

# REGULATORY COMMITTEE REPORT



**To:** The Chairperson and Members of the Regulatory Committee  
**From:** Hayley Thomas – Project Planner  
**Subject:** Establishment and operation of a mineral extraction activity in the Rural zone  
**Meeting Date:** 23 November 2020  
**File Reference:** LU/0108/20

<b>APPLICANT:</b>	Shaw's Property Holdings Limited
<b>Agent:</b>	Mitchell Daysh – Mason Jackson
<b>PROPERTY ADDRESS:</b>	928 Kaipaki Road, Cambridge
<b>LEGAL DESCRIPTION:</b>	Lot 2 DP 444992 (RT 558891) & Lot 3 DP 424105 (RT 493900)
<b>SITE AREA:</b>	40.73ha & 9.25ha
<b>Activity Status:</b>	Discretionary
<b>Zoning:</b>	Rural
<b>Policy Area(s):</b>	Significant Natural Area WP344 and Archaeological Site S15/285
<b>Designation(s):</b>	Nil
<b>PROPOSAL:</b>	Land Use Consent for a Discretionary Activity for the establishment and operation of a mineral extraction activity (sand quarry) under the Waipa District Plan

## PART A – INTRODUCTION AND THE APPLICATION PROCESS

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### 1 INTRODUCTION

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- 1.1 Shaw's Property Holdings Limited ('the Applicant') has applied for resource consent (land use) for the establishment and operation of a mineral extraction activity (sand quarry) at 928 Kaipaki Road, Leamington, Cambridge. A site location map is included in **Appendix 1**. A copy of the application for resource consent is attached to this report as **Appendix 2**.
- 1.2 The site to which this consent relates is a rural property approximately 4.5km west of Leamington. A detailed description of the site is provided in Section 3 of this report.
- 1.3 The application is assessed as a Discretionary Activity under the provisions of the Operative Waipa District Plan ('District Plan') as mineral extraction activities are listed in Rule 4.4.1.4(h) of the Discretionary Activity Status Table.
- 1.4 The application was lodged on 28 April 2020 during the nationwide COVID-19 Lockdown. Following an initial review of the application by Council staff, the applicant agreed to extend the timeframes pursuant to Section 37 of the Resource Management Act 1991 ('the Act') in order for the cultural assessment of the application to be completed and site visits to be arranged (subject to COVID-19 requirements).
- 1.5 On 6 August 2020, Mitchell Daysh made contact with Council requesting Council continue with the processing of the application in order to make a notification decision. The application proceeded to limited notification on 14 August 2020 to seven parties. A copy of the Council's Notification Report is attached to this report in **Appendix 3**. Following the circulation of information clarifying the volume of material anticipated to be taken from the quarry activity the submission period was extended to Monday 28 September 2020. The clarification information is included in **Appendix 2**.
- 1.6 During the submission period, two submissions in opposition were received and two letters in opposition from non-notified parties were received. A copy of the submissions and letters in opposition are included in **Appendix 4**. Following the notification process, Mr Tony Quickfall, Council's Manager District Plan and Growth, made the decision to extend the notified parties to include New Zealand National Fieldays Society Inc. The decision regarding this matter is included in **Appendix 7**.
- 1.7 The application has been referred to the Regulatory Committee as the planning staff do not have delegated authority to make a decision on notified applications where submissions have been lodged in opposition.

## 2 PURPOSE OF THE REPORT

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- 2.1 This report has been prepared by Hayley Thomas (Project Planner), in accordance with Section 42A of the Act, to provide a planning assessment and recommendation to the Regulatory Committee on the above resource consent application. The key purposes of this report are to:
- Describe the application and consent requirements;
  - Identify the issues and concerns raised by parties who have lodged submissions on this resource consent application;
  - Assess the environmental effects of the proposal, including those raised in submissions;
  - Determine the effectiveness and appropriateness of the measures proposed by the Applicant to avoid, remedy or mitigate those environmental effects;
  - Assess the proposal against the requirements of the Act and the provisions of the relevant planning instruments;
  - Make a recommendation for the consideration of the Regulatory Committee as to whether the resource consent should be approved or declined; and
  - Recommend conditions be imposed on the resource consent, if granted, to ensure that the adverse effects of the proposal can be appropriately managed.
- 2.2 **It should be noted that any of the conclusions reached or the recommendations formed are not binding on the Regulatory Committee. The Regulatory Committee will make their own conclusions and recommendations after having considered all the evidence from the Applicant and submitters at the hearing.**

## 3 THE SITE

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- 3.1 The subject site is located on the southern side of Kaipaki Road, approximately 4.5km west of Leamington. The site contains 40.73ha of farmland which is used for grazing purposes and includes a dwelling. Access to the site is via Kaipaki Road. The western and southern boundary of the site abuts the Mangawhero Stream.
- 3.2 Surrounding the subject site are a number of properties which vary in size from 4,000m<sup>2</sup> to 60ha. These properties contain dwellings and are used for a variety of farming activities including grazing, dairy farming and a kiwifruit orchard.
- 3.3 The property is sited within the Rural Zone under the Waipa District Plan ('the District Plan') and contains an area of Significant Natural Area WP344 along the Mangawhero Stream. Borrow Pits are identified as an Archaeological Site (reference S15/285) in the Policy overlay areas of the District Plan.

- 3.4 Council's Special Features Maps identify the western portion of the site being subject to unstable land. The site is also identified as an orchard and a potential HAIL Site.

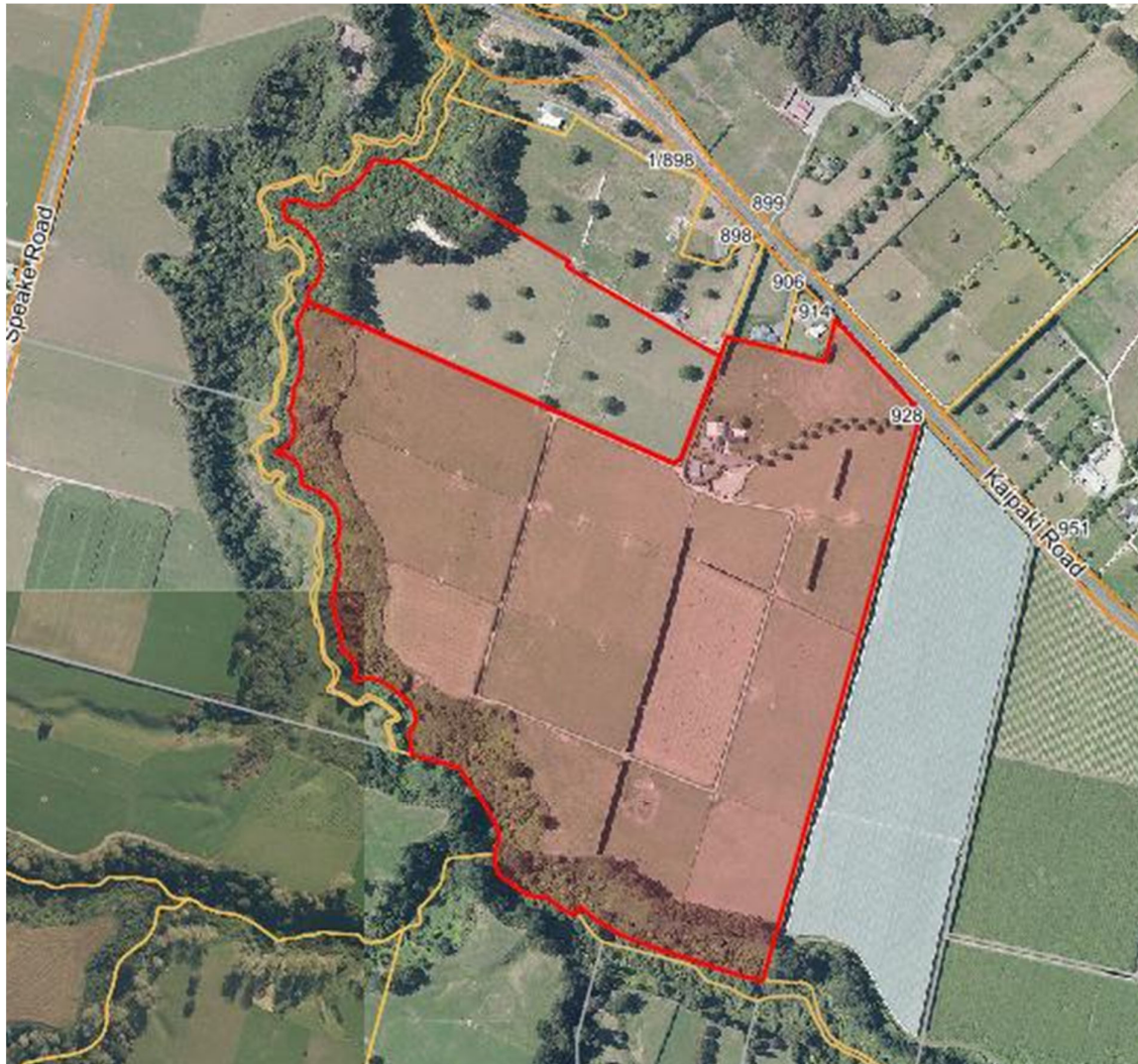
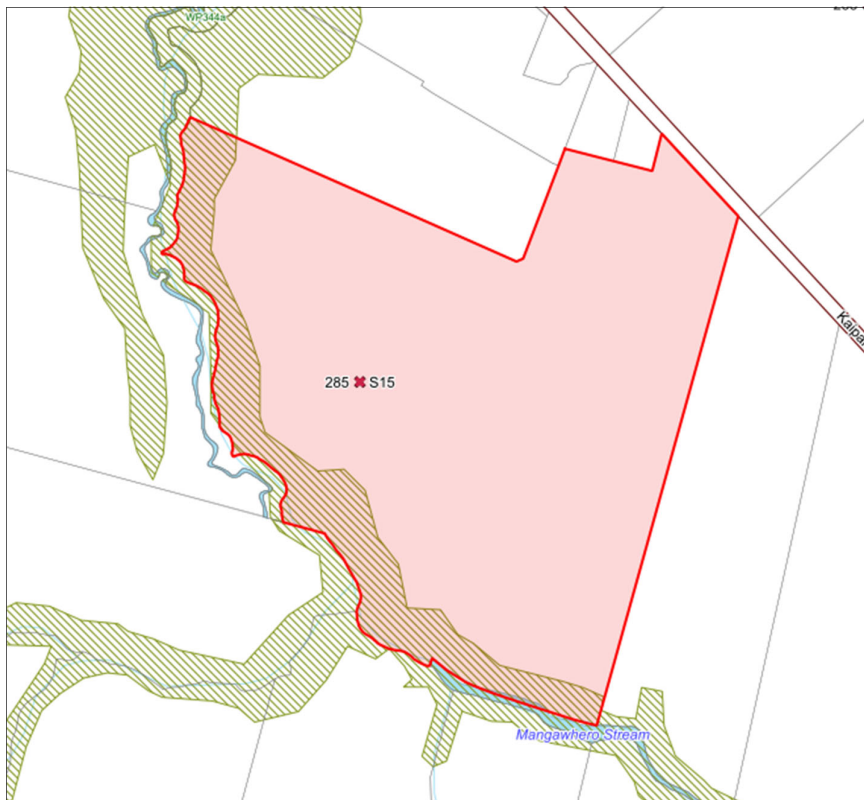
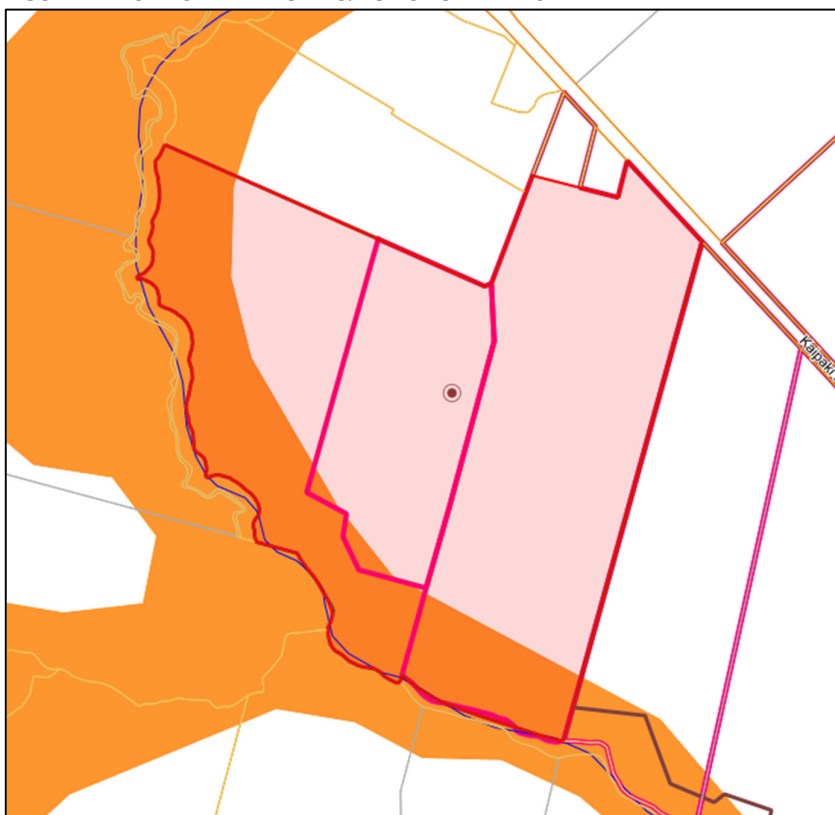


