

# SOUTH WAIRARAPA DISTRICT COUNCIL

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

<b>Application No:</b>	200149
<b>Consent Type:</b>	Land Use
<b>Applicant:</b>	Peter Warren Earthmoving Ltd
<b>Proposal:</b>	Extract, crush, and stockpile aggregate
<b>Location:</b>	Underhill Road, Featherston
<b>Legal Description:</b>	LOT 2 DP 462824
<b>Zone:</b>	Rural (Primary Production) - Wairarapa Combined District Plan 2011
<b>Activity Status:</b>	<p>Wairarapa Combined District Plan (District Plan):</p> <ul style="list-style-type: none"> <li>• Restricted Discretionary Activity – Rule 4.5.5(c)(b) for the external storage of goods and products</li> <li>• Discretionary Activity – Rule 4.5.6(a) and Rule 4.5.6(b) for an activity listed in the Schedule of Primary Industry (Appendix 4) and an industrial activity.</li> </ul>



*Figure 1: Site plan showing extent of extraction areas (blue line), processing areas with bunds (white dotted line), and central crusher site within the bunds on the subject site*

## **1.0 APPLICATION**

### Site Description

The site is located off Underhill Road and Algies Road, approximately 3.5km from the Featherston township. The site is 32.5ha zoned as Primary Production. The site is held within Record of Title 611213, legally described as Lot 2 DP 462824. Interests on the title include a section of the water race, two consent notices, and easements to convey water. The consent notices relate to services and future dwelling, which are not relevant for this application.

The site is currently used for primary production activities being pasture and grazing. There are no dwellings on the site. The water race runs through the property on its south-eastern corner and runs near the eastern boundary for its entirety. The site gains access from Algies Road and Underhill Road, both which are unsealed. The surrounding environment comprises a mix of rural production farms and smaller rural lifestyle properties.

### Proposed Activity

The applicant, Peter Warren Earthmoving Ltd, is seeking resource consent to extract, crush, and stockpile aggregate in the Rural (Primary Production) Zone at the subject site on Underhill Road, Featherston. The components of the activity are:

- Removing topsoil and placing in windrows to be spread back on the site after work is complete
- Excavating the aggregate material beneath the topsoil
- Screening the excavated soil to separate different grade aggregate
- Crushing aggregate
- Stockpiling aggregate for carting from the site
- Carting aggregate from the site
- Remediation of the extracted strips (unwanted fines are spread as a subsoil, the topsoil is spread on top, and the completed area is sown in pasture).

As the applicant states in their application, the extraction will work in strips of approximately 30m wide and 180m long. This will be determined by the shape of the paddock worked within. Once one strip is complete another will begin alongside it. This will effectively shift the existing terrace towards Underhill Road. The benefit of this is that the activity has a low profile which reduces the visibility of the operation and reduces noise.

Topsoil is then stripped and laid out in windrows by an excavator to be spread back on the land when complete. The height of this windrow is approximately 1.5m. These windrows will be placed uphill of the open areas to ensure that no sediment leaves the site. The windrows also act as a bund to reduce noise and visual effects.

Aggregate is then fed through a screen which separates out different sized material. The screen moves along the strip of works. Once aggregate is screened, it is carted to the crusher by dump truck where it is fed through the crusher and stockpiled into various grade aggregate. The crusher is proposed to be located in the centre of the site and banded to reduce noise and visually screen it. The stockpiles of processed aggregate are then trucked from the site.

Stockpiling of aggregate will occur at the area of extraction once screened and at the crusher. There will be up to three stockpiles at the area of extraction and the location of these stockpiles will shift as the area of extraction moves. There will be up to three stockpiles at the crusher. These stockpiles will remain in the same place. Stockpiles will be up to 5m high and 1,000m<sup>2</sup> at

the area of extraction and up to 2,000m<sup>2</sup> at the crusher.

Once aggregate is extracted, the topsoil is respread and regressed at the next available opportunity, i.e., conditions when grass seed will strike and persist. For example, an area completed in summer would be rehabilitated the following autumn.

Extraction, crushing, and stockpiling works and transporting aggregate material offsite would take place between the hours of 8am and 5pm, Monday to Friday. These activities will not occur outside of these hours, on weekends, or public holidays. However, servicing machinery or transporting machinery to or from the site may occur outside of these hours.

#### Resource Consents Required

Resource consent for extracting, crushing, and stockpiling aggregate is required under the District Plan, as it is considered an industrial activity, not a primary production activity (see definition below).

*Primary Production – the use of land and accessory buildings (e.g. greenhouses) for the raising, growing and breeding of animals or vegetative matter and crops, including horticulture, plantation forestry, agriculture, viticulture, floriculture, racing stables, and outdoor (extensive) pig farming, as well as winemaking, flower packing, and other primary processing activities, but excludes top soil stripping, intensive farming activities, and **mineral extraction and processing.***

Stockpiling of aggregate on the site requires consent as a Restricted Discretionary Activity under Rule 4.5.5(c)(b) of the District Plan. In addition, stone and mineral crushing are listed under Appendix 4 of this District Plan (Schedule of Primary Industry) and is therefore considered an industrial activity. Extraction of aggregate is also considered an industrial activity. Aggregate extraction and crushing therefore requires consent as a Discretionary Activity under Rules 4.5.6(a) and Rule 4.5.6(b) of the District Plan. Using a bundling approach, resource consent is required for a Discretionary activity overall under the District Plan.

The original application for resource consent was submitted in October 2020 for crushing and stockpiling activities only. For clarity, it is noted that no resource consent from South Wairarapa District Council (SWDC) has been required for quarrying in the Rural Zone in the past, as it has historically been considered a Permitted activity under the Wairarapa Combined District Plan. However, a recent decision by Carterton District Council (CDC) in 2021 to refuse a Certificate of Compliance application for a quarry activity owing to legal advice it received has brought this Permitted activity status into question. For certainty and clarity, SWDC has sought its own legal advice from Hazelton Law on the interpretation of the Permitted activity status of quarrying activities in the Rural Zone. The legal opinion from Hazelton Law confirms CDC's recent decision, being that aggregate extraction is an industrial activity and therefore requires consent as a Discretionary activity under Rule 4.5.6(b). In response, the applicant has re-submitted an amended application dated 17 February 2022 that also seeks consent for aggregate extraction activities. The Section 92 request for further information referred to in the assessment of environmental effects in this report below, relates to the original application submitted in October 2020.

It is also noted that resource consent has been granted for a 10-year term from Greater Wellington Regional Council (GWRC) for aggregate extraction on the site (consent reference WAR210053).

## **2.0 S95A – 95F NOTIFICATION ANALYSIS AND DETERMINATION**

### **2.1 Public Notification (Section 95A)**

#### Step 1: Mandatory Public Notification

Public Notification is required when the application meets any of the following criteria:

- The applicant has requested public notification,
- Public notification is required under s95C of the Act (relating to requests for further information),
- The application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act.

The above provisions do not apply to this proposal.

#### Step 2: Public Notification Precluded in Certain Circumstances

If not required by Step 1 above, Public Notification is precluded in certain circumstances when the application meets either of the following criteria:

- *All activities in the application are subject to one or more rules or national environmental standards that preclude public notification.*
- *The application is for one or more of the following, but no other, types of activities:*
  - *a controlled activity,*
  - *a restricted discretionary or discretionary activity that is a “residential activity” (as defined in s95A of the RMA) or a subdivision of land,*
  - *a restricted discretionary, discretionary activity or non-complying activity that is a boundary activity,*
  - *an activity prescribed by regulations made under section 360H(1)(a)(i) of the Act (if any) precluding public notification.*

The proposal is for a discretionary activity therefore Step 2 requires assessment under Step 3.

#### Step 3: Public Notification Required in Certain Circumstances

If not precluded in Step 2 above, Public Notification is required in certain circumstances when the application meets either of the following criteria:

- *Any activity in the application is subject to a rule or national environmental standard that requires public notification,*
- *The activity has, or is likely to have, adverse effects on the environment that are more than minor in accordance with s95D of the Act.*

#### Assessment of Environmental Effects (Section 95A)

Regarding section 95D(a), Council must disregard any effects on persons who own or occupy the subject site and adjacent land, and in this instance has done so.

#### *Section 95D(b): Permitted Baseline Assessment*

Pursuant to section 95D(b), if a rule or national environmental standard permits an activity with that effect then that adverse effect of that activity may be disregarded. This is known as the “permitted baseline”.

