

OFFICER'S REPORT FOR: Hearings Commissioners:
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SUBJECT: Proposed Private District Plan Change 33:
Amendments to the Extraction Activity Area Provisions

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DATE OF HEARING: 05 and 06 June 2014

EXECUTIVE SUMMARY

In August 2013 Winstone Aggregates lodged a private plan change request with Council, which proposes amendments to the Extraction Activity Area provisions of the District Plan. The private plan change seeks changes to the extent and location of the Special Amenity Area within the Extraction Activity Area as well as changes to policies and rules.

Council decided to accept the private plan change and notify it as a private plan change. The process then follows the private plan change decision-making procedures set out in Part II of the First Schedule of the Resource Management Act 1991 (RMA).

In brief, the private plan change request proposes changes to the Special Amenity Area by excluding one area that is currently protected and including another area that is currently sitting outside the Special Amenity Area. This would enable quarrying as of right in an area which is currently protected as a Special Amenity Area but, according to the applicant, is the only remaining area of the quarry containing high quality useable rock.

The private plan change also proposes changes to the policies and rules of the Extraction Activity Area to reflect the proposed changes to the Special Amenity Area and to add better references to the Quarry Management Plan.

The private plan change as provided by the applicant contains several assessments on issues such as Economy, Landscape and Visual Amenity and Ecology as well as the proposed Quarry Management Plan.

The proposed private plan change was notified on 15 October 2013, with submissions closing on 15 November 2013.

The summary of submissions was notified on 21 January 2014, with further submissions closing on 05 February 2014.

A total of 6 original submissions and 7 further submissions were received.

A hearing of the submissions received on Proposed Private Plan Change 33 is proposed to be held on the 5th and 6th of June 2014.

The following report summarises and discusses the submissions and further submissions and makes recommendations to either accept or reject them for the reasons as outlined under Part 4 of this report. The report also includes an analysis of the private plan change in the light of the submissions received and makes recommendations on whether the private plan change should be adopted, rejected or amended (Part 5).

Primary Issues

From my analysis of the Plan Change and the submissions received the following are considered to be the key issues of relevance to the Plan Change.

1. Effects on Indigenous Ecosystems

Both the requestor's ecologist as well as the ecologist appointed by Hutt City Council have advised that there will be severe effects on ecology and biodiversity. The proposed mitigation measures are only addressing these effects in part.

2. Consistency with Regional and National Policy Direction

The Greater Wellington Regional Council (GWRC) in their submission are questioning the consistency of the plan change with national and regional policy. Due to the fact that the current mitigation measures are not sufficiently addressing the effects caused by the proposed changes it is concluded that the plan change as it stands now is not consistent with Regional Policy direction.

3. The Need for the Plan Change

The submission of Mr Perry Husband is questioning the need for the plan change. In his submissions the submitter refers back to evidence provided as part of a resource consent application from 2007 which referred to a working life of the quarry until at least 2040. The plan change is based on new information from recent geotechnical investigations. However, I am refraining from making a final conclusion about this issue until the evidence of Mr Husband has been presented at the hearing.

4. Noise, Dust, Odour

A number of submitters have mentioned the environmental effects associated with noise, dust and odour. I am of the opinion that these issues are sufficiently addressed by the current provisions in the permitted activity standards of the District Plan and the mitigation as stipulated in the quarry management plan with regard to dust and noise.

Recommendations

On the basis of this report it is my recommendation, prior to hearing from the submitters, that Proposed Private Plan Change 33 as lodged by Winstones Aggregates be rejected. I consider the ecological mitigation measures as proposed by the requestor to be not sufficiently mitigating the ecological effects caused by the proposed changes. I also consider the proposal not to be in line with the objectives and policies of the Wellington Regional Policy Statement relating to ecology.

In my opinion the only feasible way to address these issues would be to introduce additional controls and mitigation measures to address the adverse effects on and the loss of significant ecological values. This could be achieved by providing for any vegetation clearance and extraction activities within the existing Special Amenity Area as a restricted discretionary activity with the relevant matters being the mitigation of the adverse effects on the environment. The proposed additional mitigation measures are outlined in the final recommendations of this report.

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1. INTRODUCTION

This report discusses and makes recommendations on submissions received in relation to Proposed Private Plan Change 33 - Amendments to the Extraction Activity Area Provisions (the private plan change). The report also analyses the private plan change in the light of submissions received and makes recommendations on whether to accept, reject or amend the private plan change.

The private plan change seeks to change the extent and location of the Special Amenity Area within the Extraction Activity Area of the District Plan. It also proposes changes to the policies and rules of the Extraction Activity Area to reflect those changes and add additional reference to the Quarry Management Plan.

2. BACKGROUND

2.1 Process

In August 2013 Winstone Aggregates lodged a private plan change request with Council.

In brief, the private plan change request:

- (i) Describes the current situation and provisions of Chapter 6D Extraction Activity Area including the restriction for quarrying within the Special Amenity Area.
- (ii) Proposes changes to the Special Amenity Area by excluding one area that is currently protected and including another area that is currently sitting outside the Special Amenity Area. This would enable quarrying as of right in an area which is, according to the application, the only remaining area containing high quality useable rock.
- (iii) Proposes changes to the policies and rules of the Extraction Activity Area to reflect the proposed changes to the Special Amenity Area and to add references to the Quarry Management Plan.

The application states that should the quarry not be able to access the newly confirmed rock resources that are situated in the area of the Special Amenity Area that the quarry will close in the next 5-10 years, dependant on demand.

As part of the private plan change request the applicant provided:

- An Assessment of Greywacke Aggregate Resources near Wellington;
- An Assessment of Economic Effects;
- A Landscape and Visual Assessment;
- A Terrestrial Ecology Assessment including an Assessment of the Lizard Fauna; and
- A copy of the proposed Quarry Management Plan.

The process for a private plan change is set out in the First Schedule of the Resource Management Act 1991 (RMA). Any person may request a change to the District Plan and Council must consider that request.

Clause 25 of the First Schedule of the RMA requires Councils who have received a request for a private plan change to do one of four things:

- (i) Adopt the plan change request in whole or in part, and notify it as a Council initiated plan change; or
- (ii) Accept the plan change request in whole or in part, and notify it as a private plan change; or
- (iii) Decide to deal with it as a resource consent; or
- (iv) Reject the plan change request.

At its meeting on 17 September 2013 Council agreed to accept the private plan change request. By accepting the private plan change request Council agreed that the plan change can proceed

to notification and at the same time took a neutral position neither supporting nor opposing the content of the request.

The process then follows the private plan change decision-making procedures set out in Part II of the First Schedule of the RMA. The request must be publicly notified within four months of Council agreeing to accept the request. The plan change remains a private plan change.

The private plan change was notified on 15 October 2013, with submissions closing on 15 November 2013. Due to an administrative error in the initial mail out the submission phase was extended to allow for five affected parties to make a submission. The summary of submissions was notified on 21 January 2014, with further submissions closing on 05 February 2014.

A total of 6 original submissions and 7 further submissions were received. A full list of submitters who have lodged submissions or further submissions on the private plan change together with the relevant submission references can be found in Parts 3 and 4 of this report.

2.2 Consultation

A number of earlier rounds of consultation were undertaken by Winstone Aggregates prior to lodging the proposed private plan change. The consultation undertaken by Winstone in preparation of the private plan change proposal is described in more detail in Part 5 of the private plan change document as publicly notified in October 2013.

2.3 Historical Background

The Belmont Quarry was originally started as a gold prospecting site before the turn of the 20th century, but no valuable gold sources were found. In the 1920s the quarry was used to source rock to produce ballast for the railways. In the 1970s it started supplying building and roading aggregate. In the 1980s alluvial materials started becoming scarce and the site was developed into a major production plant enabling the production of a full range of high quality aggregate. The owner history is as follows:

- 1935 – 1977 River Sand and Shingle Limited
- 1977 - 1988 Firth Industries
- 1988 – present Winstone Aggregates (a division of Fletcher Concrete and Infrastructure)

(Source: <http://www.belmontquarry.co.nz/>)

Belmont Quarry has been operating as the sole hard rock quarry in the Hutt Valley since the 1980s. A chronological development history of the site is listed below.

Chronological Development History of Belmont Quarry

- Quarry reported to be operating since the early 1900s.
- 1921 – Quarry marked on old scheme plan.
- 1975 – Quarry expansion adjoining existing quarry, unzoned.
- 1986 – Subdivision creating current parcels involved in quarry.
- 1988 – Concrete product manufacturing plant. Under proposed District Planning Scheme for Western Hills, non-conforming use. Belmont quarry has not been utilized as a quarry for a number of years because of economic factors. Existing use rights may have lapsed at this point.
- 1989 – Dust complaints investigated.
- 1990 – Establish a ready mixed concrete plant facility including aggregate bins, conveyor, batching plant and cement storage facility, office block and truck washing facility.

- 1991 – Establish hot mix asphalt plant including aggregate bins, bulk storage bins, pollution plant, bulk bitumen tank, office workshop and laboratory facility. Specified departure for a conditional use, notified consent with one submission from Taita Drive resident.
- 1998 – Truck stop refuelling facility (40,000l) for quarry vehicles only, discretionary activity under the Transitional District Plan, Non-notified..
- 2007 – Establish new overburden disposal area for 1.3million m³ within 4 gullies outside the Extraction Activity Area (on Cottle Block land, zoned General Rural Activity Area, adjoining General Rural Activity Area). 15 year consent with 12 years of works to occur - Granted. Site to be monitored throughout by Tonkin & Taylor. Appealed ENV-2008-WLG-000186, went to environment court hearing in 2009.

