

Submitted to Fast-track approval applications  
Submitted on 2024-05-03 11:17:18

Submitter details

Is this application for section 2a or 2b?

2B

1 Submitter name

Individual or organisation name:  
Gill Construction Co Limited

2 Contact person

Contact person name:  
Emma Deason

3 What is your job title

Job title:  
Associate Solicitor

4 What is your contact email address?

Email:  
s 9(2)(a)

5 What is your phone number?

Phone number:  
s 9(2)(a)

6 What is your postal address?

Postal address:  
s 9(2)(a)

7 Is your address for service different from your postal address?

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

748 Taylor Pass Road, Blenheim  
Lot 1 DP 334001

File upload:

Map Quarry Taylor Pass.pdf was uploaded

Upload file here:

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Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

LINZ CT 139292.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

Gill Construction Co Limited

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

Registered owner of the subject land.

## Section 2: Project details

What is the project name?

Please write your answer here:

Taylor Pass Quarry

What is the project summary?

Please write your answer here:

To establish and operate a quarry for the purpose of extracting and processing rock and other aggregate.

What are the project details?

Please write your answer here:

The purpose of the project is to source rock of adequate quality and quantity for river protection, roading and other infrastructure projects such as water reservoir construction.

The objectives of the project includes:

- sourcing rock from local and viable locations;
- sourcing hard and large-scale rock;
- meeting the needs of roading recovery and river protection demand short and long term within Marlborough; and
- providing another source of rock for the above purposes and for general infrastructure needs of the region.

The proposal is extract and process armour rock and other aggregates together with related quarrying activities, including:

- overburden removal and fill;
- drilling and blasting;
- crushing, processing and stockpiling of rock extracted on site;
- establishment of stormwater management infrastructure;
- the discharge of stormwater and dust;
- quarry rehabilitation works; and
- the transportation of the quarried product from the site.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

Assuming consent is obtained by January 2025, the timeline would be:

January – March 2025 - Site establishment undertaken.

March – May 2025 - Completion of site establishment including installation of stormwater management and controls.

May 2025 onwards - Overburden removal and extraction of rock commences.

What are the details of the regime under which approval is being sought?

Please write your answer here:

Resource Management Act 1991 – Resource consent required.

Section 13 of the Resource Management Act 1991 (RMA) requires that no person may, in relation to the bed of any lake or river, use, erect, place, alter, extend, remove or demolish any structure, in, on, under, or over the bed; or excavate, drill, tunnel, or otherwise disturb the bed, reclaim or drain the bed, unless expressly allowed by a rule in a regional plan, and in any relevant proposed regional plan, or a resource consent.

Section 14 of the RMA requires that no person may take, use, dam or divert water unless expressly allowed by a rule in a regional plan, and in any relevant proposed regional plan or a resource consent.

Section 15 of the RMA requires that no person may discharge any contaminant or water into water contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water unless the discharge is expressly allowed by a national environmental standard or other regulations, a rule in a regional plan as well as a rule in a proposed regional plan for the same region, or a resource consent.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Marlborough District Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

No such applications have been made.

Is approval required for the project by someone other than the applicant?

No

Please explain your answer here:

N/A

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

Works onsite will commence January 2025 or immediately following approval of the application, whichever is the later, and the quarry will be operational by May 2025. The quarry is anticipated to have a 20 year plus life time.

### Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Marlborough District Council

Marlborough Roads

The following Iwi who comprise Te Tau Ihu:

- Ngāti Apa ki te Rā Tō;
- Ngāti Kuia;
- Ngāti Koata;
- Ngāti Tama ki Te Waipounamu;
- Ngati Toa Rangitira;
- Ngati Rarua;
- Rangitāne o Wairau; and
- Te Ātiawa o te Waka-a-Māui

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

Discussions have been held with Marlborough District Council regarding the significant shortage of suitable toe rock and aggregate for river protection, construction and infrastructure projects in Marlborough.

Marlborough Roads will be consulted in terms of vehicle movements, crossings etc.

Iwi will be advised on the application and full consultation with all eight identified iwi will be undertaken. The time to lodge this application has not provided sufficient time to consult.

To date preliminary investigations have been undertaken to determine the presence or otherwise of known or identified sites of significance to iwi in the general location of the proposed quarry. Nothing has been identified from this initial review.

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

None undertaken.

#### Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

Statutory Acknowledgements over the Wairau River and its tributaries are in place for the following iwi:

- Ngati Toa Rangitira;
- Ngati Rarua; and
- Rangitāne o Wairau

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

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#### Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

1. Landscape & Visual Amenity:

The subject land is very steep pastoral land, covered in exotic pasture and scrub. The main worksite will be facing farmland, will be separated from

residential activity by a ridgeline and is not visible from any public viewing spot.

