

# Submission on the consultation document on improving the protection of drinking-water sources

March 2022

## Introduction

The Aggregate and Quarry Association (AQA) is the industry body representing construction material companies which produce an estimated 45-50 million tonnes of aggregate and quarried materials consumed in New Zealand each year.

Funded by its members, the AQA has a mandate to increase understanding of the need for aggregates to New Zealanders, improve our industry and users' technical knowledge of aggregates, and assist in developing a highly skilled workforce within a safe and sustainable work environment.

## Background

Currently an average of around nine tonnes (one rigid truckload) of stone, gravel and sand per New Zealander is required each year to meet New Zealand's ongoing infrastructure demand. With our population set to rise to between 5.3 and 7.9 million by 2060, this increase in population alone will require approximately 1.2 million new homes to be built over the next 40 years. That is 30,000 new homes every year.

Central and local government are investing an unprecedented amount of money into infrastructure, such as schools, hospitals, roads and transport, to meet this population growth. The New Zealand Government relies heavily on locally sourced aggregate resources for infrastructure repair following disasters, for road and rail transport corridors, major projects and for housing development, all of which are essential for the social, economic, and cultural wellbeing of communities.

The aggregates sector has an important role to play in helping mitigate and manage the effects of climate change through supply of aggregates for sea walls, river flood protection and building materials required following natural disasters.

New Zealand needs a secure supply of quarry materials to provide affordable housing and infrastructure now and for future generations. In order to do this, it is critical that planning is streamlined, quarry resources are protected so they can supply vital construction materials and quarry land is returned as an asset to the community once extraction is complete.

## General comments

We support the objectives of proposed amendments to the National Environmental Standard for Sources of Human Drinking Water (NES-DW) to strengthen and align national direction for protection and management of source water, however adequate provision must be made in national instruments and regulations such as the NES-DW to recognise existing and potential aggregate and sand deposits and provide for their extraction. Quarry materials are not universally available and can only be sourced from where they are located (locationally constrained due to geology). Without a consenting pathway

that provides for adequate access to resources at workable locations, there is the real risk of losing access to such proximate resources.

We are concerned that the proposed NSW-DW could result in a repeat of the Natural Wetland Regulations (NES-FM), which is currently being amended, where mineral and aggregate extraction was deemed to be earthworks and therefore prohibited.

We make the following submission in relation to the [consultation document on improving the protection of drinking-water sources](#).

## Definitions

In order to retain consistent definitions across planning documents, and avoid confusion and potential conflict, the 2019 National Planning Standards definitions should be used and referenced within the NES-DW. Relevant definitions are:

**Earthworks** – means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

**Quarry** – means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand). It includes the area of aggregate resource and surrounding land associated with the operation of a quarry and which is used for quarrying activities.

**Quarrying activities** – means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand); the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry; and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.

These definitions are significant as the consultation document refers to earthworks but does not make the distinction between earthworks and quarrying activity as outlined in the National Planning Standards. The NES-DW should clearly articulate the National Planning Standards definitions to avoid any confusion between activities.

## Impacts on river gravel extraction

In a number of river catchments across the country, gravel extraction is a critical component of flood protection and river management. Gravel extraction is a key maintenance activity to maintain the flood carrying capacity and alignment of river channels.

We therefore believe that quarrying activities should be excluded from earthworks in terms of the application of Source Water Risk Management Areas (SWRMA). Quarries tend to be highly controlled under current and proposed resource management processes and SWRMAs add an unnecessary additional layer for activities that do not impact on drinking-water quality.

## Restrictions on earthworks under SWRMA 2 near aquifers

Currently land based alluvial aggregate extraction occurs in areas such as Canterbury. Extraction is typically limited to within 1 metre of the water table however these activities are backfilled (clean filled) to restore land for future use. Extraction of the gravel has no impact on the water table. The restrictions on earthworks in relation to SWRMA 2 may have the unintended consequence of impacting on the ability to restore this land for future use. As above, quarrying activities, including cleanfills, should be excluded from earthworks in terms of the application of SWRMAs.

## Existing use rights

We do not believe the NES-DW should retrospectively apply to existing quarrying activities.

Commitments have already been made by government on a number of occasions that existing rights to continue production or exploration activities will be protected. This commitment was also captured by Principle 10 of the Minerals and Resource Strategy. It is essential that any changes to the resource management system do not affect those rights.

This must also include the rights of entities to variations or extensions to existing consented activities. That is, it needs to consider the natural extension of consented areas should aggregate deposits be expanded through quarrying works, and the ability to extend the duration of these existing resource consents.

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