FIGURE 1: AERIAL PHOTOGRAPH OF SITE AND SURROUNDS



**FIGURE 2: DISTRICT PLAN ZONE & POLICY OVERLAYS MAP**



**FIGURE 3: COUNCIL'S SPECIAL FEATURES MAP (ORANGE IDENTIFIES UNSTABLE LAND, PINK OUTLINE IDENTIFIES ORCHARD, AND BROWN DOT/OUTLINE IDENTIFIES HAIL SITE)**



## 4 THE PROPOSAL

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- 4.1 Pursuant to Section 88 of the Act, Shaw's Property Holdings Limited have applied for a land use consent for the establishment and operation of a mineral extraction activity (sand quarry) at 928 Kaipaki Road.
- 4.2 By establishing the quarry, it is anticipated to withdraw an anticipated maximum extraction limit of 200,000m<sup>3</sup> per year from the site. The quarry will operate using excavators and trucks and/or loaders to transport material to stockpiles for removal. A total of four full time staff will be onsite operating the quarry activity. Section 3 of the application outlines the extent of works for the quarrying activity will include:
- *“Upgraded and re-designed entranceway;*
  - *Sealed site access road running alongside the site’s eastern boundary;*
  - *Wheel wash;*
  - *Sand excavation and clean fill “working areas”;*
  - *Stockpile areas;*
  - *Pre-fabricated site office;*
  - *Staff parking area;*
  - *Groundwater well; and*
  - *Machinery service area / Maintenance shed.”*
- 4.3 The extent of the works area is shown below in Figure 4. Based on the information provided by the agent it is understood that the full potential sand yield of the site could be approximately 2,200,000m<sup>3</sup>, which at a maximum allowable rate of 200,000m<sup>3</sup> per year, would result in the extraction activity occurring over 11 years. It is noted the applicant has specifically sought an unlimited consent duration.
- 4.4 It is proposed to excavate the sand in stages to ensure a maximum area of three hectares is open at any one time. In order to open an area of three hectares, approximately 15,000m<sup>3</sup> of topsoil will be stockpiled on site. Based on the information included with the application it is estimated that approximately 2-4 ha of land will be disturbed annually.
- 4.5 The anticipated maximum excavation depth will be approximately 7 metres and will not intercept the local water table.
- 4.6 Work will commence in the south eastern corner of the site and move in a northerly direction away from the Mangawhero Stream. Imported clean fill will be brought into the site for rehabilitation and recontouring purposes. The proposed staging layout is shown below in Figure 5.

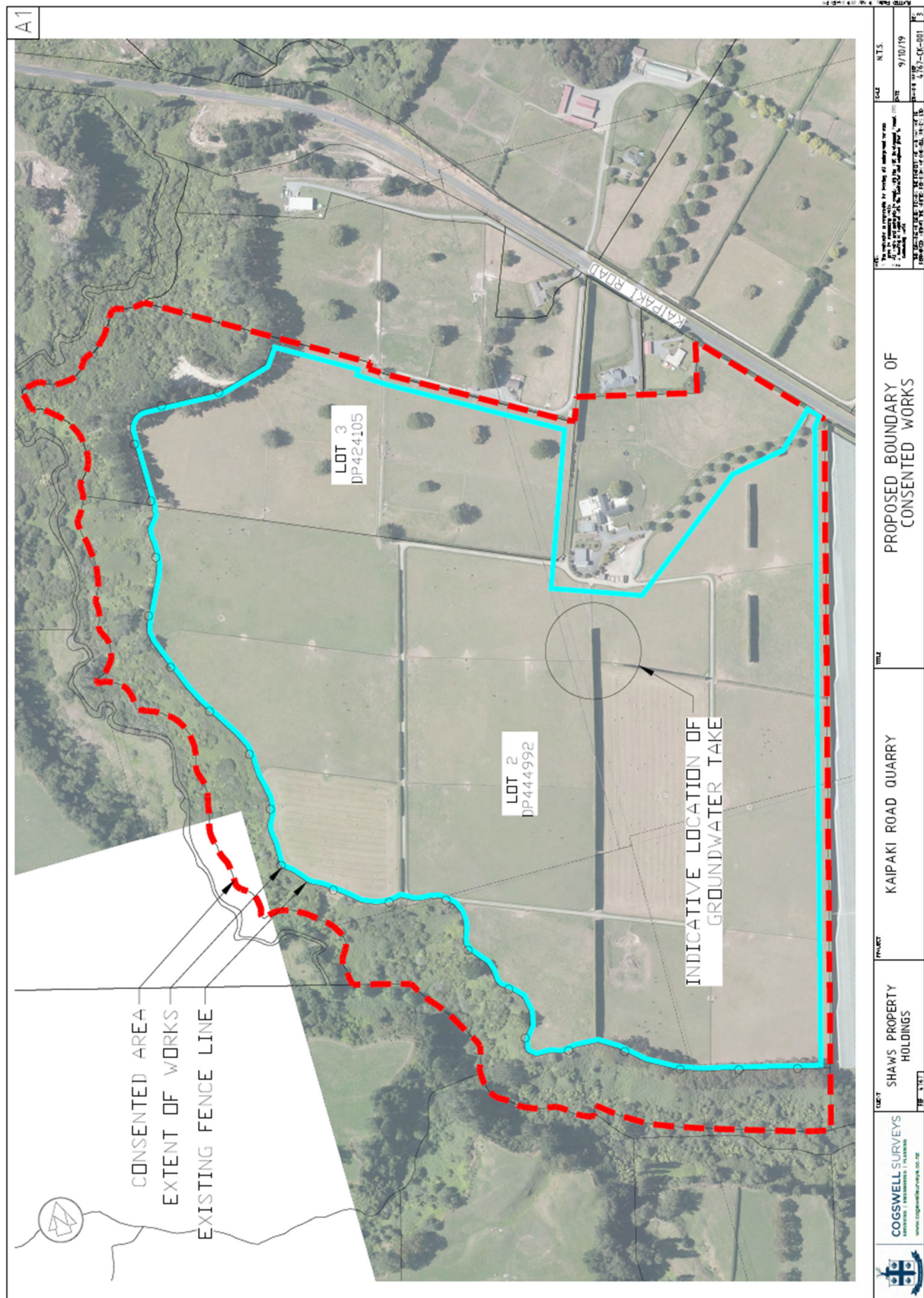
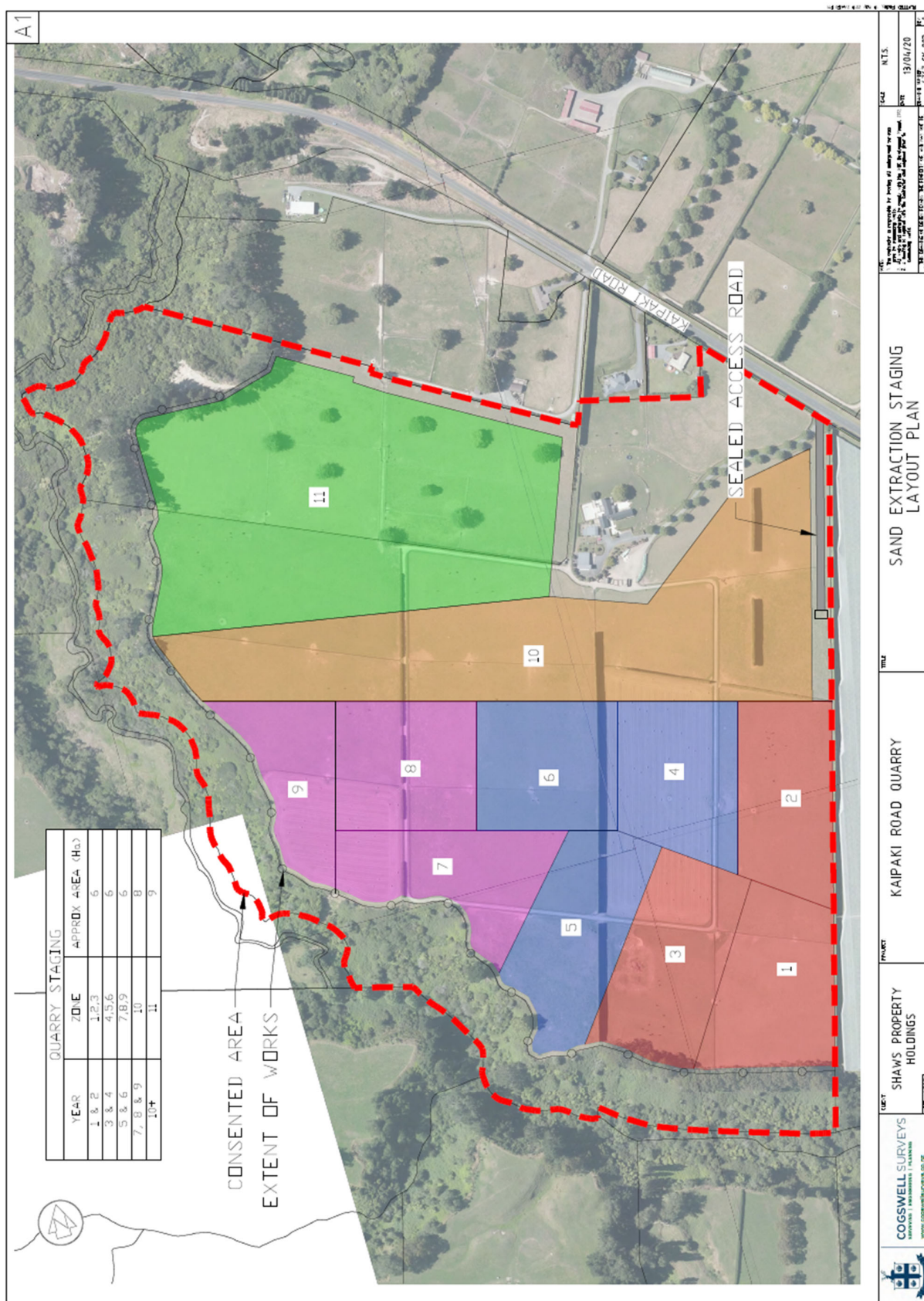


FIGURE 4: EXTENT OF THE WORKS AREA







- 4.7 The quarry will be operated by four full time staff from 7.00am to 5.30pm Monday through to Friday, and 7.00am to 12.00pm on Saturdays. The quarry will be closed on Sundays and Public Holidays.
- 4.8 Throughout the course of works the existing gully vegetation and trees along the property boundaries are to be retained. The extent of works area is also setback at least 20m from the northern property boundaries and the existing kiwifruit orchard to the south east, 10m from the eastern boundary, and between 60 to 180m from the Mangawhero Stream. The nearest dwelling is approximately 160m from the excavation area.

