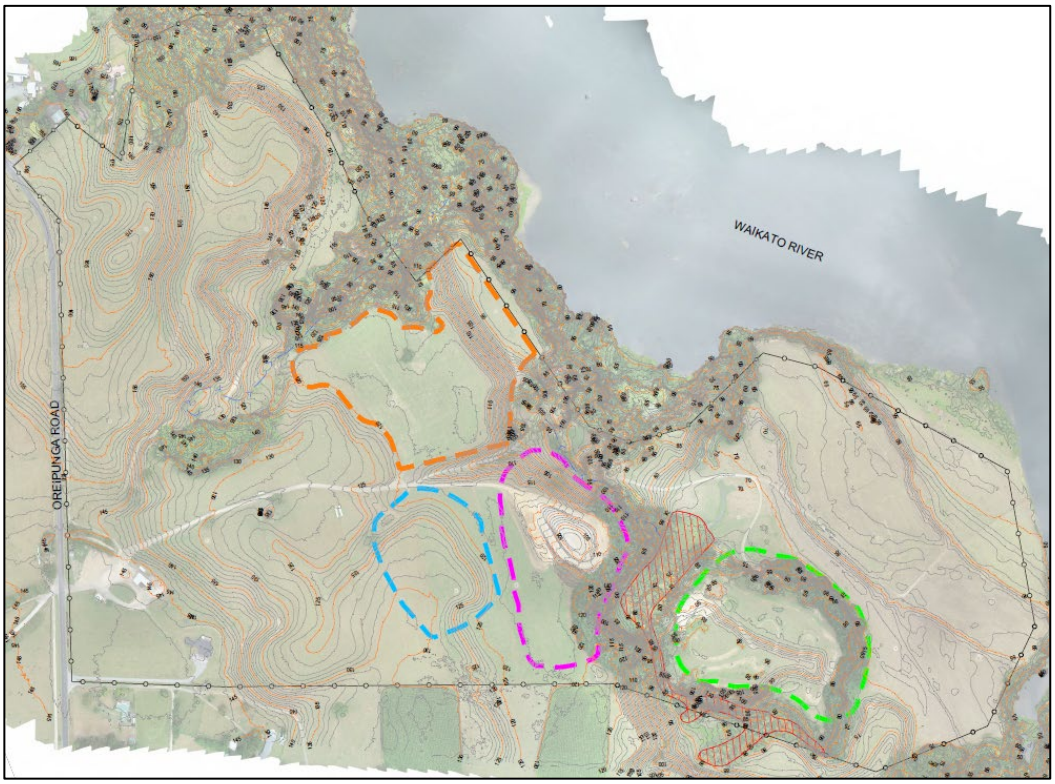


Figure 5: **Site topography – 1 metre contours (Source: Appendix A of HDGeo Report)**

Figure 6: **Eastern most Waikato River terrace on the site.**

2.7 SITE GEOLOGY

Geological information has been sourced from, on-site farm excavations, a locally drilled well and various invasive geotechnical tests (hand auger logging and cone penetrator) (**Appendix C**).

As evidenced by the existing quarry works and other farm earthworks undertaken to date on terraced parts of the site, these areas are likely to be dominated by clean silica-rich sands of the Hinuera Formation - common to these landforms located adjacent to the Waikato River.

The Hinuera Formation was deposited at a time when the Waikato River was meandering over a vast flood plain from the latest 17,000 to 22,000 years, with rhyolitic sands, gravels and silts being laid down in irregular patterns together with occasional slack water deposits including organic silts.

Drillers log records for a bore constructed on the site (see section 2.11 below), indicates that at elevations above the upper most western terrace, subsurface lithology is dominated by clay materials to depths of at least 100 m before encountering underlying ignimbrite.

Observations associated with shallow and deep ground investigations are summarised in Tables 2 and 3 respectively.

Table 2: Ground conditions from hand auger investigation

Geologic Unit	Average Depth (m bgl)		Typical Description	Typical Strength
	Upper Terrace	Lower Terrace		
Topsoil	0.0 – 0.3	0.0 – 0.3	Organic silt	N/A
Hinuera formation	0.3 – 3.0	N/A	Sandy silt or sand	Loose to medium dense
Early Pleistocene River Deposits	N/A	0.3 – 3.0	Sandy silt or sand	medium dense

Table 3: Ground conditions from hand auger investigation

Proposed Quarry Stage	Deep ground conditions	Other notes
2	▸ Interbedded clay, silty sand and sandy silt to 13 m bgl ▸ Clay to 21 m bgl ▸ Interbedded silty sand and sandy silt to 22.5 m bgl	Inferred ignimbrite below 22.5 m
3	▸ Clay to 1 m bgl ▸ Interbedded silty sand and sandy silt to 7 m bgl ▸ Interbedded silty sand and silty clay to 13 m bgl ▸ Interbedded silty sand and very dense soils to 23 m bgl	Inferred ignimbrite below 23 m
4	▸ Interbedded silty sand and sandy silt to 18 m bgl ▸ Interbedded clay and silty clay to 30 m bgl	

2.8 GEOMORPHOLOGY

The site has been drone surveyed by HDGeo. Key geomorphic features are illustrated in Figure 7. Notable features include:

- Terracing – shown clearly in Figure 7;
- Slip / Landslide feature adjacent to the northern gully; and
- Wetland and seepages.

Figure 7: Site Geomorphic Map

Historical aerial photographs indicate the slip / landslide adjacent to the northern gully occurred sometime between 1974 and 1981 (refer **Appendix C**). This created a new gully off the south side of the existing gully. Subsequent aerial photos show this erosion gully being backfilled in 2019 – reinstating the flat terrain that existed in this location prior to the failure.

2.9 VEGETATION

Vegetation existing on the site is mainly pasture grassland while some areas of the site are used to grow seasonal farm crops. There are also areas of indigenous vegetation within and immediately beyond the eastern riparian margin of the property. In some places, this vegetation extends westward from this margin, into some of the Waikato River tributary gullies in the eastern part of the site. This includes Significant Natural Area WP766A located within the site's northern gully, extending along much of the property's riparian area adjacent to the Waikato River (Figure 8).

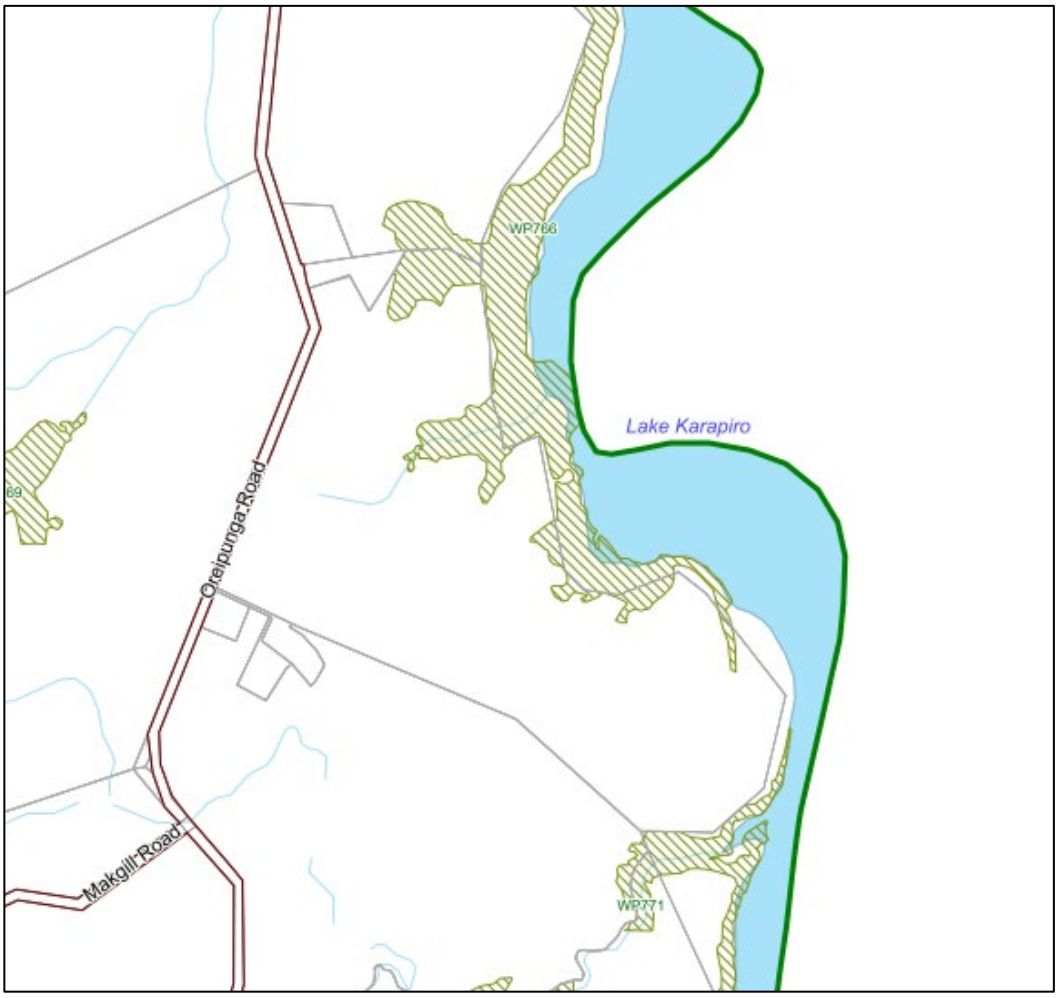


Figure 8: Location of Significant Natural Area WP766A (Source Waiupa District Council Intramaps)

Exotic tree species are also present on the site. These occur as interspersed plantings, mainly within farm gullies and also as small but mature stands of plantation pine trees located predominantly within terrace slope areas in the southern part of the site.

A natural wetland is located on the site between proposed quarry stages 1 and 4 (refer red hatched area in Figure 5 above). The wetland contains a mixture of reeds, invasive pest species (e.g. blackberry) and some interspersed native species. A photo of the northern arm of this wetland is provided in Figure 9. Figure 9 also shows plantation forest on the adjacent terrace slopes.

Figure 9: **Natural wetland vegetation (northern arm looking southwest) located between proposed stages 1 (right) and 4 (left)**

2.10 WIND ENVIRONMENT

Wind conditions at the site are likely to be very similar to those near Cambridge. The Cambridge wind rose at Figure 10 shows the predominant and strongest wind on site is likely to be from the south westerly quarter.

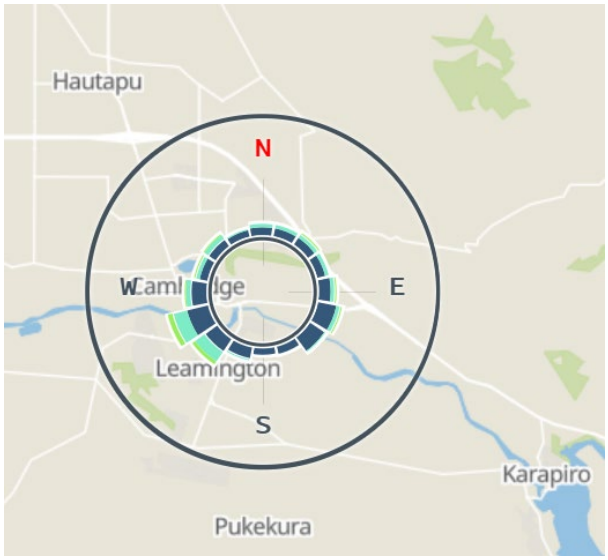


Figure 10: **Mean Annual Wind frequency (%) of surface wind direction from hourly observations at Cambridge. Plot shows direction from which the wind blows. (Source: Windy.App). Dark blue = <8 knots, Teal green = Between 8 and 12 knots, Lime green = between 12 and 17 knots.**

2.11 GROUNDWATER

The site overlies the Hamilton Basin – West aquifer system.

The Waikato Regional Council online maps shows four existing bores are present in the immediate area surrounding the application site. These are listed in Table 4 and identified in Figure 11.

Figure 11: **Existing Water Bores and Bore Consents (Source: Waikato Regional Council online maps)**

Table 4: **Existing Bores and Bore Consents in the immediate area (Source: Waikato Regional Council online maps)**

Auth No.	Address	Details
70 760	599 Oreipunga Road	Owned by the Applicant Depth: 107.7m Diameter: 100mm

Auth No.	Address	Details
		Clay to depth of at least 100m with rhyolite / ignimbrite near the base of the well.
AUTH142239.01.01	539 Oreipunga Road	Consent Holder: F Figgers No record of bore being constructed

Groundwater depth observations have also been made by HDGeo as part of their geotechnical appraisal of the site. These are summarised in Table 5.

Table 5: Groundwater depths within the site

Proposed Quarry Stage	Depth to groundwater (m bgl)	Comments
1	None	Excavations are approximately 14 m bgl with no sign of groundwater entering the pit.
2	22.5	Groundwater was encountered at the base of the cone penetrometer test. Perched groundwater on the underlying ignimbrite is inferred.
3	None	Perched groundwater layers between 18 and 30 m bgl
4	11.5	

2.12 TRAFFIC AND ROADING ENVIRONMENT

The traffic and roading environment at and surrounding the site is described in detail within the Integrated Traffic Assessment provided in **Appendix D**. A summary is set out below.

2.12.1 Road Network

The local roading network is illustrated in Figure 12. The road hierarchy (WODP Appendix T5) classifies Oreipunga Road as a local road.

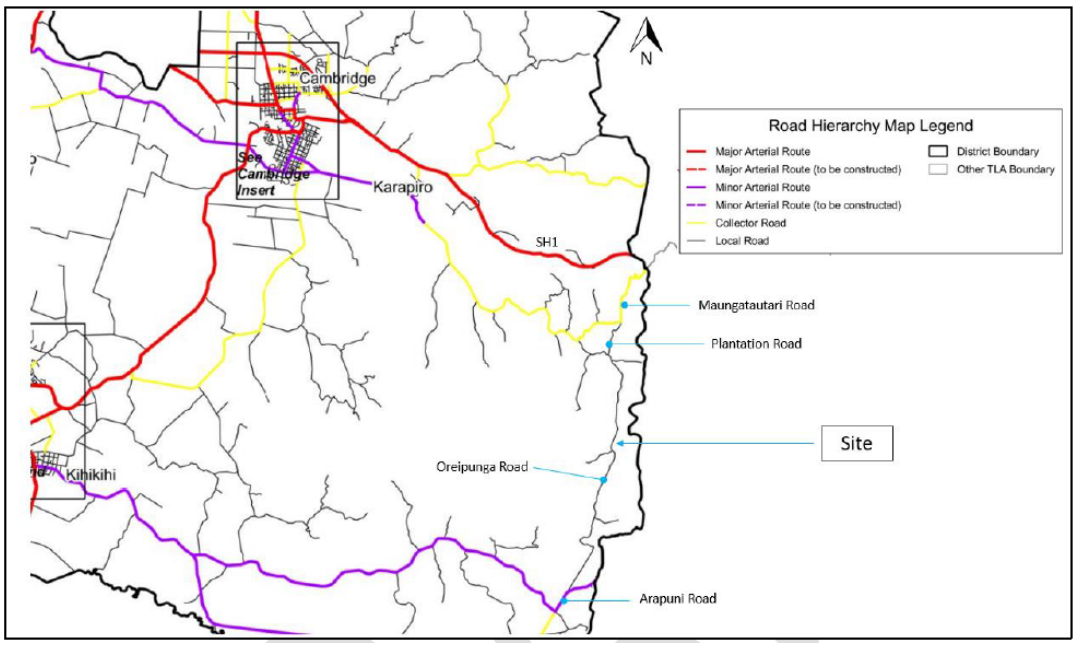


Figure 12: Existing Road Network.

Along the site frontage, Oreipunga Road has a sealed width of approximately 6m with a painted centreline and grass berms. An open road speed limit of 100km/h applies. The existing form of the road is shown in Figure 13.

Figure 13: Oreipunga Road and existing site entrance.

2.12.2 Traffic Volumes

Traffic volumes for Oreipunga Road and the surrounding road network are shown in Table 6.

Table 6: Traffic Volume for Road Network

Road	Daily Volume (vpd)	% HCV	Estimated Hourly Volume (vph)
Oreipunga Road	350	10%	35-42
Plantation Road	425	10%	43-51
Maungtautari Road (north of Plantation Road)	600	10%	60-72
Maungtautari Road (south of SH1)	720	10%	72-86
Arapuni Road	1,000	8.8%	110-132

2.12.3 Road Safety

Local crash locations and details are summarised in Table 7.

Table 7: Local Crash Data Summary

Location	Crash Severity			Crash Types & Factors
	Non-Injury	Minor	Serious	
SH1/Maungatautari Road	6	2	0	Failure to give way (4), loss of control, hit rear, overtaking, cutting corner. Uneven road surface, fatigue, driver unfamiliar with NZ conditions.
Maungatautari Road Bridge	1	0	0	Loss of control, loose material on seal
Plantation Road/Oreipunga Road	1	1	0	Loss of control (2), excess speed, loose material on seal
Oreipunga Road/Arapuni Road	1	1	1	Hit rear, hit fallen tree, overtaking. Alcohol, too far left, heavy rain.
TOTAL	9	4	1	-

2.13 NOISE ENVIRONMENT

The daytime ambient noise levels will be consistent with a rural environment with the controlling noise source being Oreipunga Road. Other than occasional vehicles travelling past the site on this road, existing ambient noise at and around the site will be considered very low.

Nearest noise receivers near the site are shown in Figure 14.

Figure 14: Aerial Photo of the Site Showing Nearest Noise Receivers (Source: Google Earth). Applicant's Dwellings are Excluded.

2.14 TITLE INFORMATION

2.14.1 Records of Title

The application site comprises of a fee simple Record of Title. Details are shown in Table 8 and a copy of the Record of Title is provided in **Appendix A**.

Table 8: Record of Title Particulars

Legal Description	Area	Owners
Lot 1 Deposited Plan South Auckland 80319 - Containing the existing dwelling	55.7205 hectares more or less	> Albert John Andree-Wiltens as to a 21/50 share > Elwyn Marion Andree-Wiltens as to a 21/50 share > Mark James Andree-Wiltens as to a 2/25 share > Julia Anne Turnock as to a 2/25 share

2.14.2 Legal Encumbrances

The following legal encumbrances / interests are registered on the Records of Title:

- H748741 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941 - 3.9.1987 at 1.48 pm
- Subject to a right to convey water over part marked B and a right to transmit telecommunications and electricity over part marked A on DPS 74817 created by Transfer B524265.2 - 28.1.1999

These interests are not applicable to the proposal to establish and operate a sand quarry at the application site. A subdivision is not proposed, nor are any new dwellings proposed. The existing dwelling (occupied by the Applicant) will be retained and is located outside of the quarry area. The site will be rehabilitated back to rural farmland upon completion of the sand extraction activities.

3. DESCRIPTION OF THE PROPOSAL

3.1 OVERVIEW

The Applicant proposes to establish and operate a sand quarry at the site.

A site plan showing the consent application area and indicative 'extent of works' is provided in Figure 15.

The boundaries of the proposed consent application area align with the external site boundaries of the two titles, however, the actual operational area (i.e. the 'extent of works') will be much smaller so that the activities proposed are appropriately set back from the external site boundaries and adjacent SNA areas.

In general, the site will comprise;

- Upgraded and re-designed site entranceway;
- Four sand excavation working areas or stages;
- Stockpile areas within working areas;
- Overburden disposal areas; and
- Staff parking area.

It is estimated that the site has the potential to supply approximately 900,000 m^3 of sand across the four stages. The rate at which the sand will be extracted will vary, and will be dependent on a number of factors, but predominantly market demand. In any event, a maximum extraction limit of 95,000 m^3 per year is proposed.

For each stage, the total quarry area exposed at any one time will be no more than three hectares.

For all stages, the open pit (working area) will be well below the natural ground level. The existing topography and working face will therefore screen the open pit working area to some extent.

The existing farming activities will continue to operate on the balance of land concurrently with the sand extraction activities.

