

**ORDINARY MEETING**

**OF**

**WELLINGTON CITY COUNCIL**

**AGENDA**

**Time:** 9:30am  
**Date:** Wednesday, 1 May 2019  
**Venue:** Ngake (16.09)  
Level 16, Tahiwī  
113 The Terrace  
Wellington

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**MEMBERSHIP**

Mayor Lester  
Councillor Calvert  
Councillor Calvi-Freeman  
Councillor Dawson  
Councillor Day  
Councillor Fitzsimons  
Councillor Foster  
Councillor Free  
Councillor Gilberd  
Councillor Lee  
Councillor Marsh  
Councillor Pannett  
Councillor Sparrow  
Councillor Woolf  
Councillor Young

**Have your say!**

*You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 04-803-8334, emailing [public.participation@wcc.govt.nz](mailto:public.participation@wcc.govt.nz) or writing to Democracy Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number, and the issue you would like to talk about.*

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## 1. Meeting Conduct

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### 1.1 Karakia

The Chairperson will open the meeting with a karakia.

<b>Whakataka te hau ki te uru,</b>	Cease oh winds of the west
<b>Whakataka te hau ki te tonga.</b>	and of the south
<b>Kia mākinakina ki uta,</b>	Let the bracing breezes flow,
<b>Kia mātaratara ki tai.</b>	over the land and the sea.
<b>E hī ake ana te atākura.</b>	Let the red-tipped dawn come
<b>He tio, he huka, he hauhū.</b>	with a sharpened edge, a touch of frost,
<b>Tihei Mauri Ora!</b>	a promise of a glorious day

### 1.2 Apologies

The Chairperson invites notice from members of:

1. Leave of absence for future meetings of the Wellington City Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

### 1.3 Announcements by the Mayor

### 1.4 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

### 1.5 Confirmation of Minutes

The minutes of the meeting held on 27 March 2019 will be put to the Council for confirmation.

The minutes of the meeting held on 18 April 2019 will be put to the Council for confirmation.

### 1.6 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows:

***Matters Requiring Urgent Attention as Determined by Resolution of the Wellington City Council***

The Chairperson shall state to the meeting.

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

The item may be allowed onto the agenda by resolution of the Wellington City Council.

***Minor Matters relating to the General Business of the Wellington City Council***

The Chairperson shall state to the meeting that the item will be discussed, but no resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Wellington City Council for further discussion.

**1.7 Public Participation**

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

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## 2. General Business

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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)

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## 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.

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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.

### **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.

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### **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.

## Attachments

Attachment 1. District Plan Change 83 Hearing Panel Recommendation [↓](#)  Page 14

Authors	Tabitha Proffitt, Planning Officer Mitch Lewandowski, Contractor
Authoriser	John McSweeney, Place Planning Manager Anna Harley, Manager City Design & Place Planning Moana Mackey, Acting Chief City Planner

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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.

**Hearing Panel Recommendation**

**PLAN CHANGE 83**

**KIWI POINT QUARRY**



**Report and Recommendation of the Hearing Panel appointed  
by the Wellington City Council pursuant to Section 34 of the  
Resource Management Act 1991**

**April 2019**

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**APPENDIX 1:** Panel recommendations on relief sought by submission

**APPENDIX 2:** Panel minutes

**APPENDIX 3:** Annotated version of Plan Change provisions

Proposed Change 83

Hearing Panel Report &amp; Recommendation

**Wellington City  
Council****Report of the Hearing  
Panel****Proposal Description:**

Proposed Plan Change 83 to the Wellington District Plan:  
Kiwi Point Quarry Expansion

**Panel Members:**

Alick Shaw (Commissioner Chair)  
Julia Williams (Commissioner)  
Ian Leary (Commissioner)

**Date of Hearing:**

10, 11 & 12 December 2018

**1.0 INTRODUCTION****Report purpose**

- 1.1. This report sets out our recommendation to the Wellington City Council (“WCC” or “the Council”) on Proposed Plan Change 83 (“PC83” or “the Plan Change”) to the operative Wellington District Plan.
- 1.2. We were appointed by the Council as independent commissioners to hear submissions made on the Plan Change and to consider and make a recommendation to the Council as to whether PC83 should be declined, approved or approved with amendments.
- 1.3. The Plan Change was initiated by WCC. WCC is therefore the proponent of the Plan Change and also has a role to prepare the S42A report. Throughout this recommendation report, we have endeavoured to describe the Council as the proponent, as the “Applicant”. The Council’s role in preparing the S42A report will be described as “the Council”.
- 1.4. The proposed Plan Change seeks to:
  - Rezone an area on the southern side of the quarry site from Open Space B to Business 2.
  - Introduce a new objective that responds to the Regional Policy Statement (RPS) that recognises the importance of quarrying aggregates at Kiwi Point Quarry to provide for the future growth and development of the city.
  - Introduce a new Controlled Activity rule that applies to the rezoned southern face expansion area. The Council’s control is maintained over buffer areas from residential sites, cut face rehabilitation, ecological mitigation, and screening.

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Proposed Change 83

Hearing Panel Report & Recommendation

- Introduce a range of standards relating to the quarrying of the expanded site, and make changes to a range of explanatory text and a number of consequential changes including changes to Planning Maps 22 and 23.

- 1.5. The Plan Change has an extensive background, which we will canvas in due course. It has been the subject of a “section 32” report, consultation with stakeholders, and of course the public notification and hearing, culminating in this report.
- 1.6. Before setting out the details of PC83, the submissions to it and our evaluation, there are some procedural matters that we will address, beginning with our role as a Hearing Panel.

**Role of Hearing Panel and report outline**

- 1.7. As noted above, our role is to make a recommendation to the Council about the approval (or otherwise) of the Plan Change. The final decision-making power rests with the Council; and in the event that the Council adopts our recommendations, then this report will become the Council Decision.
- 1.8. Having familiarised ourselves with PC83 and its associated background material, read all submissions, conducted the hearing, visited the site and locality on several separate occasions, we hereby record our recommendations.
- 1.9. In this respect, our report is generally organised into the following parts:

(a) Context for the Plan Change:

This non-evaluative section is largely factual and contains an overview of the site and locality subject to the Plan Change and an outline of the background to the Plan Change, including the sequence of events leading to this report. It also outlines the main components of the Plan Change as notified. This background section provides relevant context for considering the issues raised in submissions to the Plan Change. Here, we also describe the submissions received to the Plan Change, and provide a brief account of the hearing process itself and our subsequent deliberations.

(b) Evaluation of Key Issues:

The second part of our report (comprising Sections 3-5) contains an assessment of the main issues raised in submissions to PC83, and where relevant, amplification of the evidence/statements presented at the hearing (in Section 3). We conclude with a summary of our recommendations (in Section 5), having had regard to the necessary statutory considerations that underpin our considerations (in Section 4). These parts of the report are evaluative, and record the results of our deliberations on substantive matters.

**2.0 PLAN CHANGE CONTEXT**

**Immediate site and local environment**

- 2.1. The proposed Plan Change is specific to an area of land adjacent to the existing Kiwi Point Quarry located in Ngauranga Gorge. The subject land is owned by Wellington City Council and is partially currently being used for quarry purposes.

## Proposed Change 83

## Hearing Panel Report &amp; Recommendation

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- 2.2. Current quarry activity has a limited life given the availability of suitable quarry material within the parts of the site that are currently zoned and available for quarrying.
  - 2.3. A detailed description of the site was contained within the s32 Analysis Report. The commissioners carried out several site inspections of the quarry site and the wider neighbourhood. We have reviewed much of the s32 material and adopt large parts of that report to assist in describing the site.
  - 2.4. The Quarry site is located on the south-western side of State Highway 1 (Centennial Highway) within the Ngauranga Gorge, approximately five kilometres north of central Wellington. The Quarry site is held in a number of land parcels under the ownership of Wellington City Council. The site has been quarried extensively and presents generally as a highly modified environment. The current (northern) Quarry has been excavated from south to north into a ridge at the northern boundary of the site resulting in the formation of a batter slope rising steeply to the north. Associated infrastructure is located throughout the site including extraction systems, crushing plant, workshops, transformer huts, sediment retention ponds and storage structures.
  - 2.5. Vehicle access to the site is via the western side of the Centennial Highway, near the summit of the Ngauranga Gorge. Access to the quarry site involves a left hand turn in, and then a left out exit from the site.
  - 2.6. An earth bund extends along the site frontage north of the access, limiting views of the lower quarry area from vehicles passing the immediate site area.
  - 2.7. A locked gate provides access to an unsealed internal accessway via Fraser Avenue however the current District Plan standards require that the State Highway access is the sole means of entry and exit for quarry vehicles.
  - 2.8. The area of the proposed Plan Change is to the south of the existing northern site and adjoins the area known as the southern extension. This rises steeply from State Highway 1 westwards towards the top of the escarpment generally below the eastern end of Gurkha Crescent and the eastern properties of Shastri Terrace.
  - 2.9. The area of land affected by the Plan is shown below in Figure 1.



**Figure 1:** Figure showing the legal descriptions and layout of the existing Kiwi Point Quarry land and the DPC83 area.

**The Surrounding Area**

- 2.10. Ngauranga Gorge forms a gateway to Wellington City with State Highway 1 serving as the main roading link to the north. State Highway 1 in this location is formed as a separated road corridor with three lanes both north and south bound. Due to a lack of feasible alternatives, pedestrian and cycling access is not prohibited along this stretch of State Highway 1 which is declared a Limited Access Road not a Motorway.
- 2.11. The topography of the gorge is generally steep, falling sharply as the road descends from the Newlands Interchange to the bottom of the gorge near Wellington Harbour. The State Highway running through the centre of the gorge is a dominant feature of the area with the landscape otherwise characterised by the relatively steep, and in some instances battered, rock walls and vegetated or semi-vegetated hillsides.

## Proposed Change 83

## Hearing Panel Report &amp; Recommendation

- 2.12. Within the wider Quarry site is the Taylor Preston Abattoir, located at 131 Centennial Highway. The abattoir features a number of buildings, generally obscured from passing vehicles by the road boundary earth bund. The abattoir is located on a relatively flat site platform created by previous quarrying activity. The site also contains an area for stock grazing should abattoir operations require it.
- 2.13. South of the Quarry site is the Ngauranga Business Park, centred on Tyers Road and featuring a range of commercial and light industrial activities. A hill physically separates the Quarry activity from the Business Park.
- 2.14. The south western ridgeline of the gorge features established residential development. The closest residential properties to the area proposed to be rezoned are located in Gurkha Crescent, Shastri Terrace and Imran Terrace located high above the Ngauranga Gorge towards the top of the hill on the gorge's southwestern flank.
- 2.15. The Quarry site is in part visible to some properties along the ridgeline although direct views are generally limited due to the topography of the area and the fact that subdivision development has generally occurred since the quarry activity has been in operation.
- 2.16. The Westmount School campus (a registered private school for Year 3-13 students) is located along Fraser Avenue directly opposite the northern extent of the site. The Malvina Major Retirement Village is located at 134 Burma Road, with views generally orientated toward the Wellington Harbour, over the wider quarry area.
- 2.17. The Johnsonville Railway Line also runs in part along the western ridgeline.
- 2.18. The eastern side of the gorge is characterised by steep rock face and hillsides with vegetation density generally increasing south of the Quarry site.
- 2.19. A residential subdivision is currently being developed along the eastern ridgeline (Spennoor Street extension). Direct views into the existing Quarry from residential properties are available from many of these sections under development.

**Pre-Plan Change Initiatives and Notification Sequence**

- 2.20. The Plan Change was initiated by Wellington City Council as Applicant. The background to the Plan Change was set out in the s32 report. A summary of the engagement, formal consultation and statutory steps taken leading up to the Plan Change hearing are as follows:
- Formal consultation period was from 22 September to 30 October 2017. The Council had developed 4 options to be considered which ranged from closure to maximum extension of the quarry. At the close of the consultation period, the Council reported that there were 67 submissions. Of those:
    - 24% supported quarry closure
    - 54% supported maximum expansion
    - 12% supported medium expansion
    - 7% were unsure
  - The Plan Change was notified on 13 April 2018. The submission period ran from 13 April to 14 May 2018. At the close of submission date, 33 submissions had been received. Two submissions (NZTA submitter 34 and Allied Concrete submitter 35) were received late.
  - The Summary of submissions was notified on 11 June 2018. The submission period closed on 25 June 2018. One further submission was received at the close of the submission period.
  - Further notification to 8 additional properties on 5 September 2018.

Proposed Change 83

Hearing Panel Report & Recommendation

- Final submission received 27 September 2018.
- Hearing date set on 12 October 2018 for 10-12 December 2018.

**Pre-hearing directions from the Panel**

- 2.21. In readiness of the hearing, we issued a memorandum (**‘Minute 1’**) to the parties on 2 July 2018 and (**‘Minute 2’**) on 16 August 2018. A copy of the minutes (and all other minutes we subsequently issued) is attached at **Appendix 2** but in summary, Minutes 1 and 2 related to the originally proposed dates for the exchange of evidence.
- 2.22. On 3 September 2018, we issued a memorandum (**‘Minute 3’**). This minute gave notice of the suspension of the hearing. It was brought to the attention of the hearing panel that there were 8 properties that should have been directly notified of the Plan Change and were not. The minute noted that notice of the hearing would be served on those properties on 5 September 2018. The notification and further notification periods were extended to allow those parties to make submissions. The date of the hearing was subsequently rescheduled. As a result of this process, one additional submission was received (submitter 36).
- 2.23. On 12 October 2018 the hearing panel issued a further memorandum (**‘Minute 4’**) which advised the date of the hearing (10 to 12 December 2018) and provided a new exchange of evidence timetable.
- 2.24. The hearing panel released a memorandum (**‘Minute 5’**) on 26 November 2018. This was a request by the S42A officer for an additional technical report to be prepared in response to matters raised by Submitter 36. The submission had been received in the extended submission period that was the subject of Minute 3. The hearing panel granted the request to submit a technical report on the potential wind effects on the basis that it was in the interests of all parties that the technical report addresses the submission.

**Pre-hearing procedural matters**

- 2.25. We firstly record that the S42A report was circulated a day late. This did not present any material concern for us, and we were satisfied that no party was prejudiced by its lateness. No party raised the circulation of evidence as an issue in the hearing.
- 2.26. This concluded the pre-hearing sequence, and our attention turned to the formal proceedings which we describe now.

**The Hearing**

- 2.27. The hearing was convened at 9:15am on Monday 10 December 2018 in Committee Room Two at Wellington City Council’s main offices.
- 2.28. There were two procedural issues addressed at the start of the hearing.
- 2.29. Firstly, the commissioners advised that a site inspection of the quarry was undertaken prior to the hearing. During the inspection we were accompanied by Mr Logen Logeswaran who is a representative of the Plan Change requester. The hearing committee raised the issue primarily on the basis that it was not ‘standard practice’ for the committee to be accompanied by any party during a site inspection. In this case, the reason for Mr Logeswaran accompanying the committee was for health and safety reasons. The hearing committee could not ‘wander’ the site unaccompanied. No matters relating to the decision making process were discussed

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with Mr Logeswaran. None of the parties present at the hearing expressed a concern to this procedural issue and the hearing progressed.

- 2.30. A second procedural issue was raised by Jason Jones (S42A reporting officer) with respect to a wind report/evidence prepared by Mr Mike Donn which was tabled by Council. The wind report had been prepared in response to a submission<sup>1</sup> to the Council. The wind report/evidence had been pre-circulated to submitters outside of the statutory time frames for other evidence provided by the other Council witnesses. The matter was the subject of Minute 5 and therefore technically in our view had already been dealt with. The hearing committee elected to hear the evidence prepared by Mr Donn on the basis that hearing that evidence would assist in the hearing committee making a better and more informed decision. In the view of the hearing committee, no party would be disadvantaged as no alternative expert wind evidence had been prepared by any party. No parties raised a concern over this at the hearing.
- 2.31. There were two submissions which were received after the close of submissions on 14 May 2018. These were submitters 34 (NZTA) and 35 (Allied Concrete). The hearing panel agreed to accept these submissions on the basis that there was no disadvantage to any party in allowing these submissions. Particularly in light of the fact that the submission period was further extended to allow for submissions from residents who were not previously formally identified as being directly affected.

**Plan Change Applicant**

- 2.32. Following the hearing opening and discussions on procedural matters, the hearing committee heard from the Applicant. The Applicant's evidence included the following:
- Phillip Simpson – Business Analyst
  - Darcy Maddern – Quarry Operator
  - Alexander Ormiston – Ormiston Associates Ltd – Engineering Geologist
  - Doug Boddy - Pattle Delamore Partners – Air Quality Scientist
  - Tim Kelly – Transport Planning Ltd – Traffic Engineer
  - Dr Astrid van Meeuwen-Dijkgraaf – Ecologist
  - David Cameron – Stantec NZ Ltd – Environmental Scientist
  - Gavin Lister – Isthmus – Landscape Architect
  - Lindsay Daysh – Incite - Planner

**Submitters**

- 2.33. The hearing committee heard from the following submitters:
- Submitter 7 – Anthony Norton
  - Submitter 8 – Jan Brydges Jones
  - Submitter 13 - Carol Mundell
  - Submitter 18 – Brian Stapleton
  - Submitter 30 - Taylor Preston
  - Submitter 28 - Greater Wellington Regional Council
  - Submitter 32 - Onslow Residents' Community Association
  - Submitter 35 – Allied Concrete
- 2.34. Further to the submitters appearing, the hearing committee received a submission statement from the following parties:

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<sup>1</sup> Submitter 36

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- Submitter 17 – Powerco
- Submitter 34 – New Zealand Transport Agency

**The Council Advisors**

2.35. The committee heard from the following parties on behalf of the Council's S42A report:

- Ryan Cameron – WCC Officer – Noise expert
- Stephen Fuller – Boffa Miskell – Ecologist
- Boyden Evans – Boffa Miskell – Landscape Architect
- Michael Donn – Wind Expert
- Jason Jones – Resource Management Group, Council Reporting Officer and Planner

**Deliberations and Hearing Closure**

- 2.36. A memorandum (**'Minute 6'**) was issued on 12 December 2018 advising that the panel had heard from all parties who wished to be heard and that a site inspection was to be undertaken. The hearing panel advised that the formal written right of reply for the Applicant would be received by the end of Monday 17 December 2018.
- 2.37. A memorandum (**'Minute 7'**) was issued on 18 December 2018 which confirmed that the hearing was closed and that deliberations were commencing.

**3.0 EVALUATION OF ISSUES**

**Overview**

- 3.1. As in the S42A report, we have grouped our discussion of the submissions and the reasons for accepting, rejecting, or accepting them in part by the matters to which they relate – rather than assessing each issue on a submitter by submitter basis.
- 3.2. This approach is not to downplay the importance of the input from submitters; to the contrary, such input has been invaluable in shaping the grouping of issues and our collective consideration of those matters. However, we consider it will be to everyone's benefit for our recommendation to be as tightly focussed on the key issues as possible.
- 3.3. For those parties who are only interested in a particular matter as it pertains to their submission(s), reference can be made to the submitter-by-submitter summary of decisions requested in **Appendix 1**, which includes our recommendation on each relief point sought. Those specific decisions have been derived from our issues assessment below.
- 3.4. We have organised our discussion of issues as follows:
- Issue 1: The need for quarry supplies – Positive Effects
  - Issue 2: Landscape/Visual Effects
  - Issue 3: Ecological Effects
  - Issue 4: Noise Effects

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- Issue 5: Dust Effects
- Issue 6: Vibration and Blasting Effects
- Issue 7: Stability Effects
- Issue 8: Traffic Effects
- Issue 9: Wind Effects
- Issue 10: Other Matters

**Evaluation Preamble – Statutory Framework**

- 3.5. Before formally recording our consideration of the above issues, we summarise here the relevant statutory matters that frame our evaluation.
- 3.6. The Council must give reasons for the decision it reaches. In arriving at its decision, the Council must undertake the further evaluation required under s32AA and have regard to that evaluation.
- 3.7. While we are ‘recommenders’ and not the final decision-makers in this case, we have structured the report so it enables WCC to adopt it as the decision.
- 3.8. In considering these matters, we record that our decision is based on the notified Plan Change and s32 evaluation, the submissions and further submissions received, the Council S42A report, and the statements/presentations from all parties appearing before us.
- 3.9. Our role has been to:
- (a) establish that all relevant evidence is before us (or where it isn’t, consider whether we should commission additional reports or information); and
  - (b) test the evidence of others; and
  - (c) to determine the most appropriate outcome based on the views we consider best achieve sustainable management.
- 3.10. The proposed Plan Change is essentially about the facilitation of the extension of quarry activities at the Kiwi Point Quarry. With a ‘typical’ Plan Change proposal decision-makers are required to consider a range of activities that may occur when recommending a Plan Change be adopted. In this case however, the outcome of the Plan Change and the resulting effects will be relatively well understood given the ‘confined’ nature of the activity which will be facilitated by the Plan Change.
- 3.11. Whilst the detail being provided in the hearing was at times to the level that might often be presented in a resource consent hearing, the hearing panel was conscious that the future quarry activity would still be subject to a resource consent application. The role of the hearing panel was to determine, at the higher level, that the facilitation of further quarry activity on the site was an appropriate activity, consistent with the Act and secondly that the provisions of the District Plan would ensure that the effects would be appropriately considered in a future resource consent application.
- 3.12. The Council as Applicant of the Plan Change has provided information about the likely specific effects of the proposal. The expert evidence given by the Applicant as proponent and the experts instructed by Council in its role in preparing the S42A,

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have generally been in agreement in relation to the extent of the effects. Whilst we note the general agreement on the extent of effects we do note that there has been some disagreement between experts as to the effectiveness in future of mitigation measures which we will discuss below.

- 3.13. At a fundamental level, the agreed message we received from the relevant expert witnesses attending the hearing was that the site is suitable for the proposed rezoning and in part already contains the quarry activity and that the Plan Change is about facilitating an extension of that existing activity.
- 3.14. There was also general agreement amongst the expert witnesses, that a number of residential properties within the vicinity of the site would experience significant adverse effects as a result of the extension of quarry activity on this site. The submissions from residents confirmed that a range of adverse effects was being experienced by the local community from the existing activity.
- 3.15. There was some disagreement at the expert level about the most appropriate methods the Plan Change should adopt to manage effects associated with future development i.e. the quarry activity. These matters of expert disagreement were largely resolved as at the close of proceedings.
- 3.16. The submitters we heard from during the hearing largely fell into one of two groups:
- (a) local residents concerned about ongoing effects of quarry activities such as dust, noise, vibration and visual effects; and
  - (b) industry organisations and businesses concerned at the potential for the disruption of the short and long term supply of aggregates and quarry products.
- 3.17. In highlighting these high-level positions expressed to us during the hearing, it is not our intention to undercut the more detailed findings we set out below. We do, however, consider it appropriate to record these generic themes here to provide a broad context within which our evaluation is framed.
- 3.18. The Plan Change has the obvious tension between the two groups of submitters with different interests. The residential amenity of local residents and the commercial/economic benefits that might accrue to the rest of the city, in particular the construction industry.
- 3.19. In closing this preamble, we observe that s32AA(1)(d)(ii) enables our further evaluation reporting to be incorporated into this report as part of the decision-making record. To this end, our evaluation of issues has been structured to satisfy the evaluation report requirements of s32AA as outlined above. Essentially this means that in those instances where we have recommended an alteration to the as-notified Plan Change, we have explicitly assessed the appropriateness of that alteration in terms of s32AA.
- 3.20. With these contextual matters established, we now turn to our evaluation of issues, before providing our summary evaluation of the above statutory requirements.

