

**SUBMISSION ON PROPOSED WEST COAST  
REGIONAL LAND AND WATER PLAN**

To: Chief Executive  
West Coast Regional Council  
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**1. SUBMITTER:**

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**2. THIS IS A SUBMISSION ON:**

*Proposed West Coast Regional Land and Water Plan*

**3. HEARING:**

The Aggregate and Quarry Association of New Zealand (Inc) (“AQA”) wishes to be heard in support of its submission.

**4. BACKGROUND:**

The Aggregate and Quarry Association of New Zealand Inc (“AQA”) was formed in 1969 by companies involved in extracting and supplying aggregates in New Zealand (e.g. rock, sand, gravel, clay, limestone), in response to the need for an industry group that could represent aggregate suppliers on a range of issues, as well as liaise with regulators and end users of the materials (see [www.aqa.org.nz](http://www.aqa.org.nz) for website). Membership of the AQA stands at over 80 companies, which between them produce 85% of the 50 million tonnes of aggregates and allied raw materials used in New Zealand.

AQA members are active in the West Coast Region in terms of extractive industries and provide necessary materials for residential, industrial and commercial development, thereby contributing significantly to sustainable economic development.

AQA members take their responsibilities regarding the environment seriously, and the AQA is committed to advocating to its member companies about the need to avoid, remedy or mitigate the adverse environmental effects of their operations on the surrounding environment. In recognition of this, the AQA seeks a planning regime that recognises the benefits of aggregates to our communities and supports its member companies' commitment to the management of environmental effects. In terms of the *Proposed West Coast Regional Land and Water Plan* the AQA's key concerns are as follows:

- (a) That there is appropriate and adequate recognition and provision for aggregate extraction activities within the West Coast Region;
- (b) That development controls do not unduly and unnecessarily restrict aggregate extraction activities; and
- (c) That development controls do not unnecessarily trigger the need for resource consent for aggregate extraction activities through the use of arbitrary limits that are not effects based, where reliance on appropriate robust permitted activity performance standards could adequately avoid, remedy or mitigate any significant adverse environmental effects.

## 5 SUBMISSIONS

**Provision:** Policy 4.3.4 – Gravel Extraction

**Submission:**

Policy 4.3.4 (Gravel Extraction) states the following:

*In addition to the requirements of Policy 4.3.2, when considering an application to excavate gravel from a river or lake bed, to consider:*

- (a) The sustainable yield of the lake or river system;*
- (b) Adverse effects on bed levels and channel location;*
- (c) Potential spread of pest plants.*

The AQA considers that Policy 4.3.4 should take a more balanced approach by placing greater emphasis on the regional importance of gravel extraction for use and development and flood protection. This is consistent with the first few sentences in the fourth paragraph of Section 4.1 (Introduction) in Section 4 (Lake and Riverbed Management) which state the following:

*Removal of gravel and debris from riverbeds is necessary and important for people and communities of the West Coast. Council records show that on the*

*basis of past allocations, there is little to suggest that resource depletion has been, or is an issue, except for a few small rivers where natural transportation rates are low. This Plan therefore allows as a permitted activity the removal of debris obstructing riverbeds and low volume extraction of gravel from most riverbeds.*

**Decision sought:**

Amend Policy 4.3.4 as follows:

*Activities that enable gravel extraction from a river or lake bed will generally be allowed in recognition of the regional benefit the gravel resource provides for use and development and the flood protection benefit of having it managed, however in addition to the requirements of Policy 4.3.2, when considering an application to excavate gravel from a river or lake bed, there is a need to consider:*

- (a) The sustainable yield of the lake or river system;*
- (b) Adverse effects on bed levels and channel location;*
- (c) Potential spread of pest plants.*

**Provision:** Policy 8.3.5(a) – Gravel Extraction - Explanation

**Submission:**

Policy 8.3.5(a) states the following:

*When considering applications for resource consents to discharge contaminants to water to have regard to:*

- (a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects;*

The following two new sentences are included at the end of the “Explanation” paragraph:

*With respect to (a) for example, discharges from alluvial mining operations are often temporary in nature. They can be to constructed ponds which form part of the treatment system and can occur with minimal effect.*

The AQA supports recognition that the environmental effects of alluvial mining operations can be temporary and minimal nature if an appropriate treatment system is put in place.

**Decision sought:**

Retain last two sentences in the Explanation for Policy 8.35.

