



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991

Applicant:	Central Machine Hire Limited
RM reference:	RM150294
Location:	McKay Road, Hawea Flat
Proposal:	To establish and operate a quarry to extract up to 953,000m ³ of aggregate over 20 years
Type of Consent:	Land use
Legal Description:	Lot 1 DP 341373 held in Computer Freehold Register 170214
Zoning:	Rural General (Operative), Rural (Proposed)
Activity Status:	Discretionary
Notification:	Publicly Notified
Commissioner:	Commissioners T D Nugent (Chair) & D J Taylor
Date Issued:	5 October 2015
Date Re-Issued:	29 October 2015
Decision:	GRANTED SUBJECT TO CONDITIONS
Re-Issue:	Pursuant to section 133A of the RMA this consent is being re-issued due to incorrect cross reference of conditions and addition of text that was intended to be deleted. This is considered a minor mistake or defect and therefore the consent can be re-issued pursuant to section 133A of the RMA. The decision was made and the re-issue authorised by Blair Devlin, Manager Resource Consents, as delegate for Council on 29 October 2015. This re-issue is made (18) days after the grant of the consent.

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes
District Plan

IN THE MATTER of an application for
resource consent to
establish a quarry

BY CENTRAL MACHINE HIRE
LIMITED – RM150294

DECISION OF COMMISSIONERS DENIS NUGENT AND JANE TAYLOR

Introduction

1. The applicant sought consent to establish a quarry within land owned by a related company (Willowridge Developments Limited) at McKay Road, Hawea Flat. This was publicly notified and 33 submissions were received. Three of these were withdrawn prior to the hearing.
2. We have been delegated the Council's powers under section 34A to hear and decide this application and to decide any procedural matters related to the hearing of it.

Hearing and Site Visit

3. We undertook a site visit on Friday 14 August 2015 accompanied by Ms Picard. As part of that visit we viewed the site from the surrounding roads. Additionally we were given the opportunity to examine the machinery proposed to be used in the quarry and experience the operating noise levels at distances representing those to the nearest road and to the nearest dwelling from the proposed quarry.
4. The hearing was held in Wanaka on 17 August 2015.

Appearances

For the Applicant

- Mr G Todd – Counsel
- Mr A Dippie – Director of the applicant company

- Mr S Skelton – Landscape Architect
- Mr J Bartlett – Traffic Engineer
- Ms A Devlin – General Manager for Planning and Development for Willowridge Developments Ltd

Submitters

- Ms C Thomson on behalf of Mt Barker Residents Association

Council Officers

- Ms S Picard – Reporting Planner
- Mr R Flitton – Principal Engineer
- Mr R Denney – Consultant Landscape Architect
- Ms R Beer – Committee Secretary

5. The Council's s.42A report and the applicant's evidence were pre-circulated in accordance with the requirements of the Act. We pre-read that material and took it as read.

Procedural Matters

Late Submissions

6. Two submissions were received after the close of submissions. That of B & L Lucas was received 2 working days late, and that of M F & E C Barker 3 working days late.
7. In her s.42A report Ms Picard outlined the content of the submissions and her reasons for recommending the time limit be waived under s.37 in respect of these submissions. We accept those reasons and note that the applicant raised no issue with that recommendation. Having considered the matters in s.37A of the Act we waive the time limit for lodging those two submissions.

Plan Change 49 Earthworks

8. It came to our attention while the hearing was adjourned that this Plan Change had advanced to the stage that the rules had legal effect and that parts of it were to be treated as operative. It appeared that the effect of this was to change the rules under which consents were required for this proposal.
9. On 25 August we issued a Memorandum inviting Ms Devlin and Ms Picard to prepare a joint summary for us of the status of the provisions and how they affect our consideration of the proposal.

Proposed District Plan

10. This was publicly notified on 26 August 2015, during the period the hearing was adjourned. In our Memorandum of 25 August we offered the opportunity to parties to provide submissions on any matters in that Plan that they considered we should consider in our deliberations.

The Application

11. Consent is sought to establish a quarry to mine aggregate over a period of twenty years on Lot 1 DP 341373 held in computer Freehold Register 170214. This site roughly forms a triangle bounded by Luggate-Tarras Road (SH 8A), McKay Road and Kane Road, Hawea Flat, and in large part is an elevated terrace overlooking the Clutha River and surrounding land. The proposal involves the quarrying of up to 953,000m³ of material over an area of 10.56 ha at the southern end of the terrace. Access to the quarry would be from McKay Road, some 700 m north of the intersection of that road with SH 8A.
12. The application is described in reasonable detail in the Assessment of Effects on the Environment lodged by the applicant with the application. We will not repeat that material and adopt it, subject to the changes made by the applicant immediately prior to, and during, the hearing.

Re-orientation of Access

13. The applicant altered the orientation of the southern end of the access to the quarry so that it turned from a north-south alignment to a south-east to north-west alignment at the point where the east-facing channel bank¹ was breached to enter the quarry pit. This also entailed the re-orientation of the cut through the channel bank to align with the access entry.
14. We are satisfied that this was within the parameters of the original application and would not create new or additional effects beyond those which the original application would have. We are also satisfied that no additional persons would be likely to be affected by the change.

Retention of East-facing Channel Bank

15. The original application proposed the removal of most of the east-facing channel bank adjoining the quarry as part of Stage 3. Prior to the hearing the applicant revised the proposal so as to retain the east-facing channel bank other than

¹ Where possible we have used the nomenclature used on the Baxter Design Group drawing "McKay Road Quarry – Clarification Plan" 2510-SK15 dated 30 September 2015.

approximately 80 m to be removed (as measured at the top of the face) necessary for the access road. At the top of the quarry there would remain some 20 m between the quarry and the east-facing channel bank.

16. This change was in response to concerns raised by Mr Denney regarding the potential effects on the landscape forms. We are satisfied that this change will reduce effects and would not affect any persons beyond those notified of the proposal.

Amended Landscaping Areas

17. Mr Skelton appended a modified landscaping plan to his evidence and produced a further modified plan at the hearing. The modification reflected the reduced need to “hide” the quarry workings from the adjacent roads given the re-alignment of the quarry entrance and the long-term retention of the quarry wall. We accept that this modification, along with the areas of landscaping proposed in the agreed set of conditions, are within the scope of the original application.

Altered Footprint of Quarry, including Stages

18. As a consequence of not mining the east-facing channel bank face in Stage 3, the applicant proposed changing the footprint of the quarry so that it could continue to extract 953,000 m³ of material. At the same time it proposed moving the western edge of the quarry further away from the Bird property to the west. The result of this was that the footprint extended further north than shown on the application. We note that the quantities to be removed at each stage remains unaltered.
19. We are satisfied that this change will have no effect on any additional person. The scale, elevation and location of the terrace that is to be quarried is such that it would not be possible to discern any difference between what was applied for and the amended footprint from nearby sites or public places.

Reasons Consent is Required

20. Ms Picard listed the rules the proposal breached in Section 5.1 of her s.42A report. We did not understand there to be any dispute regarding this. We adopt that summation but note that between the lodgement of the application and the hearing the Council made its decision under clause 10(1) of the First Schedule to the Act in respect of Plan Change 49 Earthworks. We discuss the effect of this Plan Change below.
21. We agree that the proposal falls to be considered as a discretionary activity.

22. We also adopt Ms Picard's conclusion that the NES for Assessing and Managing Contaminants in Soil to Protect Human Health does not apply to this application.

Relevant Statutory Provisions

23. The relevant provisions of section 104 are:

(1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of—*

...

(v) *a regional policy statement or proposed regional policy statement:*

(vi) *a plan or proposed plan; and*

(c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

(2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*

...

(3) *A consent authority must not,—*

(a) *when considering an application, have regard to—*

...

(ii) *any effect on a person who has given written approval to the application:*

...

24. Under s.104B we may grant or refuse consent. If we grant consent we may impose conditions under s.108.

Relevant Regional Policy Statement Provisions

25. The AEE lodged with the application referred us to provisions in Chapter 5 of the Operative Regional Policy Statement and Ms Picard referred us to Policy 4.3.6 of the Proposed Regional Policy Statement.
26. While we accept the relevance of these provisions, we also consider the following provisions of the Proposed Regional Policy Statement are relevant:
- Policy 2.2.6 Managing special amenity landscapes and highly valued natural features
 - Policy 3.1.1 Recognising natural and physical environmental constraints
 - Policy 4.4.3 Encouraging environmental enhancement
 - Policy 4.5.6 Managing adverse effects from mineral and gas exploration, extraction and processing

Relevant District Plan Provisions

27. The AEE and the s.42A report referred us to Chapters 4, 5 and 14 of the Operative District Plan and proposed Change 49. As noted above, we sought clarification as to the status of Change 49. Ms Picard and Ms Devlin provided a joint statement on 2 September 2015 noting that there was one appeal against the Change with a limited focus. It was their view that, although the rules could not be treated as operative, they should be given substantial weight as the relief sought by the appeal did not seek to alter the provision which would exclude the need for this proposal to obtain a consent for earthworks.
28. The proposed District Plan was notified during the hearing. We provided parties with an opportunity to lodge memoranda as to how this Plan affected the proposal. We received a Memorandum from Ms Picard on 4 September 2015.
29. Ms Picard identified that the site was zoned Rural in the proposed Plan and that the extent of the Outstanding Natural Feature to the west of the site was the western face of the terrace. She identified Objective 21.2.5 and the policies to give effect to that objective as being particularly relevant. We note that although the rules have no legal effect at this stage, this proposal would also fall to be considered as a discretionary activity under proposed Plan.

The Existing Environment

The Site

30. Lot 1 DP 341373 comprises some 118.76 ha. The longest dimension parallels McKay Road and is a little over 1800 m. The longest east-west dimension is some 920 m. Most of the site comprises a large river terrace sloping gently from north to south. This ends in a steep bluff some 150 m north of Luggate-Tarras Road and there is approximately 30 m difference in elevation between the end of the terrace and the road below. The northern half of the site is a similar elevation to McKay Road on the east, but on the west the site extends beyond the terrace. The Kane Road – Luggate-Tarras Road intersection is considerably lower than the McKay Road-Luggate-Tarras Road intersection. Thus the western face of the terrace looms over much of Kane Road. From a point approximately half way along McKay Road a lower terrace separates the upper terrace from McKay Road. We refer to this lower terrace as the eastern terrace.
31. The northern quarter of the site is in rough pasture, as is the southern half on the terrace. The western side of the site on the terrace face and along Kane Road is largely covered in wilding pines. The remaining portion of the northern half of the site is in plantation pines. The eastern edge of the upper terrace south of the plantation has a row of pine trees planted along it, albeit with a sizable gap near the southern end of the row. Below and east of this row, Douglas fir have established on the east-facing channel bank above the eastern terrace. There is a scattering of wilding pines on the terrace and the south-facing terrace face as well. At the foot of the south-facing terrace face an irrigation channel runs across the site.
32. Although we have described the open parts of the site as rough pasture, it is not presently grazed and at the time of our visit stones and mud were more common than grasses. We were advised by Ms Devlin that the land where the quarry is proposed had been cultivated in the recent past and we have no reason to doubt that.

Surrounding Environment

33. To the north and east are extensive pastoral farms. South of the site, on the opposite side of Luggate-Tarras Road, Fulton Hogan operate a quarry excavating into the river terrace, albeit at a significantly lower level than the terrace the applicant seeks to quarry.

