

Before the Independent Hearing
Commissioners

Under the Resource Management Act 1991

In the matter of A hearing on submissions on the proposed Te Tai o Poutini
Plan

Hearing Topic 13: Mineral Extraction – part A and part B

Submitter:

Karamea Lime Co Ltd (Submitter 614)

Statement of Evidence of Katherine McKenzie

29 April 2024

Introduction

- 1 My full name is Katherine McKenzie.
- 2 I have a Bachelor of Arts majoring in Geography. I am an Associate Member of the New Zealand Planning Institute.
- 3 I am currently Director and Principal Planner of WePlan Limited. I have worked as a resource management professional for 16 years and I have held a variety of planning roles in private, local and central government sectors.
- 4 This evidence is provided in support of the submission by Karamea Lime Co Ltd (**KLC**) on Topic 13 of the Te Tai o Poutini Plan (TTPP). I am familiar with the location of the KLC quarry at Fenian Road, Karamea.
- 5 In preparing this statement of evidence I have considered the following documents:
 - (a) The resource consent decision for RC-2020-0013;
 - (b) The submitter statement by Geoff Volckman dated 11 March 2024 and presented at the Natural Features and Landscapes hearing on 19 March 2024;
 - (c) Planning provisions relevant to this hearing topic, including the West Coast Regional Policy Statement, and the New Zealand Coastal Policy Statement;
 - (d) Section 42A report on Topic 13: Mineral Extraction prepared by David Badham.

Code of Conduct for Expert Witnesses

- 6 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

- 7 I have prepared evidence in relation to:
 - (a) The Mineral Extraction Zone over the KLC quarry and their request to extend the Mineral Extraction Zone to an adjacent parcel of land;
 - (b) Other provisions which KLC submitted on.

Background

- 8 KLC operates a lime quarry at Fenian Road near Karamea. The quarry has significant operational history, and part of the land area comprising the quarry was gazetted for this purpose in 1892. Mr Volckman noted in his submitter statement¹ that the current lime quarry has been operational since 1954.
- 9 The KLC lime quarry has a minerals mining permit issued by New Zealand Petroleum and Minerals which expires in 2039.
- 10 The KLC lime quarry operates under resource consents from the West Coast Regional Council, which were renewed in 2020 for a period of 35 years. This resource consent was granted for earthworks, vegetation clearance (land use consent), discharges to land and air. The resource consent RC2020-0013 is enclosed as **Attachment A** to my evidence.
- 11 The KLC lime quarry also operates under existing use rights afforded by Section 10 of the RMA, because it was established in its current form decades before the Buller District Plan became operative. The quarry occupies largely the same footprint as it did prior to the plan becoming operative, which is demonstrated in the 1997 Mine Plan prepared by C J Coll, enclosed as **Attachment B**.
- 12 I have discussed the current mine development plans with Mr William McLaughlin who is the mine manager for the KLC lime quarry, and he explained that the quarry is currently operating in previously mined areas, with the current operation benching back into the hillside over previous workings. The proposed mine development plan is enclosed as **Attachment C**.
- 13 As indicated in Mr Volckman's submitter statement from 11 March 2024 and demonstrated by the number of supporting submissions on the Mineral Extraction Zone for the KLC lime quarry, this operation provides a vital source of lime in the Buller District. KLC is owned by farmers, and operated for the benefit of farmers in the area.

Mineral Extraction Zone over KLC lime quarry

- 14 The proposed Te Tai o Poutini Plan was notified in August 2022, and a Mineral Extraction Zone was applied to two out of three land parcels which the quarry

¹ Karamea Lime Co Ltd and others Submitter Statement – dated 11 March 2024, presented at the Natural Features and Landscapes hearing on 19 March 2024.

operates on. The Mineral Extraction Zone was applied to Section 1 SO 15488 and Section 50 BLK IX Oparara SD, but was not applied to Lot 1 DP483059. The Mineral Extraction Zone over KLC lime quarry as notified was opposed by Lana Hake Tarango (S337.001), Fernando Tarango (S342.002), Maria McKay (S049.001). These submissions to remove the Mineral Extraction Zone were widely opposed in further submissions. KLC supported the Mineral Extraction Zone with amendments (S614.213).

- 15 KLC (S614.175), Brian Jones (S525.001) and the Te Tai o Poutini Plan Committee (S171.024) both submitted seeking to resolve the omission of Lot 1 DP 483059 from the Mineral Extraction Zone. The original submission by KLC had a significant amount of support, largely from Karamea and wider Buller residents who rely on this quarry for lime fertiliser for their farming operations (27 further submissions are recorded in support in S614.175).
- 16 Mr Badham has rejected this relief due to the submissions not providing sufficient information, and welcomes the submitter providing further information in support of their relief sought.² KLC did not provide this information because in discussions with the West Coast Regional Council planners regarding this issue, the planners clearly indicated this was an error and it would be resolved through a submission by the Te Tai o Poutini Plan committee. The resource consent information is also freely available to the West Coast Regional Council because they are the consenting authority.
- 17 The area KLC is seeking to be included in the Mineral Extraction Zone is shown in Figure 1 below, outlined in red.

² Te Tai o Poutini Plan – Section 42A Report Mining and Mineral Extraction, p.334



Figure 1: Excerpt from the proposed Te Tai o Poutini Plan

- 18 I have reviewed the consent document issued by the West Coast Regional Council (see **Attachment A**). Unfortunately, consents issued by the West Coast Regional Council do not include legal descriptions in the consent documents, but use map references instead to determine the location of the resource consent. The resource consent conditions do however clearly relate to Lot 1 DP483059 (Conditions 30, 32, 34 and 35 of RC-2020-0013). I sought a copy of the staff report for the consent application, which does contain a legal description, including Lot 1 DP 483059. This report is enclosed as **Attachment D** (see page 9). This staff report confirms all three allotments should be included in the Mineral Extraction Zone.
- 19 Mr Badham recommends that MINZ-P1 is amended to specifically address the criteria which should be met in order for a Mineral Extraction Zone to apply to an area.³ In this instance, criterion a(iii) applies – *“Where all necessary resource consents required to authorise the activities have been issued under the Resource Management Act (1991)”*. KLC has all necessary resource consents in place to authorise its activities for its lime quarry, and therefore their whole site meets the criteria proposed for a discrete Minerals Extraction Zone, including Lot 1 DP 483059. It is my view that the relief sought in S614.175 should be accepted and the Minerals Extraction Zone is applied to Lot 1 DP 483059, in addition to Section 1 SO 15488 and Section 50 BLK IX Oparara SD.