**Issue 1: The need for quarry supplies – Positive Effects**

*Issue Identification*

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- 3.21. During the hearing, we heard undisputed evidence from Mr Phillip Simpson on behalf of the Applicant that addressed the demand for quarry products, the importance of the Kiwi Point site to the construction industry in Wellington and the economic and strategic advantages of its location.
- 3.22. The Kiwi Point quarry is strategically located close to the demand, whereas other existing sites had higher transportation costs for Wellington construction industry.
- 3.23. The quarry also ensured that there was adequate competition in the market for quarry products which assisted in controlling the price for consumers.
- 3.24. Mr Simpson told us that the adoption of the Plan Change would extend the life of the other existing quarries in the area such as Belmont and Horokiwi which also had a limited life.
- 3.25. At this point, Mr Simpson pointed out that despite some initial scoping, no other alternative quarry sites had been identified in the local area as a replacement. He was of the view that obtaining consent for a new quarry site would be potentially difficult.
- 3.26. Mr Simpson's evidence was supported by Alexander Ormiston who expressed the view that finding a new quarry site and getting it operational would have a long lead in time which might be of the order of 10 years.
- 3.27. We also heard from Wayne To (on behalf of Submitter 35 – Allied Concrete) that if Kiwi Point were to close down, meeting the demands of the local market would not simply be about finding an alternative supplier. Mr To advised that all existing suppliers were working at full capacity. Therefore if one supplier were to cease production, then there would be a potential shortage in the local supply network which would have an impact on the local construction industry.
- 3.28. Mr To also provided useful information with respect to alternative sources of aggregate material and comparisons of the costs of transporting the material from other regions. Mr To advised that bringing aggregate from other regions where there was an available supply, would result in an aggregate cost some four times the existing price in Wellington.
- 3.29. Whilst not directly related to the supply of quarry products, the hearing panel heard an additional positive effect of the Plan Change, would be the creation of additional flat, industrially zoned land in the city, once quarry activity on site had been completed.

*Discussion and Findings*

- 3.30. The hearing panel is in agreement that there are significant positive effects and benefits from the Plan Change. In fact there was no evidence presented to us which expressed a contrary view. The benefits of the Plan Change in facilitating an extension to the quarry activity on the existing site, would accrue to the entire city and the wider region. The benefits relate to both lower economic and environmental costs.
- 3.31. There is existing infrastructure relating to the quarry in the existing location. The panel agree that finding an alternative location would be a difficult exercise, with no certainty that a suitable location could actually be found. Given the very limited lifespan of the Kiwi Point Quarry, the hearing panel agreed that it was very unlikely that a suitable alternative location could be identified and approved within the next 2-5 years.

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- 3.32. The Plan Change as notified, rezones part of the Open Space to Business 2, provides specific new objectives, policies and a Controlled Activity rule to facilitate the future development of quarry activity.
- 3.33. The hearing panel find that the rezoning and introduction of the new District Plan provisions will appropriately facilitate quarrying and the positive effects sought by a number of submitters.
- 3.34. The hearing panel has recommended an amendment to the Controlled Activity provisions to include a specific reference to the benefits of providing quarry supplies as a matter for consideration under the Controlled Activity rules. This is consistent with the objectives and policies of the Plan Change and eliminates an ambiguity as to whether this is a matter that can be considered in a resource consent application.

**Issue 2: Landscape and Visual Amenity**

*Issue identification*

- 3.35. The hearing panel has heard undisputed expert evidence that the proposed Plan Change will facilitate quarry activity which will potentially have significant adverse landscape and visual effects.
- 3.36. The potential landscape and visual effects were a consistent and common concern from submitters who fell into the local residents group. Fourteen submissions raised concerns about landscape, and/or visual effects. All opposed the Plan Change.
- 3.37. A number of submitters who spoke in support of their submissions expressed surprise that no active revegetation programme was underway on the northern face. Based on his experience, Anthony Norton (#7) requested that mitigation be started as soon as one area is finished, and not delayed until the end of the quarrying process. The Onslow Residents' Community Association (#32) requested residential areas be protected by buffers such as fast growing vegetation. Mr Stapleton (#18) submitted that the 'artist impression' of the quarry expansion was unrealistic and did not provide the full scope of what the wider quarry including both the southern and northern faces would look like.
- 3.38. Expert evidence on landscape and visual issues was provided by Gavin Lister for the Applicant and Boyden Evans for the Council. The landscape architects issued a Joint Witness Statement July 2018 but by the time of the hearing additional material had been provided by the Applicant that resolved most of the differences between the experts.
- 3.39. Mr Lister and Mr Evans generally agreed on the characteristics and qualities of the existing landscape, the nature and degree of adverse effects, and the general approach to mitigation and rehabilitation measures.
- 3.40. We set out below the final differences and outstanding areas of concern.
- 3.41. *Time period for site rehabilitation* - While both landscape experts recognise that site rehabilitation will depend on natural colonisation and will occur over a period of time, they do not agree how long that period of time will be. Mr Lister considers that the Isthmus photosimulations of the quarry are consistent with the revegetation that has occurred on the Newlands interchange batters after 20 years and accurately depict what the southern quarry will look like 15-20 years after quarrying has ceased.

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- 3.42. Based on his local experience, Mr Evans considers that the rehabilitation process will be slow and could potentially happen over a longer time frame than that depicted in the simulations. Mr Evans told us that given the prevailing environmental factors, interventions to mitigate landscape and visual effects and assist with the natural processes would not fundamentally change the need to rely on natural colonisation, which would occur over a 35-40 year time frame.
- 3.43. *Mitigation measures and methodology* - Mr Evans was unconvinced by some of the rehabilitation measures described by Mr Lister and by the Applicant's ecologist although both landscape experts agreed that it is good practice to assist natural processes and promote regeneration of the quarry perimeter. Revegetation and site rehabilitation are required for ecological, landscape and visual mitigation.
- 3.44. *Information to be provided* - By the time of the hearing additional material had been provided by the Applicant that resolved most differences between the experts on the level of information to be provided. The remaining area of disagreement is the requirement for a Landscape and Visual Effects Assessment (**LVEA**) prior to the Plan Change being lodged. It is Mr Evans' opinion that a LVEA should have been provided as part of the Plan Change documentation to assist in identifying landscape and visual issues, and establish appropriate mitigation and rehabilitation measures which can be carried through into the revised quarry management plan for the site. Mr Lister acknowledges that while a LVEA would have been best practice, landscape and visual effects were assessed in his evidence.
- 3.45. Finally Mr Daysh told us that 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.

*Discussion and Findings*

- 3.46. The landscape experts generally agreed that any quarrying on the southern face would have adverse visual effects during the life of the quarry, arising from the unnatural appearance of the exposed rock and benched profile, and the industrial appearance of the quarrying activities and yards. The most severe visual effects would be from SH1 Ngauranga Gorge. The nature and degree of effects from surrounding residential areas would depend on their proximity and exposure to the quarry face.
- 3.47. It is proposed that some rehabilitation at the top of the cut face on the quarry would be carried out at approximately one-third the life of the quarry. However the major part of site rehabilitation will not be undertaken until active quarrying ceases, which Mr Maddern told us will be 15 to 20 years after the quarry opens.
- 3.48. The landscape experts have told us that the time period for the rock surface to weather and for native plant species to replace gorse and exotic grasses lies somewhere between 15 and 40 years. In short, it will be a minimum of 30 years before the quarry face resembles the 'rehabilitated' photo simulations, by which time most of the residents who submitted or who have been identified as affected parties will have moved on and out of their current properties. Put another way, the visual effects of the quarry will last for the life time of most local residents.
- 3.49. We understand that the ability to provide mitigation during the life of the quarry is limited due to the scale and nature of the proposals. Mr Lister said there is potential to reduce visibility of works by carrying out restoration planting of the intervening hillside prior to quarrying commencing. Mr Evans was less specific, saying that

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- mitigation needs to be considered as an integral part of the development of the quarry during its lifetime, not just at the rehabilitation stage, to address the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment under Section 7(c) and (f) of the RMA respectively.
- 3.50. We acknowledge the concerns of residents on the visual impact of additional quarrying on the southern face and their confusion with regard to rehabilitation within the existing quarry.
- 3.51. A primary issue to be considered by the hearing panel relates to the scope of the landscape effects and whether the proposed provisions of PC83 are adequate to ensure that the later resource consent process will adequately address the landscape and visual effects. This is particularly poignant in that the 'as notified' position PC83 proposes to make the future resource consent a Controlled Activity. A Controlled Activity cannot be declined. Therefore the panel must be satisfied that the landscape effects of the proposal can be considered to be acceptable and that the Controlled Activity provisions adequately address the potential effects.
- 3.52. We accept the advice of the landscape experts that the PC83 has provisions that address or have the potential to address the most significant visual effects, identified by both landscape experts as the landscape and visual effects experienced with the 'gateway' Ngauranga Gorge. Having heard concerns of residents who live near the Northern Face and given the long time before quarrying ceases, we endorse measures embedded into the Plan Change to mitigate effects on visual amenity for residents who live near the Southern Face.
- 3.53. In addition, we have included minor amendments to more specifically provide mitigation for effects on visual amenity of adjoining residential areas. Notwithstanding an integrated approach to ecological and landscape mitigation, we recommend that all methods of quarry rehabilitation with the aim of mitigating effects on residential visual amenity before and during the life of the quarry should be explored including opportunities for the use of both native and exotic species for revegetation on buffer areas on the residential boundary. To that end, we agree with Mr Evans that at the time of application for resource consent, some form of landscape and visual assessment will be required that identifies effects, opportunities for potential mitigation during the operational quarry period and includes details of their implementation within an amended version of the QMP.
- 3.54. With regards to long term site rehabilitation, it is the QMP rather than the Plan Change itself that is the vehicle for a rehabilitation plan. The range and efficacy of such mitigation measures has been discussed below. We are satisfied that the proposed QMP requirements in conjunction with the Quarry Standards and the Ecological Survey and Restoration Plan contains provisions for a timetable and associated budget for the landscape and visual mitigation of quarry faces, as well as processes for monitoring the effectiveness of rehabilitation measures and contingency plans to improve measures shown to be ineffective.
- 3.55. The hearing committee finds that the Plan Change provisions will facilitate quarrying activity which is likely to have significantly adverse landscape effects. The proposed Plan Change provisions require a robust assessment of the future landscape effects and the mitigation measures to be included in any future resource consent application.

**Issue 3: Ecological Issues**

*Issue Identification*

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- 3.56. Effectively there are two primary issues related to ecology to consider. Firstly there is the aquatic ecology and the effects on the stream running through the subject land. There are discussions between experts as to whether this Plan Change should provide specific provision for addressing the aquatic ecological issues.
- 3.57. The second issue relates to the extent of potential adverse effects from the Plan Change and the Plan Change provisions for terrestrial ecology and whether these satisfactorily address the mitigation of effects.
- 3.58. Expert evidence on ecological issues was provided by Dr Astrid van Meeuwen-Dijkgraaf and David Cameron for the Applicant and Stephen Fuller for the Council. Dr Tarryn Wyman, biodiversity officer for Greater Wellington Regional Council, provided evidence on its behalf.
- 3.59. Evidence focussed on the Mitigation Options report prepared by Dr van Meeuwen-Dijkgraaf as part of the notification of Plan Change 83 in February 2018 and progressively revised in response to submissions and requests for further information. By the time of the hearing there was general agreement between experts on potential ecological effects, on mitigation options that should be considered as part of an overall mitigation plan, on the mitigation measures to be provided for in the QMP and on the information required for the Ecological Survey and Restoration Plan that would be submitted as part of an application.
- 3.60. Dr van Meeuwen-Dijkgraaf clarified that the purpose of the Mitigation Options report is to assess whether there is sufficient mitigation available within the site or on nearby sites to mitigate the ecological effects of the proposed quarry expansion. The report is not a formal mitigation plan, nor does it address quarry rehabilitation or mitigation of landscape effects.
- 3.61. **Aquatic ecology** - Mr Cameron's evidence focussed on the implications of Proposed Plan Change 83 for the water quality and aquatic ecology of adjacent water courses, which lie within the jurisdiction of GWRC. Mr Cameron was of the opinion that these indirect effects would be mostly addressed by existing conditions of the GWRC discharge consent and that Condition 67 of the GW WGN170175 consent provided for stream remediation as part of the overall site rehabilitation package. However he told us that while the quarry was operational it will be particularly important that the existing extent of riparian vegetation is maintained and, if opportunities arise, extended, and that if a haul road is to be constructed near Waitohi Stream, it should not encroach into the stream channel any further than the current track margin or existing fence.
- 3.62. At a prehearing meeting on 9 October 2018 the S42A Report authors, expert advisors to the Council, and Council officers agreed that in order to achieve an effective and integrated mitigation design, some stream mitigation should be identified as part of the overall ecological mitigation package for Plan Change 83. This was endorsed by Dr Wyman, who supported an additional quarry management plan requirement for the enhancement of Waitohi Stream and riparian vegetation.
- 3.63. There was some disagreement between experts as to whether existing GW consents addressed potential effects or would require consideration through future consents.
- 3.64. **Terrestrial ecology** - There was general alignment between Dr van Meeuwen-Dijkgraaf and Mr Fuller on the Ecological Survey and Restoration Plan included in the Plan Change as information required to be submitted with an application for resource consent, including the commitment to restore streams within the site rather

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than offset mitigation on streams outside the site and the overall quantum of mitigation that potentially could be applied to the site. There remained several outstanding areas of disagreement that focussed on site rehabilitation philosophy, methodology and the establishment of a fauna corridor.

- 3.65. There was some disagreement between ecologists on the need for a vegetated corridor that would provide a direct link between the open space areas to the west of the quarry and SH1 to the east, on the width of such a corridor and on the habitat it might provide. Mr Fuller believes the only way to appropriately mitigate for the likely impact of the quarry expansion on avifauna is to set aside a block of the bed of the quarry to provide a stepping stone from Tyers Reserve to the North face of Ngauranga Gorge. In contrast Dr van Meeuwen-Dijkgraaf notes the bird species found in the wider area are known to travel considerable distances to reach preferred food sources. It is her opinion that a small loss of area of indigenous vegetation will not significantly reduce connectivity for these species.
- 3.66. Although the plans we were provided do not show Stage 2 of the Southern Face development, we were informed by Mr Lister that the bank adjacent to SH1 to return along the south east quarry boundary (Ormiston Associates drawing 3655-SR30<sup>2</sup>) that would provide a continuous corridor even during quarrying. In his opinion, enrichment planting could be extended across this area that would have both landscape and ecological benefits for both landscape reasons and ecological connections.
- 3.67. We heard from ecologists and landscape architects from the Applicant and Council regarding the virtues of direct transfer of existing vegetation onto the upper benches of the cut face, planting onto the slopes above the working quarry face and the use of exotic and native vegetation for revegetation.
- 3.68. Dr van Meeuwen-Dijkgraaf supports the use of indigenous site plants and soil as a form of mitigation. It is her opinion that direct transfer would retain elements of the original ecosystem, including important soil microbes and that should some or all of the direct transfer areas fail, the site topsoil will remain and could be replanted in a more conventional manner. Mr Fuller does not believe direct transfer can be relied upon as mitigation in the rehabilitation of the upper benches the Southern Face quarry. His views are supported by Mr Evans who cites his direct experience with revegetation on cut faces within the Ngauranga Gorge.
- 3.69. There is agreement between Dr van Meeuwen-Dijkgraaf and Mr Lister on the benefits of assisting natural regeneration of the hillside around the perimeter of the quarry face. In contrast Mr Fuller sees problems with establishing such vegetation based on failure of field trials to date.
- 3.70. While there appeared to be disagreement with regard to the use of exotic plant species for mitigation, the ecologists agreed that exotic plant species can be used in the remediation process if they have a useful role to fulfil (such as screening), but should not count towards the mitigation for the loss of ecological values.
- 3.71. The wider divergence lay in the issue of site rehabilitation. Mr Fuller's opinion was that site rehabilitation was largely unconsidered as a mitigation option. Dr van Meeuwen-Dijkgraaf noted that the Mitigation Options report sets out options that could commence immediately upon the start of quarrying to mitigate for the loss of indigenous vegetation and habitat from the site, and the Quarry Management Plan

<sup>2</sup> Gavin Lister. Evidence 7.3 (b)

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- would be the appropriate mechanism for considering rehabilitation and landscape mitigation planting.
- 3.72. Finally, Mr Fuller urged the panel to consider integrated ecological and landscape mitigation, which would include the potential for remediation and rehabilitation across the entire Kiwi Point Quarry site as part of the wider mitigation package over the life of the Quarry.
- 3.73. GWRC made a submission that conditionally supported the Proposed Plan Change based on its consistency with Policy 60 of the RPS: *Utilising the region's mineral resources* but sought further consideration of how the Plan Change will support and contribute to achieving the integrated management of natural and physical resources in the Wellington region.
- 3.74. By end of hearing it was clear that a number of issues raised by GW had been clarified or addressed through the pre-hearing discussions, leaving two major areas of disagreement.
- 3.75. Dr Wyman expressed a preference for off-site mitigation on other coastal escarpment corridors. We were told that mitigation and offsetting at more remote locations significantly reduces the benefit to the Kiwi Point Quarry site. However Mr Daysh informed us that because the Plan Change is a WCC driven process, adjacent WCC land such as Tyers Reserve, Imran Terrace/Maldives Street Reserve and a WCC site on the eastern side of Ngauranga Gorge, south of Glover Road, can be made available for the mitigation and offsetting activities.
- 3.76. Greater Wellington Regional Council indicated that the mitigation proposed in Plan Change 83 is considerably less than the “ideally at least three times larger” suggested. Dr Wyman told us they would like to see an increase in the mitigation proposed to align more closely with a nominal 3:1 ratio.
- 3.77. Dr van Meeuwen-Dijkgraaf told us the Wildlands November 2018 Mitigation Options report sets out a potential mitigation solution that exceeds the 3:1 ratio for mitigation and integrates with stream and riparian rehabilitation. She expressed her concerns about embedding mitigation and offsetting ratios in policy when these should be dealt with through resource consents. She noted that “*all mitigation ratios need to be considered relative to the vegetation or habitat that is potentially affected, and the potential risk of not achieving the predicted outcome, including current restoration knowledge and techniques. Embedding a ratio in a policy has the risk that this will be considered the default ratio and will therefore be used henceforth whether or not it is appropriate.*”<sup>3</sup>
- 3.78. Furthermore, 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.
- 3.79. In his evidence, Mr Fuller supported the revised Wildlands Mitigation Options proposals and is satisfied that sufficient mitigation is available to ensure no net loss and that the 3:1 mitigation ratio is achievable.
- 3.80. Mr Norton (Submitter 7) was concerned that adequate mitigation options have not been identified. Submitters 8 (Jan Brydges-Jones), 20 (Brad and Nicola Young), 26 (Sarah Pennel), 29 (Silvia Rudzki and John Savage), and 36 (Angela Garty) have

<sup>3</sup> Dr van Meeuwen-Dijkgraaf. Paragraph 3.6 Supplementary Evidence 7 December 2018.

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raised concerns that the Proposed Plan Change will have adverse environmental effects, including the loss of indigenous forest vegetation, and reduced habitat for fauna.

*Discussion and Findings*

- 3.81. In respect to aquatic ecology, we find that this issue is outside the scope of this Plan Change. From a Plan Change 83 perspective, we acknowledge that the QMP applies across regional and district jurisdictional boundaries and therefore it is appropriate that it address both terrestrial and aquatic issues.
- 3.82. The Plan Change provisions for PC83 need not specifically address the aquatic environment as this is not part of the rezoned land and is within land already zoned for quarrying.
- 3.83. It is noted however that as the land is owned and controlled by WCC, then nothing stops the quarry operator preparing a QMP which combines its consent requirements under the GWRC and WCC consent requirements.
- 3.84. In regard to the need for a fauna corridor, regardless of the differences between Dr van Meeuwen-Dijkgraaf and Mr Fuller, we accept that there is potential for a continuous west-east connection across the Southern Face site which could be maintained and enriched even during quarrying. While it is a smaller scale corridor than that requested by Mr Fuller, we recommend that this option is explored in the future RC application.
- 3.85. In respect to the mitigation measures and the disagreements between experts, the hearing panel need only be satisfied that the PC83 provisions are appropriate to ensure that the ecological effects and mitigation measures are considered during the resource consent process. Much of the discussion and disagreement in the hearing has the “flavor” of debating a resource consent.
- 3.86. In relation to our role in the Plan Change process, we are satisfied that the PC83 provisions will adequately be addressed through the Plan Change provisions as recommended.
- 3.87. The panel endorses the collaborative process of design and revisions to resolve issues raised in submissions. Dr van Meeuwen-Dijkgraaf has established that there is a range of mitigation options within the quarry site and on Wellington City Council-owned land close to the quarry to mitigate the potential ecological effects associated with further development of this quarry and that these options can achieve at least the required 3:1 mitigation ratio. The establishment of a specific provision requiring a 3:1 mitigation ratio is a matter left to the resource consent process and the information submitted with the application.
- 3.88. There are separate accounting systems for ecological mitigation and for site rehabilitation. However it is our understanding that site rehabilitation and landscape mitigation planting will provide additional ecological benefits, but most of these benefits will occur at some future date as parts of the quarry no longer required are rehabilitated. The Plan Change requires that the QMP contains measures for site rehabilitation and landscape mitigation planting that will provide additional ecological benefits above and beyond the mitigation that is required to commence at the start of the quarrying operation. The QMP also contains provision for a timetable and associated budget for rehabilitation of quarry faces, as well as processes for monitoring the effectiveness of rehabilitation measures and contingency plans to improve measures shown to be ineffective. In short, it is our opinion that the Plan

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- Change has sufficient teeth to ensure that on-going ecological mitigation and site rehabilitation have adequate funding and will be undertaken in a timely fashion, starting before the quarry is closed.
- 3.89. Beyond this, the refinement and detail of the proposed ecological and landscape mitigation options are outside the scope of this Plan Change. Ecological mitigation will be addressed through the Ecological Survey and Restoration Plan for the wider quarry site to be submitted with an application for resource consent for the Kiwi Point Quarry Southern Face and incorporated into the QMP.
- 3.90. With regard to the concerns of Dr Wyman over the loss of coastal habitat, we acknowledge that increasing the area of coastal escarpment habitat is preferred over enhancing existing habitat but accept advice from Council that there are no other nearby coastal escarpment areas that could be planted up as they already have existing valued forest cover or are privately owned residential or commercial sites. We agree with Dr Wyman that the two mitigation sites included in the Wildlands Mitigation Options report should be included in the Plan Change document. Plan Change 83 has been amended to include specific reference to Tyers Reserve and the Ngauranga Scenic Reserve Lot 3 DP63927 at 3.2.2.18 in provisions for the Ecological Survey and Restoration Plan.
- 3.91. Mr Fuller made a recommendation that fell outside the scope of this Plan Change with regard to long term protection for areas of open space and replanting outside the quarry working face. Mr Daysh outlined at the hearing that the WCC City Strategy Committee has resolved in February 2018 to place Reserves Act protection on the areas to be rehabilitated but the process will be undertaken under a separate piece of legislation.
- 3.92. The Mitigation Options report was revised since submissions were made in May 2018 with an increased range of potential mitigation options that in turn will be used to inform the Quarry Management Plan that will be required as a condition of a Resource Consent. There is agreement between Mr Fuller, Dr van Meeuwen-Dijkgraaf and Mr Cameron that the method proposed for managing ecological effects through an Ecological Survey and Restoration Plan is the most appropriate method for managing such effects.
- 3.93. The panel agrees that the Plan Change has addressed all potential ecological effects and has measures that provide for appropriate mitigation options.
- 3.94. With regard to integrated ecological mitigation and site rehabilitation, the panel agrees with the experts that mitigation is most effective when ecological and landscape and visual issues are dealt with as a package, and not 'siloed'. We are confident the Plan Change provides for the QMP to consider integrated ecological and landscape mitigation and encourages mitigation that provides dual landscape and ecological benefits while still maintaining separate budgets for essential ecological mitigation.
- Issue 4: Noise**
- Issue identification*
- 3.95. The Plan Change will facilitate the extension of the quarry activity which will have potential noise effects on the surrounding area, in particular the local residents. This section focusses on issues relating to the generation of noise and the impact on the local amenity arising from the proposed Plan Change.