34. To the south-west, on the south-eastern corner of the Kane Road – SH8A intersection, an area is set aside for gravel storage. Downhill from here the SH8A, now as Kane Road, crosses the Clutha on the single lane “Red Bridge”. While the Clutha is very close to the site just downstream from the Red Bridge, it is so far below the terrace on the applicant’s site, that activity on top of the terrace would be unlikely to be discernible from the river.
35. The nearest dwelling to the site is in Kane Road, approximately halfway between the intersection of Kane Road and McKay Road and the State Highway corner. Again, this house is some distance below the terrace and would be unlikely to perceive any activity on the top of the terrace.
36. The landscape architects agreed that the proposed site is within a Visual Amenity Landscape (VAL) and that the Clutha River valley comprised an Outstanding Natural Feature (ONF). There was some disagreement as to the boundaries of the ONF. We deal with that as part of our assessment.

Permitted Baseline

37. Ms Picard set out in her s.42A report the range of activities that are permitted in the Rural General zone. We adopt that list.
38. Ms Devlin suggested we add to the list of permitted activities -
- Vehicular movements on local roads and State Highways;
 - Dust from vehicles driving on unsealed roads;
 - Dust from farming activities; and
 - Noise from farm machinery.
39. While we accept that the last two effects occur, we note that those are effects of the permitted farming activity, not permitted activities in themselves. As for vehicular movements on roads, while there is a common law right to use roads, it is within the jurisdiction of the Council to control the use of roads to control environmental effects². Thus, we do not consider it accurate to describe vehicular use of the roads as a permitted activity. Rather we would categorise the use of roads by vehicles to be an effect arising from operation of the designation, and that includes the dust resulting from use of unsealed roads.

² See *Winstone Aggregates Ltd v Franklin District Council* A80/2002 at paras [18] to [40]

Section 42A Report

40. This report contained landscape and engineering reports upon which the planning report was based.

Landscape Report

41. Mr Denney prepared this report. He undertook an analysis of the surrounding landscape and concluded that the ONF of the Clutha River extended along the western and south-facing faces of the major terrace on the applicant's site and along the eastern face of the smaller terrace close to McKay Road. He noted that this latter face and the higher east-facing channel bank resulted from the former channel of the Hawea River.
42. Mr Denney considered the proposal would be highly visible from McKay Road and from a number of other locations ranging from 2km to 6km distant from the site. He considered visibility largely with respect to the excavation and access point into the east-facing channel bank and gravel storage on the eastern terrace adjacent to McKay Road. He did consider the site relatively secluded from public views due to the terrace topography, the angle of the east-facing channel bank and the existing vegetation within the site and foreground.
43. The main concern Mr Denney had with the proposal was the stage 3 activities which involved removal of a large part of the east-facing channel bank. He recommended that the extent of modification of that bank be limited to that for access and that a minimum setback of 20 m from the crest of each terrace face be imposed. He considered the wilding pine removal and proposed indigenous screen planting to be potentially positive features but that more clarity was required as to what was proposed. He raised the question as to whether the site contained any at risk or threatened indigenous species.

Engineering Report

44. This was prepared by Mr T Dennis, a consultant engineer. He considered the following matters needed to be addressed:
- a) More details concerning site management;
 - b) Upgrading required of McKay Road;
 - c) Traffic management measures, particularly at the Kane Road – McKay Road intersection;
 - d) Certification of any fill placed on site;

e) A bond to ensure adequate rehabilitation.

45. Mr Dennis recommended a series of conditions, including the sealing of McKay Road south of the access point and the provision of a \$40,000 bond.

Planning Report

46. Ms Picard relied on the reports of Messrs Denney and Dennis in preparing her assessment. She listed the following actual and potential effects on the environment were relevant:

- a) Traffic generation and vehicle movements;
- b) Landscape and visual amenity;
- c) Rural amenity;
- d) Cumulative effects;
- e) Noise;
- f) Dust;
- g) Earthworks; and
- h) Infrastructure.

47. In her assessment, taking into account the submissions lodged, Ms Picard considered all of these matters could be dealt with by conditions, other than the landscape impact identified by Mr Denney. On the basis of that impact she recommended consent be refused, but she attached a set of conditions she considered appropriate if we were minded to grant consent.

Legal Submissions and Evidence

Mr G Todd

48. Mr Todd noted the amendments made to the application in response to matters raised by the council officers and submitted that as they reduced the works proposed the amendments were within the bounds of what was sought and thus no jurisdictional issues were raised.
49. It was Mr Todd's submission that this was primarily a landscape case and that our primary consideration should be terms of the effect of the proposal on the landscape. He submitted that three matters raised by Ms Picard -

- An ecological study;
- Sealing of McKay Road; and
- Imposition of a bond

- were unnecessary and should not be the subject of conditions.

50. In terms of the ecological study he stated the applicant was satisfied that the works would not breach the vegetation clearance rule (Site Standard 5.3.5.1.x). With regard to the sealing issue, he identified an alternative condition proposed by Mr Bartlett. In discussing the bond issue, he accepted that conditions applying continual remediation would be an appropriate alternative.
51. With respect to the sealing issue, Mr Todd stated that if the sealing condition remained the applicant would utilise a different access route to the quarry from McKay Road which would mean a shorter length of McKay Road to be sealed. We advised that we were not satisfied that there was jurisdiction to consider that alternative route as it potentially raised effects on the environment beyond those described in the original application.

Mr A Dippie

52. Mr Dippie is a Director of the applicant company, and also of Willowridge Developments Ltd, which owns the site. He noted the limited nature of supply of gravels in the immediate vicinity of Wanaka and the needs of his companies for gravel over the next twenty years for civil construction and roading projects. He foresaw that this quarry would fulfil those needs through the provision of appropriate gravel.
53. Mr Dippie described in detail how he saw the quarry being established and then proceeding by stages. He described the use of bunds created from the overburden to screen the works from surrounding land, even at the initial stages, and proposed the remediation of the quarry by stages. This would require the importation of topsoil as he did not expect the overburden to have sufficient fertility to enable regrassing.
54. Mr Dippie responded to the submissions received regarding haul routes and pointed out that his company had no intention of using Ballantyne Road or other unsealed roads for the haul routes. With regard to Church Road in Luggate, he advised that the company's preferred route from the quarry to Wanaka would be via Shortcut Road. He also outlined his concerns with several of the recommended conditions.

Mr J Bartlett

55. Mr Bartlett is a traffic and transportation engineer based in Queenstown. He prepared the access assessment for the application. He considered the major traffic effects of the proposal would be in relation to the access onto McKay Road. He considered the access design was appropriate for the peak traffic generation and the local road environment. It was his assessment that the Kane – McKay Roads intersection had limitations and he considered vehicle movements should be restricted to prevent vehicles turning left from, or right into, McKay Road.
56. Mr Bartlett considered the recommended condition requiring sealing of the southern half of McKay Road to be unjustified and provided us with the maintenance expenditure on the road over the past 5 financial years and the recent crash statistics in support of his argument. Mr Bartlett provided an alternative condition which required the applicant to provide and spread 250 tonnes of crushed roading metal each year and to grade the road at least 6 times per year. He also included a requirement for dust suppression when appropriate. We understood from Mr Todd and Mr Dippie that the applicant accepted this advice and was volunteering this condition.
57. The submissions concerning the haul routes were also considered by Mr Bartlett. It was his experience that unsealed roads were generally unsuitable as haul routes and that state highways and sealed roads within the local roading network would be preferred. He was not aware of any structural issues with the Red Bridge and noted there were no weight restrictions on it. Although the bridge is single lane, he did not foresee any capacity issues arising as a result of this proposal. He reminded us that NZTA, as manager of the bridge, had not made any submission on the proposal.

Mr S Skelton

58. Mr Skelton is a landscape architect employed by Baxter Design Group, a Queenstown consultancy. That firm prepared the landscape assessment that accompanied the application.
59. Mr Skelton had considered the points raised by Mr Denney and recommended a re-arrangement of Stage 3 of the quarry. Whereas the original intention was to cut through a long strip of the east-facing channel bank, he was now recommending that the entry into the quarry be reconfigured so that the channel bank formed a screen between the quarry and public roads, and that the entry not be widened. In response, to maintain the same quantities of winnable

material he recommended the reconfiguring of the footprint as we have described earlier in this decision.

60. Attachment D to Mr Skelton's evidence as lodged was a Vegetation Management Plan. This differed from the Landscape Management and Remediation Stage 3 Plan included in the application by combining the five clusters shown on the lower terrace on the earlier plan into two elongated strips of landscaping, separated by the alternate access. Attachment D also deleted two areas of landscaping shown on the application plan at the southern end of the upper terrace.
61. At the hearing Mr Skelton produced a third landscaping plan which he titled Attachment E. This plan broke up the elongated landscaping strips into eight small clusters. It also removed matagouri from the planting schedule and increased the proportion of mingimingi (*Coprosma propinqua*) and *Oleria lineata* to compensate.
62. With reference to the suggestion that an ecological survey was required, Mr Skelton advised that he considered the likelihood of any indigenous species existing within the pasture to be very low and that he had seen no evidence of it.

Ms A Devlin

63. Ms Devlin is the General Manager for Planning and Development at Willowridge Developments Ltd. She is also qualified as a planner. Her evidence covered the details of the proposal including the amendments made in response to the s.42A report. She summarised the evidence on effects of the proposal and inserted comments on how the proposal addressed matters raised.
64. Ms Devlin took particular issue with Ms Picard's assessment of positive effects and the recommended conditions. She considered the benefits of the proposal would be more than minor. In terms of conditions, Ms Devlin suggested a series of major amendments, including the deletion of approximately 12 conditions, and replacement of others.
65. We note at this point that the major differences between Ms Devlin and Ms Picard, along with our own concerns with several of the conditions, led us to adjourn the hearing to enable Ms Devlin and Ms Picard to try and reach some agreement on the conditions they considered would be appropriate.

Ms C Thomson

66. Ms Thomson is the Secretary of the Mt Barker Residents Association. This association includes residents on the rural section of Ballantyne Road south of

the Cardrona River. She told us that the association was concerned with the prospect of Ballantyne Road being used as a haul route, but was somewhat reassured by the applicant's undertaking not to use that route. She advised that the association would like to see a condition of consent to that effect.

Mr Denney

67. We understood that Mr Denney was in large part satisfied with the redesigned quarry, although he raised the following points:
- a) The alternative access outlined by Mr Todd would cut through the ONF line and be highly visible;
 - b) He did not want the landscaping plan to effectively protect wilding species for the term of the consent;
 - c) The mitigation planting outlined by Mr Skelton at the hearing was "a bit mean" and it should be linked, fenced as a whole and have some watering;
 - d) A replacement procedure should be provided as part of the landscape plan;
 - e) The site management and landscape plans require better definition of operational areas and bund locations.

Mr Flitton

68. Mr Flitton considered the upgrading condition proposed by Mr Bartlett in large part an acceptable replacement to sealing but considered that some widening of the carriageway to 6.5 m was required as well. He was also satisfied that an alternative approach to conditioning rehabilitation would obviate the need for a bond.

Ms Picard

69. Having heard the evidence Ms Picard changed her recommendation to approval, but noted that clarification of details were required. She considered this could be dealt with by refining the conditions.