The most recent significant resource consent on the quarry land related to the approval of using the western part of the neighbouring site known as Cottles land for overburden (RM070245, 2007). The application was publically notified and received 18 Submissions. Approval was granted with conditions by the hearing committee on 2 September 2008, however this decision was appealed to the Environment Court by Winstone Aggregates regarding the conditions and a number of residents opposing the entire decision. The Environment Court issued a consent order on 19 June 2009 which made amendments to the conditions and dismissed the other appeals. The approved consent allows for the deposition of 1.3 million cubic metres (m³) of overburden for a period of 15 years along with a rehabilitation plan. The detailed history of RMA applications since 2006 is outlined in Table 1 below.

Table 1: History of RMA applications

Property: 541 Hebden Crescent				
Process ID	Category	Application ID	Description	Date Created
24445	CoC	RM060176	Disposal of overburden material and associated bush clearance	05/04/2006
52915	CoC	RM110285	Certificate of Compliance for disposal of quarry overburden 1,500,000m ³ and associated vegetation removal.	02/09/2011
52916	CoC	RM110286	Certificate of Compliance for quarry expansion outside of vegetation protection areas.	02/09/2011
53074	LandUse	RM110304	Removal of 846m ² of protected vegetation.	26/09/2011
54715	ChgCancn	RM120101	Change to Condition 1 RM110304 - alter location of track	11/04/2012
58787	ChgCancn	RM130226	Change of condition 5 RM110304 to remove requirement for mitigation planting.	11/07/2013

Property: 560 Hebden Crescent				
Process ID	Category	Application ID	Description	Date Created
22423	LandUse	RMA23323	Land use	01/04/2006
52916	CoC	RM110286	Certificate of Compliance for quarry expansion outside of vegetation protection areas.	02/09/2011

53074	LandUse	RM110304	Removal of 846m ² of protected vegetation.	26/09/2011
54715	ChgCancn	RM120101	Change to Condition 1 RM110304 - alter location of track	11/04/2012

Property: 176-178 Liverton Road				
Process ID	Category	Application ID	Description	Date Created
26969	CoC	RM060536	Certificate of compliance for vegetation clearance	04/10/2006
30759	LandUse	RM070245	Creation of the Overburden Deposition Area on 176 and 178 Liverton Road which is an extraction activity and does not comply with the noise and earthworks rules.	07/05/2007
54055	CoC	RM120025	Certificate of Compliance for Vegetation Removal Totalling 38.6 hectares	30/01/2012

Property: 401 Hebden Crescent				
Process ID	Category	Application ID	Description	Date Created
23660	LandUse	RMA25349	Road Safety Billboard	01/04/2006
26969	CoC	RM060536	Certificate of compliance for vegetation clearance	04/10/2006
30759	LandUse	RM070245	Creation of the Overburden Deposition Area on 176 and 178 Liverton Road which is an extraction activity and does not comply with the noise and earthworks rules.	07/05/2007
ignifi54055	CoC	RM120025	Certificate of Compliance for Vegetation Removal Totalling 38.6 hectares	30/01/2012

2.4 Location and Context

The private plan change relates to the Belmont Quarry site which is located off Hebden Crescent, west of State Highway 2 (SH2) in the Hutt Valley. The quarry land consists of three distinct areas (See Figure 1 below):

- The Cottle Block which lies to the south-west of the actual extraction area. The Cottle Block is not part of the Extraction Activity Area but is zoned as General Rural Activity Area under the District Plan and is part of the quarry protection area overlay. Part of the site is currently used for the disposal of overburden (Cottle Overburden Disposal Area).
- The Belmont Quarry Block which is zoned as Extraction Activity Area and hosts the current quarrying activities.
- The Firth block which lies to the east of the working quarry and is zoned Extraction Activity Area. The Firth Block is partly covered by the Special Amenity Areas and accommodates the Firth Concrete Masonry Plant along its eastern boundary.



Figure 1: Oblique view of Belmont Quarry looking north (Source- Richard Barker, Greywacke aggregate resources near Wellington, 2013, p13)

The overall site is bordered by the Belmont Regional Park to the north / north-east of the site, State Highway 2 and the Hutt River to the east and south east and the Cottle Block and adjoining rural residential areas of Kelson to the west.

Currently vegetation on site is fairly limited due to the quarrying activities. The dominant vegetated areas are the areas that are currently protected by the Special Amenity overlay on the district plan (see copy in figure 2 below).

The closest residential properties are lifestyle blocks located to the south west of the quarry in the rural residential area of Kelson and residential areas located about 300m to the south east of the quarry in the suburbs of Taita and Pomare. Taita and Pomare are situated on the valley floor, on a lower topography than the quarry and are separated from the quarry by the Hutt River as well as SH2.

The current quarry site is dominated by the quarry activities such as extraction, processing of aggregates, truck movements and site offices. These activities as buffered to the north and north-east by hillsides with well-established vegetation. Parts of this green buffer are currently protected by the Special Amenity Area overlay of the District Plan.

The quarry is also visible from the hillside suburb of Stokes Valley which is located on the opposite side of the Hutt Valley (to the south east of the quarry).

The quarry site is zoned as Extraction Activity Area under the District Plan. The District Plan establishes a 25m buffer strip that has to be maintained between the quarry and the Belmont Regional Park. The District Plan also identifies two Special Amenity Areas which have been established for their visual importance of providing a visual backdrop for the City and their special amenity values. Permitted activity condition 6D 2.1.1 (I) states that these Areas shall maintain their indigenous vegetative cover. The Special Amenity Areas can be seen in Figure 2 below.



Figure 2: Special Amenity Area

Within the Extraction Activity Area any extraction activity is provided for as a permitted activity and therefore can be undertaken as of right.

The permitted activity conditions with regard to the extraction activities relate to the following:

1. Maximum Height of Structures and Buildings
2. Dust
3. Odour
4. Light Spill and Glare
5. Vibration
6. Hours of Operation
7. Design and External Appearance of Buildings and Structures
8. Property Access
9. Fire
10. Buffer Strip next to Belmont Regional Park
11. Protection of areas of Special Amenity (the areas subject to change in this plan change)
12. Rehabilitation
13. Landslide Hazard and Erosion

It should be noted that the clearance of vegetation is a permitted activity except for the Special Amenity Areas. The key areas that relate to the protection of ecological values on site are the

protection of the two amenity areas and the protection of the 25 metre buffers strip next to Belmont Regional Park.

The Noise Chapter (14C) in the District Plan sets the limits on noise for the Extraction Activity Area and outlines the boundaries of its applicability.

2.5 Proposed Plan Provisions

In detail the Proposed Private Plan Change 33 seeks the following amendments:

1. To change the position and extent of the Special Amenity Areas as outlined in Appendix 1 to the private plan change document.
2. To add a new permitted activity condition (o) requiring a quarry management plan to be prepared and maintained by the quarry operator, with regular progress reports (every two years at least) on the quarry and the effectiveness of the management regime being provided to the Council.
3. To modify the existing permitted activity condition (m) to bring it in line with current expert advice on the most effective means of progressively rehabilitating the cut slopes of the quarry area.
4. To modify and clarify existing Policy 6D 1.1.1 (a) to specify that means of managing adverse effects of extraction activities include permitted activity conditions and the quarry management plan.
5. To add to the explanation to the above policy to specify what the quarry management plan should include, and also that the quarry management plan must be reviewed and updated at least every five years.
6. Add to the wording of Policy 6D 1.2.1 (c) to make a clear link between the progressive rehabilitation required and the provisions in the quarry management plan (as required under Policy 6D 1.1.1 (a)).

3. LIST OF SUBMITTERS

The following submitters have lodged submissions on proposed Plan Change 25:

Submission Number	Name of Submitter	Submission Reference
DPC33/1	Sheryle Parker	1.1 and 1.2
DPC33/2	Jessica Butson	2.1
DPC33/3	Perry Husband	3.1
DPC33/4	Greater Wellington Regional Council Caroline Ammundsen	4.1
DPC33/5	Wellington Fish and Game Council Stacy Tahere	5.1
DPC33/6	Friends of Belmont Regional Park Peter Matcham	6.1

Further Submission Number	Name of Further Submitter	Further Submission Reference	Submission supported / opposed
DPC33F/1	Winstone Aggregates Ian Wallace	F1.1	DPC33/1
DPC33F/2	Winstone Aggregates Ian Wallace	F2.1	DPC33/2
DPC33F/3	Winstone Aggregates Ian Wallace	F3.1	DPC33/4
DPC33F/4	Winstone Aggregates Ian Wallace	F4.1	DPC33/3
DPC33F/5	New Zealand Contractors Association Malcolm Abernethy	F5.1	DPC33/4
DPC33F/6	Aggregate and Quarry Association of New Zealand Bill Bourke	F6.1	DPC33/4
DPC33F/7	Fulton Hogan Ltd Jonathan Green	F7.1	DPC33/4

4. ANALYSIS OF SUBMISSIONS AND RECOMMENDATIONS

The following sections of this report provide a brief summary of each submission and a recommendation in response to each of the decisions sought.