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- 3.96. A number of submitters have raised concerns relating to the potential noise effects. These include submitters #4, 7, 12, 13, 18, 24, 26 and 32.
- 3.97. We heard from Anthony Norton (Submitter #7), Jan Brydges Jones (Submitter #8), Carol Mundell (Submitter #13) and Brian Stapleton (Submitter #18) that they experienced a range of noise effects that included the blasting, sirens, the operations of vehicles and machinery which was operating under the current District Plan provisions. The submitters expressed a view that these existing effects were adverse on their residential amenity.
- 3.98. During the hearing we heard from Mr Ormiston in respect to noise effects on behalf of the Applicant. Mr Ormiston acknowledged that he was not a noise expert, however he had attached the noise monitoring report from Marshall Day Acoustics to his evidence. The summary of his evidence was that the operation of the existing quarry was such that noise monitoring had confirmed that the existing operation complied with the existing Noise Standards that applied to the site.
- 3.99. The committee heard from Mr Ryan Cameron, who appeared on behalf of the Council. Mr Cameron is a qualified noise expert who is employed by Wellington City Council. Mr Cameron advised that he had reviewed the submissions made on the Plan Change in respect to noise. In his view, the level of concern expressed in the submissions was not apparent in the complaint history. Mr Cameron advised that WCC received/attended some 6000 noise complaints per year, however only 3-4 of those related to the quarry and activity around the site.
- 3.100. Mr Cameron was clear in his opinion that the proposed noise provisions were appropriate to manage noise effects in the future.
- 3.101. The hearing panel was advised however, that the noise of blasting, was not included in the standard assessment of noise as its characteristics were “impulsive”. The blasting noise effects required “special attention”.
- 3.102. Mr Cameron advised the panel that there needs to be reasonable noise standards in place to allow activity to take place. In some circumstances, if the noise is audible, the receptors of that noise may automatically consider the effect to be adverse, however that level of noise might be deemed reasonable by other parties.

*Discussion and findings*

- 3.103. The hearing committee note the submitter concerns to the noise being generated by the existing quarry (and hence potentially the likely effects from the future quarry operation). It is also noted that the expert evidence/reports from acoustic engineers/noise experts have provided information that indicates that the noise generated by the quarry, most likely complies with the District Plan provisions as they currently stand.
- 3.104. That existing activity is within the Business 2 Area. The hearing panel notes that the existing provisions of the Business Areas contain noise standards which are under standard 34.6.1.1. If the rezoning is accepted, these new provisions would apply to the rezoned land.
- 3.105. The site already contains activity which is not related to the quarry operation. The hearing panel notes that if quarry operations were to cease these activities would continue and it is also likely that other industrial/commercial activity would take the place of the quarry. This activity could have noise effects which are similar to the quarry activity except in relation to blasting.

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- 3.106. A feature of the current rezoning proposal is that the quarrying area maintains a buffer area which would assist in reducing the potential noise effects on the residential properties adjacent, and ensure that the future effects comply with the District Plan requirement.
- 3.107. The current DPC83 standards adopts the existing Business Area provisions of the District Plan. These would apply to the future quarry operation. It is however noted that Mr Jones, the S42A reporting officer in their report to the hearing, has recommended changes to the 'as notified' DPC83 provisions<sup>4</sup>.
- 3.108. Essentially those changes include insertion of a new Controlled Activity standard 34.2.3.6 which requires that the future resource consent for quarrying on the site must consider the measures necessary to manage noise and vibration from blasting activities plus at 3.2.2.18 a separate requirement for an Acoustic Report to be submitted with an application for a resource consent that includes a description of all anticipated noise sources, measures to be adopted to ensure activities comply with relevant standards and measures to be adopted to ensure impulsive noise and vibration effects are not unreasonable.
- 3.109. It is the panel's view that it is appropriate that these amendments be adopted, particularly in light of the fact that Mr Cameron has advised that blasting would not fall within the 'normal' range of noise activities assessed in the District Plan and existing noise measurement standards.
- 3.110. It is also the panel's expectation that any resource consent application would need to include noise predictions, future monitoring of noise from general activity. The adoption of these provisions would be an appropriate way to manage the noise effects to protect residential amenity of neighbours and allow for reasonable use of the land in future.

**Issue 5: Dust Generation***Issue identification*

- 3.111. The Plan Change will allow the extension of the quarry operation and this has the potential to generate a dust nuisance for existing commercial and residential properties within the vicinity of the site. This has potential effects on these activities.
- 3.112. A total of 16 submitters identified dust generation from the quarry activity as an issue.
- 3.113. During the hearing we heard from the Onslow Residents' Community Association (submitter #32), Brian Stapleton (submitter #18), Carol Mundell (submitter #13) and Anthony Norton (submitter #7) who all raised their concerns at the dust effects from the extension of quarry activity in the vicinity of Kiwi Point Quarry.
- 3.114. We also heard from Mr Doug Boddy of Pattle Delamore Partners who is an Air Quality Scientist.
- 3.115. Mr Boddy presented a summary of his evidence at the hearing. In his evidence, Mr Boddy had confirmed that the proposed extension of the quarry would have a 'slight adverse' effect within the surrounding community<sup>5</sup>.

<sup>4</sup> S42A Report – See paragraph 4.13, page 30

<sup>5</sup> Statement of Evidence of John William Douglas Boddy – Page 14, paragraph 6.15.

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- 3.116. The hearing panel have noted that the 'as-notified' Plan Change, will make quarrying on the subject site a Controlled Activity if compliance with the standards in 34.6.1 (activities) and 34.6.2 (buildings and structures) is achieved.
- 3.117. The standards in 34.6.1 include the standards under 34.6.1.11 which relate to dust. A dust nuisance is defined under 34.6.1.11.1 as:
- There is visible evidence of suspended solids in the air beyond the site boundary; or
  - There is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site or water.
- 3.118. These are existing provisions under the Business zone and they are not matters which are the subject of this Plan Change.
- 3.119. The Controlled Activity provisions of the PC83 require compliance with the above standards and would be difficult to achieve in practice.
- 3.120. The structure of the proposed rules, requires a prediction that compliance will be achieved. Mr Boddy responded to questions on this issue and was of the view that compliance could be achieved, however his evidence had concluded that the potential effects overall would be slightly adverse.
- 3.121. The hearing panel notes that the PC83 provisions are such that failure to achieve compliance with a standard results in the future resource consent defaulting to a Discretionary Activity.
- 3.122. It is noted that Mr Jones as S42A officer and Mr Daysh as Plan Change proponent, have both recommended that additional provisions be included in the PC83 provisions addressing the effects of dust.
- Discussion and findings*
- 3.123. We accept the submissions from residents that they experience a dust nuisance.
- 3.124. The hearing panel also accept the evidence of Mr Maddern that the existing quarry operation could be managed better to improve its effects on the local area.
- 3.125. The panel further notes that the existing quarry operates under a permitted activity rule. No consent has been required to operate the quarry and therefore the operation was not subject to the 'scrutiny' of a consent process.
- 3.126. We note that there are ambiguities in the District Plan provisions and these will make the determination of the activity classification in future difficult. Mr Boddy's evidence was that the dust effects are "slightly adverse" which would suggest that the permitted standards under 34.6.1.11.1 would not be met and therefore any activity would have to be assessed as a discretionary activity. The panel has therefore recommended that the requirement to comply with the dust permitted activity standard be deleted from the site specific rules, to allow the activity to in future be assessed as Controlled Activity.
- 3.127. Dust control measures however remain an important requirement of the Controlled Activity rule and the QMP will require dust control measures to be considered as part of the resource consent.
- 3.128. The recommended amendments to the PC83 provisions suggested by Mr Jones and Mr Daysh are both adopted by the hearing panel and will be included in the recommended new provisions of the Plan Change.

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**Issue 6: Vibration and blasting effects***Issue identification*

- 3.129. The proposed Plan Change will extend and facilitate additional quarry activity at the Kiwi Point site and this will result in blasting being undertaken in the quarry management processes.
- 3.130. We heard evidence from Mr Darcy Maddern for the Applicant for the Plan Change who described the process for blasting and notification of activity to businesses and residents in the local area.
- 3.131. The hearing panel also heard expert evidence of the monitoring of blasting effects.
- 3.132. A number of submitters<sup>6</sup> have raised concerns specifically in relation to vibration and blasting effects.
- 3.133. During the hearing we heard from submitters Jan Brydges Jones (submitter #8) and Carol Mundell (submitter #13) who were particularly concerned at the effects of the vibrations on their property and likened the effects to small earthquakes.
- 3.134. The hearing panel heard from WCC Noise expert Ryan Cameron who explained that the noise generated from blasting was not controlled by the applicable standard noise monitoring standards applied in the District Plan.
- 3.135. The submitters generally were concerned that there was a lack of communication on blasting and subsequent activities.
- 3.136. The panel asked submitters if they would be interested in participating in a community liaison group, with blasting and notification being one of the issues to be addressed. No submitter expressed an interest in participating in such a group.

*Discussion and findings*

- 3.137. The hearing panel finds that the blasting is a real concern to residents in the surrounding area and a potential danger to business in the immediate area of the quarry.
- 3.138. The submitters made it clear that there were issues with blasting communication and in particular that the existing provisions for the existing quarry operation could be improved.
- 3.139. The proposed provisions of the District Plan and in particular the QMP, will allow the assessment of future effects of blasting and vibration.

**Issue 7: Stability Effects***Issue identification*

- 3.140. The proposed rezoning and Plan Change will facilitate quarrying activity which will result in excavations on steep slopes.
- 3.141. Twelve submissions<sup>7</sup> have raised concerns about the effects of the quarry on land stability around the quarry.

<sup>6</sup> Submitters #3, #8, #10, #12, #25 and #31.

<sup>7</sup> Submitters #7, #8, #10, #12, #18, #20, #23, #24, #25, #26, #29 and #33.

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- 3.142. During the hearing, the hearing panel heard submissions from Anthony Norton (submitter #7), Jan Brydges Jones (submitter #13) and the Onslow Residents' Community Association (submitter #32) who were concerned with short and long term stability of the proposed quarry faces. Some suggestions were made that benchmarks should be monitored on certain properties and records of settlement recorded.
- 3.143. The panel members have been presented with expert evidence from Alexander Ormiston on behalf of the Applicant. Mr Ormiston, further to his statement of evidence, described the benching design process for the quarry, the Factor of Safety (FOS) recommendations and benching design that would be undertaken before the QMP was finalised.
- 3.144. Mr Ormiston confirmed that whilst his evidence stated there was potential for individual batter slopes to fail in the ultimate state (1 in 500 year earthquake)<sup>8</sup> he was not concerned about deep seated instability on this site.

*Discussion and findings*

- 3.145. Overall, the hearing panel accept the expert evidence that deep seated instability is unlikely to be encountered with the implementation of good quarry management practices, such as appropriate benching and battering of the slopes.
- 3.146. The design and layout of the quarry is to be addressed in the QMP and the potential effects on neighbouring landowners is further reduced by the proposed residential area setbacks or buffer requirements.
- 3.147. The amended provisions provided in Appendix 3 improve the outcomes of the as-notified provisions.

**Issue 8: Traffic Effects**

*Issue identification*

- 3.148. Submissions have raised the potential traffic effects from the extension of the quarry<sup>9</sup>.
- 3.149. The hearing panel received a hearing statement from the NZTA (submitter #34) which essentially asked for the appropriate management of traffic and accepted that the traffic effects were acceptable on SH1.
- 3.150. The hearing panel heard from traffic engineer Tim Kelly who advised that quarry traffic accounted for 4% of heavy vehicle traffic entering SH1 and that the gorge accommodated 37,000 vehicles per day.

*Discussion and findings*

- 3.151. The hearing panel found that traffic effects could be satisfactorily addressed by the proposed provisions of the Plan Change, specifically those contained in the QMP.

**Issue 9: Wind Effects**

*Issue identification*

<sup>8</sup> Evidence of Alexander Ormiston, page 15 paragraph 9.7

<sup>9</sup> Submitters #18, #24, #30 and #34.

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- 3.152. Two submissions have raised the issue of potential wind effects from the alteration of the landform<sup>10</sup>.
- 3.153. The hearing panel received a hearing statement and heard from wind expert Mike Donn.
- 3.154. Mr Donn explained that in his view, the terrain modification was unlikely to cause any effects to wind speeds outside of the site i.e. these effects were not likely to reach the adjoining residential properties.
- 3.155. Mr Donn also advised that the terrain modification was unlikely to have a more than minor effect on wind speeds.

*Discussion and findings*

- 3.156. The hearing panel accept the expert evidence that there is a low probability of increased wind speeds as a result of landform modification. The panel also accept that in the unlikely event that any effects do occur, any reduction in local residential amenity will be less than minor.
- 3.157. No changes to the provisions of the Plan Change are required in relation to the potential wind effects.

**Issue 10: Other Matters***Issue identification*

- 3.158. Submitters have raised a number of issues, which would fall into the category of 'Other Matters'. These include:
- Effects on property values
  - Light pollution
  - The existing quarry effects
  - Odour from the abattoir
  - Community liaison
- 3.159. Effects on property values are already considered in the overall assessment of the effects of the Plan Change. Case law has determined that to consider property values as an additional adverse effect above the matters already discussed above is double counting of the effects.
- 3.160. The light pollution raised by submitters is caused by other activities rather than quarrying.
- 3.161. The provisions of the Plan Change do not relate to the existing operation and do not affect how that operation is carried out.
- 3.162. The abattoir acts independently from the quarry.
- 3.163. It is evident to us that existing lines of communication are unsatisfactory. Local residents and businesses need a dedicated contact for information and complaints.

We agree with Mr Daysh that there is no need for a Community Liaison Group to be formalised within the Plan Change. However we are strongly of the view that there is a need for local residents and businesses to be kept informed. Clear lines of communication should be established between the quarry and the wider community, whatever form that may take. Given modern technology, anyone who wishes to be

<sup>10</sup> Submitters #26 and #29.

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given advance warning of blasting can be contacted easily and quickly and we recommend anyone who considers themselves to be affected and wishes to be notified in advance of blasting be placed on the list.

We have accepted the change recommended to the provisions by Mr Jones, the S42A reporting officer, in respect to community liaison practices in the QMP.

**Summary of Issues**

- 3.164. Analysis of the issues above, including the unchallenged expert evidence clearly establishes that it is an important requirement for the city to have quarry supplies. The current site is one of a very limited number of locations where quarrying is being undertaken and all have limited lifespans.
- 3.165. It is difficult to identify alternative locations where a quarry could be approved.
- 3.166. The existing quarry has a number of positive aspects including its location close to the demand and in close proximity to the state highway.
- 3.167. The hearing panel have reached the opinion that the Plan Change will potentially impose adverse effects on the local community by extending the quarry activity.
- 3.168. It is relevant that sources of quarry products are a necessity for the city and the lack of identified alternative locations in part, supports the approval of an extension of activity at this site, despite the potential adverse effects.
- 3.169. The hearing panel were of the view that the mitigation measures required to be implemented by the quarry operator, needed to be set at the highest practicable level, in part to 'compensate' the local community for having to experience other adverse effects which were difficult to fully mitigate, such as the visual and landscape effects on the batter faces.
- 3.170. The hearing panel were of the view that the ecological and other landscape works will be required to be completed to a high standard. The neighbouring properties should not be inconvenienced by dust, noise or vibration effects which will also need to be controlled to a high standard. The provisions will require detailed review of the potential effects during the resource consent process.
- 3.171. The hearing panel also note that the existing quarry operating at Kiwi Point, was established under a Permitted Activity rule. The current PC83 provisions will require at minimum, a Controlled Activity consent and therefore all aspects of the proposal will be assessed and a measure of control put in place to ensure that the relevant standards are met. This will in the hearing panel's view, increase the level of scrutiny and potentially the performance of the quarry operator in future in terms of mitigating effects.
- 3.172. For the reasons set out above, we consider the annotated provisions in **Appendix 3** are more effective at achieving the settled and proposed objectives of the Plan than the notified provisions. Greater clarification and certainty of anticipated outcomes have been incorporated into the rules to ensure the future consent process for development is as efficient as possible.
- 3.173. Accordingly, we consider the provisions as amended in **Appendix 3** are the most appropriate to achieve the objectives and policies of the Plan.
- 3.174. Submissions for or against the proposal, were accepted or rejected on the basis of their consistency with the overall conclusions of the hearing panel.

**4.0 STATUTORY CONSIDERATIONS****Assessment**

- 4.1. Drawing on consideration of the plan change material, the submissions and further submissions, and the evidence presented, this part of our report addresses the statutory requirements we outlined at section 3 above.
- 4.2. We have adopted a thematic approach to presenting our findings in this respect.

*Are the proposed objectives the most appropriate way to achieve the purpose of the Act?*

- 4.3. As noted at the outset of section 3 above, the 'objectives' to be assessed against Part 2 of the Act in this case are the goals of the Plan Change to:
- (a) Specifically recognize the importance of quarry aggregates at Kiwi Point for the city's growth and development;
  - (b) provide for the sustainable management of the site; and
  - (c) avoid, remedy or mitigate adverse effects.
- 4.4. In our view, the objectives of the Plan Change are the most appropriate means to achieve the Act's sustainable management purpose in respect of future development of Kiwi Point Quarry.
- 4.5. In particular, the objectives facilitate the extension of quarry activity while requiring potential adverse effects to be considered and addressed during a resource consent process.

*Are the provisions the most appropriate way to implement the "objectives," having regard to their efficiency and effectiveness, actual and potential environmental effects and reasonable alternatives?*

- 4.6. As set out under our preamble in section 3 of this report, there is an unavoidable 'tension' between the outcomes of seeking to provide for the provision of quarry supplies and potential future effects.
- 4.7. The proposed Plan Change provisions increase the efficient use of the Kiwi Point Quarry site.
- 4.8. If the Plan Change were not to proceed, the impact on aggregate supplies in the city would be almost immediate as the capacity of the site under the current District Plan has been reached. There will therefore be economic costs which occur which will be imposed on the building and construction industry of the city.
- 4.9. There is considerable economic value in the existing plant.
- 4.10. None of the expert evidence presented at the hearing has identified any alternative locations for quarry activity to replace the Kiwi Point site. The evidence has suggested that it would be a minimum 10 year lead in time for a new quarry to be established.

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- 4.11. On the other side of this Plan Change are the potential adverse visual and ecological effects to be experienced by the local residential community. The expert evidence was again that the effects were potentially significant.
- 4.12. When balancing the competing interests, the fact that there is no alternative location for the quarry activity is the deciding factor in terms of supporting the Plan Change.
- 4.13. The provisions seek to ensure that the potential effects are minimized. They cannot however be avoided. The hearing panel have reached the position that the effects will be acceptable.

*Is the Plan Change designed to accord with, and assist the Council to carry out its functions so as to achieve the purpose of the Act?*

- 4.14. PC83 involves the establishment of objectives, policies, and methods to achieve integrated management of the effects of the use, development of land and associated natural and physical resources of Wellington City. Further, the Plan Change will manage the actual or potential effects of the use, development of land.
- 4.15. Accordingly, we find that the Plan Change is designed to accord with and assist the Council to carry out its s31 functions.

*Does the Plan Change give effect to any national policy statement (NPS) or New Zealand Coastal Policy Statement (NZCPS)?*

- 4.16. The NZCPS is not relevant to the Plan Change.
- 4.17. The National Policy Statement for Urban Development Capacity (UDC) is considered to be indirectly relevant to the proposal. The efficient and economic supply of aggregates is necessary for the housing and construction industry. The adoption of PC83 would be consistent with the UDC.

*Does the Plan Change give effect to the Regional Policy Statement?*

- 4.18. The Regional Policy Statement (RPS) has a number of relevant objectives and policies. The objectives and policies are fully outlined in the S42A report<sup>11</sup>.
- 4.19. In particular we note Objective 1 seeks to ensure:  
Discharges of...dust to air do not adversely affect amenity values and people's wellbeing.
- 4.20. The proposed Plan Change is consistent with Objective 1 and will ensure that dust discharge is appropriately controlled so as not to affect amenity values and people's wellbeing.
- 4.21. Policy 1 of the RPS requires District Plans to include policies that discourage location of new uses to be established adjacent to sensitive receiving environments. For this site and activity, the extension of existing activities can potentially be deemed inconsistent with the Policy. This then has the potential to create inconsistency with other objectives and policies of the RPS. In this case, the PC83 provisions incorporate setbacks from residential activity and appropriate provisions which ensure consistency with the overall intent of the RPS.

<sup>11</sup> S42A Report dated 19 November, Pages 21-25

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- 4.22. Objective 10 of the RPS states:
- The social, economic, cultural and environmental benefits of regionally significant infrastructure are recognised and protected.
- 4.23. SH1 network is a regionally significant piece of infrastructure. The existing and proposed extension of the quarry connects to this infrastructure. The Plan Change will recognise and extend the efficient use of this infrastructure for the city.
- 4.24. Policies 7, 8 and 39 are related to Objective 10 and seek to have District Plans to recognize regionally significant infrastructure. PC83 directly achieves those policies.
- 4.25. Objective 16 of the RPS states:
- Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.
- 4.26. The existing biodiversity of the site does not meet the status of being significant from a regional standard, nonetheless PC83 provisions will meet the requirements of Objective 16 of the RPS in terms of restoring the existing values around the site of the Kiwi Point Quarry.
- 4.27. The relevant policies of the RPS are policies 23, 24 and 47. These seek to recognise significant ecosystems and indigenous biodiversity, and to protect these areas from inappropriate use of development. The policies seek to protect these areas from inappropriate use and development. As already discussed above, the site does not necessarily contain regionally significant ecosystems and biodiversity areas therefore the policy is not particularly relevant. However the wider overall intentions of the RPS in terms of promoting biodiversity and ecosystem development are maintained by PC83 provisions.
- 4.28. Objective 31 of the RPS states:
- The demand for mineral resources is met from resources located in close proximity to the areas of demand.
- 4.29. The extension of Kiwi Point Quarry operations is entirely consistent with RPS Objective 31.
- 4.30. Policy 60 is related to this objective. Policy 60 requires “*particular regard*” to the “*social, economic and environmental benefits from utilising mineral resources within the region.*”
- 4.31. PC83 will implement Policy 60.
- 4.32. Overall the proposed PC83 provisions are consistent with the RPS and put that document into effect.
- 4.33. No inconsistencies have been identified with other Regional Plans including the Proposed Natural Resources Plan.
- What (if any) regard should be given to relevant management plans and strategies under other Acts?***
- 4.34. No other management plans or strategies have been identified as being relevant.

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**Summary**

- 4.35. In summary, we conclude that when assessed against the relevant statutory framework and the individual elements produced under that framework, PC83 as amended in Appendix 3 is the most appropriate outcome for the site.