An activity that can occur as a Permitted activity in the Rural Zone is plantation forestry and harvesting. However, I do acknowledge that while harvesting generates high volumes of traffic and associated dust from travelling on unsealed rural roads, these effects are limited to a relatively small period over the total life of a plantation forest. In comparison, the proposed activity will generate an increase in traffic movements to a somewhat lesser extent than forestry harvesting, but the traffic movements will be sustained over the life of the quarry.

*Section 95D(d): Trade Competition*

Section 95D(d) of the RMA requires that Council must disregard trade competition and the effects of trade competition. Any relevant discussion I have not considered these matters.

*Section 95D(e): Written Approvals*

Section 95D(e) of the RMA requires that Council must disregard any effect on a person who has given written approval to the application. The applicant has provided the following written approvals with the application:

- Cathy and Marc Soper – 17 Algies Road, Featherston
- Kay Kelly – 391 Underhill Road, Featherston
- Dylan Bennett – 471 Underhill Road, Featherston.

*Section 95A(7)(a) and (8)(b): Assessment of Adverse Environmental Effects*

The proposal is a Discretionary activity overall. Therefore, Council has no restrictions on the scope of matters to be considered in this assessment of adverse effects on the environment.

In determining the effects of the proposal, it is first important to have consideration to the existing environment as the effects must be assessed against the existing environment.

*Existing Environment*

Case law has held that the 'environment' upon which effects are to be assessed is the existing and the reasonably foreseeable future environment (that is, the future state of the environment as it might be modified by permitted activities under the District Plan and unimplemented resource consents, where it appears likely that these consents will be implemented). In this case, the existing environment includes consented activities, being the consent from Greater Wellington Regional Council to extract aggregate on the subject site.

*Effects on the Environment*

The RMA defines effects on the environment as follows:

- 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.

In relation to the definition of effects, the test outlined in section 95D of the RMA only relates to effects that are adverse. Positive effects therefore cannot be considered for the purpose of that assessment. In addition, effects cannot be balanced against each other to get a 'nett' effect. Each effect must be considered for its impacts. Change in itself is not necessarily considered an adverse effect.

The main effects of the extraction, crushing, and stockpiling activities relate to potential traffic effects, visual amenity effects, noise and vibration effects, and dust effects. These effects, along with the noise and traffic reports that have been prepared to support the application are assessed in further detail below.

### *Traffic Effects*

To support the application, Council asked that the applicant provide a traffic assessment as part of its S92 request for further information. Council requested that the applicant "... provide a traffic assessment detailing vehicle movements, vehicle entry points, road safety and the associated effects."

The applicant provided a traffic assessment from Harriet Fraser Traffic Engineering and Transportation Planning. This is attached as Appendix C to the amended application submitted in February 2022. The main findings of the assessment were:

- Vehicle movements: There are not proposed to be any traffic on weekends or public holidays, and operating hours are limited to 8am to 5pm weekdays. During average demand period, the report estimates an average of 22 to 44 truck movements per day (six truck movements in any one hour) through the local road network for the quarrying activity. At peak demand periods, the report estimates between 68 to 100 truck movements per day depending on the size of truck used (larger trucks taking longer to load and therefore resulting in fewer vehicle movements during the hours of operation).
- Vehicle entry points and road safety: The section of Underhill Road is flat and straight with good sight lines to approaching vehicles. An analysis of Waka Kotahi's crash database showed no underlying road safety issues with truck movements through this area of the road network.
- Traffic effects: The main traffic effects are likely to be adverse effects on road safety from increased truck movements. The report author considers the number of truck movements at average demand periods set out above are not expected to have a discernible adverse effect on traffic safety. At peak demand periods however, some traffic management will be required to mitigate adverse effects. These are set out below.

The report concludes that with a combination of measures in place (as set out in the recommended conditions below), the traffic activity generated by the proposal can be safely managed and the local road network can be expected to continue to operate safely and efficiently. In addition, these measures will also minimise any adverse traffic effects associated with dust from the road:

- a. Limit the loading of trucks to one truck at a time as this will place a practical constraint on the number of trucks that can service the site
- b. All truck traffic taking the Underhill Road and Wakefield Street route to and from SH2
- c. Truck drivers being instructed to drive at reduced speeds (40km/h) along the unsealed section, pull over when needed and be considerate of other road users

- d. on days when more than one truck is servicing the site, minimise the risk of trucks meeting either on the unsealed section or the 5.6m wide sealed section of Underhill Road via radio contact.

Waka Kotahi responded to the traffic assessment provided by the applicant with the following comments.

*“This... traffic assessment... lacks in substance. It does not reflect on some of the adverse impact this activity could have on the community and general safety.*

*“Underhill Road is a very narrow gravel rural road with a lot of farming activity and agricultural accesses along it. It looks like there could also be some recreational horse out-riding activity along the route as well. During the dry season this could cause a dust problem from the trucks travelling along this section of the road. Wakefield Street is a quiet urban residential environment and trucks would have an impact on residents and safety along here.*

*“The report does not indicate what the current traffic volumes are along the SH2 nor the local roads that are affected, although there is some indication of the “expected” truck usage from the quarry. There is also no indication of where the trucks will be heading once they reach the State Highway i.e., East or West along the highway or possibly also along SH53. This will have an impact on the intersection with Wakefield Street and the SH2, as there is only a narrow flush median for right turning vehicles with no shoulder available along the westbound lane. Visibility to the east is also restricted by the building on the corner of Wakefield Street.*

*“The report does not give a clear indication of how many trucks will be in use during the day or available for the operation. The operation could grow over time and require more trucks which would have a further adverse impact on the narrow rural road environment and safety at the intersection.*

*“... We consider that Harriet Fraser has not adequately assessed the traffic and safety impacts at the SH2/Wakefield Street intersection.*

- There is quite a lot going on at this intersection (with Revans Street/SH53 here as well).*
- There are pedestrians and cyclists to consider, as well as potential conflicts for turning trucks verses light vehicles at SH53 and Wakefield Road.*
- The right-turn hold lane is less than 3.5m wide.*
- Trucks accessing and egressing between Wakefield Road and SH53 is a particular concern, due to the narrow flush median for right turning vehicles with no shoulder available along the westbound lane and restricted visibility to the east.*
- The network engineers have identified that this level of truck movements in this location is likely to have an adverse impact on pavement condition. We would like to have this impact assessed – we may seek to require the applicant to upgrade the surface. Suitably qualified traffic engineers are able to undertake such assessments.*
- I would expect, with this level of traffic generation, to see some assessment/modelling of likely delays/waiting times at the SH2/Wakefield Street/SH53 intersection during peak and non-peak times, and an assessment of the impact on Level of Service. I could see some queues and possible collisions in this location if this operation is not well managed.”*

In addition, Waka Kotahi raised that the likely effects generated by the traffic movements from the quarry are likely to result in the need for the intersection between Wakefield Street and SH2 to be upgraded to asphalt due to loading and turning stresses (currently chip sealed).

To address the issues raised by Waka Kotahi, SWDC commissioned a peer review of the applicant's traffic assessment that was undertaken by Warty Transportation Consultancy. Waka Kotahi's comments were also provided to the peer reviewer and were considered as part of the review. The peer review considered the main potential issue was the proposal's effects on the safety and efficiency of the intersection between Wakefield St and SH2. The peer review concludes that:

*"... the effect of the quarry operation on the performance of SH2 in Featherston for the proposed Monday to Friday business hours is likely to be no more than minor."*

With respect to Wakefield and Underhill Road users, the peer review states that no major concerns were identified during a drive-over of the area. The review generally agrees with the applicant's statement that "sightlines to and from frontage properties and at intersections are generally good". However, the reviewer also makes some suggestions that may improve the road network environment nearer the quarry if desirable:

*"Council could consider installing a "truck crossing" warning sign if approved and once quarry operations commence, this would probably only be needed for the northbound approach. I consider that the 100 km/h open road speed limit is inappropriate for a gravel road but expect in due course that it might be reduced (setting of speed limits is currently proposed to be regionally based instead of by individual road controlling authorities) ... Council might consider giving more advance notice of the end of seal (to assist unfamiliar visitors to the quarry, could also consider installing flag lighting on the pole close to where the seal/unsealed boundary occurs).*

*"Accordingly, I see no reason on traffic and safety grounds for Waka Kotahi to oppose this application with respect to the impact on SH2 road users given that operations are restricted to standard weekday business hours."*

Considering the overall traffic volumes passing through this intersection and the distance of this intersection from the subject site (3.7km), the additional truck movements generated by the proposed activity using this intersection per day are not likely to have significant effects on the intersection as set out in the Warty Transportation Consultancy peer review. It is within Waka Kotahi's operational responsibilities to provide and maintain a safe and efficient road network, both for present use and catering for future anticipated increase in use. In this context, Waka Kotahi upgrading the anticipated resurfacing of the intersection from chip seal to asphalt is not considered unreasonable given the anticipated use of the intersection would increase over time in any case. Considering the above, the need for Waka Kotahi to resurface the intersection with more robust material is considered less than minor.