The submissions are addressed by submitter. In the heading the submission number, the name of the submitter and the submission reference are printed in **bold**. Then the decision sought by the submitter is outlined and specific comments made by the submitter are summarised. If any further submissions were received they are addressed right below the original submission they refer to. Further submissions are structured the same way as original submissions but printed in *italic*. This is followed by a discussion of the issues raised and the officer's recommendation. Where a submitter seeks more than one decision or addresses more than one issue the submission has been split into parts with different submission references (e.g. 1.1, 1.2).

Where amendments to the proposed Plan Change provisions are requested by submitters or recommended as a result of a submission, additional text is shown as underlined and text to be removed is shown as being ~~struck out~~.

With respect to determining the scope of a submission, reference is made to Clause 6 of the First Schedule to the Resource Management Act 1991 (referred to as the Act) which states:

*“6. Making submissions
Any person, including the local authority in its own area, may, in the prescribed form, make a submission to the relevant local authority on a proposed policy statement or plan that is publicly notified under clause 5.”*

A submission is therefore limited in that it must be “on” the plan change. Please refer back to Section 2.6 of this report for the extent of Plan Change 33.

Accordingly, for a submission to be deemed to be within the scope of proposed private Plan Change 33 the submission must relate to any one of the issues addressed in the Plan Change.

A further submission is limited to a matter in support of, or opposition to, an original submission. It cannot raise new issues that haven't been addressed in one of the original submissions.

Submission:

DPC33/1 – Sheryle Parker – 1.1 and 1.2

Request of Submitter

That Council does not accept/approve the Private Plan Change.

Specific Comments

Extension of Quarry Area

The submitter does not wish to see any changes to provisions that could extend the length of time of the operation of the quarry and objects to any extension of the quarry.

Dust and Odour

The reasons for objection relate to odour and dust and generated by quarrying activities.

The submitter states that the smell can be detected all year round and affects the inside of the house, even with the windows closed, as well as the washing hanging on the line.

The submitter feels that grit and dust also affect the inside of the house and cause damage to the exterior of the house.

The submitter and her family suffer from allergies and hay fever which is worsened by dust from the quarry.

Although the submitter can hear noise from the quarry this is currently not considered an issue.

Further Submission:

DPC33F/1 – Winstone Aggregates – F1.1 - Opposition

Request of Further Submitter

The further submitter opposes the submission of Sheryle Parker and seeks that the whole of the submission be disallowed.

Specific Comments

Odour

While initial submitter describes odour from the release of gas as being an issue the further submitter points out that the quarry does not release any gas and therefore basis of the concern is not known.

Dust

The further submitter states that any dust nuisance is likely to be reduced as the quarry activities would move further away from the submitter's site should the plan change be approved.

Discussion

Extension of Quarry Area

The objection to the extension of the quarry relates to the effects caused by the current quarry activities, with specific reference to the effects of dust and odour. The effects are discussed in detail under the assessment of effects under Section 5 of this report. The existing permitted activity conditions relating to dust and odour are considered to be appropriate and effective. The Quarry Management Plan also has specific mitigation measures that relate to dust management. I am of the opinion that the current permitted activity conditions address the effects around odours appropriately and the relevant section of the quarry management plan is adequately mitigating and managing the effects caused by dust. Accordingly I am concluding that the effects such as odour and dust that are causing concern about the extension of the extraction lifetime of the quarry are adequately addressed.

Dust and Odour

As discussed above there are regulations within the existing Extraction Activity Area that manage the effects of odour. I am of the opinion that the relevant provisions of the District Plan as well as the relevant chapters of the proposed Quarry Management Plan provide sufficient mitigation of any adverse effects due to dust and odour.

Recommendation

It is recommended that the submissions lodged by Sheryl Parker (1.1) and (1.2) be partly rejected to the extent that no changes are recommended to the dust and odour provisions of the District Plan and partly accepted to the extent that the Plan Change be declined.

It is recommended that the further submission by *Winstone Aggregates (F1.1)* be rejected.

Submission:

DPC33/2 – Jessica Butson – 2.1

Request of Submitter

That Council declines the Private Plan Change

Specific Comments

The submitter opposes the plan change based on noise, dust, environmental changes and visual disturbance.

Further Submission:

DPC33F/2 – Winstone Aggregates – F2.1 - Opposition

Request of Further Submitter

The further submitter opposes the submission of Jessica Butson and seeks that the whole of the submission be disallowed.

Specific Comments

The further submitter points out that the submitter lives at some distance from the quarry area and all listed effects will be minor or less.

Discussion

The submitter does not support the private plan change with reference to effects caused by the current activity and the long term continued effects of the activity enabled by the private plan change. While the submitter did not provide substantial details about their concerns or specific effects I consider that the proposed mitigation measures as set out in the Quarry Management Plan are sufficiently managing adverse effects. This is with specific reference to effects that relate to noise, dust, environmental changes and visual disturbance on a general level as expressed by this submitter. The submitter's residence is approximately 1 kilometre away from the quarry activities. I consider that due to the proposed mitigation measures and the distance from the quarry the effect will be minor or less than minor. The plan change site is currently operating as a quarry and the proposed new quarry area is still within the boundaries of the Extraction Activity Area as per the District Plan.

Recommendation

It is recommended that the submission lodged by Jessica Butson (2.1) be accepted to the extent that the plan change be declined.

It is recommended that the further submission by *Winstone Aggregates (F2.1)* be rejected.

Submission:

DPC33/3 – Perry Husband – 3.1

Request of Submitter

That Council rejects Proposed Private Plan Change 33 in its entirety.

Specific Comments

The submitter states that the plan change focusses on the applicant's opinion that without the proposed changes the quarry will be exhausted by 2023 the latest. The submitter states that this is not consistent with other recent evidence which indicates that the quarry has enough viable resources to keep quarrying until at least 2040. This evidence was presented by Winstone as part of a resource consent application in 2008.

The submitter questions the resource investigations presented as part of the plan change application and its interpretation.

The submitter is convinced that there is enough resource available, under the current consents, to keep the quarry going until at least 2040 and that it may just become more expansive to

excavate. The submitter thinks the applicant is just looking for the easiest and cheapest option in order to obtain their product.

The submitter concludes that:

- There is no urgency to modify the Special Amenity Area for probably another 17 years;
- The evidence presented in the plan change relating to the quarry lifespan contradicts other very recent studies;
- The results of “recent investigations” postdate other expert studies that concluded in a quarry working life until 2040; and
- There is plenty of rock within the current extraction area without converting a Special Amenity Area, it may just be a little more expensive to extract.

Further Submission:

DPC33F/4 – Winstone Aggregates – F4.1 - Opposition

Request of Further Submitter

The further submitter opposes the submission of Perry Husband and seeks that the whole of the submission be disallowed.

Specific Comments

The further submitter states that the submitter appears to not accept that the private plan change request is based on improved recent information on the rock resource within the Extraction Activity Area. The further submitter then refers to the specialist report accompanying the Private Plan Change Request which describes the findings of recent investigations.

Discussion

The private plan change request is based on new information on rock sources obtained by the plan change requestor. This new information on the location and quality of rock resource within the Extraction Activity Area is the critical motivation for the private plan change and the future operation of the quarry.

The submitter refers to evidence provided by the requestor as part of a resource consent application for an overburden disposal area in 2007. While it is recognised that the evidence provided at the time of the resource consent application differs from the information provided as part of this plan change this is not seen as a deficiency of the plan change. The information provided is based on recent investigations and I have no reason to question the findings of the geological assessment provided by the requestor.

It is agreed that it is important to assess all known alternatives as requested by the submitter, however no additional evidence has been provided to support the submission.

Recommendation

Based on the current information it is recommended that the submission lodged by Perry Husband (3.1) be partly rejected to the extent that the evidence provided by the requestor in relation to available rock sources be accepted and be partly accepted to the extent that Plan Change be declined.

That the further submission by *Winstone Aggregates (F4.1)* be rejected.

Submission:

DPC33/4 – Greater Wellington Regional Council - 4.1 to 4.6

Request of Submitter

- That Council decline the application.
 - Should commissioners be minded to approve Proposed Private Plan Change 33, actions will be necessary to mitigate the loss of significant indigenous biodiversity values and amendments to the District Plan will be required:
 - The activity status of extraction activity be changed from permitted to restricted discretionary
 - The conditions relating to the quarry management plan under 6D 2.1.1 should specify that the rehabilitation plan provide for adequate mitigation of adverse effects and that the rehabilitation plan should be subject to approval of HCC and GWRC.
 - Amend the rules relating to extraction activities:
 - 6D 2 Rules
 - 6D 2.1 ~~Permitted Activities~~ Restricted Discretionary Activities
 - (a) Any extraction activity, including ancillary offices and caretaker living quarters.
 - 6D 2.1.1 ~~Permitted Activities~~ Restricted Discretionary Activities Conditions
 - (o) Quarry Management Plan

The quarry operator shall prepare a quarry management plan that sets out, among other things, how adverse ecological effects will be avoided, remedied or mitigated. This plan is subject to the approval of both the council and the regional council, and must be prepared in advance of any extraction activities commencing.
- That the Extraction Activity Area overlay is removed from an extended Special Amenity Area to further protect this area from development.

Matters of discretion (to be confirmed in discussion)

Specific Comments

General

Primary reasons for opposing Proposed Private Plan Change 33 are:

- It is not consistent with national policy direction in relation to the protection of biodiversity;
- It is not consistent with the Regional Policy Statement for the Wellington Region 2013 (RPS); and
- The mitigation proposed as part of the plan change application is unlikely to be adequate for the loss of significant indigenous biodiversity.

