

5 March 2024

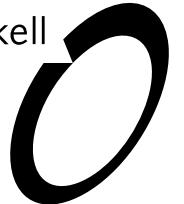
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Wellington City Council Proposed District Plan
Wellington City Proposed District Plan Hearings Panel

Email: District.Plan@wcc.govt.nz

Boffa Miskell



Dear Sir/Madam

Wellington City Proposed District Plan2022: Hearing Stream 7 – Rural and Open Space, District Wide Matters, Special Purpose Zones

Hearing Statement for Horokiwi Quarries Limited (Submitter reference 271)

Horokiwi Quarries Limited (“Horokiwi”) writes in relation to Hearing Stream 7 - Rural and Open Space, District Wide Matters, Special Purpose Zones, that is scheduled to commence on 19 March 2024.

There are a limited number (13 original¹) of submission points of relevance to Horokiwi that are being considered as part of Hearing Stream 7.

Of the 13 points, one is addressed through the recommendation at Hearing Stream 1 to provide a new strategic direction specific to quarrying and mining, and three points relate to rezoning requests and have been addressed at Hearing Stream 6.

Given the remaining confined nature of Horokiwi’s submission points specific to Hearing Stream 7, and that the outcome of the rezoning requests will determine the relevance of the Hearing Stream 7 matters, Horokiwi has not requested to be heard or filed evidence. That said, Horokiwi is available to respond to any questions the Hearings Panel may have.

However, Horokiwi does still see merit in amending GRUZ-P5 to clarify how the policy applies to existing quarry activities (and extensions) given the officer recommended amendments to GRUZ-R12 to clarify the rule also applies to quarry extensions.

For completeness Horokiwi records its position in respect of the relevant matters in the attached table.

Horokiwi respectfully requests that this letter be tabled for the Panel’s consideration, to confirm its position in relation to its submission points and the Section 42A Report recommendations.

Should you require clarification of any matter, please contact Pauline Whitney at Boffa Miskell Ltd (04 901 4290), or on the following email: pauline.whitney@boffamiskell.co.nz

Yours faithfully

A handwritten signature in black ink, appearing to read "Phy".

