

THE WAITOMO DISTRICT COUNCIL

UNDER	the Resource Management Act 1991 ('the Act')
IN THE MATTER OF	Proposed Waitomo District Plan
SUBMITTER	Graymont (NZ) Limited

STATEMENT OF PLANNING EVIDENCE OF TERRY CALMEYER ON BEHALF OF GRAYMONT (NZ)
LIMITED

21 June 2024

1. INTRODUCTION

1. My name is Terry Calmeyer. I am a qualified and experienced environmental practitioner and planner and Associate Director of Enspire Consulting **Limited ('Enspire'), which is a consultancy** that provides, environmental, planning and process management services and advice.

1.1 Qualifications and Experience

2. After obtaining a Bachelor of Arts (Geography and Development Administration) and a Bachelor of Arts Honours (Geography with specialisation in Environmental Analysis and Management) I completed a Magister Artium ('MA') (with distinction) with specialisation in Environment and Society at the University of Pretoria in 2003.
3. I am a full member of the New Zealand Planning Institute ('MNZPI'), a Certified Environmental Practitioner ('CEvP' No 1673) and an accredited Commissioner under the Ministry for the **Environment 'Making Good Decisions' programme.**
4. I commenced my environmental planning career in Pretoria, South Africa in 1989 as a Geographic Information System ('GIS') Operator. I joined BKS (Pty) Ltd as a Scientist in 1997 where I undertook Assessments of Environment Effects (called Environmental Impact Assessments under South African legislation) and contributed to environmental components of various projects in the water, transport and energy sectors. In 2005 I joined ILISO Consulting (Pty) Ltd as a Technical Director where I continued consulting on infrastructure development and water resource management projects. In 2012, together with two business partners, I established MDT Environmental (Pty) Ltd to continue my environmental assessment, management and planning career.
5. I moved to New Zealand to take up a position in the Land and Oceans Applications Team at the Environmental Protection Authority ('EPA') in January 2020. In this role I gained a working **knowledge of New Zealand's natural resource management** system, particularly in relation to the Resource Management Act 1991 ('RMA'), the COVID-19 Recovery (Fast-track Consenting) Act 2020, and the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012. I commenced my role at Enspire in April 2023. I have been elected by the members of the **New Zealand Association of Impact Assessment ('NZAIA') to chair the core group that runs the** voluntary organisation.
6. I provide expert planning advice to a range of clients, in relation to resource management processes. I have attached, as Annexure A, my professional curriculum vitae. It lists some of the processes and projects that I have been, or am currently, involved in.

1.2 Code of Conduct

7. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court - **Te Kōti Taiao o Aotearoa** Practice Note (2023). My evidence has been prepared in compliance with that Code and I agree to follow it when presenting my evidence to the hearing to the proposed Waitomo District Plan ('the proposed Plan').
8. I confirm that this evidence is written within my area of expertise, except where I state that I am relying on the evidence of another person. I also confirm that I have not deliberately omitted to consider any material fact known to me that might alter or detract from the opinion expressed.
9. **I acknowledge that my overriding duty is to impartially assist the Hearing Panel's consideration and assessment of the proposed Plan.**

2. SCOPE OF EVIDENCE

10. On 20 October 2022, the Waitomo District Council publicly notified the proposed Plan for submissions. The proposed Plan is a review of the entire Operative District Plan and has been written in the National Planning Standards format.
11. Graymont made submissions¹ and further submissions² on the proposed Plan.
12. I was engaged by Graymont in June of 2024 to prepare and present expert planning evidence on the proposed Plan.
13. I confirm that I am familiar with the proposed Plan, having reviewed the following in the preparation of my evidence:
 - a. Relevant sections of the proposed Plan as notified;
 - b. Relevant section of the Waitomo **District Council** '*Proposed Waitomo District Plan - S32 Evaluation Report*' dated 20 October 2022 ('the S32 Report');
 - c. Graymont's submissions and further submissions;
 - d. The following sections of the Waitomo District Council Section 42A Report ('the S42A Report'):
 - i. '*Section 42A Report on Chapters 30 (Activities on the surface of water)*' prepared by Alex Bell; dated 7 June 2024;
 - ii. '*Section 42A Report on Chapters 21 (Contaminated Land) and 22 (Hazardous Substances)*' prepared by Alex Bell; dated 7 June 2024;
 - iii. '*Section 42A Report on District wide matters - Noise, Signs, Relocated Buildings and Light*' prepared by **C. O'Callaghan** dated **27** March 2024;
 - iv. '*Section 42A Report on Chapters 23 - Earthworks*' prepared by Alex Bell; dated 7 June 2024;
 - v. '*Section 42A Report on Chapter 47 - Industrial Zone*' prepared by Carolyn Wratt, dated 7 June 2024;
 - vi. '*Section 42A Report on the General Rural Zone*' prepared by **C. O'Callaghan** dated 27 March 2024; and
 - vii. '*Section 42A Report on the Rural Production Zone*' prepared by **C. O'Callaghan** dated 27 March 2024.
14. In my evidence, I also refer to the:
 - a. **Waikato Regional Policy Statement ('RPS')**.
15. My evidence addresses the topics to be heard in tranche 1³ of the hearing and covers the following matters:
 - a. Statutory and policy context;
 - b. A summary of Graymont's submissions and further submissions;
 - c. An assessment of recommendations in the S42A Report relating to the topics in the first tranche of the hearings presented by chapter, namely:
 - Contaminated Land
 - Hazardous substances
 - Activities on the surface of water
 - Noise
 - Signs
 - Relocation of buildings and shipping containers
 - Light
 - Earthworks
 - Industrial Zone
 - General Rural Zone,
 - Rural production Zone; and
 - d. My summary and conclusions.

¹ Submission #43.

² [graymont-nz-limited-further-submission.pdf \(waitomo.govt.nz\)](#)

³ Appendix 1 to Direction 1 from the Hearing Panel (<https://www.waitomo.govt.nz/media/zsibeeea/proposed-waitomo-district-plan-hearing-direction-1.pdf>)

16. I note that Graymont made submissions relating to the following sections of the proposed plan that are not covered by this tranche of the Hearing:
- a. Definitions;
 - b. Strategic Direction;
 - c. Natural features and landscapes;
 - d. Ecosystems and indigenous biodiversity; and
 - e. Natural Character.

3. STATUTORY AND POLICY CONTEXT

17. I acknowledge the statutory and policy context of the proposed Plan presented in the S32 Reports for the Chapters relevant to my evidence. This includes the Resource Management Act 1991 ('RMA'), National Direction, Regional Policy Statements, and Iwi Management Plans.

4. SUMMARY OF GRAYMONT'S SUBMISSION AND FURTHER SUBMISSION

18. Graymont is principally concerned to ensure that their existing lawfully established activities within the Waitomo District can continue to exist, operate and are able to be maintained, repaired, and upgraded without undue restriction, during operation and rehabilitated as quarrying is completed. Further, given the long-term viability of its operations hinges on being able to access high quality limestone, Graymont seeks to provide for the carefully considered expansion of its operations, using world class environmental practices, and also, to ensure that the existing and possible future extraction of minerals is not compromised by activities established or establishing near to those resources, which do not rely on access to those mineral resources.

5. ASSESSMENT OF CHANGES TO THE PLAN PROVISIONS RECOMMENDED IN THE S42A REPORT

19. In the following part of my evidence, I comment on the recommendations in the S42A Report.
20. References to the proposed Plan in the sections below are to the notified version of the documents with additions sought by Graymont or recommended by the S42A report underlined, and the deletions marked with ~~strike through~~.
21. Graymont's **submission** sought that several provisions be retained as notified, highlighting that these provisions were consistent with the direction provided by the RPS. The S42A Report recommends that the relief sought by Graymont to retain some of these provisions as notified be accepted. These are listed in Annexure B. I support the S42A report recommendation to retain these provisions as notified.

22. I discuss the remaining submissions by chapter below.

5.1 Activities on the Surface of Water - Chapter 30

23. Graymont requested that ASW-P2 be accepted in part, noting that while it considers this policy to be generally appropriate, it is not always appropriate to provide, maintain or enhance public access to a waterbody, particularly where there are health and safety issues associated with the same. Further, Graymont sought that not all waterbodies will require restoration and rehabilitation, as such, restoration and rehabilitation need only happen where required. Given this, Graymont sought that ASW-P2 be amended as follows:

Ensure any activities (including temporary activities) proposing to locate on the surface of the water, including structures and tourism activities, are appropriate having regard to the:...