National Policy Direction

Matters of national importance under Section 6 of the RMA include the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. This is reflected in the National Statement of Priorities for Biodiversity and the proposed National Standard on Indigenous Biodiversity.

Regional Policy Direction

The Regional Policy Statement (RPS) sets out objectives and policies to address regionally significant issues. Sections from the RPS which are considered relevant are Section 3.6 – Indigenous Ecosystems and Section 3.11 – Soils and Minerals.

Indigenous Ecosystems

RPS Section 3.6 – Indigenous Ecosystems

Objective 16

That indigenous ecosystems and habitats with significant indigenous biodiversity values are maintained and restored to a healthy functioning state

Policy 47

Requires that when a plan change is being considered a determination is made as to whether an activity may affect areas with significant indigenous biodiversity values and lists matters to have particular regard to.

Policy 23

Provides criteria by which to identify indigenous ecosystems and habitats with significant indigenous biodiversity values.

Policy 24

Requires that District Plans include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development.

The submitter states that the approval of the plan change will have adverse effects on the significant indigenous biodiversity values of the area and does not consider that it provides appropriate mitigation to offset these adverse effects.

The ecological assessment provided by the applicant leads the submitter to the conclusion that the site should be considered as an important component in the maintenance of indigenous ecosystems. The assessments also find that the site contains moderate to high quality habitat for native lizards with at least one threatened species present and that there would be a more than minor adverse effect on the species if the quarry was extended. While no survey of invertebrate communities was undertaken, the submitter applies the precautionary principle and assumes that it is likely that invertebrate communities will be healthy and diverse and that the impacts of the plan change would be more than minor.

The submitter considers that the interpretation of the criteria on diversity and the application of Policy 23 as provided by the applicant are incorrect. It is the submitter's assessment that the indigenous biodiversity contained in the extraction expansion area is regionally significant and therefore warrants protection under policy 24 of the RPS and should be included in the District Plan.

The submitter considers the proposed level of mitigation for anticipated adverse effects (protection of an equivalent area, active rehabilitation over 30-40 years) to be inadequate for the following reasons:

- The proposal will result in a net-loss of indigenous forest habitat because the extraction expansion area has higher species diversity and richness than the alternative area to be protected.
- Rehabilitation of the extraction area will not replace significant indigenous biodiversity values that will be lost, rehabilitation of past quarry activity has resulted in areas of low ecological value even 25-33 years after quarry activity has ceased.
- The proposal does not provide for the protection of indigenous biodiversity, should the plan change be approved, the Special Amenity Area does not provide any real protection and can rather easily be reversed.

As manager of the adjacent Belmont Regional Park the submitter proposes the removal of the extended Special Amenity Area or the existing 25m buffer from the Extraction Activity Area to further protect this area from development.

Soils and Minerals

RPS Section 3.11 – Soils and Minerals

Regionally significant issues include limited supply of mineral resources in the region, increasing demand and a sustained supply being essential to provide for the wellbeing of regional and local communities. The submitter acknowledges that the location of Belmont Quarry has advantages in terms of its proximity to users.

Objective 31 states that the demand for mineral resources is met from resources located in close proximity to the areas of demand. Under Policy 60 particular regard shall be given to the social, economic and environmental benefits from utilising mineral resources within the region and to protecting significant mineral resources from incompatible or inappropriate uses alongside.

The submitter concludes that while the RPS highlights the importance of meeting the demand for mineral resources from areas in close proximity to the market it also promotes the identification and protection of indigenous ecosystems and habitats with significant indigenous biodiversity values. In this case the submitter considers that the loss of significant indigenous biodiversity cannot be appropriately avoided, remedied or mitigated and that adequate offsetting is not possible. The submitter concludes that the adverse effects of losing the significant natural resource outweigh the benefits from extending Belmont Quarry.

Conclusion

The submitter considers the application to be incomplete due to the lack of invertebrate summaries and the incorrect assessment of Policy 23 of the RPS.

The submitter further considers that the private plan change will result in the loss of a large area containing significant indigenous biodiversity values while not including adequate mitigation for this loss.

The submitter concludes that while consideration must be given to the benefits of utilising mineral resources within the region, the scale and significance of the anticipated effects indicates that the proposal is inconsistent with national, regional and district policy context for indigenous biodiversity.

Further Submission:

DPC33F/3 – Winstone Aggregates – F3.1 - Opposition

Request of Further Submitter

The further submitter opposes the submission of Greater Wellington Regional Council and seeks that the whole of the submission be disallowed.

Specific Comments

The further submitter raises the following points:

- *The reasons set out in item 4 of section 1 of the original submission are considered to be incorrect and cannot be justified, given the details and extent of the areas affected by the change.*
- *While the further submitter agrees with the relevance of parts of the RPS set out in paragraph 10 of the original submission the emphasis placed on the first item is considered to be done unreasonably at the expense of the second and does not recognise the zoning of the land in the District Plan, the regional context, or the basis for the other relevant provisions.*
- *The discussion in sections 3.1.2 and 3 of the original submission does not take into account the scale of the area affected and other relevant information.*
- *The original submitter's interpretation of Policy 47 is considered to be incorrect as there is no requirement for no-net-loss in any offset and the RMA is not a no-effects statute.*
- *It is considered that parts of the original submission are not "on the Plan Change" as they seek to change parts of the zone which are not subject to the change – namely the status*

of quarrying activity in the zone. This is considered to be unfair, unreasonable and legally incorrect. The original submission also considered to be in error where it seeks to remove the zoning in the District Plan (paragraph 44) which would be outside the scope of the plan change.

- The further submitter does not agree with the original submission in total.

Further Submission:

DPC33F/5 – New Zealand Contractors’ Federation – F5.1 - Opposition

Request of Further Submitter

The further submitter opposes the submission of Greater Wellington Regional Council and seeks that the whole of the submission be disallowed.

Specific Comments

The further submitter gives the following reasons for opposing the submission:

- Belmont Quarry is one of a small number of quarries providing quarry materials in Wellington, and is the only one within the main part of the Hutt Valley.
- The original submission as a whole, if accepted, would limit the operation of Belmont Quarry to a relatively small number of years by curtailing any expansion into the area known as the Firth Block which is understood to have the best rock resources remaining on the quarry land.
- The further submitter considers that any reduction in the number of quarries will lead to a reduction in the competitive market for provision of construction material, and would inevitably result in price rises, thereby increasing construction costs over time.
- The further submitter in particular disagrees with the parts of the original submission which state that the plan change is not consistent with the Wellington Regional Policy Statement (paragraph 4b), and that, in this case, policy which supports retaining ecological values should outweigh policy which recognises the need for aggregate resources and the benefits of the plan change in providing for the utilisation of aggregate resources in the region (paragraph 35). It also disagrees with the comment about the relative importance of policy in paragraph 38, given the small number of working quarries in this part of the Wellington region.
- Available quarry resources are relatively scarce in the Wellington Region, and the past decades have seen a reduction in the number of operational quarries. The further submitter considers that the continued operation of Belmont Quarry into future decades is important to the region’s economy.

Further Submission:

DPC33F/6 – Aggregate and Quarry Association of New Zealand – F6.1 - Opposition

Request of Further Submitter

The further submitter opposes the submission of Greater Wellington Regional Council in its entirety.

Specific Comments

The further submitter disagrees with the submitter’s conclusion that “...the adverse effects of losing this significant natural resource outweigh the benefits from extending the Belmont Quarry”. The further submitter refers to Section 5 of the RMA and points out that the provision for social, economic and cultural well-being of people and communities is fundamental to the plan change because aggregates are consumed by all members of the community.

The further submitter states that Section 5 is intended to be enabling and the plan change will enable quarrying to continue at Belmont Quarry which is essential for ongoing maintenance and further growth of the Wellington region and development of infrastructure in the region.

The further submitter recognises the proposed plan change will have some adverse effect on indigenous ecosystems and habitat but disagrees that this adverse effect outweighs the benefits from extending Belmont Quarry.

The further submitter points out the significance of the quarry in the regional and district socio-economic framework and the difficulty of finding readily available, cost effective replacement sources.

Further Submission:

DPC33F/7 – Fulton Hogan Ltd – F7.1 - Opposition

Request of Further Submitter

The further submitter opposes the submission of Greater Wellington Regional Council.

Specific Comments

The further submitter is concerned about the lack of importance given to mineral resources in comparison to ecological values of areas by the initial submitter. The further submitter disagrees with this view as it does not provide for the social, economic and cultural well-being of people and communities and considers it to be contrary to Section 5(1) of the RMA as it does not “promote the sustainable management of natural and physical resources”.

The further submitter points out that the plan change will enable quarrying to continue at the Belmont Quarry, thereby allowing the wider community to provide for its economic, social and cultural wellbeing as well as health and safety.

The further submitter acknowledges that should the plan change be granted there will be some adverse effect on the indigenous ecosystems and habitats of the area. However the adverse effects will be mitigated through the extension of the existing northern special amenity area and the proposed rehabilitation.

Overall the further submitter considers that the benefits of the private plan change and the provision of access to high value aggregates far outweighs the loss of ecology resulting from extending the quarry. The further submitter states that Greater Wellington Regional Council seem to have overlooked the significance of the quarry in the regional and district socio-economic framework and the value of aggregate resource in a wider context. The further submitter points out that the site of the private plan change has been zoned Extraction Activity Area for some time and therefore quarrying should always have been expected at some point in the future.

