

Agenda for a meeting of the Policy & Regulatory Committee to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY 20 JUNE 2017** commencing at **9.00am**.

Information and recommendations are included in the reports to assist the Board in the decision making process and may not constitute Council's decision or policy until considered by the Board.

- 1. APOLOGIES AND LEAVE OF ABSENCE**

- 2. CONFIRMATION OF STATUS OF AGENDA**

- 3. DISCLOSURES OF INTEREST**

- 4. CONFIRMATION OF MINUTES**
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- 5. RECEIPT OF HEARING MINUTES AND DECISIONS**
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- 6. REPORTS**
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GJ Ion
CHIEF EXECUTIVE

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	17 May 2017
Prepared by	Wanda Wright Committee Secretary
Chief Executive Approved	Y
Reference #	Gov1318
Report Title	Confirmation of Minutes

1. EXECUTIVE SUMMARY

To confirm the minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 16 May 2017.

2. RECOMMENDATION

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 16 May 2017 be confirmed as a true and correct record of that meeting.

3. ATTACHMENTS

P&R Minutes

MINUTES of a meeting of the Policy & Regulatory Committee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY 16 MAY 2017** commencing at **9.00am**.

Present:

Cr JD Sedgwick (Chairperson)
His Worship the Mayor, Mr AM Sanson
Cr AD Bech
Cr JA Church
Cr DW Fulton
Cr JM Gibb *[from 9.10am]*
Cr SL Henderson
Cr SD Lynch
Cr RC McGuire
Cr FM McInally
Cr BL Main
Cr EM Patterson
Cr NMD Smith
Cr LR Thomson

Attending:

Mr GJ Ion (Chief Executive)
Ms S Duignan (General Manager Customer Support)
Mr T Harty (General Manager Service Delivery)
Mr T Whittaker (General Manager Strategy & Support)
Mrs W Wright (Committee Secretary)
Ms AM D'Aubert (Consents Manager)
Ms E Makin (Consents Team Leader)
Mr N Hancock (Road Safety Engineer)
Ms M Tukere (Pouhono Iwi ki te Haapori/Iwi and Community Partnership Manager)
Ms K Newell (Local CDEM Coordinator)
3 Members of Staff

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Main/Patterson)

THAT an apology for lateness be received from Cr Gibb.

CARRIED on the voices

P&R1705/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Bech/Church)

THAT the agenda for a meeting of the Policy & Regulatory Committee held on Tuesday 16 May 2017 be confirmed and all items therein be considered in open meeting;

AND THAT in accordance with Standing Order 9.4 the order of business be changed with agenda items 6.5 [*WEL Energy Trust 2017/2018 Annual Intentions Plan*], 6.6 [*Chief Executive's Business Plan*] and 6.7 [*2017 Meeting Calendar*] being considered as the first items as Reports on the Agenda.

CARRIED on the voices

P&R1705/02

DISCLOSURES OF INTEREST

There were no disclosures of interest.

CONFIRMATION OF MINUTES

Resolved: (Crs Thomson/Patterson)

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Wednesday 21 March 2017 be confirmed as a true and correct record of that meeting.

CARRIED on the voices

P&R1705/03

RECEIPT OF HEARING MINUTES AND DECISIONS

Hearing Minutes for Mangawara Bridge held on 23 February 2017
Agenda Item 5.1

Resolved: (Crs McInally/Main)

THAT the minutes and decision of a hearing for Mangawara Bridge held on Thursday 23 February 2017 be received.

CARRIED on the voices

P&R1705/04/1

Hearing Minutes for Mangawara Bridge held on 23 February 2017
Agenda Item 5.2

Resolved: (Crs Fulton/Henderson)

THAT the minutes and decision of a hearing for WJ & LJ Pitts held on Wednesday 1 March 2017 be received.

CARRIED on the voices

P&R1705/04/2

REPORTS

WEL Energy Trust 2017/2018 Annual Intentions Plan
Agenda Item 6.5

Resolved: (Crs McGuire/Bech)

THAT the report from the Chief Executive be received.

CARRIED on the voices

P&R1705/05/1

Chief Executive's Business Plan
Agenda Item 6.6

Resolved: (Crs Main/Lynch)

THAT the report from the Chief Executive be received.

CARRIED on the voices

P&R1705/05/2

2017 Meeting Calendar
Agenda Item 6.7

Resolved: (Crs Gibb/Main)

THAT the report from the Chief Executive be received.

CARRIED on the voices

P&R1705/05/3

Delegated Resource Consents approved for the months of March and April 2017
Agenda Item 6.1

The Consents Manager introduced the new Consents Team Leader (Ella Makin). The report was taken as read and the Manager answered questions from the Committee.

Resolved: (Crs Thomson/Church)

THAT the report of the General Manager Customer Support be received.

CARRIED on the voices

P&R1705/05/4

Bilingual Signage Policy Review 2017

Agenda Item 6.2

The Pouhono Iwi ki te Haapori/Iwi and Community Partnership Manager took the report as read, gave a brief overview and answered questions of the Committee.

Resolved: (Crs Thomson/Main)

THAT the report from the General Manager Strategy and Support be received.

CARRIED on the voices

P&R1705/05/5/1

Resolved: (Crs Gibb/Smith)

THAT the amended Policy “Te Kaupapa Here o Ngaa Tohu Reorua/Bilingual Signage Policy” be recommended to Council for adoption.

CARRIED on the voices

P&R1705/05/5/2

2017 Speed Bylaw Review Policy and New Speed Bylaw Policy

Agenda Item 6.3

The Road Safety Engineer took the report as read, gave a brief overview and answered questions of the Committee.

Resolved: (Crs Thomson/Lynch)

THAT the report from the General Manager Service Delivery be received;

AND THAT pursuant to section 155(1) of the Local Government Act 2002 the Committee recommends to Council that it make a determination that a bylaw is the most appropriate mechanism to address issues relating to the management of speed limits in the Waikato District, [pursuant to section 155(1) of the Local Government Act 2002 (“the Act”)] , and that the Waikato District Council Speed Limit Bylaw 2011 be reviewed in accordance with the requirements of the Act;

AND FURTHER THAT the Speed Bylaw Review Policy (appendix I) is recommended to Council for adoption;

AND FURTHER THAT staff undertakes community engagement on roads identified in the NZTA online tool.

CARRIED on the voices

P&R1705/05/6

CDEM Joint Committee Minutes

Agenda Item 6.4

The Local CDEM Coordinator gave a verbal report and answered questions of the Committee.

Resolved: (Crs Smith/Patterson)

THAT the report of the General Manager Customer Support be received.

CARRIED on the voices

P&R1705/05/7

There being no further business the meeting was declared closed at 10.11am.

Minutes approved and confirmed this day of 2017.

Cr JD Sedgwick

CHAIRPERSON

Minutes2017/P&R/170516 P&R M.doc

Open Meeting

To	Policy & Regulatory Committee
From	GJ Ion Chief Executive
Date	31 May 2017
Prepared by	Lynette Wainwright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Receipt of Hearing Minutes and Decision

1. EXECUTIVE SUMMARY

To receive the minutes and decision of a hearing for Fulton Hogan Limited held on Wednesday 12 April 2017.

2. RECOMMENDATION

THAT the minutes and decision of a hearing for Fulton Hogan Limited held on Wednesday 12 April 2017 be received.

3. ATTACHMENTS

A Hearing Minutes 12 April 2017
B Decision 1 June 2017

MINUTES of a hearing by an Independent Commissioner of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY 12 APRIL 2017** commencing at **9.00am**.

These minutes should be read in conjunction with notes and evidence placed on the Consent file.

Present:

Commissioner D Hill (Chairperson)

Attending:

His Worship the Mayor, Mr AM Sanson
 Cr D Fulton
 Mrs W Wright (Committee Secretary)
 Mrs LM Wainwright (Committee Secretary)
 Ms AM D'Aubert (Consents Manager)
 Ms B Parham (Tompkins Wake, Legal Counsel)
 Ms K Thomson (Consents Team Leader)
 Ms N Laurenson (Consultant Planner)
 Mr P Henderson (Senior Land Development Engineer)
 Ms M Glassey (Monitoring Officer)
 Mr P Norton (Family Representative)
 Norton Family
 Mr W Harris (Tauhei Marae Chair)
 Mr P Houben (North Island Technical Support Engineer – Quarries, Fulton Hogan)
 Mr C McDean (Work Group Manager – Planning, Engagement and Heritage, Opus International Consultants Ltd, Hamilton)
 Mr P Walsh (North Island Manager, Fulton Hogan Ltd)
 Member of the Public

HEARING – FULTON HOGAN

File No. LUC0035/12.01

A change of conditions land use resource consent application has been made by Opus International Consultants on behalf of Fulton Hogan Ltd. The variation will enable the consent holder to increase the tonnage of aggregate able to be extracted, both on an annual and a five-year rolling average basis. The application states that the applicant has secured its involvement in the Hamilton and Huntly Sections of the Waikato Expressway to deliver large-scale quantities of aggregate during the years 2016-2018. An increase in tonnage able to be extracted each year from the quarry is sought for the period 2016 to 2018 (i.e. a three year period) from 650,000 tonnes per year to 950,000 tonnes per year. Further that an increase in the five year average extraction quantity is allowed from 550,000 tonnes per year to 750,000 tonnes per year (applying to the years 2017 to 2021).

INTRODUCTION

Commissioner Hill welcomed all parties and outlined the process for the hearing.

The Commissioner invited Mr Harris to give a verbal address before hearing of the application commenced and answered questions of the Commissioner.

The hearing adjourned at 9.15am and recommenced at 9.19am.

Mr McDean was given the opportunity to respond to Mr Harris' issues.

HEARING OF THE APPLICATION

The applicant's representative presented verbal evidence and answered questions of the committee.

HEARING OF SUBMISSIONS

Mr P Norton presented written evidence and answered questions of the Commissioner (doc 1 and 2).

The Norton Family were given the opportunity to give verbal evidence in addition to the brief.

Hearing adjourned at 10.03am and resumed at 10.20am.

STAFF REPORT

The Consultant Planner's report was taken as read. The Senior Land Development Engineer gave verbal evidence and answered questions of the Commissioner.

The Monitoring officer gave verbal evidence and answered questions of the Commissioner.

The Consultant Planner summarised the report and answered questions of the Commissioner.

The hearing adjourned at 10.47am and resumed at 11.02am.

RIGHT OF REPLY

The applicant's representative gave their right of reply.

The hearing adjourned at 11.40am and the decision is reserved.

DELIBERATIONS

The Commissioner undertook deliberations on all evidence presented.

The hearing was declared closed at 5.00pm on Friday 26 May 2017.

DECISION

THAT the Independent Commissioner confirmed the application by Fulton Hogan Limited to Waikato District Council for a discretionary activity resource consent condition change under the Resource Management Act 1991 be granted subject to conditions as outlined in the decision dated 1 June 2017.

HE1704/01

IN THE MATTER OF the Resource Management Act 1991
AND

IN THE MATTER OF application by Fulton Hogan Limited to Waikato District Council under section 127 of the Resource Management Act 1991 for a change of conditions for a short-term increase in its Tauhei Quarry extraction rate at 1500 Tauhei Road, Whitiakahu (Lot 1 DP 7853, Lot 3 DP 11885; Lots 1 and 2 DP 12708; Lot 1 DP 35520; and Road Reserve – Tauhei Quarry Road).

**Decision following the hearing of an application by
Fulton Hogan Limited to Waikato District Council for a
discretionary activity resource consent condition
change under the Resource Management Act 1991**

Proposal

To change conditions 1, 35, 37, and 38 of land use consent LUC0035/12 (granted 12 December 2012) as identified in Appendix C of the application submitted by Opus International Consultants Ltd 2016, dated 11 November 2016; and conditions 3, 5 and 7A as subsequently sought.

The change of resource consent conditions sought is **GRANTED**. The reasons are set out below.

Hearing Commissioner:	Mr David Hill
Application numbers:	LUC0035/12.01
Applicant:	Fulton Hogan Limited
Site addresses:	1500 Tauhei Road, Whitiakahu
Legal descriptions:	Lot 1 DP 7853, Lot 3 DP 11885; Lots 1 and 2 DP 12708; Lot 1 DP 35520; and Road Reserve – Tauhei Quarry Road
Site area:	56.4 ha
Zoning:	Rural zone with Aggregate Extraction Policy Area and Waikato River Catchment Flood Risk Area.
Lodgement:	11 November 2016
Notification Decision:	16 December 2016
Limited notification:	10 January 2017

Submissions closed:	10 February 2017
Hearing commenced:	12 April 2017
Hearing closed:	Friday 26 May 2017
Appearances:	<p><u>For the Applicant:</u></p> <p>Mr Peter Walsh – North Island Resources Manager, FHL Mr Phillip Houben – North Island Technical Support Engineer – Quarries, FHL Mr Christian McDean – Consultant Planner, Opus.</p> <p><u>Submitter</u></p> <p>Mr David Norton and Family represented by Mr Philip Norton.</p> <p><u>Council:</u></p> <p>Ms Bridget Parham - Counsel Ms Nicola Laurenson – Reporting Officer Ms Karleen Thomson – Consents Team Leader Ms Margaret Glassey – Monitoring Officer Messrs Malcolm Brown & Peter Henderson – Development engineers Ms Wanda Wright - Hearing Administrator Ms Lynette Wainwright – Hearing Administrator</p>

Introduction

1. This decision is made on behalf of the Waikato District Council (Council) by Independent Hearing Commissioner Mr David Hill appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (the RMA).
2. This decision contains the findings from my deliberation on the application for resource consent and has been prepared in accordance with section 113 of the RMA.
3. By decision dated 16 December 2016 the application was limited notified on 10 January 2017 to 1482 Tauhei Road, being the David and Lorraine Norton (owners) who live at 585 Tauhei Road, the trustees of the TW Trustees Limited (owner), and the occupier of 1482 Tauhei Road, with submissions closing on 10 February 2017. One submission in opposition seeking a refusal of the changes sought was received from David and Lorraine Norton. There were no late submissions.
4. I understand that written approvals were provided to Council as part of the s95 RMA notification decision process from Merv Steiner (owner 1443 Tauhei Road and 1 Tauhei Quarry Road), Jason Steiner (occupier of 1 Tauhei Quarry Road), David Johnstone (Pukemokemoke Bush Trust / Reserve), and Kerry Penniket (10 Seifert Road). I have not sighted those approvals but no-one challenged that record and I accept that as accurate.
5. A further written approval from M&S Steiner (owners) and J Steiner (occupier) of 1443 Tauhei Road, dated 4 May 2017, was provided regarding the proposed amendment to condition 5, the start time for permitting trucks into the site (only) in the event that truck stacking on Tauhei Quarry Road occurred between 6.30am and 7am.

6. Accordingly no consideration is taken of effects on those persons and their property.
7. The s42A RMA hearing report was prepared by Ms Nicola Laurenson. Ms Laurenson's overall recommendation was to grant the changes sought as she considered that the effect of the change of conditions on any person would be minor. That conclusion was modified following the receipt of further information sought from the applicant during the hearing relating to the matter of truck queuing on Tauhei Quarry Road and options for avoiding that effect. In her additional report of 19 May 2017 Ms Laurenson qualified her earlier recommendation noting that she could now only support a grant of consent condition change if evidence was provided that the newly adopted measures for avoiding extended queuing before 7am were successful.
8. The matter was part heard in Ngaruawahia on 12 April 2017 and adjourned for further information relating principally to the matter of adequate parking for arriving trucks to avoid congestion at the intersection of Tauhei Quarry Road and Tauhei Road. This is discussed in greater detail below.
9. The hearing was closed on Friday 26 May 2017 following the receipt of the further information sought, further submission from Mr Norton, additional report from Ms Laurenson including a legal submission from Ms Parham on scope, and the written right of reply.

Summary of proposal and activity status

10. The applicant, Fulton Hogan Ltd, seeks a short-term 2-year change of conditions to its existing land use resource consent to increase the tonnage of aggregate able to be extracted, both on an annual and a five-year rolling average basis. The application states that the applicant has secured its involvement in the Hamilton and Huntly Sections of the Waikato Expressway to deliver large-scale quantities of aggregate during the years 2016-2018. An increase in tonnage able to be extracted each year from the quarry is sought for the period 2017 to 2018 (i.e. a two year period) from 650,000 tonnes per year to 950,000 tonnes per year. Further, that a corresponding increase in the five-year average extraction quantity is allowed from 550,000 tonnes per year to 750,000 tonnes per year (applying to the years 2017 to 2021).
11. The increase in truck movements is forecast as follows:
 - Average daily truck movements increase from 216/day to 294/day;
 - Average hourly truck movements increase from 22-33/hour to 30-45/hour;
 - Peak hourly truck movements increase from 70/hour to 80/hour.
12. Additional infrastructure is proposed to be installed at the Quarry. This includes a new two-lane bridge over the Mangatea Stream, a new exit weighbridge, and a new wheel wash. The new two-lane bridge and new exit weighbridge will serve to improve traffic flow in and out of the site. The consent holder has offered an additional condition to address the infrastructure and wheel wash issue.
13. The specific changes to conditions sought are:

- amendment to condition 1, the general accordence condition, to include the current section 127 application documents;
 - amendment to condition 35 to increase the maximum extraction tonnage in the yeas 2017-2018 from 650,000 tonnes per annum to 950,000 tonnes per annum, and increase the average tonnage over a five-year period (2017-2021) from 550,000 tonnes per annum to 750,000 tonnes per annum;
 - amendment to condition 37 regarding the calculation of the Heavy Vehicle Impact fee to be paid, with an entirely new condition wording, and insertion of an additional condition regarding the Heavy Vehicle Impact Fee; and
 - a subsequent change to the hours of operation condition 3 was proposed to restrict rock drilling after 7pm.
14. As a section 127 RMA application, the activity is required to be determined as a discretionary activity under section 127(3)(a) and only the effects of the proposed change of condition are to be considered.

Procedural matters

15. No procedural matters were raised for consideration, although a party representing Tauhei Marae, which had not been notified, sought standing – which was denied on the ground that the Commissioner had no jurisdiction to open up a matter that had already been determined by Council (that being the province of the court under judicial review).
16. For the record I note that two section 41C RMA directions were issued in the course of the proceedings. The first, dated 13 April 2017, related to the further information request regarding a detailed traffic circulation plan; the second, dated 22 May 2017, related to the decision not to reconvene the hearing following receipt of that information.

Relevant statutory provisions considered

17. In accordance with section 104 of the RMA, and to the extent necessary under section 127 RMA, I have had regard to the relevant statutory provisions including the relevant sections of Part 2 and sections 104 and 104B, and section 108 relating to conditions.

Relevant standards, policy statements and plan provisions considered

18. In accordance with section 104(1)(b)(i)-(vi) of the RMA, I have had regard to the relevant policy statement and plan provisions of the following documents – the relevant provisions of which are assessed in section 8 of the Application and, more particularly, section 7 of the s42A hearing report. The identification of these provisions was largely agreed. Having reviewed those provisions I confirm and adopt them. Therefore, there is no need to repeat the details in this decision. Those provisions are in the following statutory documents:
- Waikato Regional Policy Statement 2016;
 - Waikato Regional Plan (WRP) 2007;
 - Operative Waikato District Plan – Waikato Section 2013.

19. No other national policy statement or environmental standard was identified as being relevant to these consent condition changes and I accept that to be the case.
20. Other documents referred to included:
 - Waikato-Tainui Environmental Plan 2013.
21. I do not consider any other matter to be relevant and reasonably necessary to determine the application in accordance with section 104(1)(c) of the RMA.

Permitted Baseline / Existing Environment

22. There is no relevant permitted baseline – and the existing consented quarry activity clearly constitutes an important part of the existing environment.

Summary of evidence / representations / submissions heard

23. The s42A Hearing report by Council's planning officer, Ms Laurenson, was circulated prior to the hearing and taken as read.
24. The evidence presented at the hearing responded to the issues and concerns identified in the s42A recommendation report and the Norton's submission.
25. The evidence presented and representations made by the applicant at the hearing are summarised below:

Mr Phillip Houben, North Island Technical Support Engineer - Quarries for FHL, responded to operational matters raised in the s42A report and by the submitter, and tabled a revised set of proposed conditions; the proposed Quarry Management Plan (version 7); and a number of other plans and miscellanea.

Mr Peter Walsh, North Island Resources Manager for FHL, did not provide written evidence but appeared to answer any operational questions.

Mr Christian McDean, consultant planner with Opus International Consultants Limited, had prepared and lodged the application, and gave evidence in support of granting it. Mr McDean provided clarification on a number of matters raised in the s42A report and the submission, including on acoustic monitoring, the need for a dual carriageway, and traffic safety effects. Mr McDean emphasised that a quarry on the site had operated in one form or another for nearly 100 years with generally a positive relationship with its neighbours. He saw no planning impediment to granting the change of conditions sought.

Following the provision of the further information sought under direction, authored by Mr Alasdair Gray of Gray Matter Limited, a traffic and transportation consultancy, along with the Opus review of CCTV footage for the month of March 2017, Mr McDean provided a written reply in which he expressed confidence that the particular matter of traffic management raised, and addressed through successful "proactive measures", was now satisfied.

26. **David and Lorraine Norton, 1482 (585) Tauhei Road** - Representations for the submitter were given by Mr Philip Norton, who represented his family's concerns. These mainly concerned the practice of truck and trailer stacking and double stacking

along Tauhei Quarry Road, and occasionally back out onto Tauhei Road, and fugitive dust into their paddocks along Tauhei Quarry Road. Mr Norton also provided a written response to the further information requested, in which the family's opposition was maintained.

Principal issues in contention

27. After analysis of the application and evidence (including proposed mitigation measures), reviewing the Council reporting officer's s42A recommendation report, reviewing the submission and concluding the hearing process, the principal issues in contention came down to the following fundamental issues:
 - (a) whether sufficient temporary parking spaces are provided for trucks inside the quarry gate entrance to avoid queuing and associated potential road safety issues at the intersection of Tauhei Road and on Tauhei Quarry Road; and
 - (b) whether the quarry dust suppression and recovery systems (wheel wash, water cart and road sweeper) are adequate to avoid off-site fugitive emissions to roads and land.
28. These issues are discussed in the following section.
29. For the record I note that no issues or objections were raised with respect to the changes in condition relating to the Heavy Vehicle Impact Fee (condition 37), or the limit hours for rock drilling (condition 3). Accordingly those changes are agreed.
30. I also note that the applicant has proposed several additional conditions (i.e. new 1A, 2A and 7A) to cement in place site improvements (e.g. the new two-lane bridge, new weighbridge and wheel wash) or additional monitoring and reporting requirements (e.g. updated Quarry Management Plan and acoustic monitoring). As these are self-imposed requirements with no off-site adverse effect I agree they can be incorporated.
31. I also confirmed the deletion of the existing wheel wash requirement condition (38) as a consequential action to the addition of new 1A.

Truck stacking and hours of operation

32. The issue of truck stacking prior to the quarry gate being opened at 7am on working days (including double stacking along both sides of Tauhei Quarry Road and back to Tauhei Road), and earlier than 7am entry to the site, was raised by the submitter. This was accompanied with undated photographic evidence illustrating potential road safety issues.
33. The applicant had proposed to formally amend the hours of operation condition 5 to permit trucks beyond the gate before 7am in order to stack inside the gate, some 65m from the intersection with Tauhei Road (still being public road) – with no loading or unloading activity until after 7am. However, that was not one of the conditions for which an application to change had been made.
34. As there was concern as to whether the proposed stacking inside the gate and on site was feasible, further information was requested by section 41C Direction (and supplied as noted above).

35. A *Traffic Circulation Plan and Explanation* report prepared by Gray Matter Limited and dated 4 May 2017 was provided. That plan was based on three objectives:

- 1) *To minimise the need to stack along Tauhei Quarry Road.*
- 2) *To avoid congestion at the intersection with Tauhei Road.*
- 3) *Ensure that there is sufficient truck stacking space in the quarry to meet demand.*

and proposed the following three management measures:

- 1) *Proactive parking demand management by directing trucks not to turn up before 7am;*
 - = *If more than two trucks queue at the gate before 6.30am then the consent holder shall reissue directions to quarry users not to turn up before 7am and avoid stacking on Tauhei Quarry Road.*
 - = *Staff open the gate before 6.30am and allow up to six trucks to queue up to the weighbridge, but not to enter the site, unless allowed for by a temporary change of conditions. This is currently being sought through the ongoing hearing process.*
- 2) *Reactive parking demand management by allowing early entry (if agreed by the Commissioner) if stacking takes place;*
 - = *If more than six trucks queue at the weighbridge then the consent holder shall bring trucks into the site.*
- 3) *Operational management to allocate sufficient space within the quarry for truck parking.*
 - = *The consent holder shall manage quarry operations to ensure sufficient space for:*
 - *4 trucks/truck and trailer units at the weighbridge.*
 - *8 trucks/truck and trailer units for approaches for stockpile loading.*
 - *7 trucks/truck and trailer units for approaches for bench material loading*

36. The report notes that there is capacity for at least 25 truck and trailer units within the gate, and sufficient additional space elsewhere in the quarry for at least an hour of peak traffic (40 loads).

37. The above measures were put in place on 6 March 2017, and monitoring results via CCTV footage indicated only one stacking episode on 31 March 2017 between 8am and 10am that it explained was caused by a dispatch error.

38. In his Reply, Mr McDean added that the longest truck stack at 7am over that busy March period occurred on 18 March 2017 with 5 trucks stacked on Tauhei Quarry Road before the gate - where that road length can accommodate 6 trucks before affecting the intersection – demonstrating that with the measures now proposed, including early gate entry for stacking within the gate before 7am, any issues of traffic safety will be avoided. He also noted that the month of March 2017 was the largest month in relation to vehicle movements on record for the quarry.

39. Mr McDean also noted that Council has now formally advised FHL that stacking heavy vehicles between the gate and the intersection with Tauhei Road is no longer acceptable practice. At the same time Ms Laurenson notes in her response that Council, as the road controlling authority, has given permission for heavy vehicle stacking on Tauhei Quarry Road between the gate and the weighbridge subject to no double stacking (which the applicant accepts). The applicant has sought formal confirmation of that approval.

40. In response, Mr Norton continued to question the lawfulness of the applicant's proposed change to condition 5, the hours of operation; doubts that the 'new' plan will make any material difference; and remained opposed to the use of any part of the public road for stacking purposes. Mr Norton also noted that the dust issue was not addressed in the further information response - to which Mr McDean reiterated that the proposed wheel wash and spray bar, water cart, and enclosed vacuum sweeper truck would address that matter as required by existing consent condition 39 (now condition 38).
41. In Council's response, Ms Laurenson accepted that the plan could deal with queuing issues during consented hours of operation, but was not persuaded that changing the hours of operation condition was lawful because she considered it a material difference in scale or intensity. In that regard Ms Laurenson included a legal submission from Ms Parham on the matter.
42. Ms Parham reviewed case authority on the question of what is in scope on a change, citing the High Court decision of Wild J in *Atkins & Ors v Napier City Council* [CIV 2008-441-000564] as the leading authority and, in particular, the following:
- [20] ... I consider the test, as developed by the Environment Court and Court of Appeal through a series of cases, is whether the activity for which resource consent is sought, as ultimately proposed to the consent authority, is significantly different in its scope or ambit from that originally applied for and notified (if notification was required) in terms of:
- The scale or intensity of the proposed activity; or
 - The altered character or effects/impacts of the proposal.
- [21] Whether there might have been other submitters, had the activity as ultimately proposed to the consent authority been that applied for and notified, is a means of applying or answering the test. But it is not the test itself.
43. Ms Parham notes that only one of the two limbs needs to be met for the matter to be ruled out of scope. She further notes that as Ms Laurenson has concluded that the scale or intensity of the changed hours of operation would be significantly different, the first limb is met and therefore the proposed change to condition 5 is out of scope. Ms Parham allows that should I find Ms Laurenson's conclusion in that regard incorrect, then as the second limb is not met (as accepted by Ms Laurenson), it would be open to me to find the matter in scope.
44. In response, Mr McDean included a written opinion sought from Dr Joan Forret of Harkness Henry. Dr Forret agreed that *Atkins* is the lead authority but disagreed with Ms Laurenson's interpretation of existing condition 5, which states "*The hours of operation for all sales and other activities that require the movement of heavy commercial vehicles to and from the site shall be limited to ...*". Dr Forret's opinion is that the hours of operation do not change because the hours in which the heavy commercial vehicles are *required* does not change; merely the location of their queuing while waiting to start loading or unloading.
45. The only other access user on Tauhei Quarry Road, the Steiner family, have given their written approval to the proposed change to condition 5. No other person is directly affected by that change. A consideration as enunciated in *Atkins* paragraph [21] is thereby satisfied.

46. The question thus arises as to whether the change sought by new condition 5A is merely a consequence of a change otherwise lawfully sought and within the ambit of that change, or is a new standalone condition?
47. The application seeks to change condition 35 to allow higher extraction volumes, which clearly requires a greater number and frequency of truck movements than presently experienced (refer paragraph 11) and therefore an increased probability of common arrivals and potential for queuing. This matter was, therefore, always on the table for consideration. Thus, while the application did not explicitly seek consequential amendments, argument can be made that this was always implied and, in this instance, follows reasonably directly.
48. Perhaps a secondary consideration is the question of the reasonably foreseeable (i.e. practical) consequence if that matter is ruled out of scope at this point. It seems more probable than not that a further s127 application would shortly follow; the same parties (or fewer) limited notified; the Steiner family written approval re-submitted; and the application supported by Council on its merits (as indicated except for this technicality). While that is certainly speculative, it raises the question of efficiency of process and whether ruling the issue out on what would be a narrow technicality is justified when all the circumstances are taken into consideration.