## 5 ACTIVITY STATUS

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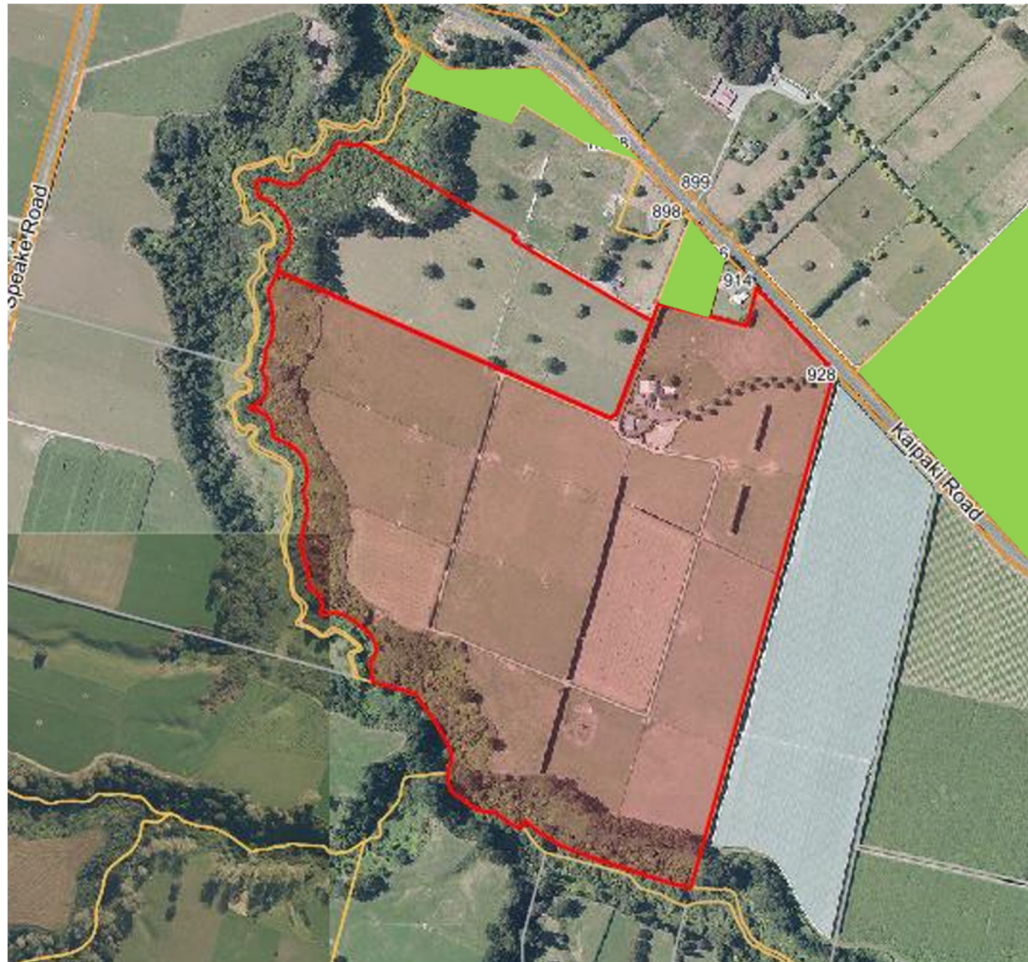
- 5.1 Section 4 of the Assessment of Environmental Effects report prepared by Mitchell Daysh, on behalf of the Applicant, dated 22 June 2020 provides an assessment of the proposal against the relevant provisions of the District Plan. Section 2 of the Notification Report (included as **Appendix 3**) provides my assessment.
- 5.2 In summary, both parties conclude that the proposal requires resource consent as mineral extraction activities are listed in Rule 4.4.1.4(h) of the Discretionary Activity Status Table.
- 5.3 Overall, the application is deemed to be a **Discretionary Activity**.

## 6 SUMMARY OF NOTIFICATION ASSESSMENT

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- 6.1 Under the Act the notification provisions are contained in Sections 95A to 95F. Specifically, Sections 95A to 95F which set out the process for determining whether or not public notification or limited notification of the application is required. Having regard to the notification provisions, a notification assessment has been completed and is contained in **Appendix 3**.
- 6.2 This report concludes:
- The information contained within the application is substantially suitable and reliable for the purpose of making a recommendation of and decision on notification;
  - The applicant did not request that the application be publicly notified and there are no rules in the District Plan relevant to this proposal that require that the application must be notified;
  - There are no rules in the District Plan relevant to this proposal that preclude public or limited notification;

- The permitted baseline activities with regard to this proposal includes:
  - Farm quarries; and
  - Earthworks not in exceedance of 1,000m<sup>3</sup>.
- Three landowners surrounding the site provided their written approval. The location of these landowners are shown in Figure 6 below;



**FIGURE 6: LOCATION OF WRITTEN APPROVALS SHOWN IN GREEN (SUBJECT SITE SHOWN IN RED)**

- The assessment of effects considered the proposal with regard to:
  - Rural Character and Amenity;
  - Noise;
  - Vibration;
  - Roding Network;
  - Productive Land;
  - Cultural; and
  - Reverse Sensitivity.

- The adverse effects were assessed to be below the 'more than minor' threshold and the proposal could be considered without the need for public notification.
- There are no special circumstances that warrant public notification.
- The property subject to this consent is not within, adjacent to, or directly affected by a statutory acknowledgment area.
- Pursuant to Section 95B, it was considered that the proposal warrants limited notification to the following parties and properties:
  - Waikato Tainui;
  - Raukawa;
  - Ngati Haua;
  - 899 Kaipaki Road;
  - 982 Kaipaki Road;
  - 898 Kaipaki Road; and
  - 914 Kaipaki Road.

6.3 The application proceeded to limited notification on 14 August 2020.

6.4 Following the notification process, Mr Tony Quickfall, Council's Manager District Plan and Growth, made the decision to extend the notified parties to include New Zealand National Fieldays Society Inc. The decision regarding this matter is included in **Appendix 7**.

## 7 SUBMISSIONS

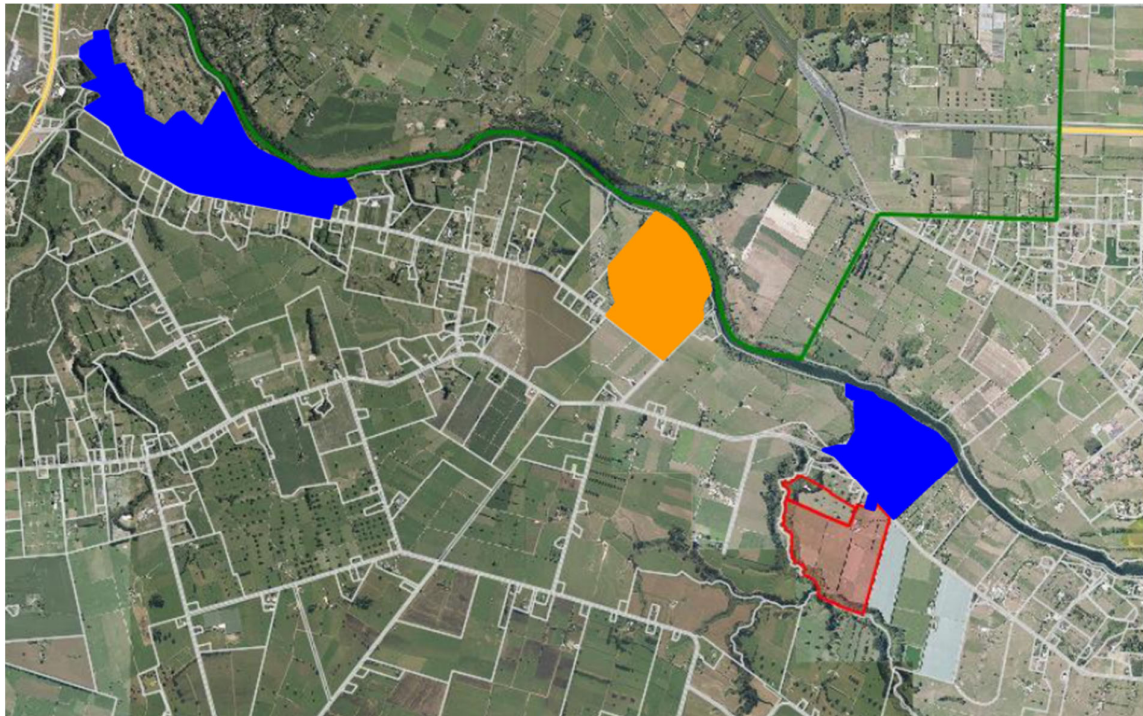
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7.1 A total of two submissions were received during the statutory submission period, both of which were in opposition. A third submission in opposition was received as outlined above in Section 6.4. The submissions are attached at **Appendix 4**.

7.2 A letter of opposition was also received from a non-notified party being H & W Hartstone. This is included in Appendix 4 for information only. I note the matters raised are similar in nature to those raised by other submitters.

7.3 The location of these parties are shown below in Figure 7.





**FIGURE 7: LOCATION OF SUBMITTERS SHOWN IN BLUE, LOCATION OF LETTER IN OPPOSITION IN ORANGE AND SUBJECT SITE SHOWN IN RED**

7.4 The opposing submissions raise the following matters:

- Dust;
- Traffic and Road Safety;
- Equine Activities;
- Noise;
- Rural Amenity (including visual effects); and
- Archaeological.

These matters are discussed further in Section 9 of this report.

7.5 In addition to the above, a submitter has raised the potential for loss of property values within their submission. Case law has established that effects on property values are not a relevant consideration in determining whether a resource consent should be granted. The Environment Court has taken the approach that the question of effects on property values is not an effect in itself, but it is a 'symptom' of other specific environmental effects. This matter is therefore not discussed any further with regard to the application.

## PART B – RESOURCE MANAGEMENT ACT 1991 ASSESSMENT

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### 8 SECTION 104 ASSESSMENT

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- 8.1 A consent authority must have regard to a number of matters under Section 104 of the Act when making a decision on an application for resource consent. Those matters include:
- The actual and potential effects of an activity on the environment (section 104(1)(a)) and relevant provisions of an operative and / or proposed District Plan;
  - 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 environmental effects that may or will result from the activity (section 104(1)(ab));
  - The provisions of National Directions, the Regional Plan or the Regional Policy Statement, or any other relevant statutory documents (section 104(1)(b)); and
  - Any other matter the consent authority determines relevant and reasonably necessary to determine the application (section 104(1)(c)).
- 8.2 The following provides my assessment of all relevant matters under Section 104.