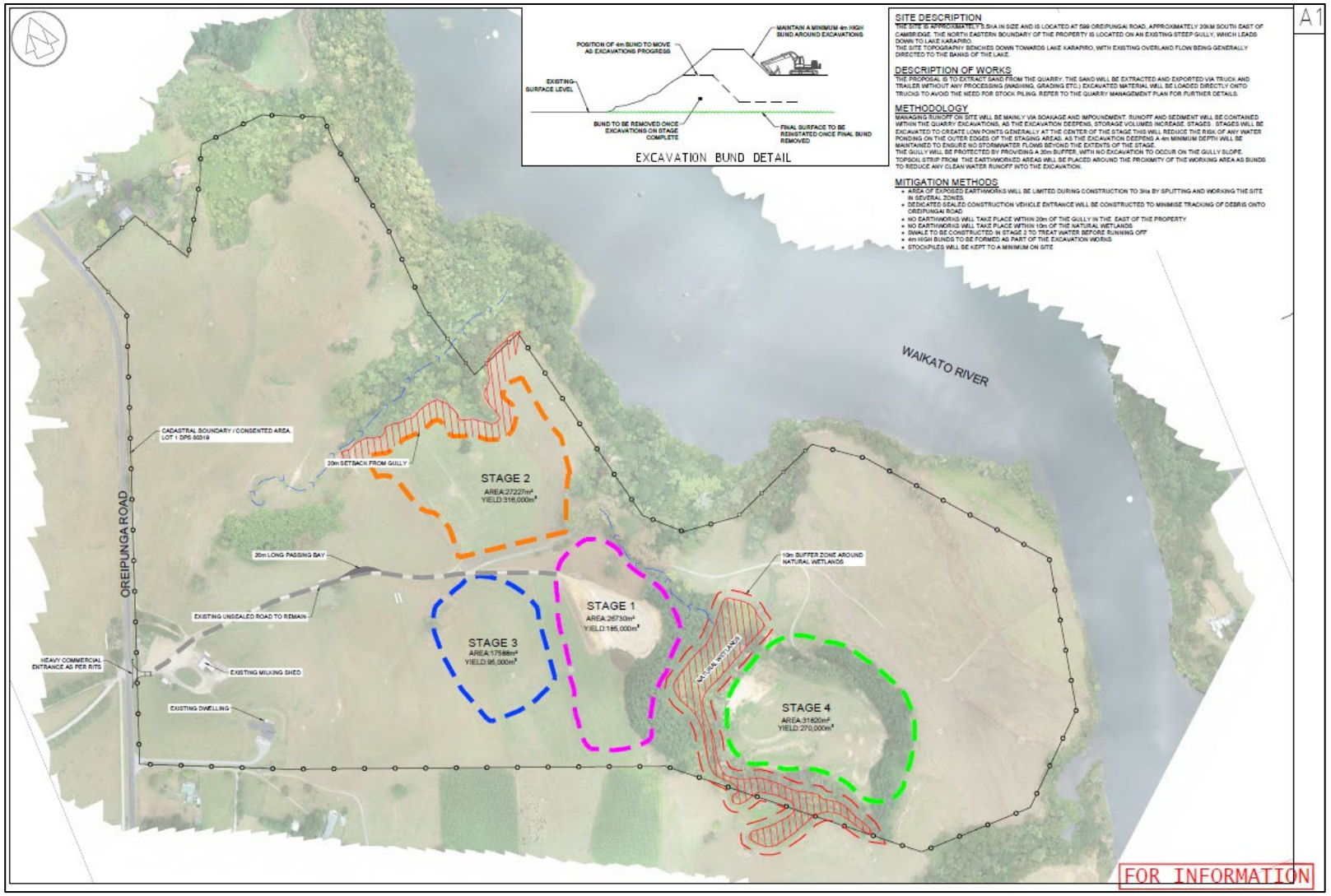


Figure 15: Consent application area and proposed extent of works

3.2 SETBACKS

The proposed sand extraction areas (shown as the 'extent of works' area in Figure 15) will be appropriately positioned within the application area so that sufficient setbacks are established from all external site boundaries. The extent of works approximates with the boundary fence lines for the property which achieves the following approximate setbacks:

- at least **20 meters** from the edge of the gully adjacent to the northern boundary of Stage 2;
- at least **45 meters** from the true left bank of the Waikato River (top of bank);
- at least **10 metres** from any ephemeral or perennial stream or any natural wetland;
- at least **30 metres** from the southern property boundary; and
- at least **200 metres** from the nearest neighbouring dwelling (excluding the owners dwelling).

3.3 HOURS OF OPERATION

The following hours of operation are proposed:

- 7:00am to 5:30pm, Monday to Friday;
- 7:00am to 12:00pm Saturday; and
- Closed Sunday and Public Holidays.

3.4 STAFF

Up to four full time staff and up to a further two part-time staff will be employed on-site. These staff will likely be provided from a pool of staff employed by the Applicant's company - Beacon Hill Contracting.

3.5 DEVELOPMENT STAGING

To minimise potential visual and amenity effects, and effects from dust, erosion and sediment runoff, the construction activities will be staged over time.

Stages 1, 2 and 4 will be the site's primary sand yielding stages. Because the sand from these stages will invariably be very clean sand, an on-site source of other materials that possess higher fractions of silt will also be required from time to time to mix with the sand to improve its compacted integrity when used on building sites etc. That is, at times, the sand extracted will be too clean for its intended use. This less sandy material will be extracted from Stage 3 – which will act as the site's borrow area. It follows that, in terms of staging, the site will be developed as follows:

First Phase:

- Progressively develop Stage 1 (already being used);
- Open up small parts of Stage 3; and
- Upgrade site access and internal roading.

Second Phase:

- Open up and then progressively develop Stage 2;
- Continue to use small parts of Stage 3; and
- Rehabilitate and close Stage 1.

Third Phase:

- Open up and then progressively develop Stage 4
- Continue to use small parts of Stage 3; and
- Rehabilitate and close Stage 2.

Fourth Phase:

- Rehabilitate and close Stages 3 and 4.

Throughout these various phases, the development will also ensure that the total amount of active and unstabilised land within all stage areas does not exceed three hectares. To this end, the Stage 3 borrow area will be progressively rehabilitated over time.

3.6 GENERAL SAND EXTRACTION METHODOLOGY

The process of extracting sand involves the following processes:

Sediment Controls

If required, appropriate sediment and erosion controls will be implemented prior to the construction of any new quarry stage. Any controls will be designed, constructed and maintained in accordance with the document titled *"Erosion and Sediment Control – Guidelines for Soil Disturbing Activities" (Technical Report No. 2009/02 – dated January 2009).*

Vegetation Removal

In general, the proposed quarry areas are absent any terrestrial vegetation requiring initial removal or felling. Moreover, to provide visual, dust and some noise screening, any existing pine plantation areas adjacent to stages 1 and 4 will be retained until near the end of the development of these stages.

Stripping and Site Preparation

For each consecutive quarrying stage, topsoil, including pastoral grasses, will be stripped and placed to form perimeter bunds. This topsoil material will be utilised later for site landscaping/rehabilitation.

Overburden

The volume of overburden is expected to be relatively small. That is, most material excavated from the site will be able to be sold as final product. However, any overburden that is produced will also be used to form perimeter bund structures around each stage. This overburden material will also be used later to contour the site at the closure of each stage.

Sand Extraction for Sale

Predominantly, sand will be loaded onto trucks directly from quarry pits and quarry pit faces using an excavator. Where material is needed from the borrow area (Stage 3), this will be transported into the pit, mixed with sand as it is excavated, and then loaded onto trucks.

Extraction within each of stages 1, 2 and 4 will be undertaken so as to create a pit beneath the existing ground surface level. This minimises a number of potential adverse effects. A pit reduces the visibility of excavated materials, reduces noise emanating from machinery working in the pit, and doubles as an excellent sediment control and stormwater soakage device.

3.7 STORMWATER MANAGEMENT AND SEDIMENT AND EROSION CONTROL

All soil disturbance, vegetation clearance and overburden disposal activities will be managed in accordance with relevant sections of Waikato Regional Council document titled “Erosion and Sediment Control – Guidelines for Soil Disturbing Activities” (Technical Report No. 2009/02 – dated January 2009).

The key philosophy for stormwater management is to utilise quarry pits and other natural or formed topographical low areas and the high permeability of local sandy soils to soak stormwater to ground.

Although excavations will not intercept the local water table, where less permeable sub-surface materials exist, there is likely to be some inevitable interception of localised perched lenses of groundwater in places. In these instances, this perched groundwater will divert to the lowest pit level and soak away into lower elevation, higher permeability formations.

To minimise the volume of stormwater to be managed on site, perimeter controls (diversion drains, silt fences and/or earth bunds) will also be implemented where

appropriate to divert clean water away from work areas and/or when new stages are opened up.

Complementing the above sediment and erosion control philosophies, detailed sediment and erosion control plans will be prepared for different stages of development (as appropriate). These will be included in the SMP and updated as part of regular SMP review process (if required).

3.8 ACCIDENTAL DISCOVERY PROTOCOLS

In the event of any archaeological site, koiwi or waahi tapu being discovered or disturbed, while undertaking the quarrying activity, the activity shall cease immediately in the area of the discovery, and relevant iwi authority representative(s), Waipa District Council, Heritage New Zealand (HNZ), Waikato Regional Council, and in the case of koiwi, the NZ Police shall be notified within 48 hours. Works will only recommence upon receipt of the written approval of the Waipa District and Waikato Regional Councils.

3.9 WATER SUPPLY

The dust suppression water supply will be sourced via an existing bore and groundwater take at the property. Specifically, a take of up to 15m^3 per day of groundwater is proposed.

To supplement this supply, a surface water take from the Waikato River will also be established near the property's eastern boundary. This will take up to 30 m^3 per day.

In total 45 m^3/day of water will be available for dust suppression.

3.10 DUST MANAGEMENT

Dust will be controlled on site through a combination of dust minimisation and mitigation methods based on the following key site design and operation principles;

Design

- Minimising the open quarry area to no more than 3 hectares;
- Implementation of a secure supply of water (permitted bore and surface water takes),
- Maintaining appropriate setbacks from property boundaries and neighbouring dwellings as described above in Section 3.2;
- Retaining existing plantation forest vegetation that acts both as a barrier to wind and a filter to intercept any entrained dust. The existence of a mature pine trees on the eastern stages 1 and 4 is particularly advantageous in this respect; and
- Sealing the site entrance 15m from the existing edge of seal.

Operational

- Staff training and awareness of dust generation risk factors and mitigation measures;
- Employment of water spray or water carts to dampen dust in dry / windy conditions (particularly if blowing from the north or northeast);
- Regular visual monitoring;
- Enforcement of a 10km/hr on-site speed restriction;
- Neighbours feedback / complaint response.

3.11 ACCESS

The application seeks to utilise the existing vehicle crossing on to Oreipunga Road. The existing crossing will be upgraded as shown in the concept plan provided in Figure 16. In the event consents are granted, the applicant proposes to develop a final design for the accessway in consultation with WDC traffic and roading teams.

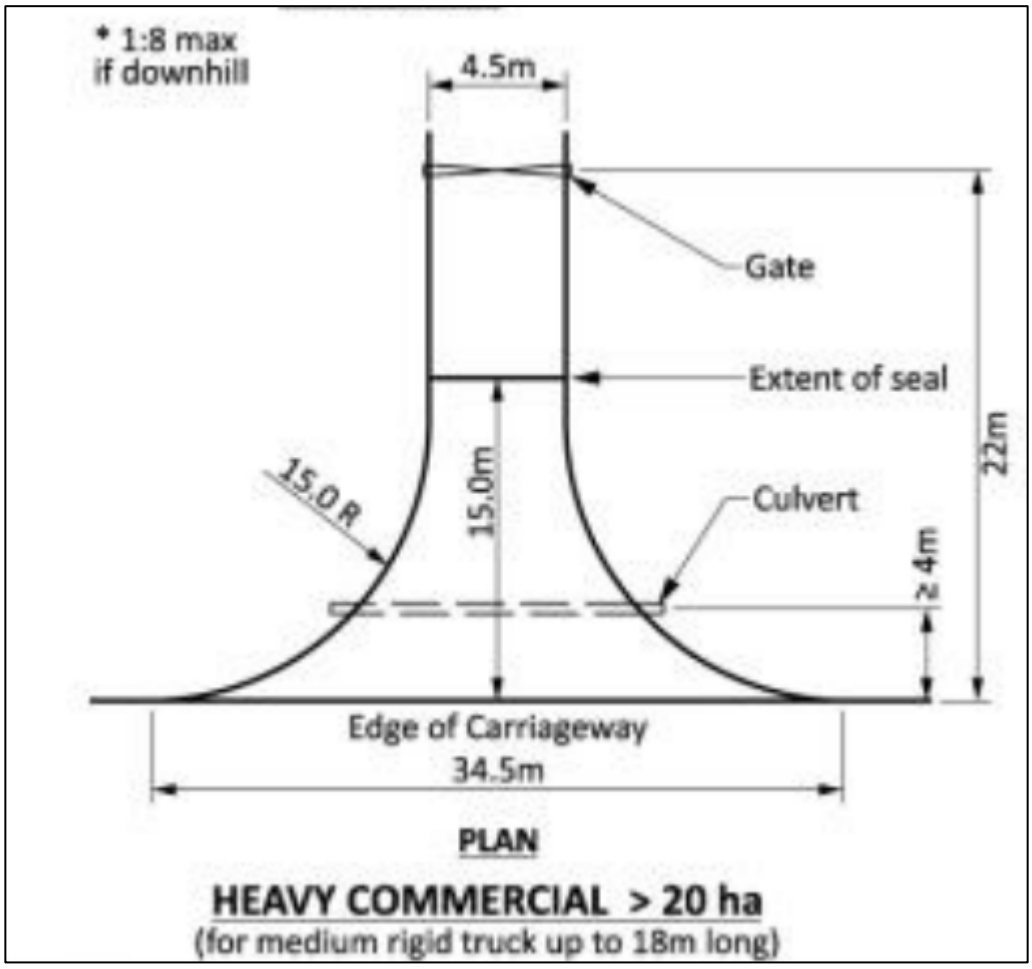


Figure 16: Concept layout of proposed vehicle entrance

The proposed internal access ways will be unsealed. As per the Regional Infrastructure Technical Specifications (RITS), the first 15m of the vehicle crossing is recommended to be sealed, however the applicant proposes sealing the first 50m of this driveway. The driveway itself must be minimum 3m wide in accordance with Waipa DC's rural driveway standards, however, the applicant proposes sealing this to a width of no less than 4.5m with the unsealed sections beyond 50m into the Site being generally 3m wide with passing pays. Passing bays will also be installed at 100m intervals along the driveway. These passing bays will be 6m wide and at least 18m long to allow two trucks to pass each other.

3.12 TRAFFIC MANAGEMENT

The proposed mineral extraction activities will generate an average of 40 HCV/day, with daily peaks of up to 60 HCV/day at its maximum weekly extraction.

These figures are based on the average volumes that will be extracted at the sand quarry and the capacity of the network to accept those vehicle movements (including minor upgrades to the entrance of the site).

The likely transport routes to and from the site are described below.

Route A

Northbound on Oreipunga Road to SH1 via Plantation Road and Maungatautari Road. Route A provides onward routes to Cambridge and further north, east or south via interconnecting roading network.

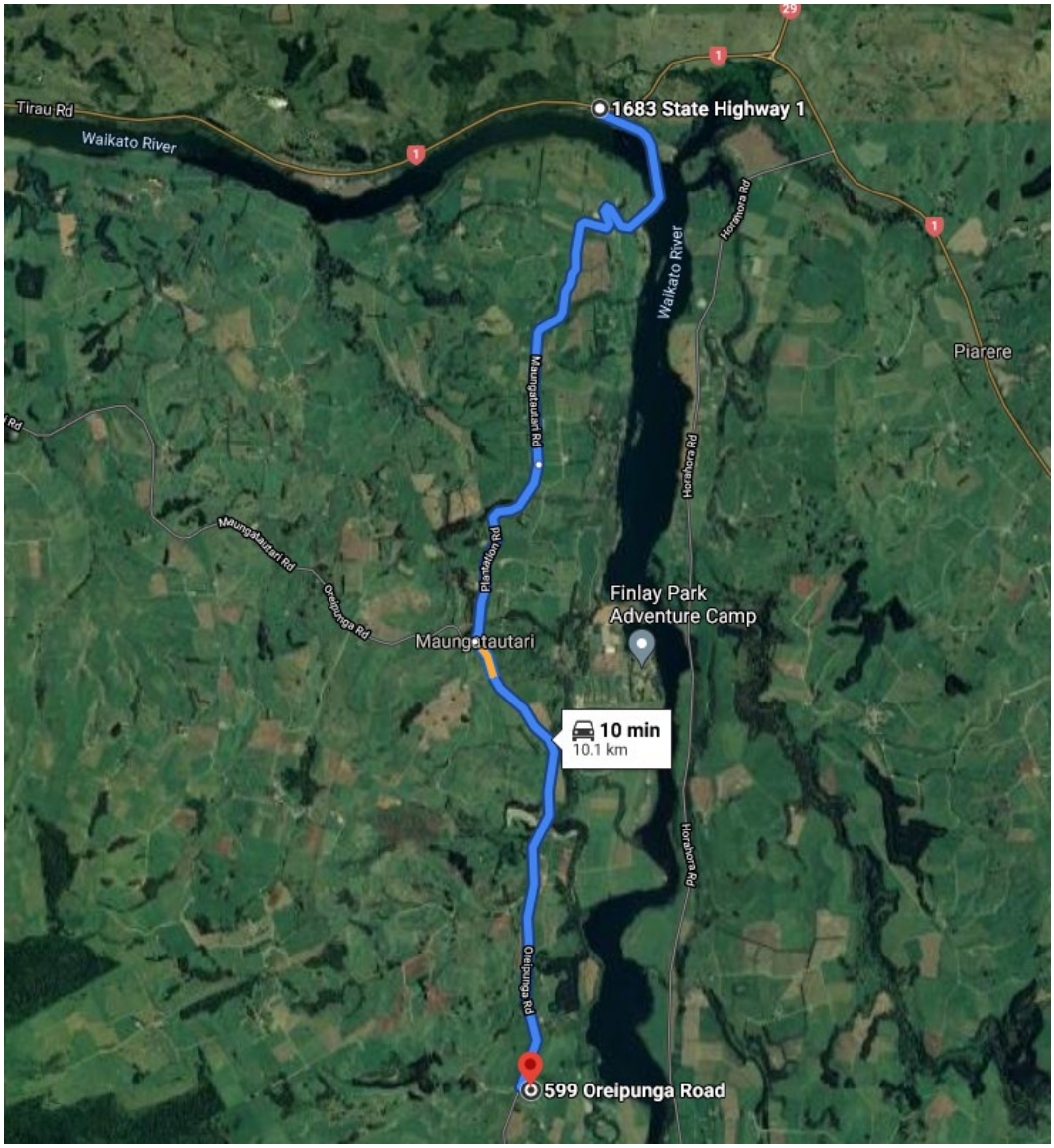


Figure 17: Transport route to SH1

Route B

To Te Awamutu

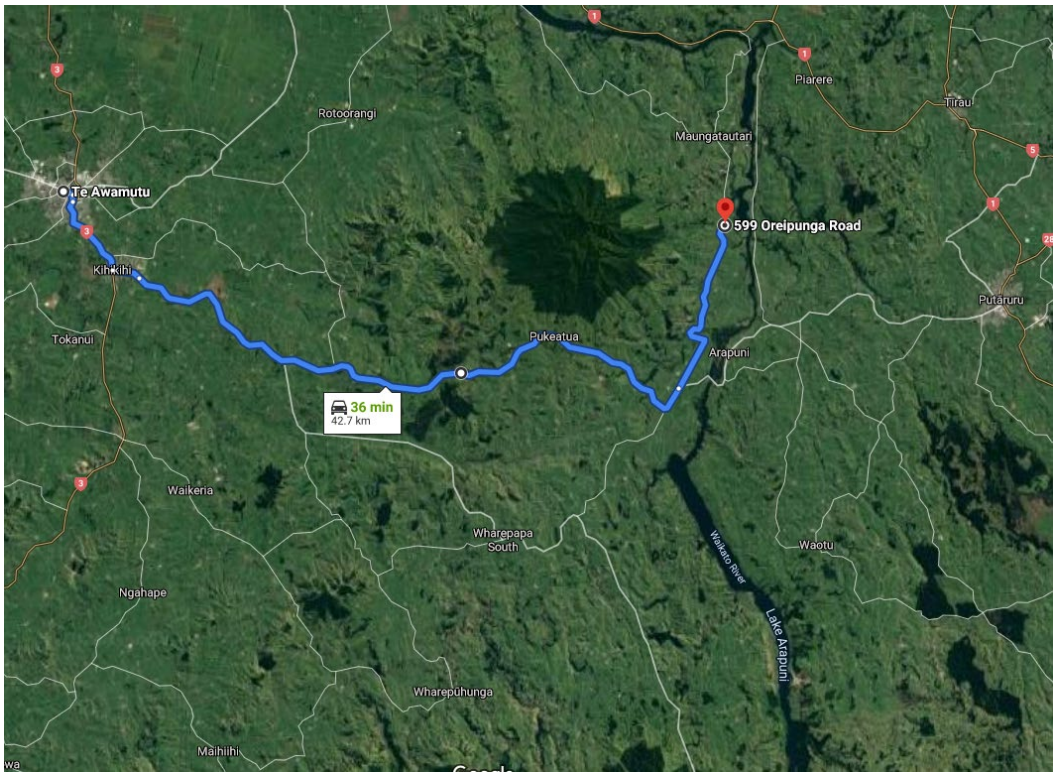


Figure 18: Transport route to Te Awamutu

If the quarry were to get a large supply contract, it is possible that 100% of quarry traffic could be directed to a single route for the duration of that contract.