Finding

49. Having taken all of the above into consideration, I find that the adverse effect of the proposed consequential change to condition 5 is *de minimis* and can be allowed. I agree with Dr Forret in that respect. I also note that no other road user can use that part of the public road at that time as the gates are locked and controlled. There is, therefore no safety issue beyond the gate; unlike before the gate.
50. I also find that making sensible allowance for trucks not to pose a hazard on the wider road network before 7am is simply good resource management. That said, this should not be read as an extension of operating hours back to 6.30am. The management requirement for trucks not to arrive before 7am is a conditional requirement to be observed as a matter of course. This is to be closely monitored to ensure that a slippery slope of increasing numbers of early arrivals is not perversely encouraged. In that respect I note that I was advised at the hearing that something in the order of 70% of the truck fleet is contracted directly and therefore controlled by FHL. That should enable any direction not to arrive before 7am to be closely implemented over a significant majority of the heavy vehicle commercial fleet.

Dust suppression

51. The applicant proposes infrastructure improvements and enhanced dust management activities (wheel wash, sweeper and water cart).
52. I also understand that FHL will seek regular consultation with its neighbours, including the Nortons, on this matter to improve the management of off-site effects. I note that Mr Norton has indicated continuing concern about the migration of dust from the road to the side drains/swales and then onto his pasture. To the extent that this is a current issue, that is a matter that the applicant should resolve directly with the Nortons.

Should that continue to occur following the granting of these changed conditions then Council, as regulator, is on notice.

Finding

53. I am satisfied that better management of any fugitive dust / debris should occur with the improvements proposed, and that no consequential condition changes need be imposed for the higher extraction volumes other than requiring road sweeping as a routine activity, not simply as a back-up activity.

Part 2 RMA

54. No section 6 RMA matters of national importance or s8 (Treaty of Waitangi principles) were identified as being directly engaged by this condition change application.
55. Of the section 7 other matters, to which particular regard is to be had, I consider the following relevant:
- (b) the efficient use and development of ... physical resources;
 - (c) the maintenance and enhancement of amenity values; and
 - (f) maintenance and enhancement of the quality of the environment.
56. As this change in condition concerns an operational quarry, the adverse off-site effects are unchanged. Furthermore infrastructure improvements proposed will address a number of existing concerns such that effects on neighbouring amenity and the environment will be lessened. As such I find that sufficient regard has been had to the above identified "other matters" in the process of using the physical rock resource more efficiently.
57. While the sustainable management purpose and principles of Part 2 with respect to aggregate minerals is limited to their extraction manner and rate – since sustainable use of the rock *per se* is not feasible – and the intended use of the increased extraction volume is for a consented local public work (the Huntly-Hamilton section of the Waikato Expressway) that clearly has economic and social benefits, the change of conditions promotes that purpose.
58. Overall I find that the application will promote the sustainable management purpose of the RMA and can be granted.

Decision

59. In exercising delegated authority under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104, 104B and Part 2 of the RMA, the change of conditions to land use resource consent LUC0035/12 applied for by Fulton Hogan Limited for a short-term increase in its Tauhei Quarry extraction rate at 1500 Tauhei Road, Whitikahu (Lot 1 DP 7853, Lot 3 DP 11885; Lots 1 and 2 DP 12708; Lot 1 DP 35520; and Road Reserve – Tauhei Quarry Road) is granted for the reasons discussed in this Decision and as summarised below:

Summary reasons for the decision

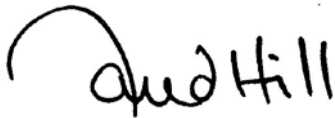
60. After having regard to the actual and potential effects on the environment of allowing the proposed activity, and taking into account the relevant statutory provisions, I find that consent for the change of conditions can be granted for the reasons discussed throughout this decision.

61. In summary, consent to the changes of conditions is granted on the basis that:

- (a) the proposed changes to conditions are consistent with the key provisions of the relevant statutory documents with the aggregate extraction area policy overlay, and will avoid, remedy or mitigate the adverse effects thereby created; and
- (b) granting consent to the changes would promote the sustainable management of the physical resource because the aggregate's intended use on the consented Waikato Expressway is both an efficient "local" use and appropriate.

Overall I find that a grant of consent for the application to change conditions 1, 35, 37, and 38 of land use consent LUC0035/12 (and in consequence condition 5, 5A and 46A, and the additional conditions offered by the applicant as 1A, 2A and 7A) is appropriate.

62. The changed consent is appended to this decision as Attachment 1.



David Hill

Independent Hearings Commissioner

Date: 1 June 2017

Attachment 1

CONDITIONS OF CONSENT

Resource Consent No: LUC0035/12.01

Pursuant to sections 104, 104B and 108 of the Resource Management Act 1991, the Waikato District Council grants land use consent to continue the operation of the Tauhei Quarry beyond September 2012 for the extraction of aggregate at an average rate of 550,000 tonnes per year when averaged over five consecutive years and up to a maximum of 650,000 tonnes per year) as a Discretionary Activity under the provisions of the Operative in part, Waikato District Plan (16 July 2011), on a site legally described as: Lot 1, DPS7853, SA2A/450, Lot 3 DP11885 SA283/184, Lots 1 & 2 DP12708 SA297/245, Lot 1 DP 35520 SA937/289 covering a land area of approximately 56.4 hectares, and subject to the following conditions:

General

1. The development shall be undertaken generally in accordance with the Application for resource consent Tauhei Resource Consent Application, Assessment of Environmental Effects" dated 18 November 2011, including the updated Ecological Assessment of the Expansion of Tauhei Quarry date referenced 290612 and Tauhei Quarry Management Plan version 6 dated November 2012 received by the Waikato District Council, as amended by the section 127 application to vary the consent, titled 'Variation to Resource Consent LUC0035/12, dated 11 November 2016 prepared by Opus International Consultants Ltd, and the supplementary report entitled "Traffic Circulation Plan and Explanation" dated 4 May 2017 prepared by Gray Matter Limited, and unless otherwise altered by these consent conditions.
- 1A Prior to 1 September 2017 the consent holder shall:
 - a) Install a new two lane bridge over the Mangatea Stream; and
 - b) Install a new exit weighbridge and wheel wash.

Advice note: *As this infrastructure is proposed to be located within Council Road Reserve, the consent holder will require permission from Council to undertake this work.*
2. The consent holder shall exercise this consent in accordance with the approved Tauhei Quarry Management Plan. Any subsequent changes to the approved Quarry Management Plan must be submitted to the Waikato District Council for approval to ensure on-going compliance with conditions of this consent. The Council will promptly advise the consent holder in writing if any aspects of the revised Tauhei Quarry Management Plan are considered to be inconsistent with achieving compliance with the conditions of this consent.
- 2A Within 1 month of the commencement of this consent variation the consent holder shall update the Quarry Management Plan to reflect the revised traffic management procedures. This should include but not be limited to

- Priority for incoming trucks over exiting loaded trucks;
- Signage and communications to ensure that no stacking occurs beyond the existing quarry gate;
- Use of Wheel washing, road sweeping and the water cart to minimise objectionable dust effects onto Tauhei Quarry Road and Tauhei Road;
- Notification to Transport Companies regards arriving at the quarry before 7am;
- Staggering trucks arriving at the site;
- Monitoring of the entrance and compliance using on-site CCTV;
- Truck Giveaway signage at Tauhei Road;
- Contingency plans for:
 - a) allowing trucks to stack inside the gate before 7am; and
 - b) bypassing the weighbridge (using tare weights)) at any time where there is the risk of the queue extending beyond the gate.

The Quarry Management Plan shall be reviewed every year or as requested by Waikato District Council

Hours of Operation

3. The hours of operation for all rock extraction (excluding blasting) and processing activities within the site shall be limited to:

Monday to Friday (inclusive): 7.00 am to 9.00 pm.

Saturday and Sundays: 7.00 am to 6.00 pm.

No rock drilling shall occur after 7pm and no rock extraction and processing shall be carried out on a Public Holiday, and Sunday operations shall be restricted to the on-site excavation of brown rock only.

4. All blasting activities shall be undertaken during the following hours:-

Monday to Friday (inclusive): 8.00 am to 5.00 pm.

5. From 1 January 2019 the hours of operation for all sales and other activities that require the movement of heavy commercial vehicles to and from the site shall be limited to:

Monday to Friday (inclusive): 7.00 am to 7.00 pm.

Saturdays: 7.00 am to 6.00 pm.

No sales activities (or other activities that require the movement of heavy commercial vehicles to and from the site) shall be carried out on Sundays and Public Holidays.

The Tauhei Quarry Road gate shall be locked at all times outside these hours.

- 5A The hours of operation for all sales for the calendar years 2017 & 2018 shall be limited to:

Monday to Friday (inclusive): 7.00 am to 7.00 pm.

Saturdays: 7.00 am to 6.00 pm.

The Tauhei Quarry Road gate shall be locked at all times outside these hours except as otherwise permitted by this consent.

To avoid stacking onto Tauhei Road during 2017 and 2018, trucks may be brought through the gate as a contingency after 6.30am, providing that they are not processed or loaded until after 7am.

No sales activities (or other activities that require the movement of heavy commercial vehicles to and from the site) shall be carried out on Sundays and Public Holidays.

Should trucks be brought through the gate between 6.30am and 7am the consent holder shall report to Waikato District Council within 48 hours of this occurring, outlining the circumstances which required this contingency to be enacted and measures adopted to ensure that it is not an on-going occurrence.

Operational Noise

6. The consent holder shall ensure that all activities on their site shall not exceed the following noise limits measured at the notional boundary of any dwelling existing at the date of grant of this consent, where the owner had not submitted their written consent.

(a) 55dBA (L10) 7am to 7pm Monday to Friday;

(b) 55dBA (L10) 7am to 6pm Saturday;

(c) 50dBA (L10) 7pm to 10pm Monday to Friday;

(d) 50dBA (L10) 7am to 6pm Sundays and Public Holidays;

(e) 45dBA (L10) and 70dBA (Lmax) at all other times including public holidays.

The noise levels shall be measured in accordance with the requirements of New Zealand Standard NZS 6801:1999 "*Acoustics - Measurement of Environmental Sound*" and assessed in accordance with the requirements of New Zealand Standard NZS 6802:1991 "*Assessment of Environmental Sound*".

The notional boundary is a line 20m from the façade of a dwelling, or the legal boundary, whichever is closer.

7. If requested by Council, and within six months after commencement of quarrying in the new extension, a qualified and experienced acoustic consultant shall carry out acoustic monitoring to establish compliance with the above noise standard and submit a report to the Waikato District Council Team Leader Monitoring.

- 7A Within six months of the commencement of the increased tonnages authorised by the section 127 application (LUC0035/12.01) Council may require the consent holder to engage a qualified and experienced acoustic consultant to carry out acoustic monitoring to establish compliance with the above noise standard and submit a report to the Waikato District Council Team Leader Monitoring, including any remedial actions required, and the Quarry Management Plan shall be amended accordingly.

Blasting

8. The peak sound level from blasting activity within the site shall not exceed 120dBC peak or 126 dBL peak when measured one (1) metre from the most exposed facade of any dwelling existing at the date of grant of this consent and from which written approval has not been obtained.

Vibration

9. All vibration shall comply with the Ground Vibration Rule 25.21.1 Appendix I and the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001.

Dust

10. The consent holder shall undertake the measures outlined in the approved Quarry Management Plan for controlling dust. To avoid the trucking of fines from the access road onto Tauhei Road, the access road shall be regularly washed or swept as necessary.

Advisory Note: All erosion and sediment controls from the wheel wash will need to comply with the Waikato Regional Council Consent 123690, conditions 24-36.

Mining Sequence

11. Mining shall be in general accordance with Appendix H (indicative mining sequence) of the approved Quarry Management Plan referred to in Condition 1. Any proposed changes to the mining sequence must be submitted to the General Manager Regulatory, Waikato District Council for review to ensure compliance with the conditions of this consent.

Ecological and Landscape Mitigation and Rehabilitation

12. Vegetation clearance shall be undertaken in accordance with the approved Quarry Management Plan and the Ecological Assessment of the Expansion of Tauhei Quarry. In particular:
- (a) Section 3.3 of the Management Plan which relates to clearance procedures for birds and lizards, and bats;
 - (b) Appendix G - Landscape Management Plan version 2, dated November 2012;
 - (c) Appendix J - Long-tailed bat tree felling protocols; and

- (d) Table 3 of the Ecological Assessment, Net gain and loss ledger over stages 1-9.
13. Mitigation and restoration planting shall be undertaken as soon as practicable following the completion of stripping and/or overburden stockpiling operations following each earthworks season and in accordance with Appendix G of the approved Quarry Management Plan.
 14. The consent holder shall manage weeds, predators and planting on the 5.5ha area labelled as the “enhancement area” to achieve canopy cover within 10 years of the commencement of consents as referenced in Appendix G of the approved Quarry Management Plan.
 15. All landscaping, including restoration planting and mitigation planting shall be maintained until a continuous canopy has been established. Maintenance shall include replanting of any gaps created by death or damage of trees, in order to allow a continuous canopy to re-establish, as referenced in Appendix G of the approved Quarry Management Plan.
 16. Any proposed changes to the Landscape Management Plan (attached as Appendix G to the approved Management Plan) must be submitted to the Waikato District Council for review to ensure on-going compliance with conditions of this consent. Within 10 working days of receipt of any such proposal the Council will advise the consent holder in writing if any aspects of the revised Landscape Management Plan are considered to be inconsistent with achieving compliance with the conditions of this consent. In the event of any conflict or inconsistency between the conditions of this consent and the provisions of the Landscape Management Plan, the conditions of this consent shall prevail.
 17. Within 12 months of the commencement of this consent the consent holder shall undertake a predator control programme for all the vegetation not being removed within Lot 1 DPS 7853, inclusive of the “enhancement area” covered under Appendix G of the approved Quarry Management Plan.
 18. Within 12 months of the commencement of this consent the consent holder shall **either**
 - (a) undertake a predator control programme for the whole Pukemokemoke Reserve, in consultation with the David Johnstone Trust; or
 - (b) should the Trust withdraw its consent at anytime in the future for the predator control programme, propose an alternative option equivalent to condition 18(a) to be submitted to the General Manager Regulatory, Waikato District Council for review to determine consistency with the purpose of this condition.
 19. The predator control referenced under conditions 17 & 18 shall be for the period 1 July to the 28th February every year.
 20. Within 2 years of the commencement of consent, or at least one year prior to vegetation clearance work (whichever is the earlier), the consent holder shall facilitate

the enhancement of at least 35 hectares of vegetation within the Hakarimata Scenic Reserve through the implementation of a Predator Control Programme (targeting possums and rats and other species if appropriate).

21. The consent holder shall use a suitably qualified person(s) to design, implement and undertake the Predator Control Programme that meets the objectives of condition 22. The Predator Control Programme shall be reviewed annually for the first five years after commencement and then at five yearly intervals thereafter for the duration of activities authorised by this consent. After consultation with the Department of Conservation, modification to the Predator Control Programme may be implemented, upon the written approval of the Waikato District Council acting in a technical certification capacity to ensure that is being effective in meeting the objectives contained in condition 22.
22. The Predator Control Programme required by condition 21 shall comply with the following;
 - (a) Possum monitoring to be undertaken according to the National Pest Control Agencies (NPCA) best practice guidelines Code A1 (RTC) and Code A2 (wax tags), or equivalent NPCA approved method.
 - (b) Rodent monitoring to be undertaken using tracking tunnels according to national standard protocols as described in Gillies, C.A.; Williams, D. 2005. *Using tracking tunnels to monitor rodents and mustelids*. V2.5.1. Department of Conservation, Research, Development & Improvement Division, Hamilton. OLDDM-118330.
 - (c) Monitoring to be undertaken in October each year for Possums/Rodents for all areas covered by the Consent.
 - (d) Monitoring to be undertaken for Rodents in February for Pukemokemoke Reserve only.
 - (e) Should monitoring not achieve the following targets:
 - (i) Possums to be reduced to 5% or lower Residual Trap Catch (RTC) or Bite Mark Index (BMI) [or equivalent NPCA approved index] as measured within the month of October for each year of the consent term; and
 - (ii) Rodents to be reduced to 5% or lower Tracking Tunnel Index as measured within the months of October and February for each year of the consent term;

the consent holder shall review the Predator Control to ensure targets are met.
23. At the commencement of the consent the consent holder shall install 5 bat boxes in the Pukemokemoke Reserve as directed by a suitably qualified expert.

24. The consent holder shall, in year 5, monitor and report on the usage of the bat boxes required by condition 23 using a suitably qualified expert.
25. If the report required by condition 24 indicates that bat boxes are being used, then additional bat boxes are to be installed as directed by a suitably qualified expert and reported on again in year 10 or, if they are not being used, then reported on in year 10 along with the requirements of condition 26.
26. The consent holder shall monitor the bat habitat usage and abundance within the quarry and all of the others sites surveyed in 2011/2012, as outlined in the Technical Bat Report (Appendix IV to the report Ecological Assessment of the Expansion of Tauhei Quarry), every year for the first 10 years, inclusive of Bat Box usage as measured by conditions 24 and 25.
27. If the yearly surveys show a downward trend of long tailed bat usage and abundance within the Quarry area and Pukemokemoke Reserve, the consent holder shall engage a suitably qualified expert to recommend additional avoidance / monitoring / mitigation to be undertaken.
28. If the monitoring required by condition 26 shows a stable or increasing trend (as determined by a suitably qualified expert), monitoring frequency may be reduced after consultation with the Waikato District Council.
29. Within 12 months of the commencement of this consent the consent holder shall provide a minimum of 3 vegetation plots within the Pukemokemoke Reserve. The methodology proposed shall be approved in writing by the Waikato District Council, acting in a technical certification capacity prior to implementation.
30. Within 12 months of the commencement of this consent, and every 5 years thereafter, the consent holder shall under take 5-minute bird counts at Pukemokemoke Reserve and the Hakarimata Scenic Reserve enhancement area. The bird count methodology is to be approved in writing by the Waikato District Council, acting in a technical certification capacity, prior to implementation.
31. Any proposed use of suitably qualified person(s) and all of the requirements of Conditions 18, 21, and 27 of this consent are required to be approved in writing by the Waikato District Council acting in a technical certification capacity following consultation with the Department of Conservation by the consent holder.
32. The consent holder shall, within 5 years of the commencement of this consent, establish and register on the land title, being Lot 1 DPS 7853 a legal mechanism containing appropriate requirements in order to legally protect in perpetuity, approximately 5.5 hectares in area (subject to survey) and as identified as the “Enhancement Area” on the “Tauhei Quarry – Covenant Map” in Schedule 2 (hereinafter referred to as the “Enhancement Area”) and to prohibit the clearance of indigenous vegetation by any means, the undertaking of earthworks (excluding minor maintenance of access tracks for weed control and planting), and/or grazing of stock within the Enhancement Area.

33. The consent holder shall provide a legal mechanism to satisfy the requirements of Condition 32 for the consideration and written approval of the General Manager Regulatory, Waikato District Council acting in a technical certification capacity and prior to registration of the covenant on the property title.
34. The consent holder shall prepare a Quarry Closure Plan and submit it to the Waikato District Council for written approval acting in a technical certification capacity a minimum of 12 months prior to the closure of the quarry, unless a new resource consent application is lodged with the Waikato District Council prior to that. That Plan shall include but not be limited to:
- (a) a description of the proposed end use for the site;
 - (b) control of off-site discharges post closure;
 - (c) proposed landscaping and restoration;
 - (d) methods to be employed to ensure on-going stability of the site and erosion control within areas to be planted;
 - (e) final land form and restoration processes to be undertaken upon decommissioning of the quarry; and
 - (f) a maintenance aftercare schedule, and associated funding.

Traffic

35. The maximum and average extraction tonnage transported off-site shall be:

Maximum

- (a) 950,000 tonnes per annum for 2017 to 2018 calendar years; and
- (b) 650,000 tonnes per annum for the 2019 calendar year onwards.

Average

- (a) From 2017 to 2021, the average tonnage of material per year transported off the quarry site in the previous 5 consecutive calendar years of operation shall not exceed 750,000 tonnes; and
 - (b) All other years (2016 included), the average tonnage of material per year transported off the quarry site in the previous 5 consecutive calendar years of operation shall not exceed 550,000 tonnes.
36. Within one (1) month of the first and subsequent anniversaries of the commencement of this consent, the consent holder shall provide to Waikato District Council a certified weighbridge / scanner summary of the tonnage of blue rock product and “other” product transported off the quarry site in the preceding calendar year.

37. The consent holder shall pay the Waikato District Council a heavy vehicle impact fee for each tonne of material from the Tauhei Quarry that is transported by public road in excess of:
- a) 375,000 tonnes in 2016;
 - b) 775,000 tonnes in 2017 and 2018; and
 - c) 375,000 tonnes 2019 onwards.

The following additional provisions apply:

- (a) the fee shall be paid annually in arrears commencing one (1) year from the exercise of this Consent, based on actual production \$0.07/t = \$0.03/t taking into account current NZTA Financial Assistance;
 - (b) Council may review the cost per tonne on a five yearly basis from granting of consent and update the cost increases against the Cost Construction index to allow for inflation; and
 - (c) the cost per tonne shall be reduced by the amount of Financial Assistance for maintenance and renewals for the year to which the payment applies (52% in 2011/12).
 - (d) the fee shall be paid annually in arrears commencing one (1) year from the exercise of this Consent, based on actual production \$0.07/t = \$0.03/t taking into account current NZTA Financial Assistance;
 - (e) Council may review the cost per tonne on a five yearly basis from granting of consent and update the cost increases against the Cost Construction index to allow for inflation; and
 - (f) the cost per tonne shall be reduced by the amount of Financial Assistance for maintenance and renewals for the year to which the payment applies (52% in 2011/12).
- 37A The consent holder shall pay the Waikato District Council additional lump sum heavy vehicle impact fees as follows
- a) \$12,000 plus GST for 2017 due 1st of February 2017; and
 - b) \$12,000 plus GST for 2018 due 1st of February 2018,

being \$0.03/Tonne for the additional extraction amount of 200,000T or 400,000T each year of 750,000 or 950,000T proposed maximum compared to 550,000T consented average.

38. The consent holder shall take all practicable steps to ensure debris is not tracked onto Tauhei Road. In the event that such practicable steps prove to be ineffective, the consent holder shall take whatever actions are necessary to modify the operation of the quarry so that debris is not tracked onto Tauhei Road. In the event that debris

is tracked onto Tauhei Road the Consent Holder shall take all necessary actions to clean the road surface and associated drainage facilities to the satisfaction of Council's Roding Area Engineer. Upon becoming aware of the need to clean up the roadway the consent holder shall advise Council's Roding Area Engineer of the need for the road to be cleaned up, and what actions are being taken to do so. The cost of the clean-up of the roadway and associated drainage facilities, together with all temporary traffic control, shall be the responsibility of the consent holder.

39. The consent holder shall report to Waikato District Council any traffic incident involving quarry traffic, within 2 weeks of an incident occurring, outlining:

- (a) the likely causes; and
- (b) possible mitigation.

Advice note: *A traffic incident includes any stacking beyond the existing quarry gate.*

40. Where the incident reports require mitigation to deal with effects associated with the exercise of this consent, the consent holder shall undertake the works or traffic management immediately and at the consent holder's expense

41. The monitoring and mitigation required in Conditions 39 and 40 shall continue for at least 12 months following commencement of the Consent and for 12 months following any traffic incident involving quarry traffic, unless otherwise confirmed in writing by Waikato District Council.

Chance Find Procedure

42. The consent holder shall ensure that should any human remains or any other physical historic items be exposed while undertaking works on site the works in the affected area shall stop immediately. As appropriate, the NZ Police, tangata whenua kaumatua, the Waikato District Council and the NZ Historic Places Trust shall be informed of the findings as soon as possible. Work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.

Advisory Note: *Waikato Quarries Ltd (WQL) has prepared a Tauhei Quarry Management Plan. The Chance Find policy on human remains and any historic items will be listed in the Management Plan Appendix I. The policy also includes WQL's statutory obligations under the Historic Places Act 1993.*

Complaints Procedure

43. The consent holder shall establish and publicise a local telephone number so that members of the public have a specified and known point of contact to raise any matters of concern that may arise during operation of the quarry.

44. The consent holder shall maintain and keep a complaint register for any complaints about the operation of the quarry received by the consent holder in relation to traffic, roading, landscape, visual and amenity effects such as, but not limited to, noise,

vibration, dust or other environmental effects of the activity. The register shall record, where this information is available, the following:

- (a) the date, time and duration of the incident that has resulted in a complaint;
 - (b) the location of the complainant when the incident was detected;
 - (c) the possible cause of the incident; and
 - (d) any corrective action taken by the consent holder in response to the complaint, including timing of that corrective action.
45. The complaints register shall be available to the Council at all reasonable times upon request. Complaints received by the consent holder that may imply non-compliance with the conditions of this consent shall be forwarded to the Waikato District Council General Manager Regulatory within 48 hours of the complaint being received.

Review

46. Pursuant to sections 128 to 131 of the Resource Management Act 1991, the Waikato District Council may six (6) months after the commencement of this Consent, and at five (5) yearly intervals thereafter, serve notice on the consent holder of its intention to review any or all of the conditions of this consent for any of the following purposes:
- (a) to review the effectiveness of the conditions of this resource consent in avoiding, remedying, or mitigating, any adverse effect on the environment that may arise from the exercise of this resource consent (in particular the potential adverse environmental effects in relation to noise, vibration, traffic, roading, visual, landscape and amenity effects), and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions;
 - (b) to address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of granting this consent, including addressing any issues arising out of complaints;
 - (c) to review the adequacy of, and necessity for, any of the monitoring programmes or management plans that are part of the conditions of this consent;
 - (d) to require the Consent Holder, if necessary and appropriate, to adopt the best practicable option(s) to avoid, remedy or mitigate any adverse effects on the surrounding environment; and

The Council will undertake any such review in consultation with the consent holder and the consent holder shall pay the actual and reasonable costs of the review.

- 46A. In addition to condition 46, and pursuant to sections 128 to 131 of the Resource Management Act 1991, the Waikato District Council may, within twelve (12) months after the commencement of this s127 change to conditions of Consent, serve notice

on the consent holder of its intention to review conditions 2A and 5A for the following purpose:

- (a) to review the effectiveness of those conditions in avoiding, remedying, or mitigating the potential for adverse traffic safety and nuisance effects to arise from the exercise of this resource consent (in particular from truck queuing) and, if necessary, to amend those conditions so that they avoid, remedy or mitigate any such adverse effects;

The Council will undertake any such review in consultation with the consent holder and the consent holder shall pay the actual and reasonable costs of the review.

Monitoring

- 47. The consent holder shall notify the Waikato District Council Monitoring Department in writing two weeks prior to the commencement of activities associated with this Consent.
- 48. Pursuant to Section 36 of the Resource Management Act 1991 the consent holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this Consent.

Proposed Infrastructure Plan - 24 February 2017



Open Meeting

To	Policy & Regulatory Committee
From	GJ Ion Chief Executive
Date	22 May 2017
Prepared by	Lynette Wainwright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Receipt of Hearing Minutes and Decision

1. EXECUTIVE SUMMARY

To receive the minutes and decision of a hearing for River Road North Limited held on Wednesday 19 April 2017.

2. RECOMMENDATION

THAT the minutes and decision of a hearing for River Road North Limited held on Wednesday 19 April 2017 be received.

3. ATTACHMENTS

A Hearing Minutes 19 April 2017
B Decision 10 May 2017

MINUTES of a hearing by an Independent Commissioner of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY 19 APRIL 2017** commencing at **9.00am**.

These minutes should be read in conjunction with notes and evidence placed on the Consent file.

Present:

Commissioner I Munro

Attending:

Cr D Fulton
 Mrs LM Wainwright (Committee Secretary)
 Mr P Henderson (Senior Land Development Engineer)
 Ms E Makin (Senior Planner)
 Ms K Thomson (Consents Team Leader – West)
 Mrs B Parham (Legal Counsel for Waikato District Council)
 Ms J Makinson (Senior Associate Transport Engineer from Traffic Design Group Ltd)
 Mr M Sanson (Submitter)
 Mr R Davies (Legal Counsel for the submitter)
 Mr N Smith (Applicant)
 Mr J Barnes (Applicant)
 Mr P Lang (Legal Counsel for the Applicants)
 Mr C Richards (Traffic Engineer from BECA)
 Mr T Radovancich (Surveyor)
 Ms C Southworth (Planner from Louise Feathers Planning)
 Members of the public

HEARING – RIVER ROAD NORTH LIMITED, 75 RIVER ROAD, NGARUAWAHIA

File No. SUB0178/16

Application by River Road North Limited on a limited notified Resource Consent to create 158 residential lots and roads to vest, in eight stages from six titles in the new residential zone.

INTRODUCTION

Commissioner Munro welcomed all parties and outlined the process of the hearing.

HEARING OF THE APPLICATION

The applicants' Legal Counsel presented written (Document I) and verbal evidence and answered questions of the commissioner.

Mr Barnes answered questions of the commissioner.

Mr Radovancich answered questions of the commissioner.

Mr Richards presented verbal evidence and answered questions of the commissioner.

Ms Southworth answered questions of the commissioner.

The hearing adjourned at 10.00am and resumed at 10.32am.

HEARING OF SUBMISSIONS

The submitters' Legal Counsel presented written (Document 2) and verbal evidence and answered questions of the commissioner.

Mr Sanson presented written (Document 3) and verbal evidence and answered questions of the commissioner.

Ms Makinson presented verbal evidence and answered questions of the committee.

The submitter's Legal Counsel presented further verbal evidence.

The hearing adjourned at 11.42am and resumed at 11.54am.

STAFF REPORT

The senior planner's report was taken as read, verbal evidence given and questions of the commissioner answered.

The Senior Land Development Engineer presented verbal evidence and answered questions of the commissioner.

The hearing adjourned at 12.12pm and resumed at 12.23pm.

The Senior Land Development Engineer clarified a question of planting for the commissioner.

RIGHT OF REPLY

The applicants' Legal Counsel gave his right of reply and answered questions of the commissioner.

The hearing adjourned at 12.44am and the decision reserved.

