

**BEFORE THE WAIKATO DISTRICT AND WAIKATO REGIONAL JOINT
HEARING PANEL**

IN THE MATTER of the Resource Management
Act 1991 (“RMA” or “the
Act”)

AND

IN THE MATTER of an application under s 88
of the Act to **WAIKATO
REGIONAL COUNCIL** and
**WAIKATO DISTRICT
COUNCIL** (ref LUC0488/22)
by **GLEESON MANAGED
FILL LIMITED** to establish
and operate a managed fill
disposal activity at 310
Riverview Road, Huntly.

**MEMORANDUM OF COUNSEL FOR GLEESON MANAGED FILL LIMITED IN
RELATION TO EVIDENCE**

1. INTRODUCTION

- 1.1 Gleeson Managed Fill Limited (“GMF” or “the Applicant”) has applied to Waikato District Council (“WDC”) and Waikato Regional Council (“WRC”) for the resource consent needed to establish and operate a managed fill disposal activity that imports material to deposit within identified gullies (referred to as Fill Areas 2-4) located north of an existing quarry within the same site at 310 Riverview Road, Huntly, Waikato (“Site”), and to undertake soil disturbance of a piece of land (referred to as Fill Area 3).
- 1.2 Up to 300,000m³ of fill is proposed to be deposited per annum and combined the fill areas will have an estimated capacity of 2,009,200m³. The fill areas are proposed to accept overburden from the quarrying activities on the site; imported managed fill and cleanfill, including construction & demolition material which may include asbestos containing soil and material, peat, marine sediment, and acid sulphate soils.

Submissions

- 1.3 The application was publicly notified, and 42 submissions were lodged.
- 1.4 The submissions address a range of matters, including:
- (a) Effects on Lake Weavers, Lake Puketirini, and Waikato River;
 - (b) Effects on road degradation (specifically the junction of SH1 and Tainui bridge) and pedestrians/cyclists safety;
 - (c) Ability to be operated and managed effectively and legally by GMF;
 - (d) Amenity effects, including noise, dust, odour, and visual impairment;
 - (e) Cultural effects; and
 - (f) Ecological effects.
- 1.5 GMF has carefully considered all issues raised in the submissions and addressed the issues raised in evidence as required.

Section 42A report

- 1.6 Two separate section 42A reports (one for the WRC and one for the WDC) have been prepared in regard to the Applicant's proposal. Both reports recommended that consent be declined but indicated that the recommendation may change following any new information presented, and if certain concerns can be addressed.
- 1.7 In preparing these two reports, the independent planning consultants who prepared the reports relied on the information provided by GMF, including the application documents, further information received, and submissions, as well as Council staff and technical experts engaged by GMF on a range of technical matters (including ecology, geotechnical, erosion/sediment, contaminants, air quality, traffic, noise, visual amenity, and archaeological matters).
- 1.8 There are various contentious issues raised by both s 42A reports regarding the proposal, and the Applicant is filing evidence in relation to all potential adverse effects which addresses each of the raised issues.

Regional

- 1.9 An independent planning consultant, Ms Emma Cowan, has prepared the section 42A report for WRC. She has recommended that consent be declined in full. The key issues Ms Cowan raised in the s42A report included concerns

regarding a lack of quantification for cumulative sediment discharges, the need for a shallow ground/surface water monitoring programme, whether adequate compensation for wetland loss will be achieved, whether restoration of the Waikato River catchment is provided for and what the cumulative contaminant load entering the catchment will be, and whether the proposal is inconsistent with the Vision & Strategy for the Waikato River.

- 1.10 Ms Cowan stated that her opinion might change following consideration of any new information presented by the Applicant or the technical experts, and in the event that ecological compensation is offered and a clear net benefit to the Waikato River catchment is demonstrated.

District

- 1.11 An independent planning consultant, Ms Julia Masters, has prepared the section 42A report for WDC, which has been approved by WDC Consents Team Leader Wade Hill. She recommended that the consent be declined. The key issues raised in the WDC s 42A report were the potential for adverse effects to arise relating to cultural values, and a lack of a stormwater management plan which may create unacceptable stormwater effects.