With respect to traffic management, the applicant's proposal includes the following initiatives:

- Detailed design approval process with WDC for the vehicle entrance, with a focus on modifications to the site entrance consistent with D3.3.4 of RITS to suit heavy vehicle tracking;
- Upgrade of internal access road designed with;
  - A minimum of 4.5 m width for a minimum of 30 m from Oreipunga Road; or
  - A minimum of 3 m wide with passing bays provided at least every 100m with visibility between the passing bays.
- Adequate parking provided at a rate of one space per staff member and one space per anticipated visitor, loading and manoeuvring areas;
- On site speed restriction of 20 km/hr;

- Limits on heavy vehicle movements such that they do not exceed the following;
  - Daily maximum of 60 HCV movements/day; and
  - Daily average of 40 HCV movements /day (calculated over a one-month period)
- Recording of monthly average vehicle movements; and
- Monitoring and reporting of vehicle movements.

3.13 LAND AND SLOPE STABILITY MANAGEMENT

The following quarry design parameters will be adopted to minimise adverse geotechnical effects on adjacent property, gullies and wetlands;

- No excavation within 20m of the northern gully edge adjacent to Stage 2;
- Final batter slopes in all stages shall be 2.5H:1V; and
- Maximum final batter heights will be 10m while two batters can be separated by a 10m horizontal bench (Figure 19).

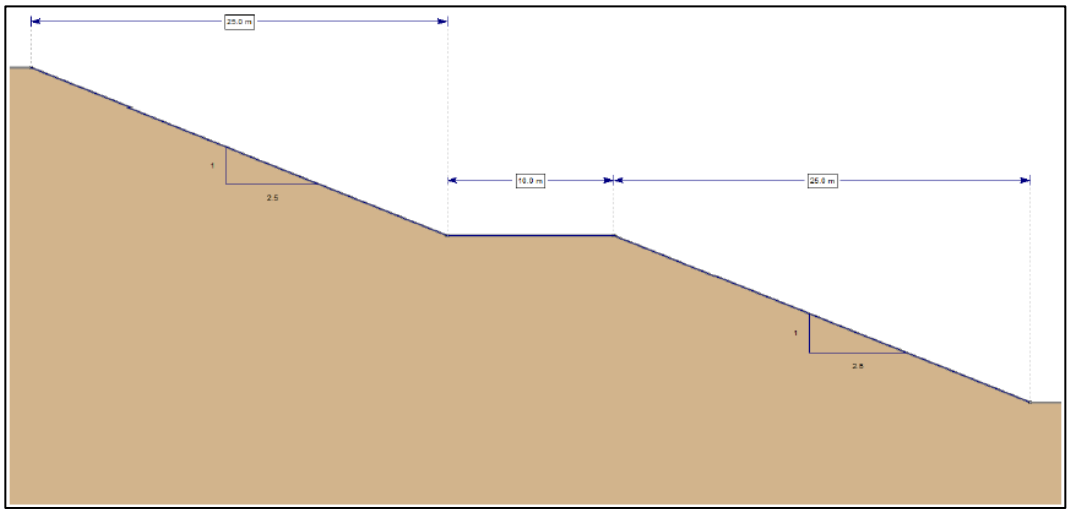


Figure 19: Final slope geometry

3.14 NOISE MANAGEMENT

The following constraint on operations will be adopted to minimise impacts at the nearest noise sensitive receiver:

- All machinery equipment used on site will be operated and maintained in accordance with the manufacturer's specifications to ensure that the emission of noise does not exceed a reasonable level;
- An on-site speed restriction of 20km/hr on unsealed roads will be enforced;

- Nearby dwelling owners/occupants at 601 Oreipunga Road will be advised in advance where topsoil stripping will occur within 250 m of their dwelling. This information shall be provided in writing and shall include the expected dates of the work, hours and days of the week that topsoil stripping will occur on as well as any other information relevant to the party;
- Soil stripping activities occurring within 300 m of an occupied dwelling shall only occur between 10:00AM – 4:00PM on Monday to Friday unless written approval has been provided to the consent holder by the owner / occupant;
- No sand extraction will occur within 250 m of a dwelling façade (230 m from a notional boundary) without a 2.0 m earth bund (gradient 1:3) being in place unless written approval has been provided to the consent holder by the owner / occupant; and
- Soil stripping activities will not include the use of mobile soil scrapers.

3.15 ECOLOGICAL MANAGEMENT

No indigenous vegetation will be removed as a result of the proposed quarrying activities.

Some areas of plantation pine trees will be removed adjacent to stages 1 and 4. In acknowledgement that the Site is located in an area where native long-tailed bats and lizards may be found, the following fauna management initiatives are proposed in relation to pine tree removal:

- Development and implementation of a lizard Management Plan (**LMP**) to avoid as far as practicable potential harm and disturbance effects on native lizards; and
- Development and implementation of a Bat Monitoring and Management Plan (**BMMP**), including details on pre-tree removal bat roost surveys and roost replacement, to avoid as far as practicable potential harm and disturbance effects on long tailed bats.

3.16 SITE MANAGEMENT PLAN

A comprehensive Site Management Plan (SMP) will be prepared and submitted for approval. The Site will operate in accordance with this SMP.

The primary purpose of the SMP is to document all management, monitoring and operational procedures that will be implemented at the Site to minimise environmental effects both within and beyond its boundaries.

The SMP will cover the following operational matters:

- Site responsibilities and contacts;
- Health and safety;
- Sand extraction procedures including batter slope and setback requirements;

- Quarry development staging;
- Stormwater management and erosion and sediment control philosophies;
- Land stability measures;
- Quarry rehabilitation plans;
- Dust management procedures;
- Complaints procedures;
- Ecological monitoring and management;
- Accidental discovery procedures;
- Reporting and record keeping requirements; and
- Plan review procedures.

A relevant condition of consent is proffered by the Applicant (Appendices E and F).

3.17 SITE REHABILITATION AND MITIGATION

3.17.1 Site Rehabilitation

As the development of each quarry pit stage comes to an end, the disturbed areas will be contoured and rehabilitated so that, as far as practicable, the quarry pits blend into adjacent undisturbed landforms. For stages 1, 2 and 4, this will involve, as a last part of their respective development, excavation of the eastern-most pit batter faces so that each pit transitions into the terrace level below. With respect to rehabilitation of the northern face of Stage 2, this will remain in accordance with final geometry requirements sloping southward to also transition into the terrace level below. In effect this returns the final site back to having flat or relatively gently sloping areas that can resume pastoral farming activities.

Once a stage has been contoured to its final rehabilitated levels, it will be top soiled and re-grassed and/or revegetated, for the return to pasture. This will be achieved through typical stabilisation techniques as documented in the Waikato Regional Council's "Erosion and Sediment Control - Guidelines for Soil Disturbing Activities (2009)".

Staging and rehabilitation plans will be live, and subject to some change, depending on the actual rates of sand quarrying over time. These changes will be controlled and managed as part of regular reviews undertaken on the SMP while ensuring, all the while, unstabilised area across the site do not total in excess of three hectares.

Weed species will be monitored onsite and sprayed/managed as and when required.

3.17.2 Site Mitigation

The Applicant proposes to develop an appropriate mitigation package following consultation with local mana whenua. It is anticipated this will include enhancement and restoration planting of some waterbodies on the property (e.g. the existing wetland area between Stages 1 and 4) or other terrestrial planting initiatives.

Site mitigation details will be included in a Mitigation and Restoration Plan (**MRP**) to be prepared in consultation with mana whenua and submitted for Council certification.

3.18 PROPOSED CONSENT CONDITIONS

Separate suites of consent conditions are also proffered by the applicant for the respective Waipa District and Waikato Regional Council resource consents in the event they are granted. These are contained in Appendices E and F respectively. These conditions include various relevant restrictions and requirements as recommended by technical experts engaged by the applicant to assess geotechnical and transportation effects of the proposal and/or reflect other standard requirements considered relevant and appropriate given the type and scale of activities proposed.

Key aspects of the proposed activities, as described above, are also included as proposed consent conditions where relevant.

4. STATUS OF PROPOSED ACTIVITIES

The following section identifies the RMA status of the proposed activities and discusses the extent to which those activities need to be the subject of resource consent applications.

The site sits within the jurisdictions of the Waikato Regional and Waipa District Councils. The relevant planning instruments for these councils are:

- The Operative Waipa District Plan; and
- The Operative Waikato Regional Plan

In this instance, it is appropriate to also consider relevant National Environmental Standards ("NES"), that might relate to this proposal.

The status of the proposed activities with respect to these instruments is presented below.

4.1 NATIONAL ENVIRONMENTAL STANDARDS

There are seven National Environmental Standards ("**NES**") that have come into effect as regulations to date. Of potential relevance in this case are:

- Resource Management (National Environmental Standard for Air Quality (**"NESAQ"**).
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**"NESCS"**); and
- Resource Management (National Environmental Standard for Freshwater 2020 (**"NESFW"**).

4.2.1 National Environmental Standards on Air Quality 2011

The National Environmental Standard on Air Quality (NESAQ) sets out ambient air quality standards for several contaminants for the protection of public health - including fine particulates (PM_{10}), sulphur dioxide (SO_2), carbon monoxide (CO) and nitrogen dioxide (NO_2). The NESAQ applies where people are likely to be exposed for periods commensurate with the relevant assessment averaging period. The NESAQ also includes concentration limits and the specified number of occasions that those concentration limits may be exceeded within any year.

The only contaminant of relevance to this application (and controlled by the NESAQ) is PM_{10}.

Appropriate dust mitigation measures are proposed to manage any potential for dust nuisance and reduce airborne dust. Water trucks will be utilised during dry and windy periods to spray exposed areas. The total area of land exposed at any one time will also

be kept to a minimum to reduce the potential for dust. Accordingly, the NESAQ is not considered to be triggered in this application.

4.2.2 National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The NESCS came into effect on 1 January 2012 and provides for territorial authority functions under s31 of the RMA with respect to contaminated land management. The NESCS aims to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed, and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use. Clause 5(1) of the NESCS states that it applies when:

> *"...a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8):"*

Clause 5(7) of the NESCS states:

> *(7) The piece of land is a piece of land that is described by 1 of the following:*
>
> *(a) an activity or industry described in the HAIL is being undertaken on it:*
>
> *(b) an activity or industry described in the HAIL has been undertaken on it:*
>
> *(c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.*

Historical aerial photography in the Preliminary Geotechnical Assessment (**Appendix C**) shows that the property has been used for pastoral farming activities since at least 1944. These photos also show no indications of the property ever having a woolshed or sheep-dip facility. No HAIL sites are registered on the property, therefore, it is concluded that it is highly unlikely there will be a risk to human health or the environment if the site is developed and no resource consents are required under the NESCS.

4.2.3 Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The NES for Freshwater (**"NESFW"**) came into effect from 3 September 2020 to regulate activities that pose risks to the health of freshwater and freshwater ecosystems and to uphold Te Mana o Te Wai.

To achieve its purpose, the NESFW prescribes national environmental standards for activities that pose risks to freshwater and freshwater ecosystems. If the NESFW specifies an activity status, this overrides any activity status separately identified in a Regional Plan for the respective activities.

The NESFW potentially applies to the following project element:

- Earthworks;

- The diverting of stormwater to land (sand quarry pits) at locations between the 10 m and 100 m setbacks from a wetland[2] requiring consideration under Part 3, Subpart 1 (Natural Wetlands) of the NESFW; and
- Permitted surface water take from Lake Karapiro requiring consideration under Part 3, Subpart 3 (Passage of fish affected by structures) of the NESFW.

Earthworks

The design approach adopted for the project achieves avoidance of quarrying or other construction activities occurring within natural wetlands. Avoidance of earthworks occurring within a 10m setback of a wetland is also achieved. The design also does not require any river or stream diversions or any river reclamations. Accordingly, NESFW regulations for soil disturbance and vegetation clearance are not relevant.

Stormwater Diversions and Discharges in the Vicinity of a Wetland

Once operational, stormwater runoff from some areas within and close to the perimeter of sand quarry pits for all stages will be diverted and discharged to land (via soakage within sand quarry or borrow pits) at locations within the 10m - 100m setback of a wetland.

As this activity is not provided for elsewhere within the NESFW, it is considered a **Non-complying Activity** under Regulation 54(c).

Fish Passage

With regard to fish passage, the NESFW regulates structures in a river or connected area[3] that may impact fish passage, such as a culvert, weir, flap gate, dam or ford. The proposed water take does not involve any weirs, flap gates, dams or fords in a river, stream or connected area. Accordingly, NESFW regulations for fish passage are not relevant.

Wetland Drainage

Since the sand quarry and borrow pit excavations will remain above the local water table, no works associated with the proposal is expected to result in a measurable change to existing groundwater inputs to local surface water and any associated riparian wetlands.

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[2] Natural wetland defined in the NPS FM - natural wetland means a wetland (as defined in the Act) that is not:

(a) a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or

(b) a geothermal wetland; or

(c) any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain-derived water pooling:

[3] River or connected area means—

(a) a river; or

(b) any part of the coastal marine area that is upstream from the mouth of a river.

Accordingly, the project will not result in 'the complete or partial drainage of all or part of the wetland area'.

On that basis, Regulations 45(3)(b), 52 and 53 of the NESFW do not apply.

4.2 WAIPA DISTRICT PLAN

The Waipa District Plan (WDP) became fully operative on 14 August 2017.

4.2.1 District Plan Definitions

The proposal to establish and operate a sand quarry at the application site is assessed as a 'mineral extraction activity' under the provisions of the WDP and in accordance with the following definitions:

> *'**Mineral extraction activities**'*
> *means extraction and processing activities including:*
> - *Blasting; and*
> - *Excavating rock and MINERALS; and*
> - *Processing rock and MINERALS by crushing, screening, washing, or blending them; and*
> - *ANCILLARY ACTIVITIES to rock and MINERAL processing; and*
> - *Storing, distributing and selling rock and MINERAL products; and*
> - *ANCILLARY land disturbance activities; and*
> - *Removing and depositing overburden; and*
> - *Treating stormwater and wastewater; and*
> - *LANDSCAPING and rehabilitation works including CLEANFILLING; and*
> - *Recycling or reusing aggregate from DEMOLITION waste such as concrete, masonry, or asphalt; and*
> - *ACCESSORY BUILDINGS and structures; and*
> - *ANCILLARY residential accommodation for caretaking and on-SITE security; and*
> - *SITE OFFICES.*

The proposal involves the excavation of the sand resource and associated land disturbance activities, landscaping and rehabilitation works.

All of the activities proposed on site are, therefore, covered by the above definition.

4.2.2 Zoning

The site and surrounding land allotments are zoned Rural under the provisions of the WDP. Rural zone is denoted by white areas in Figure 20.

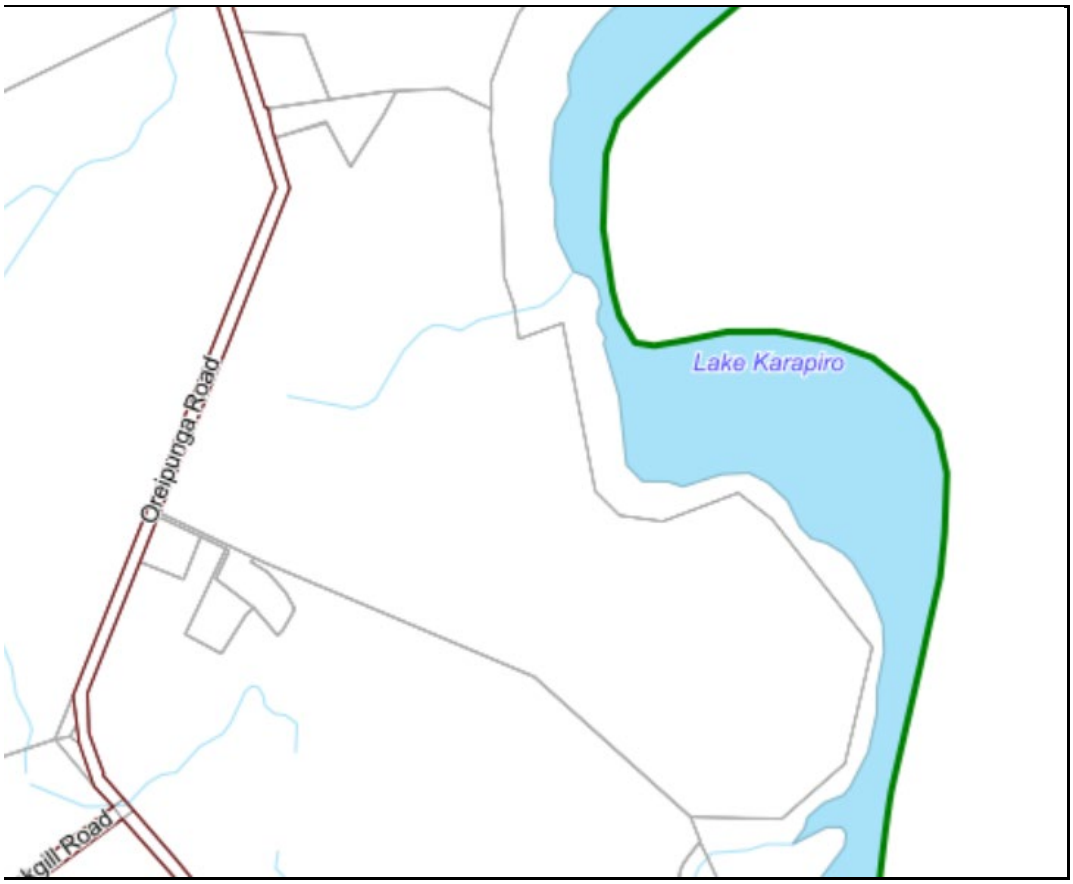

Figure 20: Excerpt from the Waipa District Plan Planning Maps Showing Zoning of the Site

4.2.3 Policy Areas

The following policy areas are also identified as applicable to the subject property or the immediate surrounding area:

- Significant Natural Area WP766 shown as green hatched area in Figure 21;
- Archaeological Site 154/T15 shown as a red cross in Figure 21; and
- River and Lake Environs - Natural Landscape Character Area shown as a brown area in Figure 21.