### 9 ASSESSMENT OF ENVIRONMENTAL EFFECTS (SECTION 104(1)(A))

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- 9.1 The meaning of 'effect' is defined under the Act as:
- In this Act, unless the context otherwise requires, the term **effect** includes—*
- (a) any positive or adverse effect; and*
  - (b) any temporary or permanent effect; and*
  - (c) any past, present, or future effect; and*
  - (d) any cumulative effect which arises over time or in combination with other effects —regardless of the scale, intensity, duration, or frequency of the effect, and also includes—*
  - (e) any potential effect of high probability; and*
  - (f) any potential effect of low probability which has a high potential impact.*
- 9.2 With the above definition in mind, and the assessment of adverse effects in the approved notification report, which is also relevant for the purposes of the assessment required under Section 104(1)(a), the potential adverse effects of the proposed activity requiring further examination relate to those matters raised in submissions. These matters are:
- Dust;
  - Traffic and Road Safety;
  - Equine Activities;
  - Noise;

- Rural Amenity (including visual effects); and
- Archaeological.

### Dust Effects

- 9.3 Dust, and discharges to air, are a recognised potential adverse effect that have the potential to create a nuisance and detract from the amenity of an area. There are instances where, given the zoning, discharges to air may be tolerated to a higher level. It is also anticipated that temporary discharges to air may occur in the Rural Zone that cause minor nuisances, but are essential to the functioning of farming activities, such as the spreading of fertiliser.
- 9.4 It is noted the primary responsibility for managing air quality lies with Waikato Regional Council. The applicant has sought and received consent from the Regional Council for Discharge of cleanfill to land in association with a sand quarry (AUTH141798.02.01). Conditions 16 to 22 and 24, relate to dust and controls of dust emissions. Refer to **Appendix 5**.
- 9.5 The application acknowledges the proposed activity includes the potential for dust from the use of internal haul routes and general traffic movements, storage piles, and the extraction process. The applicant has suggested dust management techniques within the Quarry Management Plan.
- 9.6 Submitters have expressed concern with the potential dust effects from traffic along the haul road, and inadequate water availability if the WRC application is unsuccessful. The submitters have suggested the following amendments to the proposed conditions included with the application:
- A condition requiring a wheel wash.
  - A condition requiring the use of a water cart to manage and reduce the potential from dust effects on the site.
  - Construction of a bund along the Kaipaki Road frontage of the Site and extending 630m.
  - A condition requiring all truckloads of sand and clean fill to be covered to prevent dust escaping.
  - A condition preventing the use of a helicopter on or within 200m of land exposed for the sand quarrying activity or the haul road on the site.
  - An extension to the site access road.
  - The inclusion of electronic dust monitoring and alarm system to be used on the site.



- A condition regarding the washing of nearby dwellings and buildings twice a year if required due to dust issues.
- 9.7 The following paragraphs discuss these matters in a more general nature so to assist readers I have included **Appendix 9** which outlines each suggestion and Council's response.
- 9.8 With regard to the suggestions from the submitters I note the controls implemented by the Regional Council include dust control measures inclusive of access road maintenance, use of water carts, stabilisation of disturbed land and stabilisation of topsoil and subsoil stockpiles, regressing of completed fill surfaces and area of exposed soil. These controls ensure compliance with the Regional Plan. As these controls have been put in place for the Regional Council consent requirements, it is my opinion, these are not required to be replicated by the District Council, should consent be granted.
- 9.9 The Waipa District Council also has the responsibility for managing nuisance dust emissions in order to ensure ongoing compliance with Rule 20.4.2.1 – Odour, smoke, fumes or dust of the District Plan. Should consent be granted, I have recommended consent conditions in **Appendix 6**. Within these conditions is a condition regarding objectionable or offensive dust effects beyond the boundary of the site.
- 9.10 Overall, it is my view that compliance with the Regional Council conditions of consent, and the mitigation measures used in the proposed and recommended conditions (i.e. Conditions 8 to 12, 14 to 20 and 31), will ensure that adverse effects from dust are acceptable should consent be granted.

#### **Traffic and Road Safety Effects**

- 9.11 Traffic and the effects on the roading network are an instrumental part of the District Plan's direction to ensure an integrated approach to land use and transport. At a local scale the integration of new activities need to ensure that the roading network can continue to function in a safe and efficient manner. The subject site has access to Kaipaki Road which is defined in the District Plan as 'Minor Arterial Road' meaning it is a strategic route that provides intra-district connections.
- 9.12 An Integrated Traffic Assessment (ITA) prepared by Gray Matter (Appendix E of the Application) has determined the predicted trip generation of 76 Veh/day with 68 of these vehicles being HVC, based on 276 operating days per year. The Assessment has summarised the transportation effects in Section 5 of the Assessment, and concludes stating that with the appropriate conditions, the potential adverse effects of the proposal could be mitigated to be no more than minor. The recommendation includes conditions regarding the vehicle entrance, the internal access road, a road

safety audit, parking, loading and manoeuvring requirements, dust control, monthly average and daily peak vehicle movements, and temporary traffic management for construction.

9.13 Submitters have raised concerns with the site access and the safety of other road users due to the heavy vehicles slowing and manoeuvring into the site. The submitters have suggested the following amendments to the proposed conditions included with the application:

- Restriction on engine braking into the site entrance.
- Traffic Management Plan for peak traffic times (i.e. 6am-8am and 3pm-5pm).
- If the road is to be widened, relocation of the power pole opposite the site entrance.
- A right turn bay for traffic turning into the site.
- A reduced speed limit along that section of Kaipaki Road extending 500m to the east and 1200m to the west.
- Double yellow no overtaking lines along Kaipaki Road extending along the area of reduced speed as above.
- An acceleration and deceleration lane for heavy vehicles to the site.
- A redesign of the entry to the Site to provide a safer access and reduce conflict with other traffic.
- The site gates moved 100m further into the site to ensure there is sufficient parking for trucks that arrive earlier than the opening time.
- No parking signs along Kaipaki Road for at least 500m in each direction.
- The traffic impacts on events within the Mystery Creek Event Zone.

9.14 With regard to the various matters raised by submitters, Mr Cameron Inder, Transportation Engineering Manager from Bloxam Burnett & Olliver, has carried out an independent peer review of the application and submissions for Council. A full copy of his review is attached in **Appendix 8**. In summary Mr Inder notes:

9.15 *“The ITA report primarily focuses on calculating the predicted trip generation, trip distribution on the network and potential effects and mitigation/upgrade measures needed at the proposed entrance and access way to the site from Kaipaki Road.*

9.16 *With exception to the recommended “Diagram E” access upgrade form, I generally agree with the ITA’s suggested effects mitigation and recommended conditions of consent although I note the maximum and average daily heavy vehicle movement limits of 133 vpd and 106 vpd respectively, do not actually influence the peak hour*

*flow rate or direction of travel of HCV trips which are the primary determinants for suitability of the proposed access form.*

9.17 *For example, if the peak hour demand volume for sand proves to be 12% of daily trip generation and 100% of demand is from Hamilton, or 15% of daily trips with 80% of demand from Hamilton then either situation would warrant the provision of a right turn bay according to Austroads2, irrespective of other safety considerations warranting the same. The ITA assumes the peak hour demand will be ≤ 10% of daily total trips.*

9.18 *In addition to trip generation suitability is the question of the mitigation being suitably safe for all road users. To that end it is my opinion that the form of road widening at the site entrance be enhanced for safety, taking into account the influence of the following:*

- *Regular fog occurrence limiting forward sight distance and reducing clarity of the through traffic travel path.*
- *The high speed rural environment*
- *Potential for greater than 8 HCV/hr from the north given the example above*
- *The presence of road cyclists*
- *Expected future commuter volumes on Kaipaki Road over the life of the quarry, particularly in the AM peak when traffic is predominantly northbound and fog is more likely in winter.*
- *An electronic warning signs to light up when a truck is detected exiting the site or turning into the site.*

9.19 *Accounting for these factors, it is my recommendation that a rural right turn bay is the more appropriate entrance form for this activity type at this particular location, to maximise safety for the travelling public. This should be implemented with a realigned access road to ensure a 90 degree intersection is created.*

9.20 *As a result of this peer review, if consent is granted I recommend the following amendments be adopted into the proposed conditions of consent:*

- *Underlined words to update the existing Condition 29 in italics below;*  
*The consent holder shall submit engineering plans detailing the vehicle crossing and proposed haul road to the Council's Manager Development Engineering for approval in a technical certification capacity in advance of any construction works being undertaken. The design should be in general accordance with NZTA Manual of Traffic Signs and Markings, "Rural Right Turn Bay" Figure 3.25 and include:*
  - (i) Heavy vehicle tracking for the design vehicle;*
  - (ii) Details for the location and size of the splitter island;*



- (iii) *Location of the proposed access gate and the extent of sealed access being no less than 100 m from the road reserve boundary*
  - (iv) *Details of access to the residential dwelling;*
  - (v) *Details of the proposed sealed access road 6m wide or 3m wide with passing bays at maximum 100m spacings; and*
  - (vi) *Size and spacing of any passing bays on the proposed access road.*
- *That the site entrance upgrade includes an access road aligned to 90 degrees from Kaipaki Road to maximise efficiency of turning trucks and therefore safety for the travelling public.*
  - *Provision of electronic warning signs installed either side of the intersection, with flashing yellow lights and an LED message “Caution Trucks Turning” when a truck is detected entering or exiting the site. The chosen detection system shall be fit for purpose to detect trucks entering the right turn bay, slowing to turn left into the site access, and exiting from the site access.*
  - *A monitoring and trigger condition relating to the provision of a right turn bay at Kaipaki Road / Mellow Road intersection if the right turn into Mellow Road consistently (over at least one typical month of weekday AM peak hours) exceeds 8 vehicles per hour.*
  - *That the security gate on the quarry access be set back a sufficient distance to allow for queuing of three HPMV truck and trailer units without extending into the road reserve.*
  - *That all transportation of sand from the site shall be by covered truck and trailer units to avoid spillages on the road and creating safety and dust nuisances.*
  - *No quarry related trucks shall use McEldownie Road and the south end of Mystery Creek Road.*
- 9.21 *In addition, the applicant should review the HVIF calculation taking into consideration the bullet point items identified in Section 6 of this peer review. The resulting revised HVIF should be included in the conditions of consent. Key components of the revised calculation include:*
- *Allowing for 276 days per year, not 250 as per the ITA spreadsheet;*
  - *80% of sand demand and clean-fill to the north from Hamilton; and*
  - *A total sand extraction volume of 2,200,000 m<sup>3</sup>”*
- 9.22 Should consent be granted, I concur with Mr Inder’s recommendations and have included these in the consent conditions in **Appendix 6. The Applicant should address the query regarding the HVIF Calculation at the time of the hearing.** Overall, and subject to the mitigation measures used in the proposed and recommended

conditions (Conditions 14 to 20, and 30 to 33), it is my opinion that the adverse traffic effects will be acceptable.

### Effects on Equine Activities

- 9.23 A submitter has raised concern regarding the effects of the activity on their equine activities. The submission states a cantering track will need to be relocated and the young horses will be scared by sudden noises from the heavy vehicles entering and exiting the site. I note the submitter has not suggested any mitigation measures regarding this matter.
- 9.24 **The Applicant may wish to address this matter at the hearing.**
- 9.25 With regard to the potential adverse effects of the activity on stock on the surrounding properties, I consider that there is the potential for effects to ‘spook’ animals on occasion, as with a number of permitted rural activities. The Rural Zone is the appropriate location for mineral extraction activities and the application has proffered a number of conditions to mitigate as best as practicable the effects of the activity on adjacent properties.
- 9.26 Overall, I consider that the proposed conditions as a package, should consent be granted, to have mitigated the potential adverse effects as best as practicable on the surrounding rural environment.

