

**BEFORE THE HEARINGS PANEL
FOR THE WELLINGTON CITY COUNCIL**

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of Proposed Plan Change 83 to
the Wellington City District Plan

Written Right of Reply from Wellington City Council as Plan Change Proponent

17 December 2018

1 Introduction

1.1 At the conclusion of the formal part of the hearing on Wednesday 12 December 2018 I co-ordinated and presented a brief oral right of reply on behalf of Wellington City Council as Plan Change 83 proponent. This written statement therefore records the matters outlined in that oral presentation.

1.2 It leads from the evidence presented by the WCC plan proponent witnesses and concentrates on salient points raised by submitters and the s42A team over and above that which was provided in the evidence of: -

- Philip Simpson, Spire - Regional economics/ demand forecasts;
- Darcy Maddern, Holcim New Zealand - Quarry Operations Manager;
- Sandy Ormiston, Ormiston Associates - quarry design, quarry management, geotechnical matters.
- Dr Doug Boddy, Paddle Delamare - Dust Management;
- Tim Kelly, Tim Kelly Transportation – Traffic;
- Dr Astrid van Meeuwen-Dijkgraaf, Wildlands - Ecology and mitigation package;
- David Cameron, Stantec - Aquatic ecology and regional consents; and
- Gavin Lister, Isthmus - Landscape and Visual.

2 Representations from submitters

2.1 Eight submitters made presentations to the Hearings Panel.

Onslow Residents Community Association

2.2 Mr and Mrs Morrison and Mrs Van Herk presented the submission on behalf of the Onslow Residents Community Association early in the hearing. My understanding of the submitters position is that there was general support for the plan change and there is an appreciation for the regional need for supply of aggregate. The key concern was in respect of maintaining levels of amenity to those residents that could potentially be affected by quarrying operations.

2.3 In that regard there is reliance on the evidence of Mr Boddy in respect of dust nuisance effects, Mr Ormiston in relation to geotechnical matters and in particular slope stability and Mr Maddern, the quarry operation managers in respect of the way the quarry operates.

- 2.4** PC83 has been set up to specifically provide for further detail to be submitted in respect of maintaining levels of amenity. I note that Mr Cameron from the Council was of the view that noise and vibration matters within a Noise and Vibration Management Plan is the Best Practicable Option for controlling the adverse effects of noise and vibration.

Brian Stapleton

- 2.5** Mr Stapleton, a resident of Broadmeadows, was concerned about several matters largely around the operation of the existing quarry operations at the Northern face. He also considered that there are better uses for the land and an alternative should be found to Kiwi Point for quarrying operations.
- 2.6** The evidence of Mr Simpson outlined some of the practical matters in terms of finding alternative sources of aggregate within the Wellington region. It is not just a matter of the existing quarrying resources but finding practicable alternative sites. Mr Simpson's view, (which I share), is that finding and developing alternative sites would be challenging to say the least. The key point is that the region is running out of resources from existing sites and that maximising the potential of the existing sites is important.
- 2.7** Mr Stapleton also noted that there is often an accumulation of dust on cars and on his house that he attributes directly to the operation of the existing quarry. He also outlined that there are health effects from the quarry operations.
- 2.8** The leading evidence on dust nuisance was from Dr Boddy and I note his conclusions that with the provision of a Dust Management Plan as part of the Quarry Management Plan that effective dust management can be achieved. I also note that dust monitoring sites have recently been put in place and the recent results referred to by Mr Maddern indicate that the primary source of dust at that time is pollen.
- 2.9** In terms of Mr Stapleton's issues with dust on cars and his house I note that his property is relatively remote from the northern face but that PC83 is all about measures to extract aggregate from the southern resource. Mr Logeswaran has committed to investigate the individual circumstances of Mr Stapleton should any actual dust nuisance, that can be attributed to quarrying operations, continue from the Northern face.