DELIBERATIONS

The Commissioner undertook deliberations on all evidence presented.

The hearing was declared closed at 10.24am on Friday 21 April 2017.

DECISION

THAT the Independent Commissioner Hearing confirms the application of River Road North Limited be granted, subject to conditions as outlined in the decision dated Wednesday 10 May 2017.

HE1704/02

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an application by River Road
North Ltd, for a 158-lot residential
subdivision and associated roads to
vest, at 75 River Road, Ngaruawahia
(SUB0178/16)

SECTION 113 RESOURCE MANAGEMENT ACT 1991

DECISION ON APPLICATION

1. For the reasons outlined in this decision notice and pursuant to sections 104 and 104B of the Resource Management Act (“**RMA**”), consent is granted, subject to the conditions appended to this decision notice as **Appendix 1**.

Introduction

2. This decision notice records a summary of the public hearing held on the application in Ngaruawahia on 19 April 2017, the decision made and the principal reasons for this.
3. A site visit was undertaken to River Road and Starr Road on the morning of the hearing.
4. As the application had been subject to the RMA’s pre-circulation requirements, the application material, Council’s s.42A report, and expert evidence on behalf of the applicant and submitters had been read before the hearing. Non-expert evidence provided by one of the submitters, Mr M Sanson was presented at the hearing, as well as legal submissions on behalf of both the applicant and the submitter.
5. On behalf of the Council in its capacity as a Consent Authority the following were in attendance:

- a. Ms E Makin, Waikato District Council Senior Planner.
 - b. Mr P Henderson, Waikato District Council Senior Land Development Engineer.
 - c. Ms K Thomson, Waikato District Council Team Leader, Consents
 - d. Ms B Parham, legal counsel to Waikato District Council
6. On behalf of the applicant the following were in attendance:
- a. Mr P Lang, legal counsel
 - b. Mr N Smith, River Road North Ltd
 - c. Mr J Barnes, River Road North Ltd
 - d. Mr C Richards, traffic engineer
 - e. Mr T Radovancich, surveyor
 - f. Ms C Southworth, planner
7. On behalf of the submitters the following were in attendance:
- a. Mr R Davies, legal counsel
 - b. Mr M Sanson, submitter
 - c. Ms J Makinson, traffic engineer
8. A number of spectators were also in attendance, as well as the Council's Committee Secretary Mrs L Wainwright.
9. At the conclusion of the hearing it was adjourned on the basis that I wished to further consider the matter of potential conditions of consent (were the application to be granted), whereby I might seek additional advice from the planners in attendance. Having determined that I had sufficient information to progress to a decision on the application, I closed the hearing to make a decision on 21 April 2017.

Background

10. I, Ian Munro, have been appointed by the Waikato District Council under s.34A of the RMA to make a decision on the application. I am an independent commissioner holding the MfE's Making Good Decisions qualification.

11. The application, site and its environment have been comprehensively explained in the application documents and Council's s.42A report prepared by senior planner Ms Makin. The following is a brief summary:
- a. A staged subdivision of 158 residential lots including an internal road network (to vest in Council). The staging pattern proposed would commence in the west at River Road, and progress east to Starr Road.
 - b. The site has access to a historical paper road between River and Starr Roads, although this road has never been formed and through the course of the hearing it was confirmed that the Council has no current plans to form it.
 - c. The proposal included an 'internal' road connection between River and Starr Roads. The road access to Starr Road would occupy an existing access way / entrance strip for the subject site. It would be immediately adjacent to 134 Starr Road, the submitters' property.
 - d. The residential lots would be approximately 600m² each¹, and generally accord with the subdivision expectations of the zone.
12. For more detail on the proposal I refer to the application documents and the description provided by Ms Makin in her s.42A report at section 1.1, which I adopt in full. I also adopt in full the description of the site and surrounds provided in Ms Makin's s.42A report at section 1.2, including that the applicable land use zone is Living (New Residential) Zone.
13. I note that there was no contention or disagreement between the parties as to what was being proposed or Ms Makin's analysis of the site and environment. Although the applicant's pre-circulated evidence was not entirely consistent, it transpired at the hearing that the applicant accepted all of the conditions recommended by Ms Makin.

Consents required

14. The applicant and Ms Makin have each identified the consents required. There was broad agreement between Ms Southworth and Ms Makin as to the consents required, including that the activity falls to be a Discretionary Activity and as such any relevant environmental effect or RMA Plan policy matter can be considered. This includes all effects and issues of concern identified by the submitters. The submitters did not dispute that consent was required as a Discretionary activity.

¹ Paragraph 7., statement of evidence of Ms Cate Southworth

15. I therefore accept and adopt the consent requirements set out in Ms Southworth's evidence and Ms Makin's s.42A report at section 3, including under rules A21.1, A23.1 and A21.63 of the Waikato District Plan. I refer to Ms Makin's report for a detailed outline of the consents required.
16. Overall consent is required under the Waikato District Plan as a bundled discretionary activity.
17. The proposal also requires land use consent as a restricted discretionary activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Statutory and planning considerations

18. Section 113 RMA outlines requirements for decisions on applications that were limited notified and this notice has been prepared in accordance with these requirements.
19. In making this decision, the following provisions of the RMA have been particularly considered:
 - a. Sections 113, 104, 104B, 108.
 - b. Part 2 in its entirety.
20. In making this decision, the following provisions of RMA planning instruments have been particularly considered:
 - a. Waikato District Plan (Waikato Section): chapters 1A, 6, 8, 9, 13 and 21.
 - b. The NES for Assessing and Managing Contaminants in Soil to Protect Human Health.
 - c. Waikato Regional Plan (storm water consents (discharge) under this Plan would need to be separately obtained by the applicant).
21. In Ms Makin's s.42A report, she also considered the National Policy Statement on Urban Development Capacity and the Waikato Regional Policy Statements to be

relevant. I disagree, and note that the subdivision raises only local effects and issues that fall squarely within the scope of objectives, policies and rules within the District Plan. I furthermore consider that the statutory hierarchy of plans (whereby the District Plan gives effect to relevant Regional Policy Statements) means that I can presume that if a District Plan is satisfied by a proposal, so too will the RPS. As will be seen later, I find that the proposal is consistent with the provisions of the Waikato District Plan such that I have found no reason to additionally consider the Regional Policy Statements. In terms of the NPS, I find that this is geared towards whole-of-Council strategy including plan-making. I disagree that it materially helps me in the making of a decision on this specific application.

22. In addition, I accept Ms Makin's recommendation that the Waikato Tainui Settlement Act 2010 and the Waikato-Tainui Environmental Plan are relevant and I have taken these into account under s.104(1)(b) and 104(1)(c) respectively.

Notification, submissions and late submissions

23. The application was limited notified on 27 January 2017 to the owners and occupiers of 1 property, at 134 Starr Road. These were Mr M Sanson and Ms S Sharland. Both provided (joint) submissions to the Council.
24. The Turangawaewae Marae Board of Trustees also identified itself as an affected party that was opposed to the application (detailed further at section 7.3.7 of Ms Makin's s.42A report). This party was not identified as an affected party by the Council under s.95B RMA, and it did not appear at the hearing to make any position or objection known to me. Accordingly, I have given this party no further consideration and record that should the Turangawaewae Marae Board of Trustees wish to challenge its status as an affected party the appropriate recourse would be to the High Court.

Summary of evidence

For the applicant

25. The applicant's case commenced with legal submissions from Mr Lang. He provided an overview of the evidence in support of the application and reiterated why the consent should be granted, subject to the conditions recommended by Ms Makin.

26. Mr Lang also drew my attention to the District Planning Maps and the existing layout of the locality (including cadastral title boundaries). In his view, the access strip serving the site to Starr Road has the width of a road and has chamfers to Starr Road. In his view these gave the reasonable and credible expectation that a full road, rather than a narrow driveway, could have occurred next to the submitter's site as and when the subject site was developed. This was a key plank of his argument against the submitters' position that they could have never anticipated an outcome of the sort now proposed next to their site.
27. Mr Barnes then provided a summary from the developer's perspective and discussed with me some of the practicalities involved in pursuing formation of the existing paper road rather than creating a new River Road to Starr Road link through River Road North Ltd's site. In his view the application was appropriately designed and should be granted consent.
28. Mr Richards then provided a summary of the application's likely traffic and transportation effects. He focused on responding to the evidence of Ms Makinson, and included a number of clarifications. He remained of the view that the proposal was appropriate such that the consent could be granted subject to the conditions recommended by Ms Makin.
29. Mr Radovancich then provided a summary of the application's civil engineering and general design approach. He also discussed with me matters of a potential *segregation strip* first raised by Mr Lang as an option discussed on a without prejudice basis with the submitter outside of the hearing (and which was not being volunteered by the applicant). The purpose of the segregation strip would be to retain the current southern boundary of 134 Starr Road as a side boundary rather than a front boundary (in terms of the different building yard setbacks that apply to such boundaries).
30. In Mr Radovancich's opinion the proposal reflected industry standards for subdivisions of the scale proposed and could be granted consent subject to the conditions identified by Ms Makin.
31. Ms Southworth then provided a summary of her planning assessment and the key reasons why she felt the consent could be granted subject to the conditions identified by Ms Makin.

For the submitters

32. Mr Davies provided his opinion on why the proposal was not appropriate. He drew reference to the planning maps introduced earlier by Mr Lang for the applicant and took me through his analysis of existing roads and subdivision in the locality. His argument was that the proposal was not in keeping with the established character of the area. In Mr Davies' view, the proposal would have unacceptable effects including on his client.
33. Ms Makinson provided a response to Mr Richards' earlier evidence. She accepted that some of the concerns raised in her pre-circulated written evidence had been (or could be) addressed. But she remained of the view that the proposal would have unacceptable traffic and transportation effects. In discussion with me she identified a preference to disconnect the proposed link road between River and Starr Roads into a 'major' road serving the majority of the subdivision, accessing River Road, and a 'minor' road serving a smaller number of lots to Starr Road. The two roads could be connected by way of a bicycle / pedestrian linkage.
34. Mr Sanson spoke on his and Ms Sharland's behalf. He described to me the background to why he purchased the property at 134 Starr Road and how the proposal would erode those qualities. In further discussion with me it became clear that the principle of a road adjoining his site was less of a concern as the scale of potential traffic (and associated nuisance) that a connected road through to River Road may result in. Mr Sanson also discussed with me any measures that could lessen the impacts of the development on him, such as boundary landscaping or screening.

Council officers

35. On behalf of the Council officers, Ms Makin provided a brief response to the evidence and information presented to that point. Ms Makin remained of the view that consent should be granted, subject to the conditions she had recommended in her s.42A report. She offered an opinion on the discussions I had earlier in the hearing with Mr Sanson and Ms Makinson regarding possible disconnection of the link road between River and Starr Roads. In her view, the superior and desirable planning outcome would be to retain the connection rather than disconnect it as preferred by Ms Makinson.
36. Mr Henderson also briefly addressed me on matters relating to the Council's public road preferences. In his view, the River Road to Starr Road was logical and appropriate. He did not agree that the existing paper road should or could be

compulsorily used to serve the development. He also outlined the Council's position regarding the maintenance of any mitigation measures I might impose within the new road reserve adjacent to 134 Starr Road (were the consent to be granted).

37. Mr Henderson also addressed me on the matter of a Starr Road footpath improvement that in his view the applicant's development would trigger a requirement for. Whereas Mr Richards and Ms Makinson both identified the improvements as a nice-to-have rather than a must-have, Mr Henderson considered it was a must-have mitigation of the proposal's potential environmental (pedestrian safety) effects.

Applicant's right of reply

38. Mr Lang briefly provided a verbal reply on the basis of the preceding evidence and discussion. Mr Lang reiterated his view that the consent should be granted subject to the conditions proposed by Ms Makin.

39. In response to discussions I had earlier in the hearing with Ms Makinson, Mr Lang confirmed that the applicant was opposed to severing the proposed River Road to Starr Road connection. He also confirmed the applicant's position relating to a proposed Starr Road footpath connection on the basis of comments made by Mr Henderson. This was helpful in light of what at the commencement of the hearing appeared to be an unresolved issue.

40. For completeness, this drew the hearing to a conclusion and it was adjourned pending my satisfaction of the information relating to potential conditions of consent, were I to find that the consent should be granted. I closed the Hearing on 21 April 2017.

Principal issues in contention

41. The evidence before me raised the following key issues in contention:

- a. Use of the paper road
- b. Local character and reasonable expectations for access into the site adjacent to of 134 Starr Road
- c. Traffic and transportation effects

- d. Amenity and related effects on Starr Road
 - e. Amenity and related effects on 134 Starr Road and its owners / occupiers
 - f. Suitability of the proposal in terms of the District Plan
 - g. Conditions of consent
42. In respect of all other matters, including the NES for Assessing and Managing Contaminants in Soil to Protect Human Health, I find that there are no pathways that would lead to the refusal of consent. I accept the position of agreement between the two expert planners Ms Makin and Ms Southworth, including the conditions of consent recommended by Ms Makin. In all of these respects, I accept and adopt the analysis and conclusions reached in Ms Makin's s.42A report.

Findings on principal issues in contention

Use of the paper road

43. The submitters contended that the development should form and use the historical paper road to connect the development to River and Starr Road. The applicant and the Council's staff contended that while that was an option, there was no planning or legal basis to require it, or to even presume it was the superior option available in any event.
44. I find that the paper road is a legal road that is not formed and that the Council has no plans to form it in the foreseeable future. Mr Lang made the convincing point that given the differing zones on each side of the road, there would be little practical motivation for all owners to collaboratively form the road.
45. It is clear that for the applicant to use the paper road, it would have to form it, and a part upgrade to Starr Road, at its cost. I find that it is entirely appropriate that the applicant would consider, and come to prefer, an alternative servicing outcome that exposes it to less cost. The District Plan indeed focuses only on the outcome of a safe and appropriate transport network that meets the needs of the community; it does not make reference to paper roads as having any presumed superiority or preference in achieving those policy outcomes.
46. Furthermore, were the applicant to make such use of the paper road, there is no planning basis to prevent it also still providing a connection to Starr Road

adjoining 134 Starr Road as it has proposed. Given that the predominant movement demand will be in a northerly direction from the site, in such a scenario a connection using the paper road may be unlikely to materially lessen traffic use of the road connection next to 134 Starr Road (although there would clearly be some reduction).

47. I find that there is no basis in the RMA or the District Plan that could lead me to refuse consent to the application on the basis that the application proposed an access solution that did not rely on the paper road (which may, on the evidence, never actually be developed). Related to this, I find that the resource management outcome that the paper road could provide for (a connection between River and Starr Roads) is an appropriate contextual consideration recognised and provided for within the application, as a means of cost-effectively providing a community benefit of additional connectivity and travel route efficiency.
48. Overall, I prefer the evidence of the applicant and the Council and do not agree that the paper road is relevant to me making a decision on the proposal.

Local character and reasonable expectations for access into the subject site adjacent to 134 Starr Road

49. The submitter contended that when purchasing the site there was no reasonable expectation that a road serving a large subdivision, including a through-connection to River Road, might occur. The applicant's view was that the historical shape of the lots clearly showed a wide access way including chamfers to Starr Road and that it was reasonable to conclude that a future road might eventuate next to 134 Starr Road. The Council's staff did not offer an opinion on this specific point, but the balance of the staff position was in support of the applicant's conclusions.
50. The submitter also proposed that a road connection between Starr and River roads inside the 'superblock' formed from Starr Road, River Road, Duke Street and the paper road would not be in keeping with the established character and amenity values of the locality. The applicant disagreed with this.
51. I find the observation of Mr Davies that there is a discernible pattern in the locality of superblocks that are internally developed into a series of smaller individual development pods, each served by disconnected cul-de-sacs a fair description of what has eventuated.

52. However, the extent to which this reflects a deliberate development strategy, or simply that individual landowners each provided the minimum required to form their own subdivisions, remained unanswered.
53. Even if I were to agree with Mr Davies that the proposal's intended connectivity to bisect the superblock was anomalous, the applicant and the Council's staff both persuasively argued that despite what may have been the historical preference, current industry standards promote connectivity, direct access and route choice. Ms Makin was particularly convincing when describing the various reasons why in her view deliberately severing the proposal's River Road to Starr Road connection would be a negative outcome. To her credit, Ms Makinson also conceded that more, rather than less, connectivity was now the typical expectation in land development (although her favoured solution mixed vehicular disconnection with pedestrian / cycle connectivity). I find that the connection proposed from River Road to Starr Road is a positive characteristic of the proposal, and that a deliberate disconnection would not promote sustainable management in this instance or be justified on the basis of weakening a local character trait such that it resulted in adverse effects of concern.
54. I overall prefer the analysis and evidence offered by Ms Makin, and by extension the applicant. I find that there is no material character or amenity values basis to limit the applicant's desire to provide additional (or substituted) River Road to Starr Road connectivity. The locality includes a variety of connected and non-connected roads. Some were historically planned, and some emerged as a result of ad-hoc individual developments. Neither provides a sufficient reference point to dictate how the subject site should be internally accessed.
55. For completeness, I find that any character or amenity values effects created by the proposal, related purely to establishing a road connection within a road superblock rather than disconnected cul de sacs, to be negligible.

Traffic and transport effects

56. The submitter, through Ms Makinson's analysis, contended that the proposal would or - more precisely - could have unacceptable traffic and transport effects on the environment. Mr Richards and Mr Henderson were of the view that the proposal would not have adverse effects that could not be soundly managed by way of the consent conditions recommended in Ms Makin's s.42A report.

57. Ms Makinson's concerns related primarily to deficiencies she identified in the information or analysis followed by Mr Richards, including both the quality of data collected for analysis, and assumptions applied as a part of that analysis. In defence of Ms Makinson, her brief and available resources of the submitters were limited so her ability to offer substantiation of her concerns was very limited. I find no fault with this.
58. Mr Richards accepted some of Ms Makinson's questions and through both his rebuttal evidence and discussion with me at the Hearing provided further clarification and reasoning. Ms Makinson accepted that some, but not all, of her concerns had been allayed in response. For her part, Ms Makinson also conceded error in her application of a theoretical semi permitted-baseline referred to in Ms Makin's report that Ms Makinson had relied on to establish an 'alternative'
59. Overall however, Ms Makinson remained of the view that the proposal was still too uncertain to be determined positively.
60. I wish to record my appreciation to Mr Richards, Ms Makinson and Mr Henderson. While these experts did not agree on every aspect, they freely accepted valid points made by their opposites and clearly understood their role being to help me make a sound decision rather than serve their clients' interests.
61. I find that the proposal's precise traffic and transportation effects involve an element of uncertainty and prediction. This is inevitable for any development given that individual decisions made by individual travellers cannot ever be known until they occur in reality (and they may change regularly, such as mode choice each morning). The question for me to consider is whether the traffic and transport uncertainty presented by this proposal can be suitably managed by design techniques and by way of conditions of consent. As one example, the applicant (supported by Ms Makin and Mr Henderson) offered to introduce speed-controlling or calming devices in the detail design of the new River Road to Starr Road connection as a means of discouraging rat-running behaviour from 'outsiders' using Starr Road instead of River Road.
62. In general, I find that the majority of vehicular traffic generated by the proposal will use River Road, but that some, and on occasion a majority, may prefer to use Starr Road. I find no evidence to support the contention that Starr Road cannot safely accommodate such occurrences, even those where a substantial majority

of traffic from the subdivision used Starr Road (such as if River Road was closed for maintenance or renewal works).

63. I find that the proposed conditions of consent, augmented by additional requirements over the design of the River Road to Starr Road link road so as to slow traffic speeds and discourage through-traffic or rat-running, will adequately avoid, remedy or mitigate any adverse effects likely.
64. I also find, for completeness, that the additional condition proposed at the hearing by Mr Henderson and agreed to by the applicant, that it provide a length of new footpath in Starr Road, is appropriate, relates to a sound resource management issue, and is required to mitigate potential pedestrian safety effects resulting from the subdivision.

Amenity and related effects on Starr Road

65. There was agreement between the applicant's experts and the Council's experts that the proposal would have acceptable effects on Starr Road, including, by the conclusion of the hearing, provision of a length of public footpath from the site to Duke Street at the consent holder's expense to further mitigate potential transport and safety effects. For the submitters, Mr Davies identified potential issues of noise, light spill and glare. It is fair to describe these as being motivated primarily as a consequence of the proposed River Road connection and the quantity of traffic that could enter Starr Road, rather than opposition to a road connection in any form at the location proposed.
66. I find that the proposal will have acceptable effects on the amenity values, character, and general quality of Starr Road. The subject site is zoned for residential use and it is in my view reasonable to anticipate that as it is developed traffic on Starr Road will increase, leading to various upgrades occurring over time within the road reserve. Such changes are in my view clearly an every-day part of life in an identified area of residential development and inherently forms part of the amenity values those locations enjoy.
67. The development will have a negligible visual effect on Starr Road due to being set back behind the existing properties on Starr Road's western side.
68. Based on my previous finding that an expectation for a road connection to Starr Road in the location proposed was a reasonable one based on the width and shape of the subject site boundary to Starr Road, the principle of a new road connection to Starr Road is also in my view compatible and suitable. The new

road is to be of a standard road width and be in accordance with the Council's road design requirements.

69. Properties opposite the proposed new road are set back from the street and can as a permitted activity erect front fences for privacy from any nuisance occupiers wish to screen themselves from. I do not agree that any nuisance that may result on those properties as a result of the proposal would be so detrimental as to compromise the amenity values of those properties (although the proposal will clearly result in a marked change in the characteristics of Starr Road street scape).

Amenity and related effects on 134 Starr Road

70. Overall, this matter was the key issue in contention and on which the granting or refusing of the application ultimately rested.
71. I find that the proposal will substantially change the environment around 134 Starr Road. I also accept that to the submitters, the change will be adverse and undesirable. I find it unlikely that many existing residents would welcome a new street immediately adjoining their property, changing a front site to a plainly more exposed corner site.
72. However, for the reasons outlined previously, in this instance I find that the likelihood that a road could eventuate next to 134 Starr Road was reasonable and clear of the basis of the property title shapes made publicly available via the District Planning Maps. This has tempered the extent to which the proposal has in my view undermined the amenity values of 134 Starr Road. In this respect while I accept the comments of Mr Sanson that in his view development such as is being proposed was never something he felt could be reasonably contemplated when he purchased his property, I disagree that this was factually the case based on the history of land use zoning and publicly accessible information shown to me by the applicant and the Council's staff.
73. My discussion with Mr Sanson clearly identified that the visual and related effects of a street, or of his site becoming a corner site, were not his principal concerns (although this should not detract from his clear dissatisfaction with those outcomes). I find that road frontage and change associated with residential subdivision is an everyday part of living in residential zoned urban areas and forms a part of their underlying amenity values (in terms of the inability to reasonably expect permanence in the existing environment or that things will never change in a way that existing residents may not approve of). I find that the

likely traffic using the new road is not out of place within a residential environment and will not undermine the reasonable residential amenity values enjoyable from 134 Starr Road.

74. Following on from this, I find that there is no justification or need for a segregation strip, specific visual mitigation or other landscaping adjacent to Mr Sanson's boundary with the proposed road. I accept Ms Makin's evidence that the potential loss of site utility that would result from a change in a side yard setback to a front yard setback (i.e. a greater no-build area on the submitters' property) will be unlikely to result in a material injury to the submitters, and is offset by the benefits of the subdivision they could enjoy set out below.
75. I find that 134 Starr Road will also benefit from the subdivision inasmuch as the introduction of bulk infrastructure will have an enabling impact on that site by making more intensive subdivision possible. While the submitters may not seek that opportunity at this time, it remains a clear utility likely to benefit the property's market value.
76. Overall, I therefore find that the proposal will have positive and adverse effects on the amenity of 134 Starr Road. Overall, the amenity values that will remain for the property after the subdivision has occurred will remain appropriate.
77. In reaching my above findings, I have preferred the planning analysis and evidence of Ms Makin and Ms Southworth.

Suitability in terms of the District Plan

78. The submitter did not call a planning expert nor raise any specific District Plan-related concerns at the hearing. However, the net effect of its concerns was inescapably to call into question whether or not the proposal was in line with the expectations of the District Plan for the zone.
79. For completeness, I accept and adopt the evidence of the applicant's experts and Ms Makin that the proposal has been designed to meet the outcomes sought by the District Plan. The subject site has been zoned for a development of the intensity proposed and it is desirable in the implementation of the District Plan's goals that the land be developed for that purpose.
80. The District Plan includes the historic paper road because it is a legal road that was at one time vested in the Council. As discussed earlier there is no basis in the District Plan to conclude, as Mr Davies did on behalf of the submitters, that

that road should or would be the only connection established between River and Starr Roads. I find that the proposal comfortably satisfies the matters specified in the Plan that relate to the road network, residential amenity values, and the management of effects of development.

Conditions of Consent

81. As has been referred to numerous times in the preceding analysis, the granting of consent would only be contemplated subject to the imposition of conditions.

82. The applicant was in agreement with Ms Makin's proposed conditions and I am largely in agreement with them. I considered a variety of conditions that may relate to the effects of the application on the submitters' property but ultimately and for the reasons outlined previously, determined that none were warranted other than as set out below. On the basis of evidence and information presented at the hearing, I have imposed three additional consent conditions, relating to:
 - a. Traffic calming in the River Road to Starr Road connection so as to reduce the likelihood of rat-running diver behaviour from River Road to Starr Road; and
 - b. The need for the consent holder to consult with the owners and occupiers of 134 Starr Road in the final design of the road connection to Starr Road adjacent to that property; and
 - c. That the consent holder shall provide, in agreement with the Council, a footpath upgrade / installation along the western side of Starr Road from the development's new road access way to the corner of Starr Road and Duke Street.

83. The recommended conditions otherwise address:
 - a. Administration of the consent;
 - b. Contaminated soil management;
 - c. Sediment and erosion controls;
 - d. Infrastructure upgrades;
 - e. Safety auditing and general works requirements; and

- f. Confirmation of on-going requirements applying to future site owners (including some that applied prior to the subdivision).

84. I note that there was no evidence against any of the conditions of consent recommended in the s.42A report and this is indicative that they were not seen as inappropriate or contentious. I also note that the review condition, agreed to by the applicant, is relatively broad and would allow any adverse operational effects that do occur to be properly investigated and addressed. This will form a particularly useful 'back stop' in terms of the operational (including safety and security) concerns identified by the submitters.

85. I have reviewed these conditions and find that they are appropriate and reasonable in terms of the actual and potential effects of the activity and section 108 of the RMA. I find that the additional conditions proposed respond directly and reasonably to matters raised by submitters and will help avoid, remedy or mitigate potential adverse environmental effects to an acceptable level.

86. The revised conditions of consent recommended by Ms Makin have been adopted and are included as **Appendix 1** to this notice.

Section 104 analysis

87. In respect of those matters not in contention, I accept and adopt Ms Makin's s.42A analysis and conclusions and note Ms Southworth's agreement with Ms Makin's conclusions.

Section 104(1)(a)

88. Turning to my overall analysis of the proposal under s.104(1)(a) of the Act, I find that the proposal will result in a number of both positive and adverse environmental effects.

89. In terms of adverse effects, I find that the proposal will result in a number of adverse effects on the environment, with a clear focus on Starr Road and 134 Starr Road in particular. I have considered the proposal's actual and potential adverse effects, both those of particular concern to the submitters and others identified in the AEE and/or s.42A report. I am also satisfied that, with the imposition of the consent conditions previously identified, adverse effects will be avoided, remedied or mitigated. In terms of the environment and in particular 134

Starr Road (and its occupants), I find that the proposal will result in reasonably substantial local change, but appropriate overall effects. A satisfactory maintenance of residential amenity values will result, and benefits will result in the form of a clearer path to future subdivision likely to add value to the property.

90. Overall, I find that the proposal is suitable under s.104(1)(a), even though it will result in adverse effects on the submitters at 134 Starr Road.

Section 104(1)(b)

91. I find that Ms Makin and Ms Southworth have both undertaken adequate assessments of the relevant planning provisions and on this basis, I accept their agreed position that the proposal raises no problematic policy issues in terms of the District Plan (chapters 1A, 6, 8, 9, 13 and 21), or the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.
92. As noted earlier in this notice, I disagree that there is a need or benefit in considering the proposal against the Regional Policy Statement, or NPS on Urban Development Capacity.
93. Lastly, and in light of the absence of any disagreement, I accept and adopt Ms Makin's conclusion that the proposal is consistent with purpose and intent of the Waikato-Tainui Settlement Act 2010.

Section 104(1)(c)

94. I accept and adopt Ms Makin's analysis that the proposal is consistent with the Waikato-Tainui Environmental Plan.
95. No other matters are relevant and reasonably necessary to allow me to complete my decision on the application.

Part 2 RMA

96. I have considered the provisions of Part 2 in my analysis and findings expressed above in terms of s.104(1) RMA, and for completeness confirm my conclusion that the promotion of sustainable management would be best served by the granting of consent to the application. While the proposal will result in adverse

effects on the environment, notably 134 Starr Road and the residents that live at that property, I find that those persons will still be able to adequately provide for their social, cultural and economic wellbeing, and their health and safety (including by way of future subdivision enabled as a result of the proposal bringing trunk infrastructure to the area). The subdivision will also enable the well-being of the wider Ngaruawahia community by providing housing for a growing population on a site planned and zoned for such growth.

Section 104B – the overall merits of the application

97. Section 104B allows me to grant, grant with conditions, or refuse consent to the application.
98. On the basis of an overall consideration of the preceding analysis, the facts and background to the application, and the submissions and issues raised therein, I find that the promotion of sustainable management will be best served by the granting of consent to the application, subject to conditions. My reasons for this are set out below in my formal decision.

Decision

99. The proposal by River Road North Ltd for a 158-lot residential subdivision and associated roads to vest, at 75 River Road, Ngaruawahia, has been considered under sections 104, and 104B of the Resource Management Act. On an overall consideration of merit, the consent is granted subject to the conditions of consent appended to this decision and imposed under sections 108 of the RMA (**Appendix 1**).