3. Ability to provide, maintain, or enhance public access to the water body, where practicable; and

4. Ability to restore and rehabilitate the water body and/or off-set any adverse effects, where required; and...

24. In the S42A Report, Ms Bell recommends that the proposed amendment to ASW-P2.3 is not accepted. In this regard, Ms Bell argues that the current wording is sufficiently flexible through **the use of the word “ability”** for consideration to be given where public access could be inappropriate for health and safety reasons, and the governing sentence of ASW-P2 requiring **assessment of whether activities are appropriate “having regard to” the matters listed.**
25. Having considered the S42A reasoning for retaining ASW-P2.3 as notified, I support the S42A Report recommendation.
26. In the Section 42A Report, Ms Bell recommends that **Graymont’s** proposed amendment ASW-P2.4 be accepted. In doing so, Ms Bell agrees that not all water bodies will require restoration and rehabilitation, and that the wording proposed by Graymont provides sufficient flexibility for these circumstances.
27. I agree with the S42A Report recommendation to ASW-P2.4 and support the amendments proposed to the same, as follows:

Ensure any activities (including temporary activities) proposing to locate on the surface of the water, including structures and tourism activities, are appropriate having regard to the:...

3. *Ability to provide, maintain, or enhance public access to the water body; and*
4. *Ability to restore and rehabilitate the water body and/or off-set any adverse effects, where required; and...*

5.2 Noise

28. In its submission to NOISE-O2, Graymont requested that the objective be amended so that activities do not generate noise levels which adversely affect amenity values to an unacceptable extent and/or, the health and wellbeing of people and communities as follows:

Ensure that activities do not generate noise levels which adversely affect amenity values to an unacceptable extent and / or, the health and wellbeing of people and communities.

29. In the S42A Report, **Ms O’Callaghan** expresses reluctance to change this objective stating that **“...the terms used in it are generally understood (eg the RMA defines amenity values). The phrase ‘unacceptable extent’ is quite arbitrary. On balance it is considered that the objective achieves its aim which is to ensure activities do not have an adverse impact on communities and their residents. NOISE-P1 further refines the approach by identifying the amenity outcomes which are anticipated for each of the zones.”** Given this, **Ms O’Callaghan recommends** no amendment to NOISE-O2.
30. Having considered both the submission of Graymont to NOISE-O2 and the S42A recommendation to the same, I support the recommendation in the S42A Report.
31. Graymont requested that NOISE-R19 be amended to clarify that blasting includes a number of blasts undertaken within a short window of time, and that on some occasions this is necessary for safety purposes. **Graymont’s proposed amendment** does not propose that the blasting sequence occurs more than once a day as is currently provided for in the proposed Plan. It does **propose that blasting for safety purposes is treated as a ‘minor blast’ as identified in the Australian and New Zealand Environment Council Technical Guidelines.** In its submission, Graymont noted that it considered that these amendments clarified the application of the rule and do not increase the effects in a more than minor way. Further, Graymont noted that a sequence of smaller blasts may be less disruptive and potentially safer than a single larger blast. Given this, Graymont sought the following amendment:

... 5. Blasting, which may include a series of one or more blasts undertaken within a short time period, must not occur more than once per day. This requirement does not apply to minor blasts as identified in the Australian and New Zealand Environment Council - Technical

basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration, September 1990 or to blasting necessary for safety purposes; and

32. Graymont also offered the addition of a definition to address what blasting means as an alternative relief. The S42A Report recommends accepting both of these amendments.
33. Having considered both the submission of Graymont to NOISE-R19 and the S42A Report recommendation to the same, I support the recommendation in the S42A Report and recommend a definition be added as follows:

‘blasting’ means a planned blasting event within a set window of time and can include a number of blasts undertaken within that set window of time.

5.3 Signs

34. Graymont requested that SIGN-R1 be retained as notified stating that it is required to erect signs for health and safety reasons in order to comply with the Health and Safety at Work Regulations 2016, therefore the Company considers that it is appropriate that the proposed Plan provide for this and other legislative requirements.
35. In the S42A Report, Ms **O’Callaghan** recommends accepting this submission, while amending the rule to add the New Zealand Fish and Game Council to the small group of organisations which may erect signage without recourse to any rules in the plan as follows:

Activity status: PER Where: 1. The sign is required by the New Zealand Transport Agency, KiwiRail, the New Zealand Fish and Game Council, Waitomo District Council or is required to meet legislative requirements such as health and safety legislation. Note: This rule is not subject to any other rule in this plan.

36. I support the recommendation within the S42A Report to amend this rule and agree that it does not cause any effects as the New Zealand Fish and Game Council’s **signage is** informational.

5.4 Light

37. Graymont requested that LIGHT-O1 be retained as notified, stating that it is appropriate that the objective enables activities to generate an appropriate level of artificial lighting to support the safety and security of people and property.
38. Similarly, in their further submissions Graymont opposed the Department of Conservation’s (**‘DOC’**) submission to introduce new light provisions, stating that artificial light is often required to maintain health and safety standards in accordance with Health and Safety at Work 2015 legislation, for many activities, including quarrying and quarrying related activities, which may be located within or in proximity to areas that DOC consider to be light sensitive areas.
39. **In the S42A Report, Ms O’Callaghan** indicates that these matters will be addressed in the ecosystems and indigenous biodiversity chapter, which is not part of the topics for this hearing. As such, I do not address LIGHT-O1 further within this brief of evidence.
40. LIGHT-P1 seeks to ensure that artificial lighting is located, designed and operated so that it does not adversely affect amenity, the health and safety of people, and the safe operation of the transport network. In its submission to LIGHT-P1, Graymont sought that LIGHT-P1 be amended so that artificial lighting is located, designed and operated so that it does not adversely affect **amenity ‘to an unacceptable extent’**, as follows:

Artificial lighting is located, designed and operated so that it does not adversely affect amenity to an unacceptable extent, the health and safety of people, and the safe operation of the transport network.

41. In the S42A Report, Ms O’Callaghan does not consider that this amendment is an appropriate addition to the policy because: **“While amenity can be subjective (noting ‘amenity values’ are defined in the RMA), the use of the term ‘unacceptable extent’ further complicates the application of the policy. It is considered that the policy appropriately frames the two major effects the chapter is seeking to manage, those being; the nuisance effects to people and the adverse effects on the operation of the transport network where artificial lighting is poorly designed and located.”** The S42A Report recommends no change to LIGHT-P1, and that it is retained as notified.

42. In considering the S42A response and recommendation, my concern with keeping this provision as notified is that addressing amenity as stated could affect the ability of Graymont to undertake its operations. I note that other District plans⁴ allow for an appropriate level of lighting for operational purposes. I propose that LIGHT-P1 be reworded as follows -

Artificial lighting is located, designed and operated so that it ~~does not adversely~~ manages adverse effects on ~~effect~~ amenity, the health and safety of people, and the safe operation of the transport network.

This wording would provide for the operation of the regionally significant quarry as well as taking amenity and the safe operation of the transport network into account.

43. LIGHT-R2 sets the performance standards for the emission of artificial light. Graymont is concerned that LIGHT-R2.1 as currently worded may restrict or prevent lighting on top of a building that faces outwards toward a road (due to being oriented to face away from the building), but does not spill on to the road. In its submission to LIGHT-R2, Graymont therefore requested that LIGHT-R2.1 is amended so that:

1. All exterior artificial lighting must be oriented so that light ~~does not spill onto~~ is emitted away from any road or cause an adverse effect to any oncoming traffic; and ...

44. In the S42A Report, Ms O’Callaghan states that **“On balance, neither the notified wording ‘is emitted away’ or the proposed wording ‘does not spill onto’ are very clear. As the submitter points out, lighting could face a road but not cause an adverse effect. Similarly, lighting could spill onto a road and not cause an adverse effect. It is considered that the best approach is to adopt the submitter’s wording in part and refrain from referring to ‘emitting’ or ‘spilling’ light. The amendment would read:**

All exterior artificial lighting must be oriented so that light ~~is emitted away from~~ does not cause an adverse effect on any road or any oncoming traffic; and ...”

45. Having considered both Graymont’s submission to LIGHT_R2.1 and the S42A response to the same, I support the recommendation in the S42A Report.

⁴ e.g. Whangarei District Plan - LIGHT-P1 Amenity and Character - To maintain, and where appropriate enhance, the amenity and character of each zone by controlling the intensity, location and direction of artificial lighting.

