



WDC S92 REQUEST & RESPONSES –

Gleeson Managed Fill Limited Resource Consent Application (LUC0488/22)

Council:	Waikato District Council	Application	Gleeson Managed Fill Limited LUC0488/22
Request	S 92 Request – Request for Further Information	Date Received	13 May 2022 Email request for TIA & PWDP-DV Assessment 27 May 2022 Email/Letter – formal s92 request 22 June 2022 Email request for Ecology
Information submitted to WRC: Responses sent in emails dated: 17 May 2022 (Macroinvertebrate Assessment); 27 May 2022 (TIA & PWDP-DV Assessment); 3 June 2022 (Visual Landscape); 15 June 2022 (Acoustic); 7 June 2022 (Draft Condition Set); 22 June 2022 (PWDP Obs/Polis assessment) Table below and attachments are a compilation of all responses & and considered to close out all s92 queries from WDC			

- Attachment A:** PWDP-DV Rules Assessment – Paua Planning Ltd
- Attachment B:** PWDP-DV Objectives & Policies Assessment – Paua Planning Ltd
- Attachment C:** Draft Set of Conditions
- Attachment D:** Traffic Impact Assessment – TEAM Traffic Ltd, dated May 2022
- Attachment E:** Visual Landscape Memo, LA4 Landscape Architects Ltd, dated 3 June 2022
- Attachment F:** Erosion & Sediment Control Plan (ESCP) FA2
- Attachment G:** Site Ecology Map Rev F attached to the EiA, dated 30 July 2019
- Attachment H:** Compensation Area Photos of grass, Wildlands Consultants Ltd
- Attachment I:** Macroinvertebrate Community Assessment Report, Envoco, April 2022
- Attachment J:** Assessment of Noise Effects (Updated), Hegley Acoustics, dated 14 June 2022
- Attachment K:** WDC s92 Letter & Email requests/responses

Request for information	s92 Response	Close Out (Y/N) <i>Comment</i>
Planning		
1. Please provide a detailed assessment against the rules of the Proposed Waikato District Plan - Decisions Version (PWDP – DV).	Response emailed 27 May – See Attachment A	



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2.	<p>Please provide an assessment against all relevant Objectives and Policies of the PWDP – DV and in particular the following sections:</p> <ul style="list-style-type: none"> a. Transportation b. All infrastructure c. Maaori values and Maatauranga Maaori d. Natural character 	<p>Response emailed 22 June – See Attachment B</p>	
3.	<p>Please provide the wording of draft conditions proposed as mitigation for the activity.</p>	<p>See Attachment C for set of draft conditions proffered with the application to offset and mitigate potential adverse effects. These are subject to change in consultation with WRC/WDC and our legal representatives, and during the notification and hearing process, and may be updated at any time. The main changes made from previous versions:</p> <ul style="list-style-type: none"> • Updating WRC consent reference numbers • Updating draft set to refer to Fill Areas 2, 3 and 4 (rather than just FA3); • Moving all earthwork related conditions into the earthworks consent (ESC and CMP moved from Schedule One) • Added conditions relating to Acid Sulphate Soils <p>I do note that we will also require a draft set of district conditions, but don't want to double up. At this stage I have just added a couple at the end of the General Conditions related to noise/hours of operation as a starter.</p>	