100. The key reasons for this decision are:
- 1 The proposal will result in positive and adverse effects. Adverse effects can be adequately avoided, remedied or mitigated. Specific adverse effects on Starr Road and 134 Starr Road will result, although these are to an extent offset by improvements to Starr Road and improved site utility (future subdivision) opportunity for 134 Starr Road. The proposal's adverse effects are acceptable and will allow persons using 134 Starr Road, Starr Road generally, and the wider environment, to still provide for their wellbeing and enjoy a reasonable standard of amenity values.

- 2 The proposal will result in a subdivision that is in keeping with the District Plan's anticipated outcomes for new development, and industry standards for urban subdivision including connectivity, urban structure, legibility, and efficiency.
- 3 The traffic and transport impacts of the proposal will maintain the safety and efficiency of the transport network, noting that the site has been zoned for the intensity of residential use proposed for several years, and the road network has ample capacity to accommodate predicted traffic generated.
- 4 The proposal is consistent with the objectives and policies of the Operative District Plan at chapters 1A, 6, 8, 9, 13 and 21. Of note, the proposal represents in my view a desirable connection between River and Starr Roads that the historical paper road may have never provided.
- 5 Overall the promotion of sustainable management as defined in section 5 of the RMA will be best served by the granting of consent taking into account the above reasons.



Ian Munro

Independent Commissioner

10 May 2017

Open Meeting

To	Policy & Regulatory Committee
From	GJ Ion Chief Executive
Date	31 May 2017
Prepared by	Lynette Wainwright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Receipt of Hearing Minutes and Decision

1. EXECUTIVE SUMMARY

To receive the minutes and decision of a hearing for Ridge Road Quarry held on Monday 15 May 2017.

2. RECOMMENDATION

THAT the minutes and decision of a hearing for Ridge Road Quarry held on Monday 15 May 2017 be received.

3. ATTACHMENTS

A Hearing Minutes 15 May 2017
B Decision 1 June 2017

MINUTES of a hearing by an Independent Commissioner of the Waikato District Council held in the Supper Room, Tuakau Memorial Hall, George Street, Tuakau commencing on **MONDAY 15 MAY 2017** at **9.00am** and continuing on **TUESDAY 16 MAY 2017** at **9.03am**

These minutes should be read in conjunction with notes and evidence placed on the Consent file.

Present:

Commissioner David Hill

Attending:

Ms K Thomson (Consents Team Leader – West)
 Mrs LM Wainwright (Committee Secretary)
 Ms K Drew (Senior Planner from Bloxam Burnett & Oliver)
 Mr A Black (Civil/Transportation Engineer from Gray Matter Ltd)
 Mr R Stevenson (Quarry Engineer & Director of Hazel-Hewitt & Associates Ltd)
 Mr N Hegley (Hegley Acoustic Consultants)
 Mr P Brown (Managing Director of Traffic Engineering & Management Ltd)
 Mr N Goldwater (Principal Ecologist, Wildlands Consultants Ltd)
 Ms J Woodhouse (Director from Woodhouse Associates)
 Mr M Lee (Director of Airey Consultants Ltd)
 Mr R Harkness (Associate Director – Planning at AECOM New Zealand Ltd)
 Mr R Hutchison (Principal Geotechnical Engineer from KGA Geotechnical Group Ltd)
 Ms J Ash (Submitter)
 Ms A Ewing (Submitter)
 Mr P Prendergast (Submitter)
 Members of staff
 Members of the public

HEARING – RIDGE ROAD QUARRY

File No. LUC0264/16

Application by Ridge Road Quarry Ltd for a land use consent for a quarry operation and managed fill site at 358 Ridge Road, Pokeno.

INTRODUCTION

Commissioner Hill welcomed all parties and outlined the process of the hearing. He proceeded to clarify some issues before hearing of the application commenced. He also advised that a site visit would be carried out once the meeting adjourned today.

A Hearing Statement (tabled item 1) was received from Transpower New Zealand Ltd whom did not attend the hearing.

Ms Drew presented an Introductory Statement (tabled item 2) on behalf of Waikato District Council.

HEARING OF THE APPLICATION

Mr Stevenson presented an Opening Statement (tabled item 3) and verbal evidence and answered questions of the Commissioner.

Mr Hegley presented verbal evidence and answered questions of the Commissioner.

Mr Brown presented verbal evidence and answered questions of the Commissioner.

Mr Goldwater presented verbal evidence and answered questions of the Commissioner.

Ms Woodhouse presented verbal evidence and answered questions of the Commissioner.

The meeting adjourned at 10.34am and resumed at 10.50am.

Mr Lee read his statement of evidence (pre distributed) and answered questions of the Commissioner.

Mr Harkness presented verbal evidence and answered questions of the Commissioner.

HEARING OF SUBMISSIONS

Ms Ash presented verbal evidence and answered questions of the Commissioner.

Ms Ewing presented verbal evidence and answered questions of the Commissioner.

Mr Prendergast presented verbal evidence and answered questions of the Commissioner.

The hearing was adjourned at 12.30pm and reconvened on Tuesday 16 May 2017 at 9.00am.

Present:

Commissioner David Hill

Attending:

Ms K Thomson (Consents Team Leader – West)
Mrs LM Wainwright (Committee Secretary)
Ms K Drew (Senior Planner from Bloxam Burnett & Oliver)
Mr D Mansergh (Director from Mansergh Graham Landscape Architects Ltd)
Mr A Black (Civil/Transportation Engineer from Gray Matter Ltd)
Mr A Blackmore (Applicant)
Mr R Stevenson (Quarry Engineer & Director of Hazel-Hewitt & Associates Ltd)
Mr P Brown (Managing Director of Traffic Engineering & Management Ltd)
Ms J Woodhouse (Director from Woodhouse Associates)
Mr M Lee (Director of Airey Consultants Ltd)
Mr R Harkness (Associate Director – Planning at AECOM New Zealand Ltd)
Ms J Ash (Submitter)
Mr P Prendergast (Submitter)
Members of staff
Members of the public

Commissioner Hill welcomed all parties and outlined the process of the hearing. He proceeded to clarify further issues before the hearing commenced.

Mr Mansergh presented verbal evidence and answered questions of the Commissioner.

Ms Drew presented written and verbal evidence and answered questions of the Commissioner.

The meeting adjourned at 10.12am and resumed at 10.52am.

RIGHT OF REPLY

Mr Stevenson gave his right of reply.

Mr Lee gave his right of reply in relation to Mr Black's evidence.

The hearing adjourned at 11.17am and the decision reserved.

DELIBERATIONS

The Independent Commissioner undertook deliberations on all evidence presented.

The hearing was declared closed at 5.00pm on Thursday 18 May 2017.

DECISION

THAT the Hearing by an Independent Commissioner confirmed the application by Ridge Road Quarry Ltd for a land use consent for a quarry operation and managed fill site at 358 Ridge Road, Pokeno be granted subject to conditions as outlined in the decision dated 1 June 2017.

HE1705/01

IN THE MATTER OF the Resource Management Act 1991
AND
IN THE MATTER OF application by Ridge Road Quarry Limited to Waikato District Council under section 88 of the Resource Management Act 1991 for a land use consent (to replace existing land use consents) for a quarry operation and managed fill site at 358 Ridge Road, Tuakau (being Lot 2 DP 462831 and Lot 2 DP 356439).

Decision following the hearing of an application by Ridge Road Quarry Limited to Waikato District Council for a discretionary activity resource consent under the Resource Management Act 1991

Proposal

To operate and expand existing quarrying (1.4 million cubic metres of basalt rock) and managed filling (10.78 million cubic metres of fill) activities at the 80.1744 hectare site at 358 Ridge Road, Tuakau (Lot 2 DP 462831 and Lot 2 DP 356439), and to replace (by way of surrender) existing land use consents FLUCL01090.01 (quarrying) and LUC0098/13.01 (managed cleanfill).

The application was heard at Tuakau on 15 and 16 May 2017.

The resource consent sought is **GRANTED**. The reasons are set out below.

Hearing Commissioner:	Mr David Hill
Application numbers:	LUC0264/16
Applicant:	Ridge Road Quarry Limited
Site addresses:	234 Ridge Road, Tuakau
Legal descriptions:	Lot 2 DP 462831 and Lot 2 DP 356439
Site area:	80.1774 ha
Zoning:	Rural (Franklin).
Lodgement:	21 December 2015
First S92 Request:	7 March 2016
Application on hold:	13 October 2016
Limited notification:	19 January 2017
Submissions closed:	16 February 2017

Commissioner's Site visit:	15 May 2016
Hearing commenced:	15 May 2017
Hearing closed:	18 May 2017
Appearances:	<p><u>For the Applicant:</u></p> <p>Mr R Stevenson (Quarry Engineer & Director of Hazel-Hewitt & Associates Ltd).</p> <p>Mr N Hegley (Hegley Acoustic Consultants).</p> <p>Mr P Brown (Managing Director, Traffic Engineering & Management Ltd).</p> <p>Mr N Goldwater (Principal Ecologist, Wildlands Consultants Ltd).</p> <p>Ms J Woodhouse (Director, Woodhouse Associates).</p> <p>Mr M Lee (Director, Airey Consultants Ltd).</p> <p>Mr R Harkness (Associate Director Planning at AECOM New Zealand Ltd).</p> <p>Mr R Hutchison (Principal Geotechnical Engineer, KGA Geotechnical Group Ltd).</p> <p><u>Submitter</u></p> <p>Ms J Ash.</p> <p>Ms A Ewing.</p> <p>Mr P Prendergast.</p> <p><u>Tabled</u></p> <p>Ms J McFarlane - Transpower</p> <p><u>Council:</u></p> <p>Ms K Thomson (Waikato District Council Consents Team Leader - West).</p> <p>Ms K Drew (Senior Planner, Bloxam Burnett & Olliver).</p> <p>Mr A Black (Civil/Transportation Engineer, Gray Matter Ltd).</p> <p>Mr D Mansergh (Landscape Architect).</p> <p>Ms L Wainwright (Committee Secretary).</p>

Summary Decisions:

1. Pursuant to sections 37 and 37A of the Resource Management Act 1991, the late submission from Christiaan and Catherine Heineke of 315 Ridge Road is accepted.
2. Pursuant to section 104 and 104B of the Resource Management Act 1991, the application for land use consent is granted subject to conditions.

Introduction

3. These decisions are made on behalf of the Waikato District Council (Council) by Independent Hearing Commissioner Mr David Hill appointed and acting under

delegated authority under sections 34 and 34A of the Resource Management Act 1991 (the RMA).

4. This decision contains the findings from my deliberation on the application for resource consent and has been prepared in accordance with section 113 of the RMA.
5. The application was limited notified to some 59 identified owners/occupiers of adjacent properties and interested parties on 19 January 2017, with submissions closing on 16 February 2017. Nineteen submissions were received in time – all but one of those in opposition.
6. One late submission was received; one day late. The reporting planner recommended that be accepted¹. As the applicant agreed with that recommendation at the hearing, the late submission from Christiaan and Catherine Heineke of 315 Ridge Road is accepted.
7. Affected person written approval was provided by Karl and Tracy Holden, owner/occupier of 234 Ridge Road (being Lot 1 DP 462821). Accordingly no consideration is taken of effects on those persons and their property per section 104(3)(a)(ii) of the RMA.
8. The s42A RMA hearing report was prepared by Ms Kathryn Drew. Ms Drew's overall recommendation was to grant the consent sought as she considered that the effect on the environment or on any person of allowing the activity would be minor. Her report was informed by technical reports from Mr Alastair Black (traffic), Mr Dave Mansergh (landscape and visual), and Mr Ken Read (geotechnical), all of which indicated support for granting consent subject to a range of proposed conditions.
9. Ms Drew helpfully provided supplementary written statements both in opening and in response.
10. The matter was heard in Tuakau on 15 and 16 May 2017, and adjourned for further factual information relating to the matter of Council's practice of taking roading financial contributions for quarrying, cleanfill and managed fill activities. This is discussed in greater detail below.

Site description

11. The site is irregular, but roughly rectangular running in a north to south direction. The site is bounded by one rural residential property, three larger rural properties, and Ridge Road to the west. The underlying zoning of the site is Rural (Franklin).
12. The site is located on the eastern side of Ridge Road, west of Pokeno, and is approximately 3km south of the State Highway 1 / Ridge Road interchange. High voltage transmission lines traverse the site in a north-south direction, being Transpower's Huntly-Otahuhu A (HLY-OTA A) 220kV double circuit transmission line.
13. Access to the site is directly from an existing formed vehicle entrance on Ridge Road. The internal access then extends eastwards into the site to a centralised office and weighbridge for both the quarrying and cleanfilling activities. Ridge Road is classified

¹ S42A report, page 19, sec 7.2

as a Local Road in the Waikato District Plan. Ridge Road connects with SH1 to the north and Pokeno Road to the south.

14. The general topography of the quarry site falls towards a gully located in the eastern portion of the site. The highest point of the site is a knoll to the south of the quarry face, with a ridgeline extending along Ridge Road and the eastern ridge bounding the eastern side of the quarry. The quarry is located near the centre of the quarry block and roughly 300m by 150m in size and approximately 40m deep. The quarry is accessed via a narrow cutting at the south-eastern side that comes directly from the site office.
15. The cleanfill and managed fill activities are currently located in the southern block. The topography of the southern block is characterised by a broad sided gully failing towards the northeast. Ridgelines are present along the south-eastern and north-western sides. Recent filling has filled in the base of the gully.
16. Within the site, but outside of the quarry block and the southern block, is an area known as the eastern gully. The eastern gully contains a stream that flows in a south-easterly direction. The base of this stream connects with the stream draining the southern block, before exiting the site on the eastern boundary. No quarrying or managed fill activities are proposed within the eastern gully.
17. The surrounding area is generally rural in nature and has steep to rolling terrain. Ridge Road itself is located on a prominent ridgeline with the natural topography sloping away from the road both to the east and the west. There are eight dwellings adjoining the site, the closest of which is directly adjacent to the site access at 234 Ridge Road. Seven of those dwellings are located within 500m of the site boundary. The uses of those properties vary from pastoral farming to lifestyle blocks. The Pokeno township is approximately 2km east of the site and the quarry can be seen from the newer and northern-most areas of the village.

Summary of proposal and activity status

18. A quarry on the site has been in operation since the 1940s. Ridge Road Quarry Limited took over ownership and operation in March 2000. It currently operates under two main land use consents² – which will be surrendered as a condition of this consent if granted.
19. Mr Stevenson³ outlined the proposal as follows.
 - The importing of approximately 10,780,000m³ of managed fill over a thirty year period and the concurrent extraction of 1,400,000m³ of rock reserves.
 - The fill will be placed over an area of 45ha, within the existing quarry, following the completion of the removal of the estimated 1,400,000m³ of rock extraction, and within the broad valley areas on the southern part of the site with approximately 50% being deposited in the quarry area and 50% in the valley area.

² The site also has another consent for cleanfilling (FLUCLO20104.03) which has been exercised and completed.

³ Stevenson, EiC, paras [7]-[29]

- Approximately 500,000m³ of overburden is required to be removed to expose the remaining basalt rock deposits. Approximately 200,000m³ of overburden was removed from the area during the 2016/2017 period with another program of overburden planned for the 2017/18 season. Overburden is being placed in the Southern gully fill area. The quantity of overburden removed each season depends on the quantity of available rock exposed and the demand for aggregate.
- The method of quarrying is by standard open cut quarrying techniques. The existing rock faces are generally 10 to 15 metres high and benches are 5 to 7 metres wide. The maximum final face height for all benches is limited to 15 metres and bench widths are at least half the face heights, unless specifically approved by OSH. Rock is released from the quarry face using drilling and blasting techniques.
- All crushing and screening equipment is totally portable and is located on the quarry floor adjacent to the shot-rock. The primary crusher is diesel operated and the secondary cone crusher is electrically driven. A generator set is also located in a container on the quarry floor to provide power to the secondary crusher.
- Finished product (aggregate) is either stockpiled at various locations on the quarry floor or directly loaded into trucks for delivery to the various markets, with the use of a rubber-tyred front-end loader.
- Initially the southern gully will be filled up to the existing proposed contours as per the current consent. Following the completion of the existing southern gully fill the shear key and sediment retention pond will be constructed at the northern end of the southern gully.
- Fill will then be placed commencing at the base of the fill, filling at 10m vertical increments up to the 130m level. Approximately a further 150m of gully will be filled. Once completed up to the 130m level filling will then proceed in the western end of the southern gully to the final contours. On completion of this stage the remaining southern gully to the east will be completed to final levels.
- Once the southern gully has been completed, quarrying operations should have ceased and the quarry can be backfilled to the final contours. In the fill areas all bare areas will be kept to a maximum of 5ha. It is anticipated that it will take a further 2 or more years to complete the rehabilitation after quarrying ceases.
- Managed fill is only accepted by pre-arrangement. This is required to determine the type of fill being imported (testing requirements etc.) and assists in controlling the number of vehicles entering the site.
- Potentially contaminated filling materials will be imported into the site - such as road sweepings, stormwater pond excavations etc. - in addition to overburden and cleanfill. The filling material will be placed in specially provided areas within the site and be sealed from stormwater to eliminate the potential for contamination to be washed off-site. It is anticipated that less than 20% of the imported material will be of a Managed Fill material.

- The present consents authorise up to 400 (heavy) vehicle movements per day, with a two-monthly daily average of 300. While initially the applicant sought a higher number, it was subsequently revised downward to the present number by agreement.
 - Proposed hours of operation are as presently consented, being 0600-2000 Monday – Friday, and 0600-1800 Saturday, with no work on Sundays and public holidays.
 - A Council-certified Site Management Plan will specify and control all relevant operational matters.
20. In passing I note that during the site visit two wheel washes were in evidence – apparently one each for the quarrying and filling operations. However not all trucks seen operated the manual switch on the quarry wheel wash and the sensor did not respond without attention on the fill wheel wash. Once operating they were clearly adequate, with both sufficient water and pressure, however their functioning is an important matter requiring attention so that they cannot be bypassed. Dust and rubble was clearly evident on the uphill section of Ridge Road beyond the entrance.
21. Resource consent is required under the operative Waikato District Plan – Franklin Section as follows:
- Rule 23A.1.4.2 – Mineral extraction and processing – discretionary activity;
 - Rule 15.1.2.8 – Waste management, landfill and the deposition of more than 100 cubic metres of cleanfill - discretionary activity;
- Overall the application is to be assessed as a discretionary activity.
22. The activity status was not in dispute.

Other Consents

23. Consents are also required from Waikato Regional Council (WRC) – and have been sought – for land disturbance in an area of High Risk Erosion, to discharge overburden to land, to discharge stormwater to an unamend tributary, to dam and divert water around the site, and to discharge contaminants to land.
24. Those consent applications were limited notified, with none of the four submitters requesting to be heard, and are therefore being processed internally. By email correspondence dated 15 May 2017, WRC advised the hearing through Ms Drew that, subject to satisfactory conditions, those consents would issue.
25. The quarry operates under a 2002 Mining Permit (47176), issued under the Crown Minerals Act 1991, which has an expiry date of 9 April 2042.
26. For the record I note that no matters that are properly the subject of the regional consent applications have been taken into consideration in terms of the land use application before me. I did, however, have before me material relating to ecology and contaminated land that had been submitted to WRC, so that I could satisfy myself that no relevant district land use matters were thereby entrained.

Procedural and other matters

27. Other than the matter of the late submission, no procedural matters were raised for consideration.
28. For the record I note that Transpower tabled a statement in support of conditions proposed and agreed relating to the final ground level for clearance beneath its transmission asset, the Huntly-Otahuhu A (HLY-OTA A) 220kV double circuit transmission line. Those agreed conditions are imposed.

Relevant statutory provisions considered

29. In accordance with section 104 of the RMA I have had regard to the relevant statutory provisions, including the relevant sections of Part 2, sections 104 and 104B, and section 108 relating to conditions.

Relevant standards, policy statements and plan provisions considered

30. In accordance with section 104(1)(b)(i)-(vi) of the RMA, I have had regard to the relevant policy statement and plan provisions of the following documents – the relevant provisions of which are assessed in section 3 of the application AEE, and more particularly at paragraphs 110 – 144 and Attachments C and D of Mr Harkness' evidence and section 10 of the s42A hearing report. The identification of these provisions was largely agreed. Having reviewed those provisions and particularly the objectives and policies, I confirm and adopt them. Therefore, there is no need to repeat the details in this decision. Those provisions are contained in the following statutory documents:
 - National Policy Statement on Electricity Transmission 2008;
 - Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
 - Waikato Regional Policy Statement 2016;
 - Waikato Regional Plan (WRP) 2007;
 - Waikato District Plan – Franklin Section 2000;
 - Waikato-Tainui Raupatu Claims Settlement Act 2010; and
 - Tai Tumu Tai Pari Tai Ao / Waikato – Tainui Environmental Plan
31. No other national policy statement or environmental standard was identified as being relevant to this consent and I accept that to be the case.
32. I do not consider any other matter to be relevant and reasonably necessary to determine the application in accordance with section 104(1)(c) of the RMA.

Permitted Baseline / Existing Environment

33. There is no relevant permitted baseline. However there is a significant consented, i.e. existing environment authorised, baseline created by the fact of the operational quarry /

filling activities and its associated consents – which currently expire in 2023 and 2025 respectively.

34. If this application is refused, those consents would undoubtedly run their course for the next 6-8 years with all their associated effects - including truck traffic up to 400 vehicle movements daily, with a rolling 2-monthly average of 300 per day.
35. If the present application is granted as sought very little changes for those next 6-8 years – other than some positive improvements such as the widened entrance and, of course, a delay in the date for closure of the activity (which submitters are entitled to consider a significant change).

Summary of evidence / representations / submissions heard

36. The s42A Hearing report by Council's reporting officer, Ms Drew, was circulated prior to the hearing and taken as read. That report was accompanied by technical reports as noted in paragraph 8 above.
37. The evidence presented at the hearing responded to the particular issues and concerns identified in the s42A recommendation report and submissions.
38. The evidence, all of which had been pre-circulated, presented by the applicant's witnesses at the hearing are summarised below:

Mr Robin Stevenson, quarry engineer and director of Hazel-Hewitt and Associates Limited, gave evidence in support of granting the application, describing the proposal and the methods of operation for both the quarry and filling activities, and commented on matters relating to surface water, noise, dust, hours of operation, and the Quarry Management Plan. Mr Stevenson introduced his other witnesses.

Mr Nevil Hegley, an acoustic engineer and Principal of Hegley Acoustic Consultants, confirmed his pre-circulated evidence, including his recommendations and conclusions, noting that provided noisy works on Saturdays maintained a distance to boundary of at least 250m (or so) then the lower noise limits for Saturday work would be achieved. Mr Hegley further submitted that as long as the noise limits were observed there was no justification for imposing restricted hours of operation – since noise was the primary adverse effect-driver for that restriction. That matter is discussed further below. Mr Hegley supported a grant of consent with conditions.

Mr Phillip Brown, a chartered professional engineer and Managing Director of Traffic Engineering & Management Limited, gave traffic evidence in support of granting the application. Mr Brown supported a widened entrance; considered the Council proposed post-construction Safety Audit unnecessary as the final design would pass through a number of qualified traffic and civil engineers' hands before being approved; and responded to other submitter concerns regarding the 100 km/h speed limit, use of truck exhaust/air brakes, presence of the school bus, crash history – all of which matters, in his opinion, lay beyond / outside of the present RMA application process.

Mr Nicholas Goldsmith, Principal Ecologist at Wildland Consultants Limited, provided overview evidence – largely on matters within the WRC's regional consents' jurisdiction. His evidence was therefore taken as read.

Ms Janet Woodhouse, a registered Landscape Architect and Director of Woodhouse Associates, gave evidence on vegetation, visual effects and landscape character. She was in substantial agreement with Council's reciprocal expert, Mr Dave Mansergh (as confirmed on the Tuesday when Mr Mansergh became available), except on the matter of the need for an arborist's report on the apparently dying row of cypress trees – which currently provide substantial screening. Her opinion, accepted later by Mr Mansergh, was that the said trees were in an advanced state of cypress canker, from which they would not recover and would ultimately fail. Ms Woodhouse proposed that those be replaced in timely manner by Japanese cedar. An appropriately drafted tree planting condition (on the bund) was subsequently agreed between Ms Woodhouse and Mr Mansergh (without the specific species of tree identified). Apart from 315 Ridge Road, for whom the tree screening condition was proposed as partial mitigation, Ms Woodhouse did not consider there to be any material landscape or visual adverse effect – and especially if the longer-term aspect of the recontoured and rehabilitated pasture land is taken into account.

Mr Michael Lee, a chartered professional engineer and Director of Airey Consultants Limited, gave evidence primarily on the matter of the road classification under One Network Road Classification (ORNC); roading financial contribution sought by Council; and the extent of any road maintenance required. His overall conclusion was that no such contribution is justified. This matter is discussed in detail below.

Mr Richard Harkness, planning consultant and Associate Director – Planning at AECOM NZ Limited, provided detailed evidence on the relevant provisions of the various statutory planning documents, reviewed the applicant's expert evidence provided in terms of the adverse effects of concern to Council and submitters, and concluded that the application should be granted subject to some refinement of the conditions proposed by Council as discussed by the various experts and himself.

Mr Rodney Hutchison, principal geotechnical engineer with KGA Geotechnical Group Limited, who had provided pre-circulated geotechnical evidence, was excused, there being no such matters in contention. His evidence is adopted accordingly.

39. The following submitters made representations:

Ms Jennifer Ash, 114 Ridge Road,

Ms Ann Ewing, 11 Ridge Road, and

Mr Peter Prendergast, 29 Lawrence Road.

40. Submitters expressed concerns about the state of the Ridge Road pavement, the number of potholes and other defects, debris including rocks deposited on the road, trucks queuing at the entrance, vehicle speed and width on the more winding sections of road, early arrival of trucks, and weather conditions including fog.

Principal issues in contention

41. After analysis of the application and evidence (including proposed mitigation measures), reviewing the Council reporting officer's s42A recommendation report and companion technical reports, reviewing the submissions and representations made,

and concluding the hearing process, the proposed activity raised only 2 general issues for further consideration – relating to the hours of operation and the road.

42. For the record I note that I am satisfied that the landscape and visual expert evidence is correct that there is no significant adverse effect because the activity is well established, and appropriate in both its local and wider context – and that the limited issue of the replacement of the screening line of cypress trees can and has been properly conditioned.
43. I also note that Council accepted that a duration of consent was not necessary on this land use consent – and particularly in view of the inherent uncertainties in aggregate production, demand and supply over several decades, and because the review condition proposed is sufficiently wide. Council also agreed that a bond was unnecessary as that matter will be provided through the regional consents.
44. The principal issues in contention came down to the following fundamental questions:
 - (a) Whether the hours of operation should be specified – and if so what hours;
 - (b) Whether Ridge Road should be considered a primary collector road rather than a secondary collector road (as it is currently) under the NZTA/Local Government NZ ONRC; and
 - (c) Whether a roading financial contribution should be paid and, if so, how much.
45. These issues are discussed in the following section.

Hours of operation

46. As noted above, Mr Hegley submitted that the “deferred” 6.30am start time for “noisier” operations was unnecessary because these were controlled by the 40dB L_{Aeq} (Monday – Friday before 6.30am, Saturday before 7am, and at all other times) and 70dB L_{Amax} (8pm – 6.30am) noise limits. Furthermore the present operation is not so constrained from 6am.
47. Council and submitters maintained that the hours of operation for noisier activities should be specified – and for basically the same reason as the 250m noise separation distance proposed for Saturday work. That is, it provides a readily identifiable parameter for residents and operators alike. It was also noted that this would also help to control arrival times so that trucks did not traverse Ridge Road much earlier than 6 – 6.30am – which, anecdotally, seems to occur. Council agreed that routine arrival and set-up operations could commence at 6am provided they met the night-time noise level limit.

Finding

48. Mr Hegley’s argument has force. Controlling the adverse effect should be sufficient remedy. However there is also merit in the argument for a proxy that is readily understandable, “measureable”, and least open to dispute by any party – and in this case the 6.30am weekday threshold (7am on Saturdays) is one such practical measure.
49. I find that the 6.30am (Monday-Friday) and 7am (Saturday) thresholds for operations that exceed the 40dB L_{Aeq} noise level limit is an appropriate and justifiable RMA

condition, and one that will afford some relief to residents over the extended timeframe sought for this operational quarry and the filling activities.

Roading and Financial Contribution

ONRC

50. Mr Lee was of the opinion⁴ that Ridge Road is an “anomaly” in terms of its ONRC classification as a Secondary Collector road because of its location between two significant highway interchanges, and the considerable tonnages of freight transacted between the various quarries and cleanfill sites along the road. He considered that it should be considered more akin to a Primary Collector, which “*provide a primary distributor/collector function, linking significant local economic areas or population areas*”. The important point, as I understood it, being that reclassification would open up different and additional funding provisions.
51. For Council, Mr Black responded (in effect) that the road is as it is – a local road under Council’s roading hierarchy; a secondary collector under ONRC; and he agreed with the latter classification – particularly⁵ because heavy vehicle volume is but one of the ten criteria applied and at less than 1,000veh/day, above which is the lower threshold for a Primary Collector.

Finding

52. Regardless of the merits or otherwise of Mr Lee’s arguments, those classifications are not open to amendment through this resource consent process.
53. If, over the life of the activity, the road classification changes, and if financial contributions are imposed, then respective party funding contributions can be reassessed and adjusted as appropriate – and a review condition is included that would enable that to happen.