- 2.10** There is no doubt that quarrying operations can produce dust. What is important is that there are dust management processes in place to minimise the effects of dust from the site.
- 2.11** Mr Stapleton also mentioned traffic effects from continuing quarrying at Kiwi Point. The undisputed expert evidence from Mr Kelly and Mr Spence on behalf of the s42A team was that traffic effects within the site and upon the safe and efficient functioning of State highway 1 can be managed just as they are at the moment.
- 2.12** Lighting of the site was also described as an amenity effect by Mr Stapleton. The quarry operates from 7.00am to 5.00pm and does not need to be lit outside of these times. Any lighting effects outside of these times may be attributed to other users.
- 2.13** Commissioner Leary also asked Mr Stapleton and others whether they had any interest in being part of a Community Liaison Group as a conduit for community concerns to be raised to the quarry operator. Mr Stapleton, Ms Brydges Jones and Ms Mundell replied that they were not.
- 2.14** PC83 as revised by Mr Jones has as a matter to be included in the Quarry Management Plan a specific matter "*community liaison practices and a procedure for addressing any complaints*". It is considered that clear lines of communication should be enhanced between the wider community and this will be an important component of the Quarry Management Plan. There is no need for a Community Liaison Group to be formalised within the Plan Change in my view.

Jan Brydges Jones

- 2.15** Ms Brydges Jones is also a resident of Broadmeadows and raised concerns about a number of matters but particularly about blasting operations. Mr Maddern in his evidence and through questioning at the hearing outlined the current procedures to minimise any adverse effects of blasting on the wider community. This includes notifying residents when blasting is to occur.
- 2.16** My view from considering the evidence is that blasting technology has improved over the years in order to minimise the adverse effects of blasting. Mr Maddern also indicated that current blasting at the Northern Face occurs roughly once a month. Mr Cameron on behalf of the s42A team also considered the percussive effects from blasting and concluded that such effects can be managed. Blasting

and indeed quarrying operations generally also have to comply with applicable legislation in terms of Health and Safety.

- 2.17** Ms Brydges Jones was also concerned about the lack of remediation of the northern face. Mr Logeswaran was able to confirm to the panel that remediation is to occur after quarrying operations cease and in accordance with the existing Quarry Management Plan.
- 2.18** Smoke at Kiwi Point was also a matter referred to by Ms Brydges Jones. The quarry operations do not produce smoke. It is likely that the reference was to the Downers Asphalt Plant and to Allied Concrete both of which would need to comply with the Regional Air Quality Management Plan and the Proposed Natural Resources Plan or through resource consent.
- 2.19** Land destabilisation issues at the Northern Face was also mentioned. While PC83 focuses on the Southern Face, remediation of cut faces at the northern face is required and Mr Ormiston and Mr Maddern referred to what was required to be done.

Carol Mundell

- 2.20** Ms Mundell is a resident of Maldive Street to the east of Kiwi Point. She conveyed to the Panel her experience with the Taylor Preston consents for the abattoir and the Community Reference Group. She also shared similar concerns to Mr Stapleton and Ms Brydges Jones about adverse effects from quarrying the Northern Face.
- 2.21** In particular like Ms Brydges Jones, Ms Mundell was concerned about the use of explosives for quarrying and stated that she recently experienced a broken window that she considered was attributed to quarry blasting. At the request of the panel Mr Logeswaran was able to speak to Mr Mundell to ascertain the circumstances, to carry out the necessary follow up and to establish a line of communication. This matter can be managed outside of the hearing process which focuses on the rezoning of land to enable the Southern Face resource to be extracted.
- 2.22** Ms Mundell also stated that she had heard rock crushing on a Sunday. The Quarry is only open Monday to Saturday 7.00am until 5.00pm so it is not known where this sound had come from.

Anthony Norton

- 2.23** Mr Norton lives north of the existing quarry and had done so for 35 years. He was able to explain to the Panel some of the issues being a resident close to quarry operations. He has been concerned about land stability and about the lack of direct notification of when blasting occurs. Mr Logeswaran has committed to making sure that Mr Norton is properly notified when blasting is to occur.
- 2.24** Mr Norton also explained that a number of years ago WCC had planted pine trees which provided visual and in his view noise attenuation on the buffer land between the Plumer Street residential properties to the Northern Face cut batters. These pine trees were subsequently removed. On noise Mr Cameron advised the Panel of the established fact that vegetation does not provide direct noise attenuation.
- 2.25** On the removal of the pine trees it appears that this occurred some time ago. I understand that Ms Benbrook from the WCC Parks and Open Spaces team offered to find out what was known about the previous planting and what may be planted when quarrying is completed.
- 2.26** The above four residents were able to give their views to the panel of their experiences. What is notable is that they are all in much closer proximity to the Northern Face where quarrying will eventually cease.

