

**BEFORE THE TIMARU DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the Proposed Timaru District Plan  
Hearing B

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**STATEMENT OF EVIDENCE OF NATHAN HENRY HOLE BEHALF OF  
ROONEY GROUP LIMITED AND OTHERS**

**Dated 5 July 2024**

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**Nathan Hole**

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**MAY IT PLEASE THE HEARING PANEL:**

1. My full name is Nathan Henry Hole. I am employed by Rooney Group Limited (**RGL**) as Senior Advisor – Environmental Policy & Projects.
2. I hold the qualification of Bachelor of Science (Environmental Science) from Lincoln University.
3. I have over 16 years' experience working as a resource management planner for both district and regional councils, including 9 years as Planning and Regulations Manager at Mackenzie District Council, and Team Leader – Consents and Compliance at Timaru District Council from November 2018 to August 2021. I have been employed by RGL in my current role since August 2021.
4. I am providing this evidence in my capacity as an employee of RGL, not as an independent expert, although my evidence represents my professional view and is within my area of expertise.
5. I am authorised to provide this evidence on behalf Rooney Group Limited, Rooney Holdings Limited, Rooney Earthmoving Limited, Rooney Farms Limited, Timaru Developments Limited and Mr GJH Rooney (**Rooney Group**).
6. While I am an employee of RGL, I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and agree to comply with it. I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

**SCOPE OF EVIDENCE**

7. In relation to the matters being considered by Hearing B, Rooney Group made submissions in relation to the General Rural Zone (**GRUZ**), General Industrial Zone (**GIZ**) and the Residential Zones. The scope of my evidence is limited to the submissions to seek a gravel extraction overlay in the GRUZ.
8. In relation to our other submissions relevant to this hearing, these have been addressed by the relevant officers' section 42A recommendations which we will provide no further evidence on.

9. Rooney Group submitted on the Proposed Timaru District Plan (**PDP**) seeking recognition of existing land-based gravel extraction and cleanfill sites. The submission point is:

*It is submitted that the proposed plan should introduce a gravel extraction overlay across land where existing land-based gravel extraction and clean fill deposition occurs. Such a layer should recognise and provide for this activity as well as protecting the sites from encroachment of sensitive activities in a way that the proposed plan has recognised and protected primary production. Land based gravel extraction is extremely important to continuity of supply and consistency of gravel quality.*

10. I accept the officer's analysis that an additional gravel extraction overlay is not required in the PDP, but do consider that there should be some policy strengthening to recognise those activities already lawfully established.

11. The PDP contains objective **GRUZ-05 – Mining and Quarrying**:

*Mining and quarrying occurs in the General Rural Zone where the resource exists and where it will have no or minimal adverse effects on the sensitive environments and sensitive activities.*

12. The objective recognises that mining and quarrying activities will occur within the GRUZ and is drafted to minimise adverse effects on sensitive environments and sensitive activities, which is supported. However, it does not seek to protect those activities which are already existing, from reverse sensitivity effects or from the establishment of sensitive activities.

13. This is an area of the PDP that should be strengthened, as existing mining and quarrying activities have a functional need to be located in the GRUZ and should be protected from the establishment of sensitive activities.

14. The PDP manages the effects of reverse sensitivity on primary production and established quarries and mines through a zone standard, **GRUZ-S4 - Setbacks for Sensitive Activities**:

1. *No new sensitive activity may be established within 500m from:*
  - a. *the closest outer edge of any paddocks, hard-stand areas, structures or buildings used to house stock, or treatment systems, used for an intensive primary production activity; and*

- b. *an existing farm effluent disposal area; and*
  - c. *a lawfully established quarry or mine.*
- 2. *No new building for a sensitive activity may be erected within 20m from any other site boundary in a different ownership where a primary production activity is being conducted, unless the site existed prior to 22 September 2022, in which case a 10m setback applies;*
- 3. *No new building for a sensitive activity may be erected within 20m of an existing shelter belt.*

*Except that these setbacks do not apply to a new sensitive activity being established within the same site on which a lawfully established: intensive primary production activity; effluent disposal; quarry or mine; is located.*

- 15. GRUZ-S4 gives effect to GRUZ-O5 (and GRUZ-O4) and does help address reverse sensitivity effects from the establishment of sensitive activities on primary production and established mines and quarries, although the focus, as in the objective, is to protect sensitive activities from the effects of mines and quarries, not the opposite presumption to protect the established activities.
- 16. **GRUZ-P6 – Mining and Quarrying Activities** seeks to enable small scale quarries up to 2000m<sup>2</sup>. Any quarries greater than 2000m<sup>2</sup> would need to meet **GRUZ-P7 – Industrial Activities, Rural Industries and Other Activities** which is a more general policy to aid establishment of an industrial activity that has a functional need to be located in the GRUZ.
- 17. The PDP is drafted with a focus on protecting primary production activities within the GRUZ from the establishment of sensitive activities that may have a negative impact on primary production. This is reflected in the policy, **GRUZ-P5 – Protecting Primary Production:**  
*Manage sensitive activities in the zone to ensure:*
  - 1. *they are located to avoid adverse effects on primary production; or*
  - 2. *if avoidance is not possible, the sensitive activity includes mitigation measures so that there is minimal potential for adverse effects on the sensitive activity from primary production activities.*
- 18. Similar policy protection should be afforded to existing mining and quarrying activities, for clarity and internal consistency within the PDP. This could be achieved by amending GRUZ-P5 to include these activities:

**GRUZ-P5 - Protecting primary production *and Existing Mining and Quarrying Activities***

*Manage sensitive activities in the zone to ensure:*

1. *they are located to avoid adverse effects on primary production and existing mining and quarrying activities; or*
  2. *if avoidance is not possible, the sensitive activity includes mitigation measures so that there is minimal potential for adverse effects on the sensitive activity from primary production activities and existing mining and quarrying activities.*
19. It is also suggested that some refinement of GRUZ-O3 could occur to recognise existing mining and quarrying activities, to support the proposed amendments to Policy 5.

**GRUZ-O3 – Protecting Primary Production**

*The land resource of the General Rural Zone is not diminished by activities with no functional or operational need to locate in the General rural zone, and primary production and existing mining and quarrying activities are is protected from sensitive activities.*

20. The proposed amendment to GRUZ-O3 does not detract from the intent of GRUZ-O5 which will be applicable to the establishment of new mining and quarrying activities.
21. I am of the view that the changes proposed will strengthen the policy protection in the PDP for existing gravel extraction and quarries without detracting from the intent of the PDP in relation to the establishment of new mining and quarrying activities.
22. The proposed changes will also create a framework for administration efficiencies by clarifying the policy in relation to existing mining and quarrying activities and the establishment of sensitive activities.



**N H Hole**

5 July 2024

Rooney Group Limited