³ Te Tai o Poutini Plan – Section 42A Report Mining and Mineral Extraction, p.70

Other Provisions submitted on by KLC

- 20 KLC submitted on a number of provisions with the proposed Te Tai o Poutini Plan relevant to this hearing, including the Mineral Extraction Zone and General Rural Zone provisions.
- 21 I have not been engaged to provide planning evidence in relation to these other matters. However, KLC wish to record that their submission stands with respect to other relief sought despite not providing evidence on these matters.

Conclusion

- 22 It is my view that the documentation held by the West Coast Regional Council and attached to my evidence clearly indicates that minerals extraction is lawfully established on Lot 1 DP 483059, Section 1 SO 15488 and Section 50 BLK IX Oparara SD. The omission of Lot 1 DP 483059 from the Mineral Extraction Zone applied to the KLC quarry should be rectified in the zoning maps in the proposed Te Tai o Poutini Plan, and the Mineral Extraction Zone should be retained as notified on Section 1 SO 15488 and Section 50 BLK IX Oparara SD. I therefore recommend that the relief sought by KLC (S614.175 and S614.213) is accepted.

Katherine McKenzie

Dated this 29th day of April 2024

Attachment A: RC-2020-0013 Consent Document

Attachment B: 1997 Quarry Plan

Attachment C: 2024 Quarry Plan

Attachment D: RC-2020-0013 Staff Report



388 Main South Rd, Paroa
P.O. Box 66, Greymouth 7840
The West Coast, New Zealand
Telephone (03) 768 0466
Toll free 0508 800 118
Email info@wcr.govt.nz
www.wcr.govt.nz

16 July 2020

Karamea Lime Co Ltd
PO Box 27
KARAMEA 7864

Enquiries to: Rachel Clark
Our Reference: RC-2020-0013

Dear Mr Currie

RESOURCE CONSENT RC-2020-0013

Further to earlier correspondence please find enclosed your Resource Consent

Yours faithfully

Colin Helem
Acting Consents & Compliance Manager



388 Main South Rd, Paroa
P.O. Box 66, Greymouth 7840
The West Coast, New Zealand
Telephone (03) 768 0466
Toll free 0508 800 118
Email info@wrc.govt.nz
www.wrc.govt.nz

RESOURCE CONSENT

Pursuant to Part VI of the Resource Management Act 1991 The West Coast Regional Council hereby grants to:

Karamea Lime Co Ltd
PO Box 27
KARAMEA 7864

A Resource Consent for the term and upon the conditions hereinafter set forth:

FILE No.: RC-2020-0013
RESOURCE CONSENT No.: RC-2020-0013-01 TO RC-2020-0013-03
DATE OF COMMENCEMENT: 16 July 2020
TERM: 35 years from commencement date
LOCATION: Fenian Road, Karamea
MAP REFERENCE: At or about NZTM 1528412E, 5436925N

RESOURCE CONSENTS:

RESOURCE CONSENT NO.	TYPE OF RESOURCE CONSENT	ACTIVITY/LOCATION
RC-2020-0013-01	Land Use Consent	To undertake earthworks and vegetation clearance associated with limestone quarrying activities, Fenian Road, Karamea.
RC-2020-0013-02	Discharge Permit	To discharge contaminants to land associated with the quarrying and crushing of limestone, Fenian Road, Karamea.
RC-2020-0013-03	Air Discharge Permit	To discharge dust to air associated with the quarrying and crushing of limestone, Fenian Road, Karamea.

CONSENT CONDITIONS

Pursuant to Section 108 of the Resource Management Act 1991, the Resource Consents include the following conditions:

1. Works and activities shall be carried out in general accordance with the details contained in the consent application submitted to the Consent Authority, except where inconsistent with these conditions.
2. The Consent Holder shall supply any agent or contractor working under these consents with a copy of the consents.
3. Any person working under these consents shall have a copy of the consents on site and present it to an officer of the Consent Authority upon request.
4. In the event of any disturbance of Koiwi Tangata (human bones) or Taonga (artefacts including pounamu), the Consent Holder shall:

- Cease any further excavation for a period of at least 24 hours; and
 - Immediately advise Consent Authority of the disturbance; and
 - Immediately advise the Upoko of the Papatipu Runanga, or the representative, of the disturbance; and
 - Immediately advise the Regional Archaeologist of Heritage New Zealand except in relation to disturbance of unworked pounamu.
5. All equipment refuelling, lubrication and mechanical repairs shall be undertaken in such a manner so as to ensure that no spillages of hazardous substances onto the land surface or into water occur. If a fuel spillage in excess of 20 litres occurs, the Consent Holder shall inform the Consent Authority immediately.
 6. The Consent Holder shall ensure that sediment losses to natural water from the exercise of this consent are avoided as far as practicable.
 7. Pursuant to Section 128 of the Resource Management Act 1991, the Consent Authority may review the conditions of these consents by serving notice within a one month period of each anniversary of the date of commencement of the consents for any of the following purposes:
 - a) To deal with any adverse effect on the environment which may arise from the exercise of these consents and which it is appropriate to deal with at a later stage.
 - b) To require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment.

SPECIFIC CONDITIONS APPLYING TO RC-2020-0013-01 – QUARRYING EARTHWORKS

8. The Consent Holder shall maintain a record of monthly tonnages of final product produced. A copy of these records shall be provided to the Consent Authority when requested.
9. The Consent Holder shall ensure that:
 - a) All works are undertaken in such a manner so as to minimise soil erosion and to avoid slope instability;
 - b) As much vegetation as possible is retained adjacent to the works to assist with slope stability and to avoid erosion;
 - c) The maximum surface area disturbed by quarrying and not fully rehabilitated shall not exceed 2ha.