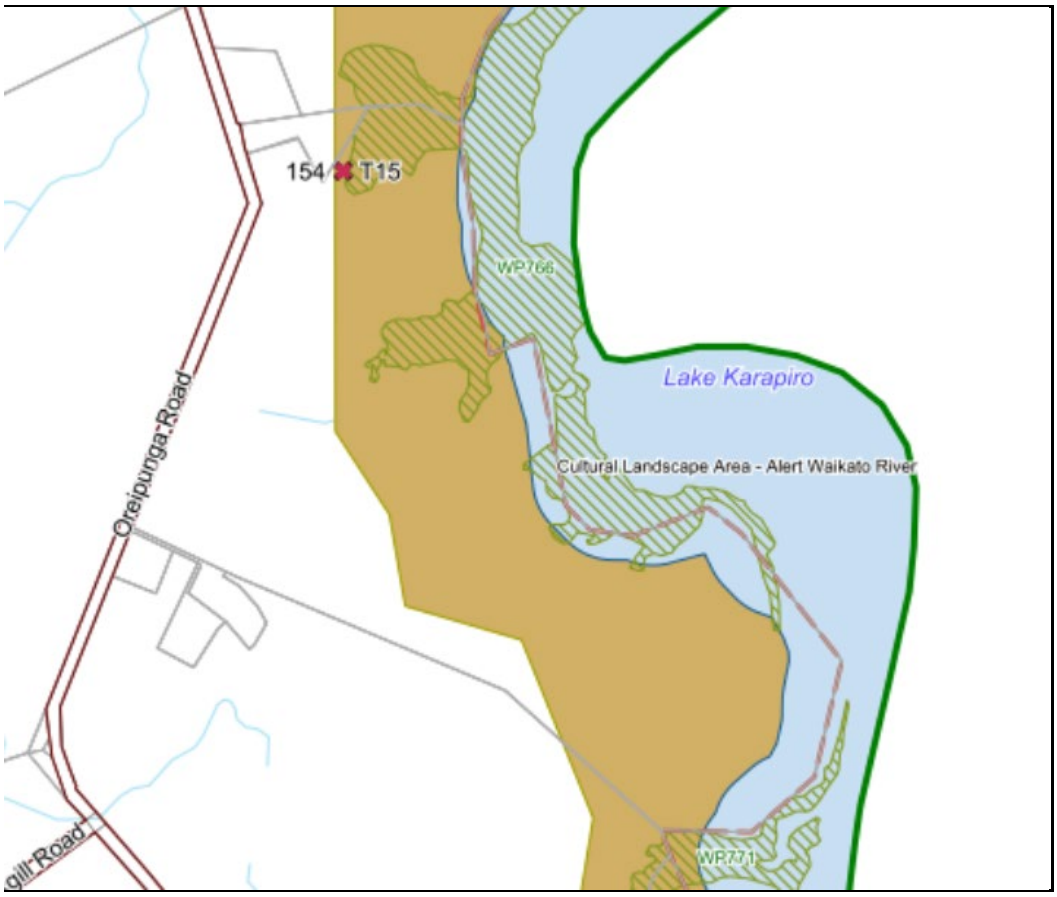

Figure 21: Excerpt from the Waipa District Plan Planning Maps Showing Policy Areas Pertaining to the Site

4.2.3.1 Significant Natural Areas

Significant Natural Areas (SNA) WP766 extends along the eastern riparian boundary of the site while a small part of WP771 overlies the southeaster corner of the site. Both SNAs are described in Appendix N5 of the District Plan as follows:

- SNA 766: Forest Buffer on the Waikato River (west bank) above the Ōreipunga and Makgill Road corner; and
- SNA 771: Forest Buffer on the Waikato River across from the Little Waipa Domain.

Both these SNAs are registered as having only Local Significance.

4.2.3.2 Archaeological Site

Archaeological Site T15 / 154 is identified in Appendix N3 of the Waipa District Plan as a Pa site.

This archaeological site is approximately 400m away from the closest part of the proposed quarry and will not be impacted by associated ground disturbance activities.

4.2.3.3 Special Features

The Waipa District Council's online maps also identifies special features. In respect of the site, the following hazard is identified:

- Unstable Land: This generally applies to the sloped face between the upper and lower Waikato River terraces identified as a solid orange area on Figure 22.

Sand extraction activities are proposed within this area.

Figure 22: Excerpt from the Waipa District Council online maps - Special Features

4.2.4 Relevant District Plan Provisions

Table 9 sets out the provisions of the WDP relevant to the application and assessed within the application report.

Table 9: Summary of the District Plan Provisions that have been assessed/considered:

Part B	Definitions	Mineral Extraction Activities (discussed above)
Part D	Zone Provisions	› Section 4 – Rural Zone
Part E	District Wide Provisions	› Section 16 – Transportation
Part F	District Wide Natural and Cultural Heritage	› Section 24 - Indigenous Biodiversity › Section 25 – Landscapes and View Shafts
Volume 2 Appendices	Natural and Cultural Heritage	› Appendix N5 – Significant Natural Areas › Appendix N9 – Natural and Cultural Landscapes

4.2.5 District Plan Assessment

An assessment of the proposal against the relevant Activity Status provisions of the District Plan are provided in Table 10.

Table 10: Summary of the Activity Status of Proposed Activities

Activity	Relevant Rule	Status	Comment
Rural Zone Provisions (Section 4)			
Mineral Extraction	Rule 4.4.1.4.(h)	**Discretionary**	Applies. Mineral extraction activities (except where <500 m from Lakes) are a **discretionary activity** in the Rural Zone. The application site is not less than 500m from any lake listed in this rule. Rule 4.4.1.4(h) therefore applies.

Activity	Relevant Rule	Status	Comment
Earthworks	Rules 4.4.1.1(m)	**Permitted**	Applies. Earthworks are a permitted activity in the Rural Zone, however, the earthworks performance standard (Rule 4.4.2.75) does not apply to a mineral extraction activity.
Quarry Buffer Area	Rule 4.4.1.4(m)	**Discretionary**	Not Applicable. The applicant does not seek to impose a quarry buffer area.
Transportation Provisions (Section 16)			
Activities generating less than 100 vehicles per day that do not require a new vehicle entrance onto any State Highway or major arterial road.	Rule 16.4.1.1(e)	Permitted	Applicable The proposed sand quarry will generate less than 100 vehicles per day (refer to the anticipated traffic volumes in the ITA). Oreipunga Road is identified as a local road. An assessment against Rule 16.4.2.25 is provided below.
Provisions of an integrated transportation assessment	Rule 16.4.2.25		Whilst the activities proposed do not technically trigger the requirement for an integrated transportation assessment under Rule 16.4.2.25 above, an integrated transportation assessment has been prepared for the application (and is attached as **Appendix D**).
SNA Provisions (Section 24 – Indigenous Biodiversity)			
Removal of indigenous vegetation for any other purpose	Rule 24.4.1.1(n)	Discretionary (Local SNA)	Applicable No vegetation removal is proposed within the SNA, however, technically this rule is triggered since a small area of mapped SNA overlaps with proposed Stage 2 despite there being any vegetation present. From a practical perspective, the assessment of activity status in this respect is that no consent is required

Activity	Relevant Rule	Status	Comment
			since no indigenous vegetation will be affected.
Landscapes and View Shafts (Section 25)			
Mineral and aggregate extraction, and mineral prospecting.	Rule 25.4.1.1 (t)	Discretionary (River and Lake Environs)	Applicable Parts of the proposed sand quarry lie within the River and Lake Environs, requiring a Discretionary Consent

Summary

The application requires the following resource consents:

- A **discretionary activity** land use consent in accordance with Rule 4.4.1.4(h) – Mineral Extraction Activity in the Rural Zone; and
- A **discretionary activity** land use consent in accordance with Rule 25.4.1.1 (t) – Mineral Extraction Activity in the River and Lake Environs Policy Area.

An assessment of the proposal against the relevant performance standards is provided in Table 11.

Table 11: Summary of the Relevant WDP Performance Standards

Rule	Compliance Standard	Compliance Status
Rural Zone Provisions (Section 4)		
Rule 4.4.2.15 Noise	Limits within the notional boundary of any dwelling: Day time - 7.00am to 10.00pm 50dBA (Leq) Night-time - 10.00pm to 7.00am 40dBA (Leq) Night-time single noise event 70dBA (Lmax) The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 – Acoustics –	Complies. The proposal is expected to easily comply with the applicable Rural Zone noise standards.

Rule	Compliance Standard	Compliance Status
	Environmental Sound and assessed in accordance with NZS 6802:2008 – Acoustics – Environmental Noise. Provided that this rule shall not apply to the use or testing of station and vehicle sirens or alarms used by emergency services. Activities that fail to comply with this rule will require a resource consent for a discretionary activity.	
Rule 4.4.2.16 Mineral Extraction air blast over pressure	The air blast over pressure from blasting activities within the notional boundary of any dwelling not owned by the quarry operator...	Not Applicable. No blasting activities are proposed.
4.4.2.19 Construction Noise	Construction noise emanating from a site shall meet the limits recommended in NZS 6803:1999 Acoustics – Construction Nosie	Complies. The proposal will comply with the applicable noise standards of the WDP.
Rule 4.4.2.54 Farm Quarries	The material extracted shall not exceed 1000m^3 in any calendar year; and shall primarily be for use on the source land holding.	Not Applicable A commercial sand quarry operation is proposed.
Rule 4.4.2.55 Imposition of a quarry buffer area and mineral extraction area		Not Applicable The application does not seek the identification and imposition of a quarry buffer area and mineral extraction area on the Planning Maps.
Rule 4.4.2.75 Earthworks	Earthworks (**excluding mineral extraction activities**), shall not exceed a total volume of 1,000m^3 per calendar year	Not Applicable This rule does not apply to mineral extraction activities.
Transportation (Section 16)		
16.4.2.1 Road Hierarchy	All structure plans, plan changes, developments, and subdivision	Complies

Rule	Compliance Standard	Compliance Status
	must be consistent with the road hierarchy, as contained in Appendix T5.	No changes to the road hierarchy are proposed.
16.4.2.2 Road Hierarchy	To maintain the effectiveness of the road hierarchy, a road network must be designed so that a road connects to a road at the same level in the hierarchy, or directly above or below its place in the hierarchy	Not applicable No road network additions are included as part of the proposed activity.
16.4.2.3 Road Hierarchy	To maintain the effectiveness of the road hierarchy, when a site has two road frontages, vehicle access and egress must be from the lesser road type	Complies The site has one frontage to a local road
Rule 16.4.2.4 Vehicular access to sites in all zones	Every site shall be provided with vehicle access to a formed road that is constructed to a permanent standard...	Complies. Site access is provided to a formed road. The access has been designed to accommodate the expected demands.
Rule 16.4.2.5 Vehicle entrance separation	Minimum distance of a vehicle entrance from an intersection or other entrance. For the posted speed limit of 100km/hr, the minimum separation distance required between accessways is 200m. Activities that fail to comply with this rule are a **Discretionary Activity**	**Does Not Comply.** The site meets the separation requirements from intersections (K and M) but does not have 200m to adjacent accesses. **Discretionary consent is required for the above non-compliance.**
Rule 16.4.2.13 Parking loading and manoeuvring	All activities that change the use of any land shall provide parking and loading/unloading for vehicles on the site as set out in Appendix T1	Complies. The most relevant activity in Appendix T1 is 'Industrial Activity', which is required to provide one HGV bay per site. The site will provide loading/unloading for at least this number.

Rule	Compliance Standard	Compliance Status
Rule 16.4.2.14	Vehicle parking (if provided), loading/unloading, and manoeuvring areas shall:.....	**Does Not Comply.** Other than the first 50m of the access which is to be sealed, the on-site parking, loading and access areas are proposed to be unsealed. The management of these areas and their potential off-site effects (such as dust and tracking of material) will be managed through the SMP. **Discretionary consent is required for the above non-compliance.**
Rule 16.4.2.25 Provision of an integrated transportation assessment	Integrated traffic assessment.	This rule applies to permitted and restricted discretionary activities. The activity status of the mineral extraction activity is discretionary. However, an ITA has been prepared for the application and is attached as **Appendix D.**
Hazardous Substances (Section 19)		
Rule 19.4.2.4 Activities Exempt from the HFSP	(l) Developments that are or may be hazardous but do not involve hazardous substances (e.g. Mineral extraction)	Applies. The proposed mineral extraction activities are exempt from the Hazardous Facilities Screening Procedure. No onsite fuel storage tanks are proposed onsite. Any hazardous substances will be stored and managed on site in accordance with best practice and HSNO requirements.
Financial Contributions (Section 18)		
Rule 18.4.2.13	Heavy Vehicle Impact Fee Council may require as part of a land use consent the payment of a Financial Contribution where: a) Routes and other infrastructure for vehicles and pedestrians off the site subject to consent requires construction or upgrading; and/or b) Increased in heavy traffic are likely to lead to infrastructure renewal; and/or	Noted. Refer to the ITA for assessment. An appropriate condition of consent is proposed.

Rule	Compliance Standard	Compliance Status
	c) Construction or upgrades are required earlier than expected; and/or d) Where the effects of the development adversely affect public roads managed by other agencies, any financial contribution taken may be used by those agencies to upgrade those roads.	
Indigenous Biodiversity (Section 24)		
Rule 24.4.1.1(n)	The removal of indigenous vegetation from within a 'Local SNA' is a Discretionary Activity The matters over which Council reserves its control are: › Location and extent of vegetation removal associated with the activity; and › The necessity of vegetation removal associated with the activity; and › Effects on the connectivity, value and characteristics of biodiversity corridor; and › Appropriateness of mitigation measures proposed including consideration of the no net loss principle.	Not Applicable. The application does not involve the removal of any gully vegetation within the SNA area. All works will be appropriately setback from the SNA's.

The proposal can comply with all but two of the applicable performance standards.

The non-compliances relate to the minimum separation distance requirement between vehicle entrances (as required in Section 16 Transportation) and required accessway sealing – both requiring resource consents for **Discretionary Activities** in accordance with Rules 16.5.2.5 and Rule 16.4.2.14 respectively.

4.2.6 Overall Activity Status – Waipa District Council Jurisdiction

As set out in the sections above, the proposal requires land use consent for mineral extraction activities and associated works within the Rural Zone and within the River and Lake Environs Policy Area. The proposal also includes non-compliances with the minimum separation requirement between vehicle entrances and minimal access sealing.

Overall, the proposal requires resource consent approval as a **Discretionary Activity** under the WDP**.**

4.3 WAIKATO REGIONAL PLAN

4.3.1 Status of the Waikato Regional Plan

The Waikato Regional Plan (WRP) became operative in 2007. By April 2012, all variations (including Variations 2, 5, 6 and 7) were operative and incorporated into the WRP.

Plan Change 1 to the WRP was publicly notified on 22 October 2016 with submissions closing on 8 March 2017 (parts of the plan change were withdrawn on 3 December 2016). This plan change, previously referred to as the 'Healthy Rivers Plan Change', amends the WRP in relation to the matters associated with the restoration and protection of water quality in the Waikato and Waipa Rivers. This is to be achieved through the management of land use activities and associated discharges of a range of contaminants, in particular diffuse discharges that may enter the region's water resources (as outlined in the proposed new Module 3.11 to the WRP). Upon notification, the rules in Part A, a new condition (q) in Section 5.1.5 and the consequential amendments to the WRP (as provided in Part D of Plan Change 1 to the WRP) had immediate legal effect.

4.3.2 Relevant Regional Plan Provisions

Table 14 summarises the WRP provisions applicable to the application and assessed in the sections below

Table 12: Summary of the Regional Plan Provisions that have been assessed/considered:

Part 3	Water Module	› Discharge of Stormwater › Groundwater Take › Surface Water Take
Part 5	Land and Soil Module	› Soil Disturbance › Earthworks within a High-Risk Erosion Area
Part 6	Air Module	› Mineral extraction › Discharge of Air to Contaminants

An assessment of the above rules against the relevant assessment criteria and information requirements is provided in the tables below:

4.3.3 Part 3: Water Module

Groundwater Take

Permitted activity Rule 3.3.4.12 (Supplementary Groundwater Takes) states that:

> *The taking of up to 15 cubic metres of groundwater per day is permitted, provided the take(s) is within a single site*

Assessment: The proposed take of groundwater for dust suppression is permitted under Rule 3.3.4.12.

Surface Water Take

Permitted activity Rule 3.3.4.13 (Supplementary Surface Water Takes) states that:

> *The taking of up to 30 cubic metres per day of water (calculated on a net take basis) from the main stem of the Waikato River is permitted from any site that adjoin the river, provided;*
>
> *a) The take(s) shall be within a single site.*
> *b) The intake structure shall comply with the screen and velocity standards as set out in the Chapter 3.2 of the Waikato Regional Plan (see below).*
> *c) The intake structure shall comply with the provisions in Rule 4.2.10.1 of this the Waikato Regional Plan (see below).*

Relevant surface water intake structure requirements include:

i. All water intake structures shall be screened with a mesh aperture size not exceeding 1.5 millimetres in diameter.
ii. The maximum intake velocity for any water intake structures shall not exceed 0.3 metres per second.

Assessment: The proposed take of surface water to supplement dust suppression water supply is permitted under Rule 3.3.4.13.

Surface Water Intake Structure

Permitted activity Rule 4.2.10.1 permits intake structures that comply with the following relevant standards:

- *Total pipe diameter shall not exceed 300 millimetres or have a cross sectional area exceeding 0.071 square metres.*

- *The intake or discharge structure shall not extend more than five metres, horizontally from the river or lake bank, or for more than 10 percent of the river bed width, whichever is the lesser.*
- *The structure shall be kept free of debris.*
- *The structure shall be maintained in a structurally sound condition at all times.*
- *Where the water body exceeds 10 metres wide the presence of the structure shall be clearly indicated to river users by the use of signs.*
- *The structure shall provide for the safe passage of fish both upstream and downstream.*
- *Any erosion occurring as a result of the structures shall be remedied as soon as practicable.*

Assessment: The proposed surface water intake structure will be designed. Constructed and maintained to comply with the relevant standards of permitted activity Rule 4.2.10.1.

Discharge of Stormwater

Table 13: Discharge of stormwater onto or into land

3.5.11.5 Permitted Activity Rule – Discharge of Stormwater Onto or Into Land	
Standards and Terms	**Compliance**
a. The discharge shall not originate from a catchment that includes any high risk facility or contaminated land unless there is an interceptor system in place.	Complies The site will not be a High-Risk Facility as defined in Section 3.5.12 of the WRP.
b. The discharge shall be below a rate that would cause flooding outside the design discharge soakage area, except in rain events equivalent to the 10% Annual Exceedence Probability design storm or greater. Any exceedence shall go into designated overland flow paths.	Complies The quarry pits will provide soakage of well in excess of the 10% Annual Exceedence Probability design storm.
c. There shall not be any overland flow resulting in a discharge to surface water, except in rain events equivalent to the 10% Annual Exceedence Probability design storm or greater; then there shall be no adverse surface water effects as a result of the discharge.	Complies There will be no overland flow discharging to surface water

3.5.11.5 Permitted Activity Rule – Discharge of Stormwater Onto or Into Land	
Standards and Terms	**Compliance**
d. Any erosion occurring as a result of the discharge shall be remedied as soon as practicable.	Complies
e. The discharge shall not contain concentrations of hazardous substances that may cause significant adverse effects on aquatic life or the suitability of the water for human consumption after treatment.	Complies

Assessment: The proposed stormwater management methods will comply with permitted activity Rule 3.5.11.5.

4.3.4 Part 5: Land and Soil Module

Soil Disturbance and Vegetation Clearance

Table 14: Earthworks (Rule 5.1.4.11)

5.1.4.11 Permitted Activity Rule – Soil Disturbance, Roading and Tracking and Vegetation Clearance	
Condition	**Compliance**
1. Unless otherwise provided for by Rules 5.1.4.14, 5.1.4.15, 5.1.4.16 or 5.1.4.17, soil disturbance, roading and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air	Rule 5.1.4.14 and 5.1.4.15 relate to earthworks within a High–Risk Erosion Area. Parts of the quarry area are outside a High–Risk Erosion Area but other parts are not – therefore, those parts within a high-risk erosion area are not permitted under this Rule.
2. Any roading and tracking activities associated with the installation of bridges or culverts permitted by Rules 4.2.8.1, 4.2.9.1 and 4.2.9.2, within 20 metres of that bridge or culvert and	Not Applicable No bridges or culverts are proposed, nor is any slash being deposited into the bed of a river.

5.1.4.11 Permitted Activity Rule – Soil Disturbance, Roading and Tracking and Vegetation Clearance		
	any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;	The proposal will utilise existing farm tracks
3.	Vegetation clearance of planted production forest as planted at the date upon which this Plan becomes operative	Complies Plantation forest removed as part of the final development of Stages 1 and 4 were planted circa 1995.

Table 15: Earthworks (Rule 5.1.4.14)

5.1.4.14 Controlled Activity Rule – Soil Disturbance, Roading and Tracking and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas		
Condition		**Compliance**
1.	Roading and tracking activities between 100 and 2,000 metres in length, or	Not applicable. Access will utilise existing farm tracks.
2.	Soil disturbance activities between 250 and 1,000 cubic metres in volume (solid measure), or	Cannot comply Soil disturbance will exceed these limits.
3.	Soil disturbance activities between 0.2 and 2.0 hectares in area, or	Cannot comply Soil disturbance will exceed these limits.
4.	Soil disturbance activities resulting in a cut slope batter exceeding three metres in vertical height over a cumulative distance between 30 and 120 metres in length, or	Cannot comply Soil disturbance will exceed these limits.
5.	Vegetation Clearance of between one and five hectares with the exclusion of planted production forests, plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy and vegetation clearance adjacent to a Natural State	Not applicable (refer Rule 5.1.4.11)

5.1.4.14 Controlled Activity Rule – Soil Disturbance, Roading and Tracking and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas		
Condition		**Compliance**
	water body as shown on the Water Management Class Maps	
6.	Vegetation clearance which is within five metres on either side, of the banks of a water body excluding an ephemeral stream, and which is between 50 to 100 metres in length per kilometre of that water body, with the exclusion of planted production forests and vegetation in riparian margins adjacent to planted production forest, riparian enhancement and replanting programmes and plant pests as specified in the Waikato Regional Council's Pest Management Strategy.	Not Applicable
7.	Vegetation clearance within five metres on either side of the banks of a water body excluding an ephemeral stream of greater than 50 metres in length per kilometre of that water body of: a. Planted production forest (except as provided for in Rule 5.1.4.11(3) and/or vegetation in riparian margins adjacent to planted production forest; or b. Vegetation associated with riparian enhancement programmes	Not Applicable
8.	Any roading and tracking activities associated with the installation of a bridge or culvert controlled by Rules 4.2.8.2 and 4.2.9.3, within 20 metres of that bridge or culvert;	Not Applicable

Assessment: In terms of soil disturbance activities, the proposal cannot comply with Permitted Activity Rule 5.1.4.11. since parts of the quarry is located in a High-Risk Erosion Area.

