

Workshop notes

Infrastructure and mineral extraction

Wednesday 22 October 2014

Workshop Lead - Jon Trewin

Attendees:

Tom Bland, MfE
 Dean Scanlen
 Robin Rawson, WDC
 Russell Mortimer
 Sarah Brownie, Northpower
 Keir Volkerling
 Phillipa Campbell
 Hugh Pollock
 Bill Bourke
 Lynley Fletcher
 Vaughan Cooper, Northland Inc
 Keith Squires Avoca
 Murray Smith IOQs
 Johnnycake Dickson DicksonQuarries
 Anne Warner, Wayne & Christine Ward, Farmers of New Zealand
 Sarah Ho, NZ Transport Agency
 Frank Harrison and Shannon Smith. AandS Contractors.
 Margaret Hicks - Ruakaka
 Ian Wallace - Winstone Aggregates
 Ellie Callard - Winstone Aggregates
 Geoff England- Winstone Aggregates
 Stephen Rush, TROW.
 Tim Howard
 Andy Wallam,
 Kristi henare
 David Lourie

Regional council staff

John Bain, NRC councillor
 Ben Lee, NRC
 Justin Murfitt, NRC
 Graham Nielsen, NRC
 Michael Day, NRC
 Michael Payne, NRC

Part 1: Infrastructure - Development vs Protection

- How do we reconcile conflicts in national policy at a regional plan level?
- Do you agree with our proposed approach:
 - Clarify where bottom lines apply?
 - Enable RSI (policy/rules)?
 - Set out how adverse effects can be avoided?
- What have we missed?

Open discussion:

- Comment that the mapping of mineral resources is limited to existing resources and 'invested' resources.

Specific group comments - Q1

- Comment that you have got to find a balance. It shouldn't be that all outstanding areas need to be protected. Need a clear distinction between existing land uses and new land uses regarding maintenance of structures etc...
- Comment that the regional plan needs to protect / provide for existing infrastructure including maintenance & upgrade as it is better to maximise the value of established networks.
- Comment that mapping significant values provides clarity / certainty. Also there is a need to align rules in regional & district plans (values cross jurisdictional boundaries). Maps provide identification of values so debate over competing use can be had & this limits risk to developers/providers.
- Comment that infrastructure / extraction can impact adjacent significant sites and therefore limit expansion or operation. Difficult to regulate as often contextual / judgement based and maybe we need some thresholds for upgrade/expansion that need consent.
- Group doesn't think mapping RSI / significant mineral sites is practical or useful. However another view is that Northland has good information on minerals - mapping of mineral sites in plans is crucial.
- Comment that Northland needs more infrastructure, that is a fact.
- Public opinion could help define what is acceptable in special places.
- Comment that government will change rules, they have to do due to policy conflicts, there needs to be some rationalisation of decision making.
- Group felt that it was important to put in the balance (derived from RPS) saying that infrastructure is a good thing. Have policy in place for regionally significant infrastructure.
- The group talked about the appropriateness of allowing a wind farm versus in an outstanding landscape - policy should set decisions that are based on public opinion- there are instances where it may be ok to have turbines in an ONL.

Specific comments Q2

- Comment that you cannot have offsetting where there are threatened species.
- Support for the ability to be innovative to enable development to occur.
- Comment that we need to be flexible and not too prescriptive as you can't account for all eventualities.
- Stating bottom lines as a prohibited activity is useful but very contentious & only likely to be acceptable where there is a very high level of certainty/evidence of impact. It is the next level down (i.e. non-complying) where real tension/ debate lies. So use of prohibited activity status is ok where it is a no-brainer, but not elsewhere.
- Comment that we have to set bottom lines - e.g. NPS Freshwater Management
- Question posed - should we enable infrastructure in plans? Group felt yes because it is often linear with little choice over route & wide benefit for social well-being.
- Comment that some areas have been mapped as having High Natural Character status with infrastructure in place.

- There is a difference between new structures, replacement of structures and upgrades. Should also recognise that there is going to be temporary effects from construction.
- Enabling maintenance and providing for upgrading in some circumstances. Where new infrastructure is proposed in special areas, alternatives should be considered. We should also encourage codes of practice where possible to manage environmental effects.
- Comment that sometimes it is ok to re-route infrastructure to avoid special areas.
- Comment that we should not have overly restrictive rules for maintenance of existing assets.
- Discussion around whether an area within an Outstanding Landscape where there is a known regionally significant mineral resource can be utilised to extract minerals in that area.
- Emergency and general maintenance works should be allowed - should be considered in the consenting process at the outset.
- Need to also consider locally significant areas as well as other applicable policy. A hierarchy to this effect could be useful.
- Comment about conservation covenants and use of environmental offsetting in subdivision where conflict can arise between the electricity act, reserve act and RMA.
- There needs to be a practical element to offsetting policy, show how you implement it.
- Plans need to take into account quarrying and natural growth that may occur when mapping for protection.