Discussion

Greater Wellington Regional Council (GWRC) is proposing two options for the further proceedings with regard to this private plan change. The first and preferred option is to decline the private plan change request in its current form. The second option is to accept it with a number of amendments. These two options are discussed below.

Option 1: Decline Proposed Private Plan Change 33

It is acknowledged that declining the plan change could have a substantial effect on the socio economic and economic sustainability of the Wellington Region. Aggregated resource is critical for the construction industry and it is important that there is a sufficient supply close to development areas. However, the RMA and The Regional Policy Statement require consideration of economic and social objectives as well as environmental ones, including specific provisions under Section 6 of the Act relating to the protection of significant indigenous vegetation and significant habitats of indigenous fauna.

Option 2: Accept Proposed Private Plan Change 33 with a number of amendments:

The submitter alternatively proposes that the private plan change be accepted with a number of amendments. They propose that the private plan change rules should be changed to make any extraction activity within the entire Extraction Activity Area a restricted discretionary activity instead of a permitted activity. I am of the opinion this is counterproductive and is against the intention of the District Plan or this type of activity. I am also of the opinion that this suggestion is outside the scope of this Plan Change.

Secondly, they suggest that the conditions relating the Quarry Management Plan (6D 2.1.1) should specify that the rehabilitation plan should provide for adequate mitigation of adverse effects and that this mitigation plan should be subject to approval by both HCC and GWRC. I agree with the submitter that the current Quarry Management Plans should be improved to include more detail around the mitigation of ecological effects. While I think that ideally there should be a stronger link between the provisions of the District Plan and the Quarry Management Plan I have to accept that the permitted activity status of extraction activities does not provide such opportunity. While I see the advantages of having an approval mechanism introduced as suggested by the submitter, I consider that this cannot be achieved by way of a permitted activity condition.

The submitter suggests that the extraction activity overlay is removed from the Special Amenity Area, to improve the protection of the extended Special Amenity Area. This is a misinterpretation of the current plan. The site is zoned as Extraction Activity Area and the Special Amenity Area is actually the overlay to this zone. I am of the opinion that there should be some improvement with regard to the protection status of the Special Amenity Area. This can be done by improving the wording to explain purpose of the special amenity area. This could include terms such as ecological values and high degree of biodiversity.

The submitter also suggests that the interpretation of the criteria on diversity and the application of Policy 23 as provided by the requestor are incorrect. This issue was discussed as part of the expert conferencing however the experts could not come to an agreement.

The submitter mentions that the application is not consistent with the Section 6 of the RMA along with the national statement of priorities for biodiversity and the proposed national standard on Indigenous Biodiversity along with the Regional Policy Statement. I am in part in agreement with this assessment and have discussed The Regional Policy Statement in section 5.2.2 of this report.

The submitter also mentions the lack of invertebrate studies and states that due to the lack of information the precautionary principle should be followed. The ecologist appointed by Hutt City Council, Mr Roger MacGibbon has advised that invertebrate surveys are not normally part of an assessment unless there are streams to evaluate or unless there are threatened species suspected to be present. The reason for this is that it requires large amounts of effort and cost to sample invertebrates and identify them while usually not providing enough evidence for a sound judgement. There are no permanent streams or water bodies at the quarry site hence no invertebrate study has been undertaken.

The assessment of environmental effects in section 5.1 of this report covers the issues with regard to the endangered lizard species.

I am in agreement with the further submissions received which state that one provision should not necessarily outweigh another provision within the RPS and that an overall judgement approach should be followed.

Recommendation

It is recommended that the submission of Greater Wellington be accepted and the proposed private plan change be declined.

It is recommended that the further submissions of Winstone, New Zealand Contractor's Federation, Fulton Hogan and the Aggregate Quarry Association be rejected.

It is considered that the proposed permitted activity status for extraction activities within the Special Amenity Area does not provide sufficient means to enforce the mitigation measures that are considered necessary to address the expected adverse effects of the activities.

The above issue could be addressed by providing for extraction activities (including vegetation clearance) within the existing Special Amenity Area as a restricted discretionary activity while restricting Council's discretion to those mitigation measures outlined in the attached ecological assessment.

A more detailed recommendation can be found under section 5.5 of this report.

Submission:

DPC33/5 – Fish & Game New Zealand – 5.1

Request of Submitter

The Hutt River and its tributaries are very important for trout spawning, and to local and visiting anglers. Consequently, the Wellington Fish and Game Council wish to continue and provide input to the proposed private plan change, consenting and monitoring process.

Specific Comments

The Hutt River is a regionally significant trout fishery and also home to a strong native fishery. The submitter points out that Winstone Aggregates acknowledge that there is a risk that discharge from the site could cause adverse effects in the Hutt River.

Discussion

Fish and Game's submission is focussed on the potential effects on the Hutt River. The submitter is neither supporting nor objecting to the proposed plan change but wishes to continue to provide input into the plan change. As the proposed plan change will impact on discharge into the Hutt River. I am of the opinion that the submission relates to the proposed private plan change. . .

Recommendation

It is recommended that the submission lodged by Fish and Game (5.1) be accepted in part.

Submission:

DPC33/6 – Friends of Belmont Regional Park – 6.1

Request of Submitter

Not stated.

Specific Comments

The submitter states that although the proposal entails the loss of an existing special amenity area he is satisfied that the proposed change does not breach the Regional Park buffer zone and that the compensatory extension of the northern special amenity area matches that lost on a like for like basis.

Discussion

Based on the specific comments made by the Friend of the Belmont Regional Park it can be concluded that they are not opposed to the Plan change.

Recommendation

It is recommended that the submission lodged by Friends of the Belmont Regional Park (6.1) be accepted in part.

5. ANALYSIS OF PRIVATE PLAN CHANGE APPLICATION AND RECOMMENDATIONS

Applicant:

Winstone Aggregates, a Division of Fletcher Concrete and Infrastructure

5.1 Assessment of Environmental Effects

The proposed private plan change will substantially change the area available for quarrying by changing the extent and location of the Special Amenity Areas on the site. The main effects that have been discussed in the plan change are the following;

1. Visual and Landscape effects
2. Amenity effects
3. Ecological effects (terrestrial)
4. Economic effects

Having reviewed the assessments I generally concur with the matters addressed and the conclusions for visual and landscape, amenity and economic effects. I do not agree with the conclusions in relation to potential ecological effects and that the current proposed mitigation measures provides sufficiently for these effects. As two of the submissions make specific reference to noise and dust I would like to address the discussion of these issues in the application under other potential effects.

5.1.1 Visual and Landscape Effects

The visual and landscape effects caused by the quarry extension are considered to be moderate. The effects will occur incrementally along with the extraction process. The key area of mitigation relates to rehabilitation of the previous extracted areas. The rehabilitation strategy is captured as part of the Quarry Management Plan. We concur with the finding of the Visual and Landscape assessment and are satisfied with the proposed rehabilitation plan that forms part of the quarry management plan.

5.1.2 Ecological Effects

My assessment of ecological effects is based on the assessment of ecological effects report compiled by Mr Roger MacGibbon (dated 8 May 2014, attached as Appendix 1) and the Joint Ecologist Statement dated the 9 May 2014. Mr MacGibbon has a Bachelor of Science with Honours (Zoology, Ecology), University of Canterbury, 1981 and over 27 years' experience in environmental management, ecological restoration, pest control, and applied environmental research.

It is clear from the ecological assessment of both, the applicant's ecologist, Mr John Forbes and the Hutt City Council's ecologist, Mr Roger MacGibbon that the ecological and biodiversity effects associated with the loss of the amenity area will be adverse.

Mr MacGibbon stated that the primary ecological values identified in the quarry extension area are:

- *“Mature tawa forest occupying about 1.10 ha, and standing up to 20 metres tall. Tawa dominated forest is no longer common in this area.*
- *Three old growth (potentially pre-European) pukatea trees with three mature black beech trees nearby, also likely to be relict specimens.*
- *Presence of the threatened southern North Island forest gecko (At Risk –Declining).*
- *While no threatened bird species have been recorded in the quarry extension or proposed mitigation area the area is home to healthy populations of kereru, tui and bellbird.*

- *The Firth Block provides important movement corridors for species moving along the western Hutt hills.*
- *The lizard survey undertaken by Eco Gecko for Forbes Ecology (Forbes 2013) did not find any Wellington green gecko in the quarry extension area or in the surrounding landscape but the report authors concluded that this species was likely to be present because they are present in the wider landscape. The Wellington green gecko is arboreal and especially cryptic making it very difficult to detect in amongst thick scrub and forest. Consequently, I concur with the view that there is a reasonable likelihood of them being present in the quarry extension area, especially considering the quality of the forest there. This species is threatened, classified as At Risk – Declining. “*

Both the ecologists clearly state that the proposed mitigation will only partially address these adverse loss of ecological values. Winstone’s ecologist Adam Forbes concludes in his Terrestrial Ecology Assessment that:

“Both of these restoration proposals (referring to revegetation of the quarry site at the conclusion of quarrying and the extension of the northern Special Amenity Area zonation) would contribute, in part, towards making up for the loss of ecological values from the proposed extraction area.”