- 1.12 However, Ms Masters stated that the remaining actual and potential effects of allowing the activity can be adequately avoided, remedied, or mitigated through the mitigation measures proposed by GMF, subject to the suggested conditions. Ms Masters stated that this will be on the basis that the Applicant confirms the following points:

- (a) Clarification over the directional split of trucks arriving to and from the site.
- (b) The extent of the pine and eucalyptus plantations necessary to screen the fill sites from view be provided in a plan.
- (c) Details of additional compensation works to offset the effects of indigenous vegetation and habitat loss within wetland areas is provided.
- (d) The need for additional consents required for removal of indigenous vegetation undertaken without obtaining resource consent.
- (e) Clarification over the staging of works in relation to contaminated soils within Fill Area 3.

Purpose and scope of memorandum

1.13 Full legal submissions will be presented at the hearing. In the meantime, this memorandum has been prepared to accompany the evidence filed by the Applicant, for the purpose of assisting the Hearing Panel and Council officers to understand the case being presented on behalf of the Applicant.

1.14 This memorandum:

- (a) Identifies and summarises the Applicant's evidence in the order in which we respectfully request that it be read (Section 2);
- (b) Provides an overview of the key propositions of the Applicant's case (Section 3); and
- (c) Sets out the Applicant's principal submission (Section 4).

2. **THE APPLICANT'S EVIDENCE**

2.1 The evidence of the Applicant:

- (a) Describes the proposal and outlines the general genesis of what it intends to establish and operate; and
- (b) Provides an assessment of the effects of the proposed managed fill activities by reference to the relevant matters in the relevant planning instruments and the key issues arising, as appropriate. These comprise:
 - (i) Management and compliance;
 - (ii) Geotechnical issues;
 - (iii) Effects regarding erosion and sediment control;
 - (iv) Contaminants discharge effects;
 - (v) Groundwater effects;
 - (vi) Effects relating to Asbestos;
 - (vii) Air quality effects;
 - (viii) Ecological effects;
 - (ix) Traffic related effects;
 - (x) Amenity effects (including noise and visual/landscape);

- (xi) Archaeological effects; and
- (xii) Relevant planning matters.

Tranche 1 – overview of proposal and management and compliance

2.2 The first tranche of evidence assists to provide a background of GMF, an overview of the proposal and the rationale for it, making clear that it is well-conceived and designed. It also assists to explain GMF's management and operations, demonstrating the ability for the proposal to be operated and managed effectively and legally by GMF.

James Gleeson (GMF – Managing Director)

2.3 Mr Gleeson is the sole Director of GMF and has held this role since 2004. The first part of his evidence details the extent of his involvement at the Gleeson & Cox family business (since 1990), including GMF. It provides an overview of the history of GMF and explains the details of his role as Managing Director at GMF. This information gives insight to the way GMF runs as a business regarding its management.

2.4 Mr Gleeson's evidence also assists to understand the existing use of the site and GMF's rationale for the proposed managed fill activity application at the site. It addresses the benefits arising from the proposal.

Mark Pelan (GMF – CFO)

2.5 Mr Pelan is the Chief Financial Officer at GMF, with over 29 years of experience working in accounting and finance, procurement, commercial and administrative roles. His evidence provides an overview of his role at GMF and confirms that GMF is able to comply with a bond condition of consent.

Seth Pardoe (GMF – Advisory Board Member)

2.6 Mr Pardoe is GMF's Chairman of the Group's Advisory Board and has been since 2015. His evidence provides an overview of his executive management and governance experience and highlights his practical knowledge of managing a business within legislative guidelines.

Shawn McLean (GMF – Waikato Regional Manager)

2.7 Mr McLean has held the position of Waikato Regional Manager at GMF for four years. Prior to this, he worked at Gleeson Huntly Quarry for Stevenson Resources as the Quarry Manager from 2011 – 2018, when GMF acquired

the quarry. His evidence provides an overview of GMF and sets out the operational background and rationale for the managed fill application.

Leigh Turner (GMF – Sales & Operations Manager)

- 2.8 Ms Turner has been in a Transport/Operations/Sales manager role in quarrying/transport and managed fill operations for over 20 years. She has extensive knowledge in compliance areas including legislative, fleet management, productivity, consent, and quality. Ms Turner’s evidence provides an overview of how GMF intends to manage the overall approval and importation process to ensure that the site is compliant with the conditions in the consent criteria.