Part 2: Network Utilities

- Should our rules on placing of network utilities be more permissive?
- Should our rules be more permissive of maintenance, upgrading network utilities?
- Should we have a rule permitting temporary occupation in CMA?
- Other ways compliance costs could be reduced?

Open discussion:

- Comment that current plan definitions around wetlands need work.
- We need to be very clear about definition of network utility - element of public good rather than private stuff for private benefit.
- Comment that it is fair enough to focus on network utilities but don't forget about other significant infrastructure that is not network stuff.
- Example given of problems with Regional Coastal Plan & temporary activities (e.g. surfing, structures etc.). Temporary occupation in coastal marine area should be permitted for maintenance activities. Example given was dump trucks / machinery.
- Question on whether NRC should set up a corridor / designation type approach for network utilities similar to the designation process for terrestrial activities. Feeling that it may be difficult to implement but intent is good.
- Should we test current rules for evidence base - are there really effects that warrant such control?
- Could also 'bundle' activity for infrastructure e.g. relocating a pylon be permitted but earthworks requiring consent. Use of approved contractor approach in permitted rule?
- Should fundamentally recognise network provide a public good & this should be recognised in rules (policies?).
- Permitted activity rules are good because they relax the rules however permitted activities are often not monitored and that is not necessarily a good thing.
- Suggestion that in the coastal marine area perhaps initial placement of a structure could require consent but the ongoing occupation of space and maintenance of hiring structure could be permitted - suggested that a condition could be subject to codes of practice.
- Question, is notification an issue? E.g. unwarranted procedural costs.
- Comment that permitted activity terms needs to consider sensitive sites (e.g. archaeological/cultural sites).

- Comment that technological advances means some network activity (e.g. non-fresh water pipes) across freshwater bodies have much less effect e.g. directional drilling means no bed disturbance/ diversion of flood flows. Question - should this be permitted? Evidence base for current discretionary activity status not apparent. How many incidents have been recorded from this type of activity? NRC advises that most issues arise in construction phase of a project.
- Suggestion that when considering the activity status for pipelines and cables, council should look at past incidents as an indicator of effects and therefore what level of control is required.
- The 2030-2050 period will see a lot of infrastructure upgrades much of which may go underground so requirement for consent could be increasing cost burden - also effects of underground less than spanning river (e.g. damage by floods/debris).
- Consultation is important, particularly for Maori, and particularly for new infrastructure proposals. Concerns about works to construct infrastructure on special places. Once infrastructure is in place though there is a case for making it permitted.
- Bridges - ease of maintenance or relocation is important for infrastructure providers Works in a stream when repairing bridges may be required needs consent - currently there is a reliance on emergency works provisions at the moment
- Comment that plan is currently permissive for culverts and more restrictive for bridges. In some circumstances bridges may have lesser impacts on in stream values. Group generally agreed with this and no issues were raised.
- Concern raised with earthworks for roading across flood plains. Staff state that this was discussed at the natural hazard workshop. Tighter controls on earthworks within floodplains is one possible outcome of the review.

Part 3: Renewable Electricity

- What renewable electricity activities should we be providing for?
- What policy should we have in our plans?
- Should we have specific zones and/or rules?
- How could compliance costs be reduced?

Open discussion:

- Energy providers are generally against identifying and zoning areas appropriated for energy production - commercial sensitivity.
- Comment that NRC could identify areas that are not suitable for energy production. (some of this work has been done through mapping layers in RPS)
- Hydro in Northland is restricted but there's the potential for small scale in-stream development. Perhaps we could enable small scale hydro where water is returned to the river, for example by having a controlled status?
- Comment that electric cars are on the horizon and will increase the demand for electricity consumption.
- Plan needs to be flexible enough to enable the assessment and approval of future technologies or changes in energy demand. Adaptive management could be used for new technologies.
- Question - is offshore wind possible in NZ? NZ coast is not really suitable due to topographical/cost issues.
- Discussion on re consenting - cost of obtaining consent for water takes compared to payback of Wairua hydroelectric station. How could policy or rules help reduce costs? NRC could provide more research and information - e.g. ecological values hydrological info. Cost of information gathering for the new consent is expensive. If a power station, for example, has been established for a long time, it becomes part of the existing

environment, is consent therefore really necessary? Some certainty in consenting versus permitted activity rules - i.e. guarantees ongoing use of the resource.

- Point made that in these circumstances controlled activities are preferable to permitted activities in the case of resource use - more certainty -for a small cost .
- Comment that the cost of consenting is a barrier and NRC could be more restrictive with rules if costs of consenting is not so high. - could support rate payer and government funding/ subsidy of consent.
- Comment about small scale wind farms - can council encourage these as they are less controversial? Cornwall given as a good example. On farm or rural residential wind turbines/farms are generally managed by district councils.

Part 4: Minerals

- Are our rules generally in place to manage the adverse effects of terrestrial mining activities?
- Do you agree with our proposed approach to marine mining activities?