A Quarry Rehabilitation Plan will be developed and adhered to in order to minimize any visual and amenity effects following completion of the quarrying activities.

**2. Vegetation Clearance:**

The site vegetation is dominated by introduced pasture species interspersed with exotic species such as broom and gorse.

**3. Indigenous Biodiversity:**

It is intended that prior to commencing works a site-specific Indigenous Biodiversity Plan will be developed and adhered to in order to ensure any such values are not impacted upon. This will be informed by expert advice that the applicant is in the process of commissioning.

**4. Noise:**

The site is some 400m from the nearest neighboring dwelling and separated by a ridgeline.

Permitted baseline noise levels are not anticipated to be exceeded, however specialist advice will be obtained and any recommendations adhered to.

**5. Dust:**

Best practice dust mitigation measures such as the use of a water cart to spray road surfaces with water, and not carrying out blasting or rock breaking during periods of high wind, will be adhered to.

**6. Erosion, Sediment and Storm-water Runoff:**

An erosion and sediment control plan will be developed specific for the site and will be adhered to in order to address immediate operational effects.

In addition, a Quarry Rehabilitation Plan will be developed and adhered to in order to ensure post-operations effects are managed appropriately.

**7. Cultural Effects:**

While the site does not feature any known sites of significance on publicly accessible databases, accidental discovery protocols relating to the findings of any items of cultural or historic importance, will be adhered to. As above in this application, the applicant will undertake consultation with tangata whenua and will be informed by those discussions.

**8. Roading & Access:**

Access is via a formed accessway that can be upgraded to meet the expectations of Marlborough District Council. Clear sight lines in excess of 75m in both directions are available. As above, the applicant will consult with Marlborough Roads.

In summary, the effects of the project are generally well understood and it is considered that appropriate conditions of consent could be prepared to manage such effects. Best industry practice would be adopted by the applicant, who is an experienced quarry operator.

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## Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

It is understood that there are no relevant National Environmental Standards.

It is understood that there are no relevant National Policy Statements (NPS). The site is farmland dominated by exotic grassland like gorse and broom. Whether any NPS is relevant will be reviewed following obtaining further information.

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## Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

This process will enable the project to proceed in a more timely manner than that the current resource consent and potential Environment Court appeal process provides for. There is a great need for more rock supply in Marlborough. For example, that need was referred to in a news article in late 2023: <https://www.stuff.co.nz/national/politics/local-democracy-reporting/132825645/more-rock-should-help-speed-up-river-recovery-work-in-marlborough>

That article was reporting on a Council Assets and Services Meeting held in August 2023 (<https://www.marlborough.govt.nz/your-council/meetings?item=id:2khqz5a431cxbyrls4xk>).

Refer to more detail regarding this below. Because there is a shortage in rock supply in the region important works have had to be delayed, or rock has had to be sourced from outside the region. This has resulted in significant time delay, cost and effort, and for rock to have been trucked from the west coast leading to carbon emissions increases.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

There is about four months' worth of work required for investigation, assessment and to undertake consultation. The effects of quarries are generally well understood and manageable through expert input and suitable management and operational plans, and consent conditions. This project directly aligns with the purpose of the Fast-track Approvals Bill. If consent is granted by January 2025, rock would be obtained from the site from May 2025 onwards.

Has the project been identified as a priority project in a:

Not Answered

Please explain your answer here:

None of the above specifically apply, however, the shortage of toe rock that is suitable for river protection works and aggregate for infrastructure projects is widely acknowledged in Marlborough, as referenced in the article "More rock should help speed up river recovery work in Marlborough": <https://www.stuff.co.nz/national/politics/local-democracy-reporting/132825645/more-rock-should-help-speed-up-river-recovery-work-in-marlborough>

The shortage of suitable quarry rock resulted in the Marlborough District Council (MDC) not being able to undertake the approved flood repair work as noted in the MDC Assets and Services Committee meeting of 22 August 2023 where it was noted in paragraph 32, page 37 that "It is unlikely that the full schedule of July 2021 works will be completed by June 2024, the original target date. A combination of the additional damage/work resulting from the July 2021/August 2022 event and restricted rock supply means the total work programme is expected to now run beyond June 2024" (refer: [https://www.marlborough.govt.nz/repository/libraries/id:2ifzri1o01cxbymxkvwz/hierarchy/documents/your-council/meetings/2023/assets-services-2023/Assets\\_%](https://www.marlborough.govt.nz/repository/libraries/id:2ifzri1o01cxbymxkvwz/hierarchy/documents/your-council/meetings/2023/assets-services-2023/Assets_%)

In Marlborough, aggregate has traditionally been supplied by river gravels extracted from or adjacent to the Wairau River below the confluence of the Waihopai River and the Awatere River to the south.