Mr Todd

70. In reply Mr Todd advised us that, given the changed stance of the Council officers, the alternative access proposed was withdrawn by the applicant. He accepted that further work was required on the conditions before we could make a determination.

Joint Statement on Plan Change 49

71. Ms Devlin and Ms Picard prepared a joint statement on the status of the District Plan provisions given the status of this plan change. They noted that the rules in PC 49 had legal effect but an appeal to the Environment Court meant Rules 22.3.2.4, 22.3.2.3 and 22.3.3 and the definition of “Earthworks” could not be treated as operative and the rules they replace treated as inoperative (s.86F of the Act). They did consider, however, that reasonable weight could be given to the exclusion of mining activities from the definition of earthworks as that part of the definition was not subject to the appeal.

Agreed Proposed Conditions

72. On 9 September 2015 we were provided with a draft set of conditions that the applicant’s advisers and the Council officers had agreed would be appropriate. We have considered the proposal in the light of those proposed conditions.

Major Issues in Contention

73. Two issues raised in the s.42A report were largely resolved by the end of the hearing. These were:
- The landscape impact of removing the east-facing channel bank; and
 - The need for sealing McKay Road.

74. We will deal with these matters briefly in our consideration of the proposal. The remaining matters of contention were the effects of the proposal on the environment, with particular emphasis on the landscaping, building colour and location, the remediation proposed, and the use of roads for haulage.

Effects of the Activity on the Environment

Beneficial Effects

75. Granting consent would enable the development of a quarry to provide gravel of a type suitable for the aggregate needs of the applicant company and associated companies within the Upper Clutha area. We accept that sources of such aggregates are limited and that this site is preferable to using a site which involves greater haulage distances, such as the quarries at Parkburn.
76. Ms Devlin suggested the use of this quarry would obviate the need for gravels to be extracted from rivers and thus avoid “*the risk of pollution to water courses [and] the disturbance of aquatic species and habitats*”. In our experience, gravel

extraction from river beds is limited to those parts of the bed outside of the water flow, and generally sufficiently separated that the types of effects Ms Devlin listed are unlikely to occur. In addition, riverbed extraction is usually prompted by a need to lower the bed so as to minimise flooding risk. That type of extraction has its own beneficial effects. Thus, we do not place any significant weight on the avoidance of riverbed extraction being a positive effect.

77. No evidence was provided on the level of employment to be provided by the quarry, but we take from proposed intermittent use of the quarry, that employment would not be a major, nor necessarily ongoing, factor.
78. Ms Picard listed indigenous planting as a positive effect of the proposal. We agree but, having received further clarification of the intentions of the applicant when we sought comments on our draft conditions, we consider what is proposed to be the bare minimum and of little beneficial effect beyond screening.
79. Removal of wilding pines would be a positive effect. Although no clear programme for removal of wilding pines and seed source on the site was proposed, we understood from the application and Mr Dippie's evidence that over the course of the consent all wilding pines and most, if not all, of the plantation pines, would be removed from the site. Again, clarification by the applicant of the areas to be cleared shows only a small area of the site would be cleared, and the positive effect would be little more than minor.
80. We accept there would be financial benefits to the applicant but there was no evidence that such benefits would accrue to the community at large.
81. Overall, we consider the positive effects of the proposal to be limited.

Effects on Landscape Qualities

82. The Assessment Matters in Section 5.4.2.1 of the District Plan require that we use a two-step process to determine the landscape classification of the land concerned. We adopt the analysis of Messrs Skelton and Denney which concluded that the land we are dealing with is within a Visual Amenity Landscape ("VAL"). In applying the relevant assessment matters (Section 5.4.2.2(3)) we are required to consider whether the site adjoins an Outstanding Natural Landscape or Feature. There was disagreement between Mr Skelton and Mr Denney on this point. We note that Mr Skelton did not define the extent of the Clutha River Outstanding Natural Feature ("ONF").
83. In our view, Mr Denney's line extends into a landscape which does not have the characteristics of an ONF. The extension up SH8A and McKay Road is onto land

which is largely indistinguishable from that adjoining which Mr Denney classified as VAL. We are supported in this view by the landscape classification adopted in the Proposed District Plan. This shows the extent of the Clutha River ONF running along the top of the western face of the upper terrace on this site and crossing SH8A at the southwest corner of the site to follow the Clutha downstream.

84. Our assessment is based on the revised form of the quarry, the maintenance of McKay Road as volunteered by the applicant, and the imposition of conditions on landscaping, building design and location, and remediation.
85. We are satisfied the proposal will not compromise the open character of the nearby ONF. We are also satisfied the pastoral character of the surrounding landscape will not be compromised or degraded by the proposal provided appropriate remediation of the site occurs.
86. Any visibility of the site from SH8A will be limited and landscaping will assist in diminishing any such impact. Visibility from McKay Road will be a little more obvious, but again judicious landscape planting will mitigate any such effects. The only potential concern is the location of the buildings proposed and initial stages of development. Creating the entry through the east-facing channel bank requires excavating at the top of the face and progressing downwards. We consider the existing Douglas fir will reduce the visibility of the excavation, and visual effects of the buildings can be mitigated by colour control and/or location control.
87. As the proposal involves the excavation of a basin in the top of a terrace that is elevated above most of the land around it, public views of the quarry operation will be extremely limited and would only be at such a distance as to have no adverse effects on the landscape qualities.
88. In considering the cumulative effects on the landscape character we have considered the effects in conjunction with the existing Fulton Hogan quarry on SH8A opposite McKay Road and the gravel storage site at the corner of SH8A and Kane Road. The Fulton Hogan quarry is screened by an existing line of large pines. We note that both facilities are highly visible from the terrace which this proposal seeks to quarry. However, from SH8A it is only the view of the Fulton Hogan gravel mounds that makes it apparent a quarry is located there. Provided gravel mounds and buildings are excluded from the lower eastern terrace we consider no cumulative visual effects would arise from granting consent to this proposal. There is no landscape connection between the gravel store and this proposal. Each is in a separate landscape or visual catchment.

89. We have considered the proposal in respect of effects on rural amenity values. We are satisfied that it will not disrupt views or compromise the ability of neighbours to undertake agricultural activities on their land. The form of access is consistent with that in a rural area and no infrastructure of an urban character is required.
90. We also consider the long-term benefits of indigenous planting on the terrace faces, allied with the removal of exotic conifers, would enhance the landscape quality, albeit in a minor way.
91. Overall we are satisfied that the adverse effects of the proposal on the landscape values of the area will be either at or below those one would expect from agricultural use of the property.

Use of Roads for Haulage

92. Twenty-three submitters opposed the application because they were concerned that Ballantyne Road would be used by heavy vehicles travelling between the quarry and development areas in Wanaka. As noted above, Ms Thomson appeared to re-inforce that concern. The applicant has stated that it is not its intention to use that route for haulage.
93. Two further submitters were also concerned about the use of Church Road in Luggate by heavy vehicles leaving the site and other submitters identified an issue with use of Mt Barker Road and the Red Bridge.
94. In his submissions, Mr Todd suggested that use of the roads was a permitted activity and that we should not concern ourselves with the routes travelled once the vehicles leave the immediate vicinity of the quarry. We have referred above to the *Winstone Aggregates Ltd* decision. It is clear from that decision that, while it may be Mr Todd's experience that the Council planners have not considered this matter in the past, we consider that it is within our jurisdiction to impose conditions on this application to regulate the routes of heavy vehicles coming to or going from the site, and that this is a practice the Environment Court has endorsed. We note that the Court considered the issue of enforceability of such a condition where such a condition could seek to impose conditions on third parties.³
95. Although there was no evidence on this issue, we accept the concerns of submitters that there could be potential adverse effects from the regular use of Ballantyne Road (in its present state) for heavy vehicles associated with this

³ Ibid, paragraph [34]

quarry between SH6 and the western side of the Cardrona River bridge. These are largely dust and road safety issues. We also accept that the applicant has stated that Ballantyne Road is not a preferred route.

96. As Mr Todd has not had the opportunity to make submissions on the issues raised by the *Winstone* case, nor the wording of any possible condition, we consider the appropriate course of action is to take the applicant at its word that Ballantyne Road will not be used as a haul route, but, if we determined that consent should be granted, provide a specific provision in the review conditions to allow review of the consent if the applicant or a future owner does not abide by that commitment and significant adverse effects were found to occur as a result.
97. The application was presented to us on the basis of the applicant or related companies transporting the materials won from the quarry. We noted above the Court's concern in the *Winstone* case to ensure that any haulage condition did not seek to impose conditions on third parties. So long as the transport of materials occurred in the manner the application was presented to us that would not occur in this case.
98. We do not consider the situation in Church Road, Luggate to be similar. That road is sealed and is presently an established route from SH8A to Luggate and areas to the south such as Queensbury. Use of this route by heavy vehicles would be unexceptional.
99. We agree with Mr Bartlett that in the absence of any submission from the New Zealand Transport Agency, we must assume that the Red Bridge is capable of handling the traffic from this quarry. It is part of the State Highway network, is the major route from Wanaka to Christchurch and, consequently, is regularly crossed by heavy vehicles.

Dust

100. This matter was raised in the Birds' submission and by Mr Dennis. Dust nuisance is primarily a spring and summer phenomenon during norwesterly winds. The potential sources for dust are the exposed surfaces in the quarry, stockpiles and McKay Road when being used.
101. The applicant proposes to use mobile water spray equipment for dust suppression. We were shown the machine following our site visit, although it was not demonstrated. Mr Dippie also considered that as the quarry was in a basin, dust loss will be reduced.

102. We note that the Birds' property is to the west of the quarry site, therefore upwind of the prevailing winds. The other potential source of dust, McKay Road, is further east (downwind). We are satisfied that if conditions are imposed requiring proper site management so as to minimise dust creation, the effects on the Bird's property would be minimal.
103. The land downwind of the proposed quarry and McKay Road is in pasture. There was no suggestion that, subject to adequate dust control measures, this proposal would create adverse dust effects on those operations. We also note that the cultivation of land, which in itself can be a major source of dust in this area, is a permitted activity.

Noise

104. When we undertook our site visit we were able to stand on the south end of the subject site and listen to the noise from the Fulton Hogan quarry. Although we do not know what operations they were carrying out in that quarry at the time, the audible noise was not intrusive. Following our site visit we were able to listen to the machines the applicant proposes to use in their present location within the Three Parks area. The first location we listened from was on Riverbank Road, some 625 m from the source. This distance equates to the distance between the nearest part of the quarry and the notional boundary of the Bird house. At that distance we were unable to hear the crusher over the noise of a tractor working the fields some 500m away. We then moved to a location a little under 100 m away, being the shortest distance from the quarry operations to McKay Road. At that point we could hear the crusher in operation but it was not so intrusive one could not hold a conversation.
105. The applicant has advised that it will not breach the noise limits as contained in the Rural General zone and has proposed a condition to that effect. While we received no evidence on the noise likely to be generated by the proposal, we have no reason to doubt the applicant's contention that it will operate within the Plan noise limits.

Land Modification Effects

106. The creation of a 10 m pit dug into the coarse gravels of the terrace would, if not rehabilitated, create an area unsuitable for pastoral farming. To avoid this outcome the applicant proposes rehabilitating each stage at its completion by topsoiling and grassing. Although Ms Picard recommended a condition that

implied that no topsoil could be brought onto the site⁴, we agree with Ms Devlin that adequate remediation will likely require the importation of topsoil.