Simon Gatenby - Taylor Preston

- 2.27** Mr Gatenby as Chief Executive of Taylor Preston, outlined the economic contribution to the city and the region of the abattoir. He also explained that the abattoir was a significant traffic generator with some 650 staff as well as product and livestock movement.
- 2.28** He was of the view that there may be an impact on the use of what is known as the "Halal House" for offices. He also explained that the emergency grazing for the abattoir is also reduced but indicated that the abattoir's needs are likely to be accommodated. These two matters are within the ambit of a lease between WCC and Taylor Preston. I understand from Mr Logeswaran that these detailed matters are currently being worked through.
- 2.29** With the Southern face resource, a different part of the abattoir would be within the blast zone of the quarry and Mr Gatenby was keen for assurances that there would be appropriate health and safety procedures during blasting. This is a key matter for the Quarry Management Plan that would need to be addressed. In

this regard I note that Mr Jones has specifically outlined that the abattoir operator should be notified directly of when blasting is to occur.

- 2.30** Mr Gatenby also outlined that traffic hazards from the existing access remain and wanted assurances that the abattoir could be involved in any changes as a result of the haul road or conveyor system linking the southern face to the northern face workings. My understanding is that the existing access arrangements would remain but if there were changes proposed that affected the Taylor Preston lease that these would need to be managed through that process.

Wade To - Allied Concrete

- 2.31** Mr To is the Wellington Manager of Allied Concrete that is located at Kiwi Point and is supplied with sand and aggregate for making concrete products. He also outlined the significant importance of aggregate and concrete products for development within the Wellington Region.

- 2.32** These views are consistent with the evidence of Mr Simpson.

Greater Wellington Regional Council

- 2.33** The evidence of Greater Wellington focused on biodiversity and particularly promoted within the plan change a specific 3:1 ratio of offsetting the loss of indigenous vegetation and habitat. This evidence was provided by Dr Wyman and she was supported at the hearing by Ms Harper.

- 2.34** At the hearing Dr Wyman commented that she thought that the offsetting mitigation package promoted by Dr van Meeuwen Dijkgraaf was piecemeal. In my view when considering the location and the fact that offsetting opportunities are within the control of Council there is no need to codify a precise mitigation ratio and that extensive effort has been undertaken to identify appropriate measures.

- 2.35** I also note that the biodiversity offset package does not include remediation of the quarry nor any stream rehabilitation required under the regional consents granted by the regulatory arm of Greater Wellington.

- 2.36** Dr van Meeuwen Dijkgraaf was present at the hearing and for the questions put to GW officers.

- 2.37** She has commented that given that the resource consent is to be non-notified because the activity is controlled the GW request to include the 3:1 mitigation

and offsetting ratio means that GWRC will not be able to comment on the terrestrial aspect of the future resource consent.

2.38 However, the proposed wording and use throughout the Plan Change document states that the offsetting measures are inclusive of measures other than revegetation planting such as pest animal control, and enhancement planting. Dr van Meeuwen Dijkgraaf and myself are also concerned about embedding mitigation and offsetting ratios in policy when these should be dealt with through resource consents.

2.39 As we understand it the preference of GWRC to ensure that the total mitigation and offsetting area through planting is 3:1. In Dr van Meeuwen Dijkgraaf's view this would not cater sufficiently for fauna displacement which is better addressed through pest control measures, especially in the short term while areas are being planted up to create additional habitat. Additionally, enhancement planting of already established areas (i.e. the adjacent reserves) with suitable late successional and forest canopy dominant species is a very cost-effective method to introduce these species into the landscape, from which they are currently lacking, so that as the recently planted areas mature there is sufficient seed dispersal for these canopy species to establish.

2.40 Dr van Meeuwen Dijkgraaf considers that many of these plant species would otherwise have to be planted once the revegetation area has a more or less closed canopy, which will likely be more difficult and costly.