Financial Contribution

54. This issue remained unresolved.
55. Under its current consents the consent holder was required either to pay a financial contribution of \$76,140 (+GST) or to carry out physical works to an equivalent value – which latter option, in this case, was agreed to, being a one-off upgrade of a portion of the road. I understand that to be the sum total requirement, which effectively satisfied the financial contribution for the period up until 28 May 2023 when the quarrying consent expires.
56. Mr Lee argued that the Road User Charges from the heavy vehicle traffic on Ridge Road for the life of the activity significantly exceeds the required costs for maintaining and repairing the road over the same period. He calculated⁶ those RUCs for the 3.8kms of road from the SH1 interchange at \$3,314,672 (GST incl). Therefore he considered there to be no justification for an additional roading financial contribution because Council receives an allocation from that revenue stream.

⁴ Lee, EIC, paras [14]-[20]

⁵ Black, Statement of evidence, para [20]

⁶ Lee, EIC, para [24] and Attachment C

57. Mr Black accepted Mr Lee's RUC calculation but observed that the National Land Transport Fund (NLTF) does not allocate funds taken through the RUC system on the basis of their derivation or *particular* point of origin. By way of example Mr Black⁷ included the proportionate breakdown for the Waikato region in financial year 2016 to illustrate that only 15.6% of the available allocation was distributed to local road improvements and maintenance – the significant majority being allocated to state highway improvements and maintenance (79.5%).
58. Furthermore Mr Black noted that there is no allocation in Council's 2015-2025 Long Term Plan for renewals on Ridge Road north of the site entrance. If earlier pavement renewal is required then that reflects heavier than "normal" usage – and is the express purpose of the roading financial contribution - i.e. for improvements necessary because of the specific additional traffic, rather than to correct existing deficiencies.
59. Mr Lee further argued that a financial contribution for the filling activity was also unjustified as the material for that activity was essentially generated from subdivision activity that would have already paid a financial contribution for any associated roading effect. He also commented that, to his knowledge, no other filling activity in the vicinity was levied a financial contribution.
60. Mr Black responded to the effect that, on the applicant's own evidence, a substantial amount of fill originated from the Auckland Council area and, whether a financial contribution was taken or not, there was no mechanism for either levying cross-boundary or "sharing" such contributions. Mr Black seemed to accept that no other quarry or cleanfilling activity on Ridge Road was levied – however noting that the reason Holcim was not levied was likely to be because its entrance is only 200m from the SH1 interchange, and distance travelled is a key factor in the calculation. Mr Black included an attachment⁸ that helpfully tabulated a number of Waikato District quarries and disposal sites, their heavy vehicle impact fee or mitigation, and calculated \$ rate per tonne.
61. Mr Black's Table was supplemented with further information requested from Council⁹ toward the end of the hearing and received and circulated prior to receiving the applicant's written right of reply. That response confirmed that of the three other cleanfill/managed sites on Ridge Road, one (being 1km from the SH1 interchange) was levied a financial contribution in 2013 at \$0.03c per m³ based on the actual fill rate, calculated in arrears, over its 20 year life; the other two were either very close to the SH1 interchange (Holcim – consented 2014 and 2017), or the traffic experts agreed there was no significant traffic effect (consented 2012). A number of other cleanfill sites in the district were identified indicating whether contributions or in-kind works (e.g. entrance upgrades) were required and if not, the reasons for that (which typically related to either distance from a state highway or low volume of additional traffic).
62. I note also that in her legal submissions tabled with the additional information sought, Counsel for Council, Ms Bridget Parham, submitted that there is jurisdiction for imposing (or not) financial contributions on both activities; that the method of

⁷ Black, Statement of evidence, para [23]

⁸ Black, Statement of evidence, Attachment B, page [16]-[17]

⁹ Response to Commissioner Hill from Council Staff, received 19 May 2017

calculating that contribution used by Mr Black was lawful; and that even if it is found that “... *Council has been lenient to previous applicants in respect of financial contributions* (which does not appear to have been the case on the evidence subsequently provided), *it is still entitled to bring its practices into line with the statute and acceptable practice.*”¹⁰

63. Mr Black’s revised financial contribution¹¹ (pavement impact fee), taking into account the in lieu works undertaken to 2023, and based on a 24 year life (i.e. 30 years minus the 6 years to 2023), at \$0.012/tonne was \$9,647.17/year, or a slightly reduced lump sum of \$231,500.

Finding

64. For the record I note that from 18 April 2022 (under the Resource Legislation Amendment Act 2017) councils will no longer be able to impose financial contributions as a condition of consent. Those related provisions (section 108(2)(a), (9) and (10), and section 111 RMA) are repealed from that date. That date, of course, is beyond the date whereby the current quarrying consent (to which I understand the financial contribution condition attaches) expires in 2023 and up until which time that contribution has been made. However the amendment also provides that any financial contribution condition imposed before 18 April 2022 remains in full force and effect, notwithstanding the repeal of financial contributions from 18 April 2022. Accordingly, there is no impediment to a financial contribution condition being imposed in the current application, even if payment under that condition (in full or part) is not due until after 18 April 2022.
65. I am not persuaded by Mr Lee’s argument that the financial contribution requirement is double dipping the NLTF FAR allocation from RUCs. Indeed if that was the case then, presumably, we might have expected that issue to have surfaced as an argument in favour in the debate over the repeal of the financial contributions provisions of the RMA from 2022, or the matter ring-fenced from further consideration through development contribution policy.
66. It seems clear that the financial contributions policy in the Waikato District Plan - Franklin Section and its application in this instance is fair and reasonable, and has been even-handedly applied in many recent examples of comparable activities. There was no credible evidence to the contrary.
67. That leaves the issue of the quantum and start point.
68. It was common ground that the existing financial contribution has been made (i.e. the one-off pavement strengthening completed in 2015) up until the date the present quarrying consent expires in 2023, as the heavy vehicle quota remains unchanged. In his calculations Mr Black explicitly accepts that and calculated the new financial contribution in terms of additional quarry traffic starting in 2023, and I agree that is appropriate.

¹⁰ Parham, Tabled legal submissions, para [26]

¹¹ Black, Statement of evidence, Attachment C, page [18]

69. As the applicant's position is that no financial contribution is justified, no alternative quantum or works in lieu was proposed. In that circumstance, and having determined that a financial contribution is lawful and can be applied, it seems to me that I have only to consider whether Mr Black's calculations are fair and reasonable in terms of the policy, and section 108(10) of the RMA, which states:

A consent authority must not include a condition in a resource consent requiring a financial contribution unless—

- (a) *the condition is imposed in accordance with the purposes specified in the plan or proposed plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect); and*
- (b) *the level of contribution is determined in the manner described in the plan or proposed plan.*

70. Mr Black's evidence steps carefully through his reasoning in terms of that provision¹² and his Attachment C¹⁰ demonstrates clearly how he has arrived at the proposed sum(s). I find no obvious fault in those conclusions and adopt the resultant quantum and rate – noting that Council's proposed condition contains a review mechanism for reassessing cost increases against a relevant price index and inflation. Whether the consent holder chooses to make a lump sum or part payment is a matter for future discussions. I see no good reason for prescribing that at this point.
71. As a final point I note that Council's proposed draft condition 45 requires payment of the financial contribution commencing one year from the commencement of the consent. A question arises as to whether that is appropriate as the applicant has undertaken works in lieu under its existing consent until 2023.
72. While Mr Black effectively reversed out of his calculation the quarry traffic until that time, his proposed levy of \$0.012 / tonne is based on a 24 year life (from the 30 year originally applied for) with payment due one year from the commencement of the present consent if granted. Assuming a 30 year quarry life, that would mean that the applicant would not obtain the benefit from the "payment" already fully made for the period up until 2023 until the final 6 years of the quarry's 30 year "life". That does not seem equitable as the applicant is entitled to the view that the pavement at 28 May 2023 is at its "ordinary" expected life state due to the restitution made by the strengthening works undertaken as the financial contribution until that date. That condition is therefore amended so that financial contribution payments commence one year from 28 May 2023. It is open to the consent holder and Council to negotiate at that point as to whether a full or partial lump sum or annual payments are made, and amend the condition as necessary.
73. In passing I note residents' concerns about the road, its state and safety – and the apparent fact that Council currently has no dedicated works programme for Ridge Road out till 2025. As no financial contribution for the present activity is due until 2023, further deterioration from the intervening volume of heavy vehicle use is highly likely. Council will need to address that issue if the correct principle of financial contributions not being used to correct "existing" deterioration as at 2023 is to be followed.

¹² Black, Statement of evidence, paras [28]-[31]

Part 2 RMA

74. No section 6 RMA matters of national importance or section 8 (Treaty of Waitangi principles) were identified as being directly engaged by this application.
75. Of the section 7 other matters to which particular regard is to be had, I consider the following relevant:
- (b) the efficient use and development of ... physical resources;
 - (c) the maintenance and enhancement of amenity values; and
 - (f) maintenance and enhancement of the quality of the environment.
76. Those matters are well rehearsed in the respective documentation and evidence and I did not understand there to be any significant difference of opinion on those matters – at least as far as those matters within the jurisdiction of the district council. I am therefore satisfied that the application has had particular regard to those matters and, to the extent that is possible, the quarry and filling activities will meet the RMA's expectations in that regard.
77. Overall I find that the application will promote the sustainable management purpose of the RMA and can be granted.

Decision

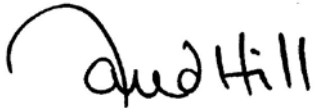
In exercising delegated authority under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104, 104B and Part 2 of the RMA, the land use application by Ridge Road Quarry Limited to operate and expand existing quarrying (1.4 million cubic metres of basalt rock) and managed filling (10.78 million cubic metres of fill) activities at the 80.1744 hectare site at its quarry at 358 Ridge Road, Tuakau (Lot 2 DP 462831 and Lot 2 DP 356439), and to replace (by way of surrender) existing land use consents FLUCL01090.01 (quarrying) and LUC0098/13.01 (managed cleanfill) is granted subject to the conditions attached below for the reasons discussed in this Decision and as summarised below.

Summary reasons for the decision

78. After having regard to the actual and potential effects on the environment of allowing the proposed activity, and taking into account the relevant statutory provisions, I find that consent for the proposed activities can be granted for the reasons discussed throughout this decision and, in summary, because:
- (a) the proposed activity is consistent with the provisions of the relevant statutory document(s), and will avoid, remedy or mitigate the adverse effects thereby created noting, in particular, the requirement for continuity of tree screening adjacent 315 Ridge Road;
 - (b) granting consent is consistent with the purpose and principles of Part 2 of the RMA;

- (c) granting consent to the application will facilitate positive benefits in terms of the supply of relatively scarce aggregate to roading and other infrastructure projects, and the longer-term disposal and productive use of fill material; and
- (d) granting consent will maximise the utilisation of a scarce resource and the filling activities will provide a landform and facility that ultimately will return it potentially to rural productive use.

79. Overall I find that a grant of consent for the application is appropriate.

A handwritten signature in black ink that reads "David Hill". The signature is written in a cursive style with a large, sweeping initial 'D'.

David Hill
Independent Hearings Commissioner

Date: 1 June 2017

Attachment 1

Conditions of Consent

Resource Consent No: LUC0264/16

General

1. The quarrying and filling activities at the site shall be undertaken in general accordance with the information and plans submitted by the consent holder in support of application number LUC0239/17 and official received on the 23 December 2015 except as amended by the conditions below. Copies of the approved plans are attached. In the case of inconsistency between the application and the conditions of this consent, the conditions of this consent shall prevail.

2. The following definitions are applicable to this consent:

Quarrying activities means the extraction, blasting, processing, storage and distribution of basalt rock from the site and includes ancillary activities such as overburden removal and the treatment of stormwater together with ancillary buildings and structures.

Filling activities mean the receipt of either cleanfill and/or managed fill that complies with the acceptance criteria set out in Table 1 of this consent.

Cleanfill means materials such as clay, soil and inert materials such as concrete, brick or demolition materials, which are free of combustible materials and are not subject to biological and chemical breakdown. In the case of demolition material minimal quantities not exceeding 5% of any one truck load of untreated timber still firmly embedded or attached to concrete or brickwork is acceptable.

Commencement of this consent has the same meaning as section 116 of the Resource Management Act 1991.

3. The total volume of basalt rock extracted shall not exceed 1.4 million cubic metres and the total volume of fill material deposited shall not exceed 10.78 million cubic metres.
4. Pursuant to Section 36 of the Resource Management Act 1991 the consent holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.
5. A copy of this consent and the approved Management Plans shall be kept on site at all times the activities are being undertaken and shall be produced without unreasonable delay upon request from any authorised officer of the Waikato District Council.
6. Prior to commencing any engineering design or construction works, the consent holder shall appoint an appropriately qualified and competent Developer's Representative(s), acceptable to the Waikato District Council.
7. The consent holder's representative/s shall be responsible for:
 - (a) project management of the quarrying and filling activities during the planning and construction phases of the development;
 - (b) arranging design, and obtaining necessary geotechnical investigation and reports for the quarrying and filling activities, including the preparation of engineering documents and obtaining necessary approvals from Waikato District Council;
 - (c) supervision of the works;

- (d) arranging the necessary testing and inspections;
- (e) identifying any non-compliant work and arranging for correction; and
- (f) certification upon completion that the works have been carried out in accordance with the approved documents and sound engineering practice.

Prior to Giving Effect to the Consent

8. The consent holder shall notify the Waikato District Council Monitoring Team Leader at least 10 days prior to the commencement of any construction activities associated with this consent. Such notification shall include the following details:
 - (a) names and telephone number/s of the consent holder's representative/s;
 - (b) site address to which the consent relates;
 - (c) the Waikato District Council land use consent reference number;
 - (d) work to be undertaken; and
 - (e) expected duration of the entrance upgrade works.
9. Prior to giving effect to this consent, the consent holder shall provide the Waikato District Council with written confirmation that it surrenders consents LUC0098/13.01 (for managed fill activities) and FLUCL01090.01 (for quarrying activities), pursuant to Section 138 of the Resource Management Act 1991.
10. Within three (3) months of the commencement of this consent, the consent holder shall provide detailed engineering design plans for the upgrading of the entranceway to accommodate truck and trailer units passing each other. This design shall be prepared by a suitably qualified and experienced Engineer and shall be approved by the Waikato District Council's Land Development Engineering Team Leader prior to commencing the upgrading works. The design shall include but not be limited to:
 - (a) a minimum desirable entrance width of 11.2m at the property boundary; and
 - (b) heavy vehicle tracking for the design vehicle.
11. No later than three (3) months following approval of the engineering design plans required by condition 10, the consent holder shall upgrade the site entrance in accordance with those plans for the entrance upgrade and to the satisfaction of the Waikato District Council's Land Development Engineering Team Leader.
12. The consent holder shall provide Ngati Tamoho with the opportunity to monitor works associated with this consent. This opportunity shall be formally acknowledged in correspondence to Ngati Tamaoho within six (6) months of the commencement of this consent or prior to giving effect to this consent, whichever is the sooner.

Site Management Plan and Fill Management Plan

13. Within three (3) months of the commencement of this consent or at least twenty (20) working days prior to the intended commencement of any works on-site, whichever is the sooner, the consent holder shall submit to Waikato District Council for approval in a technical certification capacity, an updated Site Management Plan (SMP). The SMP shall be approved in writing by the Waikato District Council prior to this consent being given effect. Approval may be given in part in order to enable specified works to commence.

The objective of the SMP is to set out practices and procedures to be undertaken during the quarrying and filling activities in order to avoid, remedy or mitigate adverse effects of the extraction activities and to comply with the conditions of this consent.

14. The SMP must be given to Transpower for its review and comments at least twenty (20) working days prior to being submitted to the Waikato District Council for approval. Any comments provided by Transpower must be included with the final SMP submitted to the Council.
15. The SMP shall be generally in accordance with the draft Site Management Plan – December 2016 submitted in support of the application, and shall include, but not be limited to the following matters:
 - (a) a Fill Management Plan (FMP);
 - (b) a Landscape Mitigation and Rehabilitation Plan (LMRP);
 - (c) the name, experience and qualifications of a person nominated by the consent holder to supervise the implementation of, and adherence to, the SMP;
 - (d) with respect to the HLY-OTA A 220kV transmission line:
 - i. construction drawings, plans, procedures, methods and measures to demonstrate that all quarrying and filling activities undertaken will meet the safe distances within the *New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001)* or any subsequent revision of the code, including but not limited to those relating to:
 - Excavation and Construction near Towers (Section 2);
 - Building to Conductor clearances (Section 3);
 - Ground to Conductor clearances (Section 4);
 - Mobile Plant to conductor clearances (Section 5); and
 - People to conductor clearances (Section 9);
 - ii. details of the contractor's liability insurance held to cover any costs, direct or indirect, associated with damage to the HLY-OTA A 220kV transmission line;
 - iii. specific dust control measures to ensure that dust emissions are kept to a practicable minimum; do not create any off-site dust hazard or nuisance to the HLY-OTA A 220kV transmission line and the mitigation measures that will be implemented to achieve compliance with the conditions of this consent;
 - (e) details of noise mitigation measures that will be implemented to achieve compliance with the conditions of this consent;
 - (f) procedures to ensure compliance with the traffic conditions in relation to peak and average truck volumes;
 - (g) erosion and sediment control and stormwater management measures to be implemented;
 - (h) any contingency and mitigation measures required to achieve compliance with the conditions of this consent;
 - (i) the maintenance, monitoring and inspection procedures;

- (j) procedures for recording and dealing with complaints; and
- (k) procedures to review the SMP in order to ensure compliance with the consent conditions.

Advice note: Any costs incurred by the Waikato District Council associated with the technical review of the SMP or reviewing any subsequent changes to the SMP, will be recovered from the consent holder in accordance with the provisions of section 36 of the Resource Management Act 1991.

16. Within 3 months of the commencement of this consent or at least twenty (20) working days prior to the intended commencement of any works on-site, whichever is the sooner, the consent holder shall submit to Waikato District Council for approval in a technical certification capacity, a Fill Management Plan (FMP).

The objective of the FMP is to set out practices and procedures to be undertaken to manage the receipt and disposal of fill at the site and to comply with the conditions of this consent.

17. The FMP shall include, but not be limited to the following matters:
- (a) procedures to record the name and address of contractors dumping fill at the site;
 - (b) the specific location of the fill placement areas including asbestos disposal;
 - (c) Table 1 Fill Acceptance Criteria for fill to be disposed on site;
 - (d) a description of operational procedures and monitoring that will be implemented to prevent unauthorised material from entering the site;
 - (e) a description of operational procedures and monitoring that will be implemented for the acceptance, handling and disposal of asbestos;
 - (f) quarantine area and contingency measures for addressing unacceptable waste;
 - (g) specific design details, construction and certification procedures to ensure long term stability of fill areas;
 - (h) description of the stormwater management system (including design specification, location and management of all structures; and
 - (i) procedures for improving and/or reviewing the FMP.
18. The consent holder shall operate the site in accordance with the approved SMP inclusive of the FMP and the LRMP. Any changes to the SMP must only be made with the written approval of an authorised officer of the Waikato District Council.
19. If an amendment to the SMP is approved by an authorised officer of the Waikato District Council, acting in a technical certification capacity, the consent holder must ensure the updated SMP is available on site within five (5) working days of its receipt of the approval. The SMP shall be produced without unreasonable delay upon request from an authorised officer of the Waikato District Council.

Engineering Design Management Plan

20. Within 3 months of the commencement of this consent or at least twenty (20) working days prior to the intended commencement of any works on-site, whichever is the sooner, the consent holder shall submit to Waikato District Council for approval in a technical certification capacity, an Engineering Design Management Plan (EDMP).

The objective of the EDMP is to collate and detail in a single document the proposed engineering works associated with the managed fill and quarry operation in order to avoid and minimise the adverse geotechnical effects of the proposed activities.

21. The consent holder's representative shall be responsible for the preparation of the EDMP. The consent holder's representative shall appoint a geo-professional as defined in the NZS 4404:2010 to prepare geotechnical aspects of the EDMP. The EDMP shall include, but not be limited to the following matters:
- (a) proposed filling design and staging of the filling;
 - (b) fill, overburden and rock slope angles, height, bench widths to be adopted in the extended quarry area and filling operations;
 - (c) any further geotechnical investigation and subsequent design of the site as recommended in and in general compliance with the report "Geotechnical Feasibility Assessment Proposed Cleanfill 234 Ridge Road Pokeno" KGA Geotechnical Ltd. Reference 6327-2 Dated 8th October 2012;
 - (d) measures to be adopted so that front face angles in uncompacted controlled fill shall be no greater than 1 vertical to 4 horizontal, and compacted fill no greater than 1 vertical to 3 horizontal, subject to meeting the stability criteria.
 - (e) measures to be adopted so that slope angles meet the following factors of safety:
 - i) Waste face:
 - a. against any measured groundwater levels - 1.5;
 - b. temporary raised groundwater levels – 1.3;
 - c. seismic effects – 1.1; and
 - d. worst case groundwater conditions – 1.1;
 - ii) Overburden soil cuts – where failure would result in the following risk to life and property:
 - a. low risk – 1.3; and
 - b. medium risk or higher – 1.5;
 - iii) Completed slopes on restoration:
 - a. low risk – 1.3; and
 - b. medium risk or higher – 1.5;

The analysis should include global stability through covering soils and waste, local stability of covering soils, and assessment of possible movements on interfaces between materials.

- (f) Groundwater and surface water controls measures; and
- (g) Reporting and review procedures for the site works and for the EDMP.

Advisory Note: *In preparing the EDMP the consent holder's Representative and geo-professional should follow the recommendations of and practices presented in the Worksafe New Zealand publication 'Health and Safety at Opencast Mines, Alluvial Mines and Quarries', dated November 2005.*

22. The consent holder shall operate the site in accordance with the approved EDMP. Any changes to the EDMP must only be made with the written approval of an authorised officer of the Waikato District Council.

Landscape Mitigation and Rehabilitation Plan

23. Within six (6) months of the commencement of this consent the consent holder shall submit to the Waikato District Council for approval in a technical certification capacity a Landscape Mitigation and Rehabilitation Plan (LMRP).

The objective of the LMRP is to identify those landscape features and attributes of the site which are to be maintained, and the finished form of the site to manage the visual and landscape effects of the quarrying and filling activities to an acceptable level.

24. The LMRP shall include but not be limited to the following matters:
- (a) identify existing landscape features and landforms to be retained within the site;
 - (b) identify the final (future) landform following quarrying and filling operations;
 - (c) an implementation strategy that clearly identifies the timing of all rehabilitation and restoration works within the quarrying and filling stage areas including;
 - i. identification and timing of progressive and closure rehabilitation works;
 - ii. on-going management strategy for weed and pest control; and
 - iii. procedures to be adopted in the handling and storage of topsoil, subsoil and overburden materials to ensure their continued viability for establishing pasture (or other identified vegetation cover).
 - (d) mitigate the landscape and visual amenity effects of the proposal on the residents of 315 Ridge Road, giving effect to condition 37;
 - (e) on-going monitoring and maintenance procedures; and
 - (f) reporting and review procedures.
25. The consent holder shall undertake the mitigation and rehabilitation of the quarry and filling area in accordance with the approved LMRP and under the supervision of persons with appropriate restoration and rehabilitation experience.
26. The consent holder shall review and update the LMRP every five years and within 6 months of any decision to cease quarrying or filling operations at the site. Any changes to the LMRP must only be made with the written approval of an authorised officer of the Waikato District Council.

Managed Fill Deposition

27. The managed fill, including volumes, staging, stormwater management and finished levels shall be in accordance with the following plans, submitted in support of the application:
- (a) Total Existing and Proposed Contours Plan, prepared by Airey Consultants Ltd, drawing number 100 – Revision H;
 - (b) Total Proposed Fill Plan, prepared by Airey Consultants Ltd, drawing number 101 – Revision E;
 - (c) Earthworks Cross-Sections, prepared by Airey Consultants Ltd, drawing number 110 – Revision D;

- (d) Long Section Along Transpower Conductors, prepared by Airey Consultants Ltd, drawing number 111;
 - (e) Stage 1 Existing & Proposed Contours, prepared by Airey Consultants Ltd, drawing number 200 – Revision A;
 - (f) Stage 1 Fill Plan, prepared by Airey Consultants Ltd, drawing number 201 – Revision A;
 - (g) Stage 2 Existing & Proposed Contours, prepared by Airey Consultants Ltd, drawing number 202 – Revision A;
 - (h) Stage 2 Fill Plan, prepared by Airey Consultants Ltd, drawing number 203 – Revision A;
 - (i) Stage 3 Existing & Proposed Contours, prepared by Airey Consultants Ltd, drawing number 204 – Revision A;
 - (j) Stage 3 Fill Plan, prepared by Airey Consultants Ltd, drawing number 205 – Revision A;
 - (k) Stage 4 Existing & Proposed Contours, prepared by Airey Consultants Ltd, drawing number 206 – Revision A;
 - (l) Stage 4 Fill Plan, prepared by Airey Consultants Ltd, drawing number 207 – Revision A; and
 - (m) Proposed Stormwater Plan, prepared by Airey Consultants Ltd, drawing number 300 – Revision C.
28. Within 2 months of finishing work within each respective stage, the consent holder shall provide finished stage construction contour plans to demonstrate that the filling activities, stormwater management and finished levels for that stage align with that demonstrated on the plans in Condition 27.
29. At a request from Waikato District Council's Monitoring Team Leader the consent holder shall provide contour plans to demonstrate that the filling activities, stormwater management and finished levels for that stage align with that demonstrated on the plans in condition 27.
30. All material deposited at the site shall meet the acceptance criteria in Table 1 (below) and/or be cleanfill.
31. Material deposition authorised by this consent shall exclude:
- (a) material that has combustible, putrescible or degradable components;
 - (b) materials likely to create leachate by means of biological or chemical breakdown;
 - (c) any products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
 - (d) materials such as medical and veterinary waste, or radioactive substances that may present a risk to human health;
 - (e) soils or other materials contaminated with hazardous substances or pathogens;
 - (f) hazardous substances except for asbestos waste subject to meeting the requirements of Waikato Regional Council decision (APPP136367); and
 - (g) liquid waste.

32. Analytical testing shall demonstrate that chemical parameter concentrations in the imported fill set out below in Table 1 are not exceeded. Both the maximum and weighted rolling mean criteria must be met.
33. All imported fill that exceeds the cleanfill acceptance criteria shall be placed at a depth greater than 2.0 metres from the identified finished landform levels.

Table 1. Fill Acceptance Criteria.

Parameter	Managed Fill		Cleanfill
	Maximum Truckload Concentration (mg/kg) Deep Fill (>2.0m)	Weighted Rolling 12 Month Mean Concentration (mg/kg) Deep Fill (>2.0m)³	Maximum Truckload Concentration (mg/kg) Shallow Fill (<2.0m)
Arsenic	70	50	12
Benzo(a)pyrene (Equivalent) ¹	20	14	2.5
Boron	260	180	45
Cadmium	7.5	5.25	0.65
Chromium	400	280	55
Copper	325	225	45
Lead	250	175	65
Mercury	0.75	0.5	0.45
Nickel	320	225	35
Zinc	400	280	180
Benzene	0.2	0.14	0.0054
Ethylbenzene	59	41	1.1
Toluene	50	35	1.0
Total xylene	30	21	0.61
Dieldrin	0.2	0.14	0.02
ΣDDT^2	12	8.5	0.7
C7 – C9	300	210	ND ⁴
C10 – C14	300	210	ND
C15 – C36	5600	3920	ND

Notes:

1. *Benzo(a)pyrene equivalence (BaP) is calculated as the sum of each of the detected concentrations of nine carcinogenic polycyclic aromatic hydrocarbons, multiplied by their respective potency equivalent factors.*
 2. Σ DDT includes the sum of DDT, DDD and DDE isomers.
 3. 12 month rolling mean has been set at 70% of the maximum allowable concentrations for contaminants within deep fill (>2.0m)
 4. ND = Not detected at the laboratory screening limits of detection for total petroleum hydrocarbons.
34. If any imported fill does not meet the acceptance criteria specified Table 1, it shall be removed to a suitably consented off-site disposal facility within two weeks of receiving laboratory test results confirming unacceptability.

Quarrying Activities

35. The proposed quarrying activities, including volumes, staging and finished levels shall be in accordance with the following plans, submitted in support of the application:
- (a) Estimated Depth of Rock to be Extracted, prepared by Airey Consultants Ltd, drawing number 130 – Revision A; and
 - (b) Cross Section DD Through Estimated Rock to be Excavated, prepared by Airey Consultants Ltd, drawing number 131.

Open Area

36. The total area of the site from which minerals are being extracted, land from where overburden has been removed prior to extraction commencing, the land subject to filling, and the land being reinstated or rehabilitated, shall not exceed 5ha at any one time. The internal haul road and site office area is excluded from being calculated in these open area thresholds.

Screening vegetation

37. Within twelve (12) months of the commencement of this consent the consent holder shall plant, for the eventual replacement of the existing cypress trees along Ridge Road, trees of a suitable evergreen species capable of achieving a height of 10 metres within a 15 year timeframe. The existing cypress trees shall not be removed until the replacement trees reach a height of 6 metres.

Replacement planting shall occur on the existing bund adjacent to 315 Ridge Road and immediately adjacent to the existing cypress trees where views into the quarry occur along Ridge Road.

38. The consent holder shall ensure that, for the duration of this consent, if any of the approved evergreen species trees required by condition 37 die or fail to survive they are replaced as soon as practicable, and that a 1m strip of land either side of the trees is maintained in a grass and weed free state for a period of five years from the date they are planted or replanted. Trees shall be planted at 1.5 metre centres unless otherwise approved.

Hours of Operation

39. The hours of operation, for all truck movements and for activities associated with the deposition of fill or extraction of rock shall be as follows:

Hours of Work: Monday to Friday 0630 – 2000

Saturday

0700 – 1800

Maintenance and staff arrival activities only may commence from 0600 Monday to Saturday.

The site shall not operate on a Sunday or public holiday.

40. The entrance to the site shall be securely locked outside of the above hours of operation.

Traffic Movements and Vehicle Log

41. The consent holder shall ensure that truck movements to and from the site occur only within the site's hours of operation and do not exceed the following levels:
- (a) Daily average: 150 trucks (300 movements) measured on a rolling two monthly basis, and;
 - (b) Maximum per day: 200 trucks (400 movements).
42. The consent holder shall maintain a heavy vehicle counting system and a daily logbook of all inbound truck movements depositing fill.