107. In our view, a remediation plan is required prior to work commencing, and such a plan should be updated prior to the commencement of each subsequent stage to take account of changes in circumstances and experience gained in rehabilitation undertaken. Such a plan should show the works required, the quantities of topsoil to be brought onto the site, planting proposed, and dust and erosion mitigation methods proposed.
108. We note that the applicant has specifically not sought consent to use this site for cleanfill purposes. Thus, if we conclude consent should be granted, we will exclude the refilling of the pit by cleanfill and limit the material imported into the site to topsoil required solely for land rehabilitation as shown on the rehabilitation plan. We note that a separate consent would be required in any event if the site was to be used for cleanfill purposes.

Biodiversity

109. Mr Denney had raised the question in his report as to whether plants of botanical significance were likely to be found on the site. He suggested a botanical survey was required. We accept Mr Skelton's evidence that he had found no evidence of any indigenous plants of botanical significance within the part of the site affected by the proposal.

Overall Consideration of the Proposal on the Environment

110. While there are potential adverse effects arising from the proposal, we are satisfied that by the application of conditions these can be mitigated to an acceptable level given the nature of the surrounding environment.

Provisions of the Regional Policy Statements

111. The Assessment of Effects on the Environment lodged with the application assessed the proposal against the provisions of the operative RPS. We accept that assessment.
112. The proposed RPS was notified in May 2015 with submissions closing in June 2015. The summary of submissions has yet to be notified. We have reviewed this document and considered the provisions we listed earlier.

⁴ Her recommended condition 16.

113. While the weight we should give to this statutory document is limited, we are satisfied that, subject to the application of appropriate conditions, the proposal would be consistent with the provisions of the proposed RPS.

Objectives and Policies of the Operative District Plan

114. Ms Picard and Ms Devlin assessed the proposal against the objectives and policies of the District Plan and came to differing conclusions, in large part due to the landscape effects of the proposal as originally applied for. We understood from Ms Picard's changed recommendation at the hearing that she was satisfied that the amended proposal was consistent with the objectives and policies of the Plan.
115. We accept that to be the case provided adequate conditions are imposed to ensure adequate long-term landscape treatment, including wilding pine removal and proper remediation of the site.

Provisions of the Proposed District Plan

116. We have explained above that this was notified during the course of the hearing and that the rules in the Plan applicable to this proposal had no legal effect.
117. We agree that Ms Picard that Objective 21.2.5 and its policies are relevant. We note in particular that Policy 21.2.5.3 seeks to ensure progressive rehabilitation of mineral extraction areas such as to enable the establishment of appropriate land uses on the land post-closure.
118. We have also considered the broader objectives and policies in the Plan. We note that the Strategic Direction Chapter contains an objective (3.2.4.4) to avoid exotic vegetation with the potential to spread and naturalise, and Objective 3.2.5.2 is to minimise adverse landscape effects within the Rural Landscapes. Provisions in Chapter 6 propose the avoidance of development in inappropriate locations within the Rural Landscapes, and that indigenous landscape planting should not degrade openness where that is an important part of the landscape character.
119. Policy 6.3.1.4 refers to specific assessment criteria in Chapter 21 as being applicable to development on the area of the proposed quarry. We understand these assessment criteria do not comprise rules and should be considered in a similar manner to objectives and policies. After having regard to them, we are satisfied that, subject to appropriate conditions relating to landscape planting, wilding pine removal and remediation, this proposal would be considered appropriate in this location.

Overall Assessment

120. The availability of suitable gravels and aggregates is a requirement for the infrastructure that our society is based upon. The challenge that faces those seeking to extract such a resource is to find the resource in winnable quantities in a location where extraction can occur without creating a level of adverse effects that is unacceptable. We are satisfied that, provided appropriate conditions are imposed on the operations, the applicant has found such a site in this instance.
121. Section 6(b) requires us to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate development as a matter of national importance. This proposal avoids impinging on the Outstanding Natural Feature of the Clutha River and its margins, even though that feature includes part of the subject site.
122. Section 7 requires us to have particular regard to, relevantly:
- (b) *The efficient use and development of natural and physical resources:*
 - (c) *The maintenance and enhancement of amenity values:*
 - (f) *The maintenance and enhancement of the quality of the environment:*
 - (g) *Any finite characteristics of natural and physical resources:*
123. The amended design of the quarry pit along with proposed dust control measures and landscaping will maintain and enhance amenity values and the quality of the environment.
124. We note that it appears that there is more resource present than the applicant proposes to win during the period for which consent is sought. The granting of this consent would not preclude the future expansion of the quarry if the additional resource were needed, subject, of course, to consents being obtained. In addition, remediation of the land as proposed would allow the re-use of the site for pastoral farming. We conclude those two factors mean this proposal represents efficient use of the resource.

Conditions

125. Having concluded consent can be granted we now consider the appropriate conditions. We have treated the jointly proposed set of conditions as a starting

point, but note at the outset that there were aspects of them that created uncertainty as to what should actually occur. We refer to those conditions in this discussion as Proposed Conditions.

126. An overall concern we had with the draft conditions was that, where management plans were required, the applicable conditions actually read as a set of standards rather than seeking details of how the standards would be met. We were concerned that as drafted, those conditions would effectively amount to delegating the power of approval of aspects of the proposal to a Council officer, rather than merely requiring certification that the methods proposed would enable the standards required to be met. We also amended the conditions to reflect what we understood to be the various undertakings of the applicant as presented at the hearing. Given the substantial changes involved we issued a Minute on 21 September seeking comments on the draft conditions from the applicant and the Council officers.
127. When these comments were received it was apparent that there was a considerable discrepancy between our understanding of the applicant's proposals in terms of wilding pine removal and landscape restoration and what the applicant suggested, in its response to the draft conditions, it was proposing. There also appeared to be misunderstandings between the applicant's advisers and the Council officers as to the landscaping proposed. In response we sought from the applicant a definitive plan showing the areas it proposed for landscaping and the area within which it proposed to remove wilding pines. This was received on 1 October 2015. We refer to it as the Clarification Plan.⁵
128. The Clarification Plan shows different areas of landscaping than were shown in either plan attached to Mr Skelton's evidence or on the drawing he presented at the hearing. The Clarification Plan incorporates lineal planting along the access road and a greater number of planting groups or clumps that were shown on the second plan. The Clarification Plan identifies the only area to be cleared of wilding pines is the south-facing terrace face, including where it turns to run along McKay road below the eastern terrace.

Landscape Plan and Management

129. Proposed Condition 3 appeared to create discretion as to the area of wilding pines to be removed and the extent of mitigation planting proposed. We have discussed above the landscape and nature conservation outcomes promoted by

⁵ McKay Road Quarry – Clarification Plan, Baxter Design Group Plan 2510-SK15 – 30 September 2015

the application. Mr Dippie also told us that the existing exotic conifer plantations on the site would be harvested when mature and not replanted.

130. In our view, the application was presented on the basis that the entire site (i.e. all of Lot 1 DP 341373) would be cleared of wilding pines, and that clearance, along with the establishment of native grey shrubland on the slopes, comprised one of the positive effects of the proposal. It appears from the Clarification Plan that the applicant is seeking to resile from providing these beneficial aspects. We consider that at a minimum the area of wilding pine removal should encompass all of the upper terrace south of the existing plantation and all the land south and east to SH8A and McKay Road respectively. When the Douglas fir on the east-facing channel bank is harvested, that bank should be kept clear of wilding pines and, at least in part, be replanted in indigenous vegetation.
131. We have amended the Landscape Management conditions to provide for staged removal of wilding pines, retention of existing kanuka to provide screening of the access road and quarry entrance, and requiring planting to be of adequate density as suggested by Mr Denney.

Remediation and Site Management Plans

132. Again, the conditions proposed go beyond mere certification. We have amended these conditions to separate the matters to be achieved from the means by which they will be achieved. It is only the latter which should be within the relevant plan.

Other Conditions

133. We have made minor changes to other conditions to improve grammar and certainty without altering the purpose of the condition.
134. We note that Proposed Condition 13 became Condition 22 in our draft and that we did not propose altering the wording from that agreed between the applicant and the officers. We were somewhat surprised that, notwithstanding that agreement, Ms Devlin suggested a downgrading of the requirements for rabbit proof fencing. We have retained the jointly agreed wording.
135. We have inserted the conditions discussed above regarding use of Ballantyne Road.

Additional Conditions

136. There were three matters not covered in the agreed conditions which we consider need to be included and we have inserted conditions to cover these:
- a) Hazardous substances – we consider a condition is necessary limiting the use of these on the site and ensuring that such use does not contaminate land or water;
 - b) Cleanfill – we understand that there is no proposal to use the site for cleanfill. We consider it appropriate to make it explicit in the conditions that it cannot be so used; and
 - c) Blasting – although it should not be necessary for the operation of this quarry, we consider a prohibition on blasting should be imposed as the effects of that have not been considered in our assessment.

Decision

137. For the reasons set out above, we are satisfied that the proposal represents sustainable management of natural and physical resources provided it complies with the conditions imposed. Consequently we grant consent to Central Machine Hire Limited to establish and operate a quarry on Lot 1 DP 341373 McKay Road, Hawea Flat subject to the conditions set out in Appendix A.



Denis Nugent
for the Hearing Panel
5 October 2015

Appendix A: RM150294 Consent Conditions

CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

'Proposed Quarry McKay Road' Job 5367 prepared by C Hughes and Associates Ltd

- Section A-A – Stage 1 – 1/4 and 2/4 dated 21-08-2015
- Section A-A – Stage 1 – 3/4 and 4/4 dated 21-08-2015
- Section B-B dated 24-08-2015
- Quarry Earthworks – stages and sections shown – Issue B dated 24-08-2015
- Access to Proposed Quarry off McKay Road Luggate – dated April 2015
- Proposed Quarry Access Longsection - dated April 2015

'McKay Road Quarry – Clarification Plan' 2510 – SK15 prepared by Baxter Design Group dated 30 September 2015

stamped as approved on 5 October 2015

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240. This initial fee has been set under section 36(1) of the Act.

Landscape management

4. Wilding Pine are to be removed from the site as follows:
 - a. Prior to the commencement of quarrying operations all Wilding Pines are to be removed between McKay Road and the quarry access road and from the south facing terrace face (as shown as Tawny on Plan 2510-SK15) and the land between it and the Luggate-Tarras Road (State Highway 8A);;
 - b. Prior to the commencement of Stage 2 all Wilding Pines are to be removed from the upper terrace south of a line drawn east-west 150 m north of the northernmost extent of intended quarrying;
 - c. All areas are to remain free of Wilding Pines after clearance for the duration of the consent.
5. Prior to work commencing on the site all existing kanuka that provides mitigation screening of the access road and quarry entrance is to be identified, fenced and protected.
6. Within 12 months of works commencing on the site, a continuous indigenous shrub buffer between the quarry access road and McKay Road is to be established to assist in screening quarry activity and landscape modification.
7. Within 12 months of works commencing on the site the areas shown on Baxter Design Group Plan 2510 SK15 dated 30 September 2015 as proposed indigenous vegetation are to be planted in kanuka and mixed grey shrubland species.

