

7 October 2020

Waikato District Council  
15 Galileo Street  
Ngaruawahia  
3720  
Via email: [victoria.majoor@waidc.govt.nz](mailto:victoria.majoor@waidc.govt.nz)

Dear Victoria

**LUC0123/19 - 47 McPherson Road – Response to Further Information Request**

I refer to your letter dated 27 July 2020 wherein you asked for additional information with respect to the above application. For ease of reference, I have included your questions and my respective answers to each query below.

1. *It is noted that the noise level predictions are based on ground floor levels. Where a house is double story (e.g. 40 McPherson Road), less terrain shielding may be experienced by the upper floor. Compliance with the relevant noise limits is still required at the first floor height if a dwelling is double story. It would be useful if HAC can address this particularly given the number of new dwellings to the north of the quarry which are elevated above the quarry.*

**Answer:** HAC has updated their original analysis to include noise levels at 1m from the façade of all two storey dwellings (that the applicant is aware of) near the quarry. These dwellings include 40 McPherson Road (Cowan), 231 Pinnacle Hill Road (Mt William) and 209 Pinnacle Hill Road (Spencer/McKinstry) and the results are as follows:

**Table 1. Predicted noise levels at dwellings, dB L<sub>Aeq</sub>**

Activity	Dwelling		
	Mt William	McKinstry	Cowan
Existing quarry (Figure 18 <sup>1</sup> )	-	-	45/46dB
Stage 1 quarry (Figure 19 <sup>1</sup> )	-	-	48/49dB
Stage 3 quarry (Figure 20 <sup>1</sup> )	-	-	45/46dB
Quarry + rock drilling (Figure 1 <sup>2</sup> )	42/44dB <sup>3</sup>	39/40dB	-
Quarry only (Figure 2 <sup>2</sup> )	40/43dB	38/39dB	-

1. As shown in report number 18185 dated 9 October 2018.
2. As shown in RFI letter dated 24 July 2019.
3. 42/44dB equals the noise at the notional boundary (1.5m above ground level) / noise at 1m from the façade of the first level (1.5m above the floor of interest).



For further comments, please refer to HAC's **attached** report dated 5 October 2020.

- 2. The HAC reports only includes an assessment of compliance, rather than an assessment of effects. One submission questions (#17 from 211 Pinnacle Hill Road) why only an assessment of compliance was provided. Although the HAC confirms compliance with the noise levels, the noise generated will be still audible. Please provide an assessment of noise effects which addresses the noise impacts on normal day to day residential activities. Please note it is considered that the existing use does not apply to noise effects.*

Answer: HAC has outlined an assessment of noise effects in the **attached**, which is not repeated herein other than to confirm that there will not be any adverse effects on the normal day to day residential activities for the surrounding residents.

- 3. A number of submissions raise concerns with Pinnacle Hill Road being used as a traffic route for heavy vehicles. It is noted that the application does not specify Pinnacle Hill Road as a designated traffic route. There are likely to be adverse traffic safety effects, particularly at the SH2 intersection. Please confirm if Pinnacle Hill Road is proposed for heavy vehicle movements and if so please address the potential adverse effects. Note: further consultation would be required with NZTA.*

Answer: I note that while Pinnacle Hill Road is a public road and therefore open for use by the public for any purpose, it is not a haulage route for McPherson Quarry's clients due to its steepness and availability of better, more suitable transfer routes. Importantly, Pinnacle Hill Road is not used by trucks entering or exiting the quarry, which is the main traffic effect to assess in this instance. For these reasons, any effects on this road have not been assessed in the resource consent application and/or the traffic impact assessment.

While we appreciate that Pinnacle Hill Road provides access to Paparata Road and alternative access to SH1 (via Mill Road), the clients of the McPherson Quarry travelling to/from SH1 north of Bombay use McPherson Road and the State Highway network to access the quarry. In other words, no assessment of traffic effects on Pinnacle Hill Road or its intersection with SH2 is necessary, as use of heavy vehicles on this road are not within the applicant's control.

In the interest of completeness, I make the point that seeing as Pinnacle Hill Road does not form part of the McPherson Quarry's clients' haulage routes, any heavy vehicle movements on this road cannot be assumed to originate from the quarry (whether holding aggregate or not). Rather, such traffic is likely to be linked to specific customers residing on or beyond Pinnacle Hill Road which, as noted above, is outside of the applicant's control.