### Noise Effects

- 9.27 The intention of the District Plan noise levels is to set a noise level that will provide a reasonable level of amenity to sites adjacent to those generating the noise. The noise limits state that an activity is permitted if it can comply with the noise standards. Those levels have been established through a public process and the community have indicated that they are appropriate.
- 9.28 In this instance, the proposed activity will generate noise effects from the extraction activities and vehicle movements to and from the site, as advised in the application. The application included an acoustic assessment by Marshall Day Acoustics which included a description of the existing ambient noise environment and predictions of noise levels for the new activity. The conclusion of the assessment is that the proposed activity can operate within the requirements of the District Plan subject to the establishment of an earth bund before sand extraction operations within 180m of a residential dwelling, and the potential effects are acceptable.
- 9.29 Council’s Manager Compliance, Mr Tutty, has reviewed the Acoustic Assessment and concurs with the conclusions reached in the report.

9.30 Submitters have raised concerns with the noise effects as a result of the activity and have suggested the following amendments to the proposed noise conditions included in the application:

- A condition requiring the use of non-tonal reversing beepers for all vehicles when operating on the site / removal of reverse beepers.
- The construction of a noise and visual earth bund 2-3m in height, planted with native vegetation must be installed to all northern and north eastern boundaries before work starts (refer to Figure 8 below).



FIGURE 8: REQUESTED EARTH BUND LOCATION SHOWN IN MAGENTA

- A submitter has requested no overburden removal or general siteworks (other than sand extraction and the acceptance of cleanfill materials) occurs on Saturdays, while another submitter has requested no top soil stripping on Saturdays, and top soil stripping only between 10am and 4pm Monday to Friday.
  - A condition prohibiting the use of either a crusher or sand washer on the site.
  - The use of quiet seal on the road outside the quarry entrance.
  - Signage along Kaipaki Road and on the Site preventing engine breaking.
  - A condition restricting heavy vehicles at the site before 9am on Saturdays.
- 9.31 The following paragraphs discuss these matters in a more general nature so to assist readers I have included **Appendix 9** which outlines each suggestion and Council's response.
- 9.32 I note the various suggestions from the submitters regarding noise mitigation. As the application has demonstrated compliance with the District Plan requirements, and

suggested a number of consent conditions to ensure compliance, it is my opinion further mitigation measures beyond those conditions in **Appendix 6** are unnecessary.

- 9.33 Overall, based on the information provided in the application, and advice from Council staff, it is my opinion the proposed conditions of consent (i.e. Conditions 22 to 26), should consent be granted, will ensure the noise effects are acceptable for the rural environment.

#### **Rural Amenity (including Visual Effects)**

- 9.34 The Rural Zone is primarily a pastoral rural working environment that is reliant on the rural land and soil resource of the District, and is typified by an open rural landscape. Retaining rural character and visual amenity while making provision for activities that require a rural setting is important. Mineral extraction activities are activities that are also reasonably expected in the Rural Zone and a key strategy for these activities is the internalisation of effects as far as it is practicable.
- 9.35 The application acknowledges mineral extraction activities have the potential to adversely affect the visual amenity of the environment where operations are not appropriately designed or managed. In recognition of this, the application provides a number of mitigating measures including proposed setbacks from quarry and clean fill working areas, boundary screen planting, limiting working areas to no more than three hectares and construction of earth bunds.
- 9.36 Submitters have raised concern with the distance between the working area and their dwelling, the amenity effects with regards to traffic movements, and the amenity effects in terms of their visual outlook. In order to further mitigate the potential adverse amenity and visual effects, submitters have suggested the following amendments to the proposed conditions included in the application:
- A bond condition requiring the consent holder to reinstate the land according to an approved Reinstatement Plan and Landscape Plan.
  - A condition limiting the annual extraction of sand to 200,000m<sup>3</sup> as proposed in the AEE.
  - A condition limiting the maximum daily heavy vehicle movements to 132.
  - A condition limiting the average daily heavy vehicle movements to 106 to be assessed as an average over 1 month.
  - A condition requiring a landscape plan to be prepared by a suitably qualified person showing how visual mitigation will be provided for on the site and site entrance and also for the eventual reinstatement of the site. The landscaping shall be extended to the earth bund fronting Kaipaki Road, with vegetation that will grow to a height of at least 2m.



- 9.37 The following paragraphs discuss these matters in a more general nature so to assist readers I have included **Appendix 9** which outlines each suggestion and Council's response.
- 9.38 With regard to the rural amenity including the visual effects, I have considered the proposed mitigation measures and the submitters concerns. Proposed consent conditions by the applicant have included annual sand extraction volume and vehicle movement conditions. In terms of the submitters suggestion for a bond condition, I don't agree this is necessary for this activity.
- 9.39 With regard to a proposed landscaping plan and an earth bund along the entire northern and north eastern boundary, it is my opinion that this is not necessary in order to mitigate the rural amenity effects in terms of proposed Stages 1 to 10 of the extraction activities. The existing shelterbelts on site between Kaipaki Road and the extraction areas will suitably screen the activity for the adjacent properties until proposed Stage 11 of the works.
- 9.40 In terms of Stage 11, I note the proposed Quarry And Cleanfill Management Plan includes specific details about the location of earth bunds to mitigate the noise effects for the nearby dwellings. Additionally the applicant has proffered seeking written approval before topsoil stripping within 180m of any dwelling without a bund in place. I consider these measures will satisfactorily mitigate the amenity and visual effects at the time of excavation in Stage 11.
- 9.41 Overall, should consent be granted, it is my opinion the proffered and recommended conditions in **Appendix 6** will ensure the rural character effects are mitigated to a level which is deemed acceptable.

### Archaeological Effects

- 9.42 The Maori perception of the environment encompasses the physical and metaphysical elements of the environment and is demonstrated through the status of the environment as taonga for Maori. In this instance there are known identified archaeological sites within the subject site. A Taangata Whenua Statement and Engagement Report, prepared by Te Huia Natural Resources, dated 1 September 2020 was supplied to Council in support of the application on 15 September 2020. This report notes the five recorded archaeological sites will be destroyed and are *"not regarded as significant sites. Taangata whenua are supportive of the sites being extinguished, however protocols must be in place to ensure tikanga practices are provided for, and to preserve any newly discovered taonga or artefacts."*
- 9.43 The application notes in Section 5.8 that consent conditions are proffered with respect to obtaining the necessary Authority from Heritage New Zealand Pouhere

Taonga should consent be granted, however these are not included in the relevant application appendix. **The Applicant should address this at the hearing.**

- 9.44 A submitter has requested confirmation the appropriate archaeological authority is obtained before any works commence. I note Conditions 34 and 35 of the Waikato Regional Council consent (AUTH141798.02.01) set out requirements for the discovery or disturbance of any archaeological site or waahi tapu. I therefore consider, subject to the applicant providing the proffered conditions as requested above, and the implementation of the Regional Council consent conditions, that the necessary measures will be put in place prior to any works occurring on site.

#### Positive Effects

- 9.45 Having had regard to the adverse effects of an activity, the Act provides for the consideration of the benefits and positive effects of an activity. In this instance, the proposal will give rise to positive effects, including but not limited to:
- Economic benefits to the Waipa District and wider Waikato Region through provision of suitable materials for construction of buildings, road and other infrastructure within the District and wider Region;
  - An accessible sand resource for the Cambridge community; and
  - Providing job opportunities for local residents.
- 9.46 I note that any positive effects cannot be realised without causing adverse effects as outlined in the preceding sections of this report. In order for the consent to be granted, the Resource Management Act 1991 requires these effects to be suitably avoided, remedied or mitigated and consent conditions are recommended to do so.

#### Summary of Effects Assessment

- 9.47 The above assessment has considered the potential effects of the proposed activity raised in the application, Council's notification assessment and the submissions received. Having due regard to the technical information provided in support of the application and reviewed by Council staff, I am satisfied that the effects of the activity can be appropriately avoided, remedied or mitigated to an acceptable level.

## 10 DISTRICT PLAN OBJECTIVES AND POLICIES ASSESSMENT (SECTION 104(1)(B))

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- 10.1 The District Plan contains a number of objectives and policies that directly relate to this land use consent application. Those objectives and policies are contained in Section 4 – Rural Zone, Section 16 – Transportation, Section 20 – Health and General Amenity, Section 22 – Archaeology, and Section 24 – Indigenous Biodiversity.

- 10.2 The applicant's agent has provided an assessment of the relevant objectives and policies in Section 6.1.2.6 of the application. In addition to their assessment the relevant objectives and policies from each of these sections is discussed further in the following paragraphs.

#### **Section 4 – Rural Zone**

- 10.3 The objectives and policies within Section 4 – Rural Zone, provide a framework to enable continued use of the Rural Zone for a wide range of rural productive activities while continuing to emphasise the need to internalise adverse effects, and avoid cumulative adverse effects of land use activities on the environment. The objectives and policies further seek to find a balance between economically driven farming practice and amenity, landscape, biological, cultural and social values. The objectives and policies specifically relevant to this proposal are as follows:

10.4 **Objective - Rural resources**

- 4.3.1 *To maintain or enhance the inherent life supporting capacity, health and well-being of rural land, ecosystems, soil and water resources.*

*Policy - Avoid adverse effects on aquatic and riparian ecosystems (including lakes)*

- 4.3.1.3 *To avoid, remedy or mitigate adverse effects of development, subdivision and activities on the quality of the District's ground and surface water resource, and promote the enhancement of their ecological and cultural values by:*

- (a) Maintaining or enhancing the life supporting capacity of water bodies; and*
- (b) Maintaining or enhancing the ability to use aquatic ecosystems as mahinga kai (a food source); and*
- (c) Where appropriate, maintaining or enhancing the availability of water bodies for recreation; and*
- (d) Enhancing ecological corridors and riparian margins.*

*Policy - Protect the rural soil resource*

- 4.3.1.4 *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 - Earthworks*

- 4.3.1.6 *To ensure that earthworks are carried out in a manner that avoids adverse effects on infrastructure, between properties and on water bodies.*

- 10.5 Objective 4.3.1 and Policy 4.3.1.4 highlight the significance of the rural resource for its life supporting capacity, while Policies 4.3.1.3 and 4.3.1.6 seeks to avoid adverse effects on water bodies. The proposed mineral extraction activity will result in the removal of the sand resource from the site, with the site being rehabilitated to farmland following the extraction activity. With only 3ha of the site being extracted at any one time, the remaining site will continue to be utilised as rural pastureland.
- 10.6 With regard to Policy 4.3.1.3, I note the applicant has reached agreement with mana whenua to implement plantings along 800m of the site perimeter adjacent to the Mangawhero Stream. These plantings will assist in enhancing the ecological value of this area, therefore meeting the outcomes sought through Policy 4.3.1.3.
- 10.7 Overall, based on the rehabilitation of the site following the extraction works, and the proposed plantings along the adjacent land, it is my opinion the objective and its associated policies above are upheld.
- 10.8 ***Objective - Rural activities: farming***
- 4.3.2 *The capacity of rural areas and rural resources to support farming activities and lawfully established rural based activities is maintained.*
- Policy - Management of rural resources*
- 4.3.2.1 *Manage rural resources so that farming activities can continue to establish and operate.*
- Policy - Rural environment*
- 4.3.2.2 *Recognise and protect the continued operation of the Rural Zone as a pastoral working environment.*
- Policy - Equine industry*
- 4.3.2.5 *To enable the activities of the equine industry to be undertaken within the rural areas of the District.*
- 10.9 Objective 4.3.2 and its associated policies seek to ensure farming activities can occur in the Rural Zone. The subject site will include farming activities operating concurrently on site with the mineral extraction activity. Following the completion of the mineral extraction activity, the whole site will be able to be used for farming activities. On this basis, I consider the proposal to be consistent with the abovementioned objective and policies.
- 10.10 As noted above, one of the submitters operates an equine activity. Objective 4.3.2 and associated Policy 4.3.2.5 acknowledge both established farming activities and the equine industry. While the submitter has expressed concern regarding the effects of the mineral extraction activity on their equine activity, I note the mineral extraction



activity is not seeking to restrict the equine activity in any manner. For this reason I consider the proposed activity to uphold this objective and policy.