Pauline Whitney
Senior Planner/Senior Principal
BOFFA MISKELL LTD

Sub No / Point No	Plan Provision	Summary of Decision Requested	S42A Recommendation	Horokiwi Response to S42A Recommendation
271.4	Whole PDP	<p>Relief: Amend. Add new policy within the PDP (outside the Special Purpose Quarry Zone) as follows: <u>When assessing quarrying activities, provide for their functional needs and operational needs, and have regard to their functional constraints.</u></p> <p>Reasoning: Considers that there is currently no plan wide recognition of the need and benefits of quarrying activities. While the General Rural zone provides one specific policy (GRUZ- P6), it relates to effects as opposed to the benefits of quarry activities and therefore is limited in its scope. While the Special Purpose Quarry Zone has a policy (and rule) framework it relates to existing quarry sites within the Special Purpose Quarry Zone only and does not have plan wide application, including for any expansion of existing quarries outside the Quarry Zone. Horokiwi suggests that the most logical place for some form of plan wide recognition of quarrying activities would be within the Infrastructure Chapter. However, it is recognised the quarries are not infrastructure as defined in the PDP. As such, as an alternative Horokiwi would support the policy recognition in other parts of the PDP (outside the Special Purpose Quarry Zone).</p> <p>Two policies are suggested. One relating to benefits and the other to functional constraints noting quarries are ultimately resource dependent and therefore their potential location is constrained.</p>	<p>Reject</p> <p>S42A Commentary: Para 94. In response to Horokiwi's [271.4, 271.60] request to add a new policy as proposed to recognise and provide for the benefits of quarrying activities, I disagree with their relief sought for the following reasons: Refer S42A report.</p>	On the basis of the recommended new strategic objective, and the recommended amendment to Rule GRUZ-R12 to clarify its application, Horokiwi accepts the recommendation.
271.7	Mapping / Rezone	<p>Relief: Amend. Rezone Pt Sec 16 Harbour District from Open Space Zone to Special Purpose Quarry Zone. [Refer to original submission for figures and attachments showing the area sought to be rezoned].</p> <p>Reasoning: Supports that the Horokiwi site is zoned Special Purpose Quarry Zone, however two sites are not included, and amendments are sought to rezone two areas (being Pt Sec 17 Harbour District and Pt Sect 18 Harbour District from General Rural zone to Special Purpose Quarry zone, and part of Pt Sec 16 Harbour District from Open Space zone</p>	<p>Addressed in hearing stream 6</p> <p>S42A Commentary: Para 129. I do not consider it necessary to provide any further comment with respect to zoning of the Horokiwi Quarry site other than to confirm that I concur with the recommendations of the Reporting Officer as outlined in paragraphs 52-78 of the Quarry Zone s42A Report.</p>	The matter is addressed at Hearing Stream 6.
271.8	Mapping / Rezone	<p>Relief: Amend. Rezone Pt Sec 18 Harbour District and Pt Sec 17 Harbour District from General Rural Zone to Special Purpose Quarry Zone. [Refer to original submission for figures and attachments showing the areas sought to be rezoned].</p> <p>Reasoning: Supports that the Horokiwi site is zoned Special Purpose Quarry Zone, however two sites are not included, and amendments are sought to rezone two areas (being Pt Sec 17 Harbour District and Pt Sect 18 Harbour District from</p>	<p>Reject</p> <p>S42A Commentary: Para 82. In response to Horokiwi Quarries [271.8] request to rezone Pt Sec 18 Harbour District and Pt Sec 17 Harbour District I refer to Hearing Stream 6 Quarry Zone reporting officer Hannah van Haren-Giles's section 42A report7 at paragraphs 52- 78 where Ms van Haren-Giles has already addressed this submission point. Ms van Haren-Giles has rejected this rezoning request and provided reasoning for this. I support Ms van Haren-Giles's position.</p>	The matter is addressed at Hearing Stream 6.
271.60	General Rural Zone / New GRUZ	<p>Relief: Amend. Add new policy to the General Rural Zone chapter as follows: <u>The benefits of quarrying activities to the city and region are recognised and provided for in the General Rural Zone.</u></p> <p>Reasoning: Seeks that a new policy is added to recognise and provide for the benefits of quarrying activities, noting that policy GRUZ-P5 relates to adverse effects and not benefits.</p>	<p>Reject</p> <p>S42A Commentary: Para 94. In response to Horokiwi's [271.4, 271.60] request to add a new policy as proposed to recognise and provide for the benefits of quarrying activities, I disagree with their relief sought for the following reasons: Refer S42A report.</p>	On the basis of the recommended new strategic objective, and the recommended amendment to Rule GRUZ-R12 to clarify its application, Horokiwi accepts the recommendation.
271.61	General Rural Zone / New GRUZ	<p>Relief: Amend. Add a new rule providing a Restricted Discretionary Activity status for the extension to an existing quarry.</p> <p>Reasoning: Accepts the discretionary activity status for a new quarry. It is presumed the rule applies to all quarry activities, regardless of whether they are new or an extension. Clarification is required.</p>	<p>Reject</p> <p>S42A Commentary: Para 102. In regards to Horokiwi's submission point [271.61] seeking a new rule providing a RDA status for the extension to an existing quarry be added to the chapter, I disagree with the relief sought. GRUZ-R12 already provides for extensions to existing quarries. In relation to Horokiwi's other submission points [271.64 and 271.65] detailed further below which seek clarity on whether GRUZ-R12 applies to only new quarrying activities or also covers extensions to existing quarries I consider the rule applies to both activities. However, I acknowledge more clarity could be provided in the title of GRUZ-R12 to make this clear. I have recommended an amendment in paragraph 272 in the section relating to GRUZ-R12. 103. Whilst I appreciate that Horokiwi [271.61] are seeking that extension to an existing quarry be a RDA status, I consider that GRUZ-R12's Discretionary Activity status is appropriate. A discretionary activity status allows processing planners a greater ability to consider a range of matters, effects and considerations as part of assessing the appropriateness of extending an existing quarry, more so than a RDA status would allow. 104. In my view, this activity status is particularly appropriate given this is for such activity in the GRUZ, and not the bespoke QUARZ, which represents a greater risk of potential adverse effects with surrounding land uses and adjoining sites.</p>	Horokiwi accepts the recommendation on the basis of the recommendation to amend GRUZ-R12 to make it clear it applies to extension of existing quarry activities.