Ross Twidle (GMF – General Manager)

- 2.9 Mr Twidle is the General Manger of GMF with over 24 years of experience in supervisory and management roles. His evidence sets out the operational background and rationale for the managed fill operation and provides an overview of GMF.

Tranche 2 – assessment of effects

- 2.10 The second tranche of evidence assesses the potential adverse effects of the proposal, as well as the benefits that arise.

Ka-Ching Cheung and Matthew Kernot (Geotechnical Engineering)

- 2.11 Mr Cheung, a Geotechnical Director, and Mr Kernot, a Senior Engineering Geologist, at GAIA Engineering, provide a joint evidence statement in regard to the geotechnical investigations and designs undertaken for the proposed managed fills. Their evidence:

- (a) Details the work and geotechnical assessments undertaken for the proposal;
- (b) Addresses geotechnical related issues regarding the design and construction of the proposed managed fills; and
- (c) Demonstrates that the proposed fills are constructable and will exhibit sufficient geotechnical performance.

- 2.12 They summarise their conclusions as follows:¹

1 Mr Cheung and Mr Kernot EIC at [2.2].

"The proposed fill areas were found to be suitable for the purpose of placing managed fill from a geotechnical engineering perspective, subject to detailed design and construction observation by a designer site representative."

Michael Parsonson (Erosion and Sediment Control – effects)

2.13 Mr Parsonson is a Director and Environmental and Planning Consultant at SouthernSkies Environmental Ltd and is highly experienced (over 26 years) in environmental management. He provides evidence that summarises the proposed erosion and sediment control ("ESC") design approach and the mitigation of sediment related effects which will be achieved through the implementation and maintenance of design. His evidence:

- (a) Describes the ESC methodology that has been developed for each site and the components for each ESC system;
- (b) Addresses the relevant erosion and sediment control issues arising; and
- (c) Explains how the ESC controls will ensure any potential sediment-related effects will be appropriately mitigated.

2.14 Mr Parsonson summarises his conclusions as follows:²

"The ESC methodology that is proposed is well tested and proven on many and various projects throughout New Zealand, including within the Waikato River catchment. I anticipate that its adoption, in conjunction with the proposed consent conditions, would ensure that potential sediment-related adverse effects are appropriately minimised such that they are temporary and acceptable."

Andrew Rumsby (Contaminants Discharge - effects)

2.15 Mr Rumsby has worked as an Environmental Chemist since 1987, working on issues involving environmental chemistry, landfill leachate and water quality since 1977, and is a Principal Environmental Chemist at EHS Support NZ Ltd. He provides evidence which identifies and characterises the existing receiving environment and assesses the potential effects of the proposed managed fill in relation to contaminants discharge. His evidence:

2 Mr Parsonson EIC at [2.5].

- (a) Explains the Waste Acceptance Criteria (“WAC”) model designed for the proposed managed fill; and
- (b) Addresses relevant effects of the proposed managed fill, including impacts to water quality and potential acidification effects on the environment.

2.16 Mr Rumsby’s conclusions state that:³

- (a) The tributary below Fill area 2 are ephemeral and not groundwater feed;
- (b) The proposed WAC are sufficient to protect water quality in nearby tributaries, and the placement of the managed fill in accordance with the WAC will not have adverse impacts on Lake Puketirini, Waikato River, or Huntly drinking water;
- (c) The acid sulfate soil management plan is sufficient to protect the environment from acidification; and
- (d) The proposed monitoring conditions are sufficient to monitor the effects of discharge from the managed fill.

Parvis Namjou (Groundwater effects)

2.17 Mr Namjou, a Principal Hydrogeologist at Pattle Delamore Partners (“PDP”) - specialists in water resources and environmental engineering, has over 20 years of experience hydrogeology and groundwater related expertise. He provides evidence regarding groundwater modelling and assessment of the groundwater and surface water effects. This evidence should be read together with the evidence of Mr Rumsby. Mr Namjou’s evidence:

- (a) Describes the hydrogeology of the site and the nature of the regional and perched groundwater in the Fill areas; and
- (b) Addresses the relevant groundwater issues arising.