Annual Work Programme

10. On or before the anniversary date of the commencement of the consent, the Consent Holder shall submit a programme of work and plan ("Annual Work Programme") detailing:
 - (a) The proposed works to be carried out over the forthcoming year including:
 - (i) Equipment to be used;
 - (ii) Areas of topsoil and overburden stripping and stockpile locations;
 - (iii) New areas of land disturbance that will be quarried during the forthcoming year;
 - (iv) Access tracks to be constructed and/or maintained;
 - (v) Drill/prospecting sites and other tracks to be constructed;
 - (vi) Any other site works within the consent area.
 - (b) The approximate disturbed area associated with quarry activities at the start of the forthcoming year including depth of excavations and area of working pit.
 - (c) The rehabilitation works to be carried out over the forthcoming year including:
 - (i) Areas of unrestored land (i.e. all land not finally contoured and spread with vegetative material) at the beginning of the new year;
 - (ii) The area that will be fully rehabilitated/contoured during the forthcoming year;
 - (iii) Maximum slope angles, bench heights and widths of recontoured ground, if applicable;
 - (iv) Rehabilitation methods and techniques including replacement of topsoil and/or vegetative material;

- (v) Final rehabilitation/contouring plans, if applicable.
- (d) Description of measures to prevent adverse effects on natural waters, including drainage works within the consent area, and the collection and treatment of contaminated site water before discharge to natural waters.
- (e) Measures that will be adopted to ensure soil conservation and slope stability is controlled.

The following plans shall also be submitted as part of the Annual Work Programme:

- (f) A detailed plan or aerial photograph showing:
 - (i) The working quarry area at the start of the year;
 - (ii) The proposed quarry path for the year including any access/haul roads;
 - (iii) Rehabilitated ground;
 - (iv) Location of existing and intended topsoil and vegetation stockpiles/dumps;
 - (v) Location of natural water courses;
 - (vi) Any other site works within the consent area.

The Consent Holder shall provide the Consent Authority with any further information, which the Consent Authority may reasonably request after reconsidering and Annual Work Programme. This information shall be provided in a timely manner as required by the Consent Authority.

- 11. The Consent Holder shall exercise the consent in accordance with the Annual Work Programme, except that the Consent Holder may, at any time, submit to the Consent Authority an amended work programme provided it complies with all other conditions of this consent.

Bond

- 12. The Consent Holder shall provide and maintain in favour of the Consent Authority a bond to secure the compliance by the Consent Holder with all of the conditions of the consent.

Payment

- 13. The payment of the bond quantum by the Consent Holder, as required by Conditions 17 or 18, shall either be:
 - (i) A bond in favour of the Consent Authority for the guarantee sum in a form and executed by a surety acceptable to the Consent Authority; or
 - (ii) Deposited with and held in a bank account by the Consent Authority.
- 14. Where a bond is guaranteed in accordance with Condition 13(i), the guarantor shall bind itself to pay up to the bond quantum for the carrying out and completion of all obligations of the Consent Holder under the bond.
- 15. Where a bond is deposited in accordance with Condition 13(ii), the interest which is earned on the deposit shall accrue to the Consent Authority and when the deposit is repaid to the Consent Holder, the Consent Holder shall be entitled to receive all interest (less resident withholding tax and any bank fees) together with the deposit sum unless the Consent Authority has had to use the deposit sum (or part thereof), pursuant to Condition 21, in which case the Consent Authority will provide the Consent Holder with a full breakdown of interest earned and the amount of the deposit sum that has been used.
- 16. The bond (as set at any time under Conditions 17 and 18) shall be held or remain in full force and effect throughout the term of this consent and until all conditions under this consent have been performed unless otherwise agreed by the Consent Authority.

Bond Amount

- 17. The initial quantum of the bond shall be a total of six thousand NZ dollars (NZ\$6,000).
- 18. The Consent Authority may vary the quantum of the bond from time to time (either up or down) at yearly intervals within two months of the anniversary of the date that the first bond is

executed after the Consent Holder has provided the Consent Authority the Annual Work Programme required under Condition 10.

19. In setting any new bond quantum, the Consent Authority shall:
 - (i) Have particular regard to the costs at the time of rehabilitating the quarry site to a standard that would ensure compliance with all conditions of consent; and
 - (ii) Take into account the quantum and purpose of any bond provided by the Consent Holder for the quarry in favour of any other legal entity.
20. If at any time the quantum of the bond is varied pursuant to Condition 18, Section 127 of the Act, then the Consent Holder (and unless the bond is a cash bond, the guarantor approved by the Consent Authority) shall, within thirty days (30) days of being notified of the new bond quantum, execute and lodge with the Consent Authority a new bond for the varied quantum or the additional quantum required in excess of the existing bond. In the event that the Consent Holder does not execute and lodge the required new bond within 30 days, then it shall cease to exercise this consent.
21. The Consent Holder shall complete work requested in writing by the Consent Authority to ensure compliance with the conditions of this consent within the time period specified in the Consent Authority's written request. In the event that the Consent Holder does not complete the requested work, then the Consent Authority may use the part of the bond quantum to complete that work.
22. Should the Consent Holder not agree with the new bond quantum determined in accordance with Condition 19, then the matter shall be referred to arbitration in accordance with the provisions of the Arbitration Act 1996. Arbitration shall be commenced by written notice ("notice of arbitration") by the Consent Holder to the Consent Authority advising that the amount of the bond is disputed, such notice to be given within 14 days of the Consent Holder receiving notice from the Consent Authority of the new bond quantum. If the parties cannot agree upon an arbitrator within 7 days of the notice of arbitration, then an arbitrator shall be appointed by the President of the Institution of Professional Engineers of New Zealand. Such arbitrator shall give an award in writing to the parties within 30 days after his or her appointment (the "date of arbitration decision"); unless the parties agree that the date of arbitration decision shall be extended. The Consent Holder shall bear the full and reasonable costs of the parties in connection with this arbitration. In all other respects, the provisions of the Arbitration Act 1996 shall apply. Pending the outcome of that arbitration, the current bond shall continue in force. The bond quantum shall be adjusted in accordance with the arbitration decision.
23. The Consent Holder shall pay all actual and reasonable costs relating to the administration of the bond.
24. The Consent Holder shall complete work requested in writing by the Consent Authority to ensure compliance with the conditions of this consent within the time period specified in the Consent Authority's written request. In the event that the Consent Holder does not complete the requested work, then the Consent Authority may use the part of the bond quantum to complete that work.
25. The provisions of Section 109 of the Act shall apply to any bond required pursuant to these conditions.
26. If the consent is transferred in part or whole to another party or person, the bond shall continue until any outstanding work at the date of transfer is completed to ensure compliance with the conditions of this consent, unless the Consent Authority is satisfied adequate provisions have been made to transfer the liability to the new Consent Holder.
27. In the event of any such transfer of the consent, the Consent Holder shall ensure that the transfer forthwith provides a replacement bond to the Consent Authority on the terms required by the Bond Conditions.