Mr MacGibbon advises that a mitigation package including restorative planting is considered necessary to compensate for the loss of the ecological values in the extended quarry area. He proposes that an ecological mitigation package for the loss of 6.93 ha of bush area should include the following:

1. *“Extension and legal protection of the northern Special Amenity Area as proposed by Winstone.*
2. *Progressive rehabilitation of the full quarry site back to indigenous vegetation.*
3. *Restorative planting of an area equal to twice that being lost (that is, 2 x 6.93 ha = 13.86 ha) with the areas chosen for planting to include part of the northern Special Amenity Area and the rest to be connected physically to that area if possible.*
4. *Buffer plantings to be installed along the new north-eastern and eastern edges of the quarry to reduce the impact of edge effects on the bush areas to the northeast and the remnant area of the southern Special Amenity Area*
5. *Capture of all lizards present in the quarry extension zone (as required under the Wildlife Act) and translocation to suitable habitat in the extended northern Special Amenity Area and to the extended area of restorative planting if required and if suitable habitat exists there.*
6. *Targeted pest management for a period of 5 years beginning immediately prior to lizard translocation and commencement of planting to provide greatest benefit to the threatened lizard species present in the area and to the restoration plantings.*
7. *Monitoring and reporting of plant survival in the planting areas and lizard abundance at the release sites and throughout the northern Special Amenity Area for a 5 year period following planting and translocation.”*

I am in agreement with the ecologists that the proposed ecological mitigation by the applicant is not sufficient. I am of the opinion that the extra ecological mitigation measures as proposed by Mr MacGibbon are appropriate and sufficient.

The Ecological Specialists involved in this private plan change process met for an expert conferencing session on the 9th of May 2014. The joint ecological statement mainly relates to the agreement of the ecological effects of the proposed plan change. There were no conclusions on a proposed mitigation package. Due to the absence of an agreed ecological mitigation package it is proposed that the mitigation measures of Mr MacGibbon be used in any further recommendations made by this report.

Please see final recommendations under section 6 of this report for more detail.

5.1.3 Other potential effects: Noise and dust

Two submitters indicated that their concerns were around the effects of noise and dust.

The assessment of noise is covered in the application. I am of the opinion that the current provision in the plan along with the Quarry Management Plan provisions are sufficient for managing noise and dust effects.

5.1.4 Other Matters

I would like to raise the issues of the use of management plans as the main way to mitigate any environmental effects. In general this is a very useful tool, dependant on the quality on the content and the ways such management Plans can be linked to the District Plan. The proposed plan change is stipulating what information should be set out in the Quarry Management Plan. However, it does not set out to what level of satisfaction this information should be provided. The GWRC submission touched on this as it advises that the ecological mitigation plan should be developed to the satisfaction of the Hutt City Council and the GWRC. While I am in agreement that ideally a certain level of quality control should be built into the Plan I acknowledge that this cannot be achieved by way of a permitted activity condition.

5.2 National, regional and local policy analysis

5.2.1 Purpose and Principles of the Resource Management Act 1991

Part 2 of the RMA sets out the purpose and principles of the Act. The applicant has made an assessment in terms of the purpose and principles. I hereby provide my own assessment in terms of Part 2 of the Act.

Section 5 of the RMA

Section 5 promotes the sustainable management of natural and physical resources. Section 5 states:

- “1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- 2) *In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

The proposed plan change's intention and outcome will result in the extraction of aggregate that will be used by future generations in the construction industry in the greater Wellington area.

It will allow for the foreseeable needs of these future generations to be met with regard to aggregate. The plan change also includes some minor administrative changes that will improve the current plan's wording and improve the sustainable management of the extraction process as well.

However, it is clear that allowing extraction within the current Special Amenity Area of the Firth block will have significant ecological impacts as well as impacts on safeguarding of the life-supporting capacity of the current ecosystems with the permanent loss of rare trees.

I am also of the opinion that the current provision of mitigation does not balance this loss sufficiently and that an improved mitigation package with regard to ecological avoidance, remediation or mitigation of these adverse effects is required.

While I agree with Winstones' statement that that the RMA is not a "no effects" statute, it needs to be taken into account that the RMA also states that adverse effects should be avoided, remedied or mitigated. I am of the opinion that, taking into consideration the current proposed mitigation measures, the loss of ecological values is still substantial and therefore the mitigation package with regard to ecological values should be improved and introduced into the District Plan as a restricted discretionary activity matter to manage identified adverse effects. If this cannot be achieved, the proposed Plan Change should be declined.

Section 6 of the RMA

I concur with the applicant's assessment that the matters of national importance that relate to this plan change are:

- "(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development; and*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna."*

I also concur with the applicant's assessment that the area concerned is not identified as an area of outstanding natural features and landscape. I do however not agree with the applicant's interpretation of the extent of indigenous vegetation and that it is limited. The ecologist report (Appendix 7, p31) of the application clearly indicated that this section of land has high ecological values and that it plays an important part in the ecological corridor of this area.

"As part of a belt of indigenous forest running along the western Hutt Hills, from Haywards (and beyond) to Korokoro (and beyond) the indigenous cover of the Firth Block contributes to connectivity across this area of the landscape—which includes a role connecting other significant areas (e.g. Belmont Regional Park and local Significant Natural Resources). What adds to the attractiveness of both the proposed extraction area and remainder of the Firth Block as a stepping stone is the presence of substantial areas of tawa (with rewarewa) forest—which provides an important seasonal food source for birds of fruit and nectar feeding guilds within the landscape."

I am of the opinion that the area is sufficiently extensive in area, and it is also significant in the role that it plays as part of the greater ecological context

I am of the opinion that the loss of this area is not sufficiently addressed by the proposed mitigation. Therefore the plan change as it currently stands does not provide for matter (c) of national importance and should be declined. By incorporating the extra mitigation measures as proposed by Mr Roger MacGibbon the plan change proposal would better provide for this matter.

Matter (c) of section 6 of the RMA is also supported by the Draft National Standard on Biodiversity and the National Statement of Priorities for Biodiversity.

Section 7 of the RMA

Section 7 identifies other matter which require particular regard. The relevant matters are:

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*

The applicant has discussed all of the above matters except *"(f) maintenance and enhancement of the quality of the environment"*. I am of the opinion that the proposed extension of the quarry will negatively impact on the quality of the environment and that ecological biodiversity will not be maintained. The mitigation package with regard to ecological matters will need to address this.

I concur with the applicant's assessment of most of the matters mentioned above except for the discussion around matter lettered (d) intrinsic values of eco systems. The proposed current replacement of area in size with the area taken away is not providing the same ecosystem values that are currently there and improved mitigation needs to address this.

5.2.2 Regional Policy Statement for the Wellington Region

Specific attention is given to the assessment of the Regional Policy Statement due to the submission made by GWRC and the further submission from Winstone and New Zealand Contractor's Federation. Also the RPS is the overarching resource management document for the district and wider region.

The relevant Regional Policy Statement's contains objectives and policies that relate to ecology as well as mineral resources.

With regards to ecology Objective 16 is of relevance and states:

"Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state".

This objective is certainly making it clear that ecosystems with significant biodiversity values should not just be maintained but should be restored. The relevant policy (Policy 47) states:

"When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to:

- (a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;*
- (b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;*
- (c) managing wetlands for the purpose of aquatic ecosystem health;*
- (d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;*
- (e) providing seasonal or core habitat for indigenous species;*
- (f) protecting the life supporting capacity of indigenous ecosystems and habitats;*
- (g) remedying or mitigating adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and*
- (h) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats."*

This policy makes it clear that the effects on areas with significant indigenous vegetation that have high biodiversity values should be managed. Policy 23 stipulates that areas of indigenous ecosystems with high biodiversity values need to be identified sets out the criteria that need to be applied. The applicant's ecologist Alan Forbes (p. 29) used GWRC's recommended criteria to determine whether significant biodiversity values are present. He also concluded that these values are present.

Policy 24 states that:

"District and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development"

The relevant objectives and policies related to mineral resources are:

“Objective 31: The demand for mineral resources is met from resources located in close proximity to the areas of demand”

And

“Policy 60: When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:

- (a) the social, economic, and environmental benefits from utilising mineral resources within the region; and*
- (b) protecting significant mineral resources from incompatible or inappropriate land uses alongside.*

As stated earlier it is considered that one provision of the Regional Policy Statement does not outweigh the other. However in this case the proposal is contrary to those provisions relating to Ecology and Biodiversity and the inconsistency is considered to be significant and therefore it is recommended that the plan change be declined. Further mitigation would be required to make this proposal more consistent with Objective 16. However the policies in relation to mineral resources can still be achieved by amending the plan change to provide for extraction activity as a restricted discretionary activity which would enable Winstone to continue quarrying provided they provide adequate mitigation.

5.2.3 Wellington Regional Strategy

The Wellington Regional Strategy 2012 (WRS) aims to build a resilient, diverse economy and is centred around six focus areas. The focus areas are:

1. Commercialisation of innovation
2. Investment mechanisms for growth
3. Building world-class infrastructure
4. Attractive business, investment and talent to the region
5. Education and workforce development to service regional economy needs
6. Open for business

Focus area 4 is considered as being of relevance for the proposed private plan change as the private plan change would assist in the future provision of aggregates required for the building and maintenance local and regional infrastructure.

It is considered that the proposed private plan change is consistent with the outcomes sought through the WRS. However, the WRS is not a statutory document to which consideration has to be given under the RMA.