2.18 He summarises his conclusions as follows:

“... there is no shallow aquifer (continuous zone of saturation) below the proposed Fill area and the laterally discontinuous lenses or pockets of perched groundwater

3 Mr Rumsby EIC at [15.1-15.7].

minimise lateral groundwater flow away from the proposed fill areas. ...

... Vertical infiltration from the perched groundwater lenses to the regional groundwater in the greywacke is possible. However, considering these lenses of perched groundwater are underlain by clays and silts (e.g., completely weathered coal measures) with low vertical hydraulic conductivity, the infiltration is likely to be low.

Following rainfall some minor discharge from the perched groundwater lenses to the watercourses is possible if any of these perched groundwater lenses intercept the ground surface. However, considering widespread occurrence of clay and silt at shallow depths, these ephemeral tributaries predominantly act as run-off watercourses and surface water drainage system rather than a discharge zone for groundwater."

Rod Lidgard (Contaminated Land – Asbestos - effects)

2.19 Mr Lidgard is a Technical Director in Contaminated Land at PDP with over 15 years of experience in managing and undertaking contaminated land investigation, remediation, and management projects. He provides evidence regarding asbestos containing materials ("ACM") and asbestos impacted soils at the proposed managed fill. His evidence:

- (a) Explains how ACM and asbestos impacted soils will be accepted safely and compliantly into the site;
- (b) Addresses the management requirements for this process of acceptance, including his preparation of an Asbestos Fill Management Plan ("AFMP") and an Asbestos Air Monitoring Programme ("AAMP") for the site; and
- (c) Addresses any relevant asbestos filling and resultant air quality issues arising from the proposal.

2.20 Mr Lidgard summarises his conclusions as follows:⁴

"The discharge of asbestos (and other mineral fibres) to air from the activities associated with the proposed fill site will not result in a significant dust nuisance or health effects relative to asbestos air quality standards,

4 Mr Lidgard EIC at [11.1].

provided that the proposed mitigation and monitoring methods discussed in the AFMP and AAMP are implemented to the level described."

Deborah Ryan (Air Quality – effects)

2.21 Ms Ryan, Company Director and Technical Director in Air Quality at PDP has over 30 years' experience in air quality effects assessments. Her evidence summarises the 2019 Air Quality Technical Assessment ("AQTA"), and:

- (a) Assesses the proposal's potential effects on key air quality issues (excluding asbestos, addressed by Mr Lidgard), including the amenity impacts of dust and the potential for effects on health from exposure to dust; and
- (b) Addresses the dust mitigation measures proposed by GMF.

2.22 Ms Ryan refers to Dr Caldwell's conclusions that effects will be no more than minor from discharges to air associated with the Fill areas, subject to a proactive adherence to the controls, monitoring and management procedures proposed, and the additional recommendations which GMF have agreed to.⁵ Ms Ryan then summarises her conclusions as follows:⁶

"Based on the proposed mitigation and adherence to the proposed conditions of consent, I agree with Dr Caldwell that the effects of the operation on air quality will be no more than minor."

Ohara McLennan and Scott Lowry (Terrestrial Ecology – effects)

2.23 Ms McLennan (Ecologist and Horticultural Technician) and Mr Lowry (Director) at Envoco Ltd, provide a joint evidence statement in regard to ecological effects arising from the proposal. Their evidence:

- (a) Addresses the quantity of indigenous terrestrial vegetation that will be affected as a result of gully reclamation and sediment pond construction;
- (b) Addresses the presence of terrestrial fauna habitats in fill areas that would be affected;

5 Ms Ryan EIC at [2.12].

6 Ms Ryan EIC at [2.13].

- (c) Sets out the compensation measures, including indigenous terrestrial planting which have been completed and are proposed to be completed; and
- (d) Addresses freshwater ecological compensation measures, including proposed wetland restoration and creation, riparian restoration, and measures to ensure indigenous freshwater fauna are relocated before works commence.