SPECIFIC CONDITIONS APPLYING TO RC-2020-0013-02 – Discharge to Land

28. There shall be no land disturbance within a minimum riparian buffer of 10 metres from any permanently flowing waterbody.
29. The disturbed areas shall be established with vegetation as soon as practical after earthworks have been completed.
30. The Consent Holder shall install sufficient sediment traps, cut off drains and/or other sediment mitigation devices as required to ensure that there is no discharge of sediment beyond the property boundary (Lot 1 Sec 1 and 50 DP 483059 SO 15488 BLK IX OPARARA SD).
31. The Consent Holder shall ensure that all sediment traps and any other sediment mitigation devices used during the earthworks are regularly checked, maintained and fully functional.
32. Notwithstanding Condition 30, there shall be no discharge to a natural water body from the earthworks that will result in any of the following effects beyond the boundary of the Consent Holder's property (Lot 1 Sec 1 and 50 DP 483059 SO 15488 BLK IX OPARARA SD):
 - (a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended material (including silt and/or sediment);
 - (b) Any conspicuous change in the colour or visual clarity;
 - (c) The rendering of fresh water unsuitable for consumption by farm animals;
 - (d) Any significant adverse effects on aquatic life; or
 - (e) Adverse effects on any take of water for human consumption

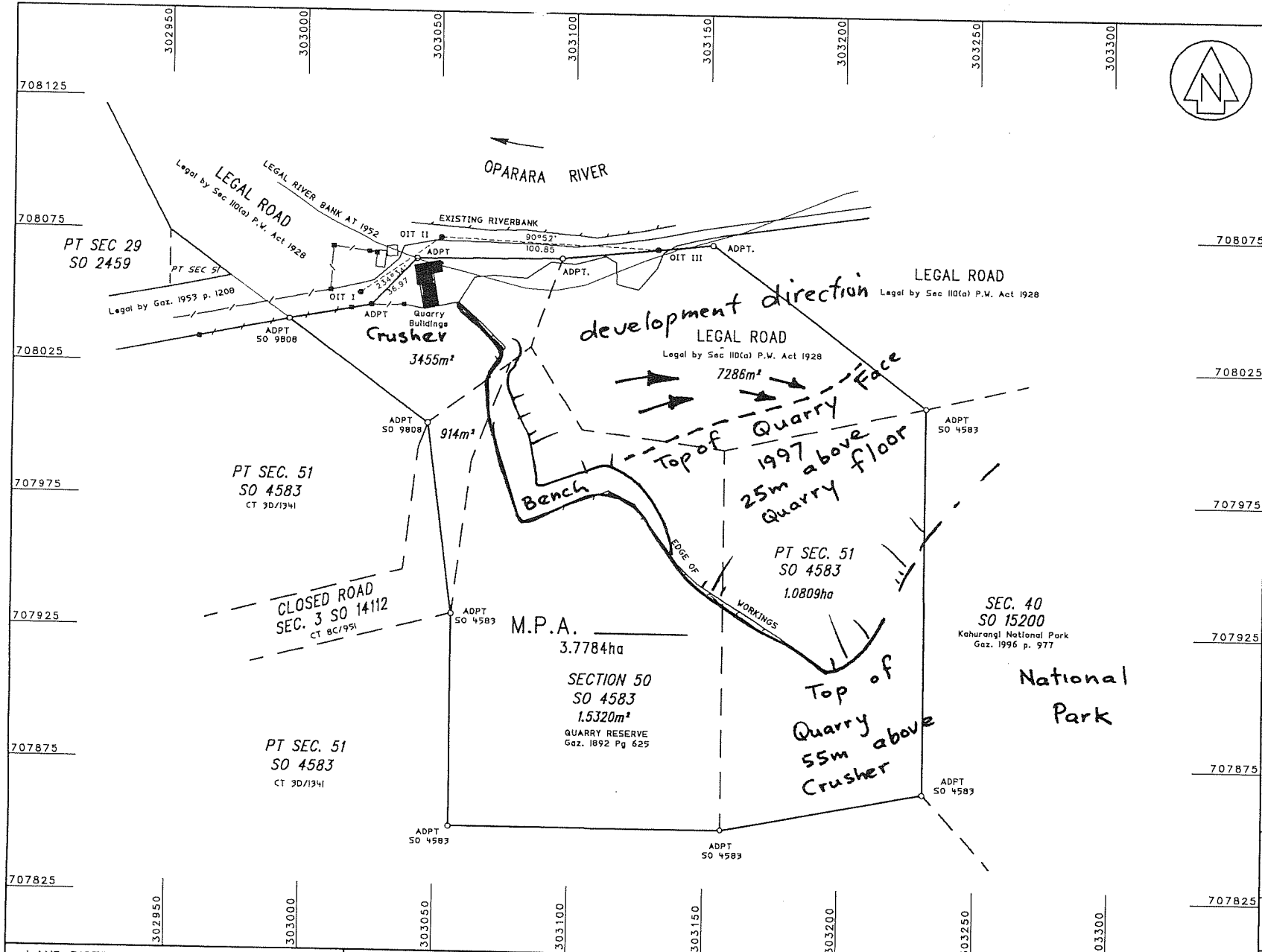
SPECIFIC CONDITIONS APPLYING TO CONSENT RC-2020-0013-03 – Air Discharge