Open discussion: Quarrying

- Discussion about the minerals and petroleum survey undertaken a few years ago - NRC were involved with other stakeholders.\
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- Comment that although they are being discussed together this afternoon, there is a huge difference in scale and effects between large scale mining and quarrying.
- Comment on exploratory drilling - it is not currently covered by rules but discharges from the drilling are covered by the plan or are a discretionary activity.
- There are plan rules covering de-watering of mines and quarries. The focus is on areas where streams originate, where dewatering could impact on the stream system. and impacts on at risk aquifers (the latter being a discretionary activity).
- 5000 cubic metres for earthworks is providing a lot of leeway for small scale quarries on farms and (not so good) people who are considered to be rogue operators.
- Comment that trade competition is an issues in some areas - does council take the number of existing quarries into account? It would be better to have a couple of quarries rather than lots to lessen the environmental impacts. NRC comment that each consent application is assessed on their merits. Trade competition can not be taken into account.
- Comment that Northland is unique as there are a number of small quarries that are operated intermittently. Some quarries are operating under the radar. NRC comment - where we hear about quarries breaching the rules we do follow up and enforce.
- Comment on quarrying best practice note on qplanning website - can this be used in plans? Agreement that yes it is possible for some elements of this guide to be in plans.
- Comment that unconsented quarrying is a big issue in Northland, with rogue operators not complying with either environmental management and worksafe requirements - Councils should enforce the rules more. Discussion - what else can council do other than reacting to complaints? Complaints are the only real trigger however belief that some complaints are not followed up. NRC - there is a permitted activity rule so the question is are these bandit quarries breaching the volume thresholds? With the permitted activity rule quarriers have no issue with farmers quarrying for their own needs but there is an issue when people are doing it for commercial gain. Anyone selling quarried material should require a permit. Question - do other councils have rules that are easier to enforce than having volume based thresholds? Controlled activity status may be better than permitted activity status - perhaps controlled subject to a management plan? NRC comment - Regional Water and Soil Plan does not distinguish between commercial and personal use, it just addresses quarrying.

- Comment on taking river gravel - although people are allowed to take up to 100 cubic metres a year, this is not always taken up.
- Comment that the placement of overburden in flood plains can be an issue.
- Question - can council publish a list of registered quarries as this would allow people to report unregistered quarries?
- Comment that quarry zones are not appropriate in regional plans but are useful in district plans for district planning issues. Quarriers happy with air discharges within boundaries as this a good clear rule. Earthwork thresholds for quarries and other activities should be different with quarries having a larger thresholds. Other councils use this approach - if the threshold is increased council should put a 'use on site' standard on.
- Biggest issue (for industry) is fly by night quarriers not sticking to environmental controls or health and safety.
- Quarry representatives suggested that good quarry rules exist for Auckland, Wellington plan (existing) Southland and West Coast. Tasman has good rules for river gravel.
- Quarriers - general earthwork standards capturing quarries is frustrating because the uses and risks are so different. Overburden is the biggest risk for quarrying.
- Clean fill could be controlled subject to management plans considering x y and z. Question to group - would it be good for NRC to require management plans? Feeling was probably not so much for regional rules. Quarries do often need consent from regional and district councils – is there scope for joint processes or delegation of powers?
- It was felt that regional council consenting experience tends to be a good one with practical outcomes.
- Comment that sand mining over an aquifer should not be allowed to penetrate the aquifer to avoid contamination and evaporation of water.

Open discussion: Mining in general

- Comment that there are significant issues around some historic mine sites in Northland in terms of discharges, tailings. In the Russell area ability to manage soil in proposed mining areas is an issue.
- Some support for stronger controls on coastal marine area and not only activities within the CMA but activities on land that can impact on coastal waters.
- Some support for new rules specific to mineral survey bores.
- Comment that some areas of Northland have very similar environmental conditions to the Coromandel where they have put a prohibited status for mining in place. Comment that this was a district council process - thought would be needed to translate that approach to the regional context.
- Comment that earthworks rules over x thousand cubes could be prohibited (for certain mining extraction activities)- saving council investing time in developing rules. Rules could be developed later if exploration shows large scale mining is realistic (through a plan change – either private or council initiated). Not everyone agreed with this approach.
- Concern in Whangaroa that aquifers will be impacted by mining. Prohibited status is preferred. Same goes for mining in the CMA.
- Monitoring of existing quarry sites at Puhipuhi was a concern raised with concern also that exploration at that site is creating pathways for mercury to enter groundwater.
- Comment made that the public debate is really around whether prohibited status should enter the plans.
- It was noted that we should bear in mind that offshore sand mining may come into play with the possibility of large marine sand resources from ancient flows from the Waikato River into the Firth of Thames. This may extend into south-eastern Northland.

- Concern raised about the size of marine seismic surveying in marine mammal areas. Suggestion by NRC to reference best practice (produced by Dept. of Conservation) in a future regional plan.