**5.0 SECTION 32AA ANALYSIS**

- 5.1 Section 32AA(1)(a) of the Act, requires an analysis of the changes made to PC83 since the original s32 report be prepared for the plan change. The analysis is to be undertaken in accordance with sections 32(1) to (4) of the Act.

- 5.2 The hearing panel is also aware of section 32AA(1)(c) that states that there is a requirement to undertake the S32 analysis to a level of detail that corresponds to the scale and significance of the changes.

- 5.3 The amendments to the provisions (attached as Appendix 3) are summarized as follows:

- Changes to the text relating to Policy 33.2.2.7 discussing the quarry mitigation and restoration plan.
- Amendment to text of Policy 33.2.2.7 including matters to be included in the quarry management plan
- Exclusion of dust as a matter of compliance that needs to be complied with under the Controlled Activity Rule 34.2.3.
- Inclusion of a specific matter of control into Rule 34.2.3 to include the need for aggregates and quarry supplies.
- Specific inclusion into the matters to be included in the quarry management plan relating to noise, vibration, slope stability and dust.

- 5.4 In relation to the scale and significance of the changes, the hearing panel note that the amendments made to the plan change since the preparation of the S32 report and then the notification of the plan change, do not alter the intent of the original plan change to any significant degree.

- 5.5 The changes that do occur, are essentially clarifications of matters to be considered in the 'mechanics' of the policies and rules, together with the removal of potential ambiguities as to what was originally intended.

- 5.6 The overall conclusions of the s32 report remain valid. The recommended option for future quarrying of the site remains the same.

- 5.7 The above changes to the as-notified provisions have been introduced to specifically address matters raised in submissions or during the hearing. The changes will better implement the wider objectives and policies of the District Plan and the purpose of the Act.

- 5.8 The amendments will not impose a greater or lesser level of restriction on activity, than was proposed under the original 'as notified' provisions.

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**6.0 OVERALL RECOMMENDATION**

6.1 Based on our consideration of all the material before us, including the section 42A report from the council advisors, submissions, further submissions, evidence presented at the hearing and following consideration of the requirements of Section 32 and other relevant statutory matters, we make the following statutory recommendations to the Council:

- (a) That the Plan Change be accepted as amended in **Appendix 3** and that all submissions on the Plan Change be accepted or rejected to the extent set out above (and summarised in **Appendix 1**); and
- (b) That pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, Council give notice of its decision on submissions to Plan Change 83.

Proposed Change 83

Hearing Panel Report & Recommendation

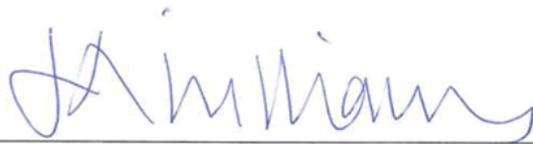
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DATED AT WELLINGTON THIS 15TH DAY OF APRIL 2019



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Alick Shaw  
Commissioner (Chair)



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Julia Williams  
Commissioner



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Ian Leary  
Commissioner

Proposed Change 83

Hearing Panel Report & Recommendation

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**APPENDIX 1**  
Panel recommendations on relief sought by submission

<b>DPC 83 Submission No.</b>	<b>Name</b>	<b>Support / Oppose</b>
1	Vincent Keating	Support
<b>Submission relates to:</b>	The expansion of the south face of the quarry.	
<b>Summary submission points</b>	The submitter states support for option 4 for future use.	
<b>Summary relief sought</b>	Not stated	
<b>Recommendation</b>	Accepted	
2	Rob Suisted	Oppose
<b>Submission relates to:</b>	<ul style="list-style-type: none"> <li>• The rezoning on the southern side of Kiwi Point Quarry from Open Space B to Business 2</li> <li>• The standards relating to the quarrying of the expanded site</li> </ul>	
<b>Summary submission points</b>	<p>1. Impacts of dust from the quarry in particular:</p> <ul style="list-style-type: none"> <li>• the ability to contain the dust within the quarry boundary</li> <li>• the impacts of dust on the submitter's property and photography equipment</li> <li>• the impacts of dust on human health</li> <li>• increase in dust due to the direct line of sight and prevailing wind direction</li> <li>• odour problems from the abattoir on site</li> <li>• the expansion of business activity, which is not desirable around the new areas of housing development around the site</li> <li>• visual effects of the new south face of the quarry as the submitter feels it will be an 'eyesore' as the gateway into Wellington City, and will be a visual contradiction to the environmental values we hold dear, and are developing, in Wellington.</li> </ul>	
<b>Summary relief sought</b>	<p>The submitter seeks the following decision from Council:</p> <ol style="list-style-type: none"> <li>1. The submitter opposes the rezoning of the South face from Open Space B to Business 2.</li> <li>2. If the rezoning is approved the submitter requests that: <ol style="list-style-type: none"> <li>a. stringent controls are placed on quarrying activities based on stipulated and monitored wind speed. Any activity likely to put particulate matter into the air must be halted at moderate or greater wind speeds.</li> <li>b. comprehensive monitoring of airborne particulate matter at the boundary of the quarry should be established, at a minimum of the prevailing wind direction sectors</li> <li>c. analysis of the mineral content of the Kiwi Point airborne dust particles is carried out with particular regard for long term impacts on human health</li> </ol> </li> </ol>	
<b>Recommendation</b>	<p>Accept in part</p> <p>Amendments have been proposed to improve mitigation and remediation of visual effects, and to ensure the gateway values of the area are taken into account.</p>	

DPC 83 Submission No.	Name	Support / Oppose
3	Geraldine Keith	Oppose
<b>Submission relates to:</b>	Not stated	
<b>Summary submission points</b>	<p>1. The submitter understands that the Council needs aggregate for future development, but suggests that the Council relocate the quarry away from residential houses.</p> <p>2. The submitter has concerns relating to the vibration effects (blasting) from quarry operation as:</p> <ul style="list-style-type: none"> <li>• the submitter states that blasting at the quarry causes the submitter's house to shake</li> <li>• there is no prior warning for these 'blasts'</li> <li>• the submitter believes these 'blasts' have cause damage to their property over the years.</li> </ul>	
<b>Summary relief sought</b>	Not stated	
<b>Recommendation</b>	<p>Accept in part</p> <p>Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects.</p>	
4	Johnathan Austin	Oppose
<b>Submission relates to:</b>	<ul style="list-style-type: none"> <li>• Rezoning of an area on the southern side of Kiwi Point Quarry from Open Space B to Business 2.</li> <li>• Introduction of 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.</li> <li>• Introduction of a new controlled activity rule that applies to the rezoned southern face expansion area.</li> </ul>	
<b>Summary submission points</b>	<p>1. The submitter feels Council has not engaged in genuine consultation with local residents on this issue as:</p> <ul style="list-style-type: none"> <li>• Councillors expressed a pre-determined view in support of the proposal before hearing resident's views.</li> <li>• In consideration of this issue greater weight has been given to the views of those who stand to derive commercial benefit from the proposal and non-ratepayers. Continuation of quarrying is not an appropriate activity for a residential area.</li> </ul> <p>2. Concerns on the impacts of quarrying activity on:</p> <ul style="list-style-type: none"> <li>• human health in relation to the impacts of dust and noise</li> <li>• amenity such as noise and visual effects</li> <li>• property values (where no compensation is proposed)</li> </ul> <p>3. The submitter considers such industrial activity is an 'eyesore' on the northern approaches into the city and detracts from Wellington's proposition as a progressive and environmentally conscious city.</p> <p>4. The continuation of quarrying will have an impact on image and tourism returns and will negatively impact other existing businesses in the area and prevent the site from being redeveloped to provide additional employment and business opportunities.</p> <p>5. The submitter feels there is no need for ongoing quarrying in a residential area when alternative supplies of aggregate are available nearby and suggests that the additional cost of importing aggregate from another location has a small impact on overall construction costs.</p>	
<b>Summary relief sought</b>	Not to proceed with this change to the District Plan.	
<b>Recommendation</b>	<p>Accept in part</p> <p>Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects. Amendments have also been proposed to improve mitigation and remediation of visual effects, and to ensure the gateway values of the area are taken into account.</p>	
DPC 83	Name	Support / Oppose

<b>Submission No.</b>		
5	Tanuja Patnaik	Support
<b>Submission relates to:</b>	A medium expansion of the south face of the quarry	
<b>Summary submission points</b>	<p>The submitter supports the medium expansion of the south face of the quarry for the following reasons:</p> <ul style="list-style-type: none"> <li>Quarry expansion could be a great source of employment to the local community.</li> <li>Quarry expansion would support our local industries and economy</li> </ul>	
<b>Summary relief sought</b>	The medium expansion option of the south face of the quarry	
<b>Recommendation</b>	Not accept	
<b>Submission No.</b>		
6	Stan Goodman, Goodman Contractors, Ltd	Support
<b>Submission relates to:</b>	Kiwi Point Quarry	
<b>Summary submission points</b>	As the Wellington area expands, contractors are limited to only three quarries' that have shrinking resources available. The submitter feels it is vital that quarry material is available to contractors in Wellington from all locations in order to keep competitive pricing up and low transport costs.	
<b>Summary relief sought</b>	The submitter is in favour of the extension to the quarry operation.	
<b>Recommendation</b>	Accept	
<b>Submission No.</b>		
7	Anthony Norton	Oppose
<b>Submission relates to:</b>	Rezoning an area on the southern side of Kiwi Point Quarry from Open Space B to Business 2.	
<b>Summary submission points</b>	<p>1. The submitter has concerns relating to:</p> <ul style="list-style-type: none"> <li>the ability of the quarry to contain dust and noise impacts within their boundary</li> <li>the ability to maintain land mitigated during the Quarrying process.</li> <li>the vibration effects ('blasting') from quarry operation as it impacts the properties around the site and has potential to cause land instability</li> <li>the potential change in wind flow that could result from the removal of this section of the hillside and impact that this could have on the local area and residents.</li> </ul> <p>2. The submitter argues that the rezoning of the south face from Open Space B to Business 2 is only a short term solution for supplying rock and suggests that a long term replacement for the quarry needs to be determined now, as this proposal has only a 20 year lifespan.</p> <p>3. The submitter does not feel there are any real benefits for extending the quarry</p> <p>4. The submitter believes this expansion will not present Wellington in a 'good light' as the 'gateway to our city'</p>	
<b>Summary relief sought</b>	<p>The submitter opposes the rezoning of the south face from Open Space B to Business 2 as per the concerns stated in their submission and that all activity should be stopped. If rezoning is approved then the submitter requests that:</p> <ul style="list-style-type: none"> <li>Mitigation should start as soon as one area is finished and not delayed till the end of the quarrying process.</li> <li>A mitigation management plan is put in place that details dates, areas to be worked on and when mitigation will be started and completed for each section.</li> <li>That on-going long term monitoring of noise and dust control be implemented.</li> </ul>	
<b>Recommendation</b>	<p>Accept in part</p> <p>Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects. Amendments have also been proposed to improve mitigation and remediation of visual effects, and to ensure the gateway values of the area are taken into account. Provisions are also included to ensure mitigation and rehabilitation are carried out as soon as practicable and a comprehensive rehabilitation plan is to be included in any future application for resource consent. Effectiveness monitoring of dust, noise and other management measures has been added as a requirement for the quarry management plan.</p>	
<b>DPC 83</b>	<b>Name</b>	<b>Support / Oppose</b>

<b>Submission No.</b>		
8	Jan Brydges-Jones	Oppose
<b>Submission relates to:</b>	Not stated	
<b>Summary submission points</b>	<ul style="list-style-type: none"> <li>• Further quarrying is harmful to the environment</li> <li>• The impact on the view and overlooking the quarry as further quarrying will spoil the look of the area</li> <li>• Concerns of air pollution</li> <li>• Concerns relating to the destabilisation of the surrounding area from quarry operation that is impacting the neighbouring houses.</li> <li>• The submitter objects to the fact that quarrying is encroaching further onto non-industrial areas and is convinced it is destabilising nearby land, which is not good in an earthquake prone city.</li> </ul>	
<b>Summary relief sought</b>	<ul style="list-style-type: none"> <li>• That further quarrying to be halted.</li> <li>• For the council to stop plundering the hillside as not enough research has been done on the effects of the quarrying.</li> <li>• The submitter suggests the relocation of the quarry to a site beyond urban areas.</li> </ul>	
<b>Recommendation</b>	Accept in part A new matter of control and quarry management plan requirement have been added in relation to the management of slope stability and erosion	
9	Ryan Halverson, Halverson Civil Ltd	Support
<b>Submission relates to:</b>	Rezoning of an area on the southern side of Kiwi Point Quarry from Open Space b to Business 2 to allow for future development and expansion of the quarry	
<b>Summary submission points</b>	The submitter argues the need to ensure future operation of a local quarry, as Halverson Civil Ltd could not operate without a large local quarry due to increasing traffic.	
<b>Summary relief sought</b>	The submitter supports quarry expansion	
<b>Recommendation</b>	Accept	
10	Kim Irene Tree	Oppose
<b>Submission relates to:</b>	Rezoning from Open Space B to Business 2 at Kiwi Point Quarry.	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>1. The continuation of the vibration effects from the explosive techniques used for quarry operation, and the impacts this has on the local people and properties. The submitter notes these blasts often feel like earthquakes.</li> <li>2. The submitter also opposes the potential visual effect from the expansion of the quarry that will be visible from all parts of the neighbourhood.</li> </ol>	
<b>Summary relief sought</b>	That Council reject this proposal.	
<b>Recommendation</b>	Accept in part Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects. Amendments have also been proposed to improve mitigation and remediation of visual effects, and to ensure the gateway values of the area are taken into account.	

DPC 83 Submission No.	Name	Support / Oppose
11	Wayne Wright, Woodridge Homes	Support
<b>Submission relates to:</b>	Expansion of Kiwi Point Quarry	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>1. Roads, buildings, houses, etc. cannot be built without quarries</li> <li>2. It is in keeping with the existing gorges steep exposed banks and batters</li> <li>3. The location to the three cities it services is perfect</li> <li>4. The benefit of local jobs.</li> </ol>	
<b>Summary relief sought</b>	To allow full expansion of the Kiwi Point Quarry.	
<b>Recommendation</b>	Accept	
12	Gareth Knight	Oppose
<b>Submission relates to:</b>	Expansion of the quarry to the south side.	
<b>Summary submission points</b>	<p>The submitter has concerns relating to:</p> <ul style="list-style-type: none"> <li>• The impact of the expansion on houses on Imran Terrace and the surrounding streets that are situated directly above the proposed area for further extraction</li> <li>• The increase in noise from quarry operation</li> <li>• Land instability and the long term risk of 'slips' cause by quarry vibrations. The submitter suggests the relocation of the quarry away from a major housing area.</li> </ul>	
<b>Summary relief sought</b>	<p>The expansion plans should be refused or at least curtailed to a very minimal level until an alternative site can be found.</p> <p>To be informed on what compensation is available should damage occur to the properties.</p>	
<b>Recommendation</b>	<p>Accept in part</p> <p>Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects. A new matter of control and quarry management plan requirement have been added in relation to the management of slope stability and erosion.</p>	
13	Carol Mundell	Oppose
<b>Submission relates to:</b>	The visual and landscape impacts from the proposed rezoning of Kiwi Point Quarry.	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>1. The quarry is: <ul style="list-style-type: none"> <li>• excessively noisy to the point where residents are terrified of sudden and violent explosions</li> <li>• excessively dusty which requires regular washing of homes and cars to remove grit and grime that attracts paint destroying mould</li> <li>• an 'eyesore' to residents and visitors</li> </ul> </li> <li>2. The submitter has concerns regarding an environmental assessment that has been promised if the decision to expand the quarry goes ahead as the submitter feels any assessment by Council would have a biased outcome.</li> </ol>	
<b>Summary relief sought</b>	<ul style="list-style-type: none"> <li>• That Council instruct Holcim Ltd to close the quarry once the present site is depleted.</li> <li>• Holcim's Kiwi Point Quarry should be made to adhere to the terms of safe engagement and stop its offensive air and noise contamination that regularly exceeds beyond its boundaries.</li> </ul>	
<b>Recommendation</b>	<p>Accept in part</p> <p>Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects. Amendments have also been proposed to improve mitigation and remediation of visual effects, and to ensure the gateway values of the area are taken into account. Effectiveness monitoring of dust, noise and other management measures has been added as a requirement for the quarry management plan.</p>	

DPC 83 Submission No.	Name	Support / Oppose
14	Bruce Gordon Perry	Support
<b>Submission relates to:</b>	Option 4 maximum expansion of Kiwi Point Quarry.	
<b>Summary submission points</b>	Option 4 for maximum expansion is the best option in the long term	
<b>Summary relief sought</b>	<ul style="list-style-type: none"> <li>Expansion of Kiwi Point Quarry</li> <li>The submitter supports some 'green belt' that is proposed but only if they do not lessen the full use of the asset.</li> </ul>	
<b>Recommendation</b>	Accept	
15	Craig Foss, Afrimat Australasia	Support
<b>Submission relates to:</b>	Options regarding the south face of Kiwi Point Quarry	
<b>Summary submission points</b>	It ensures that Wellington has access to as much roading and construction material as possible at a reasonable and comfortable transportation distance.	
<b>Summary relief sought</b>	That option 4 is progressed.	
<b>Recommendation</b>	Accept	
16	Ian and Beverley Dawe	Support
<b>Submission relates to:</b>	Support for the plan change.	
<b>Summary submission points</b>	The economics dictate the logic of carrying out this plan.	
<b>Summary relief sought</b>	<ul style="list-style-type: none"> <li>Supportive of this plan</li> <li>The submitter would like to see replanting of the obsolete areas as promised</li> <li>More effective dust control.</li> </ul>	
<b>Recommendation</b>	Accept	
17	Simon Roche, Powerco Limited	Neutral
<b>Submission relates to:</b>	Proposed Plan Change 83	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>The Powerco gas distribution networks in the area of this proposal, in particular the location of a gas pipe on the quarry site.</li> <li>The submitter would like to ensure the proposal does not affect: <ul style="list-style-type: none"> <li>the operation, maintenance and upgrading of the gas network</li> <li>restrict legal access and physical access to the network</li> <li>or cause any damage to the existing intermediate pressure gas pipe or regulator station located on the quarry site.</li> </ul> </li> </ol>	
<b>Summary relief sought</b>	<ol style="list-style-type: none"> <li>To make the Council and land owners aware of existing gas assets within the site in case future development, earthworks, or expansion is planned.</li> <li>Prior to any work in close proximity to Powerco's gas pipe, the "Dial Before You Dig" service should be used for work within 2m of the pipeline.</li> </ol>	
<b>Recommendation</b>	Accept A note to plan users has been added in the quarry standards to advise of the assets.	

DPC 83 Submission No.	Name	Support / Oppose
18	Brian Stapleton and Kylie McQuellin	Oppose
<b>Submission relates to:</b>	Proposed District Plan Change – Kiwi Point Quarry	
<b>Summary submission points</b>	<p>1. Issues relating to the scope and breadth of consultation such as:</p> <ul style="list-style-type: none"> <li>• The poor timing of the consultation in 2017, as the consultation was conducted at the end of the year which clashes with school summer holidays, travel overseas, and Christmas.</li> <li>• The range of people who were consulted included non-WCC residents and people who do not live near the quarry which resulted in skewed feedback.</li> </ul> <p>2. Issues around the Quarry's proximity to housing, schools, crèches, and local retirement village.</p> <p>3. Issues relating to the impacts from quarry operation such as:</p> <ul style="list-style-type: none"> <li>• The impacts of dust on human health</li> <li>• The smoke emissions created from quarry operation</li> <li>• The potential increase in noise from quarry operation and vehicles operating in the quarry site</li> <li>• Additional light pollution</li> <li>• The impacts on property values to homes surrounding the quarry</li> <li>• Concerns regarding the unknown impacts from extended 'blasting' and potential land instability and earthquake issues</li> <li>• Impacts on daily traffic patterns.</li> </ul> <p>4. Concerns relating to the true costs of transporting aggregate.</p> <p>5. The lack of an assessment for alternative land use options for the site. The submitter suggests the redevelopment of the quarry site into a business park or a park and ride facility.</p> <p>6. Concerns relating to the visual impact the expansion will have as it is located off of a main arterial road into Wellington and the impact it will have on tourists and visitors.</p> <p>7. Issues relating to the contractors who received majority of the economic benefits from this quarry.</p> <p>8. The submitter also provided photographs of the existing conditions on the site and argues that the 'artist impression' of the quarry expansion do not provide the full scope of what the quarry will look like</p>	
<b>Summary relief sought</b>	<ol style="list-style-type: none"> <li>1. To close Kiwi Point Quarry; OR</li> <li>2. Carry on at Kiwi Point Quarry until aggregate exhausted,</li> <li>3. Transfer operations to Horokiwi or new site,</li> <li>4. Assessment and proposals for alternative uses of the land.</li> </ol>	
<b>Recommendation</b>	<p>Accept in part</p> <p>Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects. Effectiveness monitoring of dust, noise and other management measures has been added as a requirement for the quarry management plan. The cleanfill activities anticipated under the proposed controlled activity rule will provide land suitable to accommodate options for alternative business uses of the site in the long-term.</p>	
19	James Anthony Ginty	Support
<b>Submission relates to:</b>	Not stated	
<b>Summary submission points</b>	The submitter feels Wellington needs this quarry for future growth of the city.	
<b>Summary relief sought</b>	Not stated	
<b>Recommendation</b>	Accept	

DPC 83 Submission No.	Name	Support / Oppose
20	Brad and Nicola Young	Oppose
<b>Submission relates to:</b>	<ol style="list-style-type: none"> <li>Rezoning of an area on the southern side of Kiwi Point Quarry from Open Space B to Business 2.</li> <li>Introduction of 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.</li> <li>Introduction of a new controlled activity rule that applies to the rezoned southern face expansion area.</li> </ol>	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>The significant environmental impacts of extending the quarry such as: <ul style="list-style-type: none"> <li>loss of indigenous forest vegetation</li> <li>reduced vegetation for birds and wildlife</li> <li>the seismic risk to the surrounding land</li> <li>the discharge of contaminants and air pollution.</li> </ul> </li> <li>Concerns relating to the impact on Wellington's gateway experience to visitors and residents traveling into the city.</li> <li>Concerns relating to the validity of Council's ambition to being a socially and environmentally conscious city.</li> <li>The idea that the proposal is a short term solution that will only provide an additional 10 years of aggregate.</li> <li>The question as to whether or not the costs (destruction of natural habitat, gateway values, and disruption and risk to nearby residents) outweigh the benefits of the proposed short term solution. The submitter suggests the Council should consider longer term options.</li> <li>Issues relating to the initial consultation process, in that it did not consider or properly reflect the submissions from residents located near the quarry and that the proposed expansion of the quarry is biased toward supporting corporate businesses.</li> <li>The submitter argues that majority of the 72 submissions received that favoured maximum expansion were from people living outside of Wellington and who have a direct interest in the aggregate supply.</li> <li>Concerns regarding whether or not the Councillors have full understanding or consideration of the proposal.</li> </ol>	
<b>Summary relief sought</b>	<p>The submitter opposes:</p> <ol style="list-style-type: none"> <li>Rezoning an area on the southern side of the quarry site from Open Space B to Business 2</li> <li>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</li> <li>Introduce a new controlled activity rule (i.e. the resource consent standard) that applies to the rezoned southern face expansion area.</li> </ol>	
<b>Recommendation</b>	<p>Accept in part</p> <p>Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects. Amendments have also been proposed to improve mitigation and remediation of visual effects, and to ensure the gateway values of the area are taken into account. Provisions are also included to ensure mitigation and rehabilitation are carried out as soon as practicable and a comprehensive rehabilitation plan is to be included in any future application for resource consent. Effectiveness monitoring of dust, noise and other management measures has been added as a requirement for the quarry management plan. The quarry management plan requirements, policy explanation, matters of control and restoration plan requirements provide for mitigation of native vegetation loss and long-term ecological enhancement of the site.</p>	
21	Laurie Hart	Support
<b>Submission relates to:</b>	Not stated	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>Wellington needs aggregate for building projects and if it is not sourced from this quarry then it has to be carted which adds extra rates and road wear and tear</li> <li>Should utilize the natural resource that is available.</li> </ol>	
<b>Summary relief sought</b>	That consent be granted.	