2.24 Ms McLennan and Mr Lowry conclude that adequate ecological mitigation has been offered to ensure adverse effects are minimised.⁷ They summarise their conclusions as follows:⁸

"Loss of habitat for indigenous fauna, which includes 3327m2 of indigenous terrestrial vegetation and 1054m2 of wetland habitat, is being addressed through compensation. Direct effects on indigenous fauna, in particular bats, lizards and fish, are being addressed through appropriate on-site management. Bat and fish management plans have been created for the site, and a lizard management plan will be created if native lizards are found in pre-construction surveys.

Compensation for the loss of wetland and ephemeral/intermittent streams is also being addressed through compensation at the compensation area, restoration of induced wetlands at the base of Fill Areas 2 and 4, and the conversion of Sediment Retention Ponds (SRP's) to engineered wetlands containing indigenous wetland flora once each fill area is complete. Restoration of these compensation areas will provide a holistic ecological net gain back to the Waikato River catchment."

Phillip Brown (Traffic related effects)

2.25 Mr Brown is the Managing Director of Traffic Engineering & Management Limited (TEAM Traffic) and has been in the field of traffic engineering for 38 years with extensive experience in projects involving heavy commercial vehicles, quarries, and managed/clean fills, regional truck depots and strategic facilities. He provides evidence that:

- (a) Summarises the Traffic Impact Assessment ("TIA"); and

⁷ Ms McLennan and Mr Lowry EIC at [6.2].

⁸ Ms McLennan and Mr Lowry EIC at [6.3-6.4].

(b) Addresses traffic-related effects and concerns.

2.26 Mr Brown is firmly of the view that the effects of this application are acceptable from a traffic engineering perspective.⁹ His conclusions are summarised as follows:¹⁰

"I consider that the effects of this additional traffic are acceptable and are not expected to create any operational issues that could be cause for concern.

I also note that the additional traffic volumes will not result in an increase in the number of consented and permitted truck movements that can presently occur per hour (60 vehicles per hour).

I also do not consider that the submissions have raised any points that have not already been addressed by the proposed conditions of consent, and I note that these conditions are not only extensive, but also require a number of works to be done within the site, at the new vehicle crossing and on Riverview Road close to the site that will improve the existing situation.

For these reasons I do not consider that any of the traffic-related conditions need to be amended, or any new ones are required to address issues that have not already been covered.

Provided these recommended conditions are adopted, I see no reason why resource consent can not be granted for the proposed activity from a traffic engineering perspective."

Nevil Hegley (Noise related effects)

2.27 Mr Hegley is the Principal of Hegley Acoustic Consultants Ltd, and is highly experienced, having specialised in acoustics for over 40 years. His evidence:

(a) Determines the noise from the proposed managed fill in light of the expectations of both the Operative Waikato District Plan and the Proposed Waikato District Plan – Decisions Version; and

9 Mr Brown EIC at [2.7].

10 Mr Brown EIC at [10.5-10.9].

- (b) Assesses the noise effects of the proposal for neighbours of the managed fill (including cumulative noise effects from the existing quarry and the proposal).

2.28 Mr Hegley summarises his conclusions as follows:¹¹

"Overall, the cumulative noise effects of the proposed managed fill plus the existing quarry will be insignificant for all neighbours.

I have reviewed the noise related submissions. With the proposed noise controls in place and considering the existing noise environment I believe this will ensure all concerns are adequately addressed and there will not be any noise nuisance from the proposed managed fill."

Rob Pryor (Visual and Landscape effects)

2.29 Mr Pryor is a registered landscape architect and has been a Director of LA4 Landscape Architects since 1994. His evidence considers the potential visual and landscape effects of the proposed managed fill to the character and amenity of the surrounding rural environment.

2.30 Mr Pryor summarises his evidence as follows:¹²

"Any adverse effects on landscape values, rural character and amenity would be temporary and overall low. In the long-term there would be positive effects on amenity and amenity values through the improvements to the site, proposed works and planting of forestry species within the site.

While there would be short-term visual effects these would be entirely acceptable in the context of the site and surrounding working rural environment. In the long-term, once filling is completed, the potential adverse visual and landscape effects of the changed landscape would be low as the modified landform is planted in forestry and becomes integrated into the rural landscape.

In light of the above, I consider that any adverse effects on rural character and amenity would be temporary and low. Long term there would be positive effects on visual

11 Mr Hegley EIC at [2.6-2.7].

12 Mr Pryor EIC at [2.1(d)- (f)].

amenity and amenity values through the proposed works and forestry planting within the site.”