LIGHT-P2 Health and Safety - To enable the use of artificial lighting where it is required for health and safety reasons, traffic, cyclist and pedestrian safety or navigational purposes.

LIGHT-P3 Mineral Extraction - To provide for the use of artificial lighting where it is required as a functional or operational component of mineral extraction activities in identified Quarrying Resource Areas, while ensuring any adverse effects of the artificial lighting are minimised.

LIGHT-P4 Safety - To enable safe and efficient use of areas which will be accessed by the general public after daylight hours by requiring appropriately designed, installed and maintained artificial lighting to be provided when developing or redeveloping these areas.

LIGHT-P5 Road Network - To support the safe and efficient use of the roading, cycling and pedestrian network while maintaining the character and amenity of the surrounding environment by requiring street lighting to be provided at the time of subdivision.

New Plymouth District Plan: LIGHT-P1: Allow activities to generate an appropriate level of artificial lighting for operational and functional purposes while maintaining the predominant or planned character and amenity of each zone. LIGHT-P2: Require artificial lighting to be located, designed and operated to: 1. control the maximum level of light overspill and glare; 2. manage adverse light spill and glare effects on adjacent properties, the health and safety of people, traffic safety, views and cultural values of the night sky, and the natural behaviour and habitats of indigenous fauna.

Waipā District Plan - Policy - Artificial lighting (20.3.2.1) - To ensure that artificial lighting is installed and utilised so as to avoid, remedy or mitigate adverse effects on adjoining and adjacent properties and roads.

5.5 Earthworks

46. Graymont opposed EW-P1 in part seeking amendments to this provision to recognise the operational requirements of particular activities such as mineral extraction and quarrying activities associated with significant mineral resources. Graymont requested EW-P1 be amended as follows:

Enable earthworks where they maintain the stability of land, buildings, structures and network utilities, or are associated with significant mineral resources while minimising:

- 1. Erosion and sediment loss from the site, including loss to reticulated stormwater systems; and*
- 2. The effect of cut or fill faces and retaining structures on the visual amenity and character of the surrounding area; and*
- 3. Significant alterations to natural landforms; and*
- 4. Adverse effects on air quality from objectionable particulate matter.*

47. In the S42A Report, Ms Bell considered that the amendment to EW-P1 would not be appropriate, as quarrying (which is associated with significant mineral resources) is to be excluded from this chapter and dealt with in the zone chapters (i.e. general rural zone, industrial and rural production zone).

48. Further, the Aggregate and Quarry Association ('AQA') **submitted that the distinction between quarrying from general earthworks in the Earthworks Chapter be retained as notified.** Graymont **supported this in its further submissions.** **The S42A Report recommends that AQA's submission is accepted.**

49. While EW - Table 2 - Performance Standards states that the rules relating to quarrying activities in the industrial, rural production and general rural zones prevail over this rule, it is not clear that this applies to the entire Earthworks Chapter including Policies.

50. **Having considered both Graymont's submission to EW-P1 and the S42A response to the same,** I support the recommendation in the S42A Report in part, but recommend that a statement be added to the Overview section of the Earthworks Chapter as follows:

Provisions relating to quarrying activities in the industrial, rural production and general rural zones prevail over provisions in this Chapter.

51. As with EW-P1, Graymont opposed EW-P5 in part seeking an amendment to this provision, to recognise the operational requirements of particular activities such as mineral extraction and quarrying activities associated with significant mineral resources as follows:

~~Manage~~ ~~Avoid~~ earthworks where their scale and location have the potential to create or exacerbate natural hazards.

52. In the S42A Report, Ms Bell agrees that **the word 'avoid' may place to high** a threshold where the effects of natural hazards can be appropriately remedied or mitigated and notes that the purpose of the RMA requires the avoidance, remedy or mitigation of any adverse effects of activities on the environment. Although the S42A Report acknowledges that **the term 'manage' encapsulates the 'avoid, remedy or mitigate' approach** it recommends that this provision should be consistent with the provisions managing earthworks in natural hazard areas in Chapter 23 - Natural Hazards (i.e. NH-R11) and recommends that the amended provisions could be as follows:

Avoid, remedy or mitigate earthworks where their scale and location ~~has~~ve the potential to create or exacerbate natural hazards.

53. **Having considered both Graymont's submission to EW-P5 and the S42A response to the same,** I support the recommendation in the S42A Report.

54. Graymont opposed EW-R7 in part and sought that a similar clause to the clause in EW-R6 be included within this provision where the rules relating to quarrying activities in the industrial and rural production zones prevail over the volume of earthworks rules in the earthworks chapter (EW - Table 2 - ref clause 6). The S42A Report states that this: *“could be included as it provides consistent clarification and is consistent with the approach in other rules i.e. EW-R6.6”*, and recommends the submission by Te Nehenehenui opposing this relief is rejected. The S42A Report recommends amending EW-R7 **as follows: ...**

1. *The cut depth or fill height (measured vertically) must not exceed:*
 - (i) *Outside the minimum building setback for the underlying zone - 1.5 m; and*
 - (ii) *Inside the minimum building setback for the underlying zone - 0.5 m; and*
 - (iii) *Where no minimum building setback applies (eg in the road reserve), the cut depth or fill height shall not exceed 1.5 m vertically.*
 - (a) *This rule does not apply to lawfully established underground tanks and septic systems **where the replacement is ‘like for like’**. That is a cut or fill that is in the same location and the effects are the same or similar in character, intensity and scale to those that previously existed.*
 - (b) *The rules relating to quarrying activities in the industrial and rural production zones prevail over this rule.*

55. I support the recommendation in the S42A Report and note that my recommendation in paragraph 50 would provide additional clarification.

5.6 Industrial Zone - Chapter 47

56. **Graymont’s** submission to INZ-O4 states that while it is not opposed to improvement of amenity within specific locations, this may not be practicable in every instance. Graymont therefore sought amendments to INZ-O4 to focus on ‘new activities’ rather than the objective applying to those activities which are lawfully established, and to recognise that it may not always be feasible to improve the amenity of industrial sites:

New activities seek to improve amenity, where this is appropriate and practicable, where sites are located adjacent to a State Highway or in proximity to the gateway entrances of Te Kūiti and Piopio.

57. **In response to Graymont’s submission** Ms Wratt states that *“I understand the concerns expressed by the submitter, as the nature of some industrial activities would make it difficult to satisfy this objective. I am also mindful that improvement of gateway entrances is a key move identified in the town concept plans. Balancing the practicality of an industrial site and the purpose of INZ with the aspirations expressed by the community in the town concept plans, I recommend the following amendment:*

*INZ-O4
Improve amenity, where practicable, where for sites are located adjacent to a State Highway or in proximity to the gateway entrances of Te Kūiti and Piopio.”*

58. **Having considered both Graymont’s submission to INZ-O4 and the S42A response to the same,** I support the recommendation in the S42A Report.

59. Graymont also sought to amend clause 4 of INZ-P4 **to insert the words “where practicable”**, as follows:

The development or re-development of any site must avoid or mitigate any actual or potential adverse effects by:

1. *Maintaining a practical level of amenity; and*
2. *Ensuring that road boundaries are landscaped and buildings on front and corner sites provide an active street frontage; and*
3. *Providing for security and boundary fencing in a way that does not adversely affect the anticipated level of amenity as viewed from roads and public spaces; and*

4. Ensuring buildings are sufficiently setback, and sites are landscaped and screened, where practicable, so that an appropriate buffer is provided to adjoining zones, roads and public spaces; and
5. Ensuring that industrial buildings do not overshadow buildings and/or activities on surrounding rural, residential and commercial properties; and
6. Avoiding remedying or mitigating adverse effects on lakes and water bodies.