**Provision:** Rule 34 – Gravel Extraction

**Submission:** Rule 34 (Gravel Extraction) states the following:

*The extraction of gravel from the dry part of a riverbed is a restricted discretionary activity unless permitted under Rule 27 or 30. In considering any resource consent under this rule the Council will restrict the exercise of its discretion to the following:*

- (a) The amount to be taken, the removal method and the location and timing of the take;*
- (b) The resource available at the proposed extraction site;*
- (c) The resource already allocated from that river;*
- (d) Any adverse or beneficial environmental effects;*
- (e) Any potential effects on existing river users or existing structures;*
- (f) Any potential effects on statutory acknowledgement areas or pounamu resources;*
- (g) The duration of the resource consent;*
- (h) The information and monitoring requirements;*
- (i) Any bond; and*
- (j) The review of conditions of the resource consent.*

*An application for resource consent under this rule does not need to be notified and does not need to be served on persons who may be adversely affected by the activity unless either the applicant requests public notification or the Council considers that because of special circumstances the application should be publicly notified.*

The AQA supports the restricted discretionary activity status of larger scale gravel extraction activities from the dry part of a river bed.

**Decision Sought:** Retain Rule 34.

**Provision:** Rule 80 - Stockpiling

**Submission:** Rule 80 (Stockpiling) states the following:

*Unless covered by Rule 82 the stockpiling of gravel, sand, rock, soil or coal is a permitted activity, provided that all of the following conditions are met:*

- a) There is no discharge of contaminated runoff beyond the boundary of the subject property;*
- b) The discharge is located and contained to ensure that neither the discharge nor any contaminant arising from the discharge is able to enter any water body or the coastal marine area.*

The AQA supports the permitted activity status of stockpiling aggregate materials.

**Decision Sought:** Retain Rule 80.

**Provision:** Rule 3 – Earthworks in the Non Erosion Prone Area, outside riparian margins.

**Submission:** AQA opposes Rule 3 because it considers there is inadequate provision for land based aggregate extraction activities in Non Erosion Prone Areas (i.e. less than 12° slope). While Rule 3 specifically permits earthworks

“for the formation, construction, or reconstruction of roads, tracks, railway lines, landings, firebreaks, and network utility lines, pipes, or cables” in non-erosion prone areas, there is no such provision for aggregate extraction activities even though any adverse environmental effects could be adequately avoided through the application of the performance standards contained in the Rule. The AQA is aware of other Regional Plans that do not make a distinction between different types of activities in terms of controlling earthworks. A common approach in Regional Plans is to provide for all earthworks within Non Erosion Prone Areas as permitted activities subject to appropriate performance standards.

**Decision Sought:** Amend Rule 1 as follows (suggested change underlined):

*Earthworks in the Non Erosion Prone Area (less than 12<sup>0</sup> slope), and outside any riparian margin is a permitted activity if all of the following conditions are met:*

- (a) *Earthworks either:*
  - i) *Are for aggregate extraction activities or the formation, construction, or reconstruction of roads, tracks, railway lines, landings, firebreaks, and network utility lines, pipes, or cables;*  
*or*
  - ii) *Do not exceed an annual volume of 5000m<sup>3</sup> per landholding or hectare, whichever is the smaller; and*
- (b) *Sufficient sediment control is constructed so that the activity does not cause the visual clarity of any receiving water to decrease by more than 40%, as measured by black disc beyond 12 times the river’s width or 200 metres from the activity, whichever is the lesser; and*
- (c) *No soil or debris is placed directly in any river or lake bed; and*
- (d) *There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and*
- (e) *The activity does not affect any surface water take; and*
- (f) *The activity is not within:*
  - i) *50 metres of the Coastal Marine Area on the open coast line;*  
*or*
  - ii) *20 metres of the Coastal Marine Area elsewhere; or*
  - iii) *Any wetland identified in Schedule 1; and*
- (g) *Where earthworks are for the formation, construction, or reconstruction of any road, track, firebreak, landing, line, pipe, or cable:*
  - i) *Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and channel, swale, channel/ditch, or sumps and pipes to avoid causing erosion; and*
  - ii) *Any culverts, or cut and fill batters are designed and constructed or installed so as to prevent their failure and avoid causing erosion; and*
  - iii) *Trenches for the purpose of installing lines, pipes, or cables are backfilled and compacted within 48 hours of excavation; and*
- (h) *The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and*

- (i) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and
- (j) Where earthworks are for the purpose of forming a drain:
  - i) There is no erosion of the bed or banks of the receiving water body; and
  - ii) The drainage does not increase the flow in the receiving water body to the extent that it exceeds the carrying capacity of existing infrastructure; and
  - iii) The activity does not occur within 25m of any wetland identified in Schedule 1.
- (k) Where the earthworks are for the purpose of constructing a water supply bore the Council must be notified within five working days of the location depth and purpose of the bore.

*Note: For condition (j) the quality of any discharged drainage water must comply with the conditions of the permitted activity Rule 61 in Chapter 18.4 Discharges to Water.*

OR

Make any alternative changes appropriate to achieve the same outcome being sought by AQA.

