

River Pathways Consulting

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Your Reference: APP-20191409

7 July 2019

Environment Southland
Consents Division
Private Bag 90116
Invercargill 9840
Attention: Courtney Guise

Dear Courtney

Request for Further Information – Te Anau Earthworks Limited – Application for Land Use Consent for Gravel Extraction – Mararoa River

The following information is provided in response to your request for further information relating to the Te Anau Earthworks Limited Application for Land Use Consent to extract gravel from a section of the Lower Mararoa River located within the Te Anau Basin.

Specifically, your request seeks additional information on the following aspects of the proposed activity:

1. Adverse effects on members of the public from the gravel extraction and processing activity and adverse effects on natural character;
2. Effects on amenity specifically public access to and around the proposed activity area.

Responses

1. Consideration of potential adverse effects of the proposed activity on the public and potential adverse effects on natural character focuses on the following matters:
 - Visual that includes natural character within the surrounding landscape and at the activity site.
 - Noise generated by the proposed activity.
 - Loss of amenity and natural character specifically relating to consideration of potential restrictions to access over the public estate.

Within the rural environment gravel extraction operations from a visual aspect generally appear industrial to the passing public if in fact they are visible from any public accessible view point due to being generally hidden, absorbed and integrated within the surrounding isolated rural environment in which they sit generally to the exclusion of public access due to the private nature of the surrounding land.

With exception to an absence of public access, that statement distinctly describes the visual and noise aspect of the activity proposed by Te Anau Earthworks by virtue of the isolated location of the extraction and processing component of the activity.

It is clearly evident the proposed activity will not present any negative visual effects to the passing public or surrounding community due to the careful selection of the site being positioned directly below a high terrace riser (20-30 meters high) to the west, surrounded by mature crack willow erosion control plantings, gorse and broom and separated from the true left bank mature erosion control plantings by a rough grassed floodway and active river corridor averaging 450 meters in width.

Considering that on a daily basis commercial activity is highly visible throughout the rural environment with farming families and commercial operators undertaking activities involving heavy farm based and contracted in machinery as a necessary and complying part of business, the gravel extraction and cartage activity proposed by Te Anau Earthworks is not distinctly different from activities normally undertaken, expected or experienced by the surrounding rural community.

Te Anau Earthworks have applied a heavy weighting on acceptance of the nature and effects of gravel extraction activities requiring any such effects to be avoided, remedied or mitigated as defined by Part 2 Purpose and Principals of the Resource Management Act 1991, the Southland District Plan Section 3.1 Rural Zone, particularly Policy RURAL. 7 that recognises the benefits of gravel extraction, whilst also ensuring that adverse effects are avoided, remedied or mitigated.

In that regard the gravel extraction activity proposed by Te Anau Earthworks on a section of the Lower Mararoa River can be described as an activity in total sympathy with the local environment, community and passing public while at the same time providing quality gravel products essential to the continued development and well-being of the rural and urban communities in which they operate.

As discussed throughout the report supporting the application any potential adverse effects arising from the proposed activity on the public are likely to be limited to the intermittent presence of trucks using the access road to the activity sites and minor visual matters when the public may pass the set back and partially hidden activity sites when accessing various further downstream sections of the Mararoa River via the access road that will be significantly improved by Te Anau Earthworks in consideration of the public access benefit provided by the access road.

Also of significance when considering potential adverse effects on the public relates to the actual extraction and processing activity being spasmodic and generally limited to a 10 to 15

day extraction and processing activity within a once in every 3 monthly period as discussed in Section 13.1 and 13.2 of the report.

On completion of that extraction and processing activity the processing plant and excavator associated with that phase of the activity will be transported from the site. The only plant remaining at the temporary stockpile site being limited to a wheeled loader for the loading of trucks carting raw and processed gravel from the site to customers on an as required basis.

Also of consideration to natural character values relates to an expectation of the site being clear of stockpiled gravel and plant from time to time.

2. Consideration of effects on amenity specifically public access to and around the proposed activity area focuses on the following matters:

- Legal status of the access road;
- Department of Conservation Concession / Access Easement;
- History of construction of the current access road;
- Uses and Safety Aspects;
- Fish and Game – Anglers Access Notice
- Proposed Improvements;
- Public good.

The legal status of land occupied by the current access road extending from S.H 94 to the top of the terrace riser is Public Conservation Land designated Special Reserve administered by the Department of Conservation.

Sections of the current access road running along the toe of the terrace riser is Crown Land designated Esplanade Strip administered by the Department of Conservation.