60. INZ-P4 sets out ways in which development or redevelopment of a site must avoid or mitigate any actual or potential adverse effects. Clause 4 relates to building setbacks, and landscaping and screening from roads and public spaces. In responding to Graymont's submission Ms Wratt states that "As above, I am mindful that the nature of industrial activities and topography does not always enable complete screening. In addition, maximising public exposure may increase the economic success of a company or activity, and therefore support the economic well-being of the community. I therefore recommend that INZ-P4 is amended as" proposed.
61. In the S42A Report, Ms Wratt further notes that INZ-P4 will be engaged when there is a proposal which cannot comply with the standards for screening and landscaping, implemented by the following rules:
- a. INZ-R25 that requires landscaping of road boundaries adjacent to a State Highway;
 - b. INZ-R26 that requires screening of outdoor storage; and
 - c. INZ-R27 that requires landscaping of boundaries with a site zoned residential, rural lifestyle, settlement, commercial, Māori purpose, tourism, future urban or open space.
62. **Having considered both Graymont's submission to INZ-P4 and the S42A response to the same, I support the recommendation in the S42A Report.**

5.7 General Rural Zone

63. **Graymont's submission supported** objective GRUZ-O15 in part, and sought to retain this objective, or part of the objective that seeks to protect 'existing lawfully established activities' and 'regionally significant industry' from reserve sensitivity effects; and that require mineral and aggregate needs to be taken predominantly from local sources. **In response to Graymont's submissions the S42A Report recommends not retaining GRUZ-O15 as sought by Graymont and recommends the following:**

- GRUZ-O15. In the general rural zone, unless specifically provided for by zone provisions, avoid subdivision or development that:*
1. Provides for dwellings that are at a density greater than that anticipated by the general rural zone; or
 2. Fails to provide for a clear delineation between urban areas and rural areas; or
 3. Allows the establishment of incompatible adjacent land uses that could result in reverse sensitivity effects on ~~rural~~ primary production⁵ activities or existing lawfully established rural industries; or
 4. Adversely affects on-going access to significant mineral resources; or
 5. Impedes the ongoing operation maintenance, upgrading and development of existing and planned nationally/regionally significant infrastructure; or
 6. Results in the uneconomic expansion of existing infrastructure; and
 7. Fails to protect the use of highly productive land for primary production.

64. **Having considered both Graymont's submission to GRUZ-O15 and the S42A response to the same, I support the recommendation in the S42A Report.**

⁵ In the National Planning Standards, primary production means:

- (a) any aquaculture, agricultural, pastoral, horticultural, mining, **quarrying** or forestry activities; and
- (b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);
- (c) includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but
- (d) excludes further processing of those commodities into a different product.

Reverse Sensitivity

65. **Graymont's submission** supported GRUZ-P3 and sought that it be retained as notified, in particular those parts of the policy that seek to minimise reverse sensitivity effects associated with mineral resources and to recognise that quarrying activities are an established and accepted component of the rural environment and may generate noise, odour, dust and visual effects (Clauses 4. and 5.). **In considering Graymont's submission and** submissions from NZAAA, Heli A1 Limited, Ballance Agri-Nutrients and Ventus Energy, the S42A Report recommends that relief associated with agricultural aviation and energy infrastructure sought be accepted. In the S42A Report, Ms O'Callaghan states that **"using the 'primary production' definition extends the application of the policy to include initial processing and buildings used for this purpose. The amendment seems a sensible addition to the policy as often the effects of some activities (particularly quarrying) are a result of the initial processing of the product. The addition of agricultural aviation activities acknowledges this function as a part of the working rural environment. The amendment would read:**

GRUZ-P3. Ensure that rural character, amenity and safety is maintained and that reverse sensitivity effects are minimised by:

5. Recognising that ~~farming, forestry and quarrying activities~~ primary production (including agricultural aviation) ~~is~~ are an established and accepted component of the rural environment and may generate noise, odour, dust and visual effects; and"

66. **Having considered both Graymont's submission to** GRUZ-P3 and the S42A response to the same, I support the recommendation in the S42A Report.
67. In its submission to GRUZ-P5, while Graymont considers this policy to be generally appropriate, it recorded that it may not always be possible to protect the values of scheduled sites and **features by employing all 'methods necessary'. In this regard some methods will not be** practicable (such as, for example, outright avoidance of effects) depending on the nature of the rural based activity, or conducive to its own operation. Graymont supported this Policy in part and sought the following amendment:

Recognise the economic and employment benefits from rural based industry while ensuring rural based industry is designed, located and operated to internalise adverse effects on the environment as far as practicable by:

- 1. Ensuring the scale, location and operation of the rural based industry is consistent with the capacity, design and function of the roading hierarchy; and*
- 2. Ensuring the operation of the rural based industry does not adversely affect rural character or constrain lawfully established primary production activities from operating; and*
- 3. Ensuring that the scale, intensity, duration and nature of the adverse effects can be avoided, remedied or mitigated; and*
- 4. Ensuring the removal of vegetation and soil disturbance is minimised as far as practicable; and*
- 5. Employing all methods that are considered both necessary and that are practicable, to protect the values of scheduled sites and features.*

68. **In the S42A Report, Ms O'Callaghan** states that, with some re-wording to reduce the length of the sentence, the amendment could read:

*Recognise the economic and employment benefits from rural ~~based~~ industry while ensuring rural ~~based~~ industry is designed, located and operated to internalise adverse effects on the **environment as far as practicable by...***

5. Employing all methods, both necessary and practicable, to protect the values of scheduled sites and features.

69. **Having considered both Graymont's submission to** GRUZ-P5 and the S42A response to the same, I support the recommendation in the S42A Report.

70. Graymont's submission to GRUZ-P12 supported this provision in part and sought an amendment to include the phrases "where practicable" and "as appropriate" as follows:

Quarrying activities are managed so that the adverse effects are internalised as far as practicable in the first instance, then avoided, remedied or mitigated through management methods and rehabilitation plans that address matters including:....

8. Controlling and filtering sediment movement at source to prevent entry of sediment into karst hydrological systems, where practicable; and

9. As appropriate, ~~e~~Employing methods to manage and reduce peak runoff in order to simulate near natural infiltration rates and patterns of karst hydrological systems; and...

71. In response to Graymont's submission to GRUZ-P12, the S42A Report states that: "There is concern that the provisions in GRUZ-P12.9 - P12.11 may have strayed too far into regional council functions and responsibilities. While these matters were included for completeness as part of management methods and plans, they are clearly outside the duties and powers of district councils. The preference is to remove these policy points entirely and replace them with a new point which seeks to ensure adverse effects on hydrological systems and on the geomorphological or hydrological characteristics of the karst system, are managed. In that way, district council functions such as the location of ponds and overburden can be addressed through management methods and rehabilitation plans provided for in this policy."

72. Further, the S42A Report recommends the following:

"GRUZ-P12. Quarrying activities are managed so that the adverse effects are internalised as far as practicable in the first instance, then avoided, remedied or mitigated as far as practicable, through management methods and rehabilitation plans that address matters including:

1. Demonstrating that the activity will not adversely affect the health and well-being of the Upper Waipa River catchment; and

2. Management of dust, noise, vibration, access and illumination to maintain amenity values, particularly during night time; and

3. Ensuring structures are appropriately located in relation to boundaries, and are of an appropriate scale; and

4. Undertaking remedial measures during extraction operations; and

5. Ensuring the scale and location of mineral extraction is consistent with the capacity, design and function of the roading hierarchy; and

6. Minimising any adverse effect on rural character; and

7. Ensuring sites are rehabilitated using appropriate materials, substrates and indigenous vegetation to provide for the recolonisation of indigenous species; and

8. Minimising the removal of indigenous vegetation and soil as far as practicable; and

9. Where removal of high class soils cannot be avoided, as far as practicable enabling the use of the soil to rehabilitate land elsewhere in the region

10. Managing adverse effects on hydrological systems and on the geomorphological or hydrological characteristics of the karst system.

~~11. Controlling and filtering sediment movement at source to prevent entry of sediment into karst hydrological systems; and~~

~~12. Employing methods to manage and reduce peak runoff in order to simulate near natural infiltration rates and patterns of karst hydrological systems; and~~

~~13. Minimising the drawdown of water in the subcutaneous zone in karst hydrological systems."~~

73. In considering Graymont's submission and the S42A response to the same I support the recommendation on GRUZ-P12 in the S42A Report.

5.8 Rural Production Zone

Regional Significance

74. Graymont sought that RPROZ-O2 be retained as notified in its submission. Graymont also sought that its Oparure Quarry and Te Kuiti Kiln sites are provided for as “regionally significant industry” for the reasons set out in the definition to the same. As its’ operations were not provided for at this time, Graymont also sought that significant mineral resources (including its Oparure Quarry) are recognised and provided for. Graymont considers that the inclusion of recognition accords with the direction provided in the RPS. In addition, Graymont sought that the proposed Plan is amended to also specifically recognise and provide for significant mineral resources (as identified in SCHED1 - Scheduled rural production sites).