33. All equipment used to avoid, or mitigate an effect on the environment from the discharge of emissions into the air shall be maintained in good working condition and shall be operated within the manufacturer's design parameters at all times to the satisfaction of the Consent Authority.
34. The Consent Holder's operations shall not give rise to any discharge of contaminants, which in the opinion of an Enforcement Officer of the Consent Authority is noxious, dangerous, offensive or objectionable at or beyond the property boundary (Lot 1 Sec 1 and 50 DP 483059 SO 15488 BLK IX OPARARA SD).
35. Notwithstanding Condition 34, the discharge shall not give rise to any deposited contaminants at or beyond the property boundary (Lot 1 Sec 1 and 50 DP 483059 SO 15488 BLK IX OPARARA SD) on which agricultural lime processing is being undertaken that has or is likely to have, an adverse effect on the environment.
36. The Consent Holder shall respond as quickly as practicable to any complaints about dust and take all practicable measures to minimise the dust emissions and to prevent it from reoccurring.
37. The Consent Holder shall record any complaints it receives in regard to dust issues in a complaints register which details any complaints received, the weather conditions at the time of the complaint and the action(s) taken to address each complaint. A copy of the complaints register shall be provided to the Consent Authority upon request.



Colin Helem

Acting Consents & Compliance Manager



→ shows direction of intended development for the next 5 years.

TABLE OF COORDINATE

SURVEY MARK	METRES N	E

DATUM NOTE

Bearing Datum : Old Cadastral
 Coordinate Datum : Old Cadastral
 in terms of Karamea Initial,
 Karamea Circuit
 700,000 mN, 300,000 mE.

Total Area 3,7784ha

Comprised in

I, Christopher John Col of Westport
 Registered Surveyor and holder of an annual practising certificate who may act as a registered surveyor pursuant to section 10 of the Survey Act 1986 hereby certify that this plan has been surveyed and executed by me or under my directions, that the surveys are correct and have been made in accordance with the Regulations 1972 or any regulations made in substitution thereof. Dated at Westport this 19th day of August 1997.

Field Book p Traverse Book
 Reference Plans ... SO 1412, 4583, 12817, 8808, 8588
 Examined Correct

Approved as to Survey

..... / / Chief Surveyor

Deposited this day of

District Land

File Received
 Instructions

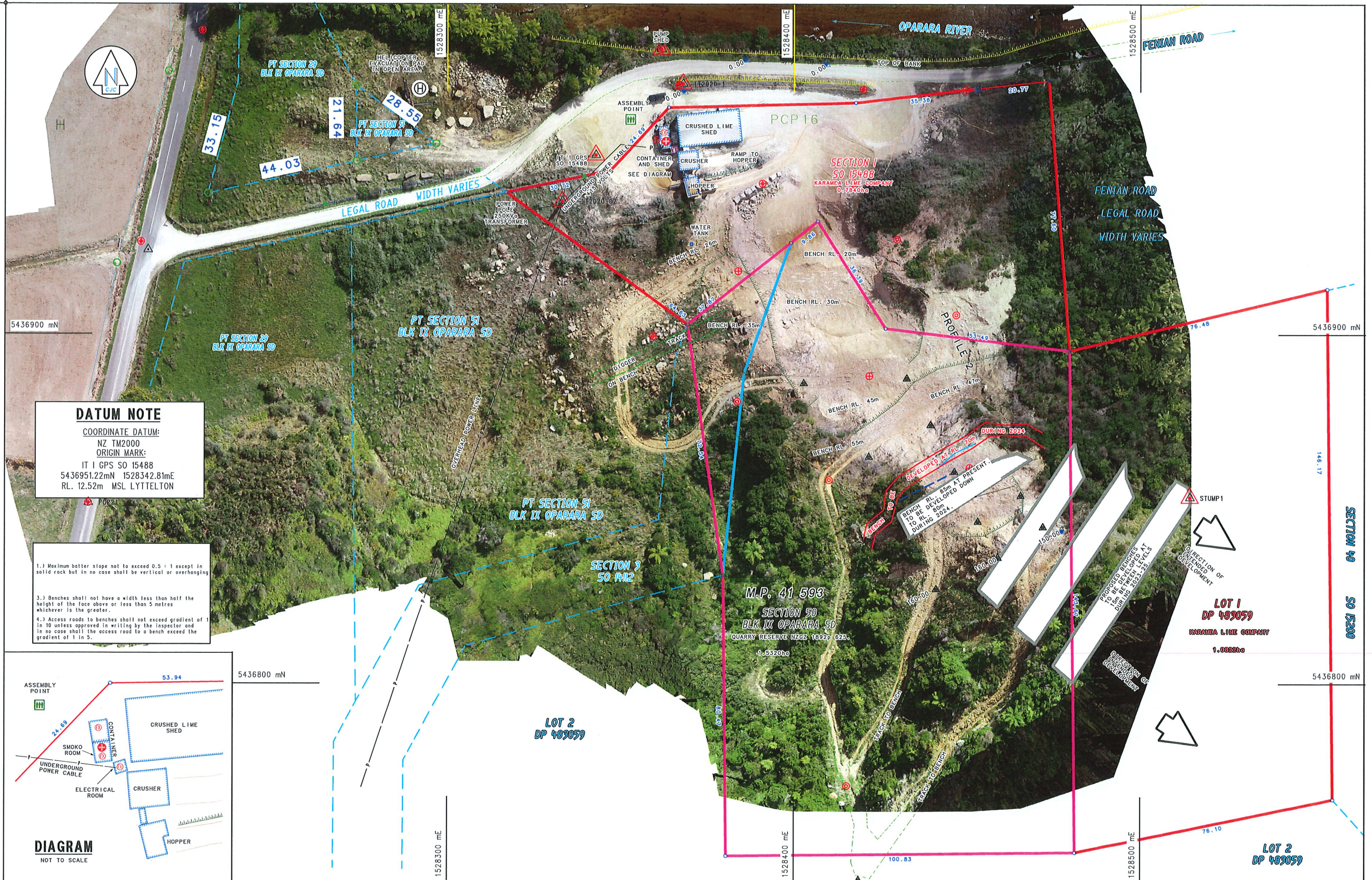
Approved LM 94708

LAND DISTRICT: NELSON
 SURVEY BLK & DIST: IX, OPARARA
 NZMS L.27 SHEET No. 10,000/6.2

MINING PERMIT APPLICATION
 No. 41-593
 APPLICANT: KARAMEA LIME CO.