Considering the above information, Council's Development Engineer states that regarding traffic safety and the design and location of the access, the two traffic reports for the development have not identified any major concerns other than to point out that the narrowness of the road will make it difficult for two trucks to pass. This can be managed with respect to quarry trucks but may be an issue for quarry trucks meeting other road users. It is a straight road and trucks will be travelling at a relatively low speed so all road users will have adequate warning should they need to pull to the side. Minor improvements to both Underhill Road and the junction of Wakefield Street and State Highway 2 in Featherston are suggested. Waka Kotahi has also raised concerns relating to the State Highway, but the increase in traffic movements is considered less than minor.



However, the current site entrance is considered inadequate for the proposed operation of the quarry. There will be a large number of turning manoeuvres with the potential for heavy vehicles to need to pass at the entrance. Therefore, Council's Development Engineer has recommended that the entrance be designed for the quarry vehicles with adequate widening on the opposite side of the road. The full manoeuvring area of the road and entrance shall be sealed with the entrance to the site being a minimum of 6.0m wide. Correspondence from the community has raised concerns that widening the road may affect a water pipe. However, as many roads cross infrastructure and as Council's Development Engineer has not raised concerns that the road widening will create an issue, it is considered that the water pipe will be appropriately managed in accordance with relevant engineering standards during the road widening works.

The conditions recommended by Council's Development Engineer are:

- a. The consent holder shall design the entranceway and road widening at the entrance to allow two trucks to pass each other while one is entering the site. The design will be submitted for approval prior to works starting on site.
- b. The turning area and section of road at the entranceway to the lot shall be constructed and sealed to the lot boundary in compliance with the Wairarapa Combined District Plan Appendix 5 – Requirements for Roads, Access, Parking and Loading. The consent holder shall provide evidence of compliance to the condition.
- c. Any damage to berms during or resulting from the operation of the quarry shall be made good to the satisfaction of the Roading Manager at SWDC.
- d. The hours of operation of the quarry to be limited to between 8.00am to 5.00pm Monday to Friday, with no truck movements outside these hours, on weekends, or on public holidays.

Considering all the information received from the applicant's traffic report, Waka Kotahi, the peer review, and Council's Development Engineer, I conclude the effects on the traffic network (safety and efficiency) from the proposed extraction, crushing, and stockpiling activities will be less than minor subject to the conditions suggested by Council's traffic engineer as set out above.

#### *Visual and Rural Amenity Effects*

To set the amenity of the site within its environmental context, the site is currently open pasture and falls away to the east as the river terraces drop towards the Tauherenikau River. There are no buildings or mature vegetation within the site. The site is visible from Underhill Road and Algies Road and surrounding properties. A shelterbelt has recently been established along the Underhill Road frontage. This replaced a shelter belt that was removed. The replacement shelterbelt does not yet screen the site from Underhill Road but will grow to do so in time.

The policy direction for the Rural Zone in the District Plan<sup>1</sup> sets out that retaining an open rural amenity is important. The Rural Zone is a productive working environment, and activities besides primary production can occur subject to appropriate controls. In addition, rural activities may include rural contractors who manage sites, operate on sites, and/or transport materials to and from sites.

The visual effects of this proposal will be stripped topsoil from extraction, the presence of the crusher and associated machinery (two loaders), and the stockpiles of raw and processed aggregate. Noting that it will be within bunds to screen visual and reduce noise effects (bunds

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<sup>1</sup> The objectives, policies, and anticipated environmental outcomes in Chapter 4: Rural Zone and Chapter 19: General Amenity Values of the District Plan

shown in Figure 1) the crusher will remain in the one location and the processing machinery such as screens may move within the site to the following six locations shown below:



*Figure 2: Location of the crusher within the subject site*

The point labelled “Crusher” in Figure 2 above is proposed to be the set location of the crusher on site. In this location, the crusher, associated machinery, and stockpiles will be located at least 400m from the closest dwelling. This point is on a lower terrace than the houses around it. The distance, lower level, and relatively compact nature of the crushing site will help reduce its visual effects on the landscape.

While the processing machinery moves around the site to points 1 to 6 as shown in Figure 2, it will be more visible. However, the applicant states that a compact operation area will be employed, and the proposed buffer distances will set the processing machinery back at least 200m from any nearest dwelling. This 200m distance from any dwelling on a neighbouring site was clarified in response to the recommendations of the noise report peer review and response (the initial application stated the setback distances would be 130-16m from nearest dwellings).

In addition, the method of extraction will result in the top terrace being gradually lowered, which allows the work to be set within the ground level and will not highly visible to users of Underhill Road and neighbours to the north, west, and south. In addition, extraction shall progress in strips as described in Section 1 of this report, which will minimise the open area of works at any one time, which consequently reduces the visual effects of extraction. As the aggregate is removed the machinery working level will lower and machinery will become less visible over time.

The proposed activity is visually consistent with the site’s location in the rural environment/ Regarding the visual effects of the crusher, associated machinery, and stockpiles, these are common sights in a productive rural area. While crushing is a less common sight, the applicant states that the crusher will be in the same position on the lower terrace and will be within the proposed bunds as shown in Figure 1 which will screen it from view.

In addition, extraction of aggregate is not uncommon in rural areas near rivers, as the location of the aggregate and the openness of rural land dictates where extraction activities need to occur, and these are often visible from the road. The spatial extent of the extraction activities is set back from dwellings on neighbouring sites to reduce visual effects on these parties as shown in Figure 1.

As time is required for the shelterbelt to grow and mitigate visual effects, consideration of the visual effects of the proposal set this mitigation aside. Overall however, the visual effects of the proposal are considered less than minor with buffer distances and bunds in place, the lower ground level of the works area, and the site being in a Rural Zone context, which is a productive working environment.

### *Noise and Vibration Effects*

The primary generator of potentially adverse noise effects in this application relates to the proposed on-site crushing. Extraction activities are expected to meet district plan noise limits, are anticipated in the rural environment, and are not considered unreasonable due to the limited hours of operation.

The noise report supplied with the original October 2020 application prepared by Marshall Day found some mitigation (implementing best practice and practicable options and bunding), noise from the crushing activity can meet the District Plan noise standards. Conditions of consent will be imposed to ensure the proposal will be carried out in accordance with Marshall Day Acoustics recommendations. To summarise, the main findings of the report were that with the implementation of general noise mitigation measures and bunding suggested in the report (set out below), the operational noise will not exceed a reasonable level and the noise from the site would remain within the 55 dBA L<sub>10</sub> noise limit.

General noise mitigation measures recommended were:

- Ensure that equipment is properly maintained
- Mitigate track squeal from tracked equipment (may include tensioning and watering or lubricating the tracks regularly)
- The access route and any other vehicle paths that are developed on the site should be maintained and kept free of potholes etc. to minimise truck noise
- Loading/unloading techniques to minimise the banging of tailgates
- The processed material (particularly the first loads) should be carefully placed into the truck & trailer trays, rather than “dumped” from a height above the tray
- Avoid tonal reversing or warning alarms (suitable alternatives may include flashing lights, broadband audible alarms or reversing cameras inside vehicles).

Bunding mitigation measures include installing localised noise mitigation bunding around the potential crushing sites. To manage the noise within the 55 dBA L<sub>10</sub> noise limit in the zone, the location and height of the bunds required will be determined by the locations and proximities of potentially affected dwellings.

- Bunding 3 metres in height: In order to remain within the 55 dBA L<sub>10</sub> guideline noise limit, excavations and screening should not take place any closer than 200 metres from any dwelling.
- Bunding 2 metres in height: In order to remain within the 55 dBA L<sub>10</sub> guideline noise limit, excavations and screening should not take place any closer than 250 metres from any dwelling.

- No bunding: In order to remain within the 55 dBA L<sub>10</sub> guideline noise limit, excavations and screening should not take place any closer than 300 metres from any dwelling.

These distances are demonstrated in Figure 3, below.



Figure 3: Map showing where bunding is required, and where no crushing or screening works can occur to meet noise limits.

