

Wellington City Proposed District Plan

Hearing Stream 6 Special Purpose Zones:

Special Purpose Quarry Zone

Section 42A of the Resource Management Act 1991

Document Information

REPORT FOR: **Independent Hearings Commissioners:**
Trevor Robinson (Chair)
Robert Schofield
Liz Burge
David McMahon

SUBJECT: **Wellington City Proposed District Plan –
Hearing Stream 6
Special Purpose Quarry Zone (QUARZ)**

PREPARED BY: Hannah van Haren-Giles

REPORT DATED: 19 January 2024

DATE OF HEARING: 20 February 2024

Executive Summary

- i. This report considers submissions received by Wellington City Council in relation to the relevant definitions, objectives, policies, rules, standards, and maps of the Wellington City Proposed District Plan (PDP) as they apply to the Special Purpose Quarry Zone (QUARZ) including the Kiwi Point Precinct (QUARZ-PREC01).
- ii. There were 40 submissions and 6 further submissions received in relation to the Special Purpose Quarry Zone. The submissions received were diverse and sought a range of outcomes. This report outlines recommendations in response to the issues that have emerged from these submissions.
- iii. The main issue in contention is the extent of the QUARZ zoning.
- iv. This report addresses this issue, as well as any other relevant issues raised in the submissions.
- v. The report includes recommendations to address matters raised in submissions as to whether the provisions in the Proposed District Plan relating to the Special Purpose Quarry Zone and the Kiwi Point Precinct should be retained as notified, amended, or deleted in full.
- vi. Appendix A of this report sets out the recommended changes to the Special Purpose Quarry Zone chapter in full. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
- vii. Appendix B of this report details officers' recommendations on submissions, and whether those submissions should be accepted or rejected. The body of this report should be consulted for reasoning.
- viii. For the reasons set out in the Section 32AA evaluation included throughout this report, the proposed objectives and associated provisions, with the recommended amendments, are considered to be the most appropriate means to:
 - a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
 - b. Achieve the relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

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Interpretation

Table 1: Abbreviations

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Council	Wellington City Council
NSP-UD	National Policy Statement on Urban Development 2020
the Operative Plan/ODP	Operative Wellington City District Plan
the Proposed Plan/PDP	Proposed Wellington City District Plan
QUARZ	Special Purpose Quarry Zone
QUARZ- PREC01	Kiwi Point Precinct
RPS	Wellington Regional Policy Statement 2013
Spatial Plan	Spatial Plan for Wellington City 2021
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991

Table 2: Submitters' and Further Submitters' Names

Abbreviation	Submitters
	Aggregate and Quarry Association
GWRC	Greater Wellington Regional Council
Horokiwi Quarries	Horokiwi Quarries Limited
	Waka Kotahi NZ Transport Agency
WCC	Wellington City Council
WCCERG	Wellington City Council Environmental Reference Group

1.0 Introduction

1.1 Purpose

1. This report is prepared under section 42A of the Resource Management Act 1991 (the **RMA**) to:
 - a. Assist the Hearings Panel in their role as Independent Commissioners in making their decisions on the submissions and further submissions on the Wellington City Proposed District Plan (the **PDP**); and
 - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

1.2 Scope

2. This report considers submissions received by the Council in relation to the relevant definitions, objectives, policies, rules, standards, and maps as they apply to the Special Purpose Quarry Zone (QUARZ) including the Kiwi Point Precinct (QUARZ-PREC01).
3. This report:
 - a. Discusses general issues;
 - b. Considers the original and further submissions received;
 - c. Makes recommendations as to whether those submissions should be accepted or rejected; and
 - d. Concludes with a recommendation for any consequential changes to the plan provisions or maps based on the assessment and evaluation contained in the report.
4. This report is intended to be read in conjunction with the Section 42A Assessment Report: Part A – Overview, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and PDP.
5. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.3 Author and Qualifications

6. My full name is Hannah Jane van Haren-Giles. I am a Senior Planning Advisor in the District Planning Team at Wellington City Council (the Council).
7. My role in preparing this report is that of an expert in planning.
8. I hold the qualification of Bachelor of Resource and Environmental Planning (First Class Honours) from Massey University. I am an Intermediate Member of the New Zealand Planning Institute.
9. I have five years' experience in planning and resource management, primarily as a consultant planner working for Hill Young Cooper Ltd. I have background in preparing and processing district and regional resource consent applications, plan and policy development, reviewing and preparing submissions, and providing resource management advice to a range of clients

including local authorities, industry groups, private sector companies, and individuals on various projects and planning processes.

10. My involvement with the Proposed Wellington City District Plan commenced in early 2020 when I was engaged to assist the Council with issues and options reports. I subsequently led the review and drafting of the Special Purpose Port Zone (including the Inner Harbour Port Precinct and Multi-User Ferry Precinct), Special Purpose Quarry Zone (including Kiwipoint Quarry Precinct), Special Purpose Stadium Zone, Hazardous Substances, and Contaminated Land chapters. I also authored the Section 32 Evaluation Reports for the Port Zone, Quarry Zone, Hazardous Substances, and Contaminated Land chapters.
11. Since joining the District Plan Team in July 2022 I have been involved in summarising submissions and further submissions, as well as developing the systems and database used to capture submissions and further submission points on the PDP.
12. I am also the reporting officer on the General Industrial Zone, Earthworks, Subdivision, Port Zone, Stadium Zone, Future Urban Zone, Development Areas, Natural Features and Landscapes, Hazardous Substances, and Contaminated Land chapters.