271.62	General Rural Zone / GRUZ-O1	<p>Relief: Support. Retain GRUZ-O1 (Purpose) as notified.</p> <p>Reasoning: Supports the recognition of other activities within the General Rural Zone which have a functional need.</p>	<p>Accept</p> <p>S42A Commentary: No specific commentary as objective is retained as notified.</p>	Horokiwi supports the recommendation to retain the objective.				
271.63	General Rural Zone / GRUZ-P5	<p>Relief: Amend. Amend GRUZ-P5 (Quarrying and mining site rehabilitation) as follows: GRUZ-P5 Quarrying and mining site rehabilitation <i>Require any new mining or quarrying activities and changes of use on existing quarry or mining— sites in the General Rural Zone to demonstrate, through a detailed management plan, how the site will be rehabilitated, having particular regard to:</i> ... Reasoning: Considers that while the majority of the Horokiwi site is zoned Quarry zone, a portion (which has not been quarried) is zoned General Rural Zone. Notwithstanding the zoning of the land east of Horokiwi Road, Horokiwi supports the policy recognition within the General Rural Zone of new quarrying activities and the need for a detailed management plan. With respect to existing quarry sites that will change their use. Horokiwi is unclear how the policy would be applied if the change of use was to a permitted activity. Any requirement for site rehabilitation should be enforced through existing consent conditions and not a retrospective policy approach.</p>	<p>Reject</p> <p>S42A Commentary: Para 178. In respect of the amendment sought by Horokiwi Quarries [271.63] to amend GRUZ-P5 to not apply to a change of use, I disagree. In paragraphs 102-104 of this report, I have clarified that, in my view, GRUZ-R12 (Quarrying or mining activities) applies to both new activities or expanding quarries. As such, I consider it is essential that GRUZ-P5 (Quarrying and mining site rehabilitation) still applies to an extension of existing quarrying activities. In my view, given an already operational quarry will be expanding upon their existing activities and footprint, I think it is entirely appropriate that through the resource consent process, the operator demonstrates, through either a new or updated detailed management plan, how the site will be rehabilitated. This will assist Council in understanding potential adverse effects and intended future use of the site.</p>	Horokiwi does still see merit in amending GRUZ-P5 to clarify how the policy applies to existing quarry activities (and extensions) given the recommended amendments to GRUZ-R12.				
271.64 and 271.65	General Rural Zone / GRUZ-R12	<p>Relief: Amend. Clarify the intent of GRUZ-R12 (Quarrying or mining activities) as to whether the rule applies to all quarry activities, regardless of whether they are new or an extension.</p> <p>Reasoning: Considers that the discretionary activity status for a new quarry is acceptable. It is presumed the rule applies to all quarry activities, regardless of whether they are new or an extension. Clarification is required.</p>	<p>Accept in part</p> <p>S42A Commentary: Para 276. In relation to the relief sought by Horokiwi Quarries [271.64 and 271.65] for clarification to be provided in GRUZ-R12 as to whether it relates to only new activities or extensions, I agree in part as I consider the rule heading does not provide the necessary clarity and an amendment is needed to provide this. I consider that GRUZ-R12 relates to both new quarrying or mining activities and expansions to existing quarrying or mining activities. I consider that it is appropriate that a Discretionary Activity therefore applies to both new activities or expansions as these activities are considered potentially compatible activities, rather than primary activities, within the GRUZ. Sufficient assessment is therefore required through the consent process for extensions as well as new activities. Amend the rule as follows:</p> <table border="1"> <tr> <td>GRUZ-R12</td> <td>New or extended Quarrying or mining activities</td> </tr> <tr> <td colspan="2">1. Activity status: Discretionary</td> </tr> </table>	GRUZ-R12	New or extended Quarrying or mining activities	1. Activity status: Discretionary		Horokiwi supports the officer recommendation to amend the rule.
GRUZ-R12	New or extended Quarrying or mining activities							
1. Activity status: Discretionary								
271.66	Natural Open Space Zone / New NOSZ	<p>Relief: Amend. Insert a new policy as follows: <u>NOSZ-P4a Other activities</u> <u>Enable other activities within the zone where they have regional benefits.</u></p> <p>Reasoning: Considers it appropriate that there is policy recognition of other activities. This could be achieved through amendment to P4 and provision of a new policy. The Natural Open Space zone is of relevance to Horokiwi as it adjoins the existing quarry to the west. Horokiwi is exploring options for expansion and wishes to ensure that the policy and rule framework within the adjoining zone provides some consenting pathway.</p>	<p>Reject</p> <p>S42A Commentary: Para 248. I disagree with Horokiwi Quarries Ltd [271.66] as I consider that NOSZ-P4 already adequately provides for potentially compatible activities or activities not explicitly provided for and there is a consenting pathway for quarrying activities, albeit not explicitly supportive. With respect to amendments to the NOSZ to explicitly recognise quarrying activities I disagree for similar reasons to those outlined in paragraph 241 of this report.</p>	On the basis of the recommended new strategic objective, Horokiwi accepts the recommendation. Horokiwi further notes that its position may change depending on the outcome of submission point 271.7 seeking rezoning.				
271.67	Natural Open Space Zone / NOSZ-P1	<p>Relief: Not specified. Seeks that NOSZ-P1 (Enabled activities) is amended to recognise other activities, if amendments to NOSZ-P4 (Potentially compatible activities) are not accepted.</p> <p>Reasoning: Considers that if amendments sought in relation to NOSZ-P4 are not accepted, then NOSZ-P1 be amended to recognise other activities. On the basis policy NOSZ-P4 is amended to recognise other activities, Horokiwi is neutral on policy NOSZ-P1.</p>	<p>Reject</p> <p>S42A Commentary: Para 241. I disagree with Horokiwi Quarries Ltd [271.67] that NOSZ-P1 is amended to recognise other activities, simply to provide a more supportive consenting pathway for quarrying activities on parts of their site or adjoining sites to accommodate a potential future expansion of the existing quarry. I do not agree that the policy framework needs to better recognise activities such as quarrying, which are not anticipated in the zone. I also note that the s42A reporting officer for PDP Hearing Stream 1 (in paragraph 1004) has recommended that a new objective be included in the 'Strategic City Assets and Infrastructure' chapter to recognise the strategic benefits of quarrying activities to the city. I consider that this objective adequately recognises the benefits of quarrying activities and can be considered as part of an assessment of a resource consent application for any proposal for quarrying activities in the NOSZ.</p>	On the basis of the recommended new strategic objective, Horokiwi accepts the recommendation. Horokiwi further notes that its position may change depending on the outcome of submission point 271.7 seeking rezoning.				