Any removal of plantation forest is permitted by Rule 5.1.4.11.

The quantity and area for soil disturbance activities exceed the thresholds provided in Controlled Activity Rule 5.1.4.14. Therefore, **Discretionary Activity** resource consent is required pursuant to Rule 5.1.4.15.

Overburden Disposal

Table 16: Discharge of overburden onto or into land

5.2.5.1 Permitted Activity Rule – Overburden Disposal Outside High Risk Locations	
Standards and Terms	**Compliance**
a. The concentration of suspended sediment in any discharge to a water body arising from this activity shall comply with the suspended sediment criteria as set out in Section 3.2.4.5.	Complies Sediment control plans will address.
b. Any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site.	Complies SMP and associated dust management procedures will address.
c. The overburden has no acid producing material	Complies Material consists of unsuitables and topsoil from on site.
d. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan (28 September 1998), in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.	Appropriate authorisations will be sought

5.2.5.1 Permitted Activity Rule – Overburden Disposal Outside High Risk Locations	
Standards and Terms	**Compliance**
e. In the event of any waahi tapu that is not subject to condition d) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.	Accidental discovery protocols will be followed.
f. Where the site is to receive a total volume of more than 1,000 cubic metres of overburden (solid measure) the operator shall notify the Waikato Regional Council in writing of the accurate location of the site seven working days prior to commencing operation.	Complies
a. The placement of the material shall be undertaken and maintained in a manner so as to ensure its long term stability.	Complies
b. The activity shall not cause any increase in flooding on neighbouring properties	Complies

Assessment: Minor amounts of overburden is expected to be produced from the development of the quarry. This material be used to form perimeter bunds around each stage. Placement of this overburden will be located within flat areas of the site and outside of any high-risk erosion areas. Overburden disposal will, therefore, be permitted by Rule 5.2.5.1.

4.3.5 Part 6: Air Module

Mineral Extraction

Table 17: The discharge of contaminants to air from mineral extraction, processing and storage operation.

6.1.16.1 Permitted Activity Rule – Mineral Extraction, Size Reduction, Screening and Storage	
Condition	**Compliance**
a. Where the operation occurs within 1000 metres of a property boundary and there is a discharge of particulate matter beyond the property boundary the following measures shall be implemented: i. the use of water sprays to suppress dust from crushing and screening plants, access ways, haul roads, stockpiles, load out areas and access roads ii. the sealing and maintenance of the access road, when it is within 150 metres of a neighbouring residential dwelling.	Complies. The activity will be within 1000m of surrounding property boundaries. The use of water sprays is proposed in the SMP to suppress dust. The access road will be sealed for the first 50 m.
b. As specified in Section 6.1.8 a) to e) of this Plan.	Complies. The standard conditions in 6.1.8 of the WRP apply to discharges to air: (a) that contaminants are not discharged beyond site boundaries, (b) do not result in objectionable odours (c) or particulate matter, (d) does not impair visibility beyond the boundary; and (e) does not cause accelerated corrosion of deterioration of structures beyond the site boundary. As detailed elsewhere in the application report the proposal can comply with all of the above conditions. Of particular note, specific procedures are included in the SMP to address dust nuisance.
c. Within seven working days of commencing works at a new site, the operator of the new quarrying site shall provide the Waikato Regional Council	Will Comply.

6.1.16.1 Permitted Activity Rule – Mineral Extraction, Size Reduction, Screening and Storage	
with written notification of the location of the site.	The region's notification requirements will be complied with via written notification of when the activity is going to commence (within 7 days).
d. Should an emission of particulate matter occur that causes adverse effects of an objectionable nature beyond the property boundary as determined in accordance with the decision-making guidelines set out in Section 6.4.2.2, the quarry operator shall provide a written report to the Waikato Regional Council within five days of the incident occurring, which specifies: i. the cause or likely cause of the event and any factors that influenced its severity ii. the nature and timing of any measures implemented by the quarry operator to avoid, remedy, or mitigate any adverse effects iii. the steps to be taken to prevent recurrence of similar events.	Will Comply. The Applicants will satisfy the requirements of this section in the event of an objectionable emission beyond the site's boundary and proposes conditions of any consent granted to this affect.
e. There shall be no discharges of hazardous substances into the air,	Complies. No hazardous substances will be discharged to the air.

Assessment: The quarry can operate in accordance with the conditions of permitted activity Rule 6.1.16.1.

4.3.6 Overall Activity Status – Waikato Regional Council Jurisdiction

Table 18: Summary of the Activity Status of Proposed Activities

Activity	Relevant Rule in the WRP	Comment
Part 3 Water Module		
Discharge of stormwater onto land	Rule 3.5.11.5	Applies. The proposed discharge of stormwater to land can comply with the requirements of Rule 3.5.11.5 and is therefore, a **Permitted Activity** pursuant to Rule 3.5.11.5.
Groundwater Take	Rule 3.3.4.12	Applies. The proposed groundwater take will be no more than 15 m3 per day and therefore is a **Permitted Activity** pursuant to Rule 3.3.4.12.
Surface Water Take	Rule 3.3.4.13	Applies. The proposed surface water take will be no more than 30 m3 per day and therefore is a **Permitted Activity** pursuant to Rule 3.3.4.13.
Part 5 Land and Soil Module		
Plantation forest removal	Rule 5.1.4.11.	Any removal of plantation forest on this site is a **Permitted Activity** under Rule 5.1.4.11.
Soil disturbance, in a high-risk erosion area.	Rule 5.1.4.15	Applies. The quantity and area for soil disturbance activities exceed the thresholds provided in Controlled Activity Rule 5.1.4.14. Therefore, **Discretionary Activity** resource consent is required pursuant to Rule 5.1.4.15.
Overburden Disposal	Rule 5.2.5.1	Applies The overburden associated with the proposed mineral extraction activities will be disposed of onsite; and will be located outside of a high-risk erosion area. The onsite overburden complies with the relevant conditions in Rule 5.2.5.1. and is therefore a **Permitted Activity.**

Activity	Relevant Rule in the WRP	Comment
Part 6 Air Module		
Mineral extraction, size reduction, screening and storage	Rule 6.1.16.1	Applies The proposal can comply with the conditions in Rule 6.1.16.1 and a resource consent is not required being a **Permitted Activity** pursuant to this rule.

Summary: As set out above, the discharge of stormwater, overburden disposal, mineral extraction and discharges to air associated with the proposed activities are all permitted activities under the WRP. However, a resource consent from WRC is required for Soil disturbance activities occurring within a high-risk erosion area.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

The following assessment of environmental effects is focused on the matters that are relevant to the breaches of various performance standards (as set out in Section 4 of this report) and the relevant Assessment Criteria and Information Requirements in the Waipa District Plan and Waikato Regional Plan provisions that are applicable to the proposal.

The following effects have been identified, and are discussed in the subsequent sections:

- Positive Effects;
- Cultural Effects;
- Character and Amenity;
- Landscape and Visual Effects;
- Traffic and Roading Effects;
- Noise;
- Dust;
- Ecological Effects; and
- Soil Disturbance and Earthworks.

5.1 POSITIVE EFFECTS

The supply of a quality sand resource for the local industrial and construction sectors will support local projects and assist with enabling local and regional economic growth.

The proposal will also provide additional employment opportunities within the quarry (extractive industry) sector.

As a result, the quarry site will positively contribute to the growth of the local and regional economy through provision of additional employment hours for local contractors associated with the construction industry, inclusive of associated additional rate and tax contributions.

Overall, and more generally, this proposal will support the applicant and the local community to provide for their social and economic wellbeing. This is considered particularly important as the country emerges from Covid-19 restrictions, looking to regain the social and economic losses suffered as a result.

5.2 CULTURAL EFFECTS

On the basis that the proposed sand quarry works within the site will avoid any notable impacts on the Waikato River, on-site streams, wetlands and the SNA, the level of adverse cultural effect is likely to be very small.

The proposal, however, inherently results in disturbing earth (Papatuanuku). Although the areas of disturbance will be rehabilitated back to pastoral land, there will be an inevitable adverse impact of some degree on the mauri of this piece of earth as a result.

Overall, the adverse cultural impacts associated with the proposal are likely to be minor, and to a large degree, are addressed due to the avoidance philosophies built into the proposed site design and operation. Irrespective of this assessment, the applicant has initiated a process of consultation with mana whenua to better understand the level of cultural effects this proposal represents.

5.3 CHARACTER AND AMENITY

The application site is located within a well-established rural area. The Waipa District Plan provisions specifically provide for mineral extraction activities within the Rural Zone and recognise the importance of the regions underlying mineral (sand) resource. The rural environment is, therefore, an appropriate location for the activities that are proposed.

The applicant has designed and located the proposed sand quarry within the application site to internalise effects as much as practicable, thereby minimising any change to the existing rural character and amenity.

The operational area is centrally located within the property, with adequate setbacks and separation from the adjacent rural properties to the north, west and south of the site, from the existing SNA that runs along the north of Stage 2 and the eastern site boundary, and from the adjacent public road to the west.

The operational areas will be visible from only one neighbouring dwelling located at 601 Oreipunga Road.

The existing mature belts of plantation pine running along the eastern boundaries of Stages 1 and 4 of the proposal will assist in screening operations within these areas from viewpoints across the River towards the east, and from the river itself.

The proposal to extract the sand resource in a series of relatively small stages, while ensuring the total area of disturbance does not exceed 3 hectares, and while progressively rehabilitating disturbed quarried areas as the development extends across the stages, will further assist in retaining the existing character and amenity of the site. The balance of the site will continue to be utilised for general farming and grazing purposes.

The proposal complies with the relevant rural zone noise standards and potential dust nuisance will be appropriately minimised through various design and operational measures as set out in the SMP.

Based on the above, any adverse effect on the rural character and amenity of the application site or the surrounding rural area is expected to be less than minor.

5.4 LANDSCAPE AND VISUAL EFFECTS

5.1.1 Landscape

The application site comprises of predominantly modified rural land with some peripheral indigenous vegetation and some internal exotic tree species. Combined, these features are of some landscape value within the Site.

Adverse effects on these values associated with the proposal will be minimised by the following factors;

- The relatively small size of the site;
- The avoidance of all mapped SNA areas currently containing indigenous vegetation;
- The absence of any nearby outstanding natural features or landscapes;
- The retention of boundary screen plantings;
- Minimising worked areas to no more than three hectares; and
- The progressive recontouring and rehabilitation of worked areas back into quality pastoral farmland.

Overall, any adverse landscape effect associated with the proposal will be less than minor.

5.1.2 Visual

A mineral extraction activity has the potential to produce adverse visual effects if the operations are not appropriately designed or managed. Those most likely to be impacted by visual impacts are the properties closest to the quarry site.

Adverse visual impacts associated with the proposal will be mitigated through the following initiatives and factors;

- The relatively small size of the site;
- Relatively few publicly accessible view-points of the site;
- Proposed setbacks for all quarry working areas;
- The retention of tree plantings around Stages 1 and 4 until respective rehabilitation phases;
- Minimising worked areas to no more than three hectares;
- Sand extraction working areas will be lower than the existing ground level. Consequently, the edge of the quarry pit escarpments will provide suitable visual screening;
- Construction of earth bunds using stripped topsoil to providing additional visual screening if appropriate; and

- The progressive recontouring and rehabilitation of worked areas back into quality pastoral farmland.

Overall, any adverse visual effects associated with the proposal will be less than minor.

5.5 TRAFFIC AND ROADING EFFECTS

The ITA attached (**Appendix D**) has assessed the traffic and roading effects associated with the proposed sand quarry operation and presents the following conclusions;

- More than the minimum required sight distance is available in both directions from the Site accessway. This, coupled with the proposed vehicle crossing improvements will ensure access and related safety effects are less than minor.
- The activity is expected to generate between 52 vpd and 72 vpd at the average and peak levels respectively. This activity would be spread over the 10.5 hours that the activity is operational for each weekday. The activity could generate 10-14 vehicle movements per hour. Given the low existing traffic volumes on this part of the network these increases in traffic volume are not likely to generate adverse operational effects on the network.
- The site has adequate size to accommodate and meet expected parking demands, therefore, no off-site parking related effects are anticipated.
- The ITA recommends a heavy vehicle Impact Fee of $0.25 per tonne of material transported on public roads. This will adequately mitigate any adverse road network pavement effects associated with the proposal.

The authors of the ITA also made a number of mitigation recommendations relating to traffic management and roading effects. These are all adopted by the applicant and proposed as suggested conditions of consent. More particularly, these conditions require the following:

- Maximum volume of sand removed from the site to be restricted to 95,000 m^3 in any 12-month period;
- Limiting heavy vehicle movements at the site to a maximum of 60 HCV/day (30 in, 30 out) and a monthly average of 40 HCV/day;
- Recording and reporting of daily truck volumes and extraction volumes to WDC;
- A financial contribution of $0.25/tonne to WDC for every tonne of material transported on public roads;
- Formation of a heavy vehicle entrance in accordance with RITS Diagram D3.3.4 (Heavy Commercial Rural Entranceway);

- Formation of an internal access road that is sealed to 4.5 m wide for the first 50m from the edge of Oreipunga Road and unsealed to a width of 3m with passing bays every 100m, for the rest of its length into the site;
- The implementation of a SMP that includes:
  - On-site speed limits;
  - Maintenance of the access to avoid tracking of material onto Oreipunga Road; and
  - Layout of on-site parking for staff and visitors.

Overall, transport effects are expected to be less than minor.

5.6 NOISE

The closest noise receptor is located approximately 200m to the west of proposed quarry stage 3 (Figure 23).

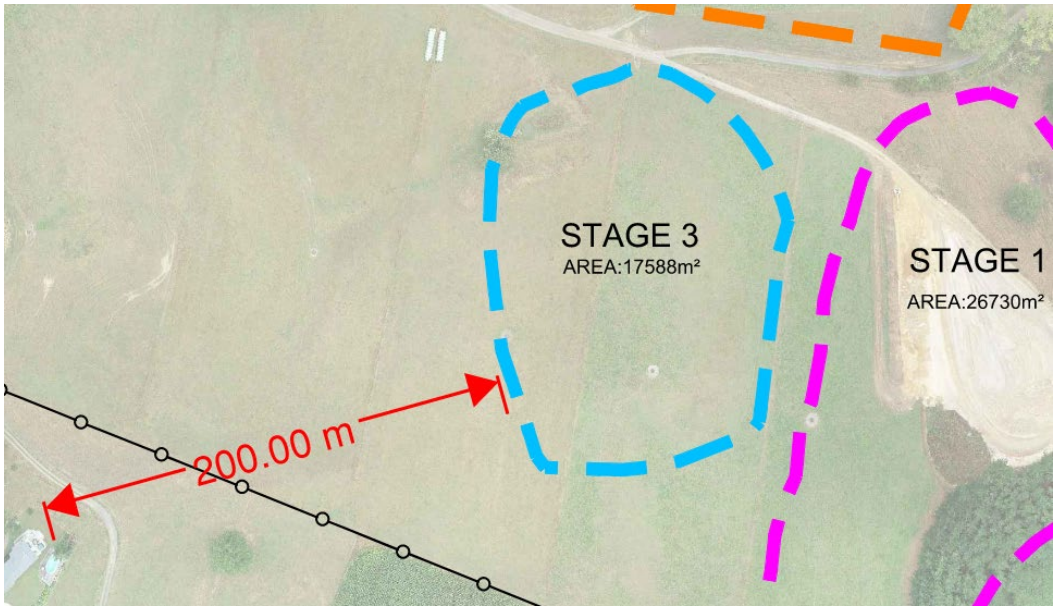

Figure 23: Closest Noise Receptor

No detailed acoustic report has been prepared in support of this application. Estimated noise impacts are instead inferred from other assessments undertaken on other sand quarry proposals using the same machinery and extraction methods. In this respect, the acoustic assessment undertaken in support of a proposed sand quarry on Kaipaki Road[4], where land use consent LU 0108 20 was subsequently granted, has been used in a

[4] Proposed Kaipaki Road Sand Quarry Assessment of Noise Effects prepared by Marshall Day Acoustics dated 17.09.19.

comparative and conservative manner to assess potential adverse noise effects associated with this proposal. The Kaipaki Road proposal involved the use of the following machinery on the site for topsoil stripping and sand quarrying activities;

- Two excavators (1x12 tonne and 1x30 tonne);
- Front-end Loader (FEL);
- Bulldozer; and
- Up to 132 HVC's entering and exiting the site per day.

The closest noise receptor in the Kaipaki Road case was 132 metres and northeast from the extent of proposed works.

In terms of comparison, the Kaipaki Road proposal is very similar, although the Applicant's proposal in this case includes only one excavator and less than half the HCV movements. The nearest receptor in this case is also located further away (200m) and upwind of the prevailing wind. Overall, the risk of adverse noise effects is considered lower in the case of this application as compared to the Kaipaki Road case.

The assessment in the Kaipaki Road case concluded that, with appropriate bunds in place, the operation could comply with the relevant noise standards for the Rural Zone at the closest dwelling, and that any noise effects will be appropriate for the zone and the surrounding rural environment.

More specifically, the acoustic assessment concluded:

> *The proposed sand extraction would comply with the OWDP daytime limit of 50dB L_{Aeq}, with the worst case predicted sound levels received at the nearest dwellings ranging between 36 and 4750dB L_{Aeq}. At times, when the activity is closest to receivers, it is possible that the operations could be audible above the background levels although would remain compliant with OWDP limits. The sound level generated during construction activities would readily comply with the NZS6803:1999 Residential – rural daytime limit of 75 dB L_{Aeq}.*

The assessment also concluded that, if neighbours with dwellings located within 180 m of soil stripping and/or sand extraction activities would rather the applicant did not construct attenuation bunds, then this could be achieved with their written agreement. In this respect, and to the extent that the closest dwelling in this particular proposal (refer to Figure 23) may not want attenuation bunds surrounding any of the quarry stages, a similar approach is proposed by the Applicant. Specific conditions of consent are proffered to this effect (**Appendix E**).

Based on the conclusions set out in the Kaipaki Road sand quarry acoustic report, it is considered that the noise effects associated with the proposed Oreipunga Road sand

quarry will be less. It follows that the proposal can also be undertaken within the permitted activity limits prescribed for the Rural Zone in the WDP. To this extent, noise effects on neighbours will be less than minor.

5.7 DUST

Dust can be an issue associated with quarrying areas if not managed appropriately. Dust is generally generated from exposed ground areas and mobilised by wind and/or disturbances by quarry equipment and traffic.

In general, the generation of dust in this instance will be managed through a number of design and operational factors documented in the SMP. These include;

5.7.1 Design

- Minimising the open quarry area to no more than 3 hectares;
- Implementation of a secure supplies of surface and ground water (up to 45m^3 / day),
- Establishment of contingency water carts for dust suppression;
- Retaining existing shelter vegetation (Stages 1 and 4) that act both as a barrier to wind exiting the site and a filter to intercept any entrained dust;
- Use of vegetated earth bunds if appropriate; and
- Sealing the site entrance and first 15 m of the site access road.

5.7.2 Operational

- Staff training and awareness of dust generation risk factors and mitigation measures;
- Employment of water spray or water carts to dampen dust in dry / windy conditions;
- Regular visual monitoring;
- Enforcement of on-site speed restrictions; and
- Neighbours feedback / complaint response.

Overall, with a well-designed site and with appropriate dust management procedures in place, it is considered that any potential adverse dust effects associated with the proposal can be appropriate managed or mitigated so they are less than minor.

On the basis of this assessment, the applicant does not consider continuous dust monitoring equipment is required on the property boundaries, but instead would consider accepting an adaptive management approach to dust monitoring - based on substantiated complaints.