1.4 Code of Conduct

13. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
14. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
15. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

1.5 Key resource management issues in contention

16. Forty submissions and six further submissions were received in relation to the Special Purpose Quarry Zone.
17. Having read the submissions and further submissions, I consider that the zone extent of the QUARZ is the main issue in contention.

1.6 Procedural Matters

18. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on QUARZ provisions.
19. A site visit to Horokiwi Quarry was undertaken on 7 December 2023 to inform my understanding of the quarry's operations, layout, and surrounding environment. Jamie Sirl, Adam McCutcheon, and I had an informal discussion with Horokiwi Quarry representatives to understand the submitters position where it would assist with determining appropriate recommendations in response to their submission. Matters discussed included the existing use certificate; QUARZ provisions; rezoning sought; and the coastal environment and natural environment overlays as they apply to the Horokiwi Quarry site.
20. There are not considered to be any other procedural matters to note.

2.0 Background and Statutory Considerations

2.1 Resource Management Act 1991

21. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
 - Section 74 Matters to be considered by territorial authority; and
 - Section 75 Contents of district plans.
22. As set out in the Section 32 Evaluation Report Part 1 – Context to Evaluation and Strategic Objectives, there are a number of higher order planning documents and strategic plans that provide direction and guidance regarding the preparation and content of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are discussed in detail within the [Section 32 Report Special Purpose Quarry Zone](#).

2.2 Schedule 1 and ISPP

23. As detailed earlier in the section 42A Overview Report, the Council has chosen to use two plan review processes:
 - a. The Intensification Streamlined Planning Process (ISPP) under Part 6 of Schedule 1 of the RMA for the intensification planning instrument (IPI). There are no appeal rights on ISPP provisions.
 - b. For all other PDP provisions and content, the standard Part 1 of Schedule 1 process of the RMA is used. Part 1 Schedule 1 provisions can be appealed.
24. For the QUARZ topic all the relevant zone provisions fall under the Part 1 Schedule 1 process.

2.3 Section 32AA

25. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

26. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is contained within the assessment of the relief sought in submissions in section 3 of this report, as required by s32AA(1)(d)(ii).
27. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach have not been re-evaluated. Additionally, further re-evaluation has not been undertaken if the recommended amendments have not materially altered the policy approach.

2.4 Trade Competition

28. Trade competition is not considered relevant to the provisions of the PDP relating to this topic.
29. There are no known trade competition issues raised within the submissions.

3.0 Consideration of Submissions and Further Submissions

3.1 Overview

30. In total there were 46 submission points received in relation to the Special Purpose Quarry Zone, as follows:
- a. 5 original submitters who collectively made 40 submission points; and
 - b. 2 further submitters who collectively made 6 further submission points in support or opposition to the primary submissions.

3.1.1 Report Structure

31. Submissions on this topic raised a number of submission points that have been categorised in accordance with the general structure of PDP chapters as follows:
- a. General points – definitions and zoning matters;
 - b. General points on the chapter as a whole;
 - c. QUARZ-PREC01 Kiwi Point Precinct;
 - d. Special Purpose Quarry Zone Objectives;
 - e. Special Purpose Quarry Zone Policies;
 - f. Special Purpose Quarry Zone Rules; and
 - g. Special Purpose Quarry Zone Standards.
32. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submissions to which they relate.
33. Recommended amendments are contained in the following appendices:
- a. Appendix A – Recommended Amendments to the Special Purpose Quarry Zone Chapter
 - b. Appendix B – Recommended Responses to Submissions and Further Submissions on the Special Purpose Quarry Zone Chapter
34. Additional information can also be obtained from the [Section 32 Report Special Purpose Quarry Zone](#), and the overlays and maps on the ePlan.
35. The following evaluation should be read in conjunction with the summaries of submissions and further submissions, along with the full submissions. Where there is agreement with the relief sought and the rationale for that relief, this is noted in the assessment section of the report, with the associated recommendation provided in the summary of submission table in Appendix B. Where a further evaluation of the relief sought in a submission(s) has been undertaken, the evaluation and recommendations are set out in the body of this report. A marked-up version of the Special Purpose Quarry Zone with recommended amendments in response to submissions is contained in Appendix A.
36. This report only addresses definitions that are specific to this topic. Definitions that relate to

more than one topic have been addressed in Hearing Stream 1 and the associated section 42A report, and in other relevant s42A reports for different topics.

3.1.2 Format for Consideration of Submissions

37. The consideration of submissions has been undertaken in the following format:
 - Matters raised by submitters;
 - Assessment; and
 - Summary of recommendations.
38. The recommended amendments to the relevant parts of the PDP are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
39. The recommended acceptance or rejection of submissions (and accordingly further submissions) is set out in Appendix B.
40. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment that represent a material change from the policy direction in the proposed QUARZ chapter.

3.2 General Points

3.2.1 Definitions

Matters Raised by Submitters

41. Horokiwi Quarries [271.14] and Aggregate and Quarry Association [303.9] seek that the definition of 'quarry' is retained as notified.
42. Horokiwi Quarries [271.15] and Aggregate and Quarry Association [303.10] seek that the definition of 'quarrying activities' is retained as notified.