The proposed activity being a commercial activity the Department of Conservation being the controlling authority requires that Te Anau Earthworks secure an Access Easement to access the proposed activity over Public Conservation Land.

The process associated with such an application to the department for a concession has already been lodged by Te Anau Earthworks.

It is expected that granting of a concession permitting the proposed access over Public Conservation Land will contain conditions with respect to public access as set out in the

Conservation Act 1987 Policy 11.1 All Activities 11.1 (a) to 11.1 (e) inclusive, particularly 11.1 (b) being;

- *All activities on public conservation lands and waters which require concession or other authorisation should, wherever relevant, avoid, remedy or mitigate any adverse effects (including cumulative effects) and maximise any positive effects on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access.*

Understanding development of the current access road over public land goes back to conformation of the partners involved in confirming partnership agreements, constructing and funding the Lower Mararoa River Restoration Project (LMRRP) that commenced during 2005.

The Department of Conservation became a funding partner to the project including provision of approvals to undertake the various project activities requiring access over public conservation land, particularly in respect to ensuring future access benefit and enjoyment of the public, including quality public access to the Mararoa River. That access benefit and enjoyment criteria was also a Te Anau Basin community expected outcome from the project.

Three major points of access were developed, Whitestone, Wilderness/Lagoon Creek and Key Bridge as part of the project to provide heavy machinery formed all weather access to the river reach work sites and followed by equipment service and fuel supplies vehicles.

As the project contract moved in an upstream manner development of the Lagoon Creek access was the second required providing access to the mid sections of the project contract.

The Wilderness/Lagoon Creek access prior to the LMRRP contracts reaching that point did not exist in terms of any type of surface instead being part of the paddock farmed by LandCorp Farming - Lynmore Farm albeit the legal status of public conservation land applied to a strip of land adjacent to an existing farm fence along the western side.

An ordinary gate existed at the S.H. 94 end and was used mainly by hunters using heavy 4x4 vehicles to access the Mararoa River via the public estate.

In terms of access to undertake the LMRRP contractors required access secure from stock and farming interference and a formed hard running surface for machinery operators, service vehicles and fuel delivery, clearly not provided by the then access.

As all-weather access for public enjoyment of the Mararoa River was a project expected outcome demanded by the Te Anau Basin community in addition to obligations that the project manager (Environment Southland) ensure provision of contract specified access and plant security to the project contractor, major construction took place to develop the high quality access that remains today.

In terms of safety the access road was fenced along the eastern side with gates strategically placed allowing for farm management and movement of stock over the section of Lynmore Farm divided by the new formed access road. A double gate and cattle stop system was also installed at the S.H. 94 end to prevent stock escape at times when light grazing of the access road margins was used as a management tool.

An important part of vehicle safety included construction of a 'truck sized' safe standing area between the highway and cattle stop and NZTA approved configuration slip lanes located on both the south and north sides of the highway.

To prevent and control wild animals and sheep occasionally grazing the floodway from having access to the access road and Lynmore Farm operations, a fence and double gate system was installed at the top of the terrace riser.

Erection of Anglers Access Notices by Fish and Game Southland occurred as soon as the public was allowed access to the active project contract site in terms of health and safety around the construction site.

To understand the process by which Fish and Game establish Angler access I talked to Mr Bill Jarvie, Fish and Game Te Anau based and highly experienced Field Officer.

The following information relates to that discussion.

Where Fish and Game seek access for anglers across private land a negotiation process with the land owner is undertaken. In the case of angler access over Crown Land or Public Conservation Land negotiation with Crown agencies is not required to present signage indicating access.

With respect to the Wilderness/Lagoon Creek access the opinion of Mr Jarvie regarding the current access, the proposed activity by Te Anau Earthworks is that only positives to public access will be the outcome of the activity. Any improvements provided through the activity will simply add to the value of that access into the future.

Improvements proposed by Te Anau Earthworks involves a two staged approach as follows:

S.H. 94 to top of terrace riser. A general widening of the current access and rebuilding of the hard surface friendly with family vehicle operation.

Terrace riser along the toe of the terrace riser will involve softening of bends thereby removing vehicle encounter points, widening and resurfacing to prevent current water ponding issues.

Safety / warning signage will be located at points as appropriate.

Although the public use of the Wilderness / Lagoon Creek access road is considered relatively small, it is expected that 'public good' elements associated with quality access

will be continually provided throughout the 10 year term of consent for extraction, processing and cartage of gravel at this location proposed by Te Anau Earthworks.

Conclusion

I trust the above further information assists in your full understanding of the proposed activity.

Yours sincerely



Ken McGraw
River Pathways Consulting
Acting for Te Anau Earthworks Limited.