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

4.3.5 *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.*

*Policy - Mineral prospecting and exploration*

4.3.5.1 *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.*

*Policy - Avoid reverse sensitivity*

4.3.5.6 *To avoid reverse sensitivity effects and ensure utilisation of mineral resources is not constrained by managing the establishment of noise*

*sensitive activities including subdivision, use and development within quarry buffer areas and adjacent to routes identified for aggregate movement.*

*Policies - Identification and imposition of a quarry buffer area and a mineral extraction area in conjunction with a mineral extraction activity*

*4.3.5.8 To provide for the identification and imposition of quarry buffer areas and mineral extraction areas on the Planning Maps where these are undertaken in conjunction with a new or existing consented mineral extraction activity.*

*4.3.5.9 To ensure that quarry buffer areas associated with mineral extraction areas are only imposed where:*

- (a) The mineral extraction area contains an adequate area of land which will enable the effects of the mineral extraction activity to be contained on the site as far as is practicable; and*
- (b) The extent of the quarry buffer area is minimised as far as practicable; and*
- (c) The imposition of the quarry buffer area will not unduly inhibit the use of surrounding land for the carrying out of other activities; and*
- (d) Alternatives to the imposition of a quarry buffer area have been adequately considered; and*
- (e) The extent of the quarry buffer area and mineral extraction area have taken into account the adverse effects of the mineral extraction activity; and*
- (f) All methods of internalising effects have been evaluated, considered and adopted where practical.*

10.12 Objective 4.3.5 clearly sets out the intention of the District Plan to provide local sources of mineral extraction where the effects associated can be suitably managed. Policies 4.3.5.3 to 4.3.5.6 further explore mitigation considerations, and acknowledge some activities not be suitable in close proximity (i.e. subdivision).

10.13 The application, including its associated technical reports, have sought to demonstrate that the mineral extraction activity has mitigated the adverse effects as much as practicable. Overall, I concur with the applicant's assessment regarding Objective 4.3.5 and its associated policies, and consider the proposal to be consistent with this objective and policies.

10.14 With regard to Policies 4.3.5.8 and 4.3.5.9 that provide the ability for a quarry buffer area to be established in conjunction with a mineral extraction activity, I note the application does not comment on these policies. In this instance the applicant is not proposing a quarry buffer area around the extent of the new extraction area. I

consider that it is not necessary for a quarry buffer area to be established for the following reasons:

- Three of the nine properties adjacent to the new extraction area have provided their written approval for the proposal (two being those with dwellings closest to the extraction area);
- An extraction buffer is proposed along all external site boundaries as follows:
  - At least 20m from the northern property boundaries;
  - Between approximately 60m and 80m from the Mangawhero Stream (which demarcates the southern and western site boundaries);
  - 20m to the existing kiwifruit orchard to the south east; and
  - 10m from the eastern boundary, inclusive of the proposed sealed road.
- The assessment of effects has concluded the actual and potential effects on the environment from granting this consent will be acceptable;
- Methods are proposed to internalise the effects of the activity as much as practicable; and
- The imposition of the quarry buffer area would restrict the adjacent properties with regards to building dwellings in close proximity to the extraction area.

10.15 With these matters in mind, it is my opinion the imposition of a quarry buffer area around the new extraction area would not further mitigate the effects of the activity and therefore be inappropriate in this instance.

10.16 **Objective - Rural character**

*4.3.7 Rural character and amenity is maintained.*

*Policies - Rural character*

*4.3.7.1 Land use activities should be at a density, scale, intensity and location to maintain rural character.*

*4.3.7.2 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.*

10.17 Objective 4.3.7 and its associated policies outline the key elements for consideration for any activity within the Rural Zone. I note Policy 4.3.7.1 refers to density, scale and intensity of activities, which is relevant in this instance to the size and scale of the extraction activity. With regard to the proposed activity, I note the extraction area is proposed to be restricted to 3ha at any one time, which is relatively modest in scale. As a rural land use, I consider the proposal to be consistent with Objective 4.3.7 and the associated policies.

10.18 **Objective - Rural amenity: signs**

4.3.9 *To ensure that signs do not have an adverse impact on the amenity values of the Rural Zone, landscape values, heritage values, or public safety.*

*Policy - Signs to reflect local character and transport environment*

4.3.9.1 *Ensure that signs reflect the rural character and amenity values of the surrounding environment, including any identified landscapes, significant natural areas, viewshafts, and the nature of the adjacent transport environment, by restricting the location, size, number, and content of signs.*

*Policy - Location of signs*

4.3.9.2 *Avoid the establishment of signs in the Rural Zone which are not related to the site on which they are located.*

*Policy - Signs to avoid adverse effects*

4.3.9.3 *Avoid signs that are illuminated, moving, or flashing, or which are likely to create a visual hazard or interfere with the safe and efficient use of roads, railways, airports, or water bodies.*

*Policy - Temporary signs*

4.3.9.4 *Manage the location, size, number, and type of temporary signs to minimise short-term impact, and to avoid adverse effects on local amenity values and public safety.*

*Policy - Traffic safety*

4.3.9.5 *The design, location and content of signs shall not adversely affect the safe functioning of roads.*

10.19 Objective 4.3.9 and its associated policies acknowledges the role signage plays in the functioning of an activity, while encourage signage that is designed to be sympathetic for the receiving environment. The application notes compliant signage will be provided for the activity. On this basis I consider the application to be consistent with the abovementioned objective and policies.

10.20 **Objective - Rural amenity: noise and vibration**

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

*Policy - Noise: rural farming activities*

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

10.21 Objective 4.3.10 and its associated policy, seek to maintain rural amenity through the consideration of noise from legitimate farming activities. The implementing provisions of the District Plan which seek to fulfil this objective and policy are the noise provisions (i.e. Rule 4.4.2.15). The application has demonstrated compliance



with the noise provisions of the District Plan, and I therefore consider the mineral extraction activity to be consistent with the objective and policy regarding noise.

## **Section 16 – Transportation**

10.22 Section 16 of the District Plan sets out its focus for an integrated approach to land use and transport. The objectives and policies within this section seek to ensure that the pattern of land use and that patterns interaction with the land transport system provides and maintains both a safe and efficient transport network for all users (i.e. vehicles, cyclists and pedestrians). The objectives and policies that are specifically relevant to this application are as follows:

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

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

*Policy - Integrating land use and transport*

16.3.2.1 *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 - Safe roads*

16.3.2.3 *Development and subdivision design and construction shall contribute to a safe road environment, by:*

- (a) Providing safe and appropriate locations for vehicle entrances, driveways, pedestrian and cycle routes; and*
- (b) Designing and locating transport networks, lighting, street furniture and landscaping to minimise conflict, maintain visibility, and provide for maintenance activities.*

*Policy - Managing effects on character and amenity*

16.3.2.4 *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.*

10.24 Objective 16.3.2 and its associated policies seek to ensure land uses can interface with the roading network in a manner that minimises conflicts for road users. Policy 16.3.2.4 also seeks to ensure the traffic effects are managed with regard to the surrounding character and amenity values of the area. The application includes a transport assessment prepared by Gray Matter (refer Appendix E of the application), and Bloxam, Burnett & Olliver have undertaken a peer review (included in Appendix 8). Both reports have considered the application including the proposed access, the volume of vehicles associated with the activity and the wider roading network. Overall the assessment has concluded the activity can be accommodated by the surrounding roading network, and a safe vehicle entrance can be constructed for the site. For this reason I consider the mineral extraction activity to be consistent with Objective 16.3.2 and its associated policies.

10.25 ***Objective - Maintaining transport network efficiency***

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

*Policy - Effects of development or subdivision on the transport network*

16.3.3.1 *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.*

10.26 This objective seeks to ensure the transport network is able to function in a safe manner across the District. Mr Inder has considered the functionality of the roading network, should consent be granted, and concludes that the additional traffic is within the capacity of the road network and efficiency is unlikely to be affected.

10.27 Based on the information provided with the application, and Council staff advice, it is my opinion the transport network will be able to continue to function in efficiently and effectively thereby being consistent with Objective 16.3.3 and Policy 16.3.3.1.

10.28 ***Objective - Provision of vehicle entrances, parking, loading and manoeuvring areas***

16.3.4 *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 - Location of vehicle entrances*

16.3.4.1 *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.*

*Policies - Ensuring adequate parking, loading and manoeuvring areas on site*

16.3.4.2 *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.*

- 10.29 Objective 16.3.4 and its associated policies, seek to ensure adequate provision is made for vehicle entrances, parking, loading and manoeuvring areas related to an activity. In this instance the application outlines the proposed entrance improvements, and the sites ability to accommodate onsite parking, loading and manoeuvring areas. On this basis I consider the application to be consistent with this objective and policies.

**Section 20 – Health and General Amenity**

- 10.30 Section 20 of the District Plan sets out the resource management issues that have the potential to create a nuisance and detract from the amenity and health of residents and businesses. With regard to the proposed mineral extraction activity this includes discharges to air (i.e. dust). The following objective and policy is relevant to this application as follows:

10.31 ***Objective - Air and water quality***

20.3.1 *To maintain and where possible improve existing air and water quality.*

*Policy - Contain adverse effects*

20.3.1.1 *To ensure that activities avoid, remedy or mitigate nuisance effects beyond the boundary of the site and on any water bodies in order to maintain and enhance amenity and a healthy and safe environment.*

- 10.32 Objective 20.3.1 seeks to maintain air quality while Policy 20.3.1.1 seeks to ensure nuisance effects are limited beyond the boundary of the activity site. In this instance, the proffered conditions within the application include dust management (i.e. within the Quarry Management Plan), and the Regional Council consent includes dust management conditions. On this basis I consider the application to be consistent with this objective and policy.

## Section 22 – Heritage and Archaeology

10.33 Acknowledging Section 6 of the Act, Section 22 recognises the diverse elements that contribute to the District’s historic heritage including archaeological and cultural sites, and sites of significance to Maori. The framework within Section 22 is relevant to this application due to the location of the archaeological feature S15/285 on the site. The relevant objectives and policies within Section 22 are as follows:

10.34 ***Objective - Protecting archaeological heritage***

*22.3.4 To maintain the archaeological heritage of the District.*

*Policy - Management of effects on Archaeological Sites*

*22.3.4.1 To manage effects on archaeological sites at the time of development and subdivision.*

10.35 Objective 22.3.4 and Policy 22.3.4.1 seek to maintain the archaeological heritage while managing the effects on sites at the time of development. In this instance the proposal includes the destruction of the known archaeological site which has been identified as a ‘borrow pit’.

10.36 The application has considered the effects of the destruction of the site and provided an assessment from Clough and Associates Limited. In this assessment it has been recommended that the sites are recorded, sampled and analysed in accordance with an archaeological authority from Heritage New Zealand Pouhere Taonga in order to mitigate the effects of destroying the sites.

10.37 The appropriate recording and sampling of the archaeological sites is deemed to be a suitable form of mitigation in this instance as the sites have been acknowledged as having limited archaeological significance (refer conclusions in the Clough assessment). For this reason I consider the proposal to be consistent with Objective 22.3.4 and Policy 22.3.4.1.