5.2.4 Consistency with surrounding District Plans

Section 74(2)(c) of the Act requires Council to consider the extent to which this proposed private plan change needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

The proposed private plan change covers an area of land which is not located near the boundaries of the City of Lower Hutt. It will have no effect on the plans or proposed plans of adjacent territorial authorities and will result in any inconsistencies with them.

No feedback was received from any neighbouring territorial authorities during initial preparation of the private plan change or during statutory consultation under the First Schedule of the Act.

5.2.5 Council Strategies and Plans

The Hutt City Council has a number of relevant strategies and plans that detail the priorities for the City, namely:

- Annual Plan 2013
- Long Term Plan 2012-2022
- Urban Growth Strategy 2012-2032
- Economic development strategy 2009
- Urban Forest Plan 2010
- Bush Reserves Management Plan 2002

It is considered that the proposed private plan change is consistent with the outcomes sought under the above strategies and plans.

5.3 Further Evaluation of Section 32

Before making a decision under clause 29 (4) of the first schedule of the RMA, Council is required to complete an evaluation. The requirements under section 32 of the RMA were recently amended. Section 32 sets out the requirements for preparing and publishing evaluation reports. A proposed plan change must be evaluated firstly in terms of whether the objectives are the most appropriate way to achieve the purpose of the Act, and secondly whether the provisions are the most appropriate way to achieve the objectives of the Plan Change.

The assessment must take into account the benefits and costs of identified alternatives and the risk of acting and not acting if there is uncertain or insufficient information. Furthermore the assessment must contain a level of detail that corresponds to the scale and significance of the anticipated effects.

The costs and benefits of the environmental, economic, social and cultural effects anticipated should be identified and assessed. Where practicable, these should be quantified. Any opportunities for economic growth and employment (and whether these are anticipated to be provided or reduced by the change) must also be assessed. In considering alternative methods, it is necessary to consider different planning methods to achieve the purpose of the Act, including retaining the status quo, non-regulatory methods and the proposed plan change

The applicant has provided their evaluation under s32 in section 4 of the Plan Change request. As the Plan Change was lodged prior to the December 2013 the area of economics and the quantification thereof would not have been covered by their analysis. My assessment will try to make some quantification to this based on the information provided by the applicant.

The applicant structured the section 32 analysis as follows;

- The analysis of proposed policy changes
 - Retain current wording
 - Modifying the proposed wording
- The analysis of options with regard to modifications to Appendix Extraction 2A
 - Retain current provisions
 - Retain current provisions but seek consent as a discretionary activity
 - Retain current provisions except for Change to Special amenity area on Appendix 2A
 - A more Complex rule change
- The analysis of options with regard to modifications to Permitted activity Condition (m)
 - Retain Current Provision

- Reword as Proposed Plan Change
- The analysis of options with regard to modifications to Permitted activity Condition (o)
 - Have no condition requiring quarry management plan
 - Proposed new condition

The paragraphs below reflect my examination on the applicant's analysis. My analysis will also take into consideration if the costs and benefits need to/can be quantified. For ease of reference the specific propose plan change sections are quoted before each table.

Analysis of Proposed Policy Changes

Add the following words at the end of Policy (a) under 6D1.1.1: *"including through specified conditions and a quarry management plan"*. The full policy would then read (additions underlined):

"That adverse effects of extraction activities on the receiving environment are avoided or mitigated, including through specified conditions and a quarry management plan".

Amend the Explanation and Reasons under 6D1.1.1, section (b), second paragraph, to read (words to be removed shown struck out, and additional wording underlined):

"Quarry management plans can be used to avoid, remedy or mitigate the adverse effects of extraction activities in some circumstances. ~~These plans address a range of environmental issues, including topography, flora, hydrology, water and soil management, visual impacts, noise, dust, traffic, rehabilitation and monitoring.~~ Where active extraction activities are being undertaken, a quarry management plan shall be prepared and regularly updated, which sets out (as relevant):

- *intended staging of the quarry activity*
- *the means of management of surface water*
- *any specific provisions relating to on-site management of dust, noise, vibration and water quality*
- *procedures for addressing any complaints*
- *objectives and processes for site rehabilitation, including:*
 - *indicative staging for the rehabilitation of quarry faces*
 - *measures to create soil conditions to support plant growth*
 - *means of managing runoff to avoid erosion*
- *management of buffer areas*
- *any other practices and methods to ensure that permitted activity conditions applying to on-site activities are met.*

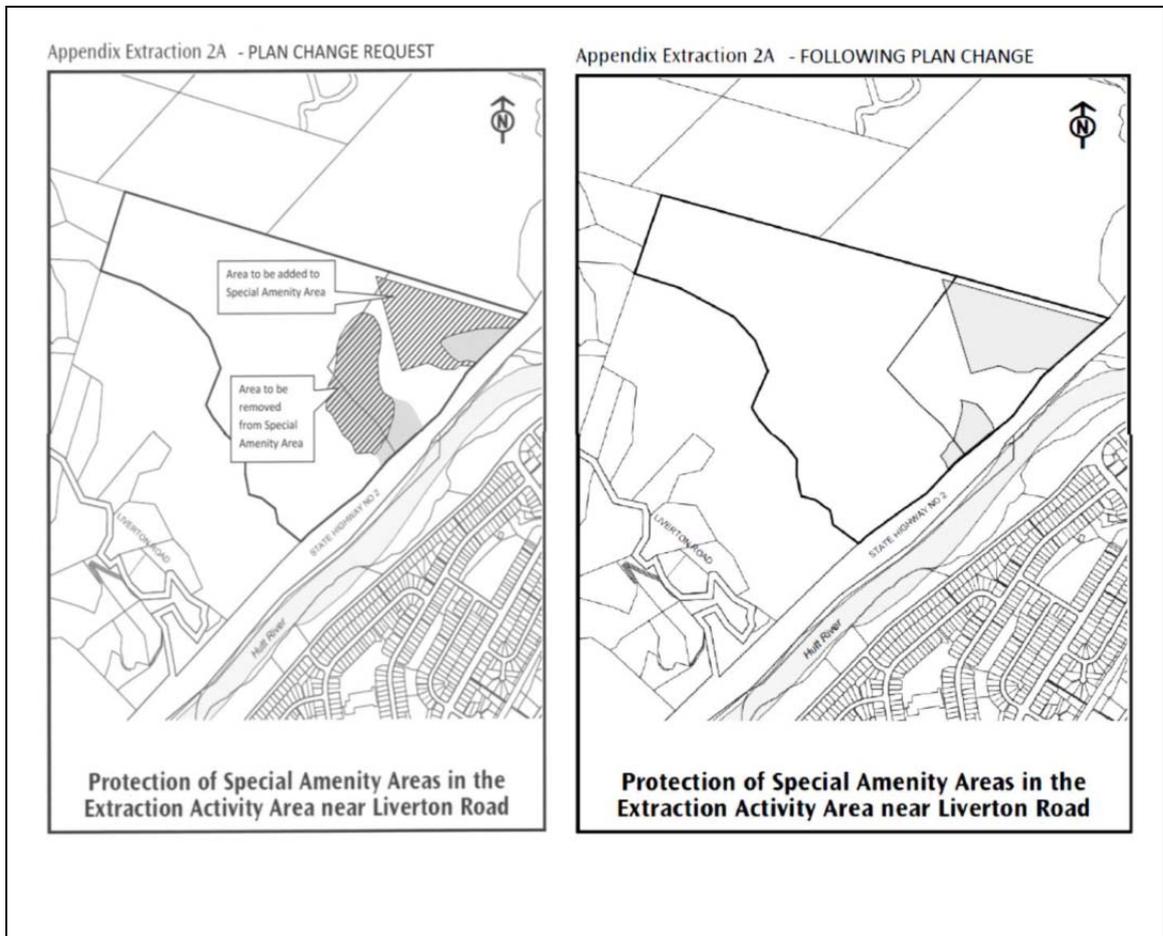
The quarry management plan will complement the permitted activity conditions that apply to the extraction activity and will provide additional management details. It will be reviewed at least every five years and any necessary adjustments will be made. The management of adverse effects is shared jointly with the Regional Council where discharge and other permits are required. ~~Extraction activities will be a Restricted Discretionary Activity to ensure that the quarry management plan shows compliance with the standards and terms.~~

Add the following words at the end of Policy (c) under 6D 1.2.1: *"which apply objectives and processes set out in the quarry management plan"*. The full policy would then read:

"That having taken into account planned future development, progressive rehabilitation measures be provided which apply the objectives and processes set out in the quarry management plan."