8. When the plantation of Douglas fir on the eastern face of the terrace is harvested, that face is to be planted with kanuka and mixed grey shrubland at a density adequate to enable recolonisation of the terrace face by indigenous plants.
9. All the planting in Conditions 6, 7 and 8 is to be:
 - a. Of indigenous species consistent with the ecology of the Upper Clutha Basin;
 - b. Fenced and protected from rabbits, weeds and other pests;
 - c. Mulched and watered as required to sustain healthy and ensure rapid growth;
 - d. Of grade PB2 or greater;
 - e. Of sufficient density, quantity and species composition to provide both screening and a long-term seed source to enable recolonisation of the terrace faces by indigenous plants. Planting at 1 metre spacing is considered sufficient density;
 - f. Managed to achieve, and then maintain, a closed canopy over the entire area identified for planting.
 - g. Retained for the duration of the consent, or replaced within 8 months if diseased, damaged or deceased.
10. No quarrying shall occur within 20 metres of the crest of any terrace face, except for the works required to enable the access road into the quarry pit.
11. The works to enable the access road into the quarry pit shall be in accordance with the plans listed in Condition 1.
12. Bunds to be provided around each of the quarry stages shall be of a consistent height not exceeding 3 m above natural ground level and shall be seeded with brown top or similar pastoral grasses consistent with the surrounding land.
13. The extent of area of excavation to form the quarry pit access road through the eastern terrace face shall not exceed that shown on the plans listed in Condition 1. The cutting into the east-facing channel bank for the formation of the access road shall be top soiled to a depth of no less than 200mm and reseeded in brown top or similar pastoral grass, or re-vegetated in indigenous planting to blend into the surrounding landscape upon completion of the access road.
14. A Landscape and Vegetation Management Plan shall be submitted to Council for certification by the Resource Consent Manager prior to works beginning on site. The purpose of this plan is to provide the details of how the requirements of Conditions 4 to 13 above are to be met. This shall include:
 - A detailed methodology for establishing and maintaining, for the duration of the quarry operation, the planting required.
 - A detailed programme of weed and pest control for the duration of the consent to achieve the outcomes required by those conditions.
 - Details of locations of bunds and how those will be stabilised and grassed.
 - A detailed methodology for creation of the access road into the quarry pit and the stabilisation and planting programme proposed for the terrace walls adjoining that road.
15. The Landscape and Vegetation Management Plan certified under Condition 14 shall be reviewed prior to the completion of each Stage (as defined by the Plans listed in Condition 1). The results of the review are to be provided to the Council within 10 working days of completion of the review and if any amendments are made to the plan those shall be certified by the Council in the same manner as in condition 14 prior to the commencement of the ensuing Stage.
16. Wilding species (*Pinus contorta*, *P.nigra*, *P.sylvestris*, *P. pinaster*, *P. radiata*, *P.muricata*, *P.ponderosa*, *P.mugo*, *P.pinaster*, *Larix decidua*, *Psuedotsuga menziesii*, *Acer pseudoplatanus*, *Crataegus monogyna*, *Lycium ferocissimum*) and problematic weed species such as silver birch shall not be planted on the site, nor shall such existing species on the site be deemed protected by this consent.

Design Controls

17. All external components of buildings and structures shall either be painted dark recessive colours within the natural tones of brown, grey or green with a light reflectivity value of between 7% and 20% or shall be located within the operational area of the quarry such that they are not visible from McKay Road.
18. All external lighting shall be located no higher than 3m above ground level onto or within 5m of consented buildings. Lighting shall be security type lighting with a timer so as to be activated only when authorised personnel occupy the site. All lighting shall be down lighting only and shall exclude floodlighting or similar wide-angle lighting. Lighting shall be directed so as not to create light spill beyond the boundaries of the site.
19. Rehabilitation of quarry slopes shall be to the angle of repose of the in-situ slope material so as to be consistent with the natural gradient of the adjacent terrace faces.
20. Concrete kerb and channelling shall not be used on the access road so as to be in keeping with the surrounding rural character.
21. Gateways shall be of standard farm gate of timber or steel construction, and all fences to be standard post and wire farm fencing. All fences around mitigation vegetation shall include rabbit proof netting and shall be installed so as to prevent burrowing beneath such netting.
22. On site storage of material shall be limited to gravel and overburden extracted from the consented (RM150294) quarry site and topsoil from external sources required to assist with regrassing of the quarry faces as they progressively become available.
23. Stockpiles shall only be located within the excavated quarry basin to the west of the east-facing channel bank and shall not protrude above the top of the perimeter bund on the upper terrace.

Remediation

24. Exposed slopes, the quarry floor and the access road are to be progressively remediated as quarrying operations cease in each area.
25. The remediated areas should be stable, not subject to erosion, and capable of livestock grazing, or in the case of the access road, be downgraded to a farm track.
26. At the completion of the quarrying operations, all plant, buildings, signage and perimeter bunds associated with the operation are to be removed.
27. A Remediation Management Plan shall be submitted to Council for certification by the Resource Consents Manager prior to works beginning on site. The plan shall detail how the requirements of Conditions 24, 25 and 26 are to be met and shall include:
 - How erosion control required to stabilise the top terrace face will be implemented;
 - The programme and methodology for re-grassing and re-vegetation to ensure all slopes are stabilised;
 - The methods by which the access road is to be downgraded to a farm track;
 - How overburden not required for remediation is to be disposed of;
 - The amount of topsoil likely to be required for remediation and where it is to be stored on site until required.
28. The Remediation Management Plan certified under Condition 27 shall be reviewed prior to the completion of each Stage (as defined by the Plans listed in Condition 1). The results of the review are to be provided to the Council within 10 working days of completion of the review and if any amendments are made to the plan those shall be certified by the Council in the same manner as in Condition 27 prior to the commencement of the ensuing Stage.

Engineering

29. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

To be completed prior to the commencement of any works on-site

30. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who is responsible for the day to day management of the quarry. The consent holder shall notify Council within 5 days of any change to the contact details.
31. At least 5 working days prior to commencing work on site the consent holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works.
32. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking or traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed.
33. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP65 metal that extends 10m into the site.
34. Prior to the commencement of any quarrying, the quarry access connection with McKay Road shall be formed in accordance with the design and layout provided with the resource consent application. The design shall allow for a 17.9m long heavy vehicle to enter and exit the site. The location of any entrance structures shall be clearly detailed and provide sufficient space for the largest heavy vehicle using the site to park clear of the roadway.
35. Prior to the commencement of works on site the applicant shall provide a report from a suitably qualified and experienced person to be approved by Council's General Manager for Infrastructure and Assets (or their delegate) that McKay Road design has been tested and is deemed sufficient to withstand the loading generated by the proposal and that a trafficable and safe surface will be maintained for all road users (taking into account any detail of the traffic management plan approved by Condition 32) or recommend any works required to maintain a safe and trafficable surface for all road users.
36. Any works required to upgrade McKay Road as detailed in Condition 35 to withstand the anticipated loads shall be undertaken prior to the commencement of any operations on the site.
37. No cleanfill is to be placed on the site other than topsoil required to implement the Remediation Management Plan required by Condition 27.

To be monitored throughout quarry operation

38. The Principal Resource Management Engineer at Council shall be notified and work shall stop immediately if any cracking, movement, structural distress or damage to any existing buildings, structures, underground services, public roads, pathways and/or surrounding land occurs.
39. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at its expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
40. The consent holder shall implement suitable measures to ensure no dust nuisance is caused off the site.

41. The consent holder shall take proactive measures in stopping all sediment laden stormwater from entering any overland flow paths or leaving the site.
42. No earthworks, temporary or permanent, are to breach the boundaries of the site with the exception of the construction of an approved vehicle crossing to McKay Road and any upgrading of McKay Road approved by Condition 35.
43. All stripped material shall be stockpiled and top-soiled and grassed/revegetated or otherwise permanently stabilised within three (3) months of stripping (this excludes the quarry face, pit and extraction/processing areas and access).

Hazardous Substances

44. The consent holder shall limit the use of fuel and other hazardous substances on site only to those necessary for the operation of the quarry.
45. The use of hazardous substances is to be conducted in such a way that contamination of soil or water (including groundwater) is avoided.
46. The consent holder is to dispose of any collected or waste hazardous substances at appropriate facilities to avoid any site contamination.

Site management plan

47. Prior to commencing any work on site the consent holder shall prepare a detailed Site Management Plan. The site management plan shall be approved by Council's General Manager for Infrastructure and Assets (or their delegate) prior to submission to the Principal Resource Management Engineer. The site management plan shall include but not be limited to the following:

Dust Control

- Details of sprinklers, water carts or other similar measures to be utilised to prevent dust nuisance in the instance of ANY conditions whereby dust may be generated beyond the boundary of the site.

Stormwater, Silt and Sediment Control

- Methods to be used to manage stormwater, silt and sediment, including details of site drainage paths to be constructed and utilised to keep any silt laden materials on site and to direct the flows to the in-ground disposal traps.

Stockpile Management

- How stockpiles will be managed to ensure they do not protrude above the top of the perimeter bund on the upper terrace.

Access Maintenance

- Methods to ensure tyres remain free of mud and debris.

Roading

- How traffic to and from the site is to be managed to ensure that any traffic generation from the operation does not compromise the safe and trafficable road surface of McKay Road for all road users and shall outline any operational restrictions required to avoid potential damage due to road conditions including, but not limited to; moisture, freeze/thaw, dry and windy conditions (dust) and other such conditions.

Hazardous substances

- Details of how hazardous substances are to be stored and used on site

Monitoring

- Details of how site management measures shall be regularly inspected by the consent holder, and if failings are found how these will be remedied.

The approved measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project until exposed areas are permanently stabilised. Monitoring shall continue during times where no operations are being carried out on site.

Hours of Operation

48. Hours of operation for the quarry shall be:
- Monday to Saturday (inclusive): 7.30 am to 6.00pm.
 - Sundays and Public Holidays: No Activity

Noise

49. Sound from all activities authorised by this consent, as measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, shall not exceed the following noise limits at any point within the notional boundary of any residential unit, other than residential units on the same site as the activity:

(i)	daytime	(0800 to 2000 hrs)	50 dB L _{Aeq(15 min)}
(ii)	night-time	(2000 to 0800 hrs)	40 dB L _{Aeq(15 min)}
(iii)	night-time	(2000 to 0800 hrs)	70 dB L _{AFmax}

50. There shall be no blasting on the site.

On completion of earthworks

51. Within three months of either the consent holder extracting 953,000m³ gravel or 20 years from the date of this consent, whichever is the earlier, the consent holder shall complete the following:
- a) Remove all stockpiles, buildings and perimeter bunds associated with the operation
 - b) Submit an as built plan of the site. This plan shall be in terms of New Zealand Transverse Mercator and shall show the contours indicating the depth of fill. Any fill that has not been certified by a suitably qualified and experienced engineer in accordance with NZS 4431 shall be recorded on the as built plan as "uncertified fill". Note: topsoil up to a maximum depth of 300mm used for remediating the quarry shall not be classed as fill.
 - c) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
 - d) Complete remediation in accordance with the Remediation Management Plan certified under condition 27.