271.68	Natural Open Space Zone / NOSZ-P4	<p>Relief: Amend. Amend Policy NOSZ-P4 (Potentially compatible activities) as follows: <i>Only a</i><u>Allow other activities to establish where it can be demonstrated that they are compatible with the purpose, character and amenity values of the zone, having regard to whether:</u> ... Reasoning: Considers it appropriate that there is policy recognition of other activities. This could be achieved through amendment to P4 and provision of a new policy. The Natural Open Space zone is of relevance to Horokiwi as it adjoins the existing quarry to the west. Horokiwi is exploring options for expansion and wishes to ensure that the policy and rule framework within the adjoining zone provides some consenting pathway.</p>	<p>Reject</p> <p>S42A Commentary: Para 244. I disagree with the amendments to NOSZ-P4 sought by Horokiwi Quarries Ltd [271.68] as I consider the policy language as notified appropriately reflects the objectives of the zone, and informs the associated permitted rules and default rule and discretionary activity status established by NOSZ-R11.</p>	On the basis of the recommended new strategic objective, Horokiwi accepts the recommendation. Horokiwi further notes that its position may change depending on the outcome of submission point 271.7 seeking rezoning.
271.69	Natural Open Space Zone / NOSZ-R11	<p>Relief: Support. Retain NOSZ-R11 (Any other activity not otherwise provided for as a permitted activity) as notified. Reasoning: Supports the discretionary activity status within Rule NOSZ-R11 .</p>	<p>Accept</p> <p>S42A Commentary: No specific commentary as the discretionary rule is retained as notified.</p>	Horokiwi supports the recommendation to retain the rule.