Assessment

43. No further assessment is required.

Summary of Recommendations

44. **HS6-QUARZ-Rec1:** No amendments are recommended in response to submissions on definitions.
45. **HS6-QUARZ-Rec2:** That submission points relating to definitions are accepted/rejected as detailed in Appendix B.

3.2.2 Zoning Matters

Matters Raised by Submitters

46. Horokiwi Quarries [271.5, 271.70, and 271.71] and Aggregate and Quarry Association [303.5] seek that Horokiwi Quarry is retained as Special Purpose Quarry Zone.
47. Horokiwi Quarries [271.72] seek to rezone Pt Sec 16 Harbour District from Open Space Zone to Special Purpose Quarry Zone.
48. Horokiwi Quarries [271.73] seek to rezone Pt Sec 18 Harbour District and Pt Sec 17 Harbour District from General Rural Zone to Special Purpose Quarry Zone.
49. In their submission, Horokiwi Quarries has detailed that Pt Sec 16 Harbour District:
 - a. Is owned by Horokiwi Quarries Ltd, is included within the existing use certificate, and part of the site features the existing sediment pond.
 - b. Public access within the site is restricted and the site has no passive or active recreational assets or activities.
 - c. The land is not subject to a reserves management plan and other than its historical zoning, there appears no basis or justification for an Open Space Zoning in the PDP.
50. Horokiwi Quarries submission also sets out that Pt Sec 18 is owned by Horokiwi Quarries Ltd and is included within the existing use certificate, while Pt Sec 17 Harbour District is not in the existing use certificate, but is owned by Horokiwi Quarries and is positioned between the existing quarry site and Pt Sec 18. Horokiwi Quarries conclude that consistent zoning would therefore be logical and efficient as it would provide for the full utilisation of the quarry site and provide a more efficient consenting regime.

Assessment

51. I acknowledge the support for Horokiwi Quarry being rezoned from General Rural Zone as it was in the Operative District Plan (ODP) to QUARZ in the PDP.
52. Beyond the notified extent of the Quarry Zone, Horokiwi Quarries [271.72 and 271.73] have sought that three sites adjoining the notified extent and owned by Horokiwi Quarries be included within the Quarry Zone:
 - a. Pt Sec 16 Harbour District be rezoned from Natural Open Space Zone (NOSZ)
 - b. Pt Sec 17 Harbour District be rezoned from General Rural Zone (GRUZ)
 - c. Pt Sec 18 Harbour District be rezoned from General Rural Zone (GRUZ)
53. These rezoning matters have also been captured as submission points within the Natural Open Space Zone [271.7] and General Rural Zone [271.8] summary of submissions. Given the 'special purpose' nature of the QUARZ, I address all rezoning matters relating to the QUARZ in this report.
54. I have reviewed the existing use certificate (File Reference: 1048648) for Horokiwi Quarry and confirm that, among other land parcels, it addresses existing activities on the Pt Sec 16 Harbour

District and Pt Sec 18 Harbour District land parcels.

55. I have also reviewed the consent history for Horokiwi Quarry, and despite having the existing use certificate, at least three quarrying related consents have been granted since 2012¹:

SR Number	Date	Address	SR Item Description
324926	9/02/2015	39 HOROKIWI ROAD	Land Use only: Placement of overburden material from an approved quarry in a gully.
367514	31/08/2016	119 HOROKIWI ROAD	Land Use only: Extension and modification of a clean fill in relation to quarrying operation.
430936	27/03/2019	119 HOROKIWI ROAD	Land Use only: To extend clean fill area.

56. Consistent with s10(1)(a)(ii) of the RMA, where there has been an extension or expansion of quarrying activities, resource consent has been sought. This suggests that the existing use certificate is not definitive as to the extent of quarrying activities that it covers and that any extension or expansion of quarrying activities would necessitate resource consent due to an associated change to the character, intensity, and scale of effects of the use.
57. I am not satisfied that it is appropriate to rely on the existing use certificate as a reason to accept the rezoning submission points. Firstly, as set out above, I am not satisfied that existing use rights apply to the breadth of activity described in the Horokiwi Quarry submission, or that the sentence in the existing use certificate *'the scale of quarrying undertaken in specific areas of the site does not remove quarrying rights from 'unused' areas of the greater site'* amounts to existing use rights as described in their submission. Secondly, and more fundamentally, the purpose of an existing use rights certificate is to protect existing lawfully established activities from being impacted by new plan provisions. This means that the existing use of a site is not necessarily a decisive, or even significant factor in determining the appropriate zoning and applicable provisions.
58. Whether or not the existing use certificate accurately covers the full scope of Horokiwi Quarries' existing use rights is not a matter to determine as part of this process. Rather it is a matter for Council's City Consenting and Compliance team. The more pertinent question, in my view, is whether it is appropriate to zone so as to enable an increase in the scale and intensity of the quarrying activity, and if so, on what basis.
59. Turning firstly to the matter of zoning Pt Sec 17 Harbour District and Pt Sec 18 Harbour District as identified in Figure 1 below. Both sites are zoned GRUZ in the PDP. Pt Sec 17 Harbour District is not included within the existing use certificate.

¹ Note: in the ODP, quarrying is excluded from the definition of rural activities (and from the definition of earthworks). Non-rural activities not provided for, which include quarrying and cleanfills over 100m³, have a discretionary (unrestricted) activity status.



Figure 1: Pt Sec 17 Harbour District (orange) and Pt Sec 18 Harbour District (blue).

