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## **DECISION ON PLAN CHANGE 83 - KIWI POINT QUARRY**

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### **Purpose**

1. To report to Council the recommendations of the Hearing Panel on Proposed Plan Change 83 to the Wellington City District Plan.

### **Summary**

2. Plan Change 83 was prepared in order to extend the life of the Kiwi Point Quarry. The Council notified Plan Change 83 in April 2018.
3. The Hearing Panel (“the Panel”) has considered all written and oral submissions to Plan Change 83 and has made its recommendations. The recommendation of the Panel is that the Council **approves** Plan Change 83.
4. The Panel concludes there is a strong demand for roading and construction aggregate in the region, and that Kiwi Point Quarry should continue to play a key role in contributing to the overall supply of aggregate for the Wellington economy. The Quarry is also strategically located close to development areas within the City and metropolitan Wellington, which means that transport costs are minimised and aggregate prices can be kept lower than if aggregate was transported from further afield.
5. The Panel acknowledges that extending the Quarry will have significant adverse landscape effects, and that mitigation measures proposed by the plan change will not entirely avoid these effects. However, when considered alongside the positive effects of continuing to supply aggregate to the Wellington economy the Panel is satisfied that the plan change should be approved.
6. Several amendments have been recommended by the Panel to improve implementation of the proposed provisions. The fundamental approach adopted in the notified plan change remains unchanged.
7. If Council adopts the recommendations of the Panel, then their report will become the Council decision on the proposal. If, however, the Council rejects one or more of the proposed recommendations, the hearing process would need to be re-commenced and determined by the whole of Council.

### **Recommendation/s**

That the Council:

1. Receives the information.
2. Approve the recommendations of the District Plan Hearing Panel in respect of District Plan Change 83 (Kiwi Point Quarry) as outlined in the attached recommendation report (Attachment 1: District Plan Change 83 Hearing Panel Recommendation)

### **Background**

8. Proposed Plan Change 83 was initiated by the Council in response to the depletion of the rock resource at Kiwi Point Quarry. Prior to the preparation of Plan Change 83, a range of options were considered for the future of the quarry, including closure. Community consultation on these options was undertaken with the community. The

- preferred option involved rezoning an area on the southern side of the quarry site (known as the southern face) for quarrying activity.
9. The notified plan change proposed several amendments to the District Plan to allow for quarrying of the southern face, which can be summarised as follows:
- Rezoning an area on the southern side of the quarry site from Open Space B to Business 2.
  - Introducing a new objective that recognises the importance of quarrying aggregates at Kiwi Point Quarry to provide for the future growth and development of the city.
  - Introducing a new controlled activity rule that applies to the rezoned southern face expansion area. A resource consent would need to be sought prior to quarrying commencing. The Council's control is maintained over buffer areas from residential sites, cut face rehabilitation, ecological mitigation, and screening.
  - Introducing a range of standards relating to the quarrying of the expanded site and making changes to a range of explanatory text and a number of consequential changes including changes to Planning Maps 22 and 23.
10. Plan Change 83 was publicly notified on 13 April 2018. A total of 36 submissions were received along with 1 further submission. The hearing commenced on the 10<sup>th</sup> December 2018 and concluded on the 12<sup>th</sup> December. 9 submitters attended over the three sitting days. The Panel formally closed the hearing on 18 December 2018.
11. The Hearing Panel comprised three external commissioners – Alick Shaw (Chair), Julia Williams and Ian Leary. The Panel held several formal deliberation sessions between December 2018 and March 2019.
12. All submitters have been informed of this recommendation by the Hearing Panel and given access to their report. They have also been provided with a link to this committee paper and informed they could attend this Council meeting.
13. Council has the ultimate decision-making power in respect of District Plan Changes, and the Panel's role is limited to that of a recommender. The conclusions and recommendations contained in the recommendation report are those of the Panel and are not binding upon the Council. If Council adopts the recommendations of the Panel, then their report will become the Council decision. If, however, the Council rejects one or more of the proposed changes and recommendations, the hearing process would need to be re-commenced and determined by the whole of Council.