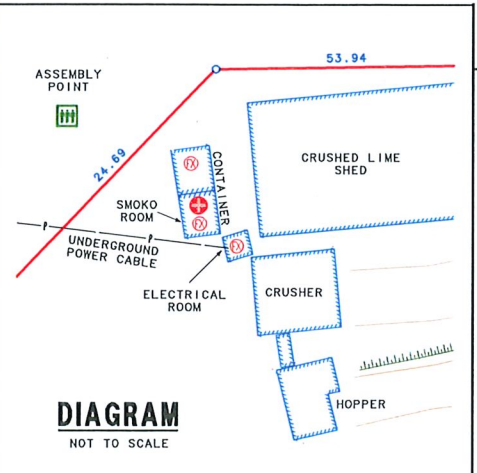
LOCAL AUTHORITY: BULLER DISTRICT
 Surveyed by: C.J. COLL LIME1308.G07
 Scale: 1 : 1000 Date: AUGUST 1997

Plan Showing Extent of Resource & Intended Development



DATUM NOTE
 COORDINATE DATUM:
 NZ TM2000
 ORIGIN MARK:
 IT 1 GPS SO 15488
 5436951.22mN 1528342.81mE
 RL. 12.52m MSL LYTELTON

- 1.) Maximum batter slope not to exceed 0.5 : 1 except in solid rock but in no case shall be vertical or overhanging
- 3.) Benches shall not have a width less than half the height of the face above or less than 5 metres whichever is the greater.
- 4.) Access roads to benches shall not exceed gradient of 1 in 10 unless approved in writing by the inspector and in no case shall the access road to a bench exceed the gradient of 1 in 5.



CERTIFICATION NOTE
 I, Christopher John Coll of Westport, being a person entitled to practise as a Licensed Cadastral Surveyor and holding a Certificate of Competency in Mine Surveying (No. 1717), certify that this plan has been prepared by me or has been prepared under my direction for the Karamea Lime Company.
 I certify the accuracy of this plan this 28th day of March 2024. Signature.....*[Signature]*

APPROVED
 MINE MANAGER --
 W.E.J. McLAUGHLIN
[Signature]

KARAMEA LIME COMPANY - MP 41 593.
PLAN OF INTENDED DEVELOPMENT,
WITH EXISTING MINE AND ASSOCIATED BUILDINGS MARCH 2024

CHRIS J COLL SURVEYING LTD
 Licensed Cadastral Surveyors, Resource Management Consultants

DRAWN	CJ COLL.	SHEET	1
DATE	MARCH 2024	SHEET 1 OF 4	
CHECKED BY	McLAUGHLIN, CJ COLL		
REF	4127 - MINE PLAN		
SCALES	1:500 (A1) 1:1000 (A3)		

Resource Consent application – Audit of Application and AEE

Consent No: RC-2020-0013

Applicant & Location: Karamea Lime Co Ltd

Territorial Authority: Buller Grey Westland Cross boundary issues Consents required from Local Territorial Authority or Other Agencies (state whether applied for) e.g. building consent. **Would likely need a consent with BDC**

Identify and comment on any strategic policy issues that should be considered, including reference to Regional Policy Statement. Does the application address these issues?

Plan/Policy Statement	Status	Objectives/Policies	Rules
Regional Policy Statement			
Soils & Rivers		O7.1; P7	
Natural Hazards		O11; P11.2	
Air Quality		O13.1, 13.2; P13.1.1, 13.2	
Minerals		O16.1, 16.2; P16.1, 16.2, 16.3	
Proposed Regional Policy Statement			
Use & Development of Resources		O5.1, 5.2; P5.1, 5.2	
Land & Water		O8.1, 8.3; P8.1, 8.3	
Air Quality		O10.2; P10.2	
Natural Hazards		O11.1; P11.1, 11.4	
Regional Air Quality Plan			
To discharge contaminants to air from limestone quarrying and crushing	D	O7.3.1; P7.4.1, 7.4.2	16
Regional Land and Water Plan			
To undertake earthworks, including vegetation clearance associated with quarrying.	D	O4.2.1; P4.3.1	16
To discharge contaminants to land from limestone quarrying and crushing	D	O13.2.1; P13.3.1	91
Resource Management Act section(s)			
Restrictions relating to the use of Land and discharges			S.9, 15

This application is: P – Permitted C – Controlled **D – Discretionary** (or innominate)
RD – Restricted Discretionary Pro – Prohibited

Comments on Planning & RMA Provisions

The quarrying works are discretionary activities under Rules 16 and 91 of the Regional Land and Water Plan. The discharge to air is a discretionary activity under Rule 16 of the Regional Air Quality Plan.

Any Relevant National Environmental Standards (NES) or Regulations:

The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 apply and relevant consent conditions will be put in place to ensure these regulations are met.

Tangata Whenua Issues

To complete this checklist it is necessary to refer to 'Statutory Acknowledgements – A guide for Local Authorities'. Also refer to relevant plans for matters of significance to Poutini Ngai Tahu.

(A) Is the application in, near or adjacent to a Statutory Acknowledgement Area? Yes No

(B) Are Tangata Whenua potentially adversely affected by the application? Yes No

(C) List of Tangata Whenua

	To be consulted	potentially adversely affected
Ngati Waewae	<input type="checkbox"/>	<input type="checkbox"/>
Makaawhio	<input type="checkbox"/>	<input type="checkbox"/>
TRONT	<input type="checkbox"/>	<input type="checkbox"/>

(D) List reasons, issues. How does the application address the issues? Give source of information. Where relevant, what is the course of action to be taken?

Environmental Effects

Audit of the applicant's AEE

Type of Consents Sought: 1 Land Use Consent and 2 discharge permits

Term: 35 years

Application: To undertake earthworks and vegetation clearance associated with quarrying and discharge contaminants to land and air.