60. While being included within the existing use certificate, it appears that Pt Sec 18 Harbour District to the east of Horokiwi Road is not presently quarried, nor has it historically been quarried.
61. While I acknowledge that the existing use certificate sets out that *‘the scale of quarrying undertaken in specific areas of the site does not remove quarrying rights from “unused” areas of the greater site’*. I am not satisfied this is applicable to the eastern extent of land owned by Horokiwi Quarry for the reasons set out below, as evident in the following aerial imagery which shows that there has not been any quarrying activities on those sites.

18/11/1943



6/12/1963



30/10/1971



6/10/1980



Aerial images obtained from <https://retrolens.co.nz>

62. Irrespective of zone, my view is that any quarrying activities proposed to occur to the east of Horokiwi Road (i.e. on Pt Sec 17 Harbour District or Pt Sec 18 Harbour District) would require resource consent – as an expansion of existing Horokiwi Quarry operations. Where a change in character, intensity and scale beyond the scope of existing use rights or an existing consent is proposed, the quarrying activity would be assessed against the relevant provisions.
63. As notified, any new quarry or expansion of Horokiwi Quarry beyond its existing operations on these sites could be pursued via provisions in the GRUZ. As part of the Hearing Stream 1 s42A Report², Mr McCutcheon recommended a new strategic objective SCA-O7³ (**HS1-Rec159**) be included to recognise the strategic benefits of quarrying activities to the city. If this recommended strategic direction SCA-O7 was to be included within the District Plan, it would, in my view, would support new/expanding quarries.
64. It is important to recognise that the purpose of the QUARZ is to primarily facilitate a ‘business as usual’ approach for the continued use and operation of Wellington’s large-scale quarries. Whereas, retaining the pre-mentioned sites as GRUZ signals that any application for quarrying activities would be subject to ‘greater assessment’.
65. In addition, I note that almost the entirety of Pt Sec 17 Harbour District and Pt Sec 18 Harbour District are covered by the Korokoro Stream Valley Special Amenity Landscape (SAL), as well as Significant Natural Area (SNA). The presence of SNAs and SALs as well as the Coastal Environment overlay would bundle as a discretionary activity under NFL-R6 (Extension of existing quarrying and mining activities within special amenity landscapes). It therefore makes no material difference as to whether the site is zoned GRUZ or QUARZ because the activity would always default to being a discretionary activity under the notified PDP. I note here that Horokiwi Quarry did not seek any amendment or relief in relation to the Korokoro Stream Valley SAL.

² In response to Horokiwi Quarries [271.16 and 271.3], Paragraph 1004 [Section 42a Report – Part 1 plan wide matters and strategic direction](#)

³ *The benefits of and contribution to the development of the city’s infrastructure and built environment from the utilisation of the city’s mineral resources from quarrying activities are recognised and provided for.*

66. I further understood from the site visit that the part of the site zoned GRUZ is not a desirable or preferable location to quarry because of the type/quantity/quality of aggregate there, as well as Horokiwi Quarries commitment to exclude escarpment faces which might have a visual impact when viewed from the direction of the Wellington Harbour.
67. For the reasons set out above, I am not satisfied that there is a sufficient basis to support rezoning land to the east of Horokiwi Road to QUARZ. If it is deemed that resource consent is required for any future quarrying activities, a consenting pathway is provided for via the GRUZ, which I consider to be appropriate. As such, I am of the view that it is most appropriate to retain Pt Sec 17 Harbour District and Pt Sec 18 Harbour District as General Rural Zone, and I therefore disagree with Horokiwi Quarry [271.73].
68. Turning to Pt Sec 16 Harbour District (blue) as identified in Figure 2 below.



Figure 2: Pt Sec 16 Harbour District (blue).

69. Firstly, in considering the requested rezoning of part of Pt Sec 16 Harbour District, consistent with the direction of the Environment Court in *Golf (2012) Limited v Thames-Coromandel District Council* [2019] NZEnvC 112, I have researched the planning history of the site with respect to more historic land use zoning.
70. The Horokiwi Quarry site was zoned rural in its entirety in the Wellington City Council Operative District Scheme 1985. Following this, the part of the site in question had a conservation zone applied, with the remaining quarry site retaining its rural zoning in the notified PDP 1994 which was carried through to the Operative District Plan 2000.
71. When assessing a proposal for rezoning, the ODP zone is considered an appropriate starting point consistent with the general approach applied with respect to open space and recreation zoning within the PDP. Pt Sec 16 Harbour District is zoned part conservation zone and part rural zone as shown in Figure 3 below.



Figure 3: Pt Sec 16 Harbour District ODP zoning - part conservation zone (darker green) and part rural zone (light green).

72. The part of the site with an ODP conservation zone applied is zoned NOSZ in the PDP, while the part of the site zoned rural zone in the ODP is zoned QUARZ in the PDP as shown in Figure 4 below.



Figure 4: Pt Sec 16 Harbour District PDP zoning - part NOSZ (green) and part QUARZ (grey).

73. Part of the NOSZ portion of the site has a Significant Natural Area (SNA) overlay applied as identified in Figure 5.



Figure 5: SNA overlay (purple).

74. Pt Sec 16 Harbour District also contains a shared use track (Te Ara Paparangi/Te Ara Paparangi ki te Tonga) as identified on the 'Reserves in Wellington City'⁴ and 'Wellington Walks'⁵ maps. The notified NOSZ zoning also provides a buffer to what would otherwise be directly adjoining residential properties at Bendigo Grove as shown in Figure 6 below.

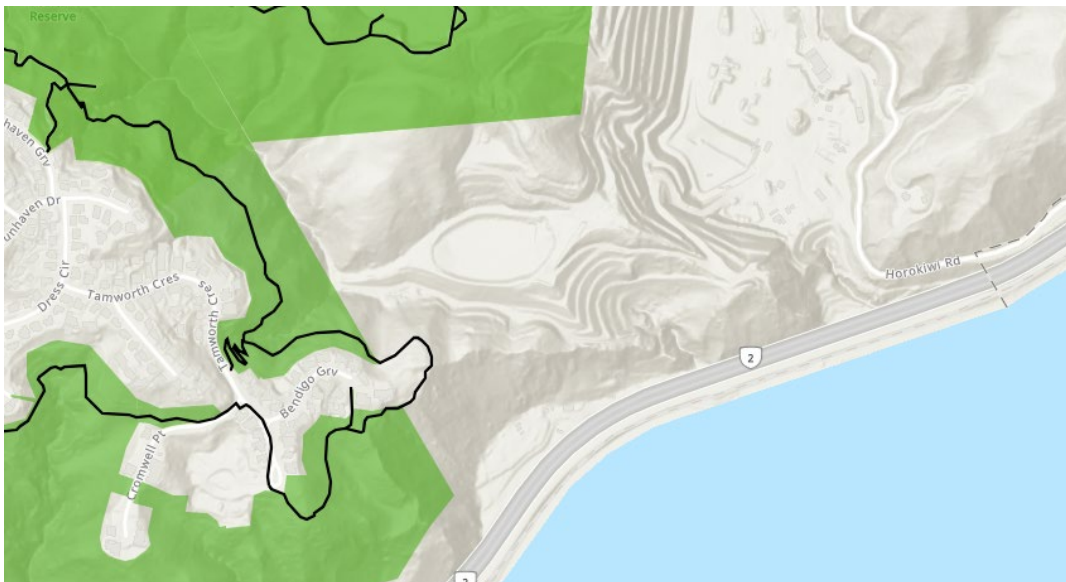


Figure 6: Screenshot from 'Reserves in Wellington City' map showing shared use track (black).

75. Overall, I consider that it would only be appropriate to rezone from NOSZ to QUARZ those parts of the site that have been used/modified by quarrying activities, resulting in a lack of remaining natural open space character, and that do not have a notified PDP SNA overlay. I therefore agree

⁴ <https://wcc.maps.arcgis.com/apps/webappviewer/index.html?id=ecc904e99ef34dabb2401c55dc28677d>

⁵ <https://wcc.maps.arcgis.com/apps/webappviewer/index.html?id=f0f7773a02a94bea9b57e11e4341fc54>

in part with Horokiwi Quarry [271.70, 271.71, and 271.72] to rezone a triangle area of Pt Sec 16 Harbour District.

76. As detailed in Horokiwi Quarries submission⁶ and as discussed on the site visit, a potential and preferred expansion area has been identified to the west of the existing quarry operation, on land owned by Wellington City Council. I understand that Horokiwi did not submit to rezone this 'preferred expansion area' because it is not owned by Horokiwi Quarry.

Summary of Recommendations

77. **HS6-QUARZ-Rec3:** That a small portion of Pt Section 16 Harbour District be rezoned from NOSZ to QUARZ and that the planning maps be amended as follows:



78. **HS6-QUARZ-Rec4:** That submissions relating to zoning matters are accepted/rejected as detailed in Appendix B.

Section 32AA Evaluation

79. In my opinion, the amendments recommended to the extent of the QUARZ are the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that:
- The change is consistent with land that has been used/modified by quarrying activities and that is not within the SNA.
 - The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.

⁶ Horokiwi Quarry submission, page 4.

80. The recommended amendments will not have any greater environmental, social, economic or cultural effects than the notified provisions.

3.2.3 Overlay Matters and relationship of QUARZ to other provisions

Matters Raised by Submitters

81. The Aggregate and Quarry Association [303.4] seeks a statement that where conflicts between the Special Purpose Quarry Zone provisions and other Proposed District Plan provisions occur, the Special Purpose Quarry Zone provisions prevail.
82. The Aggregate and Quarry Association [303.6] (supported by Horokiwi Quarry [FS28.1]) seek flexibility for quarrying activities in overlay areas, noting that the SNA, SAL and CE overlays have the potential to impact quarrying activities both inside and outside the Special Purpose Quarry Zone, with two general concerns:
- a. While quarrying activities within an overlay is not always disallowed/impossible, the provisions within them are very restrictive.
 - b. It is not certain that in all cases the overlay status is warranted.

Assessment

83. In response to the Aggregate and Quarry Association [303.4] seeking a statement that where conflicts between the QUARZ provisions and other Proposed District Plan provisions occur, the QUARZ provisions prevail, I disagree. The PDP is to be read as a whole. There are overlay provisions relevant to the Quarry Zone, and quarrying should not automatically prevail over the values of these overlays – which include hazard overlays, natural environment value overlays as well as sites and areas of significance to Māori. I note that quarrying activities are a ‘less hazard sensitive activity’ and therefore the Natural Hazard and Coastal Hazard provisions do not unnecessarily restrict quarrying activities. This matter was further detailed in the Natural Hazards s42A Report.⁷
84. There are also specific provisions for quarrying activities within the Coastal Environment (i.e. CE-P9 and CE-R10) and Natural Features and Landscapes chapters (NFL-P7, NFL-R5, NFL-R6 as they relate to Special Amenity Landscapes). The provisions noted above provide a carve out for the operation and/or extension of existing quarrying activities in recognition of their important role for the City. Likewise, the introduction to the Earthworks chapter makes it clear that the chapter does not apply to the Quarry Zone. As such, it is my view that the PDP suitably acknowledges the unique importance of quarries in providing for existing or expanding quarrying activities while also balancing other values. I therefore disagree with the relief sought.
85. In response to the Aggregate and Quarry Association [303.6] (supported by Horokiwi Quarry [FS28.1]) seeking flexibility for quarrying activities in overlay areas, I do not consider this appropriate for the reasons set out above. Where multiple overlays are present, each of the overlay chapters’ relevant rules will be applicable and assessed.

⁷ In response to Aggregate and Quarry Association [303.13], paras 170-173 and 179-180 [Section 42a Report – Natural and Coastal Hazards](#)

86. When there are potential ‘restrictions’ on quarrying activities in the QUARZ because of overlay provisions, it is important to recognise the balancing act established through the outcomes of the PDP. In particular, as set out in the Hearing Stream 1 s42A Report⁸, a new Strategic Direction SCA-07 was recommended: *The benefits of and contribution to the development of the city’s infrastructure and built environment from the utilisation of the city’s mineral resources from quarrying activities are recognised and provided for.* In my view SCA-07 provides strategic direction that quarrying activities throughout the City are recognised and provided for – not in a manner that prevails over all other provisions, but in recognition of the important role of quarries. On this basis I disagree with Horokiwi Quarry [303.4 and 303.6].
87. I appreciate Horokiwi Quarry’s concerns as to the number of overlays applying to the quarry site, as detailed in their submission. I note the overlap of their relief sought with the matters addressed in this s42A Report and the chapters and topics forming part of Hearing Stream 8.

Summary of Recommendations

88. **HS6-QUARZ-Rec5:** No amendments are recommended in response to submissions on overlay matters.
89. **HS6-QUARZ-Rec6:** That submission points relating to overlay matters are accepted/rejected as detailed in Appendix B.

3.2.4 General Points on the chapter as a whole

Matters Raised by Submitters

90. The Aggregate and Quarry Association [303.2] considers that aggregate is essential for the construction sector, for housing and transport infrastructure and for climate change adaptation.
91. The Aggregate and Quarry Association [303.3, 303.23] and [303.24] (supported by Horokiwi Quarries [FS28.5]) seek that the PDP identifies where rock for aggregate is located and protects those areas from other development and alternative land uses. The submitter considers it is important that the PDP does not shut off access to potential aggregate sources to provide for Wellington’s current and future construction needs. WCCERG [FS112.31, FS112.34, and FS112.35] oppose these submission points, and seek that instead of allowing new mining or quarrying activities and changes of use, Council requires no expansion of any kind of mining or quarrying activities, and a second policy stating that these activities be phased out by (for example), 2030.
92. The Aggregate and Quarry Association [303.25] supports the Special Purpose Quarry Zone as it stands for Wellington’s existing quarries, and seeks that the chapter is retained as notified.
93. Horokiwi Quarries [271.74] supports the introductory text to the Special Purpose Quarry Zone on the basis it provides clarity as to the nature and uniqueness of the existing activities and the reasoning for the special purpose zone, and seeks that it be retained as notified.
94. WCCERG [FS112.37] opposes the entirety of Horokiwi Quarries submission [271]. They consider

⁸ In response to Horokiwi Quarries [271.16 and 271.3], Paragraph 1004 [Section 42a Report – Part 1 plan wide matters and strategic direction](#)

that any changes to quarrying and mining within the jurisdiction of WCC that suggests expansion or new developments should be publicly notified so that the public has an opportunity to judge whether the proposals meet the community criteria for climate change and biodiversity impacts, and whether alternative climate-safe and circular economy solutions have been investigated (either by the clients of quarrying and mining industries, or WCC itself). WCCERG seek that WCC remove the following directives from the whole of the Special Purpose Quarry Zone:

- a. "Notification status: An application for resource consent made in respect of rule (e.g., QUARZ-R3.1) is precluded from being publicly notified."
- b. And replace them with the following: "Notification status: An application for resource consent made in respect of rule (e.g., QUARZ-R3.1) must be publicly notified."

Assessment

95. In response to Aggregate and Quarry Association [303.2, 303.3, 303.23, and 303.24] I acknowledge that aggregate is essential for housing and transport infrastructure, and that it is important the PDP does not shut off access to potential aggregate sources to provide for Wellington's current and future construction needs. In my view the QUARZ provisions in addition to the recommended additional Strategic Direction SCA-O7⁹ establish strong directive to recognise and provide for the benefits of quarrying activities. I also consider that the outcomes and directives established via recommended SCA-O7 and the QUARZ chapter give effect to Objectives 9¹⁰ and 11¹¹ of the Natural Resources Plan (NRP).
96. I disagree with the part of their submission [303.3] that the PDP should identify where rock for aggregate is located and protect those areas from alternative land uses. However, I agree with the remainder of the Aggregate and Quarry Association's points and consider that the PDP already includes provisions that do not unreasonably curtail or preclude quarrying activities, noting there is also provision for quarrying activities in the General Rural Zone.
97. I disagree with the further submissions of WCCERG [FS112.31, FS112.34, and FS112.35] as to the matter of phasing out quarrying activities, because I do not consider that this a matter for the PDP to address. Nevertheless, it is worth noting, as I understand it, if Horokiwi Quarry operations were to cease, it would necessitate aggregate being trucked in from further afield to meet demand for roading and development within Wellington City. Relatedly, I concur with Mr McCutcheon's assessment in the Hearing Stream 1 s42A Report¹² that: *'At a strategic level, enabling continued operation of quarries at Horokiwi and KIWIPPOINT and when necessary, new quarries within the city for local use is likely to have less environmental effects (including carbon emissions from transportation of material) than establishing or relying on out of city quarries for the same material.'*

⁹ SCA-O7: *The benefits of and contribution to the development of the city's infrastructure and built environment from the utilisation of the city's mineral resources from quarrying activities are recognised and provided for.*

¹⁰ *The social, economic, cultural and environmental benefits of Regionally Significant Infrastructure, renewable energy generation activities and the utilisation of mineral resources are recognised.*

¹¹ *Significant mineral resources and the ongoing operation, maintenance and upgrade of Regionally Significant Infrastructure and renewable energy generation activities are protected from incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.*

¹² In response to Horokiwi Quarries [271.16 and 271.3], Paragraph 1004 [Section 42a Report – Part 1 plan wide matters and strategic direction](#)

98. In response to WCCERG [FS112.37], I note that the purpose of the QUARZ is to identify and recognise the continued use and operation of existing large-scale quarries within Wellington City – i.e. where quarrying activities can be anticipated to occur. I therefore disagree with WCCERG that it is appropriate that quarrying activities within the QUARZ be required to be publicly notified.

Summary of Recommendations

99. **HS6-QUARZ-Rec7:** No amendments are recommended in response to submissions on general points on the QUARZ.
100. **HS6-QUARZ-Rec8:** That submission points relating to general points are accepted/rejected as detailed in Appendix B.

3.3 Special Purpose Quarry Zone Kiwi Point Precinct (QUARZ-PREC01)

Matters Raised by Submitters

101. WCC [266.160] seeks to amend all references of ‘Kiwi Point Precinct’ to ‘Kiwipoint Quarry Precinct’.
102. Waka Kotahi [370.442] seek that QUARZ-PREC01-S7 is retained as notified.

Assessment

103. In response to WCC [266.160], I note that the planning maps reference ‘Kiwipoint Quarry Precinct’, while the Quarry Zone chapter references ‘Kiwi Point Precinct’. I have looked into the naming of the quarry and its precinct and discussed this matter with Mr Logen Logeswaran, Chief Infrastructure Officer, Wellington City Council.
104. The quarry is known as Kiwi Point Quarry and therefore I disagree that the name of the precinct should be ‘Kiwipoint’. The precinct contains other activities in addition to the quarry, notably the Taylor Preston Abattoir, as is identified in the introduction to the chapter. For this reason, the preference is that the naming of the precinct be retained as ‘Kiwi Point Precinct’ as per the notified chapter. I therefore recommend that references to ‘Kiwi Point Precinct’ be retained as notified, and the planning maps legend be amended for consistency.

Summary of Recommendations

105. **HS6-QUARZ-Rec9:** That QUARZ-PREC01-O1, QUARZ-PREC01-P1, QUARZ-PREC01-P2, QUARZ-PREC01-R1, QUARZ-PREC01-R2, QUARZ-PREC01-R3, QUARZ-PREC01-S1, QUARZ-PREC01-S2, QUARZ-PREC01-S3, QUARZ-PREC01-S4, QUARZ-PREC01-S5, QUARZ-PREC01-S6, QUARZ-PREC01-S7, and QUARZ-PREC01-S8 be confirmed as notified.
106. **HS6-QUARZ-Rec10:** That the planning maps legend be amended to ‘Kiwi Point Precinct’.
107. **HS6-QUARZ-Rec11:** That submission points relating to Kiwi Point Precinct (QUARZ-PREC01) are accepted/rejected as detailed in Appendix B.

3.4 Special Purpose Quarry Zone Objectives

3.4.1 QUARZ-O1, QUARZ-O2, and QUARZ-O3

Matters Raised by Submitters

108. Horokiwi Quarries [271.75] seek that QUARZ-O1 is retained as notified.
109. Horokiwi Quarries [271.76 and 271.77] submits that residential development on its boundaries has intensified and while Horokiwi endeavours to manage the adverse effects, it is constrained by the nature of the quarry activity and long-term operational constraints. Horokiwi Quarry seek that QUARZ-O2 is amended as follows:

QUARZ-O2 Adverse effects

Where practicable, a Adverse effects generated by quarrying activities onto adjacent residential sites are appropriately managed.