75. Graymont submitted that RPROZ-P1 should protect the ongoing operation, development, maintenance and upgrading of all of the sites listed in RPROZ-SCHED1 - Scheduled rural production sites, rather than just those noted to be regionally significant. In this regard, the Company noted **that some sites are listed in the schedule as ‘significant mineral resource’, while others are listed as regionally significant infrastructure or industry.** Graymont records that the overview to the Rural Production Zone notes that the zone provides for a number of important scheduled rural industrial activities which contribute to the economic and social well-being of the community. Graymont sought to amend RPROZ-P1 as follows:

Protect the ongoing operation and development or maintenance and upgrading of sites identified ~~as regionally significant~~ in RPROZ-SCHED1 - Scheduled rural production sites, by limiting the establishment or growth of noise sensitive activities on surrounding sites.

76. **In the S42A Report, Ms O’Callaghan recommends that Graymont’s relief related to RPROZ-SCHED1 is rejected.** This is because the RPS requires district plans to make special provision for activities **that are ‘significant mineral resources’, ‘regionally significant industry’ and ‘regionally significant infrastructure’ and it defines what these are, or in the case of ‘significant mineral resources’, it sets out criteria.**

77. **Ms O’Callaghan** does, however, recommend an amendment to the overview of the RPROZ Chapter that sets out how regional significance is established through the provisions of the RPS. The amendment would read:

The schedule also specifies the primary purpose of the site and whether the site is of regional significance.....

*Most sites in RPROZ-SCHED1 are regionally significant. Sites of regionally significant industry must meet the definition contained in the Waikato Regional Policy Statement. Similarly, sites of regionally significant infrastructure must the meet the definition contained in the **Waikato Regional Policy Statement or in the Manawatū-Whanganui One Plan EIT-P1(1)(a).** Sites identified as significant mineral resources must meet the criteria contained in the Waikato Regional Policy Statement.*

In line with the provisions of the

78. The overview **explains that where the term ‘regionally significant’ is used it refers to regionally significant industry, infrastructure and significant mineral resources.** SCHED1 includes two sites that are not regionally significant. An alternative remedy would be to amend RPROZ-P1 as follows:

Protect the ongoing operation and development or maintenance and upgrading of sites identified as regionally significant (regionally significant industries, regionally significant infrastructure and significant mineral resources) in RPROZ-SCHED1 - Scheduled rural production sites, by limiting the establishment or growth of noise sensitive activities on surrounding sites.

79. Similarly, in its submission, Graymont considers that RPROZ-P2 should apply to all those sites recorded in RPROZ-SCHED1 - Scheduled rural production sites, given that they are all considered important sites that contribute to the economic and social well-being of the community. Graymont sought that RPROZ-P2 be amended as follows:

Where the removal of indigenous vegetation in a significant natural area is unavoidable to provide for activities on sites identified as regionally significant, or as a significant mineral resource, the ensuing operations must remedy or mitigate adverse effects in that order in the first instance, or if this is not possible, offset adverse effects on the indigenous biodiversity values and ecological characteristics of the significant natural area by:...

80. In the S42A Report, Ms O'Callaghan considers that this amendment is not considered necessary because **where the term 'regionally significant' is used it refers both to regionally significant industry, infrastructure and significant mineral resources.**
81. While I agree with the S42A Report, I recommend that this status should be emphasised by amending RPROZ-P2 to:

Where the removal of indigenous vegetation in a significant natural area is unavoidable to provide for activities on sites identified as regionally significant (regionally significant industries, regionally significant infrastructure and significant mineral resources), the ensuing operations must remedy or mitigate adverse effects in that order in the first instance, or if this is not possible, offset adverse effects on the indigenous biodiversity values and ecological characteristics of the significant natural area by:...

Terminology applied to regionally significant sites

82. **Graymont's submissions queried** why its Oparure Quarry and associated Te Kuiti Kiln have not been recognised as 'regionally significant industry'. Graymont sought that recognition as 'regionally significant industry' would assist the Company in being able to continue to supply its products. I note that the Oparure Quarry is recognised as significant mineral resource which attracts the same protection as regionally significant infrastructure. Furthermore, I note that the Te Kuiti Kiln is in an Industrial Zone.
83. In the RPROZ Chapter S42A Report, Ms O'Callaghan states that the proposed Plan "*only identifies industries of regional significance on stand-alone sites in the general rural zone where reverse sensitivity effects are particularly problematic due to surrounding land uses. The RPROZ has the specific function of providing for activities that have a functional or operational need to locate in a rural environment rather than an industrial zone.*" **Ms O'Callaghan concludes that there is no provision in the plan for the Te Kūiti Kiln to be classified as a 'regionally significant industry'** unless it is rezoned as RPROZ. Ms O'Callaghan goes on to say that Graymont may wish to provide more information on this matter to the hearing, but in the interim, the officer recommends that the amendment is not made.
84. In his company evidence, Mr Murray expands on the essential nature of Graymont's **products**. A unique vertical gas fired Maerz Kiln **at Graymont's Te Kuiti site** produces high-quality quicklime from limestone supplied from the Oparure Quarry. The Te Kuiti Kiln employs highly trained and specialised staff to run the state of the art facility. The Te Kuiti Kiln is particularly important as it produces product that is required across a range of different industries and needs, including steel making, production of clean drinking water, reduction of nutrient runoff in pasture, construction (for soil stabilisation for infrastructure and subdivision), sewerage sludge treatment and environmental water treatment. The benefits associated with these products are experienced at a regional and national scale.
85. The RPS defines 'regionally significant industry' to mean:
- an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.*
86. **I am of the opinion that Graymont's Te Kuiti Kiln** is an economic activity based on the use of natural and physical resources (limestone) which has been shown to have social and economic

benefits that are significant at a regional or national scale. This is consistent with the definition of 'regionally significant industry' in the RPS as set out in paragraph 85.

87. **Ms O'Callaghan's** argument for not attributing the Te Kuiti Kiln site regionally significant industry is based on reverse sensitivity tending to be less of an issue in industrial zones with effects such as noise and light are an anticipated part of the industrial zone and therefore not the same need for sites to focus on internalising effects to manage nuisance impacts on neighbouring land uses.
88. The proposed Plan, however, provided for some new areas of 'Natural Open Space Zone' alongside the stream that runs through the Te Kuiti Kiln site as well as a land parcel adjacent to the site, partially rezoned as 'General Rural Zone'. These zoning changes within the vicinity of the Te Kuiti Kiln site may introduce reverse sensitivity effects on **Graymont's** operations not consistent with the protection that is envisaged by the RPS for a site of such regional importance.
89. Recognising Te Kuiti site as a regional significant industry would address this concern.
90. Taking **Graymont's submission and the S42A** Report reasoning and recommendations into account, I recommend that Graymont's Te Kuiti Kiln site is awarded 'regionally significant industry' status.
91. Graymont generally supported RPROZ-P4, however sought a minor amendment to clause 4, to provide for adverse effects on water bodies to be avoided, remedied or mitigated as follows:

Enable scheduled activities in the rural production zone, provided that the adverse effects of the activities are internalised, or avoided, remedied or mitigated as far as practicable through methods such as management practices, rehabilitation plans and mitigation measures that include:

1. *Managing dust, odour, noise, vibration, access, debris on roads, illumination and driver behaviour to maintain amenity values, particularly during the night time; and*
2. *Ensuring that noise and vibration effects are not unreasonable and do not adversely affect amenity values in the surrounding area; and*
3. *Ensuring that effects associated with glare, odour and particulates are appropriately managed mitigated; and*
4. *Avoiding, remedying or mitigating adverse effects on water bodies; and*
5. *Undertaking remedial measures during operations as appropriate; and*
6. *Requiring sites where quarrying activities occur to be rehabilitated and ensuring appropriate materials are used for this purpose.*

92. **In the S42A Report, Ms O'Callaghan** recommends accepting this submission.
93. **In considering Graymont's submission and the S42A response to the same I support the recommendation on RPROZ-P4 in the S42A Report.**
94. While Graymont considers RPROZ-P8 appropriate, the Company suggested a minor amendment to make it clear that reverse sensitivity effects are to be avoided or minimised in relation to important rural production sites as follows:

Enable scheduled activities in the rural production zone, provided that the adverse effects of the activities are internalised, or avoided, remedied or mitigated as far as practicable through methods such as management practices, rehabilitation plans and mitigation measures that include:

1. *Managing dust, odour, noise, vibration, access, debris on roads, illumination and driver behaviour to maintain amenity values, particularly during the night time; and*
2. *Ensuring that noise and vibration effects are not unreasonable and do not adversely affect amenity values in the surrounding area; and*
3. *Ensuring that effects associated with glare, odour and particulates are appropriately mitigated; and*
4. *Avoiding, remedying or mitigating adverse effects on water bodies; and*
5. *Undertaking remedial measures during operations as appropriate; and*

6. Requiring sites where quarrying activities occur to be rehabilitated and ensuring appropriate materials are used for this purpose.
In addition to the amendment requested above, Graymont seeks clarification of what is intended in managing driver behaviour and the types of behaviour that are required to be managed.