<b>Recommendation</b>	Accept	
<b>DPC 83 Submission No.</b>	<b>Name</b>	<b>Support / Oppose</b>
22	Matt Peel	Oppose
<b>Submission relates to:</b>	<ul style="list-style-type: none"> <li>Rezoning of an area on the southern side of Kiwi Point Quarry from Open Space B to Business 2 with regard to Plan Change 83</li> <li>Standards relating to quarrying work conducted at Kiwi Point Quarry</li> </ul>	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>The ability to contain dust impacts within the quarry boundary, as their property is already coated with a fine brown dust</li> <li>The expansion will be an 'eyesore' to all visitors to Wellington coming down Ngauranga Gorge on State Highway 1</li> <li>The continued expansion of the quarry in the future as the original intent to be quarried for a 30 year period has already been permitted to extend</li> <li>The fact that new housing has been approved by Council in the surrounding area.</li> </ol>	
<b>Summary relief sought</b>	<ol style="list-style-type: none"> <li>If the plan change is approved, ensure that it is not possible to extend beyond the expected 30 years, and ensure that mitigation is completed prior to this time.</li> <li>Strongly consider not approving this change, instead selecting a better site that is less of an eyesore for all visitors to Wellington.</li> </ol>	
<b>Recommendation</b>	Accept in part  Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects. Amendments have also been proposed to improve mitigation and remediation of visual effects, and to ensure the gateway values of the area are taken into account.	
23	Allan Mainwaring	Oppose
<b>Submission relates to:</b>	All provisions relating to proposed District Plan Change 83.	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>Dust and airborne particulates. They create a clear health risk to the community and are already an issue and expanding the quarry will increase this greatly</li> <li>Poorly conceived land use as the idea of expanding the quarry is picking the easiest possible option, not the best, and a longer term solution should be found that has less impact on the community</li> <li>The negative visual impact of the quarry is significant already and is an issue for both residents and tourists</li> <li>Instability of the slopes surrounding the quarry, as slips have been an increasing problem in Wellington and keeping the quarry's current border slopes stable is a major risk, thus expanding the quarry will increase the impact and risk in the area.</li> </ol>	
<b>Summary relief sought</b>	For the Council to not expand the Kiwi Point Quarry any further.	
<b>Recommendation</b>	Accept in part  A new matter of control and quarry management plan requirement has been added in relation to the management of slope stability and erosion. Amendments have also been proposed to improve mitigation and remediation of visual effects, and to ensure the gateway values of the area are taken into account. Effectiveness monitoring of dust, noise and other management measures has been added as a requirement for the quarry management plan.	

DPC 83 Submission No.	Name	Support / Oppose
24	Clive Brodie	Oppose
<b>Submission relates to:</b>	Proposed District Plan Change – Kiwi Point Quarry	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>Issues relating to the scope and breadth of the consultation as it includes non-WCC respondents who are not Wellington City local tax payers and who are not directly affected by the quarry, which resulted in a biased result.</li> <li>Issues around the Quarry's proximity to housing, schools, crèches, and a local retirement village.</li> <li>Issues relating to the impacts from quarry operation to those in the immediate area such as: <ul style="list-style-type: none"> <li>The impacts of dust and smoke on human health</li> <li>The smoke emissions created from quarry operation, that are said to be clean but may not be the case</li> <li>The potential increase in noise from quarry operation and vehicles operating in the quarry site</li> <li>Additional light pollution</li> <li>The impacts on property values to homes surrounding the quarry</li> <li>Concerns regarding the unknown impacts from extended 'blasting' and potential land instability and earthquake issues. The submitter feels this should be addressed before any expansion can be considered</li> <li>Impacts on daily traffic patterns as additional activity from the quarry will result in even worse traffic in the surrounding areas during peak times.</li> </ul> </li> <li>Concerns relating to the true costs of transporting aggregate and the need to 'save money' by having the quarry in the city.</li> <li>Concerns relating to the visual impact of the expansion and not providing a great image for the 'Coolest Little Capital'. The submitter also provided images of the quarry as evidence.</li> <li>Issues relating to the contractors who received majority of the economic benefits from this quarry.</li> </ol>	
<b>Summary relief sought</b>	That WCC should not expand the quarry at Kiwi Point and that the Council begin to look at alternative uses for the site. For example, returning the Kiwi Point Quarry to use as a Business or Industrial Park would encourage long-term business growth with greater income and revenue for the Wellington region.	
<b>Recommendation</b>	<p>Accept in part</p> <p>Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects. Effectiveness monitoring of dust, noise and other management measures has been added as a requirement for the quarry management plan. The cleanfill activities anticipated under the proposed controlled activity rule will provide land suitable to accommodate options for alternative business uses of the site in the long-term.</p>	
25	Thejananda Wijeweera	Oppose
<b>Submission relates to:</b>	The entirety of the proposals in District Plan Change 83: <ol style="list-style-type: none"> <li>Rezone and area on the southern side of the quarry site from Open Space B to Business 2</li> <li>Introduce a new objective that recognises the importance of quarrying aggregates at Kiwi Point Quarry to provide future growth and development of the city.</li> <li>Introduce a new controlled activity rule that applies to the rezoned southern face expansion area.</li> <li>Introduce a range of standards relating to the quarrying of the expanded site, and make changes to a range of explanatory text and a number of consequential changes including changes to Planning Maps 22 and 23</li> </ol>	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>The vibrations/effects from Quarry operations as: <ul style="list-style-type: none"> <li>the vibrations/effects in the new areas will undermine and degrade soil structure, formation, stability, and strength inherent to the properties located directly above the hill, that border the proposed expansion</li> <li>the risks are amplified significantly given the fact that Wellington is prone to earthquakes</li> </ul> </li> </ol>	

	<ul style="list-style-type: none"> <li>• the fact that the most prominent/well documented earthquake fault line is located nearby which adds further risks.</li> </ul> <ol style="list-style-type: none"> <li>2. The submitter argues it would be reckless for WCC, its Councillors, and office bearers to promote this plan without first examining the risks professionally (i.e. a comprehensive geophysical/structural survey, comprehensive risk assessment by professionals) and take all necessary steps to mitigate such risks</li> <li>3. If WCC were to move forward with the expansion, the submitter has noted the right to pursue any action legally at any time in the future.</li> </ol>	
<b>Summary relief sought</b>	<ol style="list-style-type: none"> <li>1. Take note of their strong objections enumerated above - including the strong warning on the additional risks created to the neighbouring houses/structures.</li> <li>2. Not to carry on recklessly without first examining the risks that affects the submitter due to this project and taking appropriate actions to mitigate them.</li> </ol>	
<b>Recommendation</b>	Accept in part A new matter of control and quarry management plan requirement has been added in relation to the management of slope stability and erosion.	
<b>DPC 83 Submission No.</b>	<b>Name</b>	<b>Support / Oppose</b>
26	Sarah Pennell	Oppose
<b>Submission relates to:</b>	Opposition for the expansion and for the Council to consider closing down and redeveloping Kiwi Point Quarry.	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>1. Concerns relating to the impacts from expanding the quarry on houses, schools, and businesses in the surrounding area such as: <ul style="list-style-type: none"> <li>• Negative environmental impacts. The quarry already generates noise and dust pollution and an extension would increase these from vehicle and blasting activity, in addition to light pollution from around the clock excavation</li> <li>• The increase in the risk of landslides and seismic damage from blasting and excavation</li> <li>• The submitter believes an increase in quarry activity will have an adverse impact on those in the vicinity and pose a health risk.</li> </ul> </li> <li>2. Concerns regarding the Ngauranga water reservoir which is already at risk from earthquakes and seismic activity. The submitter notes the reservoir is in the immediate vicinity of the proposed expansion and questions if there is consideration or contingency for damage and/or pollution to this water supply from blasting and increased quarry activity.</li> <li>3. Concerns relating to the consultation and engagement of this proposal. The submitter questions Kiwi Point and WCC's honesty with the way the proposal has been presented as the environmental impacts seem to be downplayed and the language used seems biased to expanding the quarry.</li> <li>4. The submitter indicates the timing of the original consultation at the end of last year (2017) was not ideal as many people were occupied with Christmas/holidays and could not submit.</li> <li>5. The current consultation also includes non-Wellington City ratepayers and non-WCC respondents which feels inappropriate at this stage of the process.</li> <li>6. The submitter feels as if this process is a formality and that the expansion of Kiwi Point is a foregone conclusion</li> <li>7. The submitter feels that the quarry has more than served its original purpose as it has been in business for nearly 100 years and has already been extended.</li> <li>8. Aesthetics and the impression the expanded area will have on tourists entering the city on State Highway 1.</li> <li>9. The submitter understands future plans for development in Wellington and the need for aggregate but believes enough damage has been done to the land around Kiwi Point quarry and it is time to restore it.</li> </ol>	
<b>Summary relief sought</b>	<ol style="list-style-type: none"> <li>1. The submitter opposes proposed District Plan Change 83.</li> <li>2. The submitter proposes that closure and redevelopment of the site should now be considered. With re-planting there is enough space to have it used for parks and recreation, community or botanic gardens, housing and business developments. There's potential to have retail or business development in the lower basin currently occupied by quarry buildings, while the surrounding hills used for housing and recreation (hiking or mountain biking tracks for example).</li> </ol>	
<b>Recommendation</b>	Accept in part	

	<p>Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects. Amendments have also been proposed to improve mitigation and remediation of visual effects, and to ensure the gateway values of the area are taken into account. Provisions are also included to ensure mitigation and rehabilitation are carried out as soon as practicable and a comprehensive rehabilitation plan is to be included in any future application for resource consent. Effectiveness monitoring of dust, noise and other management measures has been added as a requirement for the quarry management plan. A new matter of control and quarry management plan requirement has been added in relation to the management of slope stability and erosion. The cleanfill activities anticipated under the proposed controlled activity rule will provide land suitable to accommodate options for alternative business uses of the site in the long-term.</p>	
<b>DPC 83 Submission No.</b>	<b>Name</b>	<b>Support / Oppose</b>
27	Brian Bouzaid	Support
<b>Submission relates to:</b>	Proposal to rezone the land to the south of Kiwi Point Quarry for quarrying and clean filling.	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>1. The submitter supports the proposed rezoning of Kiwi Point Quarry because:</li> <li>2. The region needs access to quarries as shown in prior Plan Change 25 (which the submitter also supported).</li> <li>3. The submitter notes as part of Plan Change 25, WCC was the first Council in NZ to recognise aggregates are strategic to the city and regions growth and this needs to be further supported with planning to look beyond this to where the aggregates of the future will come from.</li> <li>4. Without quarries Wellington City, its rate-payers and greater region will pay more for their infrastructural costs.</li> </ol>	
<b>Summary relief sought</b>	To approve the Plan Change in full as detailed.	
<b>Recommendation</b>	Accept	
28	Greater Wellington Regional Council (GWRC)	Support with conditions
<b>Submission relates to:</b>	Proposed District Plan Change 83 - Kiwi Point Quarry Extension	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>1. The submitter conditionally supports Proposed District Plan Change 83 - Kiwi Point Quarry Extension and seeks further consideration of some particular matters. The submitter supports the Plan Change for its consistency with: <ul style="list-style-type: none"> <li>• The Wellington Regional Policy Statement 2010 (RPS)</li> <li>• The Regional Public Transport Plan 2014 (RPTP)</li> <li>• The Regional Land Transport Plan 2015 (RLTP)</li> <li>• The National Policy Statement for Freshwater Management 2014 (NPS-FM)</li> <li>• The Proposed Natural Resources Plan (PNRP)</li> </ul> </li> <li>2. The submitter also supports the Plan Change because: <ul style="list-style-type: none"> <li>• Of the requirement to have a Quarry Management Plan (QMP) (guided by RPS Policies)</li> <li>• The submitter recognises that aggregates in the Wellington region are in short supply</li> </ul> </li> <li>3. The submitter is particularly interested in how this plan change will support and contribute to achieving the sustainable management of natural and physical resources in the Wellington Region.</li> <li>4. The submitter has concerns regarding the assessment of biodiversity values such as: <ul style="list-style-type: none"> <li>• the lack of full assessment on the biodiversity significance of the site, in addition to the comments by Wildlands in the Assessment of Environmental Effects (AEE).</li> <li>• details on the operational phase and post-operation phase impacts, or details on how the identified mitigation sites would be remediated and monitored.</li> </ul> </li> <li>5. The submitter has concerns regarding ecological mitigation as the Plan Change does not currently meet the requirements for mitigation stated in the AEE (on page 16) as the site specified for the preferred mitigation is only twice as large as the affected area.</li> </ol>	

<b>Summary relief sought</b>	<p>The submitter requests that their support for the Plan Change is noted where given and amendments are made where sought. The submitter requests that, prior to WCC making a decision on the Plan change:</p> <ol style="list-style-type: none"> <li>1. Surveys of freshwater fish and reptile fauna are completed</li> <li>2. Further assessments be undertaken to identify adequate mitigation options</li> <li>3. Further information is provided on the operational and post operational phase impacts, as well as what monitoring regime will be followed once remediation of this area is completed</li> <li>4. The proposed site for mitigation be increased to at least three times the size of the affected area, and</li> <li>5. The relevant district plan maps and new text in the QMP method are updated to reflect this.</li> </ol>	
<b>Recommendation</b>	<p>Accept in part</p> <p>Additional assessments have been carried out since notification. The quarry management plan requirements, policy explanation, matters of control and restoration plan requirements provide for mitigation of native vegetation loss and long-term ecological enhancement of the site.</p>	
<b>DPC 83 Submission No.</b>	<b>Name</b>	<b>Support / Oppose</b>
29	Silvia Rudzki and John Savage	Oppose
<b>Submission relates to:</b>	<ol style="list-style-type: none"> <li>1. Rezoning of the area on the southern side of Kiwi Point Quarry from Open Space B to Business 2</li> <li>2. Introduction of a new objective that recognises the importance of quarrying aggregate at Kiwi Point Quarry to provide for the future growth of the city.</li> <li>3. Introduction of a new controlled activity rule that applies to the rezoned southern face expansion area.</li> </ol>	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>1. Oppose the reduction of real estate value of homes close to the quarry</li> <li>2. Noise, dust, light and air pollution</li> <li>3. Loss of indigenous vegetation</li> <li>4. Loss of habitation for fauna</li> <li>5. Seismic risks</li> <li>6. Unappealing gateway for tourists and residents coming to Wellington</li> <li>7. Short lifespan of the proposed quarry of 10 years creating excessive damage.</li> </ol>	
<b>Summary relief sought</b>	<p>Oppose points 1, 2 and 3.</p> <ol style="list-style-type: none"> <li>1. Rezoning an area on the southern side of the quarry site from Open Space B to Business 2.</li> <li>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.</li> <li>3. Introduce a new controlled activity rule (i.e. the resource consent standard) that applies to the rezoned southern face expansion area.</li> </ol>	
<b>Recommendation</b>	<p>Accept in part</p> <p>Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects. Amendments have also been proposed to improve mitigation and remediation of visual effects, and to ensure the gateway values of the area are taken into account. Provisions are also included to ensure mitigation and rehabilitation are carried out as soon as practicable and a comprehensive rehabilitation plan is to be included in any future application for resource consent. Effectiveness monitoring of dust, noise and other management measures has been added as a requirement for the quarry management plan. The quarry management plan requirements, policy explanation, matters of control and restoration plan requirements provide for mitigation of native vegetation loss and long-term ecological enhancement of the site.</p>	
30	Simon Gatenby, Taylor Preston Ltd	Not stated
<b>Submission relates to:</b>	<p>The following provisions:</p> <p>34.1.5, 34.2.3, and 34.6.5.4.1 - Area of quarrying and cleanfill          34.6.5.6.1 - Traffic Movement          34.6.5.3.3 – Blasting</p>	

DPC 83 Submission No.	Name	Support / Oppose
<b>Summary submission points</b>	<p>The submitter has concerns regarding the proposed District Plan Change for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed area of quarrying and cleanfill operations includes Taylor Preston Ltd (TPL) leasehold land, legal access to that land, and TPL Grazing Licence Land. There has been no communication from WCC in regard to the lease land and legal access, and unspecific conversations regarding the Grazing Land.</li> <li>2. Concerns relating to the traffic movement clause and the safe entry and exit of TPL staff and continued operation of stock and delivery and product despatch.</li> <li>3. Concerns relating to traffic management at peak production periods as there is an excess of 800 employees and a significant number of truck movements.</li> <li>4. The submitter also commented on blasting notices and would also like to be included in the list of neighbours to get written (or email) notice of blasting.</li> </ol>	
<b>Summary relief sought</b>	<ol style="list-style-type: none"> <li>1. To have the Proposed District Plan Change amended to reflect the submitters concerns. Specifically: acknowledgement from WCC that if they do want or need parts of the submitters land that an appropriate agreement as to compensation and/or alternative arrangements will be negotiated.</li> <li>2. The submitter seeks involvement in development of traffic management plans for the quarry and specifically for the interface between TPL and the quarry. TPL needs to approve in writing any traffic management plan or movement that affects or potentially affects the safety of their staff and contractors.</li> <li>3. Traffic management should also be included in 34.2.3 as a matter of control for WCC.</li> <li>4. TPL wishes to be notified of consent applications in relation to the quarry.</li> <li>5. As the closest neighbour the submitter wishes to be aware of possible future consents and their impact on their business.</li> </ol>	
<b>Recommendation</b>	<p>Accept in part</p> <p>The traffic management requirement in the quarry management plan has been amended to expressly take account of the abattoir and community liaison requirements are recommended procedures. The abattoir operator has also been added to the list of parties to be notified of blasting activities in writing under the quarry standards.</p>	
31	Dean and Vivienne Soldera	Oppose
<b>Submission relates to:</b>	Rezoning from Open Space B to Business 2.	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>1. The rezoned area appears to be closer to the residential area and the current area used for blasting</li> <li>2. Future operations are likely to have an increased negative impact on residential structures in terms of shaking and in the risk of concrete or masonry cracking due to the proximity of the blasting</li> <li>3. Concerns of anxiety and fear for people (as a result of blasting nearby)</li> <li>4. The submitter argues that a distance measure as a means of determining the effects of a blasting programme on surrounding residential areas is not reliable</li> <li>5. Concerns relating to the quarry operators control of the blasting activities, as it is too general and will not achieve the objective of mitigating outcomes of a balanced result between commercial operations and the well-being of residents.</li> </ol>	
<b>Summary relief sought</b>	A test regime procedure to ensure that blasting in any new area meets the council objectives of ensuring the environmental impacts are satisfactory in terms of impacts on residents.	
<b>Recommendation</b>	<p>Accept in part</p> <p>Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects.</p>	

DPC 83 Submission No.	Name	Support / Oppose
32	Onslow Residents Community Association	Support with conditions
<b>Submission relates to:</b>	Proposed District Plan Change 83 to allow maximum expansion of Kiwi Point Quarry.	
<b>Summary submission points</b>	<p>The submitter conditionally supports proposed District Plan Change 83 but has concerns regarding the following:</p> <ul style="list-style-type: none"> <li>The impacts on residents who live in properties adjoining the quarry who will now be impacted by the quarry for an additional 20 years</li> <li>Increased dirt and dust from quarry operations on nearby residents' properties</li> <li>Mitigation of dirt and dust promised in the proposed quarry management plan as the submitter worries they will not be sufficient</li> <li>Intermittent blasting and vibrations from quarrying operations and the resulting property damage</li> <li>Constant noise of quarrying operations for those that live on Shastri Terrace, Gurhka Crescent, Maldive Street and Irman Terrace.</li> </ul>	
<b>Summary relief sought</b>	<p>1. The submitter supports the proposed District Plan changes as follows:</p> <ul style="list-style-type: none"> <li>Rezone an area on the southern side of the quarry from Open Space B to Business 2.</li> <li>Introduce a new controlled activity rule that applies to the rezoned southern face expansion area (resource consent standard).</li> <li>Make a range of other consequential changes to the District Plan including performance standards, explanatory text, and rezoning on Planning Maps 22 and 23.</li> </ul> <p>2. The submitter gives conditional support on the basis that:</p> <ul style="list-style-type: none"> <li>noise level standards set out in the District Plan are applied to the Quarry Management Plan and are adhered to and rigorously monitored by Council officials</li> <li>dust levels are monitored regularly by council officials and methods of dust minimisation are used to reduce the dust nuisance beyond the quarry. Cost should not be a consideration in this respect</li> <li>if dust in residents homes is more than should be expected for someone to have to clean up, Council will pay for the dust to be removed/cleaned from their homes</li> <li>modern methods of blasting working faces must result in minimal vibration. Small sequenced explosions should be used rather than single large blasts</li> <li>Council benchmarks the homes of residents and does regular checks to ensure that the vibrations and blasting from quarry operations do not negatively impact the safety of the property. Any negative impacts on their homes, such as cracking, are fixed at Council cost</li> <li>hours of operation as set out in the Management Plan are strictly adhered to</li> <li>residential areas are protected by buffers such as fast growing vegetation</li> <li>a gap of at least 70 m is maintained between residential boundaries and the first batter area of excavation but 100m would be preferred.</li> </ul>	
<b>Recommendation</b>	<p>Accept in part</p> <p>Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects. Effectiveness monitoring of dust, noise and other management measures has been added as a requirement for the quarry management plan. Any proposal to undertake quarry activities in the buffer area will require resource consent and be assessed as a restricted discretionary activity.</p>	
33	Andrea Rivera-Jimenez and Ivan Gashko	Oppose
<b>Submission relates to:</b>	Kiwi Point Quarry expansion - DPC 83	
<b>Summary submission points</b>	<p>1. Concerns regarding health risks not only for residents in the nearby proximity but for the more vulnerable people as the quarry is located very close to several schools and a retirement village. The submitter states any type of additional pollution and noise so close to residents and students will have negative consequences on public health.</p> <p>2. Concerns regarding land instability as the submitter considers it to be a future risk</p>	

	for all residents in the surrounding hills (i.e. Khandallah, Broadmeadows, and Johnsonville neighbourhoods)	
	3. Concerns regarding property owners investment as extra noise and pollution can have a negative impact on the value of surrounding properties	
<b>Summary relief sought</b>	Expect that the Council consider the negative impacts for surrounding residents (specifically health risks), over financial benefits for outsiders.	
<b>Recommendation</b>	Accept in part  Recommendations include a new matter of control to manage noise and vibration from blast activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects. Effectiveness monitoring of dust, noise and other management measures has been added as a requirement for the quarry management plan. A new matter of control and quarry management plan requirement has been added in relation to the management of slope stability and erosion.	
<b>DPC 83 Submission No.</b>	<b>Name</b>	<b>Support / Oppose</b>
34	New Zealand Transport Agency (NZTA)	Not stated – request for traffic analysis
<b>Submission relates to:</b>	The safe and efficient functioning of State Highway 1 and the potential effect of quarry activities on people using State Highway 1 in this location.	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>1. The submitter requests further traffic analysis on the transport network around Kiwi Point Quarry (i.e. State Highway 1)</li> <li>2. The submitter notes the importance of the section of State Highway 1 that provides access for Kiwi Point Quarry</li> <li>3. The submitter has concerns regarding traffic generation from the proposed quarry activities as the proposed plan change lacks a detailed traffic analysis.</li> </ol>	
<b>Summary relief sought</b>	<ol style="list-style-type: none"> <li>1. The submitter seeks clarification on the matter of any additional traffic effects that may be generated from the relocation of quarry activities within the site.</li> <li>2. The submitter would like to continue dialogue to understand what, if any additional traffic effects may be generated from the relocation of the quarry activities, and would like to see evidence on which the conclusion is drawn for the proposal to have more than minor effects on the transport network.</li> </ol>	
<b>Recommendation</b>	Accept Additional investigations on potential impacts of the plan change on the safety and efficiency of the state highway have been conducted since notification.	
35	Wade To (Allied Concrete)	Support
<b>Submission relates to:</b>	Option 4 - Maximum development of the south face.	
<b>Summary submission points</b>	<ol style="list-style-type: none"> <li>1. Not opening up land for an aggregate resource would have an impact on the businesses that the quarry directly and indirectly services</li> <li>2. Access to aggregates benefits the wider region as a key construction material in both municipal and privately funded projects</li> <li>3. Reduction in competition through lack of access to quality aggregate resource would most likely result in price escalation and would be passed onto the rate-payer and private sector</li> <li>4. Any reduction in capacity would result in a reduction to the region's resilience to natural hazard disasters</li> <li>5. Any future reduction in access would potentially jeopardise employment opportunities</li> <li>6. A successfully operating quarry provides business support to other key material providers for the construction sector (i.e. roading, water services, and cement distribution businesses)</li> <li>7. A future proofed city requires access to quality resources.</li> </ol>	
<b>Summary relief sought</b>	Approval of the changes proposed in amendment 83 to the District Plan, specifically the maximum development of the south face outlined in Option 4.	
<b>Recommendation</b>	Accept	
<b>DPC 83 Submission No.</b>	<b>Name</b>	<b>Support / Oppose</b>