**Provision:** Section 18.5.1 – Permitted Discharges to Land

**Submission:** AQA opposes Section 18.5.1 (Permitted Discharges to Land) because there is inadequate provision for “cleanfilling disposal”. While Section 18.5.1 includes Rule 71 which provides for “Solid Waste and Offal Pits” as a permitted activity (subject to performance standards), there is no parallel rule specific to “cleanfilling disposal”. Cleanfilling disposal can be an integral and beneficial part of aggregate extraction activities. A redundant quarry void can provide a suitable local disposal option for cleanfill and provide the quarry operator with the ability to backfill so that the land is reinstated to previous levels. The AQA is aware of other Regional Plans where cleanfilling disposal is a permitted activity in areas with low erosion potential subject to appropriate performance standards. Accordingly the AQA seeks a new permitted activity rule specific to “cleanfilling disposal”.

**Decision Sought:**

Include the following new (or similar) rule permitting cleanfilling disposal:

**RULE 71A. CLEANFILLING DISPOSAL**

The discharge of cleanfill onto or into land in the Non Erosion Prone Area, outside riparian margins:

is a permitted activity subject to the following conditions:

- (a) Sufficient sediment control is constructed so that the activity does not cause the visual clarity of any receiving water to decrease by more than 40%, as measured by black disc beyond 12 times the river’s width or 200 metres from the activity, whichever is the lesser; and

- (b) No cleanfill is placed directly in any river or lake bed; and
- (c) There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and
- (d) The activity does not affect any surface water take; and
- (e) The activity is not within:
  - (i) 50 metres of the Coastal Marine Area on the open coast line; or
  - (ii) 20 metres of the Coastal Marine Area elsewhere; or
  - (iii) Any wetland identified in Schedule 1; and
  - (iv) The floodplain of a river.
- (f) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and
- (g) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and
- (h) The cleanfill has no acid producing material; and
- (i) The activity shall not cause any increase in flooding on neighbouring properties; and
- (j) Records of the source and composition of all cleanfill material discharged at the site must be maintained and made available to the Regional Council upon request.

OR

Make any alternative changes appropriate to achieve the same outcome being sought by AQA.

**Provision:** Section 18.5.1 – Permitted Discharges to Land

**Submission:** AQA opposes Section 18.5.1 (Permitted Discharges to Land) because there is inadequate provision for “overburden disposal”. While Section 18.5.1 includes Rule 71 which provides for “Solid Waste and Offal Pits” as a permitted activity (subject to performance standards), there is no parallel rule specific to “overburden disposal”. Overburden is the waste earth and rock material covering land-based aggregate deposits and it’s disposal can be an integral part of aggregate extraction activities. The AQA is aware of other Regional Plans where overburden disposal is a permitted activity in areas with low erosion potential subject to appropriate performance standards. Accordingly the AQA seeks a new permitted activity rule specific to “overburden disposal”.

**Decision Sought:**

Include the following new (or similar) rule permitting overburden disposal:

**RULE 71B OVERBURDEN DISPOSAL**

The discharge of overburden onto or into land in the Non Erosion Prone Area, outside riparian margins is a **permitted activity** subject to the following conditions:

- (a) Sufficient sediment control is constructed so that the activity does not cause the visual clarity of any receiving water to decrease by more

- than 40%, as measured by black disc beyond 12 times the river's width or 200 metres from the activity, whichever is the lesser; and
- (b) No overburden is placed directly in any river or lake bed; and
- (c) There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and
- (d) The activity does not affect any surface water take; and
- (e) The activity is not within:
- (i) 50 metres of the Coastal Marine Area on the open coast line;  
or
- (ii) 20 metres of the Coastal Marine Area elsewhere; or
- (iii) Any wetland identified in Schedule 1; and
- (iv) The floodplain of a river.
- (f) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and
- (g) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and
- (h) The overburden has no acid producing material; and
- (i) The activity shall not cause any increase in flooding on neighbouring properties.

OR

Make any alternative changes appropriate to achieve the same outcome being sought by AQA.

**Provision:** Glossary

**Submission:** The AQA seeks to include a definition of “cleanfill” to support a proposed permitted activity rule relating to the discharge of cleanfill to land. An appropriate definition of “cleanfill” would ensure that the material is inert and not capable of producing any significant adverse environmental effects.

**Decision Sought:**

Include the following (or similar) definition for “cleanfill”:

**Cleanfill** means materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:

- (a) combustible, putrescible (except that cleanfill material may contain up to 5% by weight putrescible matter), degradable or leachable components.
- (b) hazardous substances.
- (c) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices.
- (d) materials that may present a risk to human health.
- (e) liquid waste.

OR

Make any alternative changes appropriate to achieve the same outcome being sought by AQA.

**Provision:** Glossary

**Submission:** The AQA seeks to include a definition of “overburden” to support the proposed permitted activity rule relating to the discharge of overburden to land.

**Decision Sought:**

Include the following (or similar) definition for “overburden”:

*Overburden means material such as clay, soil and rock covering land-based aggregate deposits.*

OR

Make any alternative changes appropriate to achieve the same outcome being sought by AQA.

**Signature:** **AGGREGATE AND QUARRY ASSOCIATION OF NEW ZEALAND (INC)**  
by it's authorised agents Environmental Management Services Ltd




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G.J. Mathieson

**Date:** 15 October 2010