AEE:

- Quarry has been in existence for a long period of time.
- A steep limestone ridge is being utilised for the quarrying activities.
- The total area of land affected by the activities is approx. 2ha.
- Works involve the quarrying of limestone and then crushing it to make fertiliser.
- Up to 10,000m³ will be extracted.
- Will involve removal of some native vegetation but operation is small in scale and will happen gradually over time. Area is already impacted by quarry works and vegetation is not of significance. More significant native vegetation is contained in the nearby national park.
- Overburden will be placed on adjoining pasture land, compacted and planted with pasture species.
- Sediment runoff may be generated during heavy rain but is directed towards paddocks where lime is beneficial.
- The crushing activities are contained in a shed but dust is generated and may fall out on adjacent paddocks where it is beneficial for farming practices.
- Runoff is not directed towards the Oparara River but into adjacent paddocks.

Assessment of any differences between applicant's AEE and council staff

I am in agreeance with the applicant's AEE.

Assessment of any relevant points not covered in the AEE

- There are no Scheduled Wetlands in the area.
- No special circumstances have been identified.

	None	Minor	Reasons
Construction/establishment			
Water ways			
Bed disturbance			
Sedimentation of water			
Bank stability			
Fish passage			
Flora/fauna disturbance			
Waterway capacity			
On land			
Slope stability		✓	Potential stability issues and runoff potential. Will be mitigated by using appropriate quarrying practices.
Erosion potential		✓	
Vegetation clearance		✓	
Runoff/stormwater		✓	
Coastal environment			
Noise			
Public access			
Disturbance			
Structures			
Natural hazards			
Amenity/natural character			
Discharges			
Quantity			Potential runoff and dust discharges may impact surrounding farm land but the lime is beneficial for farming purposes and the farm owner will need to sign off as an affected party.
Quality			
Potential to effect -			
Water quality		✓	
Soakage ability		✓	
Air Discharge		✓	
After/at completion of works			
Flow processes	✓		Quarry will be rehabilitated on completion of works
Sediment processes	✓		
Water Quality	✓		
Fish passage	✓		
Public access	✓		
Slope stability	✓		
Soakage	✓		
Revegetation		✓	
Land rehabilitation		✓	

Notification - Non-Notification Decision Report

Sections 92, 94 & 95 — Resource Management Act 1991 (amended 2009)

A. Details of Application	
Resource Consent Number	RC-2020-0013
Applicant (Consent Holder)	Karamea Lime Co Ltd
Location/Legal Description	Fenian Road, Karamea
Activity Description	Works associated with limestone quarrying.

B. Matters for Consideration

PUBLIC NOTIFICATION

1. Request to Publicly Notify – s95(3)(a)

a. Has the applicant requested that the application be notified?

No..... **Go to** Question 2

Yes..... Application to be **publicly notify**, state below how applicant advised Council

Comment:

2. Request for further information – S.92(1) or commissioning a report - S.92(2)

a. Has a request been made and there has been no decision to publicly notify or limited notify the application? – **S.95C**

No..... **Go to** Question 3

Yes..... **Go to** Question 2b

b. Has the applicant failed to respond by the deadline specified or refused to provide the information or refused to agree to the commissioning of a report? – **S.95C**

No..... **Go to** Question 3

Yes..... Application to be **publicly notified**

3. Notification Precluded

Does a rule or an NES preclude notification for all activities in the application?

No..... **Go to** Question 4

Yes..... Identify rule/NES below, then **go to** Question 4

Comment:

4. Classification of Activity

What type of consent application is being made?

Controlled.....(if all activities that form part of an application are controlled then application cannot be publicly notified unless special circumstances apply) **Go to** Question 5

Restricted Discretionary.....**Go to** Question 5

Discretionary.....**Go to** Question 5

Non-complying.....**Go to** Question 6

5. Residential Activities

Is the application for residential activities only with a Restricted Discretionary or Discretionary activity status?

Yes..... Application cannot be publically notified unless special circumstances exist, **Go to** Question 6.

No **Go to** Question 6

Comment:

6. Required Notification

Does a rule or an NES require notification?

- No..... **Go to** Question 7
 Yes..... Application to be **publicly notified**, identify rule/NES below

Comment:

7. Effects on the Environment

Will the activity have adverse effects on the environment that will be, or are likely to be, more than minor?
– **s95D**

In forming this opinion (a) to (e) apply:

- (a) we must disregard any effects on persons who own or occupy the land on which the activity will occur or any land adjacent to that land (s95D(a))
(b) we may disregard an adverse effect of the activity if a rule or NES permits an activity with that effect (s95D(b))
(c) for restricted discretionary we must disregard any adverse effects that fall outside the matters over which we restrict discretion (s95D(c))
(d) we must disregard trade competition and the effects of trade competition (s95D(d))
(e) we must disregard any effect on a person who has given written approval (s95D(e))

- Yes..... State reasons below, then **go to** Question 8
 No..... State reasons below, then **go to** Question 8

Reasons: (Also identify disregarded effects and specify restricted discretionary rule if applicable)

Effects of earthworks in this area are likely to be less than minor and contained to area of works.

8. Special Circumstances

Is it considered that special circumstances exist in relation to the application that would suggest that the application should be notified?

- No..... **Go to** Question 9
 Yes..... Application to be publicly notified, state reasons below

Reasons:

LIMITED NOTIFICATION

9. Protected Customary Rights or Marine Title Groups

Are there any affected customary rights groups or customary marine title groups? **S95G**

- Yes..... details _____ **Serve notice on affected groups**
 No Non-notified

10. Statutory Acknowledgement Areas

a. Is the activity on, adjacent to, or affect land subject to a Statutory Acknowledgement?

- Yes..... **Go to** Question 10b
 No **Go to** Question 11

b. Are the effects on the Statutory Acknowledgement holder minor or more than minor?

- Yes..... If written approval from holder has not been obtained then limited notify to affected holder.
 No **Go to** Question 11

11. Limited Notification Precluded

Are all activities in the application subject to a rule or NES that precludes limited notification?

- Yes..... Rule/NES _____ **Go to** Question 12
 No..... **Go to** Question 12

Comments:

12. Plan Provisions

Does the relevant Plan expressly allow processing of the application on a non-notified basis without the need to obtain the written approval of affected parties?

