

28 March 2022

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by email Jo.Young@stevenson.co.nz
cc Mark Tollemache mark@tollemache.co

Dear Jo

Private plan change application – 546 and 646 McNicol Road and 439 Otau Mountain Road, Clevedon – further information request (without prejudice)

Auckland Council has now completed an initial review of the application with the assistance of its various experts and requests the following further information pursuant to clause 23 of the First Schedule to the Resource Management Act 1991 (RMA). The information requested is indicated at the numbered points below and is needed for all the reasons set out in clause 23.

The following further information is needed in order to have a clearer understanding under section 23(1)(a) – (d) of the RMA.

Landscape and Visual Effects

1. Policy D10.3.3(a) of the Auckland Unitary Plan requires the protection of the physical and visual integrity of outstanding natural features, including volcanic features that are outstanding natural features, by: (a) avoiding the adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to an outstanding natural feature's values.

In this case the feature is the Wairoa River Gorge, with two of the 5 reasons cited for its value (in the ONF Schedule) as being:

(e) the extent to which the landform, geological feature or site contributes to the value of the wider landscape;

(f) the extent of community association with, or public appreciation of, the values of the feature or site;

I note that Policy D10.3(4) requires the protection of the visual integrity of ONFs (subject to a range of matters). This means that sometimes (and in no way prejudging the outcome here), development located outside the ONF footprint may affect the visual integrity of the ONF.

For these reasons, it is requested that a full Landscape and Visual Effects Assessment of the requested plan change (prepared by a NZILA Registered Landscape Architect) be provided.

Acoustics

2. There are a number of matters that require clarification to enable a full understanding of the acoustics effects of the requested plan change.
 - a. Please confirm whether the mobile crusher works at night?
 - b. Appendix D of the Marshall Day Acoustic(MDA) assessment shows the location of the plant that has been assessed. With respect to 600 McNicol Road, it appears that the closest modelled plant stops some distance from the western extent of the proposed Special Purpose Quarry Zone (SPQZ). Could MDA please confirm that all plant has been modelled in the correct location?
 - c. Appendix D reports the location of the main plant as well as three locations of plant working about the edge of the quarry. Each of the three locations models a different activity, mobile plant, extraction and stripping. Could MDA confirm that the noise levels reported in Table 3 consider each of the above activities at the relevant locations for each of the neighbouring receivers?
 - d. Appendix D also shows road trucks within the quarry as a source that has been considered but their sound power levels are not included in Appendix C. Could MDA please confirm that the permitted 90 truck movements per hour/ 900 movements per day were modelled and provide their sound power level?
 - e. The extent of the proposed SPQZ appears to approximate to the ridge above 600 McNicol Road which may provide the stripping equipment the opportunity to operate in an unscreened manner. At the reported distance of 150m, and using the sound power levels provided by MDA, noise from the stripping could be up to 58dB LAeq to 600 McNicol Road. As this is significantly higher than the 32dB LAeq reported in Table 3, could an explanation please be provided?
 - f. The statement is made that as the plan change does not seek to modify the current night time activities, there will be no change to the current night time levels. However, the proposal appears to cut away much of the topography that currently screens the crusher from 600 McNicol Road. With this in mind, could confirmation be sought from MDA that sufficient screening remains to ensure no change in the current noise level?

Iwi Consultation

3. Section 32(4A) of the RMA states:

“4(A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—

(a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and

(b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.”

Section 8.2 in your report relates to consultation with Iwi completed to date. The current evaluation report does not appear to meet section 32(4A) as no consultation has been undertaken with any Iwi other than Ngai Tai Ki Tamaki although a number of other Iwi are identified as having interests in the area on the Council’s website. In addition there appears to be nothing from Ngai Tai Ki Tamaki in writing in respect of any consultation undertaken.

Can you please complete the necessary steps to complete the requirement under Section 32(4A) by providing other Iwi with an opportunity to consider the plan change and by providing the council copies of any advice from those Iwi and your responses to that advice.

4. Have you considered any Iwi Management Plans against the proposal?

Quarry Buffer Area Overlay

5. The requested plan change does not propose to alter the extent of or location of the Quarry Buffer Area Overlay (QBAO) outside of the site. Please explain the reasons for this and why the extent of the QBAO) should not be moved to reflect the proposed new location of the Quarry Zone. This information is necessary to fully understand whether the QBAO should be amended as part of the plan change request.

Administration

6. Can you please provide the GIS shape files or dwg/dgn files in NZGD 2000 (datum) NZTM for the plans. The proposed maps are required to be a part of the AUP, and the council GIS team will put them in a format suitable for the AUP. Ideally this will be completed before notification. Council is happy to assist with this process and will arrange a GIS specialist to discuss if required.

If you have any questions, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'DW', with a long horizontal stroke extending to the right.

David Wren
Planning Consultant (on behalf of Auckland Council).
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