95. **In the S42A Report, Ms O’Callaghan** agrees that this addition clarifies the intent of the policy by specifying the sites and referring to the surrounding environment and recommends accepting the amendment.
96. **In considering Graymont’s submission and the Section 42A response to the same I support the recommendation on RPROZ-P8 in the Section 42A Report.**
97. In their further submissions, Graymont opposed **FENZ’s submission to retain** RPROZ-R26 as notified and considered requiring a consent as a discretionary activity to be overly restrictive.
98. **In the S42A Report, Ms O’Callaghan** recommends rejecting this relief sought by Graymont.
99. I acknowledge that RPROZ-P10 requires that where reticulated water, wastewater and stormwater networks are not available, servicing of the scale and intensity of the development to be serviced by on site non-reticulated water, wastewater and stormwater methods must be ensured. I, however, agree that a discretionary status is overly restrictive because this is not consistent with RPRPZ-O1⁶, RPROZ-O2⁷, RPROZ-O4⁸, and RPROZ-P1⁹. I therefore recommend that, if not a Controlled status, RPROZ-R26 should have, at most, a Restricted Discretionary status.

6. SUMMARY AND CONCLUSIONS

6.1 Summary

100. Graymont is principally concerned to ensure that their existing lawfully established activities within the Waitomo District can continue to exist, operate and are able to be maintained, repaired, and upgraded without undue restriction, during operation and rehabilitated as quarrying is completed. Further, given the long-term viability of its operations hinges on being able to access high quality limestone, Graymont seeks to provide for the carefully considered expansion of its operations, using world class environmental practices, and also, to ensure that the existing and possible future extraction of minerals is not compromised by activities established or establishing near to those resources, which do not rely on access to those mineral resources.

101. I consider that the amendments listed below are consistent with the policy framework set out in the RPS.

6.2 Outcome sought

102. The following summarises the outcome sought:

- a. Several provisions as listed in Annexure 2 be retained as notified.

⁶ PROZ-O1 - This zone provides for and recognises both the economic and social benefits afforded by the scheduled rural production sites and their unique operational requirements

⁷ RPRPZ-O2 - Recognise and provide for the ability of the sites identified as regionally significant in RPROZ-SCHED1 - Scheduled rural production sites, to continue to operate, grow and develop and to be maintained and upgraded by:

1. Avoiding or minimising the potential for reverse sensitivity effects on activities in this zone; and
2. Managing the establishment of noise sensitive activities including subdivision, use and development.

⁸ RPROZ- Provide for the primary purpose of any scheduled activity in the rural production zone including opportunities for their growth and expansion to meet future demands, while managing the adverse effects on the environment.

⁹ RPROZ-P1 - Protect the ongoing operation and development or maintenance and upgrading of sites identified as regionally significant in RPROZ-SCHED1 - Scheduled rural production sites, by limiting the establishment or growth of noise sensitive activities on surrounding sites.

- b. ASW-P2 be amended as proposed in the S42A Report, as follows:
Ensure any activities (including temporary activities) proposing to locate on the surface of the water, including structures and tourism activities, are appropriate having regard to the:...
 3. *Ability to provide, maintain, or enhance public access to the water body; and*
 4. *Ability to restore and rehabilitate the water body and/or off-set any adverse effects, where required; and...*
- c. NOISE-O2 is retained as notified.
- d. NOISE-R19 be amended to clarify that 'blasting' includes a number of blasts undertaken within a short window of time, and that on some occasions this is necessary for safety purposes. Graymont's proposed amendment does not propose that the blasting sequence occurs more than once a day as is currently provided for in the proposed Plan as follows:
... 5. Blasting, which may include a series of one or more blasts undertaken within a short time period, must not occur more than once per day. This requirement does not apply to minor blasts as identified in the Australian and New Zealand Environment Council - Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration, September 1990 or to blasting necessary for safety purposes; and
- e. The addition of a definition to address what blasting means as follows:
blasting' means a planned blasting event within a set window of time and can include a number of blasts undertaken within that set window of time.
- f. SIGN-R1 be amended to: *Activity status: PER Where: 1. The sign is required by the New Zealand Transport Agency, KiwiRail, the New Zealand Fish and Game Council, Waitomo District Council or is required to meet legislative requirements such as health and safety legislation. Note: This rule is not subject to any other rule in this plan.*
- g. That LIGHT-P1 be reworded as follows -
Artificial lighting is located, designed and operated so that it ~~does not adversely~~ manages adverse effects on ~~effect~~ amenity, the health and safety of people, and the safe operation of the transport network.
- h. LIGHT R2.1 is amended to:
All exterior artificial lighting must be oriented so that light ~~is emitted away from~~ does not cause an adverse effect on any road or any oncoming traffic; and ..."
- i. A statement is added to the overview section of the Earthworks Chapter as follows:
Provisions relating to quarrying activities in the industrial, rural production and general rural zones prevail over provisions in this Chapter.
- j. Amend EW-P5 to:
Avoid, remedy or mitigate earthworks where their scale and location ~~have~~ the potential to create or exacerbate natural hazards.
- k. Amend EW-R7 **as follows:** ...
 1. *The cut depth or fill height (measured vertically) must not exceed:*
 (i) *Outside the minimum building setback for the underlying zone - 1.5 m; and*
 (ii) *Inside the minimum building setback for the underlying zone - 0.5 m; and*
 (iii) *Where no minimum building setback applies (eg in the road reserve), the cut depth or fill height shall not exceed 1.5 m vertically.*
 (a) *This rule does not apply to lawfully established underground tanks and septic systems **where the replacement is 'like for like'. That is a cut or fill that is in the same location and the effects are the same or similar in character, intensity and scale to those that previously existed.***
(b) The rules relating to quarrying activities in the industrial and rural production zones prevail over this rule.

- l. Amend INZ-O4 to:
 Improve amenity, where practicable, ~~where for sites are~~ located adjacent to a State Highway or in proximity to the gateway entrances of Te Kūiti and Piopio.
- m. Amend clause 4 of INZ-P4 to insert the words “where practicable”, as follows:
The development or re-development of any site must avoid or mitigate any actual or potential adverse effects by:
1. Maintaining a practical level of amenity; and
 2. Ensuring that road boundaries are landscaped and buildings on front and corner sites provide an active street frontage; and
 3. Providing for security and boundary fencing in a way that does not adversely affect the anticipated level of amenity as viewed from roads and public spaces; and
 4. Ensuring buildings are sufficiently setback, and sites are landscaped and screened, where practicable, so that an appropriate buffer is provided to adjoining zones, roads and public spaces; and
 5. Ensuring that industrial buildings do not overshadow buildings and/or activities on surrounding rural, residential and commercial properties; and
 6. Avoiding remedying or mitigating adverse effects on lakes and water bodies.
- n. Amend GRUZ-O15 as follows:
In the general rural zone, unless specifically provided for by zone provisions, avoid subdivision or development that:
1. Provides for dwellings that are at a density greater than that anticipated by the general rural zone; or
 2. Fails to provide for a clear delineation between urban areas and rural areas; or
 3. Allows the establishment of incompatible adjacent land uses that could result in reverse sensitivity effects on ~~rural~~ primary production activities or existing lawfully established rural industries; or
 4. Adversely affects on-going access to significant mineral resources; or
 5. Impedes the ongoing operation maintenance, upgrading and development of existing and planned nationally/regionally significant infrastructure; or
 6. Results in the uneconomic expansion of existing infrastructure; and
 7. Fails to protect the use of highly productive land for primary production.
- o. Amend GRUZ-P3 as follows:
Ensure that rural character, amenity and safety is maintained and that reverse sensitivity effects are minimised by:
5. Recognising that ~~farming, forestry and quarrying activities~~ primary production (including agricultural aviation) is ~~are~~ an established and accepted component of the rural environment and may generate noise, odour, dust and visual effects; and
 8. Ensuring activities do not compromise the safe operation of the land transport network or existing energy infrastructure.”
- p. Amend GRUZ-P5 as follows:
Recognise the economic and employment benefits from rural ~~based~~ industry while ensuring rural ~~based~~ industry is designed, located and operated to internalise adverse effects on the environment as far as practicable by:...
5. Employing all methods, both necessary and practicable, to protect the values of scheduled sites and features.”
- q. Amend GRUZ-P12 as follows:
Quarrying activities are managed so that the adverse effects are internalised as far as practicable in the first instance, then avoided, remedied or mitigated as far as practicable, through management methods and rehabilitation plans that address matters including:
1. Demonstrating that the activity will not adversely affect the health and well-being of the Upper Waipa River catchment; and