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Traffic															
4.	On the basis that the Traffic Impact Assessment was prepared in September 2019, please provide an updated assessment that considers the current transport environment and the existing vehicle entranceway, including (but not limited to) the recent 5 year crash history, the condition of the road and identification of any other changes (such as new development).	Updated Traffic Impact Assessment emailed on 27 May 2022 – prepared by TEAM Traffic, dated May 2022. Refer Attachment D													
5.	When providing an assessment against the rules of the PWDP – DV (as per point 1 above), please ensure that this includes the relevant transport provisions, particularly for the interface with the road network.	See Attachments A and B													
Landscape & Visual															
6.	Since the Assessment of Landscape and Visual Effects (LVE) prepared by LA4 was written, the PWDP – DV has been released. The LVE does not address the relevant landscape and amenity provisions of this document. Please provide an update to the LVE to include an assessment against the relevant landscape, natural character and amenity provisions of the PWDP – DV and confirm (if appropriate) that the conclusions reached in the LVE are unchanged.	Please see attached Visual Landscape Response Letter emailed to WDC on 3 June 2022, prepared by Rob Prior (LA4), dated 3 June 2022 Refer Attachment E													
7.	<p>In 2021, the New Zealand Institute of Landscape Architects (NZILA) adopted new best practice guidelines for the assessment of landscape and visual effects. The Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines [Final Draft] include the adoption of the following rating terminology and threshold:</p> <table border="1" data-bbox="280 1249 1095 1326"> <tr> <td>very low</td> <td>low</td> <td>low-mod</td> <td>moderate</td> <td>mod-high</td> <td>high</td> <td>very high</td> </tr> <tr> <td>less than minor</td> <td colspan="2">minor</td> <td colspan="2">more than minor</td> <td colspan="2">significant</td> </tr> </table> <p><small>Source: Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines [Final Draft]</small></p>			very low	low	low-mod	moderate	mod-high	high	very high	less than minor	minor		more than minor	
very low	low	low-mod	moderate	mod-high	high	very high									
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	<p>The LVE followed the recommendations and terminology of the previous guidelines and uses a seven-point rating system between negligible and extreme. While the rating definitions contained in the LVE are consistent with the NZILA's older best practice guidelines, no indication is given as to where the ratings sit within the RMA notification threshold.</p> <p>Please provide a comparison table, showing how the rating system used, compares with those included in the table above.</p>		
Ecology			
8.	<p>Confirm the location of sediment ponds and whether their construction and operation will affect any indigenous vegetation.</p>	<p>Envoco's SNA Watercourse Assessment depicts 100m setback from the wetland within the SNA west of FA's 2 and 3. (See Appendix 12.5 of application documents). Southern Skies Environmental have transposed where this '100m line' lies on their ESC Plan for FA2 – please see Attachment F.</p> <p>The original Boffa Miskell Ecological Impact Assessment (see Appendix 12.1 of application documents) describes the indigenous vegetation in FA's 2 and 4 (FA3 is in pasture with no vegetation). It is likely that some of this will fall within the location of the SRP's, which are depicted on the ESC Plans in Appendix 9.</p> <p>It is also clear from the AEE that all vegetation is to be stripped to prepare the FA's for initial infrastructure works (ESC system) – Refer Section 1 (Executive Summary), Section 8.8.1 (Description of Proposal) and Section 16 (Assessment of Effects – Ecological).</p>	



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		<p>Gleeson have applied for removal of indigenous vegetation outside of an SNA, as a restricted discretionary activity.</p> <p>Relying on the expert assessment contained within the EiA prepared by Boffa Miskell, as well as the EMP offered as mitigation, the AEE determines that the proposed fill sites will not result in a loss of dominant vegetation cover or clearance of indigenous bush cover contributing to the overall aesthetic coherence of the area. In addition, the vegetation is of low ecological value, excepting the potential for bat habitat, the loss of which has been mitigated by provision of a dedicated 'bat reserve'.</p>	
9.	Quantify the extent of indigenous vegetation, including self-established indigenous understory beneath the redwoods to allow for compensation assessment.	<p>The Boffa Miskell EiA provides a species list for the entire site in its Appendix 2. In addition, the ecological value of terrestrial vegetation was determined by accepted and recognised guidelines (see Tables 1 – 4 in EiA). These guidelines considered the amount of habitat or vegetation remaining, amongst other criteria.</p> <p>Table 6 of the EiA determines that the ecological values of 'native broadleaved early successional scrub' are low, as they are <i>not representative vegetation that originally occupied the area; unlikely to develop into secondary native forest without restoration due to limited regeneration of later-successional components. Poor structural diversity and small spatial extent of the</i></p>	