The log shall contain the following:

- (a) registration number of vehicle;
 - (b) time of arrival;
 - (c) approximate size of the load deposited;
 - (d) source and type of material to be deposited; and
 - (e) comments on whether the material is accepted or not.
43. The consent holder shall maintain a heavy vehicle counting system and a daily logbook of all outbound quarry-related truck movements. The logbook shall record the size of the load in each truck.
44. The daily incoming and outgoing logs shall be retained on site at all times and be made available for Council inspection during working hours. A copy of the logged information shall be forwarded to the Waikato District Council's Monitoring Team Leader on a six (6) monthly basis from the commencement of this consent.

Pavement Impact Fee

45. The consent holder shall pay the Waikato District Council a pavement impact fee of \$0.012 for each tonne of material that is either extracted or deposited at the site for the duration of the exercise of this consent:
- (a) which shall be paid annually in arrears commencing one year from 28 May 2023, based on the actual extraction and deposition volumes recorded; and
 - (b) Council may review the cost per tonne annually and update for cost increases against the Producer Price Index for construction (PPI) or similar to allow for inflation.
46. The consent holder shall, within ten (10) working days of payment, provide Waikato District Council's Monitoring Team Leader with written notice of the date on which the payment of the pavement impact fee is paid to Council, the amount that was paid, and how the amount was calculated.

Advice Note: *the consent holder is advised that should a period of 13 or more months pass between payments the Council may start enforcement proceedings against the consent holder, which may include, but is not limited to debt collection.*

Noise Management and Compliance Monitoring

47. The consent holder shall ensure that all activities on the site do not exceed the following noise limits at any point within the notional boundary of any rural dwelling on another site:
- | | | | |
|-----|--------------------|-------------|------------------------|
| (a) | Monday to Friday | 0630 - 2000 | 50 dBL _{Aeq} |
| (b) | Saturday | 0700 - 1800 | 45 dBL _{Aeq} |
| (c) | At all other times | | 40 dBL _{Aeq} |
| (d) | At all times | 2000 – 0630 | 70 dBL _{Amax} |

Advice Note: *Notional boundary means a line 20 metres from any side of a dwelling, or the legal boundary where this is closer to the dwelling.*

48. Noise shall be measured in accordance with New Zealand Standard NZS 6801:2008 *Acoustics – Measurement of Environmental Sound* and assessed in accordance with NZS 6802:2008 *Acoustics – Environmental noise*.
49. Any construction being undertaken on the site shall comply with the requirements of the New Zealand Standard NZS 6803:1999 *Acoustics – Construction Noise*.
50. Within three (3) months of giving effect to this consent, and at any other time when requested by Waikato District Council, the consent holder shall engage a suitably qualified acoustical engineer to undertake noise level monitoring from all activities on the site to confirm compliance with condition 47. The results of this monitoring shall be reported to the Waikato District Council Monitoring Team Leader within 10 working days of the completion of the monitoring.
51. Where the monitoring of noise levels required by condition 50 demonstrates a non-compliance with condition 47, the consent holder shall take action within five (5) working days to ensure that compliance is achieved and shall report to the Waikato District Council's Monitoring Team Leader, the mitigation actions to be implemented. Following implementation of such mitigation measures a further noise level survey shall be undertaken confirming that compliance with the relevant noise criteria has been achieved, and those results forwarded to the Waikato District Council's Monitoring Team Leader within ten (10) working days of the completion of the monitoring.

Vibration and Blasting for Quarry Activities

52. All blasting and resultant vibration occurring on the site shall comply with the following:
- all blasting shall be in accordance with Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001;
 - the measurement of blast noise (airblast) and ground vibration from blasting shall be carried out in accordance with Appendix J of Part 2 of the Australian Standard AS 2187:2:1993 (of any amendments thereof);
 - the noise created by the use of explosives measured at a notional boundary of 20 metres from occupied dwellings shall not exceed a peak overall sound pressure of 128 dB;

- (d) all Blasting shall be restricted to between 1000 and 1600 hours Monday to Saturday, except where blasting is necessary because of safety reasons;
- (e) blasting shall be confined to two occasions per day, except where necessary for safety reasons;
- (f) where blasting is irregular and the occupiers of neighbouring sites could be alarmed, they shall be advised of pending blasts, at least one hour before any such blast;
- (g) when blasting, the limit of particle velocity (peak particle velocity) measured on any foundation of any adjacent occupied building not connected with the site, or suitable location adjacent to the building, shall not exceed 25mm/second for commercial buildings or 10mm/second for dwellings and buildings of similar design; and
- (h) every blast shall be recorded with particular attention to details of charge weight and delay practice. Monitoring using reliable and appropriate methods representative of all blasts, at varying distances and various sites of different sensitivity, shall be carried out to ensure that clauses 52(c) and 52(g) are complied with. Blast records and monitoring results shall be made available to the Council on request.

53. Blast records and monitoring results of two (2) blasts, over the calendar year, shall be submitted to Waikato District Council Monitoring Team Leader within the Annual Report to confirm compliance with condition 52.

Dust and Debris Mitigation

54. The consent holder shall ensure that no particulate matter resulting from the activities authorised by this resource consent is discharged that causes an objectionable or offensive effect beyond the boundaries of the site, being that land described as Lot 2 DP 462821 and Lot 2 DP 356439 comprised in Computer Freeholder Register 611209.

Advice Note: *For the purposes of this condition, the Waikato District Council will consider an emission to be objectionable or offensive having regard to:*

- a. *visible evidence of suspended solids in the air beyond the site boundary;*
- b. *visible evidence of suspended solids traceable from a dust source from the site settling on the ground, building and/or structure on an adjoining site or waterbody;*
- c. *the frequency, intensity, duration, location and effects of any dust emission(s);*
- d. *receipt of complaints from neighbours or members of the public; and*
- e. *where relevant, written advice from an experienced officer of the Waikato Regional Council or Waikato District Health Board has been issued.*

55. The consent holder shall implement good site management practices. In particular access-way, working areas, and stockpiles areas shall be managed in such a way as to keep dust emissions to a minimum. The consent holder shall implement the following site operation and maintenance practices, as a minimum:

- (a) vehicle speeds on unsealed roads are not to exceed 20km/h. The consent holder shall maintain 20km/h signs along all unsealed access road;

- (b) all stockpiles of material shall be managed in order to minimise particulate matter emissions from these sources. Methods may include but are not limited to, covering, sheltering from prevailing winds or wetting;
 - (c) the use of dust suppression equipment such as water sprays;
 - (d) re-grassing of topsoil stockpiles;
 - (e) where practicable, locating re-grassed topsoil stockpiles where they provide wind protection for exposed / excavated areas;
 - (f) areas of exposed earth are to be kept to a minimum at all times, with cumulative exposed areas with the site not to exceed 5 hectares;
 - (g) regular watering of haul roads and cleanfill deposition areas;
 - (h) installation and use of wheel washes; and
 - (i) any sealed surfaces shall be well-maintained and kept as clean and free of accumulations of dust.
56. The consent holder must ensure that any debris tracking/spillage onto Ridge Road as a result of the exercise of this consent shall be removed as soon as practical, and within a maximum of 24 hours after the occurrence, or as otherwise directed by a Waikato District Council's staff member, to the satisfaction of the Waikato District Council's Team Leader Monitoring. The cost of any clean up of the roadway and associated drainage facilities, together with all temporary traffic control, shall be the responsibility of the consent holder.
57. The consent holder, upon becoming aware of the need to clean up the roadway, shall advise Waikato District Council's Monitoring Team Leader of the need for the road to be cleaned and what actions are being taken to do so.
58. The consent holder shall maintain and operate at least one truck wheel wash facility in an appropriate location near the site weighbridge, and shall require and ensure that all trucks leaving the site to travel over and operate the site wheel wash.

Additional Engineering Requirements

59. All works forming part of the consent which require engineering design, supervision, and testing shall be certified by the Certifying Engineer and/or a Geo-professional (who is one of the consent holder's representatives) who shall be a Chartered Professional Engineer. Once appointed, the Certifying Engineer shall not be changed without the approval of the Waikato District Council's in writing.
60. Geotechnical investigations, completion and site stability/suitability reports shall be prepared and signed by a Geo-professional (as defined in NZS4404:2010), who shall provide evidence of suitable professional indemnity insurance cover for the works being investigated, supervised and certified.
61. Where subsoil drainage measures or toe bunds are recommended by a Geo-professional, these are to be installed and inspected, recorded and verified by the Geo-professional prior to burial. The consent holder shall provide evidence of this certification to Council in the Annual Report required by condition 74.
62. Rock, soil and waste slopes shall be inspected annually by a Geo-professional, to confirm compliance with the EDMP and confirm whether any changes to the EDMP are required. A report detailing the findings of the inspection shall be provided to Council in the Annual Report required by Condition 74.

63. On completion of each stage of the filling activity, the consent holder shall provide a final Geotechnical Engineering Report (GER) and Site Stability Report (SSR) prepared by a Geo-professional to the satisfaction Waikato District Council's Team Leader Monitoring.

The report(s) shall include plans showing the location, extent and depth of any fills constructed and the finished levels. The location and level of any underfill drains shall also be noted on these plans. The report(s) is also to confirm that the target static and seismic factor/s have been achieved.

64. All stormwater runoff management, drainage, and erosion and sediment control measures shall be constructed and maintained in good working order at all times to the satisfaction of Waikato District Council's Team Leader Monitoring and in accordance with the Waikato Regional Council's Erosion and Sediment Control-Guidelines for Soil Disturbing Activities: January 2009.
65. The consent holder shall ensure that, as soon as possible, and within a maximum of 12 months, the areas where filling activities have been undertaken are covered with topsoil and revegetated (or by other approved means) to achieve a minimum 80% coverage and ensure that the total open area across the site does not exceed 5 hectares. This work shall be undertaken to the satisfaction of the Waikato District Council's Team Leader-Monitoring.
66. Erosion and sediment controls shall be maintained and remain in place until (at least) the minimum required cover is achieved, and may only be removed once the Waikato District Council's Monitoring Team Leader is satisfied that the risk from erosion and instability has been reduced to a less than minor risk, and has provided approval in writing.

High Voltage Transmission Lines

67. No excavation shall be undertaken within a horizontal distance of 20m (measured at existing ground level) of the outside edge of the foundations of any transmission line tower.
68. Any batter slope between the 20m setback required by condition 67 and the nearest excavation pit shall be designed by a qualified Geo-professional, and erosion control measures employed and maintained as necessary to ensure the long term integrity of the slope such that it does not compromise the stability / structural integrity of any transmission line support structure. This shall be confirmed in writing by the Geo-professional and submitted to Transpower along with the proposed quarry designs for review at least 20 working days prior to being submitted to the Council for approval. Any comments provided by Transpower must be submitted to the Council.
69. No filling shall be undertaken within 25m of the centre line of the HLY-OTA A transmission line between HLY-OTA A Towers 107 and 108.
70. No mobile processing plant for aggregate crushing and screening shall be located closer than 100m from the centre line of the HLY-OTA A transmission line.
71. Where any landscaping is to be undertaken, all newly planted trees, or vegetation exceeding a maximum height of 2m at full maturity shall:
- (a) be set back by a horizontal distance of at least 12m either side (total corridor width of 24m) from the centre line of the HLY-OTA A transmission lines; and
 - (b) when fully grown, not be able to fall within 4m of the HLY-OTA A transmission lines.

Complaints Register

72. The consent holder shall maintain and keep a complaints register for complaints regarding all aspects of operation at the site related to the exercise of this consent. The register shall record:
- (a) the date, time and duration stated by the complainant as to when the event/incident (if possible, specify nature of incident e.g. dust nuisance) was detected;
 - (b) the possible cause of the event/incident;
 - (c) the weather conditions and wind direction at the site when the event/incident allegedly occurred;
 - (d) any corrective action undertaken by the consent holder in response to the complaint; and
 - (e) any other relevant information.
73. The register shall be available to the Waikato District Council at all reasonable times. Complaints received by the consent holder that may indicate non-compliance with the conditions of this resource consent shall be forwarded to the Waikato District Council Monitoring Team Leader within two (2) working days of the complaint being received.

Annual Report

74. The Consent Holder shall submit to the Waikato District Council Team Leader Monitoring an Annual Performance Report for each year that the consent is exercised. The Annual Performance Report shall include details of the following:
- (a) daily and monthly truck movements;
 - (b) monthly volumes of rock extracted and fill accepted;
 - (c) pavement impact fees paid;
 - (d) geotechnical monitoring undertaken; and
 - (e) general compliance with the conditions of this consent
75. The first Annual Report shall be submitted twelve (12) months after the consent holder has given effect to this consent, and all further reports shall be submitted by 31 July for each following year.

Archaeological Discovery

76. In the event of any archaeological site or waahi tapu being discovered or disturbed while undertaking works to give effect to the conditions of this consent, the works in the area of the discovery shall cease immediately, and Iwi (Ngati Te Ata and Ngati Tamaoho) and the Waikato District Council shall be notified within 48 hours. Works may recommence with the written approval of the Waikato District Council. Such approval shall be given after the Waikato District Council has considered:
- (a) Tangata Whenua interests and values;
 - (b) the consent holder's interests; and
 - (c) any archaeological or scientific evidence.

Management Plan Reviews

77. Each of the SMP, EDMP, and LMRP shall be reviewed at least once every five (5) years by the consent holder and may be amended accordingly to take into account any changes required. The review shall assess whether management practices are resulting in compliance with the conditions of these consents, and whether the objectives of the Management Plans are being met through the actions and methods undertaken. The review shall result in amendments that are necessary to better achieve the objectives of the Management Plans.

Review Condition

78. The Waikato District Council may, by giving notice to the consent holder of its intention to do so under section 128 of the Resource Management Act 1991, review the conditions of this consent 12 months after the date of the commencement of the consent and at the expiry of every 12 months thereafter for the following purposes:
- (a) to review the effectiveness of the conditions of this consent in avoiding, remedying or mitigating any adverse effect on the environment that may arise from the exercise of this consent and, if necessary, avoid, remedy or mitigate such effects by way of further or amended conditions. In particular, adverse effects in relation to:
 - i. noise arising from quarrying and filling activities;
 - ii. dust arising from quarrying and filling activities and/or vehicle movements;
 - iii. traffic effects and pavement effects on Ridge Road;
 - iv. the value of the pavement impact fee; and
 - v. the performance and success of any rehabilitation and the site's geotechnical stability.
 - (b) to address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of granting this consent, including addressing any issues arising out of complaints;
 - (c) to review the adequacy of, and necessity for, any monitoring programmes or the Site Management Plan that are part of the conditions of this consent;
 - (d) to require the consent holder, if necessary and where appropriate, to adopt the best practicable option(s) to avoid, remedy or mitigate any adverse effects on the surrounding environment.

The Council will undertake the review in consultation with the consent holder and the consent holder shall pay the actual and reasonable costs of the review pursuant to section 36 of the Resource Management Act 1991.

Open Meeting

To	Policy & Regulatory Committee
From	Sue Duignan General Manager Customer Support
Date	7 June 2017
Prepared by	Beryl McCauley Consents Administrator
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Delegated Resource Consent Approved for the month of May 2017

1. EXECUTIVE SUMMARY

This report gives information relating to all delegated Resource Consents processed for the month of May 2017 excluding hearings.

2. RECOMMENDATION

THAT the report of the General Manager Customer Support be received.

3. APPOINTMENT OF COMMISSIONERS

Commissioners appointed for the month of May 2017

Ian Munro Appointed for the hearing of the application by Mount William Limited for subdivision consent to create 4 additional environmental lots at 231 Pinnacle Hill Road, Bombay

David Hill Appointed for the hearing of the application by Fulton Hogan Limited to change conditions of consent of a quarrying activity (LUC0035/12) at Tauhei Quarry, 1500 Tauhei Road, being conditions 1, 35, 37, and 38 of land use consent LUC0035/12

David Hill Appointed for the hearing of the application by Ridge Road Quarry to operate and expand an existing quarrying and managed filling activities at 222 Ridge Road, and to replace (by way of surrender) existing land use consents FLUCL01090.01 (quarrying) and LUC0098/13.01 (managed cleanfill)

4. ATTACHMENTS

Delegated Authority Report - attached
 • May 2017

Delegated Authority Report

Period from 1 May 2017 to 31 May 2017

Awaroa ki Tuakau		Ward Total: 23		
Applicant	ID No	Address	Details	Decision
M B Hackshaw	LUC0120/17	98 George Street TUAKAU	To establish three dwellings on sites less than 350m2 in net site area in the Residential Zone.	Granted
M B Hackshaw	SUB0061/17	98 George Street TUAKAU	To undertake a three lot subdivision in the Residential Zone to create lots less than 350m2 in net area in the Residential Zone.	Granted
GJ Gardiner Homes Limited	LUC0241/16.02	35 Hillpark Drive POKENO	S127 to change condition 6 of resource consent LUC0241/16.01 and imposed as part of the original consent LUC0241/16 to allow for the outdoor living area comprising a covered portico and deck which does not comply with the required road setback of 5 metres	Granted
Signature Building Limited	LUC0279/17	62 Pokeno Road POKENO	To establish a childcare facility catering up to 120 children in the Residential 2 Zone.	Granted
T F Murphy, C F Murphy	LUC0431/17	12 Ascension Lane PVT POKENO	Variation to a consent notice to reflect the construction of a dwelling within the visually sensitive area of the Kowhai Downs development area	Granted
Horncastle Homes Limited	LUC0438/17	46B McIntosh Drive POKENO	Construction of a new residential dwelling in the Village Zone that encroaches into the required side yard setback, and requires earthworks in excess of the maximum permitted volume, area and excavation depth.	Granted
Sentinel Homes Limited	LUC0453/17	14A Helenvale Crescent POKENO	To construct a new dwelling that requires earthworks exceeding the permitted volumes and depths; where cleanfill is required to be transported to site; and involves the construction of two new retaining walls that encroach on the permitted yard setback in the Residential 2 Zone.	Granted
Horncastle Homes Limited	LUC0478/17	46C McIntosh Drive POKENO	To establish a single level residential dwelling with earthworks that fail District Plan provisions	Granted
J A Wahapa	LUC0505/17	35 Trig Road TUAKAU	To undertake earthworks in the Rural Zone to create a level building platform for a dwelling and provide vehicle access to this building platform.	Granted

Delegated Authority Report

Period from 1 May 2017 to 31 May 2017

Taylor Development Group Limited	LUC0511/17	48 Hillpark Drive POKENO	To undertake earthworks in the Residential 2 Zone.	Granted
Platinum Homes Limited	LUC0528/17	95 Hillpark Drive POKENO	Construction of a residential dwelling which requires earthworks over the permitted standards	Granted
A Rimon, A Kumar	LUC0531/17	55 Dean Road POKENO	Undertake earthworks which exceed the District Plan maximum permitted volume and depth of cut as part of SUB0229/17 to undertake a four lot subdivision of a site in the Village Growth Area B Zone in Pokeno	Granted
A Rimon, A Kumar	SUB0229/17	55 Dean Road POKENO	To undertake a four lot subdivision of a site in the Village Growth Area B Zone in Pokeno, which fails to comply with the required average lot size, to not install telecommunications lines to Lots 2 to 4 and where no concept plan has been approved prior to subdivision request.	Granted
T F Murphy, C F Murphy	LUC0537/17	12 Ascension Lane PVT POKENO	Variation to a consent notice to reflect the construction of a dwelling within the visually sensitive area of the Kowhai Downs development area	Granted
Ashcroft Developments Limited	LUC0542/17	13 Beltrees Lane PVT POKENO	To undertake earthworks that exceed the allowable volume and depth in association with the construction of a new dwelling in the Residential 2 Zone.	Granted
H Harry, V Harry	SUB0144/17	29 Dominion Road TUAKAU	To undertake a two lot rural-residential subdivision in Tuakau	Granted
L R Brierley, J A Brierley	SUB0206/17	237 Tramway Road PUKEKOHE	To transfer two rural lot rights outside of the Environmental Enhancement Overlay Area (EEOA) to a lot located in the Rural Zone, also outside the EEOA, creating two new lots, where the proposed donor lots do not meet the definition of 'Rural Lot'.	Granted
J G Hanson	SUB0227/17	279 Parker Lane PUKEKOHE	To transfer one rural lot right outside of the Environmental Enhancement Overlay Area (EEOA) to a lot located in the Rural Zone, also outside the EEOA, creating one new lot, where the proposed Donor Lot does not meet the definition of 'Rural Lot'.	Granted
Young Developments Limited	SUB0231/17	2 Dominion Road TUAKAU	To subdivide one certificate of title in the Business Zone and Residential Zone in Tuakau into four new lots where the balance lot will contain wholly the Business zoned land and part of the Residential zoned land	Granted

Delegated Authority Report

Period from 1 May 2017 to 31 May 2017

D M Colgan, J A Colgan	SUB0232/17	366 Settlement Road PUKEKOHE	Transfer one rural Lot right outside of the Environmental Enhancement Overlay Area (EEOA) to a Lot located in the Rural Zone, also outside of the EEOA, with a resultant Lot of 1.20ha and balance Lot of 22.34ha.	Granted
J A Wahapa	SUB0245/17	35 Trig Road TUAKAU	Transfer one rural lot outside of the Environmental Enhancement Overlay Area (EEOA) to a rural lot located in the Rural Zone, also outside of the EEOA.	Granted
Armadale Holdings Limited	SUB0246/17	19 Helenslee Road POKENO	To subdivide one lot into two, around existing development, on a site that has been identified as a 'piece of land' and therefore requires consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES).	Granted
JSM Properties Limited	SUB0257/17	62 Elizabeth Street TUAKAU	To undertake a boundary adjustment subdivision between three CFRs in the Residential Zone.	Granted

Eureka Ward Total: 9

Applicant	ID No	Address	Details	Decision
NZ Transport Agency (Waikato)	DES0015/17		Outline Plan of Works for Sector Four of the Hamilton Section of the Waikato Expressway	Request Changes
Ministry Of Education	DES0021/17	599 Matangi Road MATANGI	Outline Plan of Works to transport onto the site an existing two-classroom block	Accept Plan
R P Spyve, K J Spyve	LUC0445/17	33 Platt Road TAUWHARE	Construct a 70m ² dependent persons dwelling (DPD) that does not share the outdoor living court with the principal dwelling	Granted
GT Livestock Ltd	LUC0450/17	112A Puketaha Road ROTOTUNA	Construct an accessory building 25m by 12m that infringes the yard setback and site coverage of proposed Lot 1 of SUB0224/17 and establish a home occupation within the accessory building.	Granted
GT Livestock Ltd	SUB0224/17	112A Puketaha Road ROTOTUNA	Undertake a boundary relocation between two titles within the same ownership to create Lot 1 of 3.155ha and Lot 2 of 23.4ha in association with LUC0450/17	Granted

Delegated Authority Report

Period from 1 May 2017 to 31 May 2017

A D Green	LUC0474/17	15 Lisette Road NEWSTEAD	Alteration of an existing garage to accommodate a home occupation that is detached from the existing dwelling and exceeds the maximum permitted gross floor area for home occupations and the construction of a new garage within the required 12m internal boundary setback within the Rural Zone. .	Granted
R S Brooks, T T Brooks	LUC0510/17	322 Waverley Road EUREKA	To undertake earthworks within the Hauraki Gulf Catchment Area in order to provide a suitable building platform for a new dwelling, attached garage and driveway.	Granted
P T R Otto, M M J Groot, M T M Brown	LUC0538/17	334 Waverley Road EUREKA	To undertake earthworks within the Hauraki Gulf Catchment Area to form a building platform to construct a dwelling with attached dependent persons dwelling that does not share an outdoor living court with the principal dwelling	Granted
L K Kingsbury, I G Patrick	LUC0551/17	92 Vaile Road NEWSTEAD	S127 to change condition 10 of Resource consent 69 97 002.	Granted

Hukanui - Waerenga

Ward Total: 3

Applicant	ID No	Address	Details	Decision
S M Tesselaar	LUC0484/17	715 Gordonton Road GORDONTON	Construct an accessory building (shed) within the 12m side and rear yard boundary setback in the Rural Zone	Granted
Puketaha Farming Enterprises Limited	LUC0489/17	151 Rutherford Road ORINI	To re-site a used dwelling onto a vacant site located within the Rural Zone, where the unformed legal road from which the site gains access, will not be formed to the required standard.	Granted
Puketaha Farming Enterprises Limited	SUB0236/17	151 Rutherford Road ORINI	Undertake a boundary relocation subdivision to create allotments of 8,000m ² and 18.4120ha, where the balance lot does not meet the minimum lot size of 20ha.	Granted

Delegated Authority Report

Period from 1 May 2017 to 31 May 2017

Huntly		Ward Total: 3		
Applicant	ID No	Address	Details	Decision
R J Hook, C P K Hook	LUC0526/17	13 Edward Avenue PUKEMIRO	To relocate and reinstate a single level residential dwelling to a site in the Rural Zone.	Granted
J D McCormick, C M McCormick	SUB0170/17	648 Waikokowai Road WAIKOKOWAI	Carry out a boundary relocation and create two additional lots from one certificate of title issued after 6 December 1997	Granted
Curle Properties Ltd	SUB0235/17	85 Kimihia Road HUNTLY	To carry out a boundary adjustment subdivision in the Living Zone to create one additional title.	Granted
Newcastle		Ward Total: 7		
Applicant	ID No	Address	Details	Decision
WTS Homes Limited	LUC0464/17	43A Houkura Rise WHATAWHATA	Undertake earthworks in excess of the maximum permitted volume and area of the country living area	Granted
M Steele	LUC0479/17	104B Woolrich Road TE KOWHAI	To construct a new shed (7m) and stormwater tank (4m) that encroaches on the permitted 12m boundary setback and exceeds the permitted 500m ² total building coverage (586m ²), in the Rural Zone.	Granted
H B Davis, C West	LUC0504/17	17 Waimana Drive ROTOKAURI	Additions to an existing dwelling in the Country Living Zone, and the construction of two new retaining walls, that encroach into the required internal boundary setback with respect to the southern and western site boundaries, and requires earthworks in excess of the maximum permitted volume, area and excavation depth.	Granted
A C Post	LUC0507/17	98 Casey Road TE KOWHAI	To construct a garage within the permitted building setbacks in the Rural Zone for an allotment 1.6 ha or more.	Granted
C J Mitchell, A Strydom	LUC0514/17	347B Bedford Road TE KOWHAI	To establish a single level residential dwelling less than 200m from an Aggregate Extraction Policy Area and encroachment of water tank	Granted
T R Murray, B Murray	LUC0544/17	49 Crawford Road TE KOWHAI	Relocate a single dwelling (95 m ²) to a rural property, failing setback standards, rule 25.55, to be 10m from property boundary	Granted
P J Clark, C M Clark	LUC0547/17	102 Karakariki Road KARAKARIKI	To construct a 28.7m ² portico attached to the existing dwelling that encroaches into the 25m boundary setback.	Granted

Delegated Authority Report

Period from 1 May 2017 to 31 May 2017

Ngaruawahia		Ward Total: 3		
Applicant	ID No	Address	Details	Decision
Ports of Auckland Limited	LUC0131/17	51 Horotiu Road HOROTIU	To establish an inland freight hub over two stages in the Horotiu Industrial Park Zone.	Granted
E J Amphlett, B M Latham	LUC0476/17	24 Matawhero Place NGARUAWAHIA	To construct a new residential dwelling that encroaches into the height control plane and does not provide the required on-site vehicle manoeuvring space.	Granted
D R Picard, R C Ashford	LUC0546/17	209A Te Puroa Road NGARUAWAHIA	Construct a carport that will encroach the road boundary	Granted
Onewhero-Te Akau		Ward Total: 8		
Applicant	ID No	Address	Details	Decision
C E Doig, J P Doig	LUC0469/17	26 Centreway Road TUAKAU	To establish a residential dwelling in the Village Zone that encroaches the road boundary setback.	Granted
D E Sherrard, L N G Kosoof, C J Sherrard	LUC0481/17	912 Glen Murray Road RANGIRIRI	To construct a new farm shed that encroaches on the permitted 25m boundary setback (12m), in the Rural Zone.	Granted
The C. Alma Baker Trust	SUB0045/17.01	1340 Port Waikato-Waikaretu Road TUAKAU	S127 to remove Lot 1 created via the protection of bush area 'H' under SUB0045/17 requiring the subsequent changes to conditions 1, 7, 15, 18-20, 27 and 32.	Granted
A H Nelson	SUB0178/12.01	Onewhero-Tuakau Bridge Road TUAKAU	S127 to change/cancel conditions of SUB0178/12 to amend the vehicle access arrangements to Lots 1 and 2 of Stage 1 and the subsequent changes to the lot sizes and to amend the vehicle access arrangements to Lots 3-5, created under Stage 2.	Granted
L R Brierley, J A Brierley	SUB0206/17	447 Port Waikato-Waikaretu Road TUAKAU	To transfer two rural lot rights outside of the Environmental Enhancement Overlay Area (EEOA) to a lot located in the Rural Zone, also outside the EEOA, creating two new lots, where the proposed donor lots do not meet the definition of 'Rural Lot'.	Granted
P A Logan, G S Logan	SUB0230/17	73 Tuakau Bridge-Port Waikato Road TUAKAU	To transfer one rural lot right outside of the Environmental Enhancement Overlay Area (EEOA) to a lot located in the Rural Zone, also outside of the EEOA, with a resultant lot of 3,800m ² and balance lot of 4.66ha.	Granted