## Section 24 - Indigenous Biodiversity

10.38 In order to meet the requirements of Section 5(2)(b) of the Act which includes the safeguarding of the life supporting capacity of ecosystems, Section 24 of the District Plan includes objectives, policies and rules regarding the management of effects on the areas of indigenous vegetation and wetlands which support indigenous biodiversity values across the District.

10.39 The subject site for the mineral extraction activity is bounded on the western edge by a significant natural area which is noted in both the District Plan and application as being desirable for protection, maintenance and enhancement. The objectives and policies that are specifically relevant to this application are as follows:



10.40 **Objective - Managing effects on district wide indigenous biodiversity**

24.3.1 *To maintain and enhance the existing level of biodiversity within the District.*

*Policy - Maintenance and enhancement of indigenous biodiversity*

24.3.1.1 *To achieve the maintenance and enhancement of indigenous biodiversity values in the District by ensuring that removal of indigenous vegetation or disturbance of wetland areas only occurs where:*

- (a) Connectivity to link core habitats along biodiversity corridors is supported; and*
- (b) Sensitive sites remain buffered from intensive land use, development and subdivision; and*
- (c) Habitat is retained for at risk and threatened indigenous species; and*
- (d) Customary activities do not adversely affect at risk or threatened indigenous species; and*
- (e) Consideration has been given to opportunities that contribute to no net loss at a regional scale.*

10.41 This objective and policy seek to maintain and enhance indigenous biodiversity across the District. With regard to the application it is noted an area of 800m of planting along the Mangawhero Stream is proposed which includes totara, rimu, tikouka, karamu, tarata, kohuhu, harakeke, manatu, makamako, kanuka and manuka. This extensive planting will enhance this area therefore meeting the abovementioned objective and policy of the District Plan.

10.42 **Objective - Significant natural areas and bush stands**

24.3.3 *To protect the indigenous biodiversity values and the existing level of indigenous biodiversity within the significant natural areas listed in Appendix N5 and bush stands listed in Appendix N8.*

*Policy - Limiting indigenous vegetation removal and other activities within identified significant natural areas and bush stands.*

24.3.3.1 *To protect the ecological sustainability, indigenous biodiversity values and characteristics of significant natural areas including wetlands, and bush stands by ensuring that:*

- (a) The removal of indigenous vegetation or habitat of indigenous species is discouraged and:*
  - (i) Only occurs in sustainable quantities in significant natural areas of local significance; and*
  - (ii) Only occurs in limited circumstances within internationally, nationally or regionally significant natural areas and bush stands.*
- (b) The health and functioning of significant natural areas including wetlands, and bush stands is maintained through appropriate land use practices.*

- 10.43 Objective 24.3.3 and Policy 24.3.3.1 specifically outline the significance of identified areas within the District, and the importance of protecting the ecological values and characteristics of the natural areas. As noted above in this report, the proposed planting along the Mangawhero Stream will enhance the existing significant natural area. I therefore consider the activity to be consistent with this objective and policy.

#### **Summary of Objective and Policy Assessment**

- 10.44 The above objective and policy assessment has considered the proposals consistency with the relevant objectives and policies of the District Plan with particular regard to the provisions in Section 4 – Rural Zone, Section 16 – Transportation, Section 20 – Health and General Amenity, Section 22 – Archaeology, and Section 24 – Indigenous Biodiversity. Overall I consider the proposal to be consistent with the objective and policies of the District Plan.

### **11 PROVISIONS OF OTHER STATUTORY PLANNING DOCUMENTS (SECTION 104(1)(B))**

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- 11.1 Pursuant to Section 104(1)(b), the consent authority must have regard to any relevant provisions of a national environmental standard, other regulations, a national policy statement, the regional policy statement and the regional plan. Below is an assessment of these provisions.

#### **National Policy Statements**

- 11.2 National Policy Statements (NPSs) are instruments issued under Section 52(2) of the Act that enable Government to prescribe objectives and policies for matters of national significance which are relevant to achieving the sustainable management purpose of the Act. An NPS may also give particular direction to local authorities as to how they need to give effect to the policies and objectives of the NPS. The current NPSs that are in effect are:

- National Policy Statement on Urban Development;
- National Policy Statement for Freshwater Management;
- National Policy Statement for Renewable Electricity Generation;
- National Policy Statement on Electricity Transmission; and
- New Zealand Coastal Policy Statement.

- 11.3 There are no NPSs requiring further consideration with regard to this application.

## National Environmental Standards

11.4 National Environmental Standards (‘NESS’) are regulations issued under Section 43 of the Act that prescribe technical and on-technical standards which apply across the country. The current NESs that are in effect are:

- National Environmental Standards for Air Quality;
- National Environmental Standards for Sources of Drinking Water;
- National Environmental Standards for Telecommunication Facilities;
- National Environmental Standards for Electricity Transmission Activities;
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health;
- National Environmental Standards for Plantation Forestry; and
- National Environmental Standards for Freshwater.

11.5 Of the abovementioned NESs the NES for Assessing and Managing Contaminants in Soil to Protect Human Health requires further consideration with regard to this application.

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

11.6 These regulations came into force on 1 January 2012 and apply when a person wants to do an activity described in Regulation 5(2) to 5(6) on a piece of land described in Regulation 5(7) or 5(8). Following a review of the information contained within Council’s records, the application site is identified on the Waipa District Council online maps as a potential HAIL site, being an unverified A10 orchard activity. The piece of land is therefore covered by Regulation 5(7)(c), being a piece of land on which *‘it is more likely than not that an activity or industry described in the HAIL has been undertaken’*.

11.7 The applicant has provided a Preliminary Site Investigation (‘PSI’) prepared by Guy Sowry of CSI: Contaminated Site Investigation, dated 1 September 2020. This investigation has reviewed the site, the site history, the geology, hydrogeology, and hydrology of the site. The investigation concludes that a HAIL has not occurred at the site, and there is a low risk to human health or the environment as there are no identified potential contaminants/hazards.

11.8 The PSI recommends *“That the site is recorded on the WDC and the WRC Landuse Information Registers as ‘Entered in Error’. However, it should also be noted that the cleanfill operation will allow metal concentrations above the NES Rural Residential*

*metal SGV's and therefore, once a cleanfill consent is granted the wider site should be listed as 'Verified HAIL G.3 – no sampling'."*

- 11.9 Based on the technical information provided, I concur assessment under the NES is not required.

#### **Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato**

- 11.10 Te Tauākī Kaupapahere Te-Rohe O Waikato provides an overview of the resource management issues in the Waikato Region, and the ways in which integrated management of the Region's natural and physical resources will be achieved. It provides policies and a range of methods to achieve integrated outcomes for the region across resources, jurisdictional boundaries and agency functions, and guides development of sub-ordinate plans (regional as well as district) and consideration of resource consents. The Te Tauākī Kaupapahere Te-Rohe O Waikato outlines 27 objectives on key regional issues. Those most relevant to this proposal are:

##### **Objective 3.1 – Integrated management**

*Natural and physical resources are managed in a way that recognises:*

- a. the inter-relationships within and values of water body catchments, riparian areas and wetlands, the coastal environment, the Hauraki Gulf and the Waikato River;*
- b. natural processes that inherently occur without human management or interference;*
- c. the complex interactions between air, water, land and all living things;*
- d. the needs of current and future generations;*
- e. the relationships between environmental, social, economic and cultural wellbeing;*
- f. the need to work with agencies, landowners, resource users and communities; and*
- g. the interrelationship of natural resources with the built environment.*

##### **Objective 3.2 - Resource use and development**

*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, including by maintaining and where appropriate enhancing:*

- a. access to natural and physical resources to provide for regionally significant industry and primary production activities that support such industry;*
- b. the life supporting capacity of soils, water and ecosystems to support primary production activities;*
- c. the availability of energy resources for electricity generation and for electricity generation activities to locate where the energy resource exists;*
- d. access to the significant mineral resources of the region; and*
- e. the availability of water for municipal and domestic supply to people and communities.*

### **Objective 3.9 - Relationship of tāngata whenua with the environment**

*The relationship of tāngata whenua with the environment is recognised and provided for, including:*

- a. the use and enjoyment of natural and physical resources in accordance with tikanga Māori, including mātauranga Māori; and*
- b. the role of tāngata whenua as kaitiaki.*

### **Objective 3.11 - Air quality**

*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.*

### **Objective 3.19 - Ecological integrity and indigenous biodiversity**

*The full range of ecosystem types, their extent and the indigenous biodiversity that those ecosystems can support exist in a healthy and functional state.*

### **Objective 3.21 - Amenity**

*The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced.*

### **Objective 3.26 - High class soils**

*The value of high class soils for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development.*

- 11.11 Following on from the objectives are a number of supporting policies. These policies seek an integrated approach to land use that is undertaken to uphold the natural and physical resources across the region. The proposed activity in this case is not considered to be in conflict with the provisions of Te Tauāki Kaupapahere Te-Rohe O Waikato.

### **Waikato Regional Plan**

- 11.12 The Waikato Regional Plan 2007 ('the Regional Plan') is intended to provide direction regarding the use, development and protection of natural and physical resources in the Waikato Region. It gives effect to Te Tauāki Kaupapahere Te-Rohe O Waikato and helps the Regional Council carry out its functions under Section 30 of the Act. With



regard to the Regional Plan, the applicant has sought and gained resource consent regarding the cleanfill and ground water take pursuant to the provisions of the Regional Plan. A copy of the Regional Council consents are included in **Appendix 5**.

## **12 OTHER MATTERS (SECTION 104(1)(C))**

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### **Treaty Settlement Acts – Statutory Acknowledgement Areas and Areas of Interest**

- 12.1 The property subject to this consent is not within a Statutory Acknowledgement Area, however is within Ngāti Hauā and Raukawa Areas of Interest.
- 12.2 A Taangata Whenua Statement and Engagement Report, prepared by Te Huia Natural Resources Ltd, dated 1 September 2020, was provided to Council. This Report outlines the support of Ngāti Hauā Iwi Trust whom *“supports the application for resource consents based on the acceptance of conditions and recommendations by the applicant”*.
- 12.3 With regard to Raukawa, the application was circulated to Raukawa via the Ngā Iwi Tōpu o Waipa iwi representatives. No comments were received via this process.

### **Joint Management Agreement Area – Waikato Raupatu River Trust**

- 12.4 The Waikato Raupatu Claims Settlement Act 1995 gave effect to certain provisions of the deed of settlement between the Crown and Waikato dated 22 May 1995 and settled certain Raupatu claims made to the Waitangi Tribunal by Robert Te Kotahi Mahuta, the Tainui Maaori Trust Board, and Ngā Marae Tōpu (Wai 30). Renegotiation's in 2009 led to the agreement of a new deed of settlement which included provisions related to joint management agreements. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 was enacted to give effect to that deed of settlement and subsequently a Joint Management Agreement with Waipa District Council was made.
- 12.5 This agreement includes giving appropriate weight to relevant matters provided for in the Settlement Act 2010, respecting the mana whakahaere rights and responsibilities of Waikato-Tainui, recognising the statutory functions, powers and duties of both parties, and recognising the Trust's rights to participate in processes where circumstances may be appropriate.

### **Tai Tumu, Tai Pari, Tai Ao – Waikato Tainui Iwi Environmental Management Plan**

- 12.6 Tai Tumu, Tai Pan, Tai Ao purpose is to enhance collaborative participation between Waikato Tainui and agencies in resource and environmental management. It provides high level guidance on Waikato Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment. The

plan highlights the need for enhancement and protection of landscape and natural heritage values. Site management protocols ensure a precautionary approach to managing (known or undiscovered) wahi tapu sites and taonga tuku iho discovery. Adequate control of sediments and erosion prevention are target areas to improve water quality. Methods that Waikato Tainui support are the development of erosion and sediment control plans and input into monitoring of those plans (21.3.1.2 a) and b)).