- Yes..... State relevant rule and plan, **Go to** Question 14
- No..... **Go to** Question 13

13. Affected Parties

a. Are there any persons or parties considered to be adversely affected by the activity? - **S.95B(1)**

A person is affected if the activity’s adverse effects on the person are minor or more than minor (but not less than minor – S.95E(1))

In forming an opinion as to who may be an affected person:

- (a) we may disregard an adverse effect on the person if a rule or NES permits an activity with that effect. (s95E(2)(a))
- (b) for controlled or restricted discretionary we must disregard any effects on the person that fall outside the matters over which we reserve control or restrict discretion (s95E(2)(b))
- (c) we must have regard to every Statutory Acknowledgement (s95E(2)(c))
- (d) We must decide that a person is not affected if the person has given written approval and has not withdrawn the approval in writing before the authority has decided whether there are any affected persons. (s95E(3)(a)) (NB: beware of conditional approvals).
- (e) We must decide that a person is not affected if it is unreasonable in the circumstances to seek the person’s written approval. (s95E(3)(b))

- Yes..... **Go to** Question 13b
- No.....State reasons why below

Reasons: (Also identify disregarded effects, specify controlled or restricted discretionary rule, and identify any Statutory Acknowledgement if applicable)

Works will be contained wholly within applicant’s property with sufficient buffers maintained to the creek and boundary’s to help reduce the potential for effects beyond the property boundary.

b. Have written approvals been obtained from every person who is considered to be adversely affected by the activity? **S95B(3)**

- Yes..... Complete the table below, then **go to** Question 12
- No..... Complete the table below, then **go to** Question 12
- Not applicable **go to** Question 12

Reasons:

Affected Party	How they are affected?	Written approval in application? (Y/N)
Fenian Farms Ltd	Adjacent land owner	N
Buller District Council	Road Reserve	N

14. Special Circumstances

Is it considered that special circumstances exist in relation to the application that would suggest that the application should be limited notified?

- No..... **Go to** Question 7
- Yes..... Application to be limited notified, state reasons below

Reasons:

Decision


It is decided that this application be processed on the following basis:

- Notified
- Limited Notified
- Non-notified

Reporting Officer: Rachel Clark

Signed  _____ Date: 23/01/2020

Delegated Authority: Colin Helem

Signed  _____ Date: 23-01-2020

Applications Affecting Navigation (s89A)

If the application is for a coastal permit does it do any of the following:

- Reclaim land
- Build a structure
- Do or maintain works for the improvement, management, protection, or utilization of a harbour
- Remove boulders, mud, sand, shell, shingle, silt, stone, or other similar material from the CMA

or

- A land use consent to use the bed of a navigable lake or river

If yes then the application must be copied to Maritime New Zealand for consideration in regard to the effects on navigational safety.

Maritime New Zealand must report to Council on any navigation-related matters relevant to the application, including any conditions that it considers should be included in the consent for navigation related purposes. Maritime NZ must provide that report within 15 working days after receiving a copy of the application, If it fails to report within that time limit you can take it that Maritime NZ has nothing to report.

You must forward a copy of any report supplied by Maritime NZ to the applicant and every person who has made a submission on the application.

The report must be taken into account when considering the application.

- ✓ **Not any of the above.**

Decision in Regard to a Non-notified Application

File No:	RC-2020-0013
Prepared by:	Rachel Clark
Date:	23 January 2020
Subject	To report and make recommendations on the determination of the below applications under non-notified provisions of the Resource Management Act 1991

1. Description of the application

Applicant: Karamea Lime Co Ltd

Address: PO Box 27

KARAMEA 7864

Consent No.	Consent type	Activity
RC-2020-0013-01	Land Use	To undertake earthworks and vegetation disturbance associated with limestone quarrying operations, Fenian Road, Karamea.
RC-2020-0013-02	Discharge Permit	To discharge contaminants to land for limestone quarrying and crushing operations, Fenian Road, Karamea.
RC-2020-0013-03	Air Discharge Permit	To discharge dust to air associated with limestone quarrying and crushing operations, Fenian Road, Karamea.

Location(s): Fenian Road, Karamea

Legal Description: Lot 1 Sec 1 and 50 DP 483059 SO 15488 BLK IX OPARARA SD

Map Reference: NZTM 1528412E, 5436925N

Previous consent: expiry date:

The above description is a summary for the purpose of this report. Further details are contained in the application and the applicant's Assessment of Effects.

3. Status of the Application

Controlled

Discretionary

Restricted Discretionary

4. Non-notification and written approval

A provisional decision was made on **24 January 2020** to process this application non-notified with the written approvals of affected parties (as listed below) as the effects are considered to be minor. These written approvals have been obtained and hence there is no reason for limited notification of the application.

List of affected parties:

Fenian Farms Ltd

Buller District Council

6. Recommendation

Reasons for recommendation

✓ That the Delegated Authority grants the application, subject to the terms and conditions as set out in the attached draft consent.

OR

o That the Delegated Authority declines the application [specify reasons if declining]

(a) The effects of the activity are expected to be minor, **YES**

(b) The activity will comply with the relevant statutory requirements. **YES**

(c) The application falls within the non-notification provisions of the Act. **YES**

(d) A term of **35 years** is considered appropriate to allow ongoing maintenance

Review period is: Monthly o Six monthly o Annually ✓ Other o Please specify:

This recommendation is consistent with the purpose and principles of the Resource Management Act 1991 as set out in Part II of the Act. The provisions of Section 104 have been considered.

The nature of the works is also consistent with the Council's Regional Policy Statement and Proposed Regional Policy Statement. Specific objectives and policies in respect of Soils & Rivers, Natural Hazards, Air Quality and Minerals are contained within Chapters 7, 11, 13 & 16 of the Regional Policy Statement. Specific objectives and policies in respect of Use & Development of Resources, Land & Water, Air Quality and Natural Hazards are contained in Chapters 5, 8, 10 & 11 of the Proposed Regional Policy Statement.

Other relevant objective/policies/rules/NES or any regional plans or proposed regional plans

The quarry works are a discretionary activities under Rules 16 and 91 of the Regional Land and Water Plan. The air discharge is a discretionary activity under Rule 16 of the Regional Air Quality Plan.



[Signature]

_Rachel Clark_____ [Consents Officer's name]

_24/06/2020_____ [Date]

Approved /Declined

Date 24/06/2020

Delegated Authority