36	Angela Kathleen Garty	Oppose
<b>Submission relates to:</b>	<p>The proposed Plan change in its entirety:</p> <ul style="list-style-type: none"> <li>• Proposed rezoning of southern side of quarry from Open Space B and Business 2</li> <li>• Introduction of a new objective and new controlled activity rule</li> <li>• New standards relating to the quarry</li> </ul>	
<b>Summary submission points</b>	<p>The submitter opposes the proposed changes to the District Plan at Kiwi Point Quarry for the following reasons:</p> <ol style="list-style-type: none"> <li>1. the significant environmental effects that will adversely affect the submitters property as well as the surrounding properties (including schools and a retirement village)</li> <li>2. the effects on the Wellington 'gateway' experience for residents and visitors along State Highway 1 into Wellington City</li> <li>3. the proposed mitigation measures, to control noise, dust and the long term visual impact if the proposed quarrying activities are not sufficient in managing the overall and irreversible impact</li> <li>4. concerns over the loss of the submitter's property along with other properties on Homebush Road to enjoy views across the valleys to green vegetation and ridgelines</li> </ol> <p>The submitter also has further concerns with the proposed plan change in regards to:</p> <ol style="list-style-type: none"> <li>5. Amenity values – the submitter has attached to their submission 3D modelling information of the proposed landform changes that would result if the proposed plan change is approved. The submitter feels the cut into the existing ridgeline is extremely significant as the proposed quarrying activities would not only irreversibly modify the ridgeline but also open up the submitter's views into the existing quarry operations which would bring further adverse effects of dust, noise and wind.</li> <li>6. Dust and noise – The submitter believes that even with dust and control measures, that the dust and noise from the quarrying operations, particularly in Wellington weather, will still adversely affect their property.</li> <li>7. Wind – The submitter believes the removal of the ridgeline will remove some of the current shelter that the hill provides from northerly and westerly winds. The submitter's property is already in a very high wind zone with strong and gusty winds that often shake the house. The submitter feels this will be exacerbated by the proposal.</li> <li>8. Biodiversity – The submitter believes the current Open Space B zoning of the proposed plan change site is the most appropriate zoning in promoting biodiversity in the area. The submitter notes that they currently enjoy native birdlife across the valley, which will be significantly impacted by the loss of vegetation and habitat by the proposed plan change.</li> </ol>	
<b>Summary relief sought</b>	That the Council decline Proposed Plan Change 83 in its entirety.	
<b>Recommendation</b>	<p>Accept in part</p> <p>Recommendations include a new matter of control to manage noise and vibration from blasting activities, and to require future consent applications and operations to be informed by assessments and recommendations from a qualified acoustic engineer to manage these effects. Amendments have also been proposed to improve mitigation and remediation of visual effects, and to ensure the gateway values of the area are taken into account. Provisions are also included to ensure mitigation and rehabilitation are carried out as soon as practicable and a comprehensive rehabilitation plan is to be included in any future application for resource consent. Effectiveness monitoring of dust, noise and other management measures has been added as a requirement for the quarry management plan. The quarry management plan requirements, policy explanation, matters of control and restoration plan requirements provide for mitigation of native vegetation loss and long-term ecological enhancement of the site.</p>	

DPC 83 Further Submission No.	Name	Support / Oppose
1	Simon Roche, Powerco Limited	Neutral
<b>Submission relates to:</b>	Further submission to Submission 24	
<b>Summary submission points</b>	The submitter is neutral to the submission. The submitter would like to ensure they are consulted prior to any alterations to the site with close proximity of their gas pipeline.	
<b>Summary relief sought</b>	Prior to any work in close proximity to Powerco's gas pipe, the submitter is consulted	
<b>Recommendation</b>	Accept in part. A note to plan users has been added in the quarry standards to advise of the assets.	
<b>Submission relates to:</b>	Further submission to Submission 26	
<b>Summary submission points</b>	The submitter is neutral to the submission. The submitter would like to ensure they are consulted prior to any alterations to the site with close proximity of their gas pipeline.	
<b>Summary relief sought</b>	Prior to any work in close proximity to Powerco's gas pipe, the submitter is consulted	
<b>Recommendation</b>	Accept in part.	

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Proposed Change 83

Hearing Panel Report & Recommendation

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**APPENDIX 2**  
Panel Minutes

Wellington City Council  
Proposed Plan Change 83 – Kiwi Point Quarry

**Hearing Panel Minute 1**

**2 July 2018**

Procedure for the Hearing of Submissions on Plan Change 83

**Introduction**

1. The purpose of this Minute is to establish the procedure for the hearing of submissions on Plan Change 83.
2. The Hearing Panel may issue further Minutes as it sees fit in the lead up to the hearing, and potentially during the hearing.

**Background**

3. Plan Change 83 was notified on 13 April 2018 and 35 submissions were received by the Council by the close of the submission period<sup>1</sup>. The Council prepared a summary of submissions (summary of decisions requested) which was notified on 11 June 2018 for further submissions. One further submission was received by the close of the further submission period on 25 June 2018.

**The Hearing Panel and Process**

4. Wellington City Council (the Council) has appointed a Hearing Panel to hear submissions on Plan Change 83. The Panel is comprised of the following members:
  - Alick Shaw, Chair (Independent Commissioner)
  - Julia Williams, Member (Independent Commissioner)
  - Ian Leary, Member (Independent Commissioner)
5. The role of the Hearing Panel is to hear and make recommendations to the Council on the submissions and further submissions made to the Plan Change. The Hearing Panel does not determine the outcome of the Plan Change. Rather its role is to make recommendations to the Council having

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<sup>1</sup> Two of those submissions were late submissions, received after the close of the submission period.

heard the submissions and evidence. The Council will then make a decision as to whether to adopt those recommendations or not.

6. Despite the relative formality of this Minute, it is the intention of the Hearing Panel to run a process that:
  - Is as informal as possible;
  - Enables all submitters to 'have their say' and to provide an appropriate amount of time for each submitter to do so; and
  - Is fair to all participants.

#### **Hearing Dates**

7. The hearing has been set down for the Monday 17<sup>th</sup> and Tuesday 18<sup>th</sup> September 2018. At present the Hearing Panel envisages that two days will be sufficient to hear all of the submitters. A third day, the 19<sup>th</sup> September, has been earmarked as a reserve day should that be required.
8. Submitters who indicated that they wished to be heard in support of their submission will be contacted in the lead up to the hearing to schedule their appearance.

#### **The Role of the Council**

9. The Council has proposed the Plan Change for the site. Given the Council's ownership interest in the site, two steps have been taken to address any actual or perceived conflicts of interest:
  - The appointment of the Hearing Panel as an independent body to hear submissions on the Plan Change; and
  - The appointment of an independent Planning Consultant as a Reporting Officer to provide recommendations to the Hearing Panel.
10. The Council as proponent of the Plan Change will present evidence in support of the Plan Change. This will be supported by expert advisors who contributed to the preparation of the Plan Change document.

#### Reporting Officer

11. The reporting officer will prepare a report (known as a section 42A report) for the Plan Change which will consider the plan change and the matters raised in submissions and further submissions, and provide recommendations to the Hearing Panel for their consideration.

12. The Reporting Officer will attend the hearing, provide a summary of their report and answer questions from the Hearing Panel. Any advisors to the Reporting Officer will also be in attendance to answer questions.

Contact with the Council regarding Plan Change 83

13. Council staff will continue to liaise with submitters in preparation for the hearing. This will include scheduling submitters who indicated that they wished to be heard in support of their submissions.
14. For submitters, the best point of contact with Council staff for all enquiries regarding Plan Change 83 will be via the following email address:  
[districtplan@wcc.govt.nz](mailto:districtplan@wcc.govt.nz)

#### **Evidence Exchange**

15. The Hearing Panel proposes to pre-read evidence in advance of the hearing.
16. It is anticipated that the majority of submitters will only want to speak to the submissions already made. However some submitters may wish to present expert evidence from suitably qualified people.
17. The Hearing Panel therefore proposes the following timetable for the supply and exchange of evidence:

Section 42A Report

18. The Council's s42A report will be made available 15 working days in advance of the hearing, and will be made available on the Council's website on the 27<sup>th</sup> August 2018.
19. Submitters will be notified of the availability of the s42A report by email.

Council evidence as Plan Change proponent

20. Evidence from the Council, in its capacity as proponent of the Plan Change, will need to be supplied 10 working days before the start of the hearing.
21. Evidence must be submitted to the Council via email to [districtplan@wcc.govt.nz](mailto:districtplan@wcc.govt.nz) by 5pm on Friday 31 August. Once received, the evidence will be made available on the Council's website on the 3<sup>rd</sup> September 2018.

22. It is the Panel's expectation that a short summary statement will be presented by each expert witnesses at the hearing.

Submitter Evidence

23. If a submitter wishes to call expert evidence, then such evidence will need to be provided 5 working days in advance of the hearing. Expert evidence shall be submitted to the Council via the [districtplan@wcc.govt.nz](mailto:districtplan@wcc.govt.nz) email address by 5pm on Friday 7 September 2018, and once received will be made available on the Council's website on the 10<sup>th</sup> September 2018.
24. If expert evidence is provided, it is the Panel's expectation that a short summary statement will be presented by the expert witness at the hearing.
25. For submitters not presenting expert evidence, there is no need to pre-circulate any evidence, and submitters can simply speak to their submission during their hearing time and answer any questions from the Hearing Panel.

For and on behalf of the Plan Change 83 Hearing Panel:



Alick Shaw  
**Chair**

Wellington City Council  
Proposed Plan Change 83 – Kiwi Point Quarry

**Hearing Panel Minute 2**

**16 August 2018**

Amendment to Minute 1

Procedure for the Hearing of Submissions on Plan Change 83

**Introduction**

1. The purpose of this Minute is to correct an error contained in Minute 1 relating to the timetable for the supply and exchange of evidence.

**Amended Evidence Exchange**

2. The Hearing Panel issued Minute 1 on 4 July 2018. It outlined the procedure for evidence exchange and provided the dates for the circulation of the Section 42A Report, evidence from the Council in support of the plan change, and from submitters.
3. In setting out those dates, the Minute required that evidence from the Council in support of the plan change was required on the 31<sup>st</sup> of August to then be made available on the Council website on Monday 3<sup>rd</sup> September. That only provided the Council with 4 working days from the release of the s42A report whereas it should have been 5 working days.
4. The same error occurred for submitters (should they wish to provide expert evidence) where that evidence was required on Friday 7 September providing 9 working days instead of 10.
5. The Hearing Panel therefore proposes the following amended timetable for the supply and exchange of evidence:

Section 42A Report

6. The Council's s42A report will be made available 15 working days in advance of the hearing, and will be made available on the Council's website on the 27<sup>th</sup> August 2018.

7. Submitters will be notified of the availability of the s42A report by email.

Council evidence as Plan Change proponent

8. Evidence from the Council, in its capacity as proponent of the Plan Change, will need to be supplied 10 working days before the start of the hearing.
9. Evidence must be submitted to the Council via email to [districtplan@wcc.govt.nz](mailto:districtplan@wcc.govt.nz) by 12pm on Monday 3<sup>rd</sup> September 2018. Once received, the evidence will be made available on the Council's website on the same day and submitters will be notified of its availability by email.

Submitter Evidence

10. If a submitter wishes to call expert evidence, then such evidence will need to be provided 5 working days in advance of the hearing. Expert evidence shall be submitted to the Council via the [districtplan@wcc.govt.nz](mailto:districtplan@wcc.govt.nz) email address by 12pm on Monday 10<sup>th</sup> September 2018, and once received will be made available on the Council's website on the same day.
11. As noted in our first Minute, for submitters not presenting expert evidence, there is no need to pre-circulate any evidence, and submitters can simply speak to their submission during their hearing time and answer any questions from the Hearing Panel.

For and on behalf of the Plan Change 83 Hearing Panel:



Alick Shaw  
Chair

Wellington City Council

Proposed Plan Change 83 – Kiwi Point Quarry

### Hearing Panel Minute 3

3 September 2018

#### Suspension of Hearing Procedure for Plan Change 83

##### Introduction

1. The purpose of this Minute is to advise submitters on Proposed District Plan Change 83 (Kiwi Point Quarry) of the suspension of the hearing process, and to provide details for the future resumption of the hearing process.

##### Background

2. The Panel has been made aware of an issue arising regarding the service (i.e. direct notification) of proposed District Plan Change 83. Last week a site visit was conducted in which it was discovered that eight properties which should have been advised of the plan change notification were not.
3. As a result these properties will need to be given the opportunity to submit on the plan change. In order to provide adequate notice of the plan change to those property owners, the Panel is briefly suspending the hearing to enable notification to those property owners and adjusting the timetable to allow for participation in the hearings process
4. Once notified, and the submission period for these properties closes, the hearing process will resume.

##### Next Steps

5. The Council will be serving notice of the plan change to the eight properties identified on 5 September 2018.
6. A submission period will then be provided for those properties, in which they will have 20 working days to submit on the plan change if they wish.
7. Once the submission period closes, the Council will summarise the new submissions received and notify a new summary of submissions allowing for a new further submission period (10 working days) which will allow all submitters to submit a further submission should they wish.

8. Once this process for submissions and further submissions is complete, the hearing procedure will be resumed. An updated Section 42A Officer's Report will be prepared and a new timetable for evidence exchange will be provided.
9. Although we are uncertain at this stage of specific dates for when the hearing will be rescheduled, we remain hopeful of holding a hearing before the end of the year.
10. Once we have dates for the hearing and timetable of evidence exchange we will issue another Minute to provide you with these details

Please note, the Council will be removing the Section 42A Officer's Report that was made available on Monday 27 August 2018, as it will be updated upon resuming the hearing process.

We sincerely apologise for any inconvenience. If you have any questions please do not hesitate to contact either Mitch Lewandowski (Principal Advisor Planning) or Tabitha Proffitt (Planning Officer) from Wellington City Council at their details below:

**Mitch Lewandowski**  
Principal Advisor Planning

021 227 8133  
[mitch.lewandowski@wcc.govt.nz](mailto:mitch.lewandowski@wcc.govt.nz)

**Tabitha Proffitt**  
Planning Officer

027 803 0080  
[tabitha.proffitt@wcc.govt.nz](mailto:tabitha.proffitt@wcc.govt.nz)

For and on behalf of the Plan Change 83 Hearing Panel:



Alick Shaw  
**Chair**

Wellington City Council  
Proposed Plan Change 83 – Kiwi Point Quarry

**Hearing Panel Minute 4**

**12 October 2018**

Procedure for the Hearing of Submissions on Plan Change 83

**Introduction**

1. The purpose of this Minute is to update parties on a new hearing date for Plan Change 83 and to set out an updated timetable for the supply and exchange of evidence in relation to the hearing.
2. Submitters are directed to Minute 1 issued by the Panel, available on the Council's website, for a reminder on the general hearing process and the role of the Panel.

**Updated Hearing Dates**

3. The hearing is now scheduled for the 10<sup>th</sup> and 11<sup>th</sup> December 2018, with a reserve day on the 12<sup>th</sup> December should that be required.
4. Council officers will soon begin contacting submitters who indicated that they wished to be heard in order to schedule their appearance at the hearing.

**Evidence Exchange**

5. The Hearing Panel proposes to pre-read evidence in advance of the hearing.
6. It is anticipated that the majority of submitters will only want to speak to the submissions already made. However some submitters may wish to present expert evidence from suitably qualified people.
7. The Hearing Panel therefore proposes the following timetable for the supply and exchange of evidence:

Section 42A Report

8. The Council's s42A report will be made available 15 working days in advance of the hearing, and will be made available on the Council's website after midday on Monday 19 November 2018.

9. Submitters will be notified of the availability of the s42A report by email.

Council evidence as Plan Change proponent

10. Evidence from the Council, in its capacity as proponent of the Plan Change, will need to be supplied 10 working days before the start of the hearing.
11. Evidence must be submitted to the Council via email to [districtplan@wcc.govt.nz](mailto:districtplan@wcc.govt.nz) by midday on Monday 26 November 2018. Once received, the evidence will be made available on the Council's website.
12. Submitters will be notified of the availability of the evidence by email.
13. It is the Panel's expectation that a short summary statement will be presented by each expert witness at the hearing.

Submitter Evidence

14. If a submitter wishes to call expert evidence, then such evidence will need to be provided 5 working days in advance of the hearing. Expert evidence shall be submitted to the Council via the [districtplan@wcc.govt.nz](mailto:districtplan@wcc.govt.nz) email address by midday on Monday 3 December 2018, and once received will be made available on the Council's website.
15. If expert evidence is provided, it is the Panel's expectation that a short summary statement will be presented by the expert witness at the hearing.
16. For submitters not presenting expert evidence, there is no need to pre-circulate any evidence, and submitters can simply speak to their submission during their hearing time and answer any questions from the Hearing Panel.

For and on behalf of the Plan Change 83 Hearing Panel:



Alick Shaw  
Chair

Wellington City Council  
Proposed Plan Change 83 – Kiwi Point Quarry

**Hearing Panel Minute 5**

**26 November 2018**

Request for the late submission of evidence

**Introduction**

1. The Panel has received a request from the Council, in its capacity of preparing the s42A report to the Panel, to submit a late technical report. The report relates to wind effects.
2. The submission of the report would be outside the exchange of evidence timetable previously directed by the Panel. The precise date of completion remains at the present moment, unknown. However the Council has advised the Panel that it will be available in advance of the hearing.

**Background**

3. The Council has commissioned a technical report to respond to an issue raised in the submission received from Submitter 36 (A Garty). The submission was received during the period when the Council called for submissions from potentially affected parties who weren't notified during the original notification period.
4. The submission has raised the issue of wind effects being potentially exacerbated as a result of changes in landform at the quarry. The Council is therefore seeking to adduce a technical report to address this matter. The Council has commissioned Mr Mike Donn to prepare the report.

**Discussion**

5. The key question for the Panel in considering the request is whether granting leave to the request would prejudice any other party. Provided that the report is made available prior to the hearing (and as much in advance of the hearing as is possible), the Panel is satisfied that no party will be prejudiced.
6. It is ultimately in the interests of all parties that the issue raised by the submission is addressed. Should this report not be commissioned, the Panel may have to request such a report in any event.

**Decision**

7. Accordingly, the Panel grants the leave sought and:

- asks that the Council advise the Panel as soon as it is able the date when the report will be available
- asks that the Council provides the report as soon as possible in advance of the hearing.

For and on behalf of the Plan Change 83 Hearing Panel:



Alick Shaw  
**Chair**

Wellington City Council  
Proposed Plan Change 83 – Kiwi Point Quarry

**Hearing Panel Minute 6**

**12 December 2018**

**Introduction**

1. The Panel has now heard from all parties who wished to be heard over the last three days, along with the Council in its plan change proponent capacity, and the Council in its regulatory capacity. We have now adjourned the hearing.
2. This Minute outlines what will occur now, prior to the closure of the hearing.

**Right of reply**

3. Today, Mr Daysh for the Council in its capacity as plan change proponent provided us with a brief oral right of reply statement. However, Mr Daysh has requested to provide us with a more fulsome right of reply statement in writing.
4. We have accepted that request and ask that such a statement be provided by 5:00pm on Monday 17 December to Ms Proffitt at the Council. It should then be emailed to submitters and made available on the Council website.

**Next steps**

5. We note that we will be undertaking further site visits on Friday 14 December to the quarry and surrounds. At this point we do not envisage needing to enter submitters' properties. If that should change we will contact submitters to request access.
6. Following those site visits we will consider whether we require any further information. Once we are satisfied that we do not, and following receipt of the right of reply statement, we will close the hearing and advise of that occurring by way of a further Minute.

For and on behalf of the Plan Change 83 Hearing Panel:



Alick Shaw  
**Chair**

Wellington City Council  
Proposed Plan Change 83 – Kiwi Point Quarry

**Hearing Panel Minute 7**

**18 December 2018**

**Closure of hearing**

1. Further to our Minute 6, we have now undertaken further site visits and have received the right of reply statement from Mr Daysh.
2. We are satisfied that we do not require any additional information and accordingly close the hearing.
3. Our deliberations will now continue, with a view to issuing a recommendation to the Council as early in 2019 as we are able.

For and on behalf of the Plan Change 83 Hearing Panel:



Alick Shaw  
**Chair**

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Proposed Change 83

Hearing Panel Report & Recommendation

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**APPENDIX 3**  
Annotated version of Plan Change provisions

Plan Change 83: Section 42A Report

Appendix 2

**APPENDIX 2**

Proposed amendments to plan change provisions

**Plan Change 83: Section 42A Report**

**Appendix 2**

**Kiwi Point Quarry Plan Change 83 Provisions**

Annotated provisions of Chapters 33 and 34 of the Operative District Plan showing proposed changes as part of Proposed District Plan Change 83 and further changes recommended by s42A report authors.

<b>Key to Changes</b>	
abcdefghijkl	Existing unaltered text
abcdefghijkl	Recommended text to be deleted (as notified)
abcdefghijkl	Recommended text to be added (as notified)
abcdefghijkl	Recommended deletions (s42 Authors)
abcdefghijkl	Recommended additions (s42 Authors)
[##]	[##] Submitter number(s) relevant to proposed amendments in s42A report. Where an Asterix is shown [*], the proposed change is administrative or clerical in nature.
abcdefghijkl	Recommended deletions (Hearing Panel)
abcdefghijkl	Recommended additions (Hearing Panel)

**Chapter 33. BUSINESS AREAS**

33.1 Introduction

...