In recent years, however, access to these river aggregate sources diminished substantially to the extent that resource consent applications to abstract aggregate from either the Wairau or Awatere Rivers are in large opposition by the Marlborough District Council.

In addition, toe rock that was required to undertake Wairau River bank protection repair work following the 2021 and 2022 winter flood events was required to be sourced from out of district quarries due to the lack of readily available suitable toe rock in local quarries.

As a result of the increasing scarcity of the river resource, the demand for a well-located, land based quarry supplying aggregate has increased.

Council owns the Pukaka and Hillersden quarries, but given projections for the aggregate required for managing natural hazards like flood events, and for general infrastructure needs of the region, that supply won't be enough.

This project will make toe rock and aggregate available to both the public and private sectors in Marlborough.

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

The project will deliver locally sourced aggregate and toe rock and will limit the current need to source such material from out of district quarries.

The locally sourced aggregate will be used for infrastructure projects (such as reservoir construction and road maintenance works) while the toe rock is vital in maintaining the region's flood and tidal protection infrastructure.

It is noted that that the Marlborough District Council operates quarries at Pukaka and Hillersden however it is understood that the regional demand for toe rock and other aggregate is well in excess of the volume able to be supplied from those quarries.

This project will make toe rock and aggregate available to both the public and private sectors in Marlborough.

Will the project:

address housing needs

Please explain your answer here:

A local supply of low-cost aggregate is also relevant to the issue of affordable housing, since it impacts on subdivision development and home building costs.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

Aggregate is largely a low value and high-volume product, which is particularly sensitive to transport costs – i.e. the distance between their point of supply and their end use. As an approximate rule of thumb, the cost of a truckload of aggregate doubles if it needs to be transported 30 kilometres from its source of supply.

With the current need to source toe rock from the west coast, the average cost per tonne is double that of locally sourced material.

Any reduction in the processing and transportation costs associated with toe rock and aggregate in general will result in more affordable infrastructure builds.

In addition, sourcing and transporting rock from the west coast results in significantly increased emissions of greenhouse gases.

Will the project support primary industries, including aquaculture?

Yes

Please explain your answer here:

There is significant demand within Marlborough for water storage reservoirs to support the internationally renowned viticulture industry. This demand is projected to increase with climate change.

Reservoir construction requires significant volumes of aggregate while the development of vineyards themselves require an ongoing supply of aggregate for track construction and maintenance use.

In addition, vineyards that are located on the banks of the Waihopai and Wairau Rivers experienced significant erosion as the result of the 2021 and 2022 winter flood events. For example, a Waihopai Valley vineyard lost some 24 hectares of established vineyard in the 2021 winter flood event.

It is essential that Marlborough is able to supply toe rock to appropriately manage erosion risk.

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

The project is to extract rock and aggregate and will support development of natural resources, as discussed above.

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

Currently there is a need to truck rock from the west coast because of the shortages of local supply. That comes at a significant carbon cost (for example).

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

There is a significant shortage of toe rock that is readily available in Marlborough to provide for the construction and ongoing maintenance of river protection works on a number of Marlborough rivers including the Wairau, the Waihopai, the Pelorus and the Rai Rivers.

A readily available supply of locally sourced aggregate and toe rock will enhance the region's resilience, and recovery from natural hazards.

Refer to content earlier in this application regarding need for more rock to assist with recovery from flood events.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

The ongoing bank erosion in many Marlborough catchments such as Te Hoiere / Pelorus results in the ongoing sedimentation of Te Hoiere Estuary and Sounds.

Te Hoiere/Pelorus Catchment Restoration Project has been identified as an exemplar catchment as a part of the MfE's 'At Risk Catchments' programme and by DOC as one of its 14 'high value' national sites.

A readily available supply of aggregate and toe rock will assist in Te Hoiere/Pelorus Catchment Restoration Project achieving the expected project benefits that include the ecological integrity of terrestrial, estuarine and river systems are maintained and enhanced; and the primary sector is resilient, environmentally sustainable and thriving.