- 4. A number of submissions also raise concern with the reliance of existing use rights in the application, particularly those in relation to the visual and landscape effects. In my notification report I conclude that the existing use rights only apply to the visual landscape effects of the quarry as it was viewed between 1994-1997. What is viewed of the quarry today is very different to how it was viewed between 1994-1997. The Visual Landscape reports appear to rely on the existing use rights as the quarry is viewed today. Given Councils view on existing use, please confirm whether this alters the conclusions in the Visual Landscape Report, and if so please provide an addendum to the reports to this effect.*



Answer: I have discussed this matter with David Mansergh of Mansergh Graham who has confirmed that the Visual Landscape Report does *not* rely on existing use rights. Rather, the visual effects assessment is based on the quarry as it appears today and compares that to what it will look like should the consent application be granted, which is the standard and industry accepted way of assessing visual effects.

In other words, while Council may choose to accept or reject the application of any existing use rights, I note that the consent application as well as the Visual Landscape Report does not rely on the rights of the quarry to look in a certain way, but rather simply assesses the visual appearance of the quarry 'now' as compared to 'planned future stages'.

5. *A number of submissions raise concern that the Application does not include an indication on the end use of the site or a rehabilitation plan. Instead the AEE proposes a quarry closure plan be produced within 10 years of the completion of Stage 3. Rule 23A.5.2.A.2(e) requires applications for mineral extraction to include a rehabilitation program. Please provide a Rehabilitation Program/Plan which sets out the proposed rehabilitation and end use.*

Answer: As discussed in the consent application as well as during various post lodgement communications, it is accepted that all quarries must be rehabilitated upon closure. This is a standard condition of consent and one that the applicant has proposed be imposed in this situation as well (suggesting that such a plan be prepared within 10 years of completing Stage 3). In saying that, a number of the mitigation measures proposed by the applicant can also be defined as 'rehabilitation' (such as the ecological corridor to the north and riparian margin planting to the south), as these are directly linked to effects created by the proposed activity and some of which provide environmental benefits/betterment in addition to mitigation.

Be that as it may, at this stage in the process it is simply too early to prepare a Rehabilitation Plan or Program with any level of certainty, whether at concept level or more detailed. The reasons for this are that quarrying is a market driven, demand-based industry that depends entirely on the level of ongoing local/regional development needing aggregate products (which then drives aggregate sales). In that sense and while quarries generally apply for land use consents on a maximum and/or average annual extraction basis, there is no way of knowing whether this level will be able to be achieved year in and year out. In fact, it would not be surprising or unexpected if the annual extraction volume sold by the McPherson Quarry ends up being lower than the maximum annual volume applied for, as the application is based on the 'worst case' scenario from an environmental point of view (or in other words, the highest volume the quarry can manage). In fact, it is very possible that the three stages take longer than anticipated, as the length of each stage is calculated on the basis of an assumed total volume of resource, coupled with the maximum volume of product the quarry would be allowed to sell annually. There is also the chance that the quarry will close sooner than anticipated and before the end of Stage 3, either due to a low market demand or another as yet-unknown outward influence.

Bearing this in mind, it is noted that quarries have limited rehabilitation options available upon closure, with some of the more common measures being as follows:

- Limiting surrounding views of the quarry through shelterbelts, hedgerow planting and/or relying on existing topography;
- Revegetating benches and batters with appropriate species to help quarry faces visually integrate with the surrounding landscape;
- Topsoiling, mulching and fascining to allow for native species to regenerate over existing benches;



- Ongoing/long term predator and weed control in defined areas (to allow re-vegetation and/or infill planting to achieve canopy cover); and
- Infilling of the quarry pit with water or soil/overburden/cleanfill.

A combination of the above and/or other measures will be adopted once the McPherson Quarry closes, but at this stage there are too many unknowns to be able to accurately predict what will best serve the surrounding environment in the long term. Of note is also that this quarry is situated within private property, meaning any rehabilitation options will and should be effects-based only (as opposed to assessing what, if any public benefits could be achieved).

In that sense, I remain of the view that it is appropriate that a Rehabilitation Plan/Program be delayed until the quarry closure is more imminent, such as within 10 years of planning to close. By linking the preparation of the plan/program to an anticipated closure date, Council will be able to ensure (through its role as reviewer/approver/certifier of the Plan) that it provides the most value and benefit to the surrounding area/environment, as it will be based on the quarry as it exists at that stage (rather than a predicted end-stage which is, at this point, unknown).

In conclusion, the applicant does not agree that there is a need or that it is appropriate to prepare a Rehabilitation or Closure Plan at this early stage. With respect, it is considered more appropriate to impose conditions that require such a plan to be prepared when the quarry is in fact planning to close. This is also understood to be standard practice as well as a standard consent condition for other quarries around the District and Region.

I trust that this answers your queries, but I am happy to discuss matters further if need be.

Regards



**Eloise Lonnberg-Shaw**  
Business Manager & Senior Planner