5.8 ECOLOGICAL EFFECTS

The proposed sand extraction activities will be sufficiently setback from indigenous vegetation areas, associated SNAs and surface waterbodies. This ensures any physical effects on these features is avoided.

The erosion and sediment control methods proposed will ensure any sediment-laden runoff from the site is diverted to the quarry or borrow pits, effectively avoiding sediment discharges to surface water and, in turn, protecting local aquatic ecology.

Some level of wind-blown dust may settle on adjacent vegetation, and be later washed into local waterways, however, this is considered to represent very low levels of sediment which are not likely be detectable or distinguishable from local background.

There will also be loss of some exotic trees (mainly plantation pines) within the "extent of works" area. Acknowledging the loss of this vegetation may have potential direct and indirect impacts on native fauna (birds, lizards, and bats), the following mitigation package, is proposed:

- Development and implementation of a lizard Management Plan (**LMP**) to avoid as far as practicable potential harm and disturbance effects on native lizards;
- Development and implementation of a Bat Monitoring and Management Plan (**BMMP**), including details on pre-tree removal bat roost surveys and roost replacement, to avoid as far as practicable potential harm and disturbance effects on long tailed bats;
- Vegetation removal to take place outside of the bird breeding season (September to February, inclusive), to avoid disturbance to active native bird nests or mortality of eggs/chicks, OR where vegetation clearance cannot be achieved outside of this period, a pre-vegetation clearance bird nesting survey should be carried out by a qualified ecologist. Any active nest(s) of a native bird should be protected with an exclusion fence until nestlings have fledged; and
- Appropriate restoration and/or enhancement planting to be developed in consultation with mana whenua.

The Applicant proffers appropriate conditions of consent (contained in Appendices E and F) that confirm the above mitigation commitments will be undertaken in the event consent is granted.

In addition, given the particularly high ecological value of long tailed bats, the following other mitigating factors are noted:

- The proposed development also actively avoids the clearance of established vegetation within SNA, riparian margin, and wetland environments, thereby retaining the most important areas potentially utilised by local long-tailed bats on-site;

- the potential effects of noise on local long-tailed bats as a result of the project are considered to be negligible given the hours of operation are limited to daytime hours; and
- The site will not include any up-lighting to further minimise potential impacts on bats.

Overall, adverse ecological effects of the project are considered less then minor.

5.9 SOIL DISTURBANCE AND EARTHWORKS

All soil disturbance and earthworks activities will be undertaken in accordance with the Waikato Regional Council's "Erosion and Sediment Control - Guidelines for Soil Disturbing Activities (2009)" and will be confined to areas that are not a high erosion risk.

All stormwater generated from unstabilised areas will enter large sand quarry pits that provide ample soakage capacity and avoid direct discharge to surface water. As a consequence, any adverse soil disturbance and earthworks effects will be inconsequential.

5.10 GEOTECHNICAL AND LAND STABILITY EFFECTS

A full geotechnical assessment is provided in Appendix C of this application. This assessment was undertaken acknowledging that part of the extent of works includes steep terraced areas of the Site and is located adjacent to the northern gully which shows evidence of historical erosion.

Overall, the Geotech assessment concludes that land stability risks are acceptable provided the recommended batter slopes and geometry are adopted as part of the quarry development (refer Section 3.13).

The Applicant proposes to adopt all relevant recommendations and proffers various conditions of consent to this effect.

5.11 CONCLUSION

Sand is an important resource to the local and regional economy. Finding an appropriate site where the sand is of an appropriate quality and quantity, and where the effects can be sufficiently mitigated or minimised, is becoming increasingly more difficult as the district develops.

The proposed sand quarry is of a relatively small scale, with a limited active working area (three hectares). These factors significantly mitigate against a number of potential adverse effects associated with the proposal.

Appropriate erosion and sediment control is achieved since stormwater is inherently directed to sand quarry pits during each stage. Given the small (permitted) scale of the associated water takes, they are not expected to generate any concerns.

Machinery noise from both the worked areas and the truck movements will be similar to farming machinery typically used for rural activities and based on experience with other sand quarry site acoustic assessments, noise effects are likely to comply with the WDP permitted noise levels for rural areas. Further, it is not anticipated that vibrations will affect the surrounding land area given the type of quarrying and machinery proposed and the absence of any blasting.

The movement of sand from the site through the Waipa district to other destinations in the Waikato does result in increased local truck movements. However, the ITA has assessed that potential traffic effects and is satisfied that the proposal will not adversely impact upon the existing roading network.

With effective on-site management through the implementation of a SMP and with appropriate conditions of consent (as suggested by the applicant) being complied with, the effects of the proposal can be appropriately minimised.

It is also concluded that associated environmental effects will be no more than minor and the effects on any person will be less than minor.

6. STATUTORY ASSESSMENT

The application needs assessment against the relevant legislative considerations contained in the RMA. As a discretionary activity, the application needs to be assessed in accordance with section 104 and Part 2 of the RMA.

6.1 RESOURCE CONSENT REQUIREMENTS

The resource consents required, and their activity statuses, are described in Section 4 of this AEE. In summary, this project is a discretionary activity under both the WDP and the WRP. These activities need to be considered under section 104 of the RMA.

In addition, non-complying resource consent is also required under the NESFW. This activity needs to be considered firstly under section 104D of the RMA, and then section 104.

6.2 SECTION 104D ASSESSMENT

Section 104D of the RMA sets out restrictions on the ability of a consent authority to grant resource consents for non-complying activities. It states:

> *(1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –*
>
> *(a) The adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
>
> *(b) The application is for an activity that will not be contrary to the objectives and policies of –*
>
> *(i) The relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
>
> *(ii) The relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
>
> *(iii) Both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*
>
> *(2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

The Environment Court[5] has provided guidance on the appropriate approach to assessing an application under the provisions of section 104D, which involves the following steps:

- Decide whether the proposal passes one or both of the threshold tests in section 104D;

[5] *Blueskin Energy Limited v Dunedin City Council* [2017] NZ EnvC 150 (EC).

- If it passes, consider the application (subject to Part 2), having regard to section 104(1), namely:

  (a) The actual and potential effects of the activity on the environment;

  (b) Any relevant plan; and

  (c) Any other relevant consideration.

- Decide the weight that should be given to the matters in the various subsections of section 104(1); and
- Having regard to effects in the context of properly weighted objectives and policies under s 104(1) and any other relevant consideration, arrive at a judgment whether the proposal promotes the sustainable management of natural and physical resources and decide to grant or decline consent accordingly (s 104B). In other words, judgement is required to ensure that the application of objectives and policies is appropriate to the scale, degree, and duration of effect under consideration.

In respect of section 104D(1)(a) an assessment of the actual and potential environmental effects associated with the proposed activities is provided in Section 5 of this AEE. Overall, it is concluded that any adverse effects of the proposal on the surrounding environment will be less than minor - recognising that minor adverse effects can include those that are less than major and those effects that are more than simply minute or slight. Further, consideration can be given to the mitigation of effects that will be achieved through the imposition of conditions, mitigation measures and the enhancement measures proposed. The application therefore passes this gateway.

The objectives and policies of both the WRP and WDP and National Policy Statement for Freshwater Management[6] ("**NPSFM**") being the relevant plans for the purpose of Section 104D(1)(b) and s104(1)(c) of the RMA) are assessed in detail further in this AEE. In determining whether the proposal is contrary to the objectives and policies of the relevant plan(s) these must all be considered comprehensively and, where possible, appropriately reconciled. In addition, the test is not whether the application is contrary to one or two objectives and policies; rather the provisions need to be read as a whole. It is understood that the phrase "contrary to" means an activity being opposed to in nature, different or opposite to what the objectives and policies contemplate; it does not mean simply that the proposal does not find support from the objective and policies.

[6] The NPSFM is considered to have the most appropriate objectives and policies in respect of wetland management given the NES-FW flows from the NPS. In addition, as the NPSFM and NESFW were both made operative in 2020, on its face, the WRP (with an operative date of 2000) may not give full effect to the more recent wetland provisions of the NPS / NES.

As detailed throughout this AEE the proposal represents an appropriate use of rural land resources, while ensuring that the effects can be appropriately managed. In respect of the provisions relating to wetlands within the NPSFM and WRP, this proposal has been designed to avoid adverse effects on the existing wetland area on site.

In light of the above, section 104D of the RMA is not considered to be an impediment to the granting of the resource consents for the project and it can be further considered under section 104 of the RMA.

6.3 SECTION 104 OF THE RMA

Section 104(1) of the RMA lists the matters that the consent authority must have regard to when considering an application for resource consent. Section 104(1) states:

> ***104 Consideration of applications***
>
> *(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to–*
>
> *(a) any actual and potential effects on the environment of allowing the activity; and*
>
> *(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
>
> *(b) any relevant provisions of*
>
> *(i) a national environmental standard:*
>
> *(ii) other regulations:*
>
> *(iii) a national policy statement:*
>
> *(iv) a New Zealand coastal policy statement:*
>
> *(v) a regional policy statement or proposed regional policy statement:*
>
> *(vi) a plan or proposed plan; and*
>
> *(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
>
> *(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. (2A) When considering an application affected by section 124 or 165ZH(1)(c), the consent authority must have regard to the value of the investment of the existing consent holder. (2B) …*

Section 104 does not give any of the matters to which a Consent Authority is required to have regard primacy over any other matter. All the matters are to be given such weight as

the consent authority deems fit in the circumstances, and all matters listed in section 104(1) are subject to Part 2 of the RMA.

An assessment of the proposal against the relevant matters set out in Section 104 of the RMA is provided below.

6.3.1 Actual and Potential Effects on the Environment

Section 104(1)(a) of the RMA requires an assessment of the actual and potential effects on the environment of allowing the activity; and any is provided in Section 5 above, and in the various technical assessments commissioned by the Applicant (**Appendices C and D**).

6.3.2 Offset or Compensatory Measures Proposed

Section 104(1)(ab) requires the WRC and WDC to have regard to any measure proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

Section 5.1 of this AEE outlies the positive effects associated with the proposal.

6.3.3 Relevant Statutory Documents

Section 104(1)(b) of the RMA requires assessment against any relevant provisions of a national environmental standard, national policy statement, regional policy statement, plan or any other regulations.

For the purpose of section 104(1)(b) of the RMA, the relevant statutory planning documents are considered to be:

- National Environmental Standard for Assessing and Managing Contaminants in Soil;
- National Environmental Standards on Air Quality 2011
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020;
- National Policy Statement on Urban Development 2020;
- National Policy Statement for Freshwater Management 2020;
- Te Ture Whaimana;
- Waikato Regional Policy Statement;
- Waikato Regional Plan; and
- Waipa District Plan.

Each of these standards, policy statements and plans are considered further in the sub-sections below.

6.3.3.1 National Environmental Standards

As discussed earlier in this AEE, the NESAQ and NESCS does not apply to the proposal. Although a consent is required under the NESFW for diversion of stormwater within 100m of a wetland, this document does not provide any relevant policy guidance to assess or consider.

6.3.3.2 National Policy Statement on Urban Development 2020

The The National Policy Statement on Urban Development (NPSUD) 2020 is currently being updated to align with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

NPSUD 2020 recognises the national significance of:

- having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; and
- providing sufficient development capacity to meet the different needs of people and communities.

To the extent that this proposal provides sand to support the ongoing construction, maintenance and upgrade of urban environment infrastructure, that enables people and communities to provide for their social, economic, and cultural wellbeing, and to improve their health, safety and overall well-being, it is considered that the project aligns very closely with the objectives and policies of the NPSUD[7]. It follows, the act of granting the proposal by WRC and HCC would be considered highly consistent with the duties they're required to discharge under this NPS.

6.3.3.3 National Policy Statement for Freshwater

The NPSFM, which became operative on 3 September 2020, provides direction to local authorities and resource users regarding activities that affect the health of freshwater and sets out objectives and policies for freshwater management under the RMA.

The NPSFM is relevant to the project as it involves activities which occur close to surface waterbodies, including natural inland wetlands, and it involves groundwater abstraction.

Part 2 of the NPSFM sets out the national objective for future freshwater management and 15 separate policies that support this objective. Those of which are relevant to the Project are considered further below:

Objective

[7] Objective 1, Objective 4, Objective 6(c).

(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Policies

Policy 1: *Freshwater is managed in a way that gives effect to Te Mana o te Wai.*

Part 1 of the NPSFW defines the "Fundamental Concept" of Te Mana o te Wai and the six associated principles[8] highlighting the interrelationships and dependencies between freshwater health, the health of the wider environment and the health of the community. The hierarchy of obligations stated here prioritises the health of water bodies and ecosystems, people's health needs secondly and social, economic and cultural well-being thirdly.

The Project responds to this conceptual framework in a number of ways including:

- Avoiding water bodies and wetlands;
- Its minimal reliance on fresh water; and
- Active protection of freshwater by diverting stormwater generated from unstabilised areas into sand quarry pits prior to soaking to ground.

These approaches will ensure that both the environment and freshwater resources are looked after and available for future sustainable use. Overall, it is considered the project is consistent with the relevant principles and overarching concept of Te Mana o Te Wai.

Policy 2: *Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.*

Section 7 sets out the proposed engagement with iwi / hapū who have an association with the site and wider environment in which it is located. Engagement with these parties will be ongoing. A cultural statement on behalf of these iwi / hapu is likely to be required.

It is anticipated that through the proposed iwi engagement, policy 2 will be achieved.

[8] Principles 1.3(4)(a) "mana whakahaere", 1.3(4)(b) "kaitiakitanga" and 1.3(4)(c) "manaakitanga", Principles 1.3(4)(d) "governance", 1.3(4)(e) "stewardship" and 1.3(4)(f) "care and respect".

> ***Policy 3:*** *Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*

The project is consistent with Policy 3 insofar as this AEE and the appended technical assessments and Section 5 demonstrate an integrated approach has been taken towards assessing and developing management measures for the actual and potential adverse effects on freshwater and the environments which it supports.

> ***Policy 5:*** *Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.*

To the extent Policy 5 seeks improvements to the health and well-being of any degraded water bodies and freshwater ecosystems, and at a minimum maintenance of all other water bodies and freshwater ecosystems, as described in Section 5 of this AEE, the project is consistent with these outcomes. The Applicant will not only avoid any further degradation as part of this project, but it is expected that, through future iwi consultation, mitigation and ecological enhancement works will be agreed so as to contribute beneficially to the health and well-being of water bodies and freshwater ecosystems.

> ***Policy 6:*** *There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.*

The Project does not result in a 'loss of the extent' of the natural wetland identified within the site.

> ***Policy 7:*** *The loss of river extent and values is avoided to the extent practicable.*

The project does not involve any loss of extent of flowing freshwater channel.

> ***Policy 9:*** *The habitats of indigenous freshwater species are protected.*

Both the design of the quarry, and its sediment and erosion controls, will ensure that aquatic habitats within the site are adequately protected.

> ***Policy 11:*** *Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.*

The volumes of surface and groundwater proposed for abstraction are equivalent to the permitted activity thresholds for these activities and considered within allocation for these resources.

Regarding efficiency of water use, this aspect of Policy 11, the exposed areas of the quarry will be minimised to ensure dust suppression water use is also minimised.

> ***Policy 15:*** *Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.*

The quarry will support various positive social wellbeing outcomes. It will contribute to direct and indirect local employment opportunities and supports the need for improved and expanded infrastructure to keep in step with community growth and community expectations in respect of health and safety.

These outcomes have the potential to improve social and economic outcomes at both a local and regional scale therefore, the project is consistent with the enablement of positive social and economic outcomes in a manner that is compatible with the NPSFW.

The project is also expected to result in outcomes which will contribute positively to the cultural wellbeing of the local iwi including:

- Potential opportunities for employment;
- The applicant's commitment to work with iwi with respect to development an ecological enhancement work package across the site positively contributing to the mauri of the taiao; and
- Tangible opportunities for iwi to exercise kaitiakitanga on the site such as direct involvement in ecological enhancement and restoration works.

Given the above, the project is considered to be consistent with this aspect of Policy 15.

NPSFM - Conclusion

The principles of Te Mana o Te Wai are given effect by the primacy of freshwater management considerations in the design and layout of the quarry and in anticipated mitigation / enhancement works to be agreed with local iwi.

The Applicant will encourage active involvement of iwi / hapū members where appropriate and practicable, including involvement in the anticipated enhancement and improvement works yet to be agreed.

The extent and value of the surface freshwater environments will likely increase as a result of the project and any temporary and operational effects will be fully mitigated.

There will be no loss of wetland extent associated with the quarry. Moreover, the concept enhancement plan will likely result in enrichment of existing wetland areas.

Overall, the is considered to be highly consistent with the NPSFM - fully achieving its objective and the relevant policies, more so than would be the case if the quarry did not proceed.

6.3.3.4 Waikato Regional Policy Statement

The Operative Waikato Regional Policy Statement (RPS) is a document prepared under the RMA that identifies the major resource management issues for the Waikato Region. The

RPS achieves this through objectives, policies and methods so the region's natural and physical resources will be sustainably managed.

The RPS became operative on 20 May 2016. The WRP and Waipa District Plan are required to give effect to the RPS, although it is understood that neither has been amended so far to reflect the most recent policy direction provided by the RPS.

The following objectives are considered relevant to the current applications, and are discussed below:

- Integrated Management;
- The Use and Development of Resources;
- Health and Wellbeing of the Waikato River;
- Sustainable and Efficient Use of Resources;
- Air Quality; and
- Values of Soil.

Integrated Management

Objective 3.1 of the RPS seeks that natural and physical resources are managed in a way that recognises the inter-relationships within, and values of, catchments, and the relationships between environmental, social, economic and cultural wellbeing (amongst other things). This objective is intended to be implemented by a range of policies in the RPS (discussed in the sub-sections below).

However, Policy 4.1 specifies that an integrated approach to resource management will be adopted by recognising the inter-connected nature of natural and physical resources and the multiple values of natural and physical resources. Many of the methods to implement this policy are focussed on plan-making processes and the development of strategies, as opposed to the assessment of resource consent applications.

The proposal will be carried out in an integrated manner that recognises the interrelationships between natural and physical resources, consistent with Objective 3.1 above and the associated policies. The sand quarrying will be managed as outlined in this AEE, by seeking to avoid erosion and sediment loss, and other potential environmental impacts that could harm the ecology of the receiving environment.

Use and Development of Resources

Objective 3.2 seeks to recognise and provide for the role of sustainable resource use and development and its benefits in enabling people and communities to provide for their economic, social and cultural wellbeing. Related to this objective, Policies 4.4 and 6.8 of the RPS specify that the management of natural and physical resources should provide for the continued operation and development of regionally significant industries by:

- Recognising the value and long-term benefits of a regionally significant industry to community wellbeing (inclusive of sand quarrying);
- Ensuring that the adverse effects of regionally significant industry are avoided, remedied or mitigated;
- Maintaining and, where appropriate, enhancing access to natural and physical resources while balancing the competing demand for these resources;
- Promoting positive environmental outcomes; and
- The availability of mineral resources for infrastructure and building.

The proposed sand quarry is consistent with Objective 3.2 above insofar as it seeks to provide for the sustainable use of existing resources. The sand resource will enable the community to provide for economic, social and cultural wellbeing. The land has appropriate sand reserves (for infrastructure and building) and the adverse effects of the regionally significant industry can be avoided, remedied or mitigated. The site will be rehabilitated to enable continuation of pastoral farming once the sand resource is extracted.

Health and Wellbeing of the Waikato River

Objective 3.4 seeks that "*the health and wellbeing of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved*". The Vision and Strategy has become a central tenet of resource management in the Waikato Region given the inter-relationships between land use and the river.

The Vision and Strategy referred to in Objective 3.4 is discussed in detail above at Section 6.1.2.3. In summary, the health and wellbeing of the Waikato River will not be impacted by the proposal.

Furthermore, the proposal involves avoiding indigenous vegetation removal from nearby SNAs Accordingly, the proposed activities are consistent with Objective 3.4.

Sustainable and efficient use of resources

Objective 3.10 seeks that "*use and development of natural and physical resources occurs in a way and at a rate that is sustainable, and where the use and development of all natural and physical resources is efficient and minimises the generation of waste*."

The proposed sand quarry represents a sustainable and efficient use of the finite resource of land and its underlying mineral resources. The application seeks to extract the sand resource and then rehabilitate the site to productive agricultural land. All topsoil and subsoil will be reused onsite. The proposal is therefore considered consistent with Objective 3.10.