As above, this project will also directly assist with recovery works from flood events and other natural hazards.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

Chapter 11 of the Proposed Marlborough Environment Plan (MEP) includes the following provisions:

"Issue 11A – Natural hazards in Marlborough, particularly flooding, earthquakes and land instability, have the potential to cause loss of life and significant damage to property and regionally significant infrastructure.

Objective 11.1 – Reduce the risks to life, property and regionally significant infrastructure from natural hazards.

Policy 11.1.3 – To actively manage any flood hazard through the provision and maintenance of flood defences and other flood mitigation works, where there is significant community benefit.

Policy 11.1.4 – Establish and maintain floodway capacities for Marlborough's rivers to the following standards:

- (a) to an annual recurrence interval of 1 in 100 years for major rivers on the Wairau River floodplain (below the confluence with the Waihopai River);
- (b) to an annual recurrence interval of 1 in 50 years for the Waitohi and Waikawa Rivers; and
- (c) to an annual recurrence interval of 1 in 50 years for rivers and drainage channels that provide for urban stormwater disposal.

Policy 11.1.5 – Enable the maintenance of existing Marlborough District Council administered flood defences and other Council initiated flood mitigation works."

The proposal is entirely consistent with these provisions.

In addition, the subject land is zoned Rural Environment Zone (as is surrounding land). Quarrying is an activity anticipated to occur in the rural environment. The need for these activities is recognised for example in Policy 14.4.10: "...The presence of residential activities in rural environments can make it very difficult for other rural activities (such as primary production and quarrying activities) to continue operating effectively and efficiently, to expand or establish new sites. Therefore, the Council considers there is a need to control the extent of residential activity within rural environments to ensure these outcomes do not eventuate."

Objective 14.3 seeks that activities that are not related to primary production should be located in rural environments if they are appropriate within that environment. Quarrying does support primary production in Marlborough such as viticulture (as discussed above). It is considered that the Taylor Pass quarry is appropriate. It would not be anticipated to cause reverse sensitivity on primary production activities. In terms of Policy 14.3.2 ("Where an activity is not related to primary production and is not otherwise provided for as a permitted activity, a resource consent will be required and the following matters must be determined by decision makers in assessing the impacts on primary production before any assessment of other effects is undertaken"), resource consent would be required under the MEP. In terms of this policy:

- There is a functional or technical need for the activity to be located in a rural zone;
- The land is a mixture of various LUC 6. The land is large and the quarry operations would not require use of the entire site.
- The quarrying would support primary production activities, including the processing of viticultural produce, as discussed above.
- The proposal would avoid reverse sensitivity effects on primary production activities.

Therefore the proposal is considered consistent with Policy 14.3.2.

The proposal is also considered consistent with Policy 14.3.3:

"Ensure that activities requiring a resource consent in a rural location are located in appropriate locations by avoiding remedying or mitigating adverse effects on:

- (a) the life supporting capacity of soils, water, air and ecosystems;
- (b) natural character of rivers, wetlands and lakes;
- (c) water quality and water availability;
- (d) areas with landscape significance;
- (e) areas with significant indigenous vegetation and significant habitats of indigenous fauna;
- (f) the safe and efficient operation of the land transport network and Marlborough's airports;
- (g) the character and amenity of the rural environment (including: noise, dust, visual, traffic, vibration and amenity effects), and effects on areas with specific amenity and rural character values; and
- (h) the relationship of Marlborough's tangata whenua iwi with lands, waters, sites, wāhi tapu and wāhi taonga, and the ability of Marlborough's tangata whenua iwi to exercise kaitiakitanga."

The full assessment of the project will be informed once further information is obtained and once consultation is undertaken. The same will be relevant for full assessment against Objective 14.4 and Policy 14.4.1.

Anything else?



Please write your answer here:

Nothing further to add.

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

## Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

The project itself will not be affected by climate change but it will assist greatly in addressing the impacts of climate change in terms of providing toe rock and aggregate to the public and private sector for the purposes of erosion protection and infrastructure builds, and other recovery works from natural hazards.

## Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

The applicant was prosecuted for a diversion of water in 2017 (affecting a wetland) and fined \$25,000, with an Enforcement Order made. That Order was designed to remedy the effects of the breach and was complied with by the applicant. The applicant plead guilty and abided by the Court's order. The applicant was given substantial discounts from the 'starting point' for a fine found by the Judge, because of its guilty plea, the fact this was it's first offence (and we note nothing has occurred since), and because of the extraordinary remorse of the applicant. The offence occurred on land owned by the applicant. The applicant undertook remedial works in accordance with an expert report and the author's specifications. The applicant did not just restore the wetland, but its actions were found to have likely enhanced it too.

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## Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Emma Deason

Important notes