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		<p><i>patches means the patches are extensively impacted by edge effects, with limited contribution to ecosystem functions.</i></p> <p>The Site Ecology Map that accompanies the EIA (30 July 2019 Rev F – see Attachment G) shows NO Secondary podocarp-broadleaf forest within Fill Areas 2, 3 or 4, and the ecological value of the understory vegetation has been determined as ‘low’.</p> <p>Despite this, within the Compensation Area, approximately 14,770m² of indigenous treeland is to be enhanced and protected, along with 1890m² of kahikatea-pukatea forest and 2,110m² of kohekohe forest. 14,000 indigenous plants have been planted.</p> <p>We believe that the Boffa Miskell Report provides sufficient information to determine the approximate extent (and value) of undergrowth indigenous vegetation and no further quantification is necessary.</p>	
10.	Provide clear evidence that areas subject to compensation works will be legally protected in perpetuity via a covenant or similar tool.	<p>Section 21.8.3 of the AEE states clearly that the compensation area will be protected in perpetuity by way of a private covenant on the title.</p> <p>Gleeson have also proffered a condition of consent that states:</p> <p><i>(See General Conditions 19 ... The overall objective of the EMP shall be to set out the practices and procedures to be adopted to ensure compliance with consent conditions and shall include: ...(g) Within 6 months of commencement of activities under this consent, a</i></p>	



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		<i>mechanism for covenanting of the mitigation area, including gully restoration of no less than 3.75 hectares.</i>	
11.	Provide more detail on proposed monitoring in the Compensation area for residual pest animals and biodiversity outcomes (including lizards, birds, and the extent and quality of habitat created) to ascertain whether the restoration activities have achieved the stated objectives.”	<p>Information received from Envoco: Proposed monitoring of the compensation area includes:</p> <ul style="list-style-type: none"> • <i>Pest animal monitoring conducted 3 times per year with the use of tracking tunnels and chew cards. 3 monitoring events done so far with only a slight decrease in presence of rats. Next monitor will be done this month with also the use of possum leghold traps, since they have been showing up on previous monitors but we haven't caught any in existing kill traps. A positive biodiversity outcome would be <5% RTCI (residual trap catch index) for possums and 80% decrease in mean presence of pest animals on tracking tunnels and chew cards over 3 monitoring events. Due to the site being among farmland, connected to other gully habitats, and being near dwellings it is unrealistic to achieve eradication of pest animals.</i> • <i>Bird monitoring has been done and is planned for 3 times a year to monitor populations. Of interest are seed dispersing and pollinating birds like kereru, tui and silvereye, which indicate high quality habitat, and native wetland birds (eg. paradise duck, shags, dabchick, herons) which will hopefully use the enhanced wetland habitat. The presence of these</i> 	



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	<p><i>birds during monitoring events will be an indication of restoration success.</i></p> <ul style="list-style-type: none"> <i>Extent of habitat created is defined by the planting areas (approx. 2ha). Quality of habitat created will be monitored through vegetation plots in planting areas that represent each habitat type (wetland, gully riparian and gully slopes). Increase in growth of plants and native seedling regeneration in plots will be an indication of restoration success. As per consent conditions, replacement planting will be carried out if there are losses within the planting.</i> 	
<p>12. “Much of Fill Area 3 was described in 2019 as dominated by a native wetland rush. However, the site was drained in June 2020. This was prior to notification of the Proposed Waikato District Plan decisions version on Monday 17 January 2022, however under the Operative Waikato District Plan rule 25.43A the clearance of indigenous vegetation would have required restricted discretionary consent, unless the WD Council certified that the vegetation cleared was not significant indigenous vegetation or significant habitat of indigenous fauna.”</p> <p>Can you please comment on whether consents were obtained for this work, or whether they were considered to be a Permitted Activity?</p>	<p>At the time it was considered that there was no clearance of indigenous vegetation, as the site consisted of pond/wetted area and grass paddock. The remedial works were the focus, and Gleeson worked with WRC to remediate as quickly as possible.</p> <p>Seeing now that the rushes around the pond were described as indigenous in the EiA, it is accepted that at WDC discretion, retrospective consent for the clearance of this vegetation would be required under rule 25.43A of the Operative WDP. However, as the wetland has now been recognised as having no status under the NES-FW, and described as being ‘artificial’, as well as the EiA stating that: <i>“This vegetation [Edgar’s rush] is likely to have invaded the pasture following attempts to convert the area to grazing land, and does not appear to be a remnant of an original wetland</i></p>	