Delegated Authority Report

Period from 1 May 2017 to 31 May 2017

R O Peters, J A Bisacre	SUB0237/17	71 Mission Track TUAKAU	To undertake an environmental lot subdivision that results in the creation of two additional lots from the protection of 13.24ha of Qualifying Natural Feature (QNF) outside the EEOA in the Rural Zone.	Granted
B C Thomas	SUB0240/17	181 Tuakau Bridge- Port Waikato Road TUAKAU	Undertake a boundary relocation between two existing Rural zoned titles	Granted
Raglan		Ward Total: 6		
Applicant	ID No	Address	Details	Decision
Waikato District Council	DES0016/17	186 Te Hutewai Road TE HUTEWAI	Outline Plan of Works pursuant to Section 176A of the Resource Management Act 1991 to construct and operate a food composting facility from the existing transfer / refuse centre	Accept Plan
Spark NZ Limited	LUC0426/17	1 Upper Bow Street RAGLAN	Establish a new roadside telecommunications facility by attaching the equipment to an existing roadside light pole. The NES consent is also required as the proposal does not comply with the District Plan requirements.	Granted
N J Abrams, A P Reeves	LUC0475/17	6 Smith Street RAGLAN	Relocate a second-hand dwelling onto a vacant site located within the Living Zone.	Granted
G L Lempriere, A N R Lempriere	LUC0525/16.01	98E Greenslade Road RAGLAN	S127 to change condition 5 of LUC0525/16 with regard to the encroachment into the daylight admission plane	Granted
Raglan Land Company Limited	SUB0057/17	343A Te Hutewai Road TE HUTEWAI	To undertake a boundary relocation where the existing certificate of title was issued after 6 December 1997 and the proposed new Lot 1 exceeds the maximum allotment size, in the Rural and Coastal Zones.	Granted
B L Millward, S F Millward	SUB0234/17	97 Upper Wainui Road RAGLAN	Undertake a subdivision of one computer freehold register to create one additional lot and subsequent boundary relocation	Granted

Delegated Authority Report

Period from 1 May 2017 to 31 May 2017

Tamahere		Ward Total: 10		
Applicant	ID No	Address	Details	Decision
N A McHardie, S R McHardie	LUC0103/17.02	107 Te Awa Road TAMAHERE	S127 to change conditions 1, 2, 4, 6, 7 and 8 of landuse resource consent LUC0103/17.01 and add condition 10 relating to maximum height, daylight admission and minimum building setback non-compliances	Granted
Foster Develop Limited	LUC0318/17	61 Devine Road TAMAHERE	Mixed Use commercial development	Granted
M R McIndoe, S J Moreton	LUC0460/17	178D Newell Road TAMAHERE	To construct a dwelling, shed, pool area and driveway that will exceed the permitted impervious surfaces area. The dwelling is to be within the permitted gully setback.	Granted
D A Smith	LUC0477/17	21 Kirriemuir Close TAMAHERE	To construct a dwelling with attached garage and separate garage exceeding 700m2 impervious surfaces	Granted
J Singh, J Kaur	LUC0488/17	24 Riverfields Lane TAMAHERE	Construct a new dwelling that exceeds the maximum permitted height and encroaches into the required 15m gully setback, exceeds the maximum permitted impervious surfaces and the associated earthworks that exceed the permitted volume threshold in the Country Living Zone.	Granted
Stevenson Designer Building Limited	LUC0492/17	155 Newell Road TAMAHERE	To construct a second dwelling on a single Computer Freehold Register in the Country Living Zone, where the dwelling and associated paved areas within Lot 5 of SUB0186/17 exceeds the maximum permitted impervious surfaces and building coverage thresholds within the individual lot, where a portion of the site is identified as contaminated.	Granted
R K Millar, A M Millar	LUC0493/17	14 Aspenleigh Drive TAMAHERE	To extend the roofline of an existing dwelling to create a loggia which will encroach into the required 12m internal boundary setback, with respect to the southern site boundary. Retrospective consent to locate two existing water tanks and an existing accessory building to encroach into the 12m internal boundary setback. Retrospective consent to use an accessory building for a home occupation that is not wholly contained within the dwelling.	Granted

Delegated Authority Report

Period from 1 May 2017 to 31 May 2017

J Wheadon, R Wheadon	LUC0499/17	155 Newell Road TAMAHERE	To construct a dwelling that breaches home occupation rule on consented Lot 7 of SUB0186/17. The proposal fails to comply with traffic movement, building coverage, number of dwelling and impervious surfaces rules.	Granted
A M Leyland, J W Leyland	LUC0527/17	11A Pencarrow Road TAMAHERE	To construct a dependent persons dwelling (DPD) in the Rural Zone and to seek dispensation from Appendix A in regards to Separation Distances.	Granted
Karma Properties Limited	SUB0247/17	Matangi Road MATANGI	To undertake a subdivision by way of boundary relocation in the Rural Zone	Granted

Whangamarino

Ward Total: 13

Applicant	ID No	Address	Details	Decision
P L Budd, K Harris	LUC0057/17.01	126 Plantation Road TE KAUWHATA	S127 to change the conditions of consent to allow a garage to be closer to the southern boundary	Granted
Winton Partners	LUC0455/17	95 Scott Road TE KAUWHATA	To undertake earthworks for establishment of future implement buildings and site equipment storage	Granted
Cheshunt Farm Limited	LUC0465/17	95 Swan Road TE KAUWHATA	To undertake earthworks that will exceed the maximum permitted volume and area to provide a building platform for a dwelling.	Granted
2 Degrees Mobile Limited	LUC0471/17	227 Rataroa Road MARAMARUA	To upgrade an existing telecommunications facility in the Rural Zone which involves the installation of panel antennas that exceed the maximum dimension of 2.5m and is located within the Ridgeline Policy Area and therefore requires consent under the Resource Management (National Environmental Standard for Telecommunication Facilities) Regulations 2016 (NES).	Granted
WTS Homes Limited	LUC0480/17	3 Bluebell Place TE KAUWHATA	To construct a dwelling and driveway which require earthworks that will exceed the maximum permitted area and volume and the proposed impervious surfaces will also exceed the permitted area	Granted
Kiwi Tykes Limited	LUC0503/17	108 Vineyard Road TE KAUWHATA	Construction of a new dwelling with an attached Dependent Person's Dwelling in the Country Living Zone, that does not share an outdoor living court with the principal dwelling and where the earthworks exceeds the maximum permitted volume.	Granted

Delegated Authority Report

Period from 1 May 2017 to 31 May 2017

Trilford Homes	LUC0517/17	43 Blunt Road TE KAUWHATA	Construct dwelling that encroaches 6m rear boundary setback, non-compliance with car parking and vehicle crossing separation distances, non-compliance with earthworks and retaining walls.	Granted
I D Stanton, S R Stanton	LUC0518/17	192 Feisst Road KOPUKU	Retrospective consent to relocate a used dwelling onto a property in the Rural Zone that will not be on foundations within 7 days of being relocated.	Granted
C S Reddish	LUC0529/17	1816 Miranda Road MIRANDA	To construct an ancillary activity for workers accommodation for the existing poultry activity	Granted
Hornsby Earthmovers Limited	SUB0107/17	40 Te Kauwhata Road TE KAUWHATA	To undertake a four-staged subdivision to create 62 residential lots, two lots to vest as road, five jointly owned access lots and one lot for local purpose reserve – drainage	Granted

Jetco Waikato Limited	SUB0153/16.01	132 Travers Road TE KAUWHATA	S127 to change condition 10 (h) of SUB0153/16.01 in regard to the construction of vehicle crossings	Granted
Azure Limited	SUB0166/17	19B Hoheria Place TE KAUWHATA	Undertake a subdivision to create one additional lot in the Country Living Zone, where the access leg width does not meet the minimum width requirements.	Granted
A R Vodanovich	SUB0242/17	66 Wayside Road TE KAUWHATA	To create two (2) additional titles in the Country Living Zone with one (1) lot not meeting the minimum net site area.	Granted

Various Ward Total: 1

Applicant	ID No	Address	Details	Decision
NZ Transport Agency (Waikato)	DES0028/15		Alteration to Designation of the Hamilton section of the Hamilton Expressway to rationalise the six existing designation conditions into a single set which will apply across the entire project.	Granted

Open Meeting

To	Policy & Regulatory Committee Meeting
From	Cr Sedgwick & Cr Smith
Date	25 May 2017
Prepared by	Wanda Wright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Local Government New Zealand, A Workshop with Sir Geoffrey Palmer

I. EXECUTIVE SUMMARY

Crs Sedgwick and Smith attended a workshop on May 4; its purpose was to provide local government input into Sir Geoffrey's project of writing an NZ Constitution which he hoped to introduce into legislation.

Currently there is no written NZ constitution, but a conglomeration comprising acts, executive instruments, as well as judicial and legislative instruments.

Approximately 17 people attended the workshop, being a mix of lawyers, local government officers, planners, senior management and CEO's, of which we were the only two elected officials.

Sir Geoffrey's premise was that NZ needed a written constitution to provide certainty in the future- as well as potential guidance should the current allegiance to the Crown alter. His initial draft had gone out for submissions, but few or none were received on the local government chapter, hence his workshop to seek input.

We were asked to review his initial draft "A Constitution for Aotearoa New Zealand" with particular reference to the local government content. He said "whilst local government in NZ is subordinate to central government, and ultimately controlled by legislation passed by parliament, it is invested with substantial law-making and regulatory powers.

Most of its activities revolve around network infrastructure but they also have a wider range of responsibilities (e.g. consents under the RMA) as well as carrying out a variety of health and environmental functions."

He felt there was a troubling pattern of constant amendment of local government legislation by central government, aimed at allowing central government to get its own way. We tend, he said, to vacillate between strong local governments with a wider range of activities, and restricting the scope of responsibility of local government to ensure they don't get involved in activities that are wide ranging or novel, even if that is the preference of the local population.

Central government also has a propensity to load up local government with new tasks and new legislation, while providing no funding to carry out those tasks.

He asked the participants to look at key issues and priorities, that could be considered in his next draft of the NZ Constitution process. Topics included autonomy, and the degree to which this was possible or desirable, revenue sharing, questioning who holds the power, consultation and the nuances between participation and engagement and how to address these. We discussed the low level of civic engagement in NZ and what were potential outcomes.

He saw the Constitutional process as one of change, research, drafting, identifying issues (This is the point we are contently at), submissions and a final report.

Submissions are open till the end of the year and the interim changes will be published moving closer to the finished product.

2. RECOMMENDATION

THAT the report from Councillor Sedgwick be received.

3. ATTACHMENTS

N/a

Open Meeting

To	Policy & Regulatory Committee
From	Tim Harty General Manager Service Delivery
Date	9 June 2017
Prepared by	Kristina Hermens Principal, Beca
Chief Executive Approved	Y
Reference #	P&R2017 (20/06/2017)
Report Title	Activity Management Policy 2017

I. EXECUTIVE SUMMARY

The existing Activity Management Policy (September 2013) is due for review. Following discussions with Council, staff have reviewed the policy and made amendments.

Both a clean and tracked changes version of the proposed policy is attached. Staff now seek support for the adoption of the revised policy from the Policy & Regulatory Committee.

2. RECOMMENDATION

THAT the report from the General Manager Service Delivery be received;

AND THAT the Committee supports the reviewed Activity Management Policy as attached;

AND FURTHER THAT the committee recommends to Council to adopt the updated Activity Management Policy as attached.

3. BACKGROUND

The existing Activity Management Policy was adopted in 2013 (Attachment I) and requires review every three years. A review has been undertaken and workshopped with Council to understand and collect their views.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

The Activity Management Policy was updated by Council staff in early 2017 to:

- Refer to the most recent Council and industry documents and processes.

- Remove sections which refer to Council processes and guidelines as these should be covered by internal standard operating procedures.
- Increase the level of activity management for Transportation from Intermediate to Advanced to reflect the expected level of activity management planning for this activity.

The following feedback was received at a Councillor workshop on 10 April 2017:

- A preference to retain the roles of elected members and Council staff within the policy.
- Further explanation of the levels of activity management.

The Activity Management Policy (Attachment 2) has been further revised as follows:

- **Principles** – reworded and re-ordered activity management principles to improve readability and remove repetition.
- **Elected Members and Council Staff Roles** – retained this section.
- **Maturity Level of Activity Management Planning** – replaced the Level of Activity Management section with a more detailed table based on maturity levels of each activity management practice area (discussed below).
- **Infrastructure Strategy** – inserted reference to the Infrastructure Strategy as this is a key Council planning document.

Maturity Level of Activity Management Planning

The International Infrastructure Management Manual,(NAMS), 2015 sets out the maturity levels of activity management planning (Attachment 3). The following considerations should be made when setting the maturity level for an activity:

- Costs and benefits to Council
- Legislative and other mandated requirements
- The size, condition and complexity of the assets
- The risks associated with failures
- The skills and resources available
- Customer expectations

The maturity levels were reviewed with Council staff and target levels proposed for each practice area (see Attachment 4). The overall Activity Management Practice Target for each activity is summarised below.

Activity	Overall Activity Management Target Practice Level
Transport	Advanced
3 Waters and Solid Waste	Intermediate
Parks, Property, Libraries	Intermediate

4.2 OPTIONS

There are two options for the Policy & Regulatory Committee to consider as follows:

Option 1: Continue operations under the existing Activity Management Policy (September 2013) and apply the criteria set out within the document.

This option is not recommended as the current policy does not meet the latest policy format or address the changes recommended by Council and staff.

Option 2: To approve the revised Activity Management Policy.

The revised policy is consistent with feedback received at the Councillor workshops and from Council staff.

5. CONSIDERATION

5.1 FINANCIAL

Policy reviews are included within the function of Council's Service Delivery Group and therefore costs are included within current budgets.

5.2 LEGAL

Council is not specifically required to have a Activity Management Policy but is required to demonstrate prudent stewardship of its assets under the Local Government Act 2002 and subsequent amendments.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

The Activity Management Policy sets out how Council will approach activity management planning. The Activity Management Plans state the projects and budgets that will be submitted for consideration through the Long Term Plan.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The Activity Management Policy is for internal use therefore the Significance and Engagement Policy is not triggered and no external engagement is required.

The following stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
		✓	Internal
			Community boards/Community committees
			Waikato-Tainui/Local iwi
			Households
		✓	Councillor Workshops

Consultation has been undertaken with relevant internal staff and a Councillor Workshop on 10 April 2017.

6. CONCLUSION

The existing Activity Management Policy (September 2013) has been reviewed to:

- Refer to the most recent Council and industry documents and processes.
- Improve readability and remove repetition.
- Remove sections which refer to Council processes and guidelines.
- Replace the Level of Activity Management section with maturity levels of each activity management practice area.
- Include reference to the Infrastructure Strategy.

Following one workshop with Council, staff have reviewed the policy and made amendments. It is therefore recommended that the proposed Activity Management Policy be approved.

7. ATTACHMENTS

1. Existing Activity Management Policy, September 2016
2. Reviewed Activity Management Policy, June 2017 (for approval)
3. Activity Management Maturity Levels, International Infrastructure Management Manual, NAMS, 2015
4. Target Asset Management Practice Levels

Activity Management Policy

Policy Sponsor:	Chief Executive
Policy Owner:	General Manager Service Delivery
Policy Number:	POL1309/06/1
Approved By:	Policy Committee
Date Approved:	9 September 2013
Next Review Date:	September 2016

Objective(s)

Waikato District Council manages activities and assets on behalf of the ratepayers of the Waikato District to a value of \$1.4 billion. The assets are part of the District's physical infrastructure and are essential to the delivery of services to meet the community's needs and for Waikato District Council to achieve the levels of service outlined in the Long Term Plan (LTP).

Asset management is important for a number of reasons:

- Our community relies on the delivery of these essential public services.
- These public services represent a significant investment by the community, built up over the last 100 years and more.

Council has an obligation to manage its assets and services effectively and this policy sets out Council's approach to activity management planning.

The objectives of the Activity Management Policy are:

- To outline the level of asset management appropriate for each activity for Council to achieve best asset management practice and meet statutory obligations. To provide for a consistent approach to asset activity management planning within Council and to ensure plans reflect the strategic direction of Council.
- To demonstrate to the community that Council recognises the critical importance of managing the District's assets and activities in an efficient and cost effective manner in order to deliver levels of service appropriate to current and future generations.
- To confirm a coordinated process for each activity that links its contribution to Community Outcomes with goals, specific levels of service, strategies and actions.

Application

This policy applies to all activity management planning carried out by Waikato District Council.

Strategic Alignment

Determining what assets and services are required (both existing and new) to deliver on strategic priorities of Council is central to activity management practice. Direction on future demand and levels of service are taken from Council's strategic framework. Strategic input is also provided through relevant strategic planning documents for various activities and Council adopted activity based action plans.

This policy assists in the delivery of Council's strategic vision and long term goal:

"To create a District that prides itself on economic excellence, local participation and sustainable communities".

This will be achieved through the strategic pillars of:

- Total Organisational Integration
- Delivering Great Customer Results
- Bringing Our People with Us
- Always Learning and Innovating

In “Our Plan” it is recognised that management of assets through asset/activity management plans is one of Council’s core project work streams that aligns with the above pillars and is incorporated into the strategic planning framework.

Definitions

Asset Management: the provision of agreed level of service in the most cost effective manner through the management of assets and services for present and future customers.

Activity Management Plan (AMP): a plan developed for the management of one or more services that combines multi-disciplinary management techniques (including technical and financial) over the life cycle of the assets involved in providing the service, in the most cost effective manner to provide a specific level of service.

Policy Statements

Council will manage the District assets and deliver associated activities in a cost effective, sustainable, well planned and coordinated manner to provide agreed levels of service in alignment with Council’s financial strategy.

Council will use Activity Management Plans (AMPs) as the means to fulfil its statutory obligations for compliance with the Local Government Act 2002, Resource Management Act 1991, Building Act 2004, Land Transport Management Act 2003, and Health Act 1956.

Waikato District Council will adhere to the following principles in its activity management planning:

- Develop affordable and financially sustainable AMPs that are to industry standard appropriate for the assets and associated risks being managed;
- Ensure AMPs reflect the strategy and priorities of Council and will be used to drive day to day management of assets and the associated services;
- Manage the infrastructure assets in a planned, systematic and sustainable manner;
- Involve and consult with the community, Iwi and key stakeholders on determining the desired levels of service via the LTP or other means;
- Ensure asset information is accurate and up to date, allowing for appropriate activity planning, both in the short and long term, and for informed decision making to occur;
- Allocate appropriate resources to ensure asset management practices can be undertaken and the timely maintenance and renewal of those assets so that “life cycle” costs are optimised (existing and new assets);
- Ensure a framework for the annual assessment of the fair value of infrastructure asset against their carrying value.
- Assess annually which classes of infrastructure assets will be re-valued. Infrastructure assets will be re-valued at least once every three years.
- Ensure that the roles and responsibilities of all asset users are well defined and understood;
- Ensure that AMPs are integrated with other relevant planning documents;

- Recognise the risks associated with the delivery of agreed levels of service and manage them appropriately;
- Recognise the implications of changes in demand for services and actively manage this demand wherever practical;
- Develop and implement a framework for the evaluation and prioritisation of capital projects; and
- Consider whole-of-life costs before initiating any major works and significant renewal of assets, or before introducing new Council activities through business case and asset management processes.

Policy Guidelines

Roles: Elected members and Council staff are the custodians of Council assets on behalf of the community.

Elected members:

- are required to make decisions for the overall benefit of the Waikato District ensuring that activity management decisions meet the current and future needs of communities for good-quality local infrastructure and local public services, in a way that is most cost effective for households and businesses;
- will ensure that activity management decisions provide for good quality local infrastructure and local public services that are –
 - (a) efficient,
 - (b) effective; and
 - (c) appropriate to present and anticipated future circumstances;
- are accountable to third parties including residents and ratepayers, the Auditor General and other entities for exercising good stewardship over substantial assets; and
- will provide governance oversight (noting the formal legal and administrative responsibility for handling day-day affairs is vested in a Chief Executive) for activity management planning. Governance oversight will include considering and approving draft AMPs as inputs into long-term strategic planning processes.

Council staff are responsible to Council for:

- ensuring legal obligations are met;
- providing technical and professional advice to Councillors to enable well informed decisions to be made with regard to management of assets and the associated activities;
- ensuring the assets are maintained, and the activities are planned for in a manner that allows it to deliver the desired level of service in the most cost effective manner for current and future generations in accordance with the guidance provided in AMPs;
- ensuring that assets are planned, created, replaced and disposed of/discontinued in accordance with Council priorities for activities as determined by the relevant Long Term Plan; and
- ensuring that practical systems are in place to collect data necessary to inform future planning.

Activity Management Plan Approval Process

AMPs will be reviewed three yearly to correspond with the Waikato District Council Long Term Plan (LTP) cycle. The Transportation AMP requires alignment with the New Zealand Transport Agency funding cycle.

The AMPs are recognised as key living documents informing the draft LTP and will be updated annually. AMPs will provide Council with advice on the management of Council assets to deliver the agreed levels of service to the community.

Council will formally adopt the AMPs at the same time as the adoption of the LTP. Variations to the AMPs may be required following adoption of the LTP. Significant variations will be identified in Annual Plan processes where necessary.

Consultation

Council will not undertake a general public consultation on individual AMPs but may use targeted consultation with user/focus groups to test proposed levels of service for key assets/activities. The Waikato-Tainui and Waikato District Council Joint Management Agreement, Community Engagement Policy and associated planning processes will also inform the development and review of AMPs. Levels of service will be formally consulted on through the Draft LTP.

AMPs will be made publically available.

Level of Activity Management

The table below sets out the minimum level of planning appropriate to each Council AMP.

Activity	Minimum Level* ¹
Transportation	Intermediate
Water Supply	Intermediate
Wastewater	Intermediate
Stormwater	Intermediate
Solid Waste	Core
Parks and Reserves (including Open Spaces, Harbour Assets)	Intermediate
Property and Facilities (including Aquatic Centres, Cemeteries, Camping Grounds, Community Centres & Halls, Corporate and General Property, Elder Housing, Libraries and Public Toilets)	Core

AMPs may contain subsections to align with activities in the LTP.

Monitoring and Implementation

The General Manager Service Delivery will monitor the implementation of this policy.

A relevant committee of Council will receive information on matters arising from activity management planning, as an input into LTP processes.

Elected members will also formally adopt AMPs at the same time as the LTP.

¹ Levels of planning as identified in the International Infrastructure Management Manual (2011 edition)

The policy will be reviewed every three years or at the request of Council or in response to changed legislative and statutory requirements or in response to any issues that may arise.

References

- NAMS Group (2011). International Infrastructure Management Manual. Wellington
- Setting the Appropriate Asset Management Level, Waugh Infrastructure Management, July 2013.
- Office of the Controller and Auditor-General. (2010). Matters arising from the 2009-19 Long Term Council Community Plans, Part 7: Asset Management in the LTCCPs. Wellington. <http://www.oag.govt.nz/2010/lcccps-2009-19/part7.htm>

Policy Review

This policy will be reviewed as deemed appropriate by the policy owner at least once every three years.

Activity Management Policy

Policy Owner:	General Manager Service Delivery
Date approved:	XX June 2017
Next review date:	June 2020
Document number:	1714850
Engagement required:	Internal

1 Introduction

- 1.1 Waikato District Council manages activities and assets on behalf of the ratepayers of the Waikato District to a value of \$1.6 billion. The assets are part of the District's physical infrastructure and are essential to the delivery of services to meet the community's needs and for Waikato District Council to achieve the levels of service outlined in the Long Term Plan (LTP).

Asset and activity management is important for a number of reasons:

- Our community relies on the delivery of these essential public services.
- These public services represent a significant investment by the community, built up over the last 100 years and more.

Council has an obligation to manage its assets and services effectively and this policy sets out Council's approach to activity management planning.

- 1.2 Strategic direction

Determining what assets and services are required (both existing and new) to deliver on strategic priorities of Council is central to activity management planning. Direction on future demand and levels of service are taken from Council's strategic framework. Strategic input is also provided through relevant strategic planning documents for various activities and Council adopted activity based action plans and strategies.

This policy assists in the delivery of Council's strategic vision:

'To create a District that prides itself on economic excellence, local participation and sustainable communities'.

2 Purpose

- 2.1 The objectives of the Activity Management Policy are to:
- a) Outline the target level of activity management practice appropriate for each activity.
 - b) To provide for a consistent approach to activity management planning within Council and to ensure plans reflect the strategic direction of Council.
 - c) Demonstrate to the community that Council recognises the critical importance of managing the District's assets and activities in an efficient and cost effective manner in order to deliver levels of service appropriate to current and future generations.

- d) To confirm a coordinated process for each activity that links its contribution to Community Outcomes with goals, specific levels of service, strategies and actions.

3 Definitions

Activity Management: the provision of agreed level of service in the most cost effective manner through the management of assets and services for present and future customers.

Activity Management Plan (AMP): a plan developed for the management of one or more services that combines multi-disciplinary management techniques (including technical and financial) over the life cycle of the assets involved in providing the service, in the most cost effective manner to provide a specific level of service.

Maturity Level: the asset management maturity level considers the capabilities of an organisation for an asset/activity management planning practice area.

4 Application

- 4.1 This policy applies to all activity management planning carried out by Waikato District Council

5 Significance

- 5.1 Activity management planning is carried out for significant activities as defined by Council's Significance and Engagement Policy.

6 Policy statements

- 6.1 Council will manage the District assets and deliver associated activities in a cost effective, sustainable, well planned and coordinated manner to provide agreed levels of service in alignment with Council's Long Term Plan and financial strategy.
- 6.2 Council will use Activity Management Plans (AMPs) as the means to fulfil its statutory obligations for compliance with the Local Government Act 2002, Resource Management Act 1991, Building Act 2004, Land Transport Management Act 2003, and Health Act 1956.
- 6.3 Waikato District Council will adhere to the following principles in its activity management planning:
- a) Allocate appropriate resources to ensure activity management planning can be undertaken and assets are maintained and renewed so that "life cycle" costs are optimised (existing and new assets);
 - b) Develop financially sustainable AMPs that are to an appropriate standard for the activity, assets and associated risks being managed;
 - c) Ensure AMPs reflect the strategy and priorities of Council and are integrated with other relevant planning documents;
 - d) Involve and consult with the community, Iwi and key stakeholders on determining the desired levels of service via the LTP or other means;
 - e) Ensure asset information is accurate and up to date, allowing for appropriate activity planning, both in the short and long term, and for informed decision making to occur;

- f) Recognise the risks associated with the delivery of agreed levels of service and manage them appropriately;
- g) Recognise the implications of changes in demand for services and actively manage this demand wherever practical;
- h) Develop and implement a framework for the evaluation and prioritisation of capital projects; and
- i) Consider whole-of-life costs before initiating any major works and significant renewal of assets, or before introducing new Council activities through business case and asset management processes.
- j) Ensure a framework for the annual assessment of the fair value of infrastructure asset against their carrying value.
- k) Assess annually which classes of infrastructure assets will be re-valued. Infrastructure assets will be re-valued at least once every three years.

7 Policy Guidelines

7.1 Roles

Elected members and Council staff are the custodians of Council assets on behalf of the community.

Elected members:

- are required to make decisions for the overall benefit of the Waikato District ensuring that activity management decisions meet the current and future needs of communities for good-quality local infrastructure and local public services, in a way that is most cost effective for households and businesses;
- will ensure that activity management decisions provide for good quality local infrastructure and local public services that are –
 - (a) efficient,
 - (b) effective; and
 - (c) appropriate to present and anticipated future circumstances;
- are accountable to third parties including residents and ratepayers, the Auditor General and other entities for exercising good stewardship over substantial assets; and
- will provide governance oversight (noting the formal legal and administrative responsibility for handling day-day affairs is vested in a Chief Executive) for activity management planning. Governance oversight will include considering and approving baseline AMPs as inputs into long-term strategic planning processes including the LTP and 30 Year Infrastructure Strategy.

Council staff are responsible to Council for:

- ensuring legal obligations are met;
- providing technical and professional advice to Councillors to enable well informed decisions to be made with regard to management of assets and the associated activities;
- ensuring the assets are maintained, and the activities are planned for in a manner that allows it to deliver the desired level of service in the most cost effective manner for current and future generations;

- ensuring that assets are planned, created, replaced and disposed of/discontinued in accordance with Council priorities for activities as determined by the relevant Long Term Plan and 30 Year Infrastructure Strategy; and
- ensuring that practical systems are in place to collect data necessary to inform future planning.

7.2 Maturity Level of Activity Management Planning

The activity management planning function is made up of a range of practice areas as outlined in the table below. For each activity, the level of maturity (International Infrastructure Management Manual, NAMS, 2015) considered appropriate as a target for each practice area is set out below. The AMPs will include Improvement Plans which outline actions to close any gaps between the current practice and target practice level.

Activity Management Practice Area	Target Practice Level		
	Transportation	3 Waters and Solid Waste	Parks, Property, Libraries
<i>Understanding Requirements</i>			
AM Policy and Strategy	Intermediate	Intermediate	Intermediate
Levels of Service and Performance Management	Intermediate	Intermediate	Intermediate
Demand Forecasting	Intermediate	Intermediate	Intermediate
Asset Register Data	Advanced	Intermediate	Core
Asset Condition Assessment	Advanced	Intermediate	Core
Risk Management	Intermediate	Intermediate	Core
<i>Lifecycle Planning</i>			
Decision Making	Advanced	Intermediate	Intermediate
Operational Planning and Reporting	Intermediate	Intermediate	Core
Maintenance Planning	Intermediate	Intermediate	Core
Capital Investment Strategies	Advanced	Advanced	Intermediate
Financial and Funding Strategies	Advanced	Intermediate	Intermediate
<i>Asset Management Enablers</i>			
Asset Management Teams	Intermediate	Intermediate	Intermediate
Activity Management Plans	Advanced	Intermediate	Intermediate
Information Systems	Intermediate	Intermediate	Core
Service Delivery Models	Advanced	Intermediate	Intermediate
Quality Management	Core	Core	Core
Improvement Planning	Intermediate	Intermediate	Intermediate

The overall Activity Management Practice Target for each activity is summarised below.