The noise report provided with the application was peer reviewed by Styles Group. The peer review raised the following key points:

*“We consider that a greater degree of certainty is required to establish that the proposal will consistently comply with any noise limit, taking into account the mobile nature of machinery noise sources [as the recommended compliance distances for excavation and screening activities do not appear to take into account cumulative noise levels of the crusher if it is operated outside the primary crushing location].*

*“The MDA Report does not describe the noise effects or demonstrate how the noise levels will extend beyond the Site. It is clear that noise levels over 55dB LA<sup>10</sup> will be experienced across large areas of surrounding land. There are several notional boundaries within relatively close proximity (130m-160m) to the areas of the site where machinery will be operated. The neighbouring receivers will experience the activity noise levels as a dominant, intrusive, and constant noise source in the environment. We anticipate that the noise levels are likely to be approximately 20dB higher than the background noise levels and 2-12dB higher than the ambient LA<sub>eq</sub> noise levels).*

*“The RPPZ permitted noise standards have been prescribed to enable primary production activities. These activities typically involve noise sources that are temporary, seasonal and intermittent. In this instance, the proposal will generate the maximum permitted daytime noise level in the RPPZ, and the noise levels will be relatively constant in terms*

*of intensity and duration. This means that the proposal will generate a greater level of effect than what would be reasonably anticipated in the zone.*

*“We recommend any condition set achieves the objectives below.*

- a. That the cumulative noise levels from all activity noise sources are controlled through a specified noise limit (to be determined) at any notional boundary.*
- b. The crusher location and screening would need to be carefully controlled through a condition of consent to ensure that there is a sufficient degree of certainty that compliance with the specified noise limit is achieved.*
- c. Requirements for acoustic performance of screening and bunds*
- d. Restriction on the use of tonal reverse alarms (the MDA Report does not apply a +5dB for noise sources exhibiting “special audible characteristics”. Machinery using tonal reverse alarms would qualify for such a penalty).*
- e. Requirement for a noise management plan to clearly set out the operational noise management measures that must be adopted to ensure compliance with the specified noise limit.”*

Marshall Day subsequently undertook on-site noise testing and produced noise models to address the matters raised in the Styles Group peer review. This response is attached as Appendix B to the February 2022 application. Section 6.0 of Marshall Day’s response addresses each of the points made by the Styles Group peer review. In summary, Marshall Day considers that noise can be appropriately managed by implementation of a Noise Management Plan (NMP). The NMP should be implemented throughout the entire life of the site to manage noise levels. The NMP should align with Section 16 of the Resource Management Act (RMA) which, in summary, states that an activity shall adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level. This means that if it is practicably possible to reduce noise to even lower than the guideline noise limit at any receiver, actions to achieve this should be implemented. The NMP should include (but not be limited to) details regarding:

- Noise mitigation, including the bunding at each processing location as discussed within this report
- Limiting the hours of the processing of aggregate to within the stated times of 8:00am to 5:00pm Monday to Friday
- Maintenance and/or upgrading the site access route and any other vehicle paths that are developed on the site to be kept free of undulations, potholes etc. to minimise truck noise
- Minimising the banging of tailgates
- Careful placement of the processed material (particularly the first loads) into the truck and trailer trays, rather than “dumping” from a height above the tray
- Ensuring that equipment is properly maintained
- Mitigation of track squeal from tracked equipment (may include tensioning and watering or lubricating the tracks regularly)
- Avoidance of tonal reversing or warning alarms (suitable alternatives may include flashing lights, broadband audible alarms or reversing cameras inside vehicles)
- Mitigation measures
- Community liaison (providing contact details for complaints)



- Noise monitoring. This would include measurement of aggregate processing noise, received at selected representative receiver locations. Noise measurements would provide PJ Warren Earthmoving Ltd with information regarding processing methodology; identify any processes that are unnecessarily noisy; provide confidence to potentially affected residents that their concerns are being considered; and identify compliance or non-compliance with the relevant noise limits
- Staff training.

To conclude, Marshall Day considers that the actual and potential adverse noise effects of the proposal can be managed via the following conditions:

1. Four weeks prior to the commencement of aggregate processing works on the Site, the consent holder shall provide to the Team Leader – Resource Consents, a Noise Management Plan. The Noise Management Plan shall be produced by a person suitably qualified and experienced in noise assessment and control and shall specify the mitigation measures to be undertaken to ensure that aggregate processing noise from the site, if measured anywhere within a notional boundary of a dwelling, either consented or established at the time of consent, shall not exceed:
  - 55 dB LAeq(15 min) Monday to Friday 0800 – 1700 hours
  - 40 dB LAeq(15 min) all other times.

Noise levels shall be measured and assessed in accordance with NZS6802:2008 “Acoustics – Measurement of Environmental Sound” and NZS6802:2008 “Environmental Noise”.

2. Within six months of full operation, the consent holder shall monitor noise emissions from the site to assess compliance with the above condition. The survey locations shall be agreed between Council and the consent holder.
3. If noise emissions from the site do not exceed a maximum 55 dB LA<sub>eq</sub>(15 min), then no further action is required. If that standard is not met, then the consent holder shall:
  - i. Within four weeks of the date of the report and following consultation with the Team Leader - Resource Consents provide a revised Noise Management Plan specifying the further mitigation measures to be undertaken to ensure that noise from the site complies with the limits of Condition 1.
  - ii. Undertake the further mitigation measures specified within a further four weeks from the provision of the revised Noise Management Report.
  - iii. Within four weeks of undertaking those further mitigation measures, monitor noise emissions from the site to assess whether noise from the site would comply with the limits of Condition 1.
  - iv. If noise emissions from the site still exceed the limits of Condition 1, the process of this condition shall be repeated until that standard is met.
4. If within the first year the Council reasonably considers that the required standard cannot be met and gives the consent holder two months’ notice of its intention to do so, then it shall be entitled to give notice under s129 of the Act to review the conditions of consent to ensure that owners and occupiers of rural dwellings are not unreasonably affected by noise.

As mentioned previously, the policy direction for the Rural Zone in the District Plan sets out that retaining an open rural amenity is important. The Rural Zone is a productive working environment, and activities besides primary production can occur subject to appropriate controls.

Regarding the character, timing, duration, and intensity of the proposal's noise effects, aggregate extraction and subsequent processing typically take place in rural areas. The noise of such activities is not considered out of character for the Rural Zone, particularly as the noise will be of a similar character to diesel-engine machinery, which is anticipated in the zone. The peer review noted that noise from machinery associated with primary production is often seasonal and intermittent, and Marshall Day provided the following rebuttal:

*"... [the peer review notes that] noise from machinery associated with primary production is often seasonal and intermittent. While this may be the case, there is no rule that requires this to be so. Various activities on one area of land may produce noise throughout the year. Frost fans may operate during winter months (typically at night and during very early morning hours). At other times, harvesting, crop maintenance, ploughing, etc may occur, each requiring the use of noise-producing machinery.*

*"The noise from the proposed activities on the subject site would also have a degree of intermittency and seasonal nature. Although they may work for the full 5 days (Monday to Friday) on some weeks, in discussion with PJ Warren Earthmoving Ltd, we understand the for other weeks it may be only 1 to 3 days, depending on the demand. Additionally, inclement weather can restrict site activities as ground conditions provide constraints. This can result in reduced activities, particularly over the winter months."*

The proposal's actual and potential noise effects on the environment (including character, timing, duration, and intensity) are considered appropriate and characteristic of the range of potential activities in the Rural Zone. The noise effects can be managed to a minor level subject to the conditions recommended by Marshall Day above.

Regarding vibration effects, they generally occur when rock blasting or piling activity is undertaken near site boundaries. As mentioned earlier, no works will occur within 200m of any dwelling. No activities that could cause a noticeable vibration effect beyond this distance have been identified. Vibration effects can be contained within the site and are therefore considered less than minor on the environment.

## *Dust Effects*

There is the potential for dust to be created from crushing and processing aggregate. In addition, the community has raised concerns about the potential for silica products to be dispersed into the air, resulting in adverse health effects.

Based on previous experience, the applicant does not anticipate the crusher generating nuisance dust. However, the crusher does have water suppression jets that can be used if dust requires additional management.

In addition, the applicant also notes that Condition 15 of the consent from GWRC requires:

*“The consent holder shall ensure that dust management is undertaken in accordance with the information provided with the application and shall ensure that dust generation from the site is kept to a practicable minimum, to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.*

*Note: If objectionable particulate (dust) is found beyond the boundary of the property, a discharge to air consent may be required.”*

The dust suppression measures, consent triggers for GWRC, and buffer distances from neighbouring houses will ensure that dust effects do not extend beyond the boundary of the subject site to affect neighbouring properties. Therefore, any adverse dust effects are considered less than minor.

Considering dust from traffic, the applicant states that they instruct their drivers to remain below 40km/h on unsealed stretches of road for dust and safety. However, this mitigation measure cannot be considered as part of this assessment as the legal speed limit of a road cannot be changed for a single party via a consent condition. Heavy vehicles such as trucks commonly travel on unsealed roads, which are consistent with a rural production environment. In addition, most pedestrians and cyclists using the unsealed part of Underhill Road (including as part of the proposed cycleway) will likely occur outside of the working hours of the site, it will not operate on weekends or public holidays. Dust effects on pedestrians and cyclists from truck movements will therefore be limited.