2. Management of dust, noise, vibration, access and illumination to maintain amenity values, particularly during night time; and
3. Ensuring structures are appropriately located in relation to boundaries, and are of an appropriate scale; and
4. Undertaking remedial measures during extraction operations; and
5. Ensuring the scale and location of mineral extraction is consistent with the capacity, design and function of the roading hierarchy; and
6. Minimising any adverse effect on rural character; and
7. Ensuring sites are rehabilitated using appropriate materials, substrates and indigenous vegetation to provide for the recolonisation of indigenous species; and
8. Minimising the removal of indigenous vegetation and soil as far as practicable; and
9. Where removal of high class soils cannot be avoided, as far as practicable enabling the use of the soil to rehabilitate land elsewhere in the region
10. Managing adverse effects on hydrological systems and on the geomorphological or hydrological characteristics of the karst system.
11. ~~Controlling and filtering sediment movement at source to prevent entry of sediment into karst hydrological systems; and~~
12. ~~Employing methods to manage and reduce peak runoff in order to simulate near natural infiltration rates and patterns of karst hydrological systems; and~~
13. ~~Minimising the drawdown of water in the subcutaneous zone in karst hydrological systems.~~

- r. **Graymont’s Te Kuiti site is awarded “regionally significant industry” status.**
- s. Amend RPROZ-P1 as follows:
Protect the ongoing operation and development or maintenance and upgrading of sites identified as regionally significant (regionally significant industries, regionally significant infrastructure and significant mineral resources) in RPROZ-SCHEM1 - Scheduled rural production sites, by limiting the establishment or growth of noise sensitive activities on surrounding sites.
- t. Amend RPROZ-P2 as follows:
*Where the removal of indigenous vegetation in a significant natural area is unavoidable to provide for activities on sites identified as regionally significant (regionally significant industries, regionally significant infrastructure and significant mineral resources), the ensuing operations must remedy or mitigate adverse effects in that order in the first instance, or if this is not possible, offset adverse effects on the indigenous biodiversity values and ecological characteristics of the significant natural **area by:...***
- u. Amend RPROZ-P4 as follows:
Enable scheduled activities in the rural production zone, provided that the adverse effects of the activities are internalised, or avoided, remedied or mitigated as far as practicable through methods such as management practices, rehabilitation plans and mitigation measures that include:
 1. Managing dust, odour, noise, vibration, access, debris on roads, illumination and driver behaviour to maintain amenity values, particularly during the night time; and
 2. Ensuring that noise and vibration effects are not unreasonable and do not adversely affect amenity values in the surrounding area; and
 3. Ensuring that effects associated with glare, odour and particulates are appropriately managed ~~mitigated~~; and
 4. Avoiding, remedying or mitigating adverse effects on water bodies; and
 5. Undertaking remedial measures during operations as appropriate; and
 6. Requiring sites where quarrying activities occur to be rehabilitated and ensuring appropriate materials are used for this purpose.
- v. Amend RPROZ-P8 as follows:
Enable scheduled activities in the rural production zone, provided that the adverse effects of the activities are internalised, or avoided, remedied or mitigated as far as

practicable through methods such as management practices, rehabilitation plans and mitigation measures that include:

- 1. Managing dust, odour, noise, vibration, access, debris on roads, illumination and driver behaviour to maintain amenity values, particularly during the night time; and*
- 2. Ensuring that noise and vibration effects are not unreasonable and do not adversely affect amenity values in the surrounding area; and*
- 3. Ensuring that effects associated with glare, odour and particulates are appropriately mitigated; and*
- 4. Avoiding, remedying or mitigating adverse effects on water bodies; and*
- 5. Undertaking remedial measures during operations as appropriate; and*
- 6. Requiring sites where quarrying activities occur to be rehabilitated and ensuring appropriate materials are used for this purpose.*

In addition to the amendment requested above, Graymont seeks clarification of what is intended in managing driver behaviour and the types of behaviour that are required to be managed.

- w. Amend the activity status of RPROZ-R26 to Restricted Discretionary.

Terry Calmeyer

A handwritten signature in blue ink that reads "T. Calmeyer". The signature is written in a cursive style with a large, looped initial "T".

Associate Director and Environmental Planner
21 June 2024



Terry Calmeyer
Associate Director and Planner

Profile

Terry Calmeyer is a full member of the New Zealand Planning Institute (MNZPI) and an Environmental Practitioner with Certification with the Certified Environmental Practitioner (CEnvP) Scheme of Australia and New Zealand 2023/2024 (Registration number 1673). She has 30 years of experience in New Zealand and Africa. Her planning and environmental management skills are founded on a Masters degree in Geography (Environment and Society) from the University of Pretoria, South Africa, and many short courses. Recent short courses include the **New Zealand Ministry for the Environment's Making Good Decisions and the Environmental Protection Authority's Mātauranga framework training**. She has extensive experience managing and delivering the environmental components of a variety of large infrastructure projects in the energy, marine, water and transport sectors. Terry is a South African citizen with a permanent resident visa and full right to work in New Zealand, with 4 ½ years of New Zealand consenting and policy experience.

Qualifications

- MA (Environment and Society) University of Pretoria (with distinction) 2003
- BA Hons (Geography with specialisation in Environmental Analysis and Management) University of Pretoria (with distinction) 1999
- Diploma in Bookkeeping, Damelin 1995
- BA, Majoring in Development Administration and Geography, UNISA 1993
- Making Good Decisions - New Zealand Ministry for the Environment (2020)
- **New Zealand EPA's Mātauranga Framework (2022)**

Professional Memberships & Activities

- Full Member of the New Zealand Planning Institute (MNZPI)
- Certification with the Certified Environmental Practitioner (CEnvP) Scheme of Australia and New Zealand (Registration number 1673).
- Member of New Zealand Association of Impact Assessment (NZAIA) - Chair since December 2023 and serve on the Core organising group since January 2022 ongoing.
- Member of the Environmental Institute of Australia and New Zealand (EIANZ)

Expertise

EXPERT EVIDENCE

Terry provided evidence to the panel hearing Plan Change 1, Natural Hazards to the Whangarei District Plan on behalf of Channel Infrastructure in February 2024.

REGULATORY PROCESS

- Consultants Consents Planner for the Bay of Plenty Regional Council processing resource consent applications for groundwater takes, earthworks and contaminated land, including drafting section 95 reports, section 42A reports and draft conditions from April 2023 ongoing.
- In her roles as Principal Advisor, Team Leader and Acting Manager at the Environmental Protection Authority from 2020 to 2023, Terry:
 - Was the decision-maker for compliance with requirements of the COVID-19 (Fast-track Consenting) Act, 2020 for several applications.
 - Supported decision-making under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) and the Resource Management Act 1991 (RMA) by providing process and technical advice and support.
 - Actively managed the interface between the EPA, and independent statutory decision-making bodies, the relevant Minister, iwi, the applicant and local authorities and communities.
 - Liaised with the Ministry for Business, Innovation and Employment on a regulatory framework for the implementation of an offshore wind energy sector in New Zealand.
 - Undertook pre-application consultations with potential applicants for oil and gas, offshore wind, dumping and aquaculture developments in the Exclusive Economic Zone.
 - Provided support to applications teams processing national significant proposals under the RMA and marine consent applications under the EEZ Act.
 - Undertook the EPA initiated review of the conditions of the marine dumping consent for the scuttling of a fishing vessel.
 - Certification of dredging sampling plans.
 - Implementation planning for regulations requiring the EPA to process decommissioning plans from owners and operators of oil and gas operation in the EEZ zone.