The Kiwi Point Quarry is also included as a Business Area. The quarry is subject to specific rules recognising its economic importance to the City and wider region as well as to other relevant rules applying elsewhere in Business Areas to mitigate adverse effects.

**Current Relevant Objectives**

33.2.1 To provide Business Areas that can accommodate a wide range of business and industrial activities to meet the social and economic needs of the City.

33.2.2 To enable an appropriate range of activities to occur in Business Areas, provided they do not undermine the City’s Centres, and that adverse effects are avoided, remedied or mitigated.

33.2.3 To recognise where unique development opportunity areas exist within Business Areas and encourage redevelopment of these in a manner that is compatible with, and enhances amenity values and contribute to the City’s distinctive physical character, sense of place and contained urban form.

33.2.4 To ensure that activities and developments at least maintain the amenity values and public safety within Business Areas and those of any nearby Residential Areas.

## Plan Change 83: Section 42A Report

## Appendix 2

## New Objective

33.2.14 To recognise the importance of quarrying aggregates in the Kiwi Point Quarry to the City's future growth by enabling the use and development of the quarry, while requiring appropriate management and remediation of adverse effects. <sup>[7, 20, 28, 29]</sup>

## Policies

## Kiwi Point Quarry

33.2.2.7 Provide for the development and site rehabilitation of the Kiwi Point Quarry to the extent specified in the Plan in a way that avoids, mitigates or remedies adverse effects.

## METHODS

- Rules (including Appendix 2 required showing the extent of quarry areas)
- A quarry management plan

*Kiwi Point Quarry is an established quarry located in the Ngauranga Gorge, involving ongoing extraction, processing, cleanfilling and rehabilitation. As the continuing availability of aggregate and other quarry materials is economically important for the City and wider region, the Plan makes specific provision for the ongoing use and development of the quarry. For both the older (northern) and newer (southern) areas of the quarry, specific rules and a development plan are incorporated. These provisions provide for the avoidance or mitigation of adverse effects from the quarry activity and the long-term mitigation of effects on landscape and landform following quarrying. It is the Council's intention that cut faces should be designed to yield a relatively natural landform in the long term and that rehabilitation of cut faces should begin as early as practicable. The staging of quarry development, and the day to day management of quarry activities are further detailed and controlled through the application of a quarry management plan.*

*In respect of the Kiwi Point Quarry southern face the only practical and available option for ecological mitigation for the loss of terrestrial vegetation and the associated habitat will be carried out in accordance with a restoration plan. This will include mitigation planting is on Lot 2 DP 91179 and part Lots 4 and 6 DP72996. This mMitigation planting on Lot 2 and part Lot 4 shall be commenced after these areas have been dedicated as a reserve under the Reserves Act 1977 and prior to the extraction of rock, and planting on Lot 6 shall be commenced as soon as practicable upon the completion of quarrying and cleanfilling activities. Other mitigation to be adopted will include pest control measures, enrichment of native vegetation and habitat within other adjoining open space areas, and staged riparian enhancement to Waitohi Stream to coincide with completion of quarry activities.* <sup>[28]</sup>

*A quarry management plan shall be prepared and regularly updated by Council, which sets out:*

- *intended staging of the excavation and cleanfilling activities*
- *the means of management of surface and groundwater*

Plan Change 83: Section 42A Report

Appendix 2

- management of on-site traffic, including maintenance of safe vehicle access and egress for the abattoir<sup>[30]</sup>
- provision for any onsite processing and temporary storage of quarry material
- any specific provisions relating to onsite management of noise, dust, vibration, visual impact, water quality and land stability<sup>[8, 12, 18, 20, 23, 24, 25, 26, 33]</sup>
- community liaison practices and<sup>[30]</sup> a procedure for addressing any complaints
- objectives, and principles and measures<sup>[\*]</sup> for the rehabilitation of the site, including:
  - a phasing plan to indicate order of works, potential greatest extent of cut faces and a timetable and associated budget for the rehabilitation of prominent quarry faces<sup>[7]</sup>
  - processes and timeframes for monitoring the effectiveness of rehabilitation measures and contingency plans to improve measures shown to be ineffective<sup>[7]</sup>
  - measures to create soil conditions which will support plant growth
  - measures to create a variety of site conditions to support a range of species
  - means of controlling runoff to avoid erosion
  - means of control of plant and animal pests
  - measures to avoid fire risks
  - means to assist native vegetation to regenerate on grazing land
  - rehabilitation which is compatible with Open Space strategy for adjacent areas of land and with the Ngauranga Gorge's location as a gateway to Wellington City<sup>[2, 7, 20, 29]</sup>
- management of buffer areas including any integrated ecological and landscape remediation and rehabilitation measures
- practices and methods that will be adopted to ensure that all permitted and controlled activity standards conditions<sup>[\*]</sup> applying to the activities will be met including descriptions and locations of any monitoring equipment
- 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<sup>[28]</sup>
- procedures for monitoring the effectiveness of management plan measures and for improving effectiveness over time where needed.<sup>[7]</sup>

The quarry management plan will complement the other rules applying to the quarry activity and will provide additional management details. It will be reviewed by Council at least every five years (unless otherwise required by conditions of resource consent)<sup>[7]</sup> and any necessary adjustments will be made.

The progressive rehabilitation of the area is an important aspect of quarry management, and accordingly the Quarry Management Plan includes rehabilitation provisions. As quarrying and cleanfilling activities are completed on the site, an implementation plan shall be prepared annually by the consent holder in accordance with the Quarry Management Plan.

The requirement that regular monitoring is undertaken and regular progress reports are completed and submitted to the Council is a key element. This requirement is included because successful rehabilitation of any disturbed area requires constant monitoring as site conditions vary considerably and evolve over time. Regular observation and recording of results is an essential part of managing the process.

**Plan Change 83: Section 42A Report****Appendix 2**

*A vegetated buffer area is included within the area as part of the development of the extended southern part of the quarry and shall be a minimum of 70 metres from the edge of the quarrying area to the nearest Residential Area Boundary. At the northern end, the necessary buffer is within the Open Space B Area. **Adjacent to State Highway One, a vegetated bank will be formed and maintained to provide effective screening for motorists of quarry operations in the southern part of the quarry.** [2, 7, 20, 29]*

*It is important also that rehabilitation of the quarry area should recognise and in the longer term be able to be integrated as appropriate with the Open Space strategy developed by the Council for the adjacent areas of land. ~~Current Council policy is for the creation of further Green Belt areas on the steep hill sides of the Ngauranga Gorge and, for instance, it may be possible to allow continuation or linking of proposed walkways if practicable and in a safe location to do so, walkways should be provided in a continuous or linked manner to allow the continuation or linking of proposed walkways.~~*

*Overall, the environmental result will be the availability of quarry materials for the City and wider region in the short and medium term, and long-term achievement of well-vegetated quarry faces with the appearance of natural landforms which will be integrated with Council development of Open Space areas in this vicinity.*

**Rules****Permitted Activity**

34.1.5 Quarrying and clean filling on part Lot 1, and part Lot 2 DP 72995, ~~part Lot 4, part Lot 5 and part Lot 6 DP 72996~~, part Lot 1 DP 34015, part Lot 1 DP 65030 and part Lot 2 DP 91179 Ngauranga Gorge (known as Kiwi Point Quarry shown in Appendix 2) is a Permitted Activity provided that it complies with the standards specified in sections 34.6.1 (activities), 34.6.2 (buildings and structures) and 34.6.5 (Kiwi Point Quarry standards), (except that standard 34.6.1.9.2 does not apply to the temporary stockpiling or storage of quarried rock material).

**INSERT MARGIN NOTE:**  
*Note, applications under this rule are subject to specific information requirements at 3.2.2.18<sup>[\*]</sup>*

**Controlled Activity**

34.2.3 ~~Quarrying and clean filling on part Lot 4, part Lot 5 and part Lot 6 DP 72996~~ Ngauranga Gorge (known as Kiwi Point Quarry southern face shown in Appendix 2) is a Controlled Activity if it complies with the standards specified in sections 34.6.1 (activities), 34.6.2 (buildings and structures) and 34.6.5 (Kiwi Point Quarry standards), ~~except that:~~

- ~~standard 34.6.1.9.2 does not apply to the temporary stockpiling or storage of quarried rock material);~~
- **standard 34.6.1.10 does not apply to dust.**

The Council's control shall be limited to the following matters:

**34.2.3.1 The importance of quarrying aggregate and meeting the supply demand for the city's use**

**34.2.3.12** maximising the extent of residential buffer areas;

Plan Change 83: Section 42A Report

Appendix 2

- 34.2.3.23 the extent to which conditions are required to ensure that quarrying activities are timed and staged to ensure that rehabilitation of cut faces can begin as early as practicable;
- 34.2.3.34 the detailed contents of a Quarry Management Plan for this area outlined in Policy 33.2.2.7;
- 34.2.3.45 optimising the standard, location and staging of ecological mitigation through the provision of an ecological restoration plan including budgets and indicative timetables to ensure effective mitigation and rehabilitation; and
- 34.2.3.56 the design and location of screening quarry activities adjacent to State Highway 1;
- 34.2.3.67 measures required to manage noise and vibration from blasting activities; and [3, 4, 7, 10, 12, 13, 24-26, 29, 31-33]
- 34.2.3.78 measures required to maintain slope stability, and to prevent slope erosion or collapse; [7, 8, 12, 18, 20, 23, 24, 25, 26, 33]
- 34.2.3.9 measures required to manage dust emissions from quarrying activities; and
- 34.2.3.10 measures required to manage the impact of quarrying activity on the visual amenity of residential properties.

**Non-notification/ service**

In respect of Rule 34.2.3 applications will not be publicly notified or limited notified (unless special circumstances exist).

**Relevant policies for preparing resource consent applications**

See policy 33.2.2.7

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application

**Discretionary Activities**

34.3.3 Quarrying and cleanfilling activities in Ngauranga Gorge (Kiwi Point Quarry north and south faces) which would be Permitted or Controlled<sup>[\*]</sup> Activities but that do not meet one or more of the standards specified in sections 34.6.1 (activities), 34.6.2 (buildings and structures) and 34.6.5 (Kiwi Point Quarry standards) are Discretionary Activities (Restricted), (except that standard 34.6.1.9.2 does not apply to the temporary stockpiling or storage of quarried rock material).

*Discretion is restricted to the effects generated by the standard(s) not met.,—subject to compliance with the following condition:*

*34.3.3.1 the duration of any consent granted for processing plant or buildings in the southern part of the Quarry provided for under this Rule shall not exceed 10 years.*

**INSERT MARGIN NOTE:**  
*Note, applications under this rule are subject to specific information requirements at 3.2.2.18<sup>[\*]</sup>*

## Plan Change 83: Section 42A Report

## Appendix 2

**Non-notification/ service**

*In respect of Rule 34.3.3 applications will not be publicly notified or limited notified (unless special circumstances exist).*

**34.6.5 KIWI POINT QUARRY STANDARDS**

These standards apply to all quarrying and clean filling activities in the Kiwi Point Quarry.

**34.6.5.1 General**

34.6.5.1.1 Any relevant provisions of standards 34.6.1 and 34.6.2 except that Rule 34.6.1.9.2 does not apply to the temporary stockpiling or storage of quarried rock material.

**34.6.5.2 Dust**

34.6.5.2.1 Dust control measures shall be undertaken to avoid creating a dust nuisance beyond the Quarry Boundary.

**34.6.5.3 Quarry activities**

34.6.5.3.1 Quarry activities shall be restricted to the area within the Business Area north of the abattoir and south of the access road, excluding the area shown as a buffer area, as identified on the plan included as Appendix 2. <sup>[2, 7, 20, 29]</sup>

34.6.5.3.2 Some blasting may be carried out as part of the normal quarrying operations. Blasting of faces for crushed rock production must take place between 10.00am and 2.00pm Monday to Friday only.

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<sup>[30]</sup> must be notified by mail, by email or by other electronic means 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.

34.6.5.3.4 The finished slope of quarry faces shall not exceed 55 degrees from the horizontal.

34.6.5.3.5 The maximum height of finished batters shall not exceed 15 metres.

34.6.5.3.6 For the northern face a A-buffer area with a minimum width of 25 metres shall be maintained on the uphill boundary of the site as shown on Appendix 2. For the southern face a buffer area with a minimum width of 70 metres shall be maintained on the uphill boundary of the site as shown on Appendix 2. This The northern face buffer areas will be allowed to revegetate naturally except where there is a need for additional planting. The southern face buffer area is subject to restoration planting.

Note: At the north end of the quarry near Plumer Street and Tarawera Road, the buffer area is within the Open Space B Area as shown in Appendix 4 and is governed by the Open Space provisions. At the southern end of the quarry near Gurkha Crescent, Shastri Terrace and Imran Terrace the buffer area is within the Open Space B Area as shown in Appendix 2 and is governed by the Open Space provisions.

Plan Change 83: Section 42A Report

Appendix 2

34.6.5.3.6A A vegetated bank must be established in the location indicatively shown on Appendix 2 to provide screening between State Highway 1 and the quarry floor in the southern quarry area.

34.6.5.3.7 A fence must be maintained adjacent to any properties in the Residential Area along the quarry boundary to a height of 1.2m.

34.6.5.3.8 Prior to commencement of operations in any area, a security fence must be installed and maintained along the outer edge of the buffer area.

34.6.5.3.9 No quarry activities shall be undertaken within the buffer area unless agreed by the Council. <sup>[32]</sup>

Note: an underground gas main traverses the quarry site from Maldive Street, across Lot 2 DP 91179, Lot 4 DP 72996 and Lot 1 DP 34015. An associated regulator station is also located within Lot 4 DP 72996. Advice from the gas main operator should be obtained before conducting any underground works in these areas to ensure the works do not intercept the main or regulator station. Contact information for the asset operator can be obtained from the Council. <sup>[17]</sup>

**34.6.5.4 Cleanfill activities**

34.6.5.4.1 Cleanfill activities shall be restricted to the area shown on the plan included as Appendix 2.

34.6.5.4.2 The cleanfill shall comply with the definition of cleanfill in Section 3 (Definitions) of this District Plan.

**34.6.5.5 Location of quarry plant**

34.6.5.5.1 The primary crusher may be moved as the quarry face recedes and new faces are worked. Any processing plant or buildings within the southern part of the quarry shall be relocatable.

**34.6.5.6 Traffic movement**

34.6.5.6.1 There shall be one entry point to the quarry, via Crossing Place 22 from State Highway One (also the main access to the adjacent Abattoir). This must be the sole means of entry and exit for quarry vehicles. This access must be maintained to the standard of local streets.

**34.6.5.7 Rehabilitation and treatment of stripped areas**

34.6.5.7.1 All land encompassed within the quarry boundary shall be progressively rehabilitated (except where used for other permitted or consented activities). Any planting will take place as soon as practicable following the completion of the quarry or cleanfill activity. Planting will be undertaken using indigenous species from local sources, except where exotic species are required to provide erosion control and/or temporary nurse cover for revegetation with indigenous species.

34.6.5.7.2 Excluding the Abattoir area, areas shown on Appendix 2 which are not shown as areas for quarrying and/or cleanfilling shall be allowed to revegetate.

**Plan Change 83: Section 42A Report**

**Appendix 2**

34.6.5.7.3 All exposed surfaces of fill shall be hydro-seeded, or any other approved method, immediately following completion of works as a dust and erosion control measure.

**Chapter 34**

**Appendix 2**

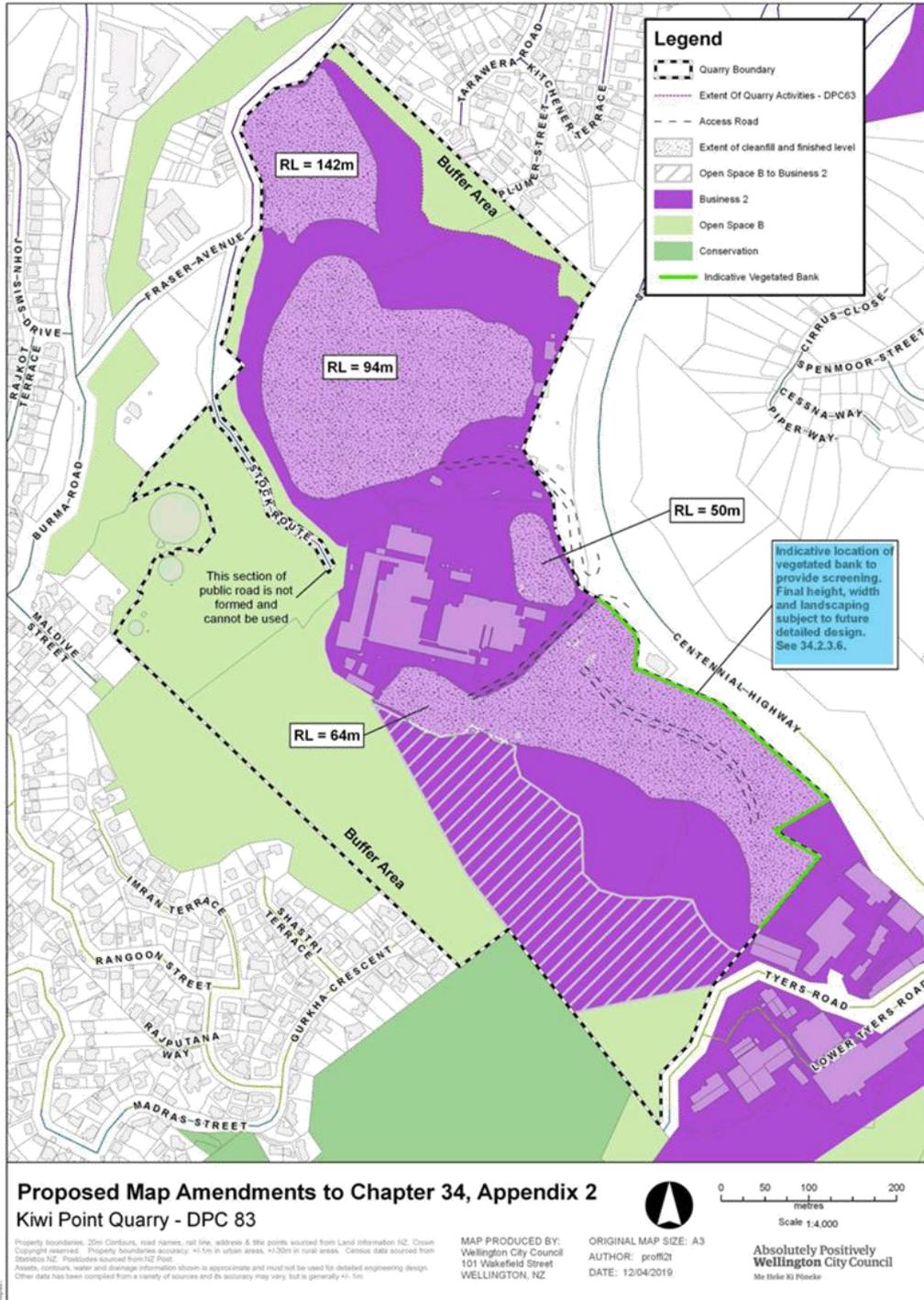
*Amend by adding new vegetated bank notation adjacent to SH1 and explanatory note (overleaf)*

[Extend open space colour across Tyers Reserve](#)

Plan Change 83: Section 42A Report

Appendix 2

**Appendix 2. Kiwi Point Quarry, Ngauranga**  
(Part Lot 1 and Part Lot 2 DP 72995, Part Lot 2 DP 91179, Part Lot 4, Part Lot 5  
and Part Lot 6 72996, Part Lot 1 DP 34015 and Part Lot 1 DP 65030, Ngauranga Gorge)



Plan Change 83: Section 42A Report

Appendix 2

Planning Maps

Consequential Amendments to Planning Maps 22 and 23 required.**Chapter 3****Section 3.2: Information to be submitted with an application for resource consent**

Insert new requirement for resource consent application under section 3.2.2 as follows:

**3.2.2.18 Kiwi Point Quarry:** Applications made under Rules 34.2.3 or 34.3.3 will be accompanied by the following information:**Acoustic Report**

A report prepared by a suitably qualified and experienced acoustic engineer must be provided and contain the following:

- a. a description of all anticipated noise sources associated with quarrying and cleanfilling activities;
- b. measures to be adopted by the applicant to ensure activities will comply with the relevant standards in section 34.6.1 of the District Plan; and
- c. measures to be adopted by the applicant to ensure impulsive noise and vibration effects from blasting activities are not unreasonable, including reference to any relevant standards or guidelines relied upon. <sup>[3, 4, 7, 10, 12, 13, 24-26, 29, 31-33]</sup>

**Ecological Survey & Restoration Plan**

A report prepared by a suitably qualified and experienced ecologist must be provided and contain the following:

- a. detailed survey results of all native vegetation that will be damaged or removed as part of the proposed quarrying and cleanfilling activities, including species type, distribution and density of each species and location;
- b. detailed survey results of birdlife observed during vegetation survey and any evidence of avian habitat;
- c. a restoration plan for the wider quarry site to be incorporated into the quarry management plan as described in Policy 33.2.2.7, and to include the following:
  - i. details – including species type, distribution and density – of proposed planting in Lot 2 DP 91179 and part Lot 4 DP 72996, which is to be commenced prior to any extraction of rock;
  - ii. details – including species type, distribution and density – of proposed planting of part Lot 6 DP 72996, which is to be commenced upon completion of quarrying and cleanfilling activities, or sooner if practicable;
  - iii. details of any enrichment planting and any proposed measures for the management of plant and animal pests in Lot 2 DP 91179, and in Imran Terrace / Maldive Street Reserve, in Tyers Reserve and in the Ngauranga Scenic Reserve Lot 3 DP63927;

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**Appendix 2**

- iv recommendations for naturalization and riparian enhancement of Waitohi Stream;
  - v details of any off-set planting, mitigation planting and pest control to be undertaken outside the quarry site.
- d. a description of the methodology for adopting the specific suite of matters to address (c)(i)-(iv) above, with specific regard to be given to the results of the surveys described under (a) and (b) above; and
- e. a description of proposed timetables and budgets for implementation, monitoring, and maintenance of the restoration plan measures adopted.

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Appendix 2

- iv. ~~recommendations for naturalisation and riparian enhancement of Waitohi Stream;~~
- d. ~~a description of the methodology for adopting the specific suite of measures to address (c)(i)-(iv) above, with specific regard to be given to the results of the surveys described under (a) and (b) above; and~~
- e. ~~a description of proposed timetables and budgets for implementation, monitoring, and maintenance of the restoration plan measures adopted.~~

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Proposed Change 83

Hearing Panel Report & Recommendation

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## **LOCAL GOVERNMENT NEW ZEALAND (LGNZ) ANNUAL GENERAL MEETING 2019 - PROPOSED WELLINGTON CITY COUNCIL REMIT**

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### **Purpose**

1. This report asks the Council to agree to Wellington City Council proposing a remit to be considered at the Local Government New Zealand (LGNZ) Annual General Meeting on 7 July 2019, in Wellington.
2. The proposed remit encourages LGNZ members to consider engaging with the Living Wage Aotearoa New Zealand Movement when developing policies on payment of the Living Wage.