2.41 GWRC also expressed a preference that additional areas to revegetate are identified on nearby coastal escarpments. I am advised that there are no other nearby coastal escarpment areas that could be planted up as they already have a mahoe forest cover or are privately owned residential or commercial sites.

2.42 Fortunately, the Plan Change is a WCC driven process therefore adjacent WCC land can be made available for the mitigation and offsetting activities. Undertaking mitigation and offsetting at more remote locations significantly reduces the benefit to the Kiwi Point Quarry site.

3 s42A Reports - comments on matters raised at the hearing.

3.1 The hearing was attended by Mr Fuller in respect of ecology, Mr Evans in respect of visual and landscape matters, Mr Cameron in respect of noise and vibration and Mr Jones the primary author of the report. Mr Spence while providing his comments on traffic was not required at the hearing as Mr Kelly

and Mr Spence were in agreement that traffic effects were minor and can be managed.

Stephen Fuller

- 3.2** Ecological matters were well traversed at the hearing and Mr Fuller gave an outline of the key matters raised. There was also considerable effort to agree in a plan change context the contents of the Ecological Survey and Restoration Plan that Mr Jones has put forward as information required to be submitted with an application for resource consent.
- 3.3** I believe there was general alignment with Dr van Meeuwen Dijkgraaf. There are a few matters that Dr van Meeuwen Dijkgraaf has commented on that were raised as issues by Mr Fuller.
- 3.4** The first is in respect of the planting of the upper slopes of the cut face. In Dr van Meeuwen Dijkgraaf's view, upper slope planting would be into existing soils, which as Mr Fuller indicated is where they have a higher level of success elsewhere. Previous upper slope trials failed due to lack of maintenance (overtopped by grass) and dryness. Dr van Meeuwen Dijkgraaf considers that WCC has learned from that experience and would use different plant species.
- 3.5** This is because the upper three benches where direct transfer is proposed are the softer rock types similar to that for the lowest bench that Mr Fuller is refers to as being the most suitable for landscape/ecology planting. Dr van Meeuwen Dijkgraaf is not entirely sure why Mr Fuller thinks that landscape/ecology planting will be successful on the lower bench but not on similar soils/rock types elsewhere. The lower bench, which although 8 metres wide, would still be 25 metres above State Highway 1 and 7 metres above the back-filled area of the quarry and thus similarly dry and exposed, although at a lower altitude.
- 3.6** The second matters is that exotic plant species can be used as part of the remediation or mitigation if they have a useful role to fulfil, but as Mr Fuller said, should not count towards the mitigation for the loss of ecological values.
- 3.7** The third issue is in respect of a wide bird corridor. Dr van Meeuwen Dijkgraaf notes that Mr Fuller did not present any evidence whether SH1 currently is a barrier for the movement of indigenous bird species. For those poor flyers that were mentioned, none of which currently occur at or near the site, it probably is a barrier already which would not necessarily be mitigated by creating a specific planted corridor.

- 3.8** In her opinion Dr van Meeuwen Dijkgraaf considers that removal of vegetation does not present a barrier to those species that occur or are likely to occur at the site currently. Mr Fuller also noted that currently birds move through the landscape using people's gardens; these are mostly narrow ribbons of vegetation and not as wide as the corridor proposed by Mr Fuller, so the requirement for a wide corridor seems overstated. Mr Fuller appears to be discounting the role of the existing vegetation on the SH1 bank face plus the retention of the riparian vegetation plus the direct transfer/planting atop the lower bench as providing a fauna corridor.
- 3.9** Dr van Meeuwen Dijkgraaf supports integrating landscape and ecological design, but the quantum of ecological mitigation needs to be appropriate to the amount of indigenous vegetation removed and therefore accounted for independently from landscape or remediation planting. The intent for those activities is different to ecological restoration. We understand that Mr Fuller agrees with that view.
- 3.10** In terms of ongoing legal protection mechanisms Open Space B zoning of the rehabilitated areas caters for the natural environment and could be an appropriate mechanism. However extending Tyers Reserve could also be an appropriate mechanism. In her view Dr van Meeuwen Dijkgraaf considers that what is required is that all the hard work to improve the ecological values of an area need to be protected and not subject to future development
- 3.11** As outlined at the hearing WCC has already resolved to place Reserves Act protection on the areas to be rehabilitated but that is under a separate piece of legislation.
- 3.12** Finally there is agreement that the mitigation and remediation of the stream should be within the Kiwi Point Quarry, not necessarily within the Plan Change 83 footprint, but should include the whole of the Kiwi Point Quarry. However this is somewhat complicated by regional matters concerning control of beds of lakes and rivers.
- 3.13** Further Mr Lister comments that he also agrees with integrating ecology and landscape to avoid the now common "siloining" of these matters. In his view, which I share, PC83 does not prevent integration.
- 3.14** In relation to corridors, Mr Lister considers that it is sensible for the bank adjacent to SH1 to return along the south east of the quarry (as shown in the