POLICY

Terry's policy experience includes:

- **Appointed by Wildland Consulting Ltd ('Wildlands') and Nelson City Council ('NCC') to explore** the policy and planning context that supports the protection, enhancement, and restoration of ecological corridors and connectivity in Nelson City. This analysis supported an ecological corridors assessment for NCC undertaken by Wildlands. The purpose of the analysis was to ensure that recommendations made by Wildlands align appropriately with policy and will assist in determining the scale and method of appropriate protection.
- Provided oversight to EPA project teams processing resource consent applications including implementation of relevant policies, process management, financial management and reporting.
- Presentation at the South African Parliamentary Portfolio Committee on Water and the **Environment's Public Hearing on the efficacy of South Africa's Environmental Impact Assessment Regime** (July 2013).

- Review of the Effectiveness of the Implementation of the Waste Classification and Management Regulations and Associated Norms and Standards. Responsible for stakeholder identification, stakeholder engagement plan, consultation webinars, drafting correspondence, keeping records of consultation and comments and responses report (June to December 2019).

RESOURCE CONSENT APPLICATIONS AND ASSESSMENT OF ENVIRONMENTAL EFFECTS

Terry has project lead or contributed to numerous resource consent application processes including the associated Assessment of Environmental Effects reports and stakeholder engagement processes for both small and large-scale complex projects.

Project Examples

- Fish Screens in Lake Mangamahoe - Resource Consent Application and Assessment of Environmental Effects for new fish screens and associated infrastructure for two raw water intakes in Lake Mangamahoe, Taranaki Region.
- Taheke Geothermal Power Project 2023 - Terry compiled the Assessment of Environmental Effects report that supported the application for resource consents under the COVID-19 Recovery (Fast-track Consenting) Act 2020 and was lodged with the EPA in December 2023 and accepted as complying with the requirements of the FTC Act in January 2024.
- Mzimvubu Water Project. This approximately \$ 1.25 billion conjunctive scheme consists of two new large dams, a potable water supply scheme, irrigated agriculture, hydroelectric power generation and associated infrastructure in the Eastern Cape, South Africa. The project included new access roads and the re-alignment of roads and bridges inundated by the reservoir, as well as the relocation of households and graves (February 2013 to December 2015).
- Kobong pumped storage scheme off the Katse Dam and 65 km powerline in Lesotho.
- 98km section of the National Route 3 in South Africa. Consisted of the construction of a new South African freeway standard road to increase the capacity of the National Route 3, which links the Port of Durban to Gauteng and is the busiest route in South Africa (February 2013 to May 2017).
- **Eskom's Northern KwaZulu-Natal Strengthening project.** One new substation, approximately 230 km of 400 kV powerlines and 165 km of 132 kV power lines. (May 2016 to December 2018).
- **Solar photovoltaic power plants at Eskom's Arnot and Duvah Power Stations (October 2014 to June 2016).**
- 200 000 tons a year galvanizing plant in the Coega Industrial Development Zone in Port Elizabeth, South Africa (August 2017 to August 2018).

COMPLIANCE AND MONITORING

Terry has undertaken monitoring of compliance with conditions of resource consents.

- Commissioned by Graymont (NZ) Limited in May of 2023 to undertake an independent, external **audit of the Company's operation at its Makareao Quarry.** Terry drafted the audit report that describes the audit process, presents the findings, and recommended actions that were **considered necessary to ensure compliance with the Site's regional resource consents, as well as** with local and national regulations.

- **South Africa Department of Water and Sanitation's monitoring of construction for the raising of the Hazelmere Dam.** (January 2013 to November 2018).
- **Internal Audit of the Disaster Management Responsibilities of South Africa's Department of Water Affairs** (2011).
- Review and management of environmental issues related to the implementation of construction activities for the rehabilitation of approximately 25 dams to comply with dam safety requirements for South African Department of Water Affairs and Forestry on the Dam Safety Rehabilitation Project.

A handwritten signature in blue ink that reads "T. Calmeyer". The signature is written in a cursive style and is positioned to the left of a vertical yellow line.

Prepared by: Terry Calmeyer, Associate Director and Planner

ANNEXURE B: Provisions that Graymont sought be retained as notified and the S42A Report concurred

Chapter	Provisions	Comment
Contaminated Land - Chapter 21	CL-O1, CL-P2, CL-P3	These provisions were consistent with the direction provided by the Waikato Regional Policy Statement ('RPS') and that the District Council's decision to not include rules within the Contaminated Land Chapter was appropriate. The Company noted that to do so would likely lead to unnecessary duplication.
Hazardous substances - Chapter 22	HS-P2, HS-P3, HS-P4, HS-R1 and HS-R2	While Graymont recognised that significant hazardous facilities must be carefully managed, and pose a risk to the community, it considers that there may be some sites that sit outside of the Industrial and Rural Production Zones that could accommodate new significant hazardous facilities. Furthermore, Graymont notes that there is a functional need to locate their facilities in close proximity to the resource that they utilise. Given this, the Company considers that applications for new significant hazardous facilities with a functional need to locate adjacent to water bodies or within hazard areas or coastal hazard areas should be able to do so, where they are able to confirm that they do not pose a risk to people property or the environment. While Graymont notes that accidents may occur and procedures must be implemented should such instances occur, the Company consider that it is appropriate for new significant hazardous facilities to be designed to avoid accidental or unintentional release or loss of control of such hazardous substances. Graymont supports a permitted activity status for significant hazardous facilities that propose to increase the use storage or handling of hazardous substances by up to 20% over a 5-year period. Graymont considers a discretionary activity status for all new significant hazardous facilities located within the general rural zone, industrial and rural production zones and aerodrome precinct (subject to meeting clauses 1. - 3.) to be appropriate.
Activities on the Surface of Water - Chapter 30	ASW-O3	Graymont's submission highlighted that the objective is consistent with RPS Policy IM-P5.
Noise	NOISE-O1, NOISE-P1, NOISE-P3, NPOISE-R12	Graymont noted that NOISE-O1 and NOISE-P1 recognises that noise may vary from zone to zone, based on the function of the zone and the type of activities that are located within the same. Graymont considers it particularly important that the noise provisions provide for those activities such as quarrying associated with significant mineral resources, which are important to the District as specifically highlighted in the overview to the Rural Production Zone chapter. Graymont supports the inclusion of the noise limits associated with the industrial and rural productions zones, and considers that they are appropriate for the type of activity undertaken within these zones.
Signs	SIGN-P1	Graymont stated that they are required to erect signs for health and safety reasons in order to comply with the Health and Safety at Work Regulations 2016, therefore the Company considers that it is appropriate that the proposed Plan provide for this and other legislative requirements.

Chapter	Provisions	Comment
Relocated Buildings and Shipping Containers	RLB-O4 and RLB-R4	Graymont stated that it considers that that is appropriate that new transportable buildings, second-hand relocated buildings and shipping containers do not detract from the values of the landscape or environment that they propose to locate in and that shipping containers are able to be utilised as accessory buildings within industrial and rural production zones as a permitted activity.
Light	LIGHT-O2	Graymont stated that the objective is appropriate as it recognises that artificial lighting serves a number of purposes, including allowing for work to occur at night, if required.
Earthworks	EW-P6	Graymont supported EW-P6 clause 1 in particular, given that, in order to maintain its existing operations, it is required to undertake earthworks incidental to its existing lawfully established activities.
Industrial Zone	INZ-O1 and INZ-O3	Graymont supported the inclusion of INZ-O1 which provides for protection from reverse sensitivity effects and INZ-O3 which provides for the expansion of industrial activities within their respective sites.
General Rural Zone	GRUZ-P13 and GRUZ-P14	In supporting this provision, Graymont noted that it is consistent with the RPS.
Rural Production Zone	RPROZ-O1, RPROZ-O3, RPROZ-O4, RPROZ-P3, RPROZ-P7, RPROZ-R12 and RPROZ-R13	Graymont considers it is appropriate that scheduled rural production sites are managed so that the adverse effects are internalised or avoided, remedied or mitigated as far as practicable. Graymont notes that the adverse effects of scheduled rural production sites cannot always be internalised in all instances. Furthermore, Graymont supported the provision for offsetting to be considered in this policy, in those instances where remediation or mitigation do not address all residual adverse effects, and supported the provision for mineral prospecting and exploration and quarrying activities as permitted activities where they apply to RPROZ-1 to RPROZ-9.
General Rural	GRUZ-O10, GRUZ-O12	Graymont's submission supported these provisions in part, and sought to retain these objectives, or parts of the objectives that seek to protect 'existing lawfully established activities' and 'regionally significant industry' from reserve sensitivity effects; and that require mineral and aggregate needs to be taken predominantly from local sources.