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	<i>feature.”; we would be accepting of WDC’s call in this regard. Council may deign (retrospectively) to certify that the vegetation that was cleared is not significant indigenous vegetation or significant habitat of indigenous fauna, in accordance with Rule 25.43AI(b)</i>	
<p>13. “During our 7 June 2022 visit to Compensation Area 4, an area of indigenous swamp millet (c2000 m²) in planting zone 9 was yellow-brown (see Appendix 4, Figure 1). It may have been suffering from summer drought or possibly blanket sprayed as per the advice for this location in the Ecological Management Plan (EMP, Wildland Consultants 2020 s7.2.7 and s9.3). This would have required a consent from WDC for clearance of indigenous vegetation outside of a SNA.”</p> <p>Can you please comment on whether consents were obtained for this work, or whether they were considered to be a Permitted Activity?</p>	<p>Wildlands have confirmed they are confident it was predominately Mercer grass within planting zone 9, however acknowledge that it may have included some swamp millet. No application was made to WDC, and no consent given. Under Rule ECO-R4(1), (a) Indigenous vegetation clearance, trimming or pruning of indigenous vegetation in a Significant Natural Area for the following purposes: (vi) Conservation activities – is a Permitted Activity.</p> <p>Again, at Council’s discretion, and dependent on weighting between the proposed decisions version vs operative district plans, retrospective consent for clearance of this small amount of indigenous vegetation would be required under rule 25.43A of the Operative WDP.</p> <p>Council may deign (retrospectively) to certify that the vegetation that was cleared is not significant indigenous vegetation or significant habitat of indigenous fauna, in accordance with Rule 25.43AI(b).</p>	



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		The photos of the grassed areas (in the original format and quality sent by Wildlands) are referred to as Attachment H .	
Other			
14.	Not a council request	Although not requested, a copy of the Macroinvertebrate Community Assessment was provided to WDC on 4 April 2022, providing data collected to determine a baseline for stream health. Gleeson Quarries Huntly Ltd engaged Envoco Ltd to sample macroinvertebrate communities in the watercourses downstream of the discharge points of Fill Areas 2, 3 and 4 to obtain baseline water quality data prior to any works within the fill areas. It is of interest to monitor macroinvertebrate communities in these receiving environments (impact sites) and elsewhere in the catchment that will not be affected by fill discharge (reference sites) to gauge long term trends in water quality and assess the effects of localised impacts (ie. fill and extraction works). Please see Attachment I	
15.	Not a council request	Although not requested, an updated Acoustic Assessment was provided to council, addressing the request to align the proposed hours of operation with the existing quarry activities. These hours are reflected in the proffered conditions of consent and associated	



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	<p>adverse effects assessed in the Noise Report – Attachment J. <i>Waikato District Land-use Conditions</i> <i>Noise</i></p> <p>1. <i>All activities shall be conducted to ensure that noise from the managed fill activity measured at the notional boundary of any dwelling not owned or leased by Gleeson Managed Fill Ltd and Gleeson Quarries Huntly Ltd, does not exceed:</i></p> <ul style="list-style-type: none"> • <i>50dB LAeq, 7am to 7pm every day;</i> • <i>45dB LAeq, 7pm to 10pm every day;</i> • <i>40dB LAeq and 65dB LAmx, 10pm to 7am the following day.</i> <p><i>Hours of operation</i></p> <p>2. <i>The hours of operation for all managed fill related activities within the site shall be limited to:</i></p> <ul style="list-style-type: none"> • <i>Monday to Friday (inclusive) 6am to 7pm</i> • <i>Saturday 6am to 2pm</i> • <i>No managed fill works shall be carried out on a Sunday or Public Holiday.</i> <p>3. <i>The hours of operation related to truck movements to and from the site entrance shall be limited to:</i></p> <ul style="list-style-type: none"> • <i>1 October to 30 April:</i> 	



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	<ul style="list-style-type: none"> - <i>Monday to Friday (inclusive) 5am to 8pm</i> - <i>Saturday 6am to 3pm</i> • <i>1 May to 30 September:</i> <ul style="list-style-type: none"> - <i>Monday to Friday (inclusive) 5am to 6pm</i> - <i>Saturday 6am to 3pm</i> • <i>Truck movements to and from the site entrance shall be limited to a maximum of 12 per day during the morning period between the times of:</i> <ul style="list-style-type: none"> - <i>Monday to Friday (inclusive) 5am to 6am</i> <p><i>Note: operating hours and truck movements do not apply when an emergency is declared by the local or regional authority and the activity is required as part of a civil defence response.</i></p>	
16.	Attachment K – PDF of relevant emails and s92 letter from Council.	