Accidental Discovery Protocol

52. If the consent holder:
- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - i. notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
 - ii. stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the New Zealand Pouhere Taonga ,

Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
- (i) stop work within the immediate vicinity of the discovery or disturbance and;
 - (ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

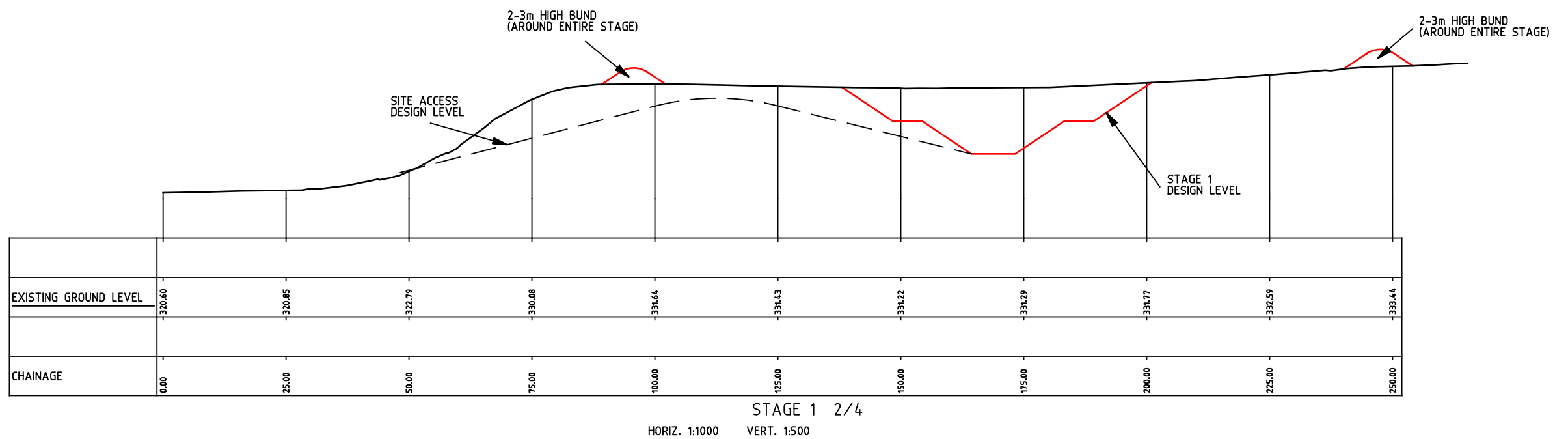
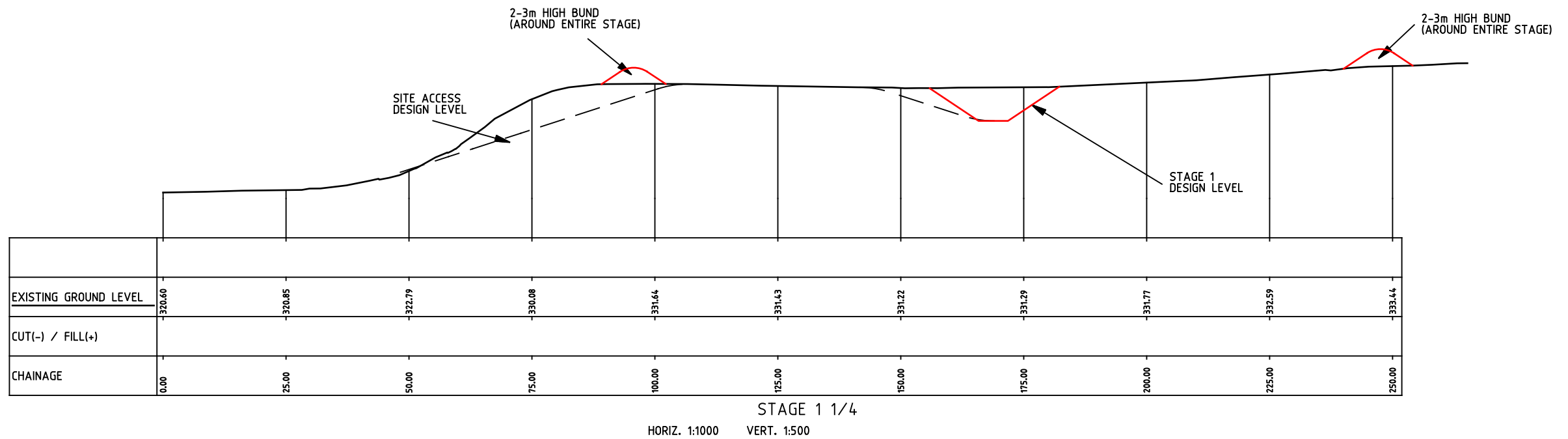
Site work may only recommence following consultation with Council.

Review

53. Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
- (a) To control the routes taken by vehicles carting gravels and aggregates from the site and vehicles travelling to the site, whether empty or carting topsoil;
 - (b) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
 - (c) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
 - (d) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

Advice Notes:

Remnants of a 19th century water race are present on the subject site (New Zealand Archaeological Association site reference G40/40). These remnants constitute an 'archaeological site' under the Heritage New Zealand Pouhere Taonga Act 2014. Any work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014. An authority (consent) from Heritage New Zealand must be obtained to modify or destroy an archaeological site. It is an offence to damage or destroy a site for any purpose without an authority. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage. The applicant is advised to contact Heritage New Zealand for further information.



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Section A -A'
Proposed Quarry
McKay Road

ISSUE	AMMENDMENTS	DATE
A		
B		
C		
D		
E		

Scale:
AS SHOWN (A3)

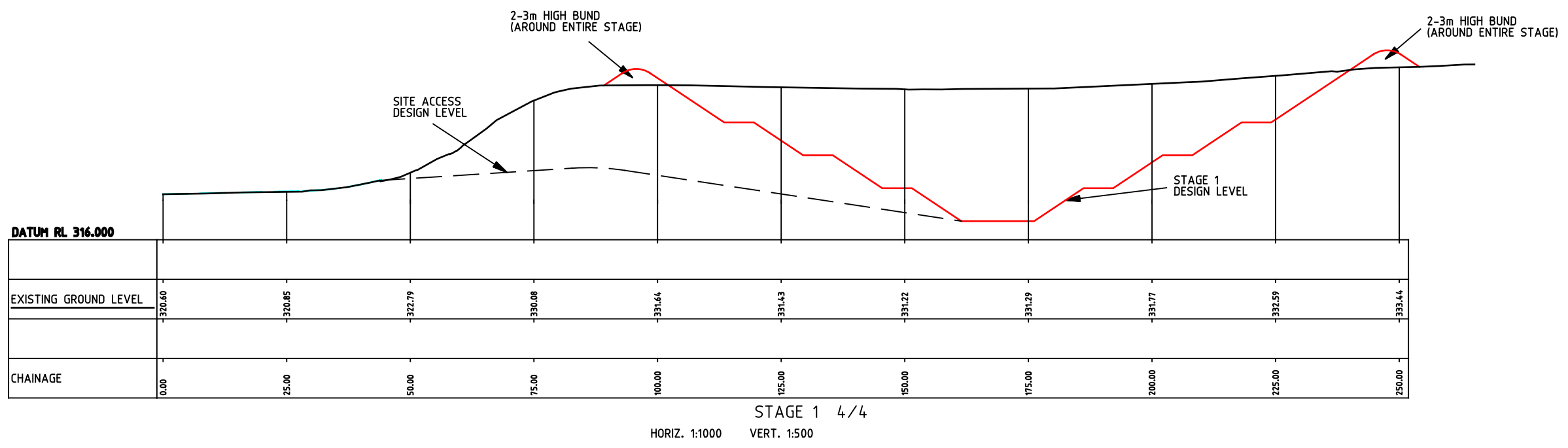
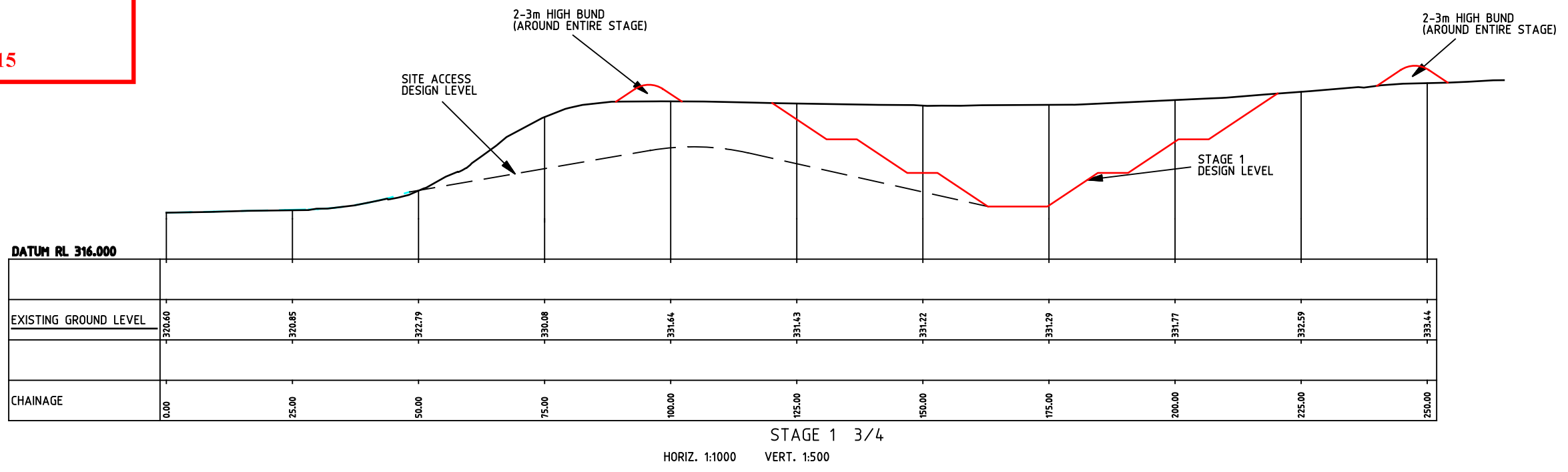
Datum:
MSL