- 12.7 The property is within the Waikato Tainui Joint Management Agreement Area and therefore the provisions of the Tai Tumu, Tai Pari, Tai Ao are relevant. Section 21 – Te Whenua (Land) and Section 25 – Ngaa Whakaritenga Moo ngaa whenua o Waikato-Tainui (Land use planning) have been given particular regard in terms of this application.
- 12.8 Section 21 includes objectives and policies which seek to promote best practice for land and soil management in order to protect waterways. As noted above in this report, the applicant has proffered planting of 800m adjacent to the Mangawhero Stream which will enhance this area.
- 12.9 Section 25 outlines that as kaitiaki within their rohe, Waikato-Tainui seek to ensure environmental sustainability including consideration within the rural environment of the consequences of development on the environment. Policy 25.3.2.2 – Rural Development seeks to *“ensure that rural development is well planned, and the environmental, cultural, spiritual and social outcomes are positive”*.
- 12.10 The application has provided an assessment of the activity regarding Tai Tumu, Tai Pari, Tai Ao, and deemed the direction of the activity to be consistent with Tai Tumu, Tai Pan, Tai Ao. In addition, the Taangata Whenua Statement and Engagement Report, prepared by Te Huia Natural Resources Ltd, dated 1 September 2020, outlines *“Te Whakakitenga o Waikato-Tainui endorses the recommendations and position of Ngaati Korokii-Kahukura and Ngaati Hauaa Iwi Trust, as taangata whenua of the area where the proposed activities are situated.”*

#### **Te Rautaki Tāmata Ao Turoa o Hauā — Ngāti Hauā Environmental Management Plan**

- 12.11 Te Rautaki Tāmata Ao Turoa o Hauā explains the importance of communication between local authorities and Ngāti Hauā in terms of keeping the Iwi Trust informed about projects, providing a feedback loop and opportunity for relationship building. The plan clearly outlines that engagement is expected for earthworks activities and that the Iwi seek opportunities to participate in consent and site monitoring and restoration projects.

- 12.12 The property is within the Ngāti Hauā Area of Interest and therefore the provisions of Te Rautaki Tāmata Ao Turoa o Hauā are relevant. There is nothing in the application that will conflict with the desired outcomes of Te Rautaki Tāmata Ao Turoa o Hauā accordingly, I consider the proposal to be consistent with the plan.

#### **Te Rautaki Taiao a Raukawa - Raukawa Environmental Management Plan**

- 12.13 Te Rautaki Taiao a Raukawa, the Raukawa Environmental Management Plan provides a statement of values, experiences and aspirations pertaining to the management of, and relationship with the environment. It assists in engagement in policy and planning processes and resource management decisions. The Management Plan offers broad objectives in relation to this matter.
- 12.14 The Raukawa takiwā includes both Cambridge and Te Awamutu. Section 2.2 of Te Rautaki Taiao a Raukawa identifies the impact quarrying has on the land, and seeks to have land use activities align with the capability to protect long term soil health.
- 12.15 In this instance, the site will return to farmland post sand excavation. For this reason I consider the proposal to be consistent with the long term aspirations of Te Rautaki Taiao a Raukawa.

#### **Ngāti Korokī-Kahukura**

- 12.16 The ancestral tribal rohe of Ngāti Korokī-Kahukura spans from Southern Hamilton City, following the Waikato River to the northern end of Lake Arapuni, inland to western Te Awamutu and through again to southern Hamilton City encompassing Mount Maungatautari and many kāinga settlements.
- 12.17 The Taangata Whenua Statement and Engagement Report, prepared by Te Huia Natural Resources Ltd, dated 1 September 2020, was provided to Council. This Report outlines the support of Ngāti Korokī-Kahukura whom *“supports the application for resource consents based on the acceptance of conditions and recommendations by the applicant”*.

#### **Development Contributions and Financial Contributions**

- 12.18 Development contributions are not payable on this application pursuant to Council’s Development Contributions Policy.
- 12.19 Financial contributions can be charged as a heavy vehicle impact levy in respect of the actual effects heavy vehicles accessing and leaving the site will have on the pavement life of Kaipaki Road pursuant to Section 18 of the District Plan. The application has noted this provision and proffered a condition of consent requiring a contribution of \$0.03/tonne for each tonne of material that is transported by public

road. In this case, I recommend that a condition be included requiring a financial contribution.

## 13 PART 2 MATTERS (SECTION 104(1))

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- 13.1 Under Section 104(1) of the Act, when considering an application for resource consent the consent authority must have regard to Part 2 of the Act. Part 2 outlines and promotes the concept of sustainable management, lists matters of national importance as well as matters related to achieving the purpose of the Act, and requires the principles of the Treaty of Waitangi to be taken into account.

### Purpose of the Act – Section 5

- 13.2 The overall purpose of the Act is to promote the sustainable management of natural and physical resources. “*Sustainable management*” is defined as managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, economic and cultural well-being and their health and safety. At the same time, they must:
- Sustain the potential of resources to meet the reasonably foreseeable needs of future generations;
  - Safeguard the life-supporting capacity of air, water, soil and ecosystems; and
  - Avoid, remedy or mitigate adverse effects on the environment of the activity.
- 13.3 Having regard to the definition of “*sustainable management*” in Section 5(2) in terms of the application, it is considered necessary to reflect on both the social and economic wellbeing aspects of the proposal. The term ‘social’ has been defined by the Planning Tribunal (now the Environment Court) to be the way people relate to or behave towards one another (*Ngataranga Bay 2000 Inc v A-G* A016/94 (P/T)). The economic element in the meaning of “*sustainable management*” has been defined by the Planning Tribunal as not meaning the narrow consideration of financial viability or the applicants wellbeing, but the extent of the economic effects of a proposal on the community at large (*Imrie Family Trust v Whangarei DC* [1994] NZRMA 453; (1994) 1B ELRNZ 274 (PT)).
- 13.4 With regard to the social wellbeing of the community as a result of the activity, I note there will be some noticeable changes for the immediately surrounding properties and residents. In terms of the economic wellbeing, the granting of the mineral extraction activity will provide the wider community with a local sand supply therefore benefiting a wide range of local businesses and industries (i.e. building and construction companies).

- 13.5 While the Act does not seek to avoid all effects, the application has demonstrated that subject to conditions, the effects can be mitigated to a level which is acceptable. For these reasons I consider that the application upholds the propose of the Act as outlined under Section 5 of the Act.

#### **Matters of National Importance – Section 6**

- 13.6 Section 6 of the Act requires that *“all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall recognise and provide for”* the matters of national importance listed in Section 6(a-h). Of these matters the following are considered applicable to this application:

- “(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;”*

- 13.7 In this instance the site is bounded on the western boundary by the Mangawhero Stream which is included within a listed Significant Natural Area under the District Plan. As outlined in this report, the applicant is proposing to minimise disturbance along this boundary through the use of an excavation area setback, and will plant an area of 800m along the gully. These mitigation measures will ensure the activity has minimal effect on this area, therefore upholding the matters of importance listed above.

#### **Matters for Consideration – Section 7**

- 13.8 Section 7 lists the matters that a consent authority is required to have particular regard to in achieving the purpose of the Act. The listed matters are not threshold tests or criteria but, where a proposal raises issues of the kind listed, they are to be given particular regard. The Section 7 issues that are relevant to this application are:

- (a) kaitiakitanga;*
- (b) the efficient use and development of natural and physical resources;*
- (c) the maintenance and enhancement of amenity values; and*
- (f) maintenance and enhancement of the quality of the environment.*

- 13.9 Kaitiakitanga as defined in Part I of the Act means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga maori in relation to natural and physical resources; and includes the ethic of stewardship. Appropriate



consultation has been undertaken with tangata whenua which has resulted in the written support of the relevant parties. On this basis I consider that the proposal has had appropriate regard to the requirements of Section 7(a).

- 13.10 The extraction activity is considered to be an efficient use of the natural aggregate which is essential for the development of local and regional infrastructure and for construction purposes. The rehabilitation of the site following extraction activities will ensure the rural land is available for future use and development. On this basis I consider that the proposal is pursuant to the requirements of Section 7(b).
- 13.11 The amenity values of the site and the mitigation measures to be imposed, should consent be granted, to retain the amenity of the rural environment have been outlined in the above report. Overall, it is concluded that the amenity values and quality of the environment, will be adequately maintained through implementation of suitable mitigation measures should the consent be granted.

#### **Principles of the Treaty of Waitangi – Section 8**

- 13.12 Section 8 of the Act requires that the principles of the Treaty of Waitangi are taken into account. In this instance, the proposal is not considered to be of direct relevance to the Treaty.

#### **Summary of Part 2 Assessment**

- 13.13 In assessing the proposal against Sections 5 to 8 of the Act, I conclude that the application is consistent with the purposes and principles of the Act and the land use is an appropriate use of the subject site.

## PART C - CONCLUSION & RECOMMENDATION

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### 14 CONCLUSION

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- 14.1 The proposal is to establish and operate a mineral extraction activity at 928 Kaipaki Road, Cambridge. The activity has been assessed under the Rural Zone provisions of the District Plan as a Discretionary Activity.
- 14.2 Pursuant to Section 95B of the Act, the potential effects of the activity were assessed to be minor or more than minor with regard to four adjacent properties and three tāngata whenua. On this basis the proposal proceed to limited notification.
- 14.3 During the submission period a total of two submissions were received during the statutory submission period, both of which were in opposition. Following the notification process, an additional party was included as a notified party and a third submission in opposition was received (Refer Section 6.4 of this report).
- 14.4 The opposing submissions raised the following matters:
- Dust;
  - Traffic and Road Safety;
  - Equine Activities;
  - Noise;
  - Rural Amenity (including visual effects); and
  - Archaeological.
- 14.5 An assessment of the environmental effects of the proposal has been considered pursuant to Section 104 of the Act. The conclusion of this assessment is that the actual and potential effects on the environment from granting this consent, while noticeable, are acceptable.
- 14.6 The objectives and policies of the District Plan, Regional Policy Statement and other non-statutory documents have been considered in this assessment. In summary, the proposal is considered to be consistent with the objectives of the District Plan and other relevant documents.
- 14.7 In my opinion, the granting of consent would provide for a local source of aggregate needed across the District, and the applicant's proposal and recommended conditions of consents would adequately avoid or mitigate any adverse effects to the surrounding environment to an acceptable level.

- 14.8 As such, having had regard to the relevant matters set out in Section 104 and Part 2 of the Act, it is considered that the land use application be granted, subject to conditions to avoid, remedy and/or mitigate the identified potential adverse effects. A schedule of suggested consent conditions that could support such an approval is contained in **Appendix 6**.

## 15 RECOMMENDATION

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*That:*

- a) *The report of Hayley Thomas – Project Planner be received;*
- b) *In consideration of Sections 104, and pursuant to Sections 104B, 108 and 220 of the Resource Management Act 1991, the Waipa District Council grants its consent to Shaw's Property Holdings Limited for the establishment and operation of a mineral extraction activity (sand quarry) under the Waipa District Plan at 928 Kaipaki Road, Cambridge, legally described as Lot 2 DP 444992 (RT 558891) & Lot 3 DP 424105 (RT 493900), subject to the conditions set out in **Appendix 6**.*

**Report prepared by:**



Hayley Thomas  
**PROJECT PLANNER**

**Reviewed by:**



Quentin Budd  
**CONSENTS TEAM LEADER**

**Approved for the Regulatory Committee agenda by:**



Wayne Allan  
**GROUP MANAGER DISTRICT GROWTH & REGULATORY SERVICES**