## **Discussion**

14. A range of submissions were received both in support and opposition to the Plan Change. Submitters appearing at the hearing were predominantly local residents concerned about direct effects from the quarry such as noise, vibration and dust. Some residents expressed concerns about impacts from the quarry on longer term ground stability. The Panel also heard evidence about potential wind effects resulting from changes to surrounding topography.
15. Concerns were also expressed by residents about the impacts of the quarry on the wider environment. These concerns related to landscape and visual amenity effects, both directly on their property and also on the wider environment such as the gateway experience of the Ngauranga Gorge. Concerns were also expressed about ecological effects.

16. In addition to local residents, also appearing at the hearing were Taylor Preston, Greater Wellington Regional Council and the quarry operator. The submission of Greater Wellington was focussed principally on ecological effects of the quarry extension and seeking an appropriate level of mitigation for the effects of the proposal.
17. Taylor Preston were concerned about matters primarily relating to the internal division of the site, operation of the quarry, and avoiding conflicts with the existing operation of the abattoir site such as through traffic effects.
18. For the Council, several expert witnesses presented evidence across a range of topics, including:
  - Economics/Demand for aggregate
  - Quarry operations
  - Quarry design and geotechnical matters
  - Landscape
  - Ecology
  - Planning
  - Traffic
  - Air quality/Dust
19. The Panel identified 10 broad issues to be addressed in its consideration of the proposal. These issues are discussed in more detail below, and include:
  - The need for quarry supplies – positive effects
  - Landscape/Visual effects;
  - Ecological effects;
  - Noise effects;
  - Dust effects;
  - Vibration and blasting effects
  - Stability effects;
  - Traffic effects;
  - Wind effects; and
  - Other matters.
20. These are summarised as follows.

**The need for quarry supplies – positive effects**

21. The Panel accepted the uncontested evidence from the Council as applicant that there is a strong demand for aggregate resource in the region and of the key role of Kiwi Point Quarry in contributing to the supply of aggregate. The Panel was cognisant of the need to provide for aggregate from sources that are as close as possible to sources of demand, and noted the effect of transport costs on the overall price of aggregate.
22. The Panel also noted Objective 31 and Policy 60 of the Regional Policy Statement for Wellington. Objective 31 seeks to ensure that the demand for mineral resources is met from sources in close proximity to areas of demand. Under Policy 60, particular regard must be given to the social, economic, and environmental benefits of utilising mineral resources within the region. The Panel considered that approval of the Plan Change would give effect to the Regional Policy Statement as it applies to mineral resources.
23. The Panel was also aware of the absence of alternatives to the Kiwi Point quarry and the significant lead-in time and uncertainty that would be involved in setting up a new quarry.

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### **Landscape effects**

24. It was accepted by all experts at the hearing that the proposal would result in adverse landscape effects. This echoed concerns raised by a number of submitters.
25. There was extensive discussion, and questioning by the Panel, of a number of experts about landscape effects and their mitigation. A key area explored was the duration over which rehabilitation of the batter slopes would occur, and particularly whether this was likely to occur over the medium term of 15-20 years, or a longer term of 35-40 years. The Panel ultimately concluded that it was more likely that natural rehabilitation (supplemented by human intervention) would occur over the long-term timeframe.
26. In terms of rehabilitation, this is to be addressed by the Quarry Management Plan (“QMP”) and the resource consent required before quarrying can commence. The Panel was satisfied that these provisions were appropriate.
27. It was concluded by the Panel that the plan change would lead to quarrying activity that is “likely to have significant adverse landscape effects”. The Panel noted that such effects would require “a robust assessment” at the resource consent stage along with the mitigation measures that are proposed to address them.

### **Ecological effects**

28. Quarry expansion gives rise to potential ecological effects on two fronts – aquatic and terrestrial. The Panel concluded that aquatic ecology effects were strictly outside the scope of the Plan Change given that they fell in the jurisdiction of Greater Wellington Regional Council. Notwithstanding, the Panel considered it was entirely appropriate that the QMP addresses ecological matters collectively given the Council has responsibilities under its regional resource consents for the operation of the quarry.
29. Terrestrial ecology effects relate to the removal of vegetation. Extensive discussion occurred both prior to the hearing, and at the hearing itself, around appropriate mitigation measures. Overall the Panel was satisfied that the plan change had addressed all potential ecological effects and has provisions to appropriately mitigate ecological effects.