Ormiston plans) for both landscape reasons and ecological connections and to be included in enrichment planting. This would provide a continuous corridor even during quarrying which could then be further widened by planting the back slope following quarrying. In other words a corridor connection could be readily provided, even during quarrying, regardless of the differences between Dr van Meeuwen Dijkgraaf and Mr Fuller.

3.15 In respect of direct transfer from areas to be removed to areas after quarrying has been completed Mr Lister understands that even if the direct transfer method is an experiment, if nothing else would provide topsoil on the benches which is consistent with what Mr Fuller recommends.

3.16 In terms of rehabilitation of the quarry Mr Lister and Dr van Meeuwen Dijkgraaf are in agreement with the s42A writers on the principles and most of the details relating to:-

- Assisting natural regeneration of the Hill face around the perimeter of the quarry face
- Assisting as best as can be achieved the natural colonisation and rehabilitation of the quarry face itself. Mr Evans endorsed the approach outlined in Mr Lister's evidence (paragraph 7.1) while we also understand that Mr Fuller agrees with this.

3.17 Mr Lister considers that this approach is likely to:

- be most robust and effective, and
- look the most natural.

3.18 Therefore there is much agreement between Mr Fuller, Dr van Meeuwen Dijkgraaf and Mr Lister. There is no disagreement that the method proposed for managing ecological effects through an Ecological Survey and Restoration Plan is the most appropriate method for managing such effects.

Boyden Evans

3.19 As with Mr Fuller's comment to you at the hearing I requested Mr Lister to consider the matters raised by Mr Evans. Mr Lister and Mr Evans agree on:

- The character of the existing landscape, the effects, the mitigation measures -our conclusions

- That rehabilitation of the cut quarry face will depend on natural processes including exotic colonisers (gorse, broom, grasses), and will progressively weather and soften over decades. Mr Lister's evidence and photo simulations rely on those assumptions.
- That it is good practice to help such natural processes along and agree on the methods such as scarifying faces and benches, hydro-moss faces, topsoiling and planting benches, and planting or promoting regeneration of the quarry perimeter.

3.20 The point of disagreement is that Mr Evans doesn't think the quarry face will soften as quickly as depicted. Mr Lister considers that what is depicted is consistent with Newlands interchange after 20 years. Mr Lister considers that overall these are small differences and at the end of the day are of little consequence.

3.21 Mr Lister's point about differences on speed of rehabilitation being of little consequence is that:

- The differences are around whether it will take 20 or 30 years to get to a particular stage.
- Regardless, Mr Lister and Mr Evans agree that the quarry will progressively weather and soften during this period and there is nothing significant about a 20 year timeframe.
- We can be sure the quarry will rehabilitate naturally as has happened with previous cut faces.
- Mr Lister and Mr Evans also agree on the techniques to speed the rehabilitation process as best as possible.

3.22 Mr Lister and Mr Evans also agree the gateway experience is largely spatial. Although the visual amenity of the gorge will change, the fundamental qualities of the experience will remain.

3.23 Mr Lister and Mr Evans also agree on effects for properties. While it might be possible to offer off-site mitigation to individual properties a number of people will want to retain their views. From a planning perspective this would be very difficult to implement and impossible to enforce without willingness from both parties.