The qualities and characteristics of the site and the wider area are key aspects of the proposed sand quarry. Careful consideration has been given to the layout and logistics of the mineral extraction process to ensure these will be maintained, consistent with Objective 3.10.

Air Quality

Objective 3.11 seeks that "Air quality is managed in a way that: a) ensures that where air quality is better than national environmental standards and guidelines for ambient air, any degradation is as low as reasonably achievable; b) avoids unacceptable risks to human health and ecosystems, with high priority placed on achieving compliance with national environmental standards and guidelines for ambient air; and c) avoids, where practicable, adverse effects on local amenity values and people's wellbeing including from discharges of particulate matter, smoke, odour, dust and agrichemicals, recognising that it is appropriate that some areas will have a different amenity level to others.

Potential effects on air quality are addressed in detail in Section 5 of this AEE. Ambient concentrations of key contaminants associated with the Sand Quarry areas are expected to remain within the relevant standards and guideline values, thus preserving human health.

In light of the above, it is considered that the proposal will meet the management outcome sought by Objective 3.11 and Policies 5.2 and 5.3 of the Waikato RPS for air quality and the control of the effects of air discharges.

Values of Soil

Objective 3.25 seeks that *"soil resource will be managed to safeguard its life supporting capacity, for the existing and foreseeable range of uses."*

The proposed sand quarry operation is consistent with Objective 3.25 above. The site will be rehabilitated at the completion of the sand extraction activities (and will revert to pastoral farmland). The sand quarry will therefore only have a short-term impact on the life-supporting capacity of the soil resource. There will also be a continuation of pastoral farming on the balance of the property as each area is worked and rehabilitated.

The relevant policy is presented below (followed by an analysis):

> ***Policy 14.1 Maintain or enhance the life supporting capacity of the soil resource***
>
> *Manage the soil resource to:*
>
> *a. minimise sedimentation and erosion;*
>
> *b. maintain or enhance biological, chemical and physical soil properties; and*
>
> *c. retain soil versatility to protect the existing and foreseeable range of uses of the soil resource.*

The proposal will not have adverse effects on the soil resource. Top soil removed prior to quarrying will be reused for rehabilitation. Erosion and sediment controls will ensure that earthworks and sedimentation/erosion is minimised and there is no impact on the soil's biological, chemical and physical soil properties.

Waikato RPS Conclusion

As is to be expected, there are a series of competing tensions within the objectives and policies of the RPS, between the utilisation of natural and physical resources for social and economic wellbeing, and the protection or maintenance of natural character, amenity, indigenous biodiversity, freshwater and cultural values. Many of the policies and methods relate to the management of natural resources and are also aimed at regional and district plans. These plans need to protect or maintain such values via the avoidance, remediation or mitigation of adverse effects.

The provisions of the RPS are directed at the Regional Plan. It is considered that the granting of the applications will not undermine the ability of WRC to implement its obligations in respect of them. Overall, the proposal is considered to be consistent with the objectives and policies approach promoted in the RPS.

6.3.3.5 Waikato Regional Plan

The WRP is the primary tool to implement the RPS. The aspects of the proposal where the WRP needs to be considered are in the context of the activities that require resource consent (as it is considered that the permitted activities are clearly consistent with the provisions of the WRP).

Proposed Plan Change 1 to the Waikato Regional Plan

On 22 October 2016, WRC notified a proposed change to the WRP for water quality within the Waikato and Waipa River catchments. PC1 introduces regulatory provisions into the WRP to assist with the achievement of the Vision and Strategy and to implement the NPSFM.

The focus of PC1 is the management of four contaminants, being nitrogen, phosphorus, sediment, and microbial pathogens. While this application does not largely relate to any of those contaminants. PC1 sets an 80-year timeframe to achieve the outcomes sought by way of the Vision and Strategy. It is considered that this application will not affect the ability of the outcomes sought in PC1 to be achieved. As detailed earlier, the sand quarry area is currently used for pastoral farming. The activity of the sand quarry will result in a slight reduction in nitrogen and phosphorus being discharged at this location until the site is rehabilitated (and returned to rural pasture). The land will then be used for dry stock grazing and cropping.

Water Module

Objective 3.1.2

The management of water bodies in a way which ensures:

a) that people are able to take and use water for their social, economic and cultural wellbeing

b) net improvement[1] of water quality across the Region

c) the avoidance of significant adverse effects on aquatic ecosystems

d) the characteristics of flow regimes are enhanced where practicable and justified by the ecological benefits

e) the range of uses of water reliant on the characteristics of flow regimes are maintained or enhanced

f) the range of reasonably foreseeable uses of ground water and surface water are protected

g) inefficient use of the available ground surface water resources is minimised

h) an increase in the extent and quality of the Region's wetlands

i) that significant adverse effects on the relationship tangata whenua as Kaitiaki have with water and their identified taonga such as waahi tapu, and native flora and fauna that have customary and traditional uses in or on the margins of water bodies, are remedied or mitigated

j) the cumulative adverse effects on the relationship tangata whenua as Kaitiaki have with water their identified taonga such as waahi tapu, and native flora and fauna that have customary and traditional uses that are in or on the margins of water bodies are remedied or mitigated

k) the management of non-point source discharges of nutrients, faecal coliforms and sediment to levels that are consistent with the identified purpose and values for which the water body is being managed

l) the natural character of the coastal environment, wetlands and lakes and rivers and their margins (including caves), is preserved and protected from inappropriate use and development

m) ground water quality is maintained or enhanced and ground water takes managed to ensure sustainable yield

n) shallow ground water takes do not adversely affect values for which any potentially affected surface water body is managed

o) concentrations of contaminants leaching from land use activities and non-point source discharges to shallow ground water and surface waters do not reach levels that present significant risks to human health or aquatic ecosystems

p) that the positive effects of water resource use activities and associated existing lawfully established infrastructure are recognised, whilst avoiding, remedying or mitigating adverse effects on the environment.

Policy 1: Management of Water Bodies

Manage all water bodies to enable a range of water use activities, whilst ensuring that a net improvement in water quality across the Region is achieved over time through:

a. *Classifying and mapping water bodies based on the characteristics for which they are valued and implementing the classification through a mixture of regulatory and non-regulatory methods.*

b. *Maintaining overall water quality in areas where it is high, and in other water bodies, avoiding, remedying or mitigating cumulative degradation of water quality from the effects of resource use activities.*

c. *Enhancing the quality of degraded waterbodies.*

d. *Providing for the mitigation and remediation of adverse effects in accordance with Section 1.3.3 of the Waikato Regional Policy Statement.*

e. *Recognising the positive benefits to people and communities arising from use or development of water resources and by taking account of existing uses of water and the associated lawfully established infrastructure.*

With respect to this consent application, Parts a), b), c), e), f), i) & k) of Objective 3.1.2 are relevant. Part c) of section 3.1.2 states that water bodies should be managed in such a way as to 'avoid significant adverse effects on aquatic ecosystems.

Policy 1 (Management of Water Bodies) states that water bodies are to be managed in such a way that degraded water bodies are improved by avoiding, mitigating and remedying adverse effects on water quality through resource use activities.

As already indicated in this report, the proposal is not expected to have any significant adverse effects on aquatic ecosystems given the stormwater generated from the activities will be treated via appropriate sediment control measures before being discharged to the quarry pit and no direct discharge is proposed into the Waikato River or tributaries. The SMP proposes a staged approach for open areas of soil and erosion and sediment control measures to further 'treat' the stormwater.

3.3.2 Objective

a. Giving effect to the overarching purpose of the Vision and Strategy to restore and protect the health and wellbeing of the Waikato River for present and future generations.

b. The availability of water to meet the existing and the reasonably justified and foreseeable future domestic or municipal supply requirements of individuals and communities and the reasonable needs for an individual's animal drinking water requirements.

c. The recognition of the significant community benefits that derive from domestic or municipal supply takes.

d. The efficient allocation and the efficient use of water.

e. No further allocation of water that exceeds the primary allocation in Table 3-5 that reduces the generation of electricity from renewable energy sources.

f. The recognition that existing water takes contribute to social and economic wellbeing and in some cases significant investment relies on the continuation of those takes, including rural-based activities such as agriculture, perishable food processing and industry.

g. The continued availability of water for cooling of the Huntly Power Station.

h. Sufficient water is retained instream to safeguard the life supporting capacity of freshwater, including its ecosystem processes and indigenous species and their associated ecosystems.

i. That decisions regarding the allocation and use of water take account of the need to avoid the further degradation of water quality, having regard to the contaminant assimilative capacity of water bodies.

j. Subject to Objectives a) to h) above, the availability of water to meet other future social, economic and cultural needs of individuals and communities (including rural based activities such as agriculture, perishable food processing and industry).

Due to the avoidance of adverse water related impacts, the purpose of the Vision and Strategy for the Waikato River will be given effect to by the granting of these consents. Overall it is considered that the activities are consistent with Objective 3.3.2.

Land and Soil Module

Objective 5.2.2

Discharges of wastes and hazardous substances onto or into land undertaken in a manner that:

a. *does not contaminate soil to levels that present significant risks to human health or the wider environment*
b. *does not have adverse effects on aquatic habitats, surface water quality or ground water quality that are inconsistent with the Water Management objectives in Section 3.1.2*
c. *does not have adverse effects related to particulate matter, odour or hazardous substances that are inconsistent with the Air Quality objectives in Section 6.1.2*
d. *is not inconsistent with the objectives in Section 5.1.2*
e. *avoids significant adverse effects on the relationship that tangata whenua as Kaitiaki have with their taonga such as ancestral lands, water and waahi tapu*
f. *remedies or mitigates cumulative adverse effects on the relationship that tangata whenua as Kaitiaki have with their identified taonga such as ancestral lands, water and waahi tapu.*

Policy 1: Low Risk Discharges Onto or Into Land

Enable, through permitted activity rules and non-regulatory methods, the discharge of contaminants onto or into land where:

a. *hazardous substances present in the discharge, or produced as a consequence of the breakdown of the contaminants from the discharge:*

i. *are not environmentally persistent*
ii. *will not bioaccumulate to a level that has acute or chronic toxic (carcinogenic, teratogenic or mutagenic) effects on humans or other non-target species*

b. *the discharge of these contaminants onto or into land will not result in pathogens accumulating in soil or pasture to levels that would render the soil unsafe for agricultural or domestic use*
c. *the discharge is not inconsistent with policies in Section 5.1.3*
d. *the discharge will not result in any effect on water quality or aquatic ecosystems that is inconsistent with the purpose of the Water Management Classes as identified by the policies in Section 3.2.3*
e. *the discharge will not result in any effect on air quality that is inconsistent with policies in Section 6.1.3*
f. *the discharge will not damage archaeological sites, waahi tapu or other identified sites of importance to tangata whenua as Kaitiaki.*

Policy 2: Other Discharges Onto or Into Land

Manage discharges of contaminants onto or into land not enabled by Policy 1, in a manner that avoids, where practicable, the following adverse effects and remedies or mitigates those effects that cannot be avoided:

a. *contamination of soils with hazardous substances or pathogens to levels that present a significant risk to human health or the wider environment*
b. *the discharge is not inconsistent with policies in Section 5.1.3*
c. *any effect on water quality or aquatic ecosystems that is inconsistent with the purpose of the Water Management Classes as identified by the policies in Section 3.2.3*
d. *the adverse effects outlined in the policies and rules for air quality in Chapters 6.1 and 6.2, particularly for odour and particulate deposition*
e. *damage to archaeological sites, waahi tapu or other identified sites of importance to tangata whenua as Kaitiaki.*

The proposed sand quarry will be sufficiently set back from the edge of gullies bank and the water bodies. Of most relevance is Objective 5.2.2 which seeks to ensure discharges to land are undertaken in a manner that will not result in adverse effects on the environment. As explained in section 5 of this report, stormwater will be adequately treated and managed on site. Finally, the proposed management methods to be implemented on the site through the SMP will ensure consistency with Policy 2.

Air Module

6.1.2 Objective

Objective 1: Significant characteristics of air quality as identified in Table 6-1 are:

a) protected where they are high
b) enhanced where they are degraded
c) otherwise maintained.

Objective 2: No significant adverse effects from individual site sources on the characteristics of air quality beyond the property boundary.
Objective 3: Cumulative effects of discharges on ambient air quality do not:

a) present more than a minor threat to the health of humans, flora and fauna
b) cause odour that is objectionable to the extent that it causes an adverse effect
c) result in levels of suspended or deposited particulate matter that are objectionable to the extent that they cause adverse effects
d) have a significant adverse effect on visibility
e) cause accelerated corrosion of structures
f) cause significant adverse effects on the relationship tangata whenua as Kaitiaki have with their identified taonga such as air, ancestral lands, water and waahi tapu.

There are three objectives in Section 6.1.2 of the WRP relating to the management of air quality. They seek:

- The significant characteristics of air quality are either protected, enhanced or maintained;
- No significant adverse effects from individual site sources on the characteristics of air quality arise beyond property boundary;
- The management of the cumulative effects of discharges on ambient air quality; and
- The relevant policies direct that the effects of air discharges be managed to have particular regard to the effects on the achievement of ambient air quality guidelines, human health, the identified values of tangata whenua as kaitiaki, and any potential cumulative effects. Recognition is also given to the positive benefits to people and communities arising from activities that affect air quality (whilst ensuring that air quality resources are protected and adverse effects avoided, remedied or mitigated).

The analysis in the above Sections of this AEE is equally applicable to the air quality provisions of the WRP. In this regard, particulate deposition and the concentrations of PM_{10}, associated with air discharges from the site are expected to remain within the relevant standards and guidelines. The site will be managed by the SMP including dust management procedures so as not to result in objectionable effects beyond the site boundary.

In light of the above, it is considered that the discharges and air from the site can be undertaken in such a manner that it meets the management outcomes sought by Objectives 1, 2 and 3 of Section 6.1.2 of the WRP.

WRP Conclusion

Based on the analysis in the sub-sections above, it is considered that the various 'regional' activities associated with sand quarry operation will be managed so the project is not contrary to the relevant objectives and policies of the WRP. Of particular note:

- The discharge of stormwater to land will avoid any effects on surface water bodies;
- The discharge of dust to air will not exceed the applicable air quality standards and guidelines and will be managed so that they do not cause offensive or objectionable effects beyond the boundaries of the site; and
- The proposal is for efficient use of natural resources (sand) and the site will be rehabilitated so that the soils are protected.

6.3.3.6 Waipa District Plan

Rural Zone Provisions

Section 4 of the Waipa District Plan sets out various issues, objectives and policies relating to land within the Rural Zone. Relevant provisions are discussed below:

> ***Objective 4.3.1 Rural Resources***
> *To maintain or enhance the inherent life supporting capacity, health and well-being of rural land, ecosystems, soil and water resources.*
>
> ***Policy 4.3.1.2 - Avoid adverse effects on Water Catchment Areas***
> *To avoid, remedy or mitigate the adverse effects of development, subdivision and activities on Water Catchment Areas as identified on the Planning Maps.*
>
> ***Policy 4.3.1.4 Protect the Rural Soil Resource***
> *The versatility and life supporting capacity of the District's rural land and soil resource, particularly high-class soils and peat soils, are protected from development, subdivision or activities that would prevent its future use for primary production, or its ability to maintain the District's ecological/biodiversity values.*
>
> ***Policy 4.3.1.6 Earthworks***
> *To ensure that earthworks are carried out in a manner that avoids adverse effects on infrastructure, between properties and on water bodies.*

Comments: The proposed sand extraction activities will be undertaken and managed to ensure that the inherent life supporting capacity of the rural land and the underlying soil resource are maintained. The site will be rehabilitated to rural farmland once the sand has been extracted, and the site will continue to be utilised as rural pastureland (dry stock grazing). The versatility and life supporting capacity of the underlying soil resource will therefore be retained.

The earthworks associated with the proposed sand quarry activities will be carried out in a manner that avoids adverse effects between properties, on water bodies and minimises land stability risk on site. The existing topsoil will be stockpiled and used to rehabilitate the site back to high quality farmland.

The adoption of appropriate sediment control measures will avoid any adverse effects on surface water and aquatic ecology.

The proposal is therefore consistent with Objective 4.3.1 and Policies 4.3.1.2, 4.3.1.4 and 4.3.1.6 above.

4.3.5 Objective - Rural activity: mineral and aggregate prospecting, exploration and extraction

To meet the District's and Region's mineral and aggregate needs from predominantly local sources and ensure that the location, use and development of the District's mineral and aggregate resources is provided for, subject to the management of the adverse effects associated with such activities.

4.3.5.1 Policy - Mineral prospecting and exploration

Mineral prospecting and exploration are enabled provided that the adverse effects of the activities are not significant.

Policies - Mineral extraction

4.3.5.3 *Mineral extraction activities are managed so that the adverse effects of the activities are internalised, or avoided, remedied or mitigated as far as practicable through methods such as management, mitigation and rehabilitation plans that address matters such as:*

(a) Managing dust, noise, vibration, access and illumination to maintain amenity values, particularly during the night-time; and

(b) Ensuring buildings and structures are appropriately located in relation to boundaries, and of an appropriate scale; and

(c) Undertaking remedial measures during extraction operations; and

(d) Requiring sites to be rehabilitated and ensuring appropriate materials are used for this purpose.

4.3.5.4 *The scale and location of mineral extraction shall:*

(a) Be consistent with the capacity, design and function of the roading hierarchy; and

(b) Not adversely affect rural character.

4.3.5.5 *To recognise:*

(a) That mineral extraction is constrained by the location of the resource; and

(b) The importance of maintaining a supply of extracted minerals; and

(c) The need to identify other significant mineral resources as required, in conjunction with the Regional Council, and to provide for their future extraction and use.

Comments: The WDP recognises the importance of meeting the District's and Region's mineral and aggregate needs from predominantly local sources, subject to the management of the adverse effects associated with those activities. The Rural Zone is an appropriate location provided the adverse effects are appropriately managed.

The AEE within this report has demonstrated that any potential adverse effects can be appropriately mitigated or contained within the application site. The technical assessments provided, in conjunction with the assessment set out in Section 5 of this AEE adequately address the matters in policy 4.3.5.3 above.

Potential dust and noise effects will be actively managed onsite. Vibrations will not be perceptible as the works will not require blasting and only heavy machinery for digging and cartage.

The scale of the proposed mineral extraction activities is considered relatively small scale but appropriate for the site and the surrounding rural environment. The site will be rehabilitated to rural farmland. The rural character and capacity of the existing road network are therefore unaffected over the long term. The proposal is therefore consistent with policy 4.3.5.4 above.

The development will provide a much-needed mineral resource for the local community and is therefore consistent with policy 4.3.5.5 above.

4.3.7 Objective-Rural Character
Rural character and amenity is maintained.
4.3.7.1 Policy - Rural Character
Land use activities should be at a density, scale, intensity and location to maintain rural character.
4.3.7.2 Policy - Rural Character
Rural character and associated amenity values shall be maintained by ensuring rural land uses predominate in the Rural Zone, and buildings are of an appropriate scale and location.

4.3.8 Objective-Rural Amenity: Setbacks
To maintain rural character and amenity and avoid reverse sensitivity effects.
4.3.8.1 Policy – Transport network boundaries
Buildings and activities are set back from road boundaries and railway tracks to maintain safety, rural character and amenity, and to avoid reverse sensitivity effects.
4.3.8.2 Policy – Internal boundaries
Buildings and activities are setback from rear and side boundaries to maintain rural character and amenity and avoid reverse sensitivity effects.

Comments: The proposal is consistent with the above objectives and policies. The rural character and amenity will not be adversely impacted by the proposal to establish and operate a mineral extraction activity at the site. The Rural zone is specifically identified as an appropriate location for mineral extraction activities. The (modest) scale of the proposed quarry is appropriate with respect to the existing rural environment and character.

The site will be rehabilitated back to rural pasture in a staged manner once the sand resource has been extracted from each stage. Any potential effects (in terms of visual amenity, rural character and setbacks) will therefore be temporary and minimised.

Any adverse effects beyond the site will also be managed to minimise their effect, including erosion and sediment control, hours of operation, exposure of small extraction areas and site rehabilitation.

The proposed activities and sand extraction works will maintain the overall rural character and amenity of the site, thus complying with Objective 4.3.7 and associated policies. The proposal also complies with the relevant setback rules which will maintain rural character, consistent with Objective 4.3.8.

Objective 4.3.10 Rural amenity: noise and vibration

To maintain rural amenity while enabling the operation of noise and vibration generating farming activities within the Rural Zone.

Policy 4.3.10.1 Rural farming activities

Enable the generation of noise and vibration arising from legitimate farming activities, while mitigating adverse effects as far as practicable.