### **Noise effects**

30. Extension of the quarry will lead to potential noise effects on the surrounding area, including surrounding residential properties. The Panel heard evidence related to noise effects, including a noise monitoring report from Marshall Day Acoustics. That monitoring confirmed that the existing quarry operation complied with the relevant District Plan standards.
31. The Panel was satisfied that through the subsequent resource consent required to enable quarrying on the site, an acoustic report should accompany that consent application to address noise sources on the site and options to address noise effects from the quarry site. Such methods should also address future monitoring requirements.
32. The Panel noted that its consideration of noise effects excluded effects from explosive use which the Panel considered separately.

### **Dust effects**

33. The Panel heard evidence at the hearing that extension of the quarry would have “a slight adverse effect” within the surrounding area.

34. It accepted submissions from surrounding residents that they currently experience a dust nuisance. In addition, the Panel accepted evidence that better management of dust effects would be implemented by the quarry operator.
35. The Panel considered that the current permitted activity condition relating to dust could not be achieved by the quarry, and that the dust effects are best considered through the resource consent requirement created by this plan change and the associated QMP.

### **Vibration and blasting effects**

36. Operation of the quarry requires the periodic use of explosives. The Panel heard from a range of submitters about their concerns with the effects of the explosives, particularly in relation to vibration. A further concern related to communication from the Quarry about the use of explosives.
37. The Panel acknowledged the concern of submitters relating to blasting effects. The Panel was satisfied that such effects can be appropriately managed through the QMP and has made a minor amendment to the plan change provisions relating to communication with surrounding properties prior to the use of explosives.

### **Stability effects**

38. A number of submitters raised concerns about the stability of the eventual cut batters. The Panel heard technical evidence relating to the technical design of the quarry. The Panel accepted the technical evidence that deep seated instability was unlikely to be encountered provided the quarry was appropriately designed.

### **Traffic effects**

39. NZTA in their submission raised a number of questions around the impact of the quarry expansion on the State Highway. The Council, as applicant, worked with NZTA to provide additional information in order to satisfy NZTA's concerns. NZTA subsequently confirmed that the principal issues it had raised concerns over were satisfied and did not appear at the hearing.

The Panel was satisfied that traffic effects would be appropriately addressed by the provisions of the plan change and associated QMP.

### **Wind effects**

40. Two submitters raised concerns about wind effects resulting from alteration of the landform through quarry activity. The Panel heard expert evidence that the proposed change to the terrain was unlikely to cause changes to wind speeds outside of the site. In the event that such changes occurred, the Panel found that the resultant effects on surrounding properties would be less than minor.

### **Next Actions**

41. The Hearing Panel has considered all submissions on Plan Change 83 and, where appropriate, has modified the notified provisions of the plan change in response to some submissions and based on the expert evidence given at the hearing.
42. If Council approves Plan Change 83 as recommended, the decisions will be notified, and submitters will have the right to appeal the decision to the Environment Court. If no appeals are made, the Plan Change will become operative.

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## Attachments

Attachment 1. District Plan Change 83 Hearing Panel Recommendation

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

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

### **Treaty of Waitangi considerations**

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

### **Financial implications**

Kiwi Point Quarry plays a vital role as a local supply of aggregate to the region, and is nearing the depletion of rock resources. If this resource is further depleted it could have economic impacts as there is currently a strong demand for aggregate resource. Additionally extending the life of Kiwi Point Quarry was noted in the Council's 10-year Plan.

### **Policy and legislative implications**

If approved, a resource consent would need to be sought prior to the quarry expansion and activity. A quarry management plan would also be required at this stage.

### **Risks / legal**

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

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

There are no climate change impacts or considerations to note for the proposed plan change.

### **Communications Plan**

Statutory consultation has been carried out for this proposed plan change in accordance with Schedule 1 of the Resource Management Act 1991.

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

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