The actual and potential effects of dust are therefore considered to be less than minor.

### *Conclusion on Assessment of Environmental Effects*

Drawing on the above assessment, public notification of the application is not necessary under Step 3 as the activity will not have any adverse effects that are more than minor on the surrounding environment. The potential adverse amenity (visual, noise and vibration, and dust) and traffic effects will be largely mitigated by the distance of the activity from dwellings on adjoining properties and proposed mitigation measures (bunds, operating hours, NMP.). As set out above, the actual and potential visual, vibration, and dust effects of this proposal on the environment are considered less than minor. The noise effects can be managed to a minor level subject to the conditions recommended by Marshall Day above.

### Step 4: Public Notification in Special Circumstances

If special circumstances exist in relation to the application that warrant public notification, then the application must be publicly notified.



There has been a high degree of public interest in this application, and the community have expressed concerns about the proposal. A public meeting between South Wairarapa District Council and the community about the quarry was held in Featherston on 9 November 2020. The public meeting covered the consenting process that the quarry would need to go through, being:

1. Resource consent lodging and checks ( Section 88)
2. Requirement for further information ( Section 92)
3. Potential affected parties and the call for notification (Section 95)
4. Process post-notification (Limited /Public Notification)
5. Decision
6. Appeals/judiciary review.

In addition, emails have been received by Council expressing concerns about the quarry. Council has endeavoured to address the concerns raised by the community in the above assessment of environmental effects, and the effects on the environment have been found to be no more than minor.

Therefore, there are not considered to be any special circumstances that would warrant public notification of the application under this step.

## **2.2 Limited Notification (Section 95B)**

If public notification is not required, the Council must then determine whether there are any affected persons that would warrant limited notification under Section 95B(1).

### Step 1: Certain Affected Groups and Affected Persons Must be Notified

An application shall be notified to each affected person/group if it meets any of the following criteria:

- *There are affected protected customary rights groups,*
- *There are affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity),*
- *The proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11 of the Act; and the person to whom the statutory acknowledgement is made is affected under s95E of the Act.*

The above provisions do not apply to this proposal.

### Step 2: Limited Notification Precluded in Certain Circumstances

If not required by Step 1 above, Limited Notification is precluded in certain circumstances when the application meets either of the following criteria:

- *All activities in the application are subject to one or more rules or national environmental standards that preclude limited notification.*
- *The application is for either or both of the following, but no other activities:*
  - *a controlled activity, that requires consent under a district plan (other than a subdivision)*
  - *an activity prescribed by regulations made under section 360H(1)(a)(ii) of the Act (if any) precluding limited notification*

The above provisions do not apply to this proposal, therefore Step 3 below must be considered.

### Step 3: Certain Other Affected Persons Must be Notified

If not precluded by Step 2 above, the following affected persons must be notified:

- *In the case of a boundary activity, an owner of an allotment with an infringed boundary*
- *A person prescribed in regulations made under s360H(1)(b) of the Act (if any) in respect of the proposed activity*
- *For other activities, “affected persons” under s95E of the Act.*

#### *Section 95E: Consent Authority Decides if a Person is an Affected Person*

Section 95A of the Act sets out the tests and exclusions when determining who, if any, parties are affected by a proposal.

#### *Section 95E(2)(a): Permitted Baseline Assessment*

The consent authority may disregard an adverse effect of an activity on persons if a rule in a DP or NES permits an activity with that effect.

My permitted baseline assessment regarding the volumes of traffic generated by plantation forestry and harvesting set out in the public notification section above is also relevant to effects on people, and will therefore not be repeated here.

#### *Section 95E(2)(b) and (c): Disregarding Effects*

The proposal is not a controlled, or restricted discretionary activity so discretion or control over assessment is not limited. Therefore, consideration has been given to the actual or potential effects reasonably arising from the proposal.

#### *Section 95E(3): Persons Not Affected*

A person is not affected if they provide their written approval to the proposal. The applicant has provided the written approvals as discussed in the public notification section of this report above. No consideration has been given to effects on those parties.

#### *Section 95E(1): Affected Persons*

Apart from the matters and persons excluded from being considered in s.95B and s.95E, a person is affected by a proposal if it has an effect on a person that is minor or more than minor, but not less than minor. The following assessment looks at the effects of the proposal and, using the test in s.95E(1), determines whom, if anyone, is affected.

#### *Assessment of Effects on Potentially Affected Persons (Section 95E)*

Parties considered to be potentially affected persons by the proposal are identified on the map below.

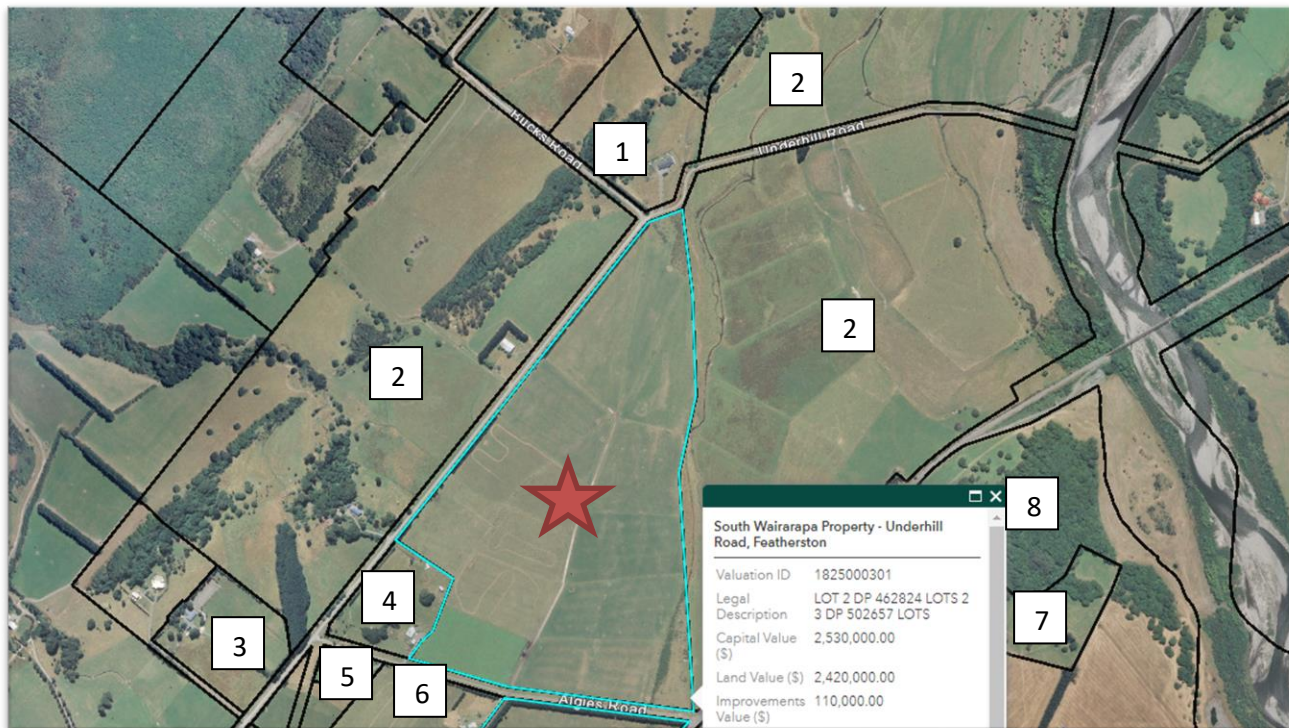


Figure 4: Map of potentially affected persons (star indicates subject site)

1. 471 Underhill Road (written approval received)
2. 391 Underhill Road (written approval received)
3. 355 Underhill Road
4. 17 Algies Road (written approval received)
5. 10 Algies Road
6. 36 Algies Road
7. 73 Algies Road
8. 1417 State Highway 2.

The main effects on potentially affected persons will be traffic, noise and vibration, dust, and visual amenity effects. Any other potential effects on adjacent properties are considered to be no more than minor as the effects of the proposal (traffic, noise and vibration, dust, and visual amenity), will be mitigated by distance between the site of the activity and neighbouring properties as set out in the assessment of environmental effects undertaken above. Taking into account the relevant tests in Section 95B and 95E, no other parties are considered adversely affected by the proposal, as all other parties are further afield, and the effects of the proposal will lessen over distance. The actual and potential effects on these persons are discussed below.

