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## **APPROVAL OF DISTRICT PLAN CHANGE 83**

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### **Purpose**

1. This report seeks the Council's final approval of District Plan Change 83 (DPC 83 – Kiwi Point Quarry).

### **Summary**

2. The process for District Plan Changes is outlined in Schedule 1 of the Resource Management Act 1991 (RMA). DPC 83 has followed this process, which includes consultation, public notification, submissions and further submission periods, a hearing, notification of the decision, and an appeal period. Full details of these items can be viewed on the Council's website via: [wellington.govt.nz/district-plan-change-83](http://wellington.govt.nz/district-plan-change-83)
3. The Council adopted the Hearing Panel's recommendation to approve DPC 83 on 1 May 2019.
4. On 6 May a 30 day appeal period was publicly notified and closed on the 18 June 2019. No appeals were received for DPC 83.
5. The approval of this plan change is now an administrative formality in order to make it operative in the Wellington City Council District Plan.

### **Recommendation/s**

That the Council:

1. Receive the information.
2. Agree to approve District Plan Change 83 in accordance with clauses 17 and 20 of Schedule 1 of the Resource Management Act 1991.
3. Agree for District Plan Change 83 to be made operative in the Wellington City Council District Plan in accordance with clause 20 of Schedule 1 of the Resource Management Act 1991.

### **Background**

6. DPC 83 was initiated by the Council in response to the depletion of the rock resource at Kiwi Point Quarry. Prior to the preparation of the plan change a range of options were considered for the future of the quarry, including closure. Community consultation on these options was undertaken between September and October 2017. The preferred option involved rezoning an area on the southern side of the quarry site (known as the southern face) to allow for quarrying activity in this area.
7. DPC 83 was publicly notified on 13 April 2018. A total of 36 submissions were received along with one further submission. A hearing was held from the 10<sup>th</sup> -12<sup>th</sup> of December

2018. Over the three sitting days, 9 submitters attended. The Panel formally closed the hearing on 18 December 2018.
8. The Hearing Panel comprised of three external commissioners – Alick Shaw (Chair), Julia Williams and Ian Leary. The Panel held several formal deliberation sessions between December 2018 and March 2019.
  9. The notified plan change proposed several amendments to the District Plan to allow for quarrying of the southern face, which can be summarised as follows:
    - Rezoning an area on the southern side of the quarry site from Open Space B to Business 2.
    - Introducing a new objective that recognises the importance of quarrying aggregates at Kiwi Point Quarry to provide for the future growth and development of the city.
    - Introducing a new controlled activity rule that applies to the rezoned southern face expansion area. A resource consent would need to be sought prior to quarrying commencing. The Council's control is maintained over buffer areas from residential sites, cut face rehabilitation, ecological mitigation, and screening.
  10. Several amendments were included in the Panel's recommendation to improve implementation of the proposed provisions. However, the fundamental approach adopted in the notified plan change remains unchanged.

## Discussion

11. After the hearing, a report was presented to the Council to accept the recommendation of the Panel's decision to approve DPC 83. The Council approved the plan change at the Council meeting on 1 May 2019.
12. The Council's decision to approve the plan change was notified on 6 May 2019 and allowed for a 30 day appeal period, in which no appeals were received.
13. The Council is required to approve the provisions pursuant to Clause 17 of Schedule 1 of the RMA 1991. These final provisions reflect the proposed changes that have been approved by the Council. As the approval process under Schedule 1 is purely procedural, there is no ability to make any further amendments at this stage. The operative provisions will be given effect to by official sealing. The sealed changes will reflect what has already been determined.

## Next Actions

14. Clause 20 of Schedule 1 of the RMA 1991 requires the Council to publicly notify the date on which the plan change becomes operative. The operative date must be at least five working days after the date on which the Council publicly notified its intention to make the plan change operative.
15. If DPC 83 is approved by Council, the public notice will be included in the Dominion Post and made available on the Wellington City Council website.

## Attachments

Nil

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

Engagement with the public on four options for quarry expansion occurred in September – October 2017, in addition to statutory consultation in accordance with Schedule 1 of the Resource Management Act 1991.

### **Treaty of Waitangi considerations**

Local iwi were consulted on this plan change in which no submissions or concerns were received.

### **Financial implications**

Kiwi Point Quarry plays a vital role as a local supply of aggregate to the region. This aggregate is nearing depletion. Approving this plan change will extend the life of the quarry and ensure a continuing supply of aggregate to the Wellington economy. Extending the life of Kiwi Point Quarry was also noted in the Council's 10-year plan.

### **Policy and legislative implications**

A resource consent is still required prior to this quarry expansion. Amendments are also required to the existing quarry management plan.

### **Risks / legal**

The plan change (DPC 83) has been undertaken in accordance with the Resource Management Act 1991. The Council's legal counsel has been involved (as necessary) on all relevant matters pertaining to this plan change.

### **Climate Change impact and considerations**

Expansion of the quarry will maintain the supply of a local aggregate source thereby minimising the need for transportation of material from outside of the city. This will also help ensure lower carbon emissions. Expanding the quarry also provides a sustainable use of an existing resource, as opposed to finding and developing a new quarry elsewhere. By continuing the lifetime of this local aggregate resource, the Council is able to provide materials for new houses, buildings, roads, cycleways, walkways, footpaths, etc.

### **Communications Plan**

A communications plan was developed as part of the engagement process commenced before the plan change was lodged. The statutory consultation phase of this process has been carried out in accordance with the consultation requirements set out in Schedule 1 of the Resource Management Act 1991.

### **Health and Safety Impact considered**

Any health and safety issues relevant to Kiwi Point Quarry and quarry operations are completely separate from this plan change and there are no health and safety impacts or considerations to note.