3.24 Mr Lister and Mr Evans are also in agreement that landscape and ecology mitigation should be integrated.

3.25 In respect of the photo simulations Mr Lister considers that what was depicted seems consistent with:

- Figure 11 to Mr Evan's Attachment 3 (Project Description and Landscape and Visual Assessment Boffa Miskell Ltd – September 2003) which is a photo simulation depicting quarry face after 20 and 50 years. Mr Lister observes that the Boffa Miskell images appears more lush) than Isthmus depicted,
- The table on page 43 of Mr Fullers evidence (Progressive Rehabilitation Plan 2005 Section 3.4 Kiwi Point Quarry, Site Constraints), and
- The Newlands interchange as it is in reality after 20 years)

Mike Donn

3.26 Mr Donn's evidence considered methods for assessing the wind effects from the two submitters that considered that there would be additional wind effects from the implementation of quarrying the southern face.

3.27 The first is from Mr Norton who did not discuss wind specifically at the hearing but would be some 700 metres from the Southern face. The second is from Ms Garty from the Homebush Road extension who is some 380 metres from the southern face.

3.28 Despite a number of caveats I note Mr Donn's overall conclusions that any effects on the Homebush Road extension are likely to be slight.

Ryan Cameron

3.29 Mr Cameron outlined a number of matters at the hearing and in my view concluded that noise and vibration effects can be managed through the production of a specific Acoustic Report at resource consent stage. He specifically noted that blasting noise is excluded from the District Plan and that this was a key matter for management.

3.30 Mr Cameron also noted the complaints history and concluded that there have been few. Overall and based on this evidence it is considered that any adverse effects from noise, vibration or from blasting can be managed in accordance with best practice.

Jason Jones

3.31 At the hearing Mr Jones discussed in response to question the interface between the directive support in the Regional Policy Statement for quarrying close to areas of demand and the more protectionist policies on ecology and landscape protection. I agree with his Objectives and Policies analysis that you need to consider each of the relevant matters in forming your view as to whether the Plan Change gives effect to the Regional Policy Statement.

3.32 I also note that Mr Jones and I have been closely aligned as to the content of the Plan Change document itself. I support his view that dust management could be more explicit as a matter of control and would recommend the addition of a further matter of control (34.2.3.8).

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34.2.3.4 optimising the standard, location and staging of ecological mitigation through the provision of an ecological restoration plan; and

34.2.3.5 the design and location of screening quarry activities adjacent to State Highway 1;

34.2.3.6 measures required to manage noise and vibration from blasting activities; and

34.2.3.7 measures required to maintain slope stability, and to prevent slope erosion or collapse.

34.2.3.8 measures required too manage dust emissions from Quarrying activities;

3.33 I also consider tidying up the notification provisions for when blasting is to occur as this will bring the notification provisions into line with the digital age.

34.6.5.3.3 In all cases, for the northern face residents of Tarawera Road, Plumer Street, 113, 130, 166, 170 and 175 Fraser Avenue, and 146 Burma Road, and for the southern face the residents of 25-46 Gurkha Crescent, Shastri Terrace and 6-28 (even numbers) Imran Terrace and the abattoir operator^[30] must be notified either by mail, by email, or by text message no less than one week in advance of blasting. Blasting must be immediately preceded by a siren or hooter with a sound which distinguishes it from normal Police, Ambulance or Fire Service sirens.

3.34 The third matter is the suggested improvements from Dr van Meeuwen Dijkgraaf as to the content of the bullet points in the italicised text after the policy which outlines matters to be included in the Quarry Management Plan. This would give

some more flexibility when considering any feasible works in and around the stream.

- staged daylighting of identified section(s) of Waitohi Stream and restoration of its riparian vegetation including widening riparian vegetation to 20 metres where this is feasible.

4 CONCLUSION

- 4.1** Based on the above I remain am confident that amenity effects such as dust, noise and vibration can be managed through a controlled activity resource consent and a Quarry Management Plan. Similarly, I remain convinced that the package of mitigation measures proposed can mitigate or offset the loss of vegetation and habitat that currently exists in the southern face.
- 4.2** Visual effects of quarrying were extensively considered at the hearing are significant to some receivers and there will be a change to the form of the Ngauranga Gorge that currently exists. However, remediation and mitigation of these effects can be carried out over time.
- 4.3** It is still concluded that the plan change, as amended by Mr Jones and with the three amendments above, is the most appropriate way to achieve the purpose of the RMA and to give effect to the Regional Policy Statement.

Lindsay Daysh

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17 December 2018