Policy 4.3.10.2 Rural activities

To ensure that the adverse effects of noise generated by rural activities are avoided, remedied or mitigated.

Comments: Comparisons with a Marshall Day Acoustics assessment undertaken on a larger sand quarry confirms the potential noise effects associated with this proposed sand quarry will comply with all of the relevant Rural Zone noise standards, and is therefore considered appropriate for the site and the surrounding rural environment. The noise effects will be similar to those associated with other rural activities, including the operation of large farm machinery. The site works will comprise of predominantly digging and recontouring works. There will be minimal vibration within the site and none at the edge of the property or neighbouring sites. For these reasons, the application is consistent with the above objective and policies.

Transportation Provisions

Section 16 of the District Plan sets out issues, objectives and policies relating to the topic of transportation. The most relevant objectives and policies are as follows:

Objective 16.3.2 -Integrating land use and transport: ensuring a pattern of land uses and a land transport system which is safe, effective and compatible.

Land use and transport systems successfully interface with each other through attention to design, safety and amenity.

Policy 16.3.2.1 Integrating land use and transport

Development, subdivision and transport infrastructure shall be located, designed and managed to:

(a) Minimise conflict on and across arterial routes and provide appropriate access; and

(b) Include access that is safe and appropriate for all road users, including those with restricted mobility; and

(c) Minimise the need for travel and transport where practicable; and

(d) Facilitate travel demand management opportunities where practicable.

Policy 16.3.2.4 Managing effects on character and amenity

Development, subdivision and transport infrastructure shall be located, designed and managed to:

(a) Avoid, remedy, or mitigate adverse effects of transport on character and amenity; and

(b) Facilitate opportunities to enhance character and amenity; and

(c) Ensure that the outcomes sought in the Waipa Growth Strategy, Town Concept Plan 2010 Plans, and the Character Precinct statements in Section 6 – Commercial Zone of this Plan are achieved.

Objective 16.3.3 Maintaining transport network efficiency

To maintain the ability of the transport network to distribute people and goods safely, efficiently and effectively.

Policy 16.3.3.1 Effects of development or subdivision on the transport network

Avoid, remedy or mitigate the adverse effects of development or subdivision on the operation and maintenance of the transport network, including from:

(a) Traffic generation, load type, or vehicle characteristics; and

(b) The collection and disposal of stormwater; and

(c) Reverse sensitivity effects where development or subdivision adjoins existing and planned roads.

Objective 16.3.4: Provision of vehicle entrances, parking, loading and manoeuvring areas.

The provision of adequate and well-located vehicle entrances and parking, loading and manoeuvring areas that contribute to both the efficient functioning of the site and the adjacent transport network.

Policy 16.3.4.1: Location of vehicle entrances.

To maintain the safe and efficient functioning of adjoining roads and railways, vehicle entrances to all activities shall be located and formed to achieve safe sight lines and entry and egress from the site. In some locations, adjoining rail lines, State Highways, and the District's Commercial Zones; vehicle entrances will be limited and will require assessment due to the complexity of the roading environment, or the importance of provision for pedestrians.

Policy 16.3.4.2: Ensuring adequate parking, loading and manoeuvring areas onsite.

To maintain the efficient functioning of adjoining roads, all activities shall provide sufficient area on site to accommodate the parking, loading and manoeuvring area requirements of the activity except in the Residential Zone where the provision of on-site manoeuvring for dwellings is enabled within the setbacks.

Comments: CKL have assessed the potential transportation effects associated with the proposed sand quarry (refer to the Integrated Transport Assessment in Appendix D). This assessment includes an assessment against the relevant transportation related objectives and policies in the District Plan. It is considered that this assessment is correct and that

the proposal is generally compliant with the above objective and policies for the following reasons:

- The proposal includes the provision of an appropriate access for vehicles.
- The site is easily able to connect to the existing roading network and the volume of traffic proposed is appropriate for the site and can safely be accommodated..
- The ITA concludes that the local road will not be adversely affected by the proposal, and the application can be supported from a transportation perspective.
- The proposed activity is also consistent with Objective 16.3.3 and Policy 16.3.3.1 above, as it will allow goods to be moved about the district while maintaining the safety, efficiency and effectiveness of the transport network and will avoid or mitigate adverse effects of traffic generation that are more than minor.
- The existing vehicle entrance is well positioned to provide safe access to the site. The entrance is located on a relatively straight stretch of road, with clear sightlines in either direction. Traffic flows to and from the site will be managed in a manner that ensures traffic safety on Oreipunga Road. Sufficient space is available on site to accommodate parking, loading and manoeuvring areas.

6.3.4 Other Matters

Section 104(1)(c) requires that when considering an application for resource consent and any submissions received, the Council must have regard to 'any other matter' relevant and reasonably necessary to determine the application.

Under section 104(1)(c) the relevant matter to be considered is the Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan ("WTEP").

6.3.4.1 Waikato Tainui Environmental Plan

The Waikato-Tainui Environment Plan (WTEP) was lodged with Waikato Regional Council on 6th September 2013. The purpose of the plan is

> '*to provide a map or pathway that will return the Waikato-Tainui rohe to the modern-day equivalent of the environmental state that it was in when Kiingi Taawhiao composed his maimai aroha'*.

An assessment of the Waikato-Tainui Environment Plan is presented below, however, the Applicant acknowledges that only Waikato-Tainui can determine for Waikato-Tainui if, from a Waikato-Tainui perspective, the magnitude, frequency, and duration of the effect, and if the overall effect of an activity is positive or negative.

Tribal Strategic Plan

This section of the WTEP sets out the tribe's strategic objectives for its own identity, integrity, success and wellbeing. It draws on the blueprint 'Whakatupuranga 2050' for the cultural, economic and social advancement of Waikato-Tainui. While this section is

most relevant to internal stakeholders, there is an objective, policy and several methods that seek to ensure that resource management, use and activities within the Waikato-Tainui rohe are consistent with (and if possible, contribute to the achievement of) the vision, mission, values and strategic objectives of Whakatupuranga 2050.

The Applicant recognises the role of Waikato-Tainui as kaitiaki within its rohe, and understand the importance of land and water resources, particularly the centrality of the Waikato River, to the tribe's mana and identity.

Customary Activities

Section 14 of the WTEP outlines Waikato-Tainui's customary activities and resource use, which has been affected by a decline in the abundance and variety of resources as well as reduced access to these resources.

The sand quarrying and associated earthworks will not impact upon the ability for customary activities to be undertaken.

Natural Heritage and Biosecurity

Section 15 of the WTEP discusses the loss of indigenous biodiversity and the negative effect this has had on the relationship of Waikato-Tainui with the whenua. The Plan seeks to restore the rohe to ecological health.

The applicant proposes adequate setbacks within the site to maintain the riparian margin with indigenous plant material within the registered SNAs to be consistent with WTEP (Policy 15.3.1.1(d)). These areas are already fenced from the wider farm to minimise animal grazing in this area to help restore the water quality of the stream and by association the rohe.

Historical Items, Prized and Significant Sites

The applicant is familiar with the WTEP's approach to site management protocols (Objective 16.3.1) and will carry out earthworks in accordance with the discovery protocols relating to taonga (16.4.3.2).

Land

Section 21 of the WTEP pertains to the use of land and Waikato-Tainui's concern to restore ecosystem balance by addressing issues including soil erosion, catchment management, nutrient loss, land development, dam management and riverbank erosion.

The provisions seek that excavation works have sufficient measures in place to ensure that adverse effects on water bodies are managed.

The earthworks will be undertaken in accordance with the Waikato Regional Council titled "Erosion & Sediment Control Guidelines for Soil Disturbing Activities January 2009 and will be set well back from Waikato River and it's tributaries.

6.3.4.2 Te Rautaki Tāmata Ao Turoa o Hauā

Te Rautaki Tāmata Ao Turoa o Hauā, the Ngāti Hauā Environmental Management Plan ("**NHEMP**"), was developed to express Ngāti Hauā values and aspirations for their environment. It was lodged with the relevant regulatory agencies in 2018 and is intended to assist those utilising the plan to understand their values, frustrations and aspirations for the environment, and to state the Ngāti Hauā views on particular land uses and activities.

The policies and actions of the NHEMP are primarily aimed at Regional and District Councils within their rohe (in undertaking regional and district planning processes). However, the provisions are also to be used to inform and guide engagement processes and decisions associated with resource consent applications.

An assessment of the relevant provisions and sections of the NHEMP is provided under the following headings:

- Sustainable Land Use and Development (Section 9);
- Te Wai Māori - Water (Section 11);
- He Mahinga Kai – Fisheries (Section 13);
- Cultural Heritage (Section 15).

Sustainable Land Use and Development

The provisions of Section 9 seek to manage the effects of urban land use and development within the rohe of Ngāti Hauā, including the promotion of low impact urban design and the utilisation of locally sourced native plants for landscaping (for example). The provisions require that a holistic and integrated approach be taken in relation to the sustainable use, development and management of land. This is to be achieved through working with other parties to ensure that land use and development within the rohe recognises and provides for:

- Mauri of land and soil resources;
- Relationship between Ngāti Hauā and natural resources;
- Value of the knowledge held by Ngāti Hauā;
- Role and application of mātauranga and tikanga;
- Principle of interconnectedness; and
- Aspirations to enhance social and economic wellbeing.

It is considered that, considering the rehabilitation plans, the measure to avoid and minimise impacts on the land and soils, along with future mitigation works (o be agreed with mana whenua) this project represents a sustainable development, and sustainable use of the land resource.

Te Wai Māori

The relationship Ngāti Hauā has with its waterways lies at the heart of their physical, spiritual and cultural wellbeing. The health and wellbeing of freshwater resources is connected to the health of the whenua and wellbeing as a community.

The relevant objectives in relation to water are as follows:

> ***Objectives***
>
> 1. *The mauri of freshwater within our rohe is restored and protected. This means that:*
>
>   - *Water is plentiful and clean enough for drinking, swimming and sustaining plentiful mahinga kai.*
>   - *Water allocation occurs in a manner that is sustainable and consistent with the natural limits of our rivers, streams and aquifers.*
>   - *Water is allocated facility and used efficiently and responsibly.*
>   - *Waterways are accessible for customary use e.g. mahinga kai.*
>
> 2. *Recognition of Ngāti Hauā values, interests and Mātauranga in relation to freshwater planning and management within our rohe. This means that:*
>
>   - *Aspirations for marae, papakainga, and Māori land development is not unfairly disadvantaged by freshwater allocation and quality.*
>   - *Our intergenerational knowledge and experience is valued.*
>   - *Our role as a Treaty partner and post settlement governance entity is recognised.*
>
> 3. *Protection and revitalisation of our traditional knowledge and practices regarding our rivers, streams and aquifers (puna).*

Discharges from the site during construction and operation to surface water bodies is not expected to occur. Rather stormwater will discharge to land providing ongoing groundwater recharge.

Overall, anticipating a positive mitigation package will be agreed between the Applicant and mana whenua, water quality improvements (albeit small) are expected as a result of this project.

Cultural Heritage

This section of the NHEMP focuses on the ways in which cultural heritage can be protected from land use and development. There are no known archaeological sites identified on this site, however as with most developments, there is always potential for unknown archaeological or taonga sites to be uncovered. In that event, accidental discovery protocols will be adhered to. It is considered that the approach to managing cultural heritage and archaeological values is consistent with the provisions of this chapter.

7. PART 2 MATTERS

All of the matters specified in section 104 of the RMA to which the consent authority must 'have regard to' are subject to Part 2 of the RMA which sets out the purpose and principles of the Act and which are central to the determination of the applications for resource consent.

Following recent direction from the Courts, when making a decision on an application a consent authority is generally no longer required to consider Part 2 of the RMA beyond its expression in the relevant statutory planning documents, unless it is appropriate to do so. In this case, it is considered that the planning context is clear, and that the proposed activities align well with the various planning directions set out earlier. Therefore, a detailed assessment of Part 2 of the RMA is presented.

Notwithstanding, it is worth noting that, overall, the Project will promote the sustainable management of natural and physical resources in accordance with Part 2 and the granting of consents is consistent with, and gives effect to, the purpose of the RMA.

8. CONSULTATION

8.1 NEIGHBOURS

Section 36A of the RMA confirms that an applicant has no duty to consult any person on their resource consent application. However, the Applicant is committed to working productively with the adjoining neighbours. In this respect, the Applicant has a good working relationship with the surrounding landowners and intend to discuss the application proposal with the neighbouring sites identified as A, B, C, D and E in Figure 24 (refer Table 19 for additional details). It is noted that all these neighbours have been aware of sand quarrying activities to date and have not expressed concerns.

Figure 24: **Aerial Photo of the Site Showing Nearest Neighbours (Source: Google Earth).**

Table 19: **Neighbours to Consult**

Neighbour Location (Figure 6)	Landowner / Occupier Name and Address	Legal Description	Dwelling Setback from Extent of Works Boundary
WAIPA DISTRICT			
A	537 OREIPUNGA ROAD RD 2 Cambridge 3494	Lot 1 DP 346016	470 m (Stage 2)

Neighbour Location (Figure 6)	Landowner / Occupier Name and Address	Legal Description	Dwelling Setback from Extent of Works Boundary
B	539 OREIPUNGA ROAD RD 2 Cambridge 3494	Lot 1 DPS 74817	400 m (Stage 2)
C	1/601 OREIPUNGA ROAD	LOT 1 DPS 85553	340 m (Stage 3)
D	2/601 Oreipunga Road RD 2 Cambridge 3494	LOT 1 DP 88918	320 m (Stage 3)
E	601 Oreipunga Road RD 2 Cambridge 3494	LOT 2 DPS 85553	200 m (Stage 3)

8.2 MANA WHENUA

At the time of writing this AEE, the Applicant had advised representatives of Ngati Koroki Kahukura (Poto Davies) and Ngait Haua (Norm Hill) of the existing quarry works and consent application proposal.

Poto Davies visited the site with the Applicant on Thursday 14 April 2022.

As discussed elsewhere in this AEE, the Applicant will actively continue dialogue with mana whenua about the proposal, and in particular, developing an ecological mitigation package (or similar). It is the Applicant's desire to secure tangata whenua support for the proposal.

9. NOTIFICATION CONSIDERATIONS

Sections 95A – 95G of the RMA set out the matters that a Consent Authority must consider when determining whether to notify an application for a resource consent. These sections are considered below.

As demonstrated in Section 5 of this report, the effects on the environment associated with the proposed activities will be less than minor. It is also considered that, given the negligible effects of the project, no party is affected. Further details regarding the Section 95 assessment are set out below.

9.1 PUBLIC NOTIFICATION (SECTION 95A)

Step 1 (Mandatory Notification):

- The Applicant is not requesting public notification of the application (95A(3)(a));
- Public notification is not required under section 95C (95A(3)(b)); and
- The application is not made jointly with an application to exchange recreation reserve land (95A(3)(c)).

The application is not subject to mandatory public notification (95A(2)).

Step 2 (Public Notification Precluded):

- The application is not subject to a rule or national environmental standard that precludes public notification (95A(5)(a)); and
- The application is not for an activity listed in section 95A(5)(b).

Public notification is not precluded under section 95A(4).

Step 3 (Public Notification Required in Certain Circumstances):

- The application is not subject to a rule or national environmental standard that requires public notification (95A(8)(a)); and
- The activity will not have adverse effects on the environment that are more than minor (95A(8)(b)).

Public notification of the application is not required under section 95A(7).

Step 4 (Special Circumstances):

- No special circumstances requiring public notification apply to the application in regard to section 95A(4).

Public notification is not required under section 95A.

9.2 AFFECTED PERSONS AND LIMITED NOTIFICATION

If a Consent Authority does not publicly notify an application it must decide if there are any affected persons, an affected protected customary rights group, or affected customary marine title group in relation to the activity, whom it must give limited notification of the application.

With respect to the process set out in section 95B:

Step 1 (Certain Affected Groups and Persons):

- There are no protected customary rights groups (95F) relevant to the area (95B(2)(a));
- There are no protected customary marine rights groups (95G) relevant to the area (95B(2)(b));
- The proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement (95B(3)(a)).

In respect of section 95B(3)(a), the Crown or statutory acknowledgements contained in the Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and the Ngāti Hauā Claims Settlement Act 2014 are relevant since the site sits within the Acknowledgement Areas of these Iwi.

These Settlement Acts require the Councils to have regard these areas in deciding, under section 95E of the RMA, whether the settlement trustees of these Iwi are affected persons in relation to the activity. The key test here is whether the holders of the statutory acknowledgement are affected by a proposal in a manner that is minor or more than minor (but are not less than minor).

Since the effects of this project are considered less than minor, Waikato Tainui and Ngāti Hauā are not considered an affected party under section 95E (1).

In addition to mana whenua, the other parties the Applicant will consult (as set out above in Section 8) are considered to be affected to a less than a minor amount.

Overall, the application is not subject to limited notification under section 95B step 1.

Step 2 (Limited Notification Precluded):

- The application is not subject to a rule or national environmental standard that precludes public notification (95B(6)(a)); and
- The application is not for an activity listed in section 95B(6)(b).

Limited notification is not precluded under section 95B(5).

Step 3 (Certain Other Affected Persons):

- The application is not for an activity listed in section 95B(7)(a); and
- The proposed activity will not have adverse effects on any person that are minor or more than minor (95B(8)).

Limited notification of the application is not required under section 95B(9).

Step 4 (Special Circumstances):

- No special circumstances requiring notification of any other person apply to the application in regards to section 95B(10).

9.3 NOTIFICATION CONCLUSION

Accordingly, it is requested that the Councils processes this application on a non-notified basis.

10. CONSENT DURATION

Section 123 sets out the duration period of resource consents:

> *(b) subject to paragraph (c), the period for which any other land use consent, or a subdivision consent, is granted is unlimited, unless otherwise specified in the consent:*
>
> *(d) the period for which any other resource consent is granted is the period (not exceeding 35 years from the date of granting) specified in the consent and, if no such period is specified, is 5 years from the date of commencement of the consent under section 116.*

It is expected that sand at the site could be fully extracted in around 10 to 12 years. Although the market for high quality sand is expected to be strong in the coming years, driven by large development projects occurring and planned locally, the applicant requires some flexibility to manage potential future slow-downs in development activity and reductions in market demand for sand that may result. Given these factors, and since the environmental effects of the proposal will be minor, an unlimited duration is requested for any District Council consents granted and a 20-year duration is requested on any Regional Council consents granted.

11. CONCLUSIONS

The application seeks authorisations to establish and operate a mineral extraction activity (sand quarry) and associated works at 599 Oreipunga Road, Horahora (including authorisation of quarrying activities that have occurred at the site to date without consent). The assessment presented has addressed the matters to be considered under sections 104 and 105 of the RMA (including Part 2 of the RMA).

The Site is zoned Rural Zone under the provisions of the Operative Waipa District Plan, and mineral extraction activities are expressly provided for as a Discretionary Activity within the Rural Zone. The activities proposed are, therefore, appropriate for both the site and the surrounding rural environment. Under the Waikato Regional Plan provisions, some of the associated earthworks will occur in a high-risk erosion area. This is provided for as a discretionary activity.

In addition, small scale stormwater diversions to ground in locations between 10m and 100m from a wetland require non-complying consent under the NESFW. A detailed assessment of this application in respect of s104D concludes that, since the Project, overall, is not contrary to the relevant objectives and policies of the AUP, and the adverse effects on the environment associated with the Project are no more than minor, both gateway tests are deemed to be satisfied and this application can be granted.

The actual and potential effects associated with all the applications have also been considered in accordance with section 104(1)(a) of the RMA. This assessment confirms that:

- Following the effects mitigation initiatives proposed by the Applicant, any adverse environmental effects associated with the proposal will be no more than minor; and
- The project will achieve other positive socio-economic impacts.

The project has also been assessed as being generally consistent with the relevant provisions of applicable National Environmental Standards, Waikato Regional Policy Statement and the WRP and WDP in accordance with section 104(1)(b) of the RMA and other matters that are relevant and reasonably necessary to determine the Application pursuant to 104(1)(c) of the RMA.

Overall, it is considered that, subject to the imposition of appropriate conditions, granting of the resource consents as sought will ensure adverse effects on the environment as a result of the project are appropriate and, the project overall will promote the sustainable management of natural and physical resources.

Consultation with neighbours will be ongoing and written approvals will be sought and provided to Councils as they come to hand.

Consultation with mana whenua is also now underway.

The report also concludes that non-notification is appropriate for consent applications made to both the Waikato Regional Council, and the Waipa District Council.