Job No:
5367

Plan No:
Drawn:
JDL

Date: **21-Aug-2015**

APPROVED PLAN:
RM150294
Monday, 5 October 2015



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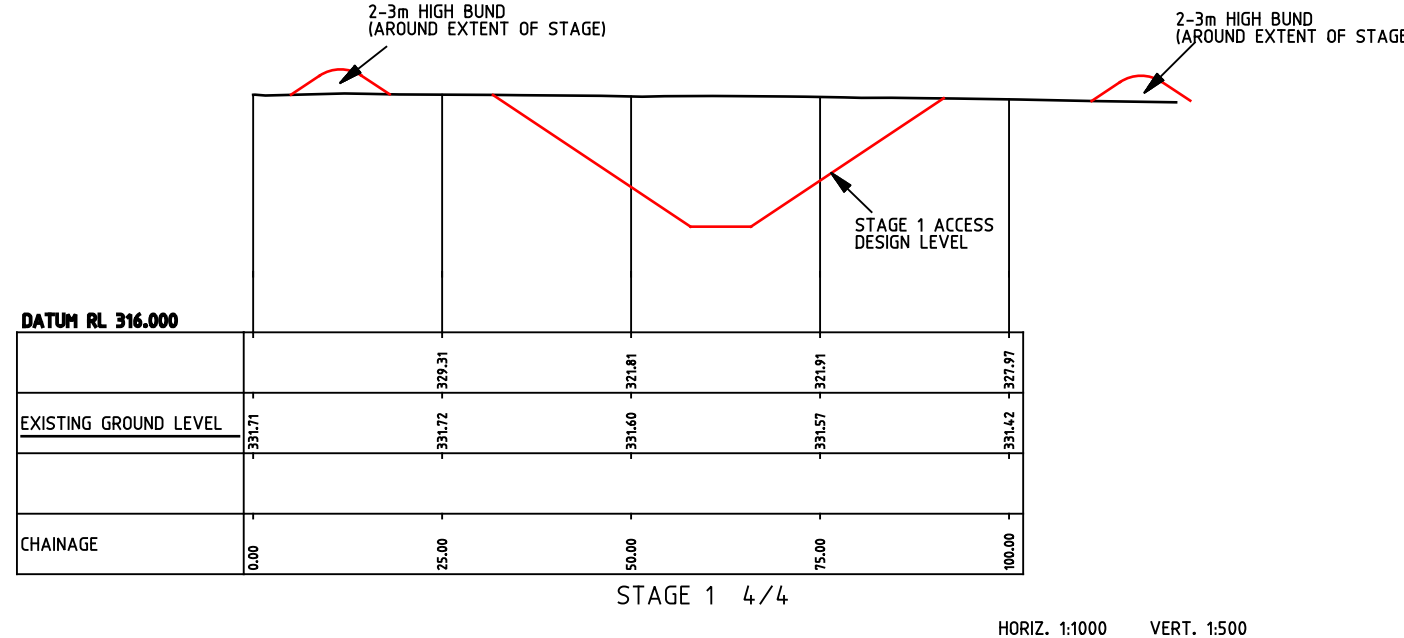
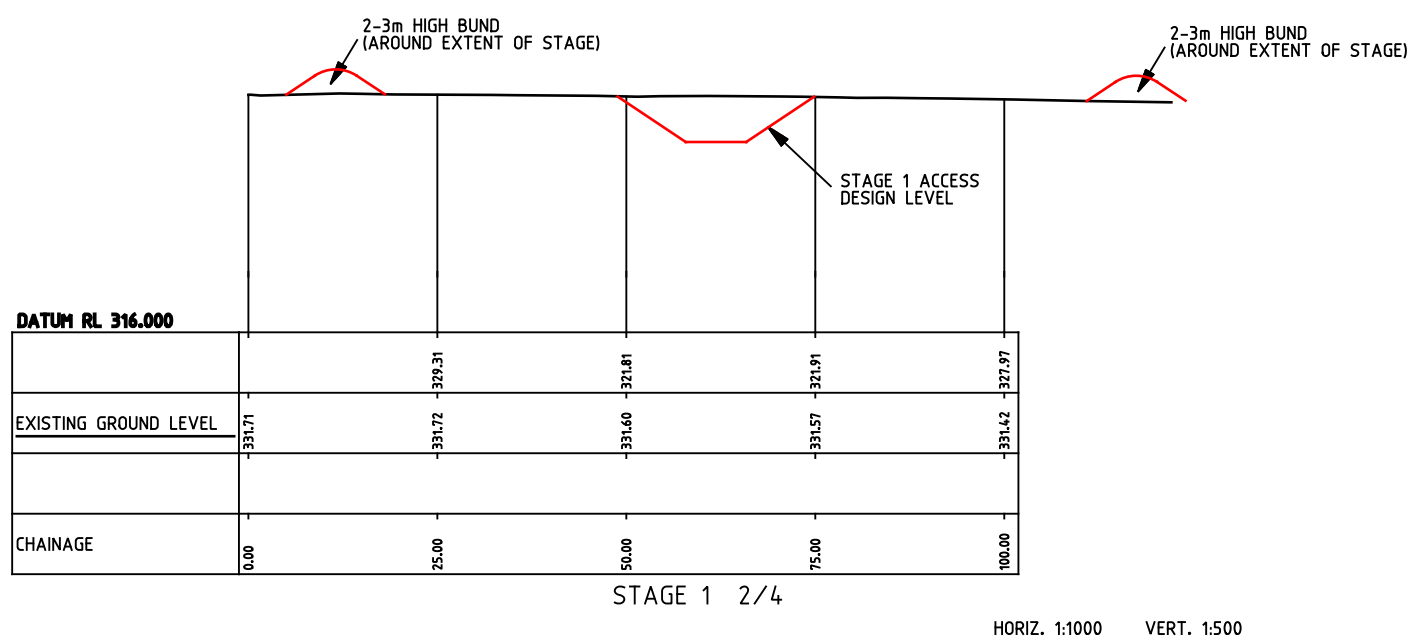
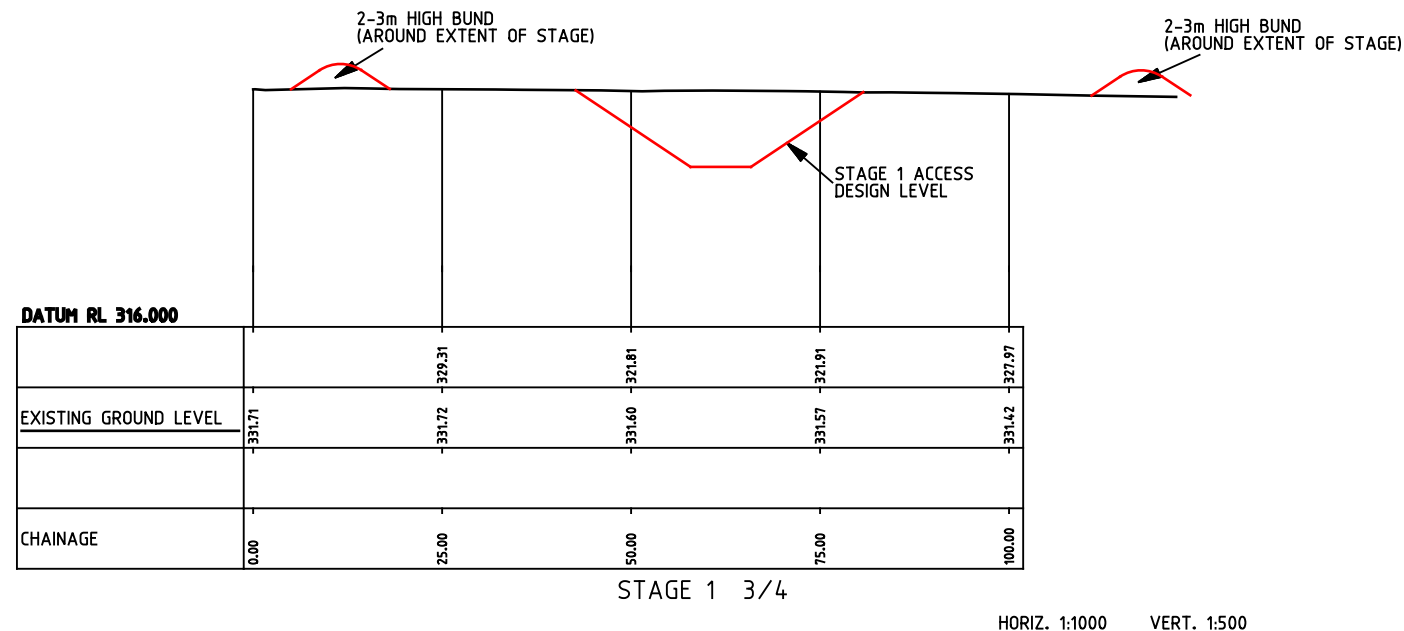
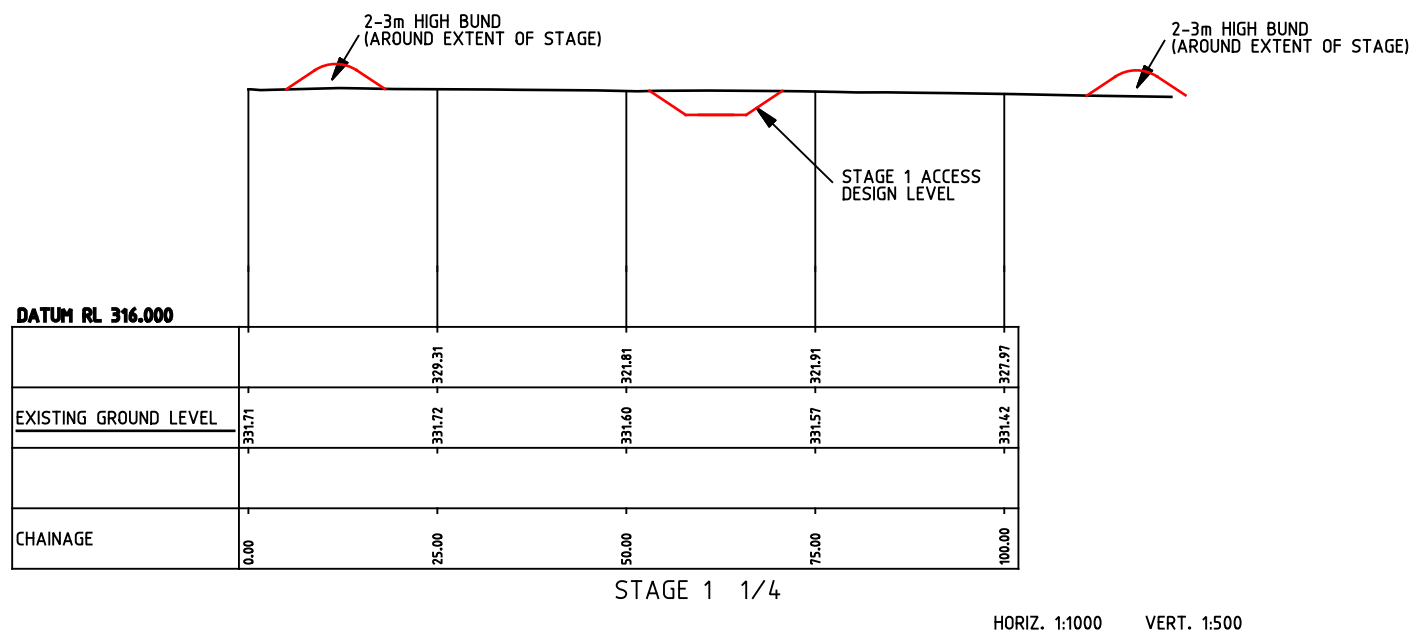
Section A -A'
Proposed Quarry
McKay Road

ISSUE	AMMENDMENTS	DATE
A		
B		
C		
D		
E		

Scale: AS SHOWN (A3)	Job No: 5367
Datum: MSL	Plan No: Drawn: JDL
Date: 21-Aug-2015	

APPROVED PLAN:
RM150294

Monday, 5 October 2015



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Section B -B'
 Proposed Quarry
 McKay Road