#### *Noise and Vibration*

The applicant has stated that it is their intention to operate in a way that minimises noise, which has helped shape aspects of the proposal such as the site location, operation hours, and bunding. This was done with the intention of aligning with Section 16 of the RMA, which requires every person carrying out an activity to ensure that the emission of noise does not exceed a reasonable level and places responsibility on the applicant to undertake the best practical option to reduce noise associated with the activity.

As part of Marshall Day's noise assessment (attached to October 2020 application) and response to the peer review (attached as Appendix B to February 2022 application), the following map shown as Figure 4 has been produced, which shows the anticipated noise contour lines from the

proposed on-site crushing activity. It is noted that this map amalgamates all noise contours from all seven potential crusher sites, so noise contours will not reach this far all at one time.

The white line denotes the 55 dBA  $LA_{eq}(15\text{ min})$  noise limit for the zone. The Wairarapa District Plan permits noise to this level in the Rural Zone as a right, with no resource consents required.

The noise contours exceeding the 55 dBA noise limit extend across portions of the properties at 471 Underhill Road and 391 Underhill Road. Written approvals from these neighbours, and the neighbour at 17 Algies Road, have been received and can therefore be disregarded. However, in the interests of considering the reasonability of the noise, it is also noted that none of the contours exceeding 55 dBA extend over any dwellings on these sites (the one building within the red line is a shed).



Figure 5: Noise contours from all potential crusher sites (aggregated), undertaken by Marshall Day in response to questions posed by the peer review

Regarding potentially affected persons that have not provided their written approvals, the noise contours across other sites range from 45-55 dBA. Again, considering the reasonableness of the noise, all dwellings are within the 50-55 dBA range or further. In addition, the notional boundaries (20m setback radius around sensitive activities, i.e., dwellings) on these properties do not cross the 55 dBA line. The operating hours of the proposal (8am-5pm weekdays, no works on weekends or public holidays) also adds to the acceptableness of the noise effects. The noise effects on any other potentially affected persons are considered less than minor.

The matters relating to vibration effects considered in the earlier assessment of environmental effects are also relevant to assessing the effects on potentially affected persons. The vibration effects on potentially affected persons are considered less than minor as any vibration is not anticipated to extend beyond the boundaries of the subject site.

### *Traffic Effects*

The number of vehicle movements generated by the proposed activity can affect the safety of vehicles from neighbouring properties. This was touched on earlier in the assessment of environmental effects, but I go into further detail here as this was a particular point of concern for neighbours.

Regarding safety, Council's development engineer considers that the current site entrance is inadequate for the proposed operation of the quarry as there will be a large number of turning manoeuvres with the potential for heavy vehicles to need to pass at the entrance. Council's development engineer has therefore recommended that the entrance be designed for the quarry vehicles with adequate widening on the opposite side of the road, and that the full manoeuvring area of the road and entrance shall be sealed with the entrance to the site being a minimum of 6m wide. The recommended conditions relating to these upgrades are set out in the assessment of environmental effects earlier in this report.

The relevant matters regarding the efficient functioning of the transport network have been addressed in the assessment of environmental effects earlier in this report.

Another concern raised by neighbours was the noise generated by vehicles movements. I note however that traffic noise is an inextricable part of the transport network, and trucks are characteristic of the rural environment. Regarding the number of vehicle movements, it is anticipated that the activity would generate six truck movements per hour on average and up to a maximum of 12 trucks per hour at peak demand times. Considering trucks are characteristic of a productive rural environment and that the site is relatively close to Featherston, higher volumes of truck movements can be expected than would be found in a remote rural environment. In addition, the only performance standards for the road network in the District Plan relate to safe and efficient access, manoeuvring, parking, and loading, the relevant points of which have been addressed above. While Council can control the land use associated with vehicle movements, the RMA does not enable Councils to manage mobile noise sources such as vehicles. As such, there are no specific standards controlling noise from the road network.

Again, I note that written approvals have been received from the properties at 471 Underhill Road, 391 Underhill Road, and 17 Algies Road. Therefore, these properties cannot be considered affected parties. However, as traffic safety affects parties whether written approval has been given or not, I consider that traffic safety has been appropriately considered and provided for these properties as well for the reasons set out above. The traffic effects on neighbours who have not provided their written approvals are considered less than minor.

Considering the above, there are no potentially affected persons relating to traffic effects subject to the conditions proposed by Council's development engineer.

### *Dust Effects*

The matters relating to dust effects considered in the earlier assessment of environmental effects are also relevant to assessing the effects on potentially affected persons. The dust effects on potentially affected persons are also considered less than minor for the reasons set out earlier in this report.

### *Visual and Amenity*

As mentioned in the earlier assessment of environmental effects, the proposed activity is visually consistent with the site's location in the rural environment. The buffer distances, proposed bunds, the lower ground level of the works area, the strip-by-strip approach to extracting the



aggregate, and the site being in a Rural Zone context, all mitigate the visual effects of the proposal.

Regarding the specific viewpoints of potentially affected persons, neighbours to the east will have a direct view of the cut, but the scale and intensity of visual effects are significantly lessened by separation distances. For example, the closest house to the east (73 Algies Road) approximately 550m from where extraction is proposed. Crushing and screening will not occur within 200m of the neighbouring site. Works at this distance will be largely screened by 2-3m high bunding depending on the proximity of the works to the nearest dwelling, which will screen the work area and the bulk of the machinery from the view of neighbours.

With regard to the impact of stockpiles, these are commonplace in the rural zone and is therefore not an activity that is considered to have an adverse visual effect in a rural context. As with the visual impact of machinery the stockpiles will be set at a lower level than the land to the north, east, and south. This will reduce any visual effects perceived by neighbouring sites.

The visual effects on potentially affected persons who have not provided their written approval, being 355 Underhill Road (southwest of the subject site), 10 Algies Road (south), 36 Algies Road (south), 73 Algies Road (east) 1417 State Highway 2 (east) are therefore considered to be less than minor owing to distance from the works and/or bunds providing screening.

#### Step 4: Limited Notification in Special Circumstances

If special circumstances exist in relation to the application that warrant notification to any persons not already determined to be eligible for limited notification (excluding persons considered not affected under s95E) then the application must be notified to these persons.

As set out in Step 4 under the public notification section of this report above, the community members have expressed concerns as to Council and wished these to be considered as submissions on this consent. However, they cannot formally be considered submissions under the RMA. Nevertheless, Council has endeavoured to address the concerns raised by the community in the above assessment of environmental effects and assessment of effects on potentially affected parties. Consideration of special circumstances is not triggered in this situation.

The proposal does not create a circumstance that would otherwise require the proposal to be notified to any specific party.

### **3.0 S104 ASSESSMENT**

The relevant statutory provisions that were considered are the Resource Management Act 1991, the National Environment Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS), the Regional Policy Statement and the Wairarapa Combined District Plan.

#### **3.1 National Environment Standards for Assessing and Managing Contaminants in Soil to Protect Human Health**

The applicant has reviewed historic aerial photographs and GWRC's Selected Land Use Register. There is no evidence to suggest the subject is or has been subject to HAIL activities. The applicant has therefore concluded that it is highly unlikely that there are contaminants in the soil that would be harmful to human health.

No further consideration of the NESCS is required for this application.

### 3.2 Wellington Regional Policy Statement (RPS)

Objective 31 seeks to meet the demand for mineral resources from sources close to demand. Policy 60 directs that when considering an application for resource consent, Council shall consider the social, economic, and environmental benefits from using mineral resources in the region and protect significant mineral resources from incompatible or inappropriate land uses alongside.

- Economic benefits (proximity to market): The aggregate source will be close where it needs to be used, being the Wairarapa and Wellington regions (usually for use on roads). Crushing and stockpiling on-site reduces the need for material to be moved around the area for processing, which creates significant efficiencies in production and assists with keeping the cost of building materials down.
- The location of the activity is constrained by the availability of aggregate, which is found in or near rivers. In addition, the Rural Zone is the only feasible zone where such extraction activities can take place. The activity itself is essential to the economic health and wellbeing of the Wairarapa, as aggregate is at various levels of constant demand as a construction material. As such, the activity is necessary, and no other environment is considered more appropriate for the activity.
- As stated in the introduction of the application, Aggregate is currently in short supply in the Wairarapa, which is affecting industry in the area. This is primarily because aggregate provided by traditional river extraction sources is no longer available in previous volumes. Greater Wellington Regional Council has led discussions aimed at finding solutions to this issue with contractors in the Wairarapa. It does not appear that the supply of river aggregate will recover in the near future. Extracting rock from land is an alternative source of aggregate to river extraction, without many of the potential impacts on aquatic ecosystems resulting from machinery in and around river systems. Extracting rock from land not only provides much needed aggregate and eases the pressure on the existing river sourced aggregate demand but (by removing rock from the topsoil) also improves the production potential of the land.
- The alternative to crushing on the site is carting the aggregate to another site for crushing. As mentioned above, the efficiencies gained from crushing on the site (reducing time and energy double-handling material) is substantial. This efficiency gain, combined with the ability to reduce noise and visual effects through buffer distances from neighbouring houses, lowering of ground levels, and bunds, is the reason that on-site crushing is considered the better outcome overall.