Activity	Overall Activity Management Target Practice Level
Transport	Advanced
3 Waters and Solid Waste	Intermediate
Parks, Property, Libraries	Intermediate

8 Policy review

- 8.1 This policy shall be reviewed at three yearly intervals or as otherwise required by the General Manager Service Delivery.

Attachment 3: Activity Management Maturity Levels, Asset Excerpt from International Infrastructure Manual, NAMS, 2015

Reference	Question	Section	Aware	Minimum	Core	Intermediate	Advanced
			0-20	25-40	45-60	65-80	85-100
IIMM 2.1	1	AM Policy and Strategy	The Organisation is aware of the need to develop an AM Policy, but hasn't yet completed this work.	Corporate expectations are expressed informally and simply, e.g. "all departments must update AMPs every three years".	There are defined policy statements for all significant business activities. There is a clear linkage to corporate goals. AM Policy is supported by high level action plans with defined responsibilities for delivery.	Expectations of each business activity are supported by detailed action plans, resources, responsibilities and timeframes. AM Policy and Strategy is reviewed and adopted by Executive Team each year.	AM Policy and Strategy is fully integrated into the organisation's business processes and subject to defined audit, review and updating procedures.
IIMM 2.2	2	Levels of Service and Performance Management	The organisation recognises the benefits of defining levels of service but has yet to implement guidelines for development of these.	Basic levels of service have been defined and agreed, along with the contribution of asset performance to the organisation's objectives.	Customer Groups have been defined and requirements understood. Levels of service and performance measures are in place covering a range of service attributes. There is annual reporting against targets.	Customer Group needs have been analysed and costs of delivering alternate levels of service have been assessed. Customers are consulted on significant service levels and options.	There is formal consultation over levels of service. Customer levels of service and technical (ie asset performance) levels of service are an integral part of to decision making and business planning.
IIMM 2.3	3	Demand Forecasting	The organisation recognises the benefits of demand forecasting but has yet to implement processes to forecast demand.	Demand forecasts are derived by experienced staff (rather than data models), taking account of past demand trends and likely future growth patterns.	Demand Forecasts are based on robust projections of a single primary demand factor (e.g. population growth) and extrapolation of historic trends. Risk associated with changes in demand is broadly understood and documented.	Demand forecasts are based on mathematical analysis of past trends and primary demand factors. A range of demand scenarios is developed (e.g.: high/medium/ low).	As for intermediate, plus there is an assessment of risks associated with different demand scenarios, and mitigation actions are identified.
IIMM 2.4	4	Asset Register Data	The organisation recognises the benefits of capturing asset data but has yet to implement systems to capture the data.	Basic physical information recorded in a spread sheet or similar (e.g. location, size, type), but may be based on broad assumptions or not complete.	Sufficient information to complete asset valuation – as above plus replacement cost and asset age/ life. Asset hierarchy, asset identification and asset attribute systems documented.	A reliable register of physical and financial attributes recorded in an information system with data analysis and reporting functionality. Systematic and documented data collection process in place. High level of confidence in critical asset data.	Information on work history type and cost, condition, performance, etc. recorded at asset component level. Systematic and fully optimised data collection programme. Complete data-base for critical assets; minimal assumptions for noncritical assets.
IIMM 2.5	5	Asset Condition Assessment	The organisation recognises the need for monitoring asset condition but has not developed a coherent approach. Measures are incomplete, predominantly reactive. There is no linkage to asset management objectives.	Condition assessment at asset group level ('top-down'). Supports minimum requirements for managing critical assets and statutory requirements (e.g. safety).	Condition assessment programme in place for major asset types, prioritised based on asset risk. Data supports asset life assessment. Data management standards and processes documented. Programme for data improvement developed.	Condition assessment programme derived from benefit- cost analysis of options. A good range of condition data for all asset types (may be sampling- based). Data management processes fully integrated into business processes. Data validation process in place.	The quality and completeness of condition information supports risk management, lifecycle decision-making and financial / performance reporting. The organisation conducts periodic reviews of the suitability of its condition assessment programme.
IIMM 2.6	6	Risk Management	The organisation recognises the benefits of risk management but has yet to implement processes for development of these.	Critical assets understood by staff involved in maintenance / renewal decisions.	Risk framework developed. Critical assets and high risks identified. Documented risk management strategies for critical assets and high risks.	Systematic risk analysis to assist key decision-making. Risk register regularly monitored and reported. Risk managed consistently across the organisation.	A formal risk management policy in place. Risk is quantified and risk mitigation options evaluated. Risk is integrated into all aspects of decision making.
IIMM 3.1	7	Decision Making	The organisation recognises the benefits of optimised decision making but has yet to implement processes.	AM decisions are based largely on staff judgement and agreed corporate priorities.	Formal decision making techniques (eg using BCA) are applied to major projects and programmes.	Formal decision making and prioritisation techniques are applied to all operational and capital asset programmes within each main budget category/business unit. Formal decision making techniques (eg BCA) are applied to major projects and programmes. Critical assumptions and estimates are tested for sensitivity to results.	As for Intermediate, plus the decision making framework enables projects and programmes to be optimised across the whole business. Formal risk-based sensitivity analysis is carried out.
IIMM 3.2	8	Operational Planning and Reporting	The organisation recognises the benefits of operational planning and asset performance reporting but has yet to implement processes to implement these.	Operational responses are understood by key staff, but plans aren't well-documented, or are mainly reactive in nature. Asset performance is measured for some key assets but is not routinely analysed.	Emergency response plan is developed. Demand management is considered in major asset planning. Asset performance is measured for critical asset groups and is routinely analysed.	Emergency response plans and business continuity plans are routinely developed and tested. Demand management is a component of all operational decision making. Asset performance is measured and analysed for most asset groups.	Operational plans are routinely analysed, tested and improved. Formal debriefs occur after incidents. Asset performance is measured in real-time and cost-effectiveness is analysed across all asset groups. Operational programmes are optimised using benefit-cost and risk analysis.

Reference	Question	Section	Aware	Minimum	Core	Intermediate	Advanced
			0-20	25-40	45-60	65-80	85-100
IIMM 3.3	9	Maintenance Planning	The organisation recognises the benefits of maintenance planning but has yet to implement such processes.	Managers and operators understand how asset functions support organisational objectives. Processes comply with legislation and regulations. Maintenance records are maintained. Critical assets have been identified.	Asset criticality considered in response, fault tracking and closure processes. There is a strategy for prescriptive vs. performance-based maintenance. Key maintenance objectives have been established, measured and reported on.	Contingency plans exist for all maintenance activities. Asset failure modes are understood. Timing and frequency of major preventative maintenance is optimised using benefit-cost analysis. Maintenance management software is being applied appropriately.	Forensic root cause analysis is conducted for major faults. All reactive and planned programmes are optimised with respect to renewal planning. Different procurement models have been fully explored. Maintenance operations represent value for money.
IIMM 3.4	10	Capital Investment Strategies	The organisation recognises the benefits of capital planning, but has yet to implement such processes.	There is a schedule of proposed capital projects and associated costs, based on staff judgement of future requirements.	Projects have been collated from a wide range of sources such as business unit planning processes and corporate risk processes. Capital projects for the next three years are fully scoped and estimated.	As for core, plus formal options analysis has been completed for major projects that need to be bought into service within the next 5 years. Capital intentions reports identify all major capital projects for the next 10 or more years with broad estimates of the costs and benefits of those projects or programmes.	Long -term capital investment programmes are developed using advanced decision techniques, such as predictive renewal modelling. The organisation has a reliable and approved 10 year view of its future capital requirements and the strategic choices available to meet changing fiscal or level of service requirements.
IIMM 3.5	11	Financial and Funding Strategies	The organisation recognises the benefits of developing medium to long term financial and funding strategies, but does yet have any in place. The organisational focus is on the operating statement rather than the balance sheet.	Financial forecasts are based on extrapolation of past trends and broad assumptions about the future. Assets are re-valued in accordance with NZ International Accounting Standards (NZ IFRS).	Ten year+ financial forecasts based on current AMP outputs. The quality of forecasts meets NZ IFRS requirements. Significant assumptions are specific and well reasoned. Expenditure captured at a level useful for AM analysis.	Ten year+ financial forecasts are based on current and comprehensive AMP's with detailed supporting assumptions / reliability factors. Asset expenditure information is linked with asset performance information.	The organisation publishes reliable ten year+ financial forecasts based on comprehensive, advanced AMPs with detailed underlying assumptions and high confidence in accuracy. Advanced financial modelling provides sensitivity analysis, evidence-based whole of life costs and cost analysis for level of service options.
IIMM 4.1	12	Asset Management Teams	The organisation recognises the benefits of an asset management function within the organisation, but has yet to implement a structure to support it.	Asset Management functions are performed by a small number of people with AM experience.	An organisation-wide Steering Group or Committee coordinates all capital asset management activity. There is relevant training for key AM staff. The Executive Team have considered options for AM functions and structures.	All staff in the organisation understand their role in relation to AM, it is defined in their job descriptions, and they receive training aligned to their roles. A person on the Executive Team has responsibility for delivering the AM policy and strategy.	There is strong leadership of the AM functions across the organisation. There is a formal AM capability management programme. The cost effectiveness of the AM structure has been formally reviewed.
IIMM 4.2	13	AM Plans	The organisation recognises the benefits of asset management plan(s), but has not yet developed any.	The AM Plan contains basic information on assets, service levels, planned works and financial forecasts up to 5 years, and future AM improvement actions.	As for minimum plus a description of services and key / critical assets, future demand forecasts, description of supporting AM processes, 10 year financial forecasts, 3 year AM improvement plan.	As for core, plus analysis of asset condition and performance trends (past / future), effective customer engagement in setting LoS, ODM / risk techniques applied to major programmes.	As for intermediate plus evidence of programmes driven by comprehensive ODM techniques, risk management programmes and level of service / cost trade-off analysis. Improvement programmes are largely complete. There is a focus on maintaining appropriate practices.
IIMM 4.3	14	Information Systems	The organisation recognises the benefits of using an asset management system, but does not have one in place.	Asset register records core asset attributes - size, location, age, etc. Asset information reports can be manually generated for AMP input.	Asset register enables hierarchal reporting (from component level to whole-of-facility level). There are systems for tracking customer service requests and for planning maintenance activity. System enables manual reports to be generated for valuation, renewal forecasting.	More automated asset performance reporting on a wider range of information. Key operations, unplanned maintenance and condition information held.	Financial, asset and customer service systems are integrated and enable advanced AM functions. There is optimised forecasting of renewal expenditure.

Reference	Question	Section	Aware	Minimum	Core	Intermediate	Advanced
			0-20	25-40	45-60	65-80	85-100
IIMM 4.4	15	Service Delivery Models	The organisation recognises the benefits of defining services delivery mechanisms and functions, but has yet to define these.	Service delivery roles are clear. Allocation of roles (internal and external) generally follows past procurement preferences.	Core functions defined. Contracts in place for external service providers. Tendering / contracting policy in place. Competitive tendering practices applied.	As for core, plus internal service level agreements in place with internal service providers. Contracting approaches have been reviewed to identify best value delivery mechanism.	All potential service delivery mechanisms have been reviewed and formal analysis carried out. Risks, benefits and costs of various outsourcing options have been considered and the best value arrangement has been or is being implemented.
IIMM 4.5	16	Quality Management	The organisation recognises the benefits of quality assurance processes, but has yet to implement processes for these.	Simple process documentation in place for service-critical activities.	There is a clear quality policy and basic quality management system. All critical AM activity processes are documented.	Process documentation has been implemented in accordance with the Quality Management System plan. All processes documented to appropriate level detail.	Quality certification has been achieved. Surveillance audits demonstrate the quality management system is operating satisfactorily.
IIMM 4.6	17	Improvement Planning	The organisation recognises the benefits of improving asset management processes and practises, but has yet to develop an improvement plan.	Improvement actions have been identified and allocated to appropriate staff.	Current and future AM performance has been assessed and improvement actions identified to close the gaps. Improvement plans identify objectives, timeframes, deliverables, resource requirements and responsibilities.	There is formal monitoring and reporting on the improvement programme to the Executive Team. Project briefs have been developed for all key improvement actions. Resources have been allocated to the improvement actions.	There is evidence that agreed improvement plans have delivered the expected business benefits.

Target Asset Management Practice Levels

Activity Management Practice Area	Target Practice Level		
	Transportation	3 Waters and Solid Waste	Parks, Property, Libraries
<i>Understanding Requirements</i>			
AM Policy and Strategy	Intermediate	Intermediate	Intermediate
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<i>Lifecycle Planning</i>			
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Financial and Funding Strategies	Advanced	Intermediate	Intermediate
<i>Asset Management Enablers</i>			
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Information Systems	Intermediate	Intermediate	Core
Service Delivery Models	Advanced	Intermediate	Intermediate
Quality Management	Core	Core	Core
Improvement Planning	Intermediate	Intermediate	Intermediate

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	2 June 2017
Prepared by	Sandra Kelly District Plan Administrator
Chief Executive Approved	Y
Reference #	1733303
Report Title	Delegations Register Update

I. EXECUTIVE SUMMARY

The Council delegates responsibility to Committees, Community Boards and Officers to assist in the effective and efficient implementation of its functions, duties and powers. There are three types of delegations: Statutory, Discretionary Statutory and Operational. Operational delegations are made to staff by the Chief Executive to facilitate and enable the efficient and effective operation of the organisation. Examples include acting on matters relating to various legislation and acts.

In August 2016 Council approved a change to the Delegations Register authorising the Chief Executive the ability to amend and approve new positions and their associated financial delegations without needing Council's approval. The delegations register is updated on an as and when required basis by the District Plan Administrator.

2. RECOMMENDATION

THAT the report from the Chief Executive be received;

AND THAT the updates to the delegations register (below) are noted by the Policy & Regulatory Committee.

3. ATTACHMENTS

Delegations Amendments 2017

2017				
All building inspectors	1/2/2017		Change Fencing of Swimming Pools Act 1987 to Building (Pools) Amendment Act 2016	Amend to reflect change of act.
Customer Support	22/3/2017		Position title changes for Team Leader Building Quality Administrator (was formerly Building Quality Senior Administrator) and Senior Planning and Engineering Officers and Planning and Engineering Officers (formerly Project Information Officers).	Alter to reflect title changes
Woodlands Historic Trust Board Appointment Panel	22/3/2017	WDC1702/05/1/3	Appoint CE to the panel and remove Peter DeLuca as Council representative to the Trust.	Remove member
Creative Communities Scheme Funding Committee	29/3/2017	CCS1703/03	Community reps appointed. Judy Muru, Clare Du Bosky, Catherine Lang.	Add new representatives
Policy & Regulatory Committee	8 May 2017	WDC1705/07	Amend Delegations register to allow the Policy & Regulatory Committee to approve the commencement of engagement/consultation without waiting for items to go to Council	Amend to reflect addition to the Policy & Regulatory Committee delegation.
Memo to Chief Executive	17 May 2017	ECM #1725019	Recovery Manager and Welfare Manager were not listed in financial delegations. Memo approved by Chief Executive	Amend register to reflect change.
Memo to Chief Executive	31 May 2017	ECM #1732572	Add new positions to Planning & Strategy Team, Strategic Planners replaces the Strategic Planning Project Manager position	Amend register to reflect change in positions.
Memo to Chief Executive	1 June 2017	ECM #1732571	Change Planning and Strategy reporting line. Organisational Planning and Project Support Team Leader now reports to GM Strategy & Support. The Economic Development Manager has a marketing officer reporting to that position, and Legal Counsel has a Senior Solicitor reporting to that position.	Amend register to reflect change in positions.

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	7 June 2017
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Chief Executive's Business Plan

1. EXECUTIVE SUMMARY

The Chief Executive's Business Plan is a summary of progress on the Chief Executive's Performance Agreement which took effect on 1 July 2016.

2. RECOMMENDATION

THAT the report from the Chief Executive be received.

3. BACKGROUND

The Chief Executive's Business Plan is a summary of progress on a number of issues targeted by Councillors.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

The Plan is a summary of progress on specific issues. It enables staff and Councillors to focus on the big issues and ensures that attention is given to those things that really matter. The Plan is in line with the Chief Executive's Performance Agreement for 2016/2017 which was adopted in June 2016.

The survey of key stakeholders using an external provider to undertake the process has now been completed and the results shared with the Chief Executive Performance Review Sub-Committee.

4.2 OPTIONS

The list of projects has been agreed by Council.

The Plan is consistent with the Chief Executive's Performance Agreement approved by Council.

5. CONSIDERATION

5.1 FINANCIAL

The cost of the survey of key stakeholders and preparation of a summary and action plan is \$3,500 plus GST.

5.2 LEGAL

As part of undertaking the work detailed in this plan, Council needs to ensure that the approach taken is consistent with the Purpose of Local Government.

In other words, to meet the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

This report contains the strategic issues that Council is focused on. The Chief Executive's Business Plan has been updated to align to the Chief Executive's Performance Agreement.

Iwi and Tangata Whenua have been, or will be consulted on at least some of the key projects or initiatives referred to in the report. Iwi involvement is intended as part of the list of key stakeholders.

The projects in the list link to at least one community outcome or wellbeing. They also link to at least one LTP key goal.

The list has been updated in line with the Chief Executive's Performance Agreement agreed in June 2016.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The report does not trigger any concerns about significance of the projects being discussed.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The report provides a summary of what progress is being made on the various issues. It is for information at this stage of the year.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
		✓	Internal
	✓		Community Boards/Community Committees
	✓		Waikato-Tainui/Local iwi
	✓		Households
	✓		Business
			Other Please Specify

The assessment depends on the issues involved.

6. CONCLUSION

The schedule summarises progress on the key issues agreed with Council.

7. ATTACHMENTS

Chief Executive's KPI worksheet.

Chief Executive's KPIs

Key project/priority	Key deliverables/KPIs		Progress		Final Achievement Met/Not Met
1. Responsiveness and resolution of Service Requests logged (linked to LTP key goal of community engagement)	1.1	Completion of service requests within set timeframes for the year > 90%	1.1	90.63% of service requests for the year to 31 May 2017 have been completed on time. We are slightly ahead of target.	
	1.2	The total of overdue service requests < 110 on average for the year.	1.2	The total overdue service requests (against completion target) averaged 105 at the end of May 2017.	
2. Reduction in carry forward works (linked to LTP key goals of affordability and community engagement)	2.1	Reduction in controllable carry forward works by more than 10% in dollar terms for the year ended 30 June 2017 (e.g., non-controllable projects such as development contribution funded projects, grants and donations and discretionary funds are not included in this calculation).	2.1	<ul style="list-style-type: none"> ▪ Work is progressing well on the 2016/2017 work programme. ▪ A number of key projects have been let in the current quarter and key land procurement processes are completed. At this stage we are on track to meet the controllable carry forward reduction target. 	
3. Regional Initiatives – undertake works across councils and across the Waikato Regional that promote: <ul style="list-style-type: none"> ▪ Efficiency ▪ Common purpose ▪ Affordability ▪ Collaboration ▪ Community engagement (Linked to LTP key goals of	3.1	Waters Review – Develop and implement an agreed process for the Waters CCO, subject to Council's decision.	3.1	<ul style="list-style-type: none"> ▪ Council has endorsed the asset owning CCO option. ▪ Waipa and Hamilton have agreed on a non-asset owning CCO option. ▪ Further discussions are being held about an alternative option. 	
	3.2	Waikato Plan – Demonstrate the impact the Chief Executive has made in relation to the: <ul style="list-style-type: none"> - Waikato Plan - Regional Sports Facilities Plan 	3.2	<p>The Chief Executive has played a part in encouraging Iwi involvement in the Waikato Plan.</p> <p>He is also actively involved in the Chief Executive's steering group for this project.</p>	

Key project/priority	Key deliverables/KPIs		Progress		Final Achievement Met/Not Met
affordability, economic development and community engagement)		Which is consistent with Council's aspirations and expectations.		<p>The Memorandum of Understanding for the Regional Sports Facility Plan is now signed by all Councils involved.</p> <p>A regional facilities funding working group has been established including the Chief Executive.</p> <p>The Mayoral Forum has established a governance group including the Mayor for this project.</p> <p>The Chief Executive also spearheaded the signing of the Regional Triennial Agreement. The Agreement is now signed by all Councils.</p>	
4. Economic Development – the District grows and prospers (linked to LTP key goal of economic development).	4.1	Agree an Implementation Plan for 2016/2017.	4.1	The implementation plan has been agreed with Council.	
	4.2	The agreed projects in the Implementation Plan are delivered by 30 June 2017.	4.2	<p>Full reports on progress were provided to the November, February and May Strategy & Finance Committee meetings.</p> <p>The report indicated that the implementation plan is on track.</p> <p>Several meetings of the Economic development Advisory Group have been held.</p>	

Key project/priority	Key deliverables/KPIs		Progress		Final Achievement Met/Not Met
5. Rooding Alliance – Council has let a \$150 million contract to the Alliance with Downers/HEB for the delivery of road maintenance and related services (linked to the LTP key goals of affordability and community engagement).	5.1	The financial performance of the Waikato District Alliance is such that a gain share payment is due at the end of the financial year.	5.1	This is an end goal which both Council and Downer will be working to achieve throughout the year.	
	5.2	Achieve 80% of targets set in the Waikato District Alliance key performance indicator dashboard.	5.2	<p>May: Of the 30 targets set for the Alliance:</p> <ul style="list-style-type: none"> - 21 achieved target - 3 are between 80-100% of target - 0 are less than 80% of target - 6 are annual measures which will be available at the end of the year. <p>YTD: Of the 30 targets set for the Alliance:</p> <ul style="list-style-type: none"> - 19 achieved target - 5 are between 80-100% of target - 0 are less than 80% of target - 6 are annual measures which will be available at the end of the year. 	
	5.3	Provide a report to the appropriate committee on a monthly basis that covers all aspects of the Alliance model.	5.3	The Alliance is covered through the Service Delivery monthly report. A specific Alliance update report was also considered by the Infrastructure Committee in September.	

Key project/priority	Key deliverables/KPIs		Progress		Final Achievement Met/Not Met
<p>6. Transformational organisational change.</p> <p>- Outline what initiatives and actions are being undertaken to ensure an engaged and committed workforce (linked to the LTP key goal of community engagement).</p>	6.1	Implement all of the 2016/17 strategies for the Zero Harm Strategic Plan.	6.1	A number of the actions have been completed and some are ongoing. A full update on progress was provided to the December Council meeting. Quarterly reporting of key indicators has also been introduced.	
	6.2	An improvement of 4.75% or more is demonstrated in the engagement profile from the staff culture survey.	6.2	<ul style="list-style-type: none"> ▪ Significant progress has been made and reflected in the survey (13 questions have increased by more than 5% whilst only two have decreased by 5% or more). ▪ In overall terms the goal has not been achieved however the staff engagement index has increased. ▪ Leadership has been a key focus with expectations having been outlined and support in place to make improvements. The focus is on Managers and Team Leaders being “people leaders”. A leadership development programme for all people leaders has been progressing over the past few months. 	
	6.3	Undertake 360 degree feedback of key stakeholders, including developers, iwi, Audit & Risk Chair etc.	6.3	Everest Group undertook the survey and produced a report with actions.	
	6.4	Develop an action plan for Council by 30 June 2017, in relation to improvements identified by the feedback.	6.4	An action plan has been developed and shared with the Chief Executive Performance Review Sub-committee.	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
7. General Management	7.1	That the Audit and Risk Committee undertakes process reviews on targeted areas, and that any “red flags” are raised, discussed and incorporated by mutual agreement into KPIs.	7.1 <ul style="list-style-type: none"> ▪ Following on from a Conflict of Interest report, the Committee considered a procurement review in December. A number of improvement actions were identified and have been programmed for action. ▪ An internal audit report on the Raglan Kopua Holiday Park is being finalised and reported to the Audit & Risk Committee in July. 	
	7.2	That the Chief Executive provides oversight in the implementation of the Open Spaces Contract.	<ul style="list-style-type: none"> ▪ The Open Spaces Contract is progressing well with key result areas and performance indicators being met. Local sub-contractors are well integrated into the contract and performing well. ▪ Workloads within the organisation are high with consent numbers continuing at record levels Building Consents numbers have dropped slightly against last year’s numbers however, we are expecting number to increase significantly again in the near future as titles become available. Resource consents received are up 16% year to date (11 months – 1/07/2016 to 31/05/2017). This is on top of the 33.4% increase experienced over the previous 12 months – 1/7/2015 - 30/6/2016. ▪ Meetings have been held with Pokeno Land Consortium and other key developers to understand their pending requirements. 	

Key project/priority	Key deliverables/KPIs	Progress	Final Achievement Met/Not Met
		<ul style="list-style-type: none"><li data-bbox="1066 235 1583 358">▪ Our Civil Defence and Emergency Management (CDEM) capability has been reassessed and has increased by 22%.	

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	8 May 2017
Chief Executive Approved	Y
Reference#	1735646
Report Title	2017 Meeting Calendar

1. EXECUTIVE SUMMARY

A monthly report is provided on the meeting calendar. Recent changes are incorporated so that Councillors are kept up to date.

2. RECOMMENDATION

THAT the report from the Chief Executive be received.

3. BACKGROUND

Council has already approved a meeting timetable for 2017. It was agreed that I would provide a monthly update on the meeting calendar including as much relevant information as possible.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

As discussed, Councillors should rely on the latest calendar and dispense with previous copies.

The workshop schedule for the next few months are as follows:

JUNE 2017

Monday 12 June: 9am – 12pm	Tuesday 13 June: 9.00am – 12.00pm
<ul style="list-style-type: none"> ▪ 9.00am – 10.15am: District Plan Review convened by Sandra Kelly ▪ 10.30am – 11.00am: Waters CCO convened by Gavin Ion ▪ 11.00am – 11.30am: Northern Facilities 	<ul style="list-style-type: none"> ▪ 9.00am – 10.00am: Passenger Rail convened by Chris Clarke ▪ 10.00am – 11.00am – Code of Conduct convened by Gavin Ion

<p>convened by Amanda Hampton</p> <ul style="list-style-type: none"> 11.30am – 12.00pm: i-Site convened by Amanda Hampton <p>1.15pm – 3.00pm Council Meeting</p> <ul style="list-style-type: none"> 3.00pm – 5pm: CCO Workshop – HCC Model 	<ul style="list-style-type: none"> 11.00am – 11.30am - Draft MOU with Board of Trustees Mai Uenuku ki te Whenua Marae 11.30am – 12.00pm - Playgrounds convened by Amanda Hampton
Monday 19 June: 1.00pm – 4.00pm	Tuesday 20 June: 9am – 12.30pm
<ul style="list-style-type: none"> 1.00pm – 2.30pm: Representation Review convened by Melissa Russo 2.30pm – Onewhero & Glen Murray Recycling convened by Marie McIntyre 3.15pm – Regional Infrastructure Technical Specifications convened by Vishal Ramduny 	<p>9am – 10.30pm Policy & Regulatory Committee</p> <p>Workshops:</p> <ul style="list-style-type: none"> 11.00am – 12.30pm: District Plan Review convened by Sandra Kelly
Tuesday 27 June: 1pm – 4pm	Wednesday 28 June: 9am – 3.30pm
<p>9am – 12.30pm Infrastructure Committee</p> <p>Workshops:</p> <ul style="list-style-type: none"> 1pm – 4pm: District Plan Review convened by Sandra Kelly 	<p>9.00am – 12.30pm Strategy & Finance Committee</p> <p>1.00pm – 3.30pm Extra Council Meeting</p>

JULY 2017

Wednesday 5 July: 9.00am – 11.30am	Monday 10 July: 9am – 12pm
<p>9.00am – 11.30am Audit & Risk Committee Meeting</p>	<ul style="list-style-type: none"> 9am – 11am: District Plan Review convened by Sandra Kelly 11.00am – 12.00pm: District Wide Boat ramps convened by Elton Parata <p>1.15pm – 3.15pm Council Meeting</p>
Tuesday 11 July: 9am – 12pm	Monday 17 July: 9am – 12pm
<ul style="list-style-type: none"> 9am – 11am: District Plan Review convened by Sandra Kelly 11am – 12.00pm: Councillor Workshop - District Wide Minor Improvements (update and planning session) convened by Donna Rawlings 	<ul style="list-style-type: none"> 9am – 12pm: District Plan Review convened by Sandra Kelly

4.2 OPTIONS

Council could choose to approve the calendar or not. The idea of providing a monthly update is beneficial because there are a number of changes that arise on a regular basis. The calendars provide the most up to date information that we have but will not take account of short notice events.

5. CONSIDERATION

5.1 FINANCIAL

Nil.

5.2 LEGAL

Nil.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

The report is about keeping Councillors informed and up to date with regards to forthcoming meetings and workshops. Items discussed will cover a range of community outcomes and one or more of the four well beings.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
This report is for information only and to keep Council informed.					

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
		✓	Internal
			Community Boards/Community Committees
			Waikato-Tainui/Local iwi
			Households
			Business
			Other Please Specify

6. CONCLUSION

Council is being asked to receive and review a monthly update on the meeting calendar for the remainder of 2017.

7. ATTACHMENTS

Nil.

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	11 May 2017
Prepared by	Wanda Wright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1303
Report Title	Exclusion of the Public

1. EXECUTIVE SUMMARY

To exclude the public from the whole or part of the proceedings of the meeting to enable Council to deliberate and make decisions in private on public excluded items.

2. RECOMMENDATION

THAT the report from the Chief Executive be received;

AND THAT the public be excluded from the whole or part of the meeting to enable Council to deliberate and make decisions on the following items of business:

REPORTS

- a. **Crown Report on the Review of the Waikato and Waipaa Rivers Arrangements 2016-2017**

This resolution is made in reliance on section 48(1)(a) and 48(2)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by sections 6 or 7 of that Act which would be prejudiced by the holding of the whole or the relevant part(s) of the proceedings of the meeting in public are as follows:

Section 7(2)(g)

Reason for passing this resolution to withhold exists under:

Section 48(1)(3)(d)

Ground(s) under section 48(1) for the passing of this resolution is: