

Before the Wellington City Council Proposed District Plan Hearings Panel

Under the Resource Management Act 1991 (the Act)

In the matter of the Wellington City Council Proposed District Plan–
Hearing Stream 6:
Special Purpose Zones and Development Areas

Between **Wellington City Council**
Local authority

And **Horokiwi Quarries Limited**
Submitter 271 and Further Submitter FS28

Speaking notes of Pauline Mary Whitney for Horokiwi Quarries Limited

Dated 21 February 2024

- 1.1. For the record, my name is Pauline Whitney, an independent planning expert with Boffa Miskell Ltd. You have my evidence and I will take it as read. I confirm the relief sought in my evidence in chief stands.
- 1.2. If agreeable to the panel, I will just take a few minutes to highlight the main points in my evidence and respond to some questions from yesterday.
- 1.2.1. Horokiwi Quarry is a long established quarry activity. Horokiwi's submission on the PDP centred on recognising and providing for the role and continued use and operation of the quarry operation at Horokiwi.
- 1.2.2. Specific to Hearing Stream 6, Horokiwi submission can be summarise under two topics:
- Special Purpose Quarry zone, and
 - Rezoning of three sites from General Rural Zone and Open Space Zone to Special Purpose Quarry zone.
- 1.2.3. From my perspective there is nothing outstanding relating to the first issue. However, the relief sought in relation to the sought rezoning of three sites remains outstanding.
- 1.2.4. If I can make one correction to my evidence. In para 8.16 I referred to OSZ-O1. This is incorrect as the site is zoned Natural Open Space zone. The objective reads:

Purpose

Natural open space areas are predominately used by the public for [informal recreation activities](#), within undeveloped natural areas, in such a way that protects, and where possible enhances, the predominant [character](#) and [amenity values](#) of the Natural Open Space Zone which include:

1. Large undeveloped open areas;
2. High natural, ecological, landscape and [historic heritage](#) values;
3. A low level of built form and scale, with [buildings](#), [structures](#) and roads principally ancillary to [informal recreation activities](#) or [conservation activities](#); and
4. A general absence of urban [infrastructure](#).

The introduction provides:

The purpose of the Natural Open Space Zone is to recognise and provide for open spaces that contain high natural, ecological, landscape and [historic heritage](#) values. It includes undeveloped

ridges and hills within the Outer Green Belt, areas within the [coastal environment](#) and around waterbodies, as well as nature-based attractions such as Zealandia and Otari-Wilton's Bush and the historic Government House. [Land](#) within the Wellington Town Belt is separately provided for in the Wellington Town Belt Zone.

Within the zone there are expansive areas of natural open space that are accessible to the public for [informal recreation](#). Activities may include walking and tramping, running, mountain biking, bird watching, picnicking and fishing as well as tours or educational activities associated with the area.

Some of the spaces are also used for cultural and [customary activities](#), such as gathering [mahinga kai](#), and are rich in [historic heritage](#) values. The Zone also provides an important natural edge to urban development within the City and as an ecological corridor.

A low level of development and built form is anticipated to protect the existing values, with [buildings](#), [structures](#) and roads principally accessory to [informal recreation](#) and [conservation activities](#). The Natural Open Space Zone also provides for burials and cremations at existing cemeteries and urupā.

Most of the [land](#) zoned Natural Open Space is publicly owned and held by the [Council](#) for reserves purposes. The majority of the reserves are scenic reserve that are managed by the [Council](#) in accordance with the Reserves Act 1977.

- 1.2.5. I apologise for the error but my evidence and evaluation still stands. I can confirm the site is not widely accessible to the public, and is not held in a reserve management plan.
- 1.2.6. I have read the rebuttal evidence of the reporting officer and I would like to reconfirm my evidence in chief.
- 1.2.7. As well canvassed yesterday, the officer has included in her rebuttal a later version (November of the same year) which she has termed a revised version of the existing use certificate. Unfortunately I have not had time to review the council consent file before the hearing and therefore I am not aware of its genesis or relationship to the August version but if I can note: - the certificate is not signed and Horokiwi was not aware of its existence (fully acknowledging it was 12 years ago). I also note the November document makes no reference to the earlier issued August version and therefore technically the August certificate is still valid. However notwithstanding the circumstances around the November certificate, the content of the two documents is identical apart from the November certificate provides details on the current use of the site and confines this to six listed activities. Both certificates are identical in the properties and confirm the scale of quarrying undertaken in specific area of the site does not remove qualifying rights from 'unused' areas of the greater site. Both documents also refer to the escarpment issue.

1.2.8. I also note the questions for the panel regarding the positioning of the escarpment faces that might have a visual impact when viewed from Wgtn Harbour. This lines has not been defined but if helpful to the panel, below are some images showing the contours and the coastal environment line sought in Horokiwis submission (refer pink line in fig 1) and I also attach a 3D model images which shows the ridgeline (Figure 2). I appreciate the panel instructed the officer to provide a plan showing the ridgeline in relation to boundaries.

Figure 1. Contours. And CE line as sought in the Horokiwi submission



Figure 2. 3D model images showing the ridgeline.





- 1.2.9. Moving on to the requests for zoning, rezoning of the sites would in my opinion give effect to the strategic and zone objectives in providing a local source of quarry material that serves the region, on sites associated with and linked to an existing quarry operation and therefore able to fully utilise the existing operational assets and infrastructure.
- 1.2.10. Although not touched on in my evidence, I also note the earthworks provisions apply outside the quarry zone, and so this would add another layer of complication to a consent within the Nat open space or Gen rural zone. Consent would like be required for a RDA under EW-R7. EW-P14 is a rigorous policy.
- 1.2.11. (Pt sec 16) Turning first to the Open Space zoning, while I acknowledge the S42A Report recommends rezoning of the sediment pond, this rationale ignores the consented overburden area. Furthermore in my opinion the S42A Report reasoning to reject the rezoning request:

- fails to recognise the Natural Open Space zone provides no specific policy recognition for quarries or a specific rule. NOSZ-P4 would set a very high bar for quarry activities.
- does not give effect to SCA-O7 in terms of recognising and providing for the benefits and contribution of utilising mineral resources. I note the objective does not confine its application to existing quarry activities.
- overlooks the land ownership of the site (noting that while I do not propose that land ownership itself dictates zoning, it is one element that informs the appropriate zoning).
- places too much reliance on the historical zoning which does not reflect the existing activities undertaken on a significant area of the site. A district plan review is the appropriate time in which to review the appropriate zoning as opposed to 'rolling' over the operative zoning as a blanket principal, and
- inappropriately discounts the applicability and relevance of the existing use certificate.
- In terms of the rezoning of the overburden area, if I can confirm, my comment was that at the very least this should also be rezoned but this does not take away from my opinion the whole site should be rezoned.

1.2.12. Turning to the Rural zoning, (part Section 18) In my opinion the S42A Report reasoning to reject the rezoning request

- The GRUZ zone provides no specific policy for existing or extension of existing quarries. Rather GRUZ-P5 applies to new quarries (or changes of use). In essence, there appears to be a policy gap in the rural zone for existing or extension of existing quarries. You cannot rely on the Quarry zone, and quarries are not RSI or infrastructure. In its submission Horokiwi sought a new policy "the benefits of quarrying activities to the city and region are recognised and provided for in the General Rural Zone." I don't see how quarrying on the site would be a change of use.

- does not give effect to SCA-O7 in terms of recognising and providing for the benefits and contribution of utilising mineral resources noting the objective does not confine its application to existing quarry activities.
- overlooks the land ownership of the site (noting that while I do not propose that land ownership itself dictates zoning, it is one element that informs the appropriate zoning).
- does not recognise that the site is not currently used for rural productive purposes. In terms of existing activities undertaken on the rural site, the officer in rebuttal has commented (para 18) as to the purpose of the quarry zone being “this zone provides for quarrying activities where quarrying activities may operate as the primary land use on the site’. The word ‘may’ does not denote an absolute requirement that quarry activities be the primary use of the land at this point in time.
- inappropriately discounts the applicability and relevance of the existing use certificate. I agree with the comments of the officer in rebuttal that the existing use rights will continue for the site. However, I note that those activities not covered by the certificate (such as clean filling) would be a Controlled activity under the quarry zone as opposed to Discretionary under the Rural zone. The officer rightly points out the relevance of the overlays. The activity status ranges from permitted to non-complying depending on the overlay and whether the quarry activity is existing or an extension. Attached as Table 1 is a summary of the activity status. While I appreciate the relevance of the overlays, I do not see the presence of an overlay as in itself being a determining factor in setting zoning. In response to concerns from the officer regarding a permitted activity status within the SAL for the operation of a quarry, I note the activity would still require consent as a controlled activity under the Quarry zone, and if the site is within the CE and SAL overlays, would be a non-complying activity. The policies in the CE and SAL zone recognise quarrying activities (NFL-P7, and CE-P9.)
- While I acknowledge the existing use certificate does not apply to Part Section 17, given the location of the site, its rezoning would be consistent with those adjoining.

1.3. The rezoning would reflect the long term intentions for the site. Should the existing use not be able to be relied on for some reason, a quarry zoning would ensure there is an

appropriate consenting pathway and that the objectives, policies and rules support the continued operation of the quarry.

- 1.4. In response to comments regarding amendment to the Quarry zone provisions to reflect that for Kiwi Point quarry, I briefly reviewed the S32 this morning and it appears the precinct reflect the existing regime the quarry is operating under. *Kiwi Point Quarry has an existing requirement for a Quarry Management Plan, that has been carried through into the proposed Kiwi Point Precinct provisions.(pg 20)*

A precinct within the Quarry Zone for Kiwi Point Quarry is appropriate as it provides consistency with the existing management regime under the operative District Plan, including the continued requirement for a Quarry Management Plan, which is a central method for ongoing management of quarrying effects on neighbours, and requires community liaison. (Page 23)

The provisions of the Kiwi Point precinct are effective at achieving the objective, as they are a continuation of the current regime that the quarry successfully operates under and has been subject to a recent comprehensive plan change process(page 44)

- 1.5. Finally in relation to Bendigo Cres – I am not sure when the area was rezoned but titles appear to have been issued in Dec 2004.

Thank you and I welcome any questions.

Table 1. Activity status table

Operation	Quarry	Rural	Nat space	Open	CE	SNA	SAL
					Part of both sites	Yes to Rural zone Yes to part of Open space zone	Yes to Rural zone No to Open space zone.
Operative DP	-	15.4.1 Dis activity	Conversation zone – 19.4.1 Dis activity		-	-	-
Proposed DP	R3 – Controlled	R12 – Dis activity	R11 – Dis activity (default rule)		NC if in SNA in CE zone R10 RDA Extension(??) of quarry if in CE	R2 – RDA NC if in SNA in CE zone	R4 - NC if in SAL in CE R6 – Disc for extension if in SAL but outside CE R5- Permitted if operation in SAL but outside CE R7 – Disc Extension of quarry within SAL (Permitted if existing??)

PDP: Quarrying –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.

<p>NFL-P7 Mining and quarrying activities in outstanding natural features and landscapes and special amenity landscapes</p> <p>Manage mining and quarrying activities within outstanding natural features and landscapes and special amenity landscapes as follows:</p> <ol style="list-style-type: none"> 1. Allow for the ongoing operation of established mining and quarrying activities within outstanding natural features and landscapes and special amenity landscapes; 2. Only allow for the extension of established mining and quarrying activities within special amenity landscape where potential adverse effects can be avoided, remedied or mitigated; 3. Avoid the establishment of new mining and quarrying within special amenity landscapes; and 4. Avoid the extension of established mining and quarrying activities and the establishment of new mining and quarrying activities within outstanding natural features and landscapes. 	<p>NFL-R5 Operation of existing quarrying and mining activities within special amenity landscapes All Zones</p> <ol style="list-style-type: none"> 1. Activity status: Permitted <hr/> <p>NFL-R6 Extension of existing quarrying and mining activities within special amenity landscapes All Zones</p> <ol style="list-style-type: none"> 1. Activity status: Discretionary <hr/> <p>NFL-R7 New quarrying and mining activities within special amenity landscapes</p> <ol style="list-style-type: none"> 1. Activity status: Non-complying <hr/> <p>NFL-R8 Extension of existing quarrying and mining activities, new quarrying and mining activities and new plantation forestry within outstanding natural features and landscapes</p> <ol style="list-style-type: none"> 1. Activity status: Non-complying
<p>CE-P9 Mining and quarrying activities within the coastal environment</p> <p>Manage mining and quarrying activities within in the coastal environment as follows:</p> <ol style="list-style-type: none"> 1. Allow for established mining and quarrying activities in the Coastal Environment; 2. Only allow for the extension of established mining and quarrying activities or new quarrying and mining activities where it is located outside of high coastal natural character areas and outside of coastal and riparian margins and any potential adverse effects can be avoided, remedies or mitigated; 3. Avoid the extension of established mining 	<p>CE-R10 Extension of existing mining and quarrying activities within the coastal environment All Zones</p> <ol style="list-style-type: none"> 1. Activity status: Restricted Discretionary <p>Where:</p> <ol style="list-style-type: none"> a. It is located outside of high coastal natural character areas and outside of coastal and riparian margins in the coastal environment. <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The effects of the activity on the natural character of the coastal environment; 2. Whether there is a functional or operational need for the activity to be located within the coastal

<p><i>and quarrying activities and the establishment of new mining and quarrying within high coastal natural character areas and within coastal and riparian margins in the coastal environment; and</i></p> <p><i>4. Avoid the establishment of new mining and</i></p>	<p><i>environment; and</i></p> <p><i>3. The matters in CE-P9.</i></p> <p><i>All Zones</i></p> <p><i>2. Activity status: Non-complying</i></p> <p><i>Where:</i></p> <p><i>a. Compliance with the requirements of CE-R10.1.a cannot be achieved.</i></p>
<p><i>NOSZ-P1 Enabled activities</i></p> <p><i>Enable activities that are compatible with the purpose, predominant character and amenity values of the Natural Open Space Zone, while ensuring that their scale and intensity is appropriate.</i></p> <p><i>NOSZ-P4 Potentially compatible activities</i></p> <p><i>Only allow other activities to establish where it can be demonstrated that they are compatible with the purpose, character and amenity values of the Zone, having regard to whether:</i></p> <p><i>1. They are consistent with the relevant reserve management plan for the site;</i></p> <p><i>2. They support or are complementary to informal recreation activities, or there is a functional need for a location at that site;</i></p> <p><i>3. The activity will not limit or constrain the existing or future use of the open space, or restrict public access; and</i></p> <p><i>4. Any reverse sensitivity effects can be appropriately managed.</i></p>	<p><i>NOSZ-R11 Any other activity not otherwise provided for as a permitted activity</i></p> <p><i>1. Activity status: Discretionary</i></p>
<p><i>GRUZ-P5 Quarrying and mining site rehabilitation</i></p>	<p><i>GRUZ-R12 Quarrying or mining activities</i></p>

Require any new mining or quarrying activities and changes of use on existing quarry or mining sites in the General Rural Zone to demonstrate, through a detailed management plan, how the site will be rehabilitated, having particular regard to:

- 1. The rehabilitation objectives, methodology and timescale;*
- 2. The intended end use;*
- 3. The location, gradient and depth of excavation;*
- 4. The availability of cleanfill material, including topsoil;*
- 5. Funding required for rehabilitation;*
- 6. The surrounding landform and drainage pattern;*
- 7. The ability to establish complete vegetation cover;*
- 8. The outcomes of any consultation undertaken with mana whenua;*
- 9. Any adverse effects associated with rehabilitation;*
and
- 10. The planned monitoring and reporting on rehabilitation.*

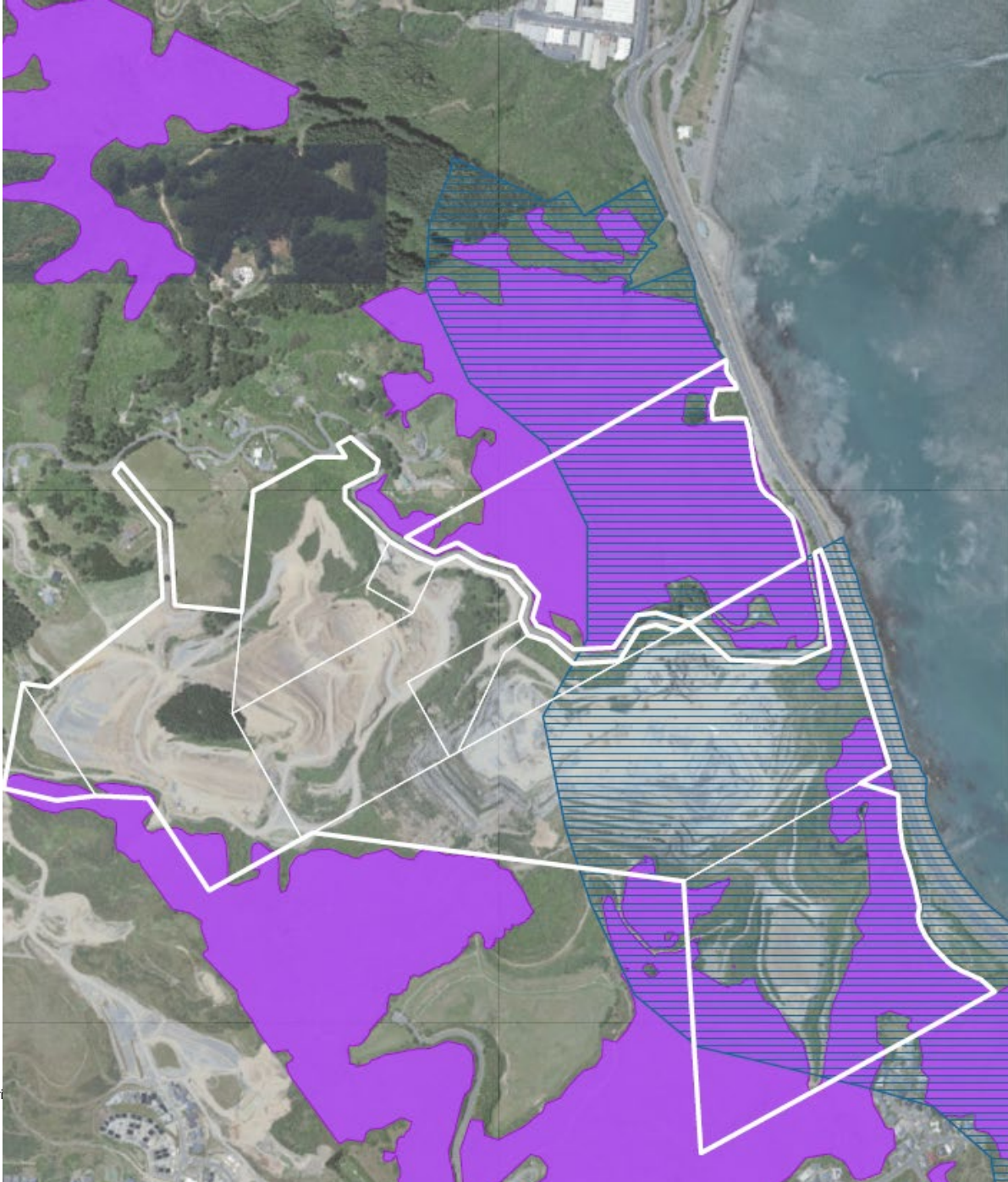
GRUZ-R12 Quarrying or mining activities

- 1. Activity status: Discretionary*

natural features and landscapes.

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