Ellen Cameron (Archaeological effects)

2.31 Ms Cameron is the Director of Clough & Associates Ltd, Heritage Consultants. She has 28 years of experience in cultural heritage management, specialising in the field of archaeology. Her evidence:

- (a) Identifies whether any recorded archaeological sites exist that may be affected by the proposal;
- (b) Discusses the potential effects on archaeology; and
- (c) Recommends appropriate mitigation measures where required.

2.32 She summarises her conclusions as follows:¹³

“Based on the findings of my assessment, no known archaeological sites will be affected by the proposed works, and I consider it unlikely that any undetected sites are present. An Authority issued by Heritage NZ is therefore not required for the proposed development. However, if any unrecorded sites should be exposed during the works, the effects are considered likely to be minor and can be appropriately mitigated by recording and information recovery under the archaeological provisions of the HNZPTA.”

Tranche 3 – planning wrap up

Kate Masden (Planning)

2.33 Ms Masden is a planning consultant at Paua Planning, a specialist planning consultancy. Her evidence statement is comprehensive and addresses all matters that are relevant from a planning perspective having regard to the relevant provisions of the relevant planning documents.

2.34 Her key conclusions are summarised as follows:¹⁴

“On balance, my opinion is that potential adverse effects associated with the managed fill are minor, and those that cannot be avoided (such as loss of habitat) have been remedied and/or mitigated, with additional

13 Ms Cameron EIC at [10.1].

14 Ms Masden EIC at [2.20].

compensation also offered up in terms of wetland habitat. An activity such as this leans heavily on outworking the set of conditions and associated management plans to achieve avoidance and mitigation of effects. GMF, while experiencing some steep learning curves since purchasing the Quarry, have demonstrated a commitment to environmental outcomes by completing rehabilitation/restoration/enhancement of the Compensation Area before gaining consent. They have also in good faith met with the Community and WWT to clear up misconceptions and fears and sought to understand where mitigation and compensation can assist with reducing perceived effects."

3. **SYNOPSIS OF THE APPLICANT'S CASE**

- 3.1 At their most basic level, the key propositions that the Applicant submits are supported by the evidence referred to above and which, in turn, support the grant of consent to the application. The key propositions are as follows:

Management and compliance

- 3.2 GMF have the staff and mechanisms to efficiently manage and operate the business within legislative guidelines. GMF can manage the proposal in a way that ensures that the site is compliant with the conditions in the consent criteria. Our witnesses providing evidence for GMF confirm this.

Geotechnical related issues and effects

- 3.3 The geotechnical design and proposed construction of the proposed managed fill has been carefully designed and is appropriate for the site and surrounding area. Our technical experts, Mr Cheung, and Mr Kernot provide that the geotechnical design means that fill can be deposited with low risk of effects including instability or collapse. They are comfortable that there are proposed mitigation strategies available. Ms Cowan and Ms Masters' reports do not raise any issues in relation to this and agrees that the stability of sites is adequately addressed.

Effects relating to Erosion and Sediment control

- 3.4 The effects relating to erosion and sediment are acceptable. Our expert, Mr Parsonson confirms this, considering that the adoption of the ESC methodology in conjunction with the proposed consent conditions will ensure any potential effects are minimised to be temporary and acceptable.

- 3.5 Ms Cowan considers that the proposal as it stands does not demonstrate a clear method to quantify the cumulative effects of sediment yield or compensate for the cumulative effects of sediment discharges and recommends that the applicant provides further assessment and method of how cumulative discharge effects will be calculated and compensated for. Mr Parsonson addresses these concerns in his evidence.

Contaminants discharge effects

- 3.6 WAC have been formulated by an experienced contaminants expert (in consultation with WRC) utilising best practice methods and site-specific modelling to determine the type and level of contaminants appropriate to receive as managed fill to the impact site.
- 3.7 WRC's Senior Scientist Dr Caldwell's technical assessment of contaminant discharges with regard to the WAC is relied on by Ms Cowan and they are in general agreement with EHS Support's assessment that discharges will not result in more than minor effects within receiving surface waters and would not be expected to result in a measurable change in water quality within Lake Puketirini or Waikato River. Ms Cowan raises concerns regarding the cumulative contaminant load entering Waikato River catchment. These concerns are addressed by Mr Rumsby in his evidence.