110. Horokiwi Quarries [271.78] seek that QUARZ-O3 is retained as notified.

Assessment

111. In respect of the amendment sought to QUARZ-O2, I disagree for two reasons:
- Firstly, the proposed wording is, in my view, not appropriate phrasing for an objective, nor does 'where practicable' assist/provide clear direction for decision makers.
 - Secondly, while I acknowledge the submitter's point that Horokiwi Quarry is long-established on the site with operational constraints, I consider that when the PDP is read as a whole there are outcomes that recognise the contributions of quarrying activities while also establishing aims to manage adverse effects on residential sites.
112. In this sense, there is a balance struck by the outcomes of the PDP. In particular, as set out in the Hearing Stream 1 s42A Report, a new Strategic Direction SCA-O7 was recommended¹³: *The benefits of and contribution to the development of the city's infrastructure and built environment from the utilisation of the city's mineral resources from quarrying activities are recognised and provided for.*
113. In my view SCA-O7 responds to the concerns of Horokiwi Quarries and provides strategic direction that quarrying activities are recognised and provided for. On this basis, I do not recommend any amendment to QUARZ-O2.

Summary of Recommendations

114. **HS6-QUARZ-Rec12:** That QUARZ-O1, QUARZ-O2, and QUARZ-O3 be confirmed as notified.
115. **HS6-QUARZ-Rec13:** That submission points relating to QUARZ-O1, QUARZ-O2, and QUARZ-O3 are accepted/rejected as detailed in Appendix B.

¹³ In response to Horokiwi Quarries [271.16 and 271.3], Paragraph 1004 [Section 42a Report – Part 1 plan wide matters and strategic direction](#)

3.5 Special Purpose Quarry Zone Policies

3.5.1 QUARZ-P1, QUARZ-P2, QUARZ-P3, and QUARZ-P4

Matters Raised by Submitters

116. Horokiwi Quarries [271.79, 271.80, 271.81, and 271.82] seek that QUARZ-P1, QUARZ-P2, QUARZ-P3, and QUARZ-P4 are retained as notified.

Assessment

117. No further assessment is required.

Summary of Recommendations

118. **HS6-QUARZ-Rec14:** That QUARZ-P1, QUARZ-P2, QUARZ-P3, and QUARZ-P4 be confirmed as notified.
119. **HS6-QUARZ-Rec15:** That submission points relating to QUARZ-P1, QUARZ-P2, QUARZ-P3, and QUARZ-P4 are accepted/rejected as detailed in Appendix B.

3.6 Special Purpose Quarry Zone Rules

3.6.1 QUARZ-R1, QUARZ-R2, QUARZ-R3, QUARZ-R4, QUARZ-R5, QUARZ-R6, and QUARZ-R7

Matters Raised by Submitters

120. Horokiwi Quarries [271.83, 271.84, 271.85, 271.86, 271.87, 271.88, and 271.89] seek that QUARZ-R1, QUARZ-R2, QUARZ-R3, QUARZ-R4, QUARZ-R5, QUARZ-R6, and QUARZ-R7 are retained as notified.
121. GWRC [351.305 and 351.306] seek an amendment to QUARZ-R6 to include a rule requirement that permitted activity status is subject to building and demolition waste being disposed of at an approved facility.

Assessment

122. I disagree with the amendment sought by GWRC [351.305 and 351.306] relating to the requirement for disposal of building waste at approved facilities. As I addressed in Hearing Stream 4¹⁴, it would be an impractical requirement to enforce given the difficulties of tracking waste from the many demolition projects that occur across the city. In addition, the Solid Waste Management and Minimisation Bylaw 2020 deals with construction waste and all persons undertaking demolition are required to comply with this.

Summary of Recommendations

123. **HS6-QUARZ-Rec16:** That QUARZ-R1, QUARZ-R2, QUARZ-R3, QUARZ-R4, QUARZ-R5, QUARZ-R6, and QUARZ-R7 be confirmed as notified.
124. **HS6-QUARZ-Rec17:** That submission points relating to QUARZ-R1, QUARZ-R2, QUARZ-R3, QUARZ-R4, QUARZ-R5, QUARZ-R6, and QUARZ-R7 are accepted/rejected as detailed in Appendix B.

¹⁴ [General Industrial Zone s42 Report prepared for Hearing Stream 4](#), Paragraph 186.

3.7 Special Purpose Quarry Zone Standards

3.7.1 QUARZ-S1, QUARZ-S2, and QUARZ-S3

Matters Raised by Submitters

125. Horokiwi Quarries [271.90, 271.91, and 271.92] seek that QUARZ-S1, QUARZ-S2, and QUARZ-S3 are retained as notified.

Assessment

126. No further assessment is required.

Summary of Recommendations

127. **HS6-QUARZ-Rec18:** That QUARZ-S1, QUARZ-S2, and QUARZ-S3 be confirmed as notified.
128. **HS6-QUARZ-Rec19:** That submission points relating to QUARZ-S1, QUARZ-S2, and QUARZ-S3 are accepted/rejected as detailed in Appendix B.

4.0 Minor and inconsequential amendments

129. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
130. The following minor and inconsequential amendments relevant to this report are identified below and proposed to be corrected, as set out in Appendix A.
- a. Correct a spelling error in the QUARZ introduction: constraint

5.0 Conclusion

131. This report has provided an assessment of submissions received in relation to the Special Purpose Quarry Zone Chapter.
132. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.
133. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
 - b. Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

5.1 Recommendations

134. It is recommended that:

- a. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
- b. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

6.0 Appendices

Appendix A: Recommended Amendments to the Special Purpose Quarry Zone Chapter

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struck through~~.

Appendix B: Recommended Responses to Submissions and Further Submissions on the Special Purpose Quarry Zone Chapter