### **Summary**

3. LGNZ members are invited to put forward remits for consideration at the Annual General Meeting.
4. After working with the Living Wage Aotearoa New Zealand Movement over a number of years to become an accredited Living Wage Employer last year, this paper recommends Wellington City Council propose a remit that encourages LGNZ members considering paying the Living Wage to engage with the Movement. The draft remit and supporting background information required for an application are included at Attachment 1.
5. If supported by the Council, and by the Metro Sector Group Meeting on 10 May, the remit must be submitted to LGNZ by 5pm on 13 May 2019.

### **Recommendation/s**

That the Council:

1. Receives the information.
2. Agrees to propose a remit and background information for consideration at Local Government New Zealand's 2019 Annual General Meeting, subject to receiving the formal support of at least one sector or zone group meeting or five Councils, that asks LGNZ members to consider engaging with the Living Wage Aotearoa New Zealand Movement when developing policies on payment of the Living Wage.

### **Background**

6. Local Government New Zealand has invited member authorities to submit proposed remits for consideration at the Local Government New Zealand Annual General Meeting on 7 July, in Wellington.
7. Remits for consideration at the LGNZ Annual General Meeting are a means of requesting specific government action on policy matters and require the formal support of at least five member Councils or from at least one zone or sector group meeting to be accepted for consideration at the AGM.

## Discussion

8. When Wellington City Council became the first Council to become an Accredited Living Wage employer in September 2018, it was recognised that this was the conclusion of a process started in 2013 after submissions from a community delegation from Living Wage Wellington. It has been extensively consulted with the community and was included in the 2018 Long-term Plan.
9. The proposed remit is included at **Attachment 1**. It is drafted to recognise that a number of local authorities across New Zealand are considering and taking steps towards becoming a Living Wage Employer.
10. The remit recognises the value to Wellington City Council in the process it has followed with the Living Wage Aotearoa New Zealand Movement to become an Accredited Employer, and encourages other local authorities developing policies to pay the Living Wage to consider engaging with them too.

## Options

11. There are three options:
  - Option A: Support the Remit as drafted
  - Option B: Support the intent of the Remit and suggest amendments
  - Option C: Do not support the Remit
12. Option A is recommended as Wellington City Council is a Living Wage Accredited employer.

## Next Actions

13. Should the Council agree to propose the remit, officers will seek to have the remit included on the agenda for the Metro Sector Group meeting on Friday 10 May 2019.
14. Subject to receiving support from the Metro Sector Group meeting, Wellington City Council will propose the remit to LGNZ. Remits to be considered at the 2019 AGM must be submitted to LGNZ no later than 5pm on 13 May 2019.
15. Under LGNZ's remits process, a remits committee (comprising the President, Vice Presidents and Chief Executive) will be formed to review and assess proposed remits against a set of criteria (**Attachment 2** refers).

## Attachments

- Attachment 1. Draft Proposed Wellington City Council Remit [↓](#)  Page 102
- Attachment 2. Local Government New Zealand Remit Policy [↓](#)  Page 104

Author	Colette Beaupré, Chief Advisor (Strategy & Governance, HR and Finance)
Authoriser	Nicola Brown, Director Human Resources

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

No engagement or consultation has been conducted.

### **Treaty of Waitangi considerations**

There are no Treaty considerations for this report.

### **Financial implications**

There are no identified financial implications of proposing the remit.

### **Policy and legislative implications**

The remit has been drafted mindful of LGNZ's remit policy (**Attachment 2** refers)

### **Risks / legal**

There are no risks or legal implications.

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

There are no climate change implications.

### **Communications Plan**

A communications plan has not been developed at this stage.

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

There are no health and safety risks to consider.

Wellington City Council Remit

<b>Council Proposing Remit:</b>	Wellington City Council
<b>Remit passed by:</b> (Zone/Sector meeting and/or list five Councils as per policy)	To be added
<b>Remit:</b> Wellington City Council asks that LGNZ members consider engaging with the Living Wage Aotearoa New Zealand Movement when developing policies on payment of the Living Wage.	

Background Information

## 1. Nature of the Issue

According to the Living Wage Movement Aotearoa New Zealand, "Over the last 30 years New Zealand has gone from one of the most equal countries in the developed world to one of the most unequal. Wages have stagnated while New Zealanders are working harder and longer than ever before. Growing poverty and inequality hurts us all – workers and their families, employers, business, the Government and society as a whole."<sup>1</sup>

The Living Wage Movement Aotearoa New Zealand was formed in 2012 to generate a conversation about working poverty in Aotearoa. It brings together community, union and faith based groups to campaign for a Living Wage.

The Living Wage is defined as: "*The income necessary to provide workers and their families with the basic necessities of life. A living wage will enable workers to live with dignity and to participate as active citizens in society*". The Living Wage is an independently researched hourly rate based on the actual cost of living and is reviewed annually. The official 2019 New Zealand Living Wage is \$21.15 and will come into effect on 1 September 2019.

Research from around the world shows that paying a Living Wage brings benefits to employers, to the community and most importantly to workers who need it the most.

## 2. Background to its being raised

The Living Wage Movement Aotearoa New Zealand has an accreditation system available to employers who meet the criteria to become a Living Wage Employer. In order to use this trade mark, employers must sign a license committing the organisation to paying no less than the Living Wage to directly employed and contracted workers, delivering services on a regular and ongoing basis.

This remit recognises that a number of local authorities across New Zealand are currently taking steps towards becoming Living Wage councils.

## 3. The issue's relationship, if any, to the current Work Programme and its objectives

LGNZ is committed to working alongside central government and iwi to address social issues in New Zealand's communities, including disparity between social groups.

<sup>1</sup> <https://www.livingwage.org.nz/information>

4. The level of work, if any, already undertaken on the issue by the proposer, and outcomes to date

In September 2018, Wellington City Council became the first Council in New Zealand to be accredited as a Living Wage Employer. This was the culmination of implementing a Living Wage and working with the Living Wage Movement Aotearoa New Zealand since 2013, in summary:

- Following a decision in 2013, from January 2014 the Council implemented a minimum wage rate of \$18.40 for all fully trained directly employed staff.
  - On 1 July 2014, WCC implemented its decision to introduce the Living Wage (at \$18.40/hr) for council and Council Controlled Organisation (CCO) staff.
  - On 15 May 2015, the Council's Governance, Finance & Planning Committee passed a resolution to increase the \$18.40 rate to reflect annual inflation movement.
  - On 28 October 2015, WCC extended the living wage (at \$18.55/hr) to Security and core cleaning contractors.
  - In July 2017, Council implemented the NZ Living Wage (\$20.20 at the time) for staff, CCOs and core contracts as they come up for renewal.
  - In September 2018, WCC was accredited as a Living Wage employer.
5. The outcomes of any zone or sector meetings which have discussed the issue

*(Note: This paragraph will be updated following the Metro Sector Group meeting on 10 May and before the date for submission of 13 May 2019)*

6. Suggested actions that could be taken by LGNZ should the remit be adopted.

The following action is envisaged, if this remit is passed:

- Member Councils who are developing policies on payment of the Living Wage will consider engaging with the Living Wage Movement Aotearoa New Zealand to understand the criteria for becoming a Living Wage accredited employer.



## LOCAL GOVERNMENT NEW ZEALAND REMIT POLICY

The criteria for considering remits were reviewed in March 1999 and National Council adopted the following Remits Screening Policy:

1. Remits must be relevant to local government as a whole rather than exclusively relevant to a single zone or sector group (or an individual council.)
2. Remits should be of a major policy nature (constitutional and substantive policy) rather than matters that can be dealt with by administrative action.
3. Remits must have formal support from at least one zone or sector group meeting, or five Councils, prior to their being submitted, in order for the proposer to assess support, clarity of the proposal etc.
4. Remits defeated at the AGM in two successive years will not be permitted to go forward.
5. Remits will be assessed to determine whether the matters raised can be actioned by alternative, and equally valid, means to achieve the desired outcome.
6. Remits that deal with issues or matters currently being actioned by LGNZ may also be declined on the grounds that the matters raised are "in-hand." This does not include remits that deal with the same issue but from a different point of view.
7. Remits must be accompanied by background information and research to show that the matter warrants consideration by delegates. Such background should show:
  - the nature of the issue
  - the background to its being raised
  - the issue's relationship, if any, to the current Work Programme and its objectives
  - the level of work, if any, already undertaken on the issue by the proposer, and outcomes to date
  - the outcomes of any zone or sector meetings which have discussed the issue
  - suggested actions that could be taken by LGNZ should the remit be adopted.

### Process

Under the remits process:

- a remits committee (comprising the President, Vice Presidents and chief executive) is to be formed to review and assess proposed remits against the criteria described in this policy
- to allow time for the remits committee to properly assess remits, all proposed remits and accompanying information are forwarded to LGNZ within two months prior to the AGM

- prior to their assessment meeting, the remits committee will receive a staff report on each remit. The reports will assess each remit against the criteria outlined in this policy
- proposers whose remits fail to meet the tests imposed by this policy will be informed prior to the AGM of the Committee's decision, alternative actions available, and the reasons behind the decision.

To ensure quality preparation for members' consideration at the AGM, the committee will not consider or take forward proposed remits that do not meet this policy, or are received after the due date.

### **General**

Remits discussed at the AGM will be presented in the AGM Business Papers that will be with delegates not later than 2 weeks before the AGM, as required by the Rules.



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### 3. Committee Reports

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## REPORT OF THE CITY STRATEGY COMMITTEE MEETING OF 4 APRIL 2019

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**Members:** Mayor Lester, Councillor Calvert, Councillor Calvi-Freeman, Councillor Dawson, Councillor Day, Councillor Fitzsimons, Councillor Foster, Councillor Free, Councillor Gilberd, Councillor Lee, Councillor Marsh, Councillor Pannett (Chair), Councillor Sparrow, Councillor Woolf, Councillor Young.

#### The Committee recommends:

#### A. PROPOSED DISPOSAL - 1B CONNAUGHT TERRACE, BROOKLYN

##### Recommendation/s

That the Council:

1. Declares the property at 1B Connaught Terrace, Brooklyn being 154 m<sup>2</sup> described as Lot 3 D. P. 10337 ROT 742999 (the Land) surplus to operational requirements.
2. Approves the disposal of the Land.
3. Delegates to the Chief Executive Officer the power to conclude all matters necessary to dispose of the Land including offer back investigations in accordance with the provisions of the Public Works Act, and sales negotiations.

##### Note

- Reports relating to this Committee recommendation can be viewed online at [https://wellington.govt.nz/~media/your-council/meetings/committees/city-strategy-committee/2019/03/21/cit\\_20190404\\_agm\\_3258\\_at.pdf#page=31](https://wellington.govt.nz/~media/your-council/meetings/committees/city-strategy-committee/2019/03/21/cit_20190404_agm_3258_at.pdf#page=31)
- The minutes of this meeting can be viewed online at <https://wellington.govt.nz/~media/your-council/meetings/committees/city-strategy-committee/2019/04/04/20190404-csc-minutes.pdf#page=12>

#### B. REPORTING BACK ON PUBLIC CONSULTATION OF NEW LEASES ON THE WELLINGTON TOWN BELT

##### Recommendation/s

That the Council:

1. Grants a new ground lease for a five year term with one renewal term of five years under the Wellington Town Belt Act 2016 to the Wellington Canine Obedience Club Incorporated for an area of 162.2m<sup>2</sup> contained in part of the Wellington Town Belt known as part Lot 1 on Deposited Plan 8519 and contained in part of Computer Freehold Register 742962.
2. Notes that the following Special Provision will be included in the lease:

The Lessee is ensure noise levels at the land are kept to a reasonable level by adhering to the following conditions:

- i. The Lessee will only operate within the following hours: Monday–Friday 9am–9pm and Saturday/Sunday 9am–4pm.
  - ii. Class sizes are restricted to ten dogs per instructor, plus up to four instructors’ dogs (one per class).
  - iii. The Lessee will publish specific class times on the Club’s website not less than 7 days prior to the commencement of each teaching term.
  - iv. The Lessee will ensure that no more than 44 dogs will be on site at any one time, except when there is an annual event such as a competition.
3. Grants a new premises lease for a ten year term with one renewal term of ten years under the Wellington Town Belt Act 2016 to the Wellington Municipal Croquet Club Incorporated for an area of 124m<sup>2</sup> contained in part of the Wellington Town Belt known as part Lot 1 on Deposited Plan 8519 and contained in part of Computer Freehold Register 742962.
  4. Notes that the following Special Provisions will be included in the lease:
    - i. The Lessee is to ensure noise levels at the land are kept to a reasonable level.
    - ii. The Lessee acknowledges that there is a separate fee for the use of the Croquet Greens surrounding the Premises.
    - iii. The Lessee will have first right to book the Croquet Greens during the term of the Lease.
    - iv. The parties acknowledge that the Council owns the outside bench seats and fencing located immediately adjacent to the Premises and is responsible for their maintenance. The parties acknowledge that the Lessee owns the equipment shed located immediately north of the clubrooms, two forms at the front of the clubrooms, and the retaining walls and weather shelters located around the perimeter of the Croquet Greens, and is responsible for their maintenance.
  5. Grants a new ground lease for a ten year term under the Wellington Town Belt Act 2016 to the Wellington Football Club Incorporated contained in part of the Wellington Town Belt known as Hataitai Park, Hataitai, Lot 1 on Deposited Plan 33006 contained in Computer Freehold Register WN9C/1229.
  6. Notes that the lease will include the following Special Provisions:
    - i. The Lessee is to provide an agreed signage plan for approval prior to any sign being erected.
    - ii. The Lessee is to submit a detailed maintenance plan to address the building’s deferred maintenance prior to the lease being executed. Officers will monitor the maintenance plan implementation and progress annually.

**Note**

- Reports relating to this Committee recommendation can be viewed online at [https://wellington.govt.nz/~media/your-council/meetings/committees/city-strategy-committee/2019/03/21/cit\\_20190404\\_agm\\_3258\\_at.pdf#page=39](https://wellington.govt.nz/~media/your-council/meetings/committees/city-strategy-committee/2019/03/21/cit_20190404_agm_3258_at.pdf#page=39)
- The minutes of this meeting can be viewed online at <https://wellington.govt.nz/~media/your-council/meetings/committees/city-strategy-committee/2019/04/04/20190404-csc-minutes.pdf#page=12>

**Attachments**

Nil

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## REPORT OF THE CITY STRATEGY COMMITTEE MEETING OF 18 APRIL 2019

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**Members:** Mayor Lester, Councillor Calvert, Councillor Calvi-Freeman, Councillor Dawson, Councillor Day (not present – apologies accepted), Councillor Fitzsimons, Councillor Foster, Councillor Free, Councillor Gilberd, Councillor Lee, Councillor Marsh, Councillor Pannett (Chair), Councillor Sparrow, Councillor Woolf, Councillor Young.

**The Committee recommends:**

### TRADE WASTE CHARGES POLICY - UPDATE

#### Recommendation/s

That the Council:

1. Adopts the amended Trade Waste Charges Policy (**Attachment 1** refers).

#### Note

- Reports relating to this Committee recommendation can be viewed online at [https://wellington.govt.nz/~media/your-council/meetings/committees/city-strategy-committee/2019/04/18/cit\\_20190418\\_agm\\_3287\\_at.pdf#page=7](https://wellington.govt.nz/~media/your-council/meetings/committees/city-strategy-committee/2019/04/18/cit_20190418_agm_3287_at.pdf#page=7)

#### Attachments

Attachment 1.	Trade Waste Charges Policy (as recommended by City Strategy Committee) <a href="#">↓</a> 	Page 110
Attachment 2.	Draft minutes of the City Strategy Committee meeting of 18 April 2019 (Item 2.1, Trade Waste Charges Policy - update) <a href="#">↓</a> 	Page 118

**WELLINGTON CITY COUNCIL**

**TRADE WASTE CHARGES POLICY**

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## 1. Introduction

The Council is responsible for providing and managing wastewater services for the city. It does this by providing a wastewater transportation network comprising more than 1,000 kilometres of pipes and tunnels with 63 pumping stations. The wastewater is treated at treatment plants at Moa Point, Karori and Porirua[1]. The sludge from the treatment process at Moa Point and Karori is currently taken to the Council's Southern Landfill, where it is dewatered and then disposed of to landfill. In the long-term, the Council has committed funds to solutions to significantly reduce the volume of sludge disposed of to landfill.

Although trade waste is a small proportion of the total wastewater entering the wastewater system, it can lead to undesirable outcomes within the city's sewer network and treatment plants if not appropriately managed.

Discharging trade waste to the wastewater system places additional load on the system which may cause accelerated corrosion, generate odours and dangerous gases, adversely affect the treatment processes or adversely impact on the disposal of biosolids (the waste remaining after the treatment and de-watering process) and effluents. The additional load is created by the concentration of the substances discharged and their total mass.

This policy sets out a framework to determine and implement a 'mass flow charging regime' where trade waste producers will be expected to contribute to the cost of disposing of trade waste. This policy must be read in conjunction with the Trade Waste Bylaw which provides a basis for charging trade waste users and ensures that the costs of treatment and disposal are shared fairly between trade waste and domestic wastewater dischargers.

NOTE: The Trade Waste Charges policy should be reviewed when the Trade Waste Bylaw is next due to be reviewed in 2026.

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## **2. Policy Fundamentals**

All activities that require a trade waste consent under the Council's Trade Waste Bylaw will be liable to pay trade waste charges.

Trade waste charges will incorporate three components:

1. Volume – the amount of waste disposed through the sewer – measured in cubic metres (m<sup>3</sup>)
2. BOD - biological oxygen demand, a measure of the level of bacteria in the waste – measured in kilograms (kg)
3. Suspended solids – the content of solid material in the trade waste disposed – measured in kilograms (kg)

The revenue anticipated to be collected through trade waste charges in any year will reduce by an equivalent amount, the level of rates required to be collected through the commercial sewerage rate.

All trade waste disposers will continue to pay sewage rates, but will receive a 'domestic credit' to avoid double charging for services provided. Section 3.2 details the domestic credit calculation.

### 3. Calculating fees and charges

#### 3.1 Trade Waste Limits and Charges

Trade waste limits will be governed by a trade waste consent, which will be consistent with the Council's Trade Waste Bylaw.

Trade waste charges will be based on the following formulae:

	<b>Charging basis</b>	<b>Threshold</b>
<b>Volume (total flow)</b>	\$ per cubic meter of volume	Up to 100m <sup>3</sup> /day
		Between 100m <sup>3</sup> /day and 7,000m <sup>3</sup> /day
		Above 7,000m <sup>3</sup> /day
<b>B.O.D</b>	\$/kg based on composite daily sample	Up to 3,150 kg per day
		Above 3,150 kg per day
<b>Suspended solids</b>	\$/kg based on composite daily sample	Up to 1,575 kg per day
		Above 1,575 kg per day
<b>Council Monitoring</b>	Actual and reasonable	TWI Category 4
	TWI Category 1-3 responsible for own monitoring costs as per consent conditions.	

- The variable/marginal pricing mechanism for Volume promotes the 'polluter pays' principle and provides an incentive for low trade waste disposers to maintain trade waste discharges at or below 100m<sup>3</sup>/day.

### 3.2 Domestic sewage allowance

The domestic portion of waste is funded through sewage rates. It is therefore appropriate to provide an allowance or "credit" for the domestic portion of waste entering the sewerage system.

The domestic credit reflects the proportion of wastewater generated by employees and/or customers of trade waste disposers.

#### Domestic credit component calculation:

Base assumptions used in establishing the domestic component of waste are as follows:

$a$  = Number of FTE's

$b$  = Number of hours per day per FTE

$c$  = Average number of days worked per year per FTE

Flow = 50 litres per day (24 hours).

BOD = 220 mg/litre of water

SS = 220 mg/ litre of water

$b / 24$  hours =  $d\%$  = daily allowance per shift

Z litres =  $d\%$  x 1.1 (10% margin) x 50 litres x  $a$  persons x  $c$  days

	<i>Quantity</i>	<i>Rate</i>	<i>Credit</i>
<b>Total Flow</b>	Z/1000 m <sup>3</sup> x	\$ as per the current Council Annual Plan	= \$x,xxx
<b>SS</b>	Z*0.00022 kg x	\$ as per the current Council Annual Plan	= \$x,xxx
<b>BOD</b>	Z*0.00022 kg x	\$ as per the current Council Annual Plan	= \$x,xxx
			\$x,xxx

\* The domestic credit rate is based on the 'full cost' of sewerage activity.

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#### 4. Trade Waste Charging Methodology

Trade waste charges will be based on the following calculations:

##### Volume:

Cost of sewerage collection, transportation and 50% of treatment costs*	divided by	Total inflow (m3) to sewerage treatment facilities**	= flow charge per m3 of waste
Up to 100m3 per day	=	based on variable cost	
Between 100m3 per day and 7,000m3 per day	=	based on marginal cost	
Above 7000m3 per day	=	based on full costs (from 01/07/09)	

\* Total cost is per Sewage Collection and Disposal Network Activity budget per Council current Annual Plan.

\*\* Total treatment facility inflow based on 3 year rolling average (revised annually)

##### BOD:

25% of sewerage treatment costs*	divided by	Total BOD inflow (kg) to sewerage treatment facilities**	= BOD charge per kg
Up to 3,150kg/day	=	based on variable cost	
Above 3,150kg/day	=	based on full cost (from 01/07/09)	

\* Total cost is per Sewage Collection and Disposal Network Activity budget per Council current Annual Plan.

\*\* Total treatment facility BOD based on 3 year rolling average (revised annually)

##### Suspended solids:

25% of sewerage treatment costs plus cost of solid waste disposal*	divided by	Total suspended solid inflow (kg) to sewerage treatment facilities**	= suspended solid charge per kg
Up to 1,575kg/day	=	based on variable cost	
Above 1,575kg/day	=	based on full cost (from 01/07/09)	

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- \* Total cost is per Sewage Collection and Disposal Network Activity budget per Council current Annual Plan.
  - \*\* Total treatment facility suspended solids based on 3 year rolling average (revised annually)

CITY STRATEGY COMMITTEE  
18 APRIL 2019Absolutely Positively  
Wellington City Council  
Me Heke Ki Pōneke

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**2. Policy**

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**2.1 Trade Waste Charges Policy - update**

**Note:** Officers added new recommendations 9-11 following the pre-CSC Meeting

**Moved Councillor Pannett, seconded Councillor Gilbert**

**Resolved**

That the City Strategy Committee:

1. Receive the information.
2. Note the Trade Waste Charges Policy was adopted in August 2008 and this is the first time it has been reviewed.
3. Note the Trade Waste Bylaw was reviewed in 2015-16 and an amended bylaw adopted in 2016.
4. Note the scope of the policy review did not include the setting of fees and charges in respect of the trade waste application process, administration and monitoring of trade waste discharge consents and for the conveyance, treatment and disposal of trade waste.
5. Note public consultation is not required as the proposed changes to the current Trade Waste Charges Policy are considered minor changes, therefore adopting the amended Trade Waste Charges Policy only requires a publicly notified resolution.
6. Note the deletions marked up in the Trade Waste Charges Policy, shown in strikethrough (Attachment 1).
7. Agree to amendments to the Trade Waste Charges Policy.
8. Recommend to council to adopt the amended Trade Waste Charges Policy (Attachment 2).
9. Agree to amend the table in section 3.2 Domestic sewage allowance as follows: delete the numbers in the rate column and replace with "as per the Council current Annual Plan".
10. Note that examples for calculating fees and charges for trade waste and domestic sewage allowance will be provided as a separate guidance note.
11. Agree that a note be added to review the Trade Waste Charges policy when the Trade Waste Bylaw is reviewed in 2026.

**Carried**