Objective 22 of the RPS seeks a well-designed and sustainable regional form. Policy 56 seeks to manage development in rural areas by considering whether:

- (a) the proposal will result in a loss of productive capability of the rural area, including cumulative impacts that would reduce the potential for food and other primary production and reverse sensitivity issues for existing production activities, including extraction and distribution of aggregate minerals.
- (b) the proposal will reduce aesthetic and open space values in rural areas between and around settlements.

The Regional Policy Statement recognises crushing and screening as an activity that will not result in a loss of productive capability of the rural area. The use of the site is aligned to the need to establish quarries close to the river. The subject site is ideal, as it is close to river and is therefore unlikely to be used for other productive purposes. The proposed activity would not be

inconsistent with the existing surrounding character and amenity as it would be well separated from other rural and rural-residential sites.

Therefore, the proposal conforms to the objectives and policies set out in the Wellington Regional Policy Statement regarding open space values and aesthetics of the rural environment.

### **3.3 Wairarapa Combined District Plan**

The Wairarapa Combined District Plan became operative on 25 May 2011.

The relevant assessment criteria are contained in Section 22 of the District Plan. Assessment of the proposal against the relevant objectives and policies of the District Plan is set out below.

#### *4.3.1 Objective Rur1 – Protection of Rural Character and Amenity*

*To maintain and enhance the amenity values of the Rural Zone, including natural character, as appropriate to the predominant land use and consequential environmental quality of different rural character areas within the Wairarapa.*

#### *4.3.2 Rur1 Policies (d) and (e).*

For the reasons set out throughout this report, the proposed activity will not interrupt the amenity and general appreciation of the rural environment given the activity is characteristic of a productive rural environment, the buffer distances between from dwellings, the screening provided from bunds, and the progressive lowering of the ground level as excavations are ongoing. The activity is necessary and can be reasonably and most appropriately accommodated in the rural environment subject to appropriate parameters, which will be imposed through conditions. The proposal is consistent with the above objective.

#### *4.3.4 Objective Rur2 – Provision for Primary Production and Other Activities*

*To enable primary production and other land uses to function efficiently and effectively in the Rural Zone, while the adverse effects are avoided, remedied, or mitigated to the extent reasonably practicable.*

#### *4.3.5 Rur2 Policies (a) – (f).*

#### *4.4 Anticipated Environmental Outcomes (a) – (g).*

The proposal is consistent with Policy 4.3.4 of the District Plan (Figure 2) as it will not have an adverse effect on primary production and other rural land uses, as they will be able to function as they always have. While the extraction of aggregate is considered an industrial activity, the activity is necessary for the production of construction materials and is most appropriately located in areas such as the proposed site (proximity to river being an aggregate source and the rural environment most appropriate zone to locate the activity in). The District Plan generally considers this activity is appropriately located in the zone subject to appropriate controls and conditions, which are set out above. The activity is therefore consistent with the above policy.

#### *19.3.1 Objective GAV1 – General Amenity Values*

*To maintain and enhance those general amenity values that make the Wairarapa a pleasant place in which to live, work, and visit.*



### 19.3.2 GAV1 Policies (a) – (i)

### 19.4 Anticipated Environmental Outcomes (a) and (b).

The proposal is consistent with Objective 19.3.1 as the effects on amenity values are consistent with that of a rural production environment for the reasons set out throughout this report.

The adverse effects of the proposal have been considered in Section 2.0 of this report and it is considered that the proposal would maintain the integrity of the objectives and policies of the District Plan for the reasons set out above.

Based on the assessment above, the proposal aligns with policies 4.3.2(d) and (e), 4.3.5 (b) and (c) and 19.3.2(a) and (g). It is proposed to impose conditions on operating hours, operating locations on the site, noise management plans, and traffic safety improvements.

The main effects of this proposal relate to traffic and noise. A noise and a traffic report, peer reviews, and responses have been prepared to support the application and both reports conclude that the traffic and noise effects will be no more than minor on the environment. Overall, with the applicants reducing the noise from the crusher as much as practical by following the recommendations in the noise assessment and the proposed NMP, and the recommendations of the traffic assessment, the effects on potentially affected persons are less than minor for the following reasons:

- Regarding noise effects, written approvals have been provided for the nearest properties, and all other properties are far enough afield to be affected to a less than minor degree
- Regarding traffic effects, the effects on traffic safety and efficiency are considered less than minor subject to the conditions recommended by Council's development engineer.

### 3.4 District Plan Analysis

Where a proposal does not meet the permitted standards of the District Plan, assessment of the proposal is concerned with avoiding, remedying, or mitigating any effects that would derive from not complying with the relevant permitted standards.

The applicant proposes to extract, crush, and stockpile aggregate on the subject site. The adverse effects of the proposal have been considered in Sections 2.1 and 2.2 of this report. It is considered that the proposal will avoid, remedy, or mitigate the effects from non-compliance with the relevant permitted standards. The proposal will also maintain the integrity of the objectives and policies of the District Plan for the reasons given above.

### 3.5 Part II of the Resource Management Act 1991

Section 5 of the Act identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural, and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

It is considered that the proposal is consistent with sustainable resource management while providing for the community's essential economic needs. The proposal is not considered to not adversely affect any matters of national importance, and would not affect Council's obligations

under the Treaty of Waitangi. Section 7 identifies a number of “other matters” to be given particular regard by Council in the consideration of any assessment for resource consent, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values. The proposal would allow for the extraction, crushing, and stockpiling of aggregate on the subject site. The scale and intensity of the proposal is considered appropriate within the rural environment to the extent that it would not adversely affect the amenity of the rural environment and neighbouring sites.

In addition, there are limited sources of aggregate of a suitable standards available for road construction and construction of buildings, including dwellings. As the effects of the proposal are less than minor for the reasons set out throughout this report, enabling the proposal to proceed would better meet Part 2 of the Act, particularly Section 5, which seeks to manage the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety, while sustaining the potential of natural and physical resources to meet future needs, safeguarding air, water, soil, and ecosystems, and avoiding, remedying, or mitigating adverse effects on the environment.

There are no other matters considered relevant to the assessment of this proposal.

#### **4.0 CONCLUSION**

It is considered the proposal will have no more than minor adverse effects on the environment. No parties are considered “affected persons” in accordance with the definition under Section 95E of the Act. The proposal is consistent with the relevant objectives, policies, and assessment criteria of the Wairarapa Combined District Plan.

#### **5.0 DECISION**

- A. That the South Wairarapa District Council resolves under delegated authority that, pursuant to Section 95A of the Resource Management Act 1991, notification of this proposal is:
- a. not mandatory under Step 1
  - b. not precluded by Step 2
  - c. is not required by Step 3; and
  - d. that no special circumstances apply relation to Step 4.

Therefore, Council shall not publicly notify the Resource Consent Application 200149 by Peter Warren Earthmoving Ltd on Lot 2 DP 462824 at Underhill Road, Featherston.

- B. That the South Wairarapa District Council resolves under delegated authority that, pursuant to Section 95B of the Resource Management Act 1991 that:
- a. there are no affected groups and persons that must be notified under Step 1
  - b. limited notification is not precluded by Step 2
  - c. there are no affected persons that must be notified in Step 3; and
  - d. there are no special circumstances apply in relation to Step 4.

Therefore, no parties are required to be served with limited notification of the Resource Consent Application 200149 by Peter Warren Earthmoving Ltd on Lot 2 DP 462824 at Underhill Road, Featherston.

That the South Wairarapa District Council hereby grants Land Use consent to application no. 200149 pursuant to Section 104B of the Resource Management Act 1991, subject to the following conditions:

## **CONDITIONS**

### ***General Conditions***

1. Except as amended by the conditions below, the development be carried out in general accordance with the following plans and documentation provided with the application:
  - a. Application and assessment of effects prepared by Russell Hooper Consulting, titled "Resource Consent to Crush and Stockpile Aggregate, PJ Warren Earthmoving Ltd, Underhill Road, Featherston", dated 17 February 2022.
  - b. Site plan attached as Appendix A prepared by Russell Hooper Consulting, titled "Aggregate extraction site plan – Underhill Road, Featherston (Lot 2 DP 462824)", dated 17 February 2022.
  - c. Noise report (including location plans and noise contour diagrams) attached as Appendix B prepared by Marshall Day Acoustics, titled "Underhill Road Aggregate Processing Assessment of Noise Effects", dated 21 December 2021, report reference number RP 002 20201133.
  - d. Traffic report attached as Appendix C prepared by Harriet Fraser Traffic Engineering and Transportation Planning, titled "Underhill Road, Featherston – Aggregate Crushing Activity Traffic Assessment", dated 16 February 2021.

Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. Where there may be inconsistencies between the information provided by the applicant and conditions of the resource consent, the conditions of the resource consent will apply.

2. Costs pursuant to Section 36 of the Resource Management Act 1991 shall be paid by the consent holder.

### ***Operation Conditions***

3. The consent holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking the works authorised by this consent prior to the works commencing.
4. The consent holder shall ensure that a copy of this consent and all documents and plans referred to in this consent, are kept on site at all times and presented to any South Wairarapa District Council officer on request.
5. The operating hours of the activity shall be restricted to 0800 – 1700 hours from Monday to Friday, excluding public holidays. Occasional servicing of equipment and moving machinery to and from the site is permitted outside of these times, but limited to daylight hours only, provided that no extraction, processing, or carting is undertaken.
6. The consent holder shall ensure that only the aggregate extracted from this site is to be processed and crushed on the site. No aggregate is to be brought into the site for processing or crushing.
7. If any complaints are received by the consent holder regarding the activities authorised by this resource consent, the consent holder shall notify the South Wairarapa District

Council of those complaints as soon as practicable, and no longer than one working day after receiving the complaint.

The consent holder shall provide the following information on complaints to South Wairarapa District Council, and shall record the following details in a complaints log:

- a. Time and type of complaint including details of the incident, e.g., duration, any effects noted;
- b. Name, address and contact phone number of the complainant;
- c. Location from which the complaint arose;
- d. The weather conditions and wind direction at the time of the complaint;
- e. The likely cause of the complaint;
- f. The response made by the consent holder including any corrective action undertaken by the consent holder in response to the complaint; and
- g. Future actions proposed as a result of the complaint.

#### **Noise Conditions**

8. Four weeks prior to the commencement of aggregate processing works on the site, the consent holder shall provide to the Council Planning Manager a Noise Management Plan, which must be implemented prior to and the consented activities commencing on the site, and shall be maintained during the activities where applicable.

The Noise Management Plan shall be produced by a person suitably qualified and experienced in noise assessment and control and shall specify the mitigation measures to be undertaken to ensure that aggregate processing noise from the site, if measured anywhere within a notional boundary of a dwelling, either consented or established at the time of consent, shall not exceed:

- a. 55 dB LA<sub>eq(15 min)</sub> Monday to Friday, 0800 – 1700 hours
- b. 40 dB LA<sub>eq(15 min)</sub> all other times, including public holidays.

Noise levels shall be measured and assessed in accordance with NZS6802:2008 “Acoustics – Measurement of Environmental Sound” and NZS6802:2008 “Environmental Noise”.

9. Within six months of full operation, the consent holder shall monitor noise emissions from the site to assess compliance with the above condition. The survey locations shall be agreed between Council and the consent holder.
10. If noise emissions from the site do not exceed a maximum 55 dB LA<sub>eq(15 min)</sub>, then no further action is required. If that standard is not met, then the consent holder shall:
  - a. Within four weeks of the date of the report and following consultation with the Councils Planning Manager provide a revised Noise Management Plan specifying the further mitigation measures to be undertaken to ensure that noise from the site complies with the limits of Condition 8. This revised noise report shall be completed and provided to South Wairarapa District Council.

- b. Undertake the further mitigation measures specified within a further four weeks from the provision of the revised Noise Management Report.
- c. Within four weeks of undertaking those further mitigation measures, monitor noise emissions from the site to assess whether noise from the site would comply with the limits of Condition 8.
- d. If noise emissions from the site still exceed the limits of Condition 8, the process of this condition shall be repeated until that standard is met.

#### ***Dust Conditions***

11. The consent holder must ensure that dust emissions do not cause nuisance or offence beyond the boundary of the site.
12. The consent holder must ensure that dust production plants (e.g., crushers and screens) have sprinklers or other dust mitigating mechanisms in place.

#### ***Traffic Conditions***

13. Four weeks prior to beginning works on the site, the consent holder shall submit plans for approval to South Wairarapa District Council's Development Engineer to widen the road at the entrance to the site and construct the entranceway to allow two trucks to pass each other. The turning area and section of road at the entranceway to the boundary of the site shall be designed in compliance with the Wairarapa Combined District Plan Appendix 5: Requirements for Roads, Access, Parking and Loading.
14. Prior to beginning works on the site, the consent holder shall construct the road widening and entranceway in accordance with Condition 13, above.
15. Any damage to berms during, or as a result of, the operation of the quarry shall be repaired in accordance with Appendix 5: Requirements for Roads, Access, Parking and Loading to the satisfaction of the Roading Manager at South Wairarapa District Council.
16. On days when more than one truck is servicing the site, drivers shall keep in contact (via radio or other appropriate communication method) to two trucks using the unsealed section of Underhill Road or the 5.6m-wide sealed section of Underhill Road simultaneously.
17. There shall be no truck movements outside the hours of operation for the activity set out in Condition 5.

#### ***Landscaping and Screening Conditions***

18. The consent holder shall ensure that the acoustic bunds around processing areas on the site are shaped and topsoiled before processing begins. Vegetation shall be established on these bunds when conditions are next suitable for seed strike.
19. The consent holder must ensure that the plantings in the existing shelter belt are maintained for the life of the consent. If any plants die or become diseased, they must be replaced within the first available planting season (spring or autumn) with an equivalent sized specimen.

#### ***Māori Heritage***

20. If Taonga (treasure or prized possession, including a natural resource, having tangible or intangible value) is discovered on site, work shall cease immediately and the consent holder shall notify Heritage New Zealand, South Wairarapa District Council, Rangitaane O Wairarapa Iwi Authority and Ngati Kahungunu ki Wairarapa.

Work on the site shall not recommence until an inspection is carried out by Iwi representatives, Council and Heritage New Zealand, and all appropriate actions to remove the Taonga and record the site are completed, and written approval to recommence work is given by the Council.

21. If during construction activities, any Koiwi (skeletal remains) or similar material is discovered on site, work shall cease immediately and the consent holder shall notify the New Zealand Police, Heritage New Zealand, South Wairarapa District Council, Rangitaane O Wairarapa Iwi Authority and Ngati Kahungunu ki Wairarapa.

Work on site shall not recommence until an inspection is carried out by Iwi representatives, Council, Heritage New Zealand and the New Zealand Police and all appropriate actions to remove the Koiwi and appropriate ceremonies have been conducted by Iwi are completed and written approval to recommence work is given by the Council.

#### ***Review condition***

22. No less than 12 months after commencing crushing on site and every three years after, if the Council reasonably considers that the required standard cannot be met and gives the consent holder two months' notice of its intention to do so, then it shall be entitled to give notice under Section 128 of the Act to review the conditions of consent to ensure that owners and occupiers of rural dwellings are not unreasonably affected by traffic, dust, and noise.

#### ***Lapse and Expiry***

23. This resource consent will lapse if the Consent Holder has not given effect to the consent within five years of the date of granting.
24. This consent shall expire on 24 August 2030.

#### ***Advice Notes***

- a. Please note that, in accordance with Section 125 of the Resource Management Act 1991, this resource consent will lapse if not given effect to within 5 years.
- b. This land use is based on the plans provided with the application. Any changes to these plans could require further resource consent.
- c. Compliance in all respects with the Building Act 2004 is required, including the obtaining of a Building Consent.
- d. Permits are required from Council to connect to the water and sewer services. Please contact Infrastructure and Services Administration Assistant at the Council to arrange for these permits.

**The Council grants the Consent for the following reasons:**

- i. The effects of the proposal on the environment are considered no more than minor, subject to the conditions imposed.
- ii. The proposal is in accordance with the objectives and policies of the Wairarapa Combined District Plan, and with the purpose of the Act.
- iii. No parties are considered “affected persons” of the proposal under Section 95E of the Act.

Prepared by:

Reviewed / Approved by:



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**Erica Jane**  
**Consultant Planner**

.....  
**Russell O'Leary**  
**Group Manager, Planning and Environment**

**DATED** at Martinborough this 4<sup>th</sup> day of March 2022

**For and on behalf of the**  
**SOUTH WAIRARAPA DISTRICT COUNCIL**