ISSUE	AMMENDMENTS	DATE
A		
B		
C		
D		
E		

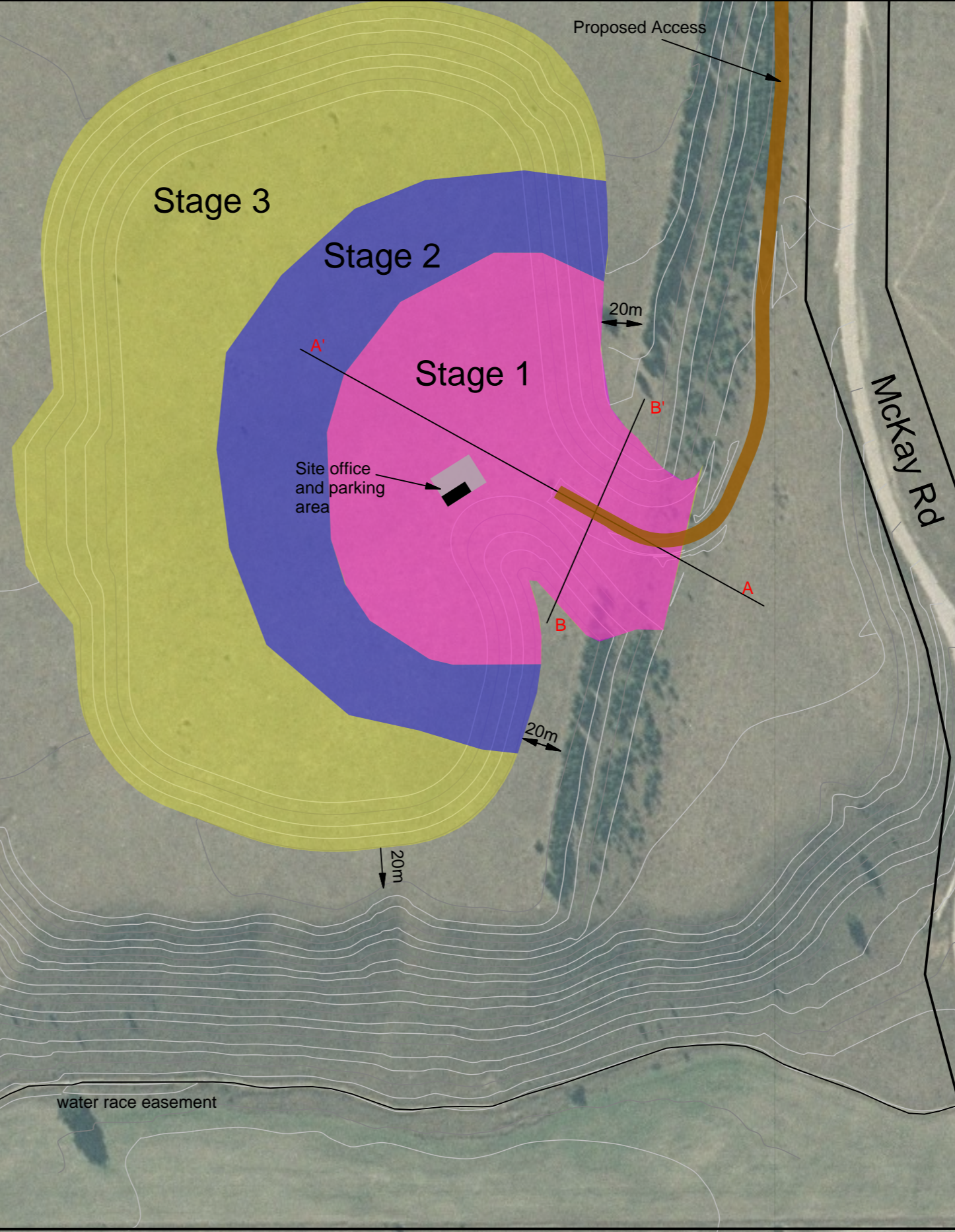
Scale:
AS SHOWN (A3)
 Datum:
 MSL

Job No:
5367
 Plan No:
 Drawn:
JDL
 Date: **24-Aug-2015**

EARTHWORKS DETAILS		
STAGES	AREAS	VOLUMES
Stage 1	2.23 Ha	183,000m ³
Stage 2	2.41 Ha	255,000m ³
Stage 3	5.92 Ha	515,000m ³
TOTAL:	10.56 Ha	953,000m³

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM150294
Monday, 5 October 2015

Lot 1
 DP 341373



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Quarry Earthworks
McKay Road, Luggate

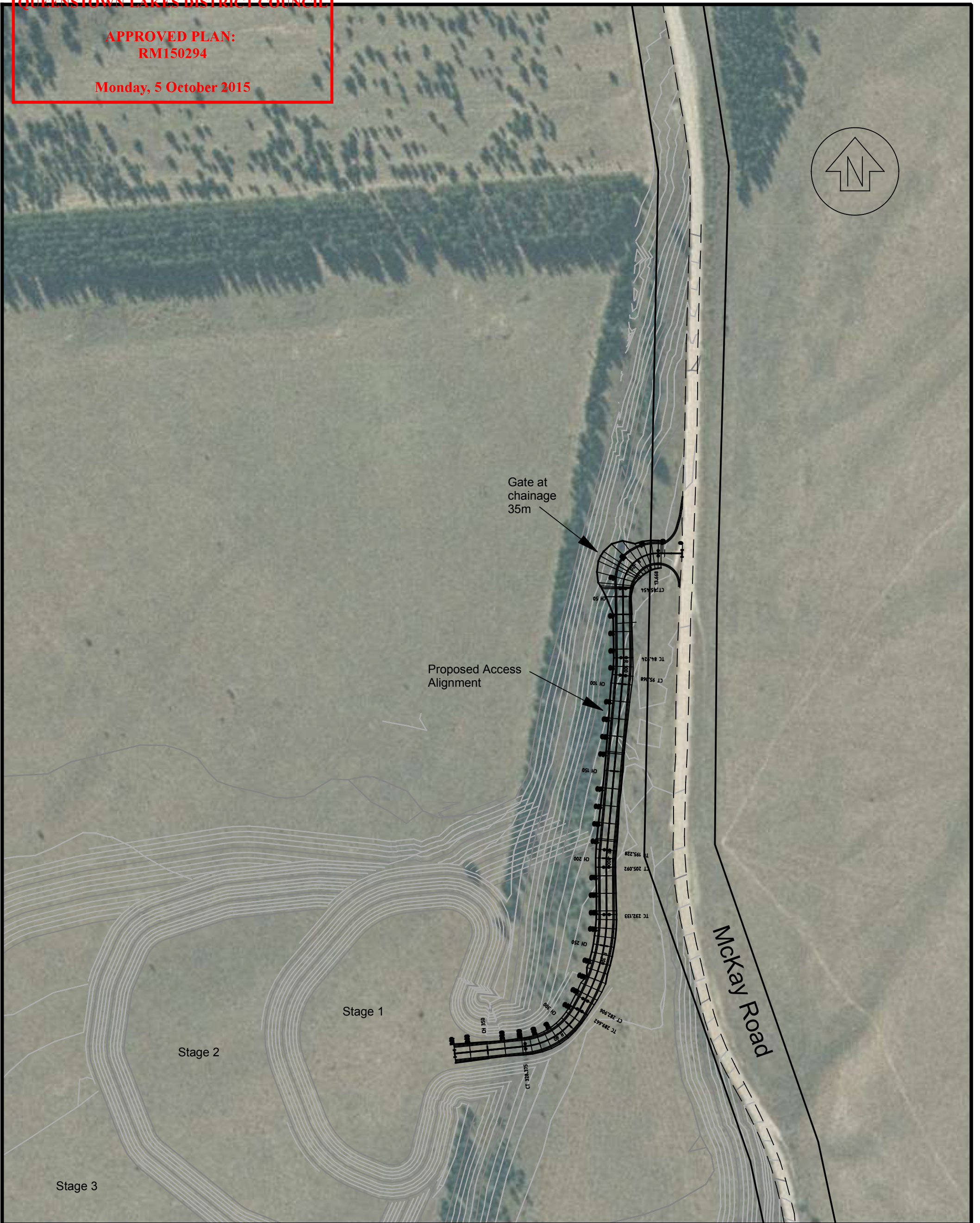
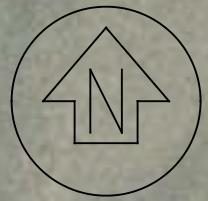
ISSUE	AMMENDMENTS	DATE
A	Stages Shown	17/08/15
B	Sections Shown	24/08/15
C		
D		
E		

Scale: **1:2500**
 Datum: **MSL**

Job No: **5357**
 Plan No: **JDL**
 Date: **JULY 2015**

APPROVED PLAN:
RM150294

Monday, 5 October 2015



Access to Proposed
Quarry off McKay Road
Luggate

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ISSUE	AMMENDMENTS	DATE
A		
B		
C		
D		
E		

Scale:
1: 2000

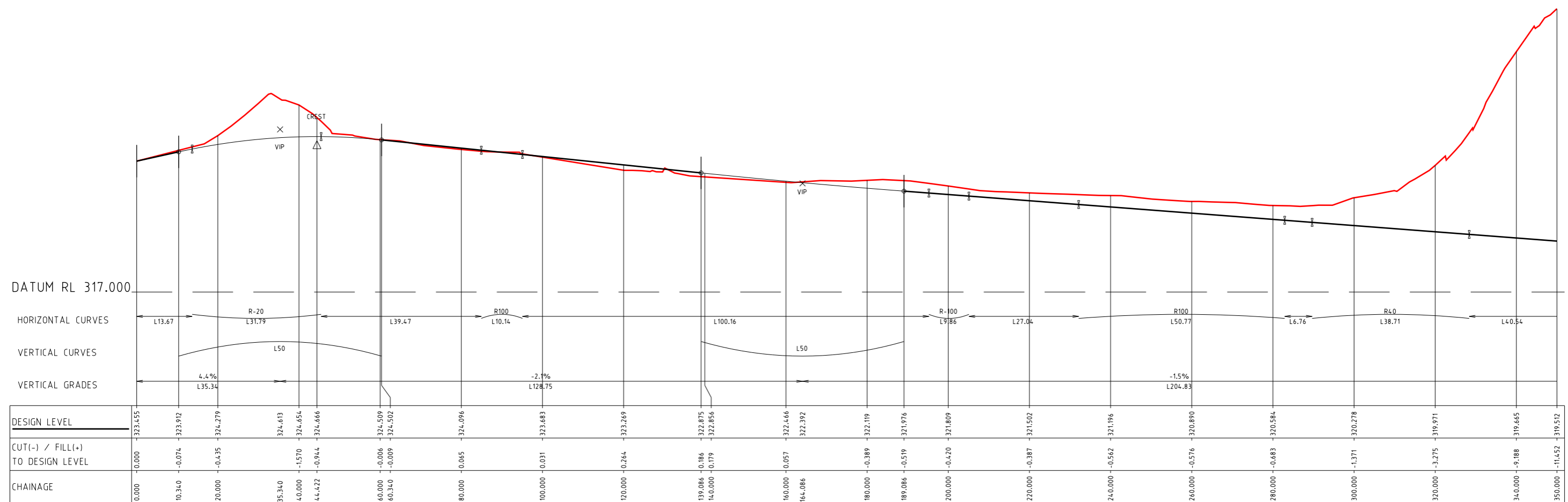
Datum:
MSL

Job No:
5367

Plan No:

Drawn:
JDL

Date: **APRIL 2015**



Access Rd - LONGITUDINAL SECTION
HORIZ. 1:1000 VERT. 1:200

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Proposed Quarry Access
Longsection
McKay Road

ISSUE	AMMENDMENTS	DATE
A		
B		
C		
D		
E		

Scale: AS SHOWN (A3)
Datum: MSL

Job No: 5357
Plan No: Drawn: JDL
Date: APRIL 2015

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM150294

Monday, 5 October 2015