Groundwater effects

- 3.8 Ms Cowan recommends that shallow/ground surface water monitoring programme is undertaken for the duration of the consents and until the fill sites and discharges have been demonstrated to meet the permitted activity standards. Groundwater is not considered to be a sensitive receptor. Our groundwater specialist Mr Namjou confirms in his evidence – that considering the groundwater conditions and there is no sensitive groundwater receptor, any ongoing groundwater monitoring will not be warranted. Mr Namjou considers it is preferable to avoid rather than mitigate adverse effects on groundwater.

Effects relating to asbestos

- 3.9 There will be no significant adverse effects arising from the discharge of asbestos in relation to nuisance or health effects relative to the asbestos air quality standards. Our technical expert Mr Lidgard confirms this. Relying on Dr Caldwell's assessment, Ms Cowan agrees that discharges to air can be managed to an extent that adverse effects are no more than minor, provided

that Dr Caldwell's recommendations to conditions of consent are adopted. Mr Lidgard concurs with this assessment.

Air Quality effects

- 3.10 The air quality effects relating to dust will be acceptable and no more than minor. Our air quality expert Ms Ryan confirms this in her evidence and Dr Caldwell and Ms Masters are agreeable on these conclusions.

Ecological effects

- 3.11 The ecological effects which cannot be avoided (such as loss of habitat) have been remedied and/or mitigated with proposed compensation measures. Additional compensation has also offered up in terms of wetland habitat. Our terrestrial ecology experts, Ms McLennan and Mr Lowry, agree and confirm that restoration of these compensation areas will provide a holistic ecological net gain back to the Waikato River catchment.

- 3.12 Ms Cowan suggests that the proposal does not adequately compensate for wetland loss, recommending proportionate like for like compensation to be offered by the creation of new wetlands. Ms McLennan and Mr Lowry have addressed these concerns in their evidence, confirming that the compensation for the loss of wetlands is being addressed through compensation at the compensation area, restoration of induced wetlands at the base of Fill areas 2 and 4 at a 4:1 gain:loss ratio, and the conversion of sediment retention ponds to engineered wetlands with indigenous flora when each Fill area is complete.

Traffic effects

- 3.13 The effects of the additional traffic arising from the proposal are acceptable. Mr Brown agrees that traffic effects are not a cause of concern. This is also agreed by Ms Masters in her report.

Amenity effects (including noise and visual/landscape)

- 3.14 Amenity effects related to noise and visual/landscape effects are acceptable. This is agreed by our expert Mr Pryor, and Ms Masters.

Archaeological effects

- 3.15 There are no recorded archaeological sites in the vicinity of the proposed or areas or access roads. Our archaeological expert Ms Cameron and Ms Masters agree that there are no archaeological effects as the recommended

conditions of consent will ensure that appropriate protocols are followed in the event of accidental archaeological discovery.

Cumulative effects

- 3.16 The potential cumulative effects arising are air quality, traffic movements noise, and effects associated with discharge on water quality in adjacent streams and the Waikato River/Lake Puketirini. These cumulative effects have been assessed by the technical experts, who confirm that the effects are acceptable within the receiving environment and amenity values anticipated in the General Rural zone.

Conditions

- 3.17 The proposed set of conditions are comprehensive and have been drafted in consultation with experts acting on behalf of either Council or GMF, and some have been discussed previously with Mr Norm Hill when acting on behalf of Waahi Whaanui Trust, as well as at hui. The set of conditions have evolved as a live document over the past 2 and ½ years, with some gaps for Council conditions. The conditions will be effective to control and mitigate any adverse effects.

4. PRINCIPAL SUBMISSION

- 4.1 Overall, GMF's principal submission is that the proposal meets the section 104D gateway test, as adverse effects are no more than minor, and on balance, the activities are not contrary to the objectives and policies in the relevant district, regional and governmental legislation.

DATED at Auckland this 29th day of November 2022



S J Simons / C F Timbs

Counsel for the Applicant