Options	Efficiency and Effectiveness	Benefits	Costs
Retain Current Wording	I agree with applicant's the analysis provided on the efficient and effectiveness of this option.	Concur with the benefit analysis and no quantification is required	Concur with cost analysis and no quantification is required
Modifying the proposed wording	I am of the opinion that the proposed policy changes will improve efficiency and effectiveness through improved interpretation of the District Plan.	Concur with benefits provided and no quantification is required	Concur with cost analysis and no quantification is required

Analysis of options with regard to modifications to Appendix Extraction 2A



Options	Efficiency and Effectiveness	Benefits	Costs
Retain	I agree with applicant's	Concur with the benefit	Concur with cost

<p>current provisions</p>	<p>analysis provided on the efficient and effectiveness of this option with regard to the extraction of the aggregate resource. However, there is no mention of the fact that the current provisions is very efficient and effective in the protection of the ecological values that are currently present in the Special Amenity Area. It is also a very effective way in Managing the visual amenity effects cause by the quarry activities.</p>	<p>analysis and want to add that it will further benefit as less rehabilitation of the quarry area will be required. No quantification is required/ possible based on the information provided.</p>	<p>analysis. Quantification is required and the current information provided are: Loss of 10-18 jobs Early closure of quarry (20-30 year earlier, without the access to the aggregate resource)</p>
<p>Retain current provisions but seek consent as a discretionary activity</p>	<p>I agree with applicant's the analysis provided on the efficient and effectiveness of this option.</p>	<p>Concur with benefits provided, except that through a discretionary activity Council has more control over what conditions are part of the consent. No quantification is required</p>	<p>Concur with cost analysis and no further quantification is required.</p>
<p>Retain current provisions except for Change to Special Amenity Area on Appendix 2A</p>	<p>I agree with applicant's the analysis provided on the efficient and effectiveness of this option with regard to access to the aggregate resources. However, this option does provide very little effective protection of the ecological values of the Special Amenity areas. It is also weak on the Efficient and effective implementation of the Quarry Managements plan by having no improved reference to it.</p>	<p>Concur with the benefit analysis and quantification can be improved based on the economic analysis that forms part of the application.</p>	<p>I do not concur with the cost analysis. The cost will also include the loss of an area of high ecological and biodiversity value to the extent of 6.39ha. And the proposed replacement area is of less quality.</p>
<p>A more complex rule change</p>	<p>I do not agree with applicant's the analysis provided on the effectiveness of this</p>	<p>I do not agree with the benefit statement as more complex wording does not have to</p>	<p>Concur with cost analysis and no further quantification is</p>

	<p>option. More complex rules could be less efficient, but could improve the effectiveness around the implementation of quarry management plans and potential other mitigation. Dependent on the wording and the content more complex rules could make it easier for Hutt city to manage the activity zone.</p>	<p>exclude the use of a quarry management plan. It can also be beneficial from an ecological perspective by implementing improved ecological mitigation.</p>	<p>required.</p>
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Analysis of options with regard to modifications to Permitted Activity Condition (m)

Modify 6D 2.1.1 Permitted Activities Condition (m) by removing the second paragraph, and by adding the following words at the end of the first paragraph: *“in accordance with the objectives and processes for site rehabilitation set out in the quarry management plan”*. The rule would then read

“The quarry shall be progressively rehabilitated taking into account planned future development in accordance with the objectives and processes for site rehabilitation set out in the quarry management plan. ~~When extraction activities cease, the site shall be rehabilitate by hydro seeding benches and cut faces, and rehabilitation of top soil and revegetation of the quarry floor. This shall be with native species except where exotic species may be used initially to provide nurse cover for native plants.”~~

Options	Efficiency and Effectiveness	Benefits	Costs
Retain Current Wording	I agree with applicant’s the analysis provided on the Efficient and effectiveness of this option.	Concur with the benefit analysis and no quantification is required	Concur with cost analysis and no quantification is required
Modifying the proposed wording	I am of the opinion that the proposed policy changes will improve efficiency and effectiveness through improved interpretation of the District Plan	Concur with benefits provided and quantification can relate to time period of visual impact improved over a period of 30-40 years.	Concur with cost analysis and no quantification can be improved is required.

Analysis of options with regard to modifications to Permitted activity Condition (o)

Add a new Permitted Activity Condition (o) to 6D2.1.1, as follows:

“Quarry Management Plan:

Where active extraction activities are being undertaken, the quarry operator shall prepare and maintain a quarry management plan. A copy of the quarry management plan shall be provided to the Council and, no less than every two years, the operator shall provide a progress report to the Council on the effectiveness of the quarry management plan, and advise of any changes that have been made.”

Options	Efficiency and Effectiveness	Benefits	Costs
Retain Current Wording	I agree with applicant's the analysis provided on the Efficient and effectiveness of this option.	Concur with the benefit analysis and no quantification is required	Concur with cost analysis and no quantification is required
Modifying the proposed wording	I am of the opinion that the proposed policy changes will improve efficiency and effectiveness through improved interpretation of the District Plan. However I am of the opinion that some wording is still a bit loose around the acceptance/approval of a management plan and is thus not that effective	Concur with benefits provided and no quantification is required	Concur with cost analysis and no quantification is required

6. RECOMMENDATION

It is recommended that the proposed private plan change be declined.

This recommendation is based on the conclusion that the ecological mitigation measures proposed as part of the plan change do not sufficiently address and mitigate the potential adverse ecological effects caused by the proposed changes.

I have considered the option of providing for the necessary mitigation measures by way of a permitted activity condition but have come to the conclusion that this would not be appropriate.

I acknowledge the economic benefits the continued operation of the quarry will provide, but am of the opinion that the ecological effects and inadequate ecological mitigation package are outweighing these economic benefits.

However access to the rock resource in the current Special Amenity Area and thereby continued quarry operation could be achieved by amending the proposed plan change to provide for extraction activities (including vegetation clearance) in the affected area as a restricted discretionary activity with an agreed mitigation package as the matter to be considered.

Should the Commissioners be of a mind to approve Proposed Private Plan Change 33, the amendments outlined below are considered necessary to mitigate the loss of significant indigenous ecological and biodiversity values. The proposed amendments to the district plan are:

Add a restricted discretionary activity as follows:

6D 2.2 Restricted Discretionary Activity:

(a) Any vegetation clearance or extraction activity, including ancillary offices and caretaker living quarters, within the area of high ecological value as identified in Appendix X.

Non-Notification

In respect of Rule 6D 2.2 public and limited notification of application for resource consent is precluded

6D 2.2.1 Matter Council has restricted its discretion:

(a) Any vegetation clearance or extraction activity, including ancillary offices and caretaker living quarters, within the area of high ecological value as identified in Appendix X.

(i) Mitigation of adverse effects on ecological values and biodiversity

Any mitigation proposal must at least include the following components

- Progressive rehabilitation of the full quarry site back to indigenous vegetation.*
- Restorative planting of an area equal to twice that being lost (that is, 2 x 6.93 ha = 13.86 ha) with the areas chosen for planting to include part of the northern Special Amenity Area and the rest to be connected physically to that area if possible.*
- Buffer plantings to be installed along the new north-eastern and eastern edges of the quarry to reduce the impact of edge effects on the bush areas to the northeast and the remnant area of the southern Special Amenity Area.*
- Capture of all lizards present in the quarry extension zone (as required under the Wildlife Act) and translocation to suitable habitat in the extended northern Special Amenity Area and to the extended area of restorative planting if required and if suitable habitat exists there.*
- Targeted pest management for a period of 5 years beginning immediately prior to lizard translocation and commencement of planting*

to provide greatest benefit to the threatened lizard species present in the area and to the restoration plantings.

- *Monitoring and reporting of plant survival in the planting areas and lizard abundance at the release sites and throughout the northern Special Amenity Area for a 5 year period following planting and translocation.*

Should offsetting on the land of a third party be included in the mitigation package the third party will also have to approve the ecological mitigation components that related to their property.

Appendix 1: Assessment of Ecological Effects by Roger MacGibbon (Opus for Hutt City Council)



*Hutt City Council Proposed Private District Plan
Change 33*

**Winstone Aggregates
Proposed Belmont
Quarry Extension
Assessment of
Ecological Effects**





Hutt City Council Proposed Private District Plan Change 33

Winstone Aggregates Proposed Belmont Quarry Extension Assessment of Ecological Effects

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1 Executive Summary

Winstones Aggregates are proposing to extend their Belmont, Lower Hutt quarry operations into an area northeast of the existing quarry site that has the designation of “Special Amenity Area” under the City of Lower Hutt District Plan. A plan change (Plan Change 33) is required to enable the southern Special Amenity Area to be modified and reduced in size and also to extend (as proposed by Winstone) a second Special Amenity Area to the north.

The quarry extension will result in removal of the 6.93 ha of predominantly indigenous vegetation that contains several elements of high ecological value including:

- Mature tawa forest occupying about 1.10 ha, and standing up to 20 metres tall.
- Three old growth (potentially pre-European) pukatea trees with three mature black beech trees nearby, also likely to be relict specimens.
- Presence of the threatened southern North Island forest gecko and possibly the threatened Wellington green gecko.
- While no threatened bird species have been recorded in the quarry extension or proposed mitigation area the area is home to healthy populations of kereru, tui and bellbird.
- The Firth Block provides important movement corridors for species moving along the western Hutt hills.

The ecological values present in the proposed quarry extension area trigger 4 of the 5 GWRC Policy 23 criteria used to identify indigenous ecosystems and habitats with significant biodiversity values. Therefore, mitigation is necessary to compensate for the biodiversity that will be lost with the quarry extension.

The recommended mitigation package for the loss of 6.93 ha of bush area is as follows:

1. Extension and legal protection of the northern Special Amenity Area as proposed by Winstone.
2. Progressive rehabilitation of the full quarry site back to indigenous vegetation.
3. Restorative planting of an area equal to twice that being lost (that is, $2 \times 6.93 \text{ ha} = 13.86 \text{ ha}$) with the areas chosen for planting to include part of the northern Special Amenity Area and the rest to be connected physically to that area if possible.
4. Buffer plantings to be installed along the new north-eastern and eastern edges of the quarry to reduce the impact of edge effects on the bush areas to the northeast and the remnant area of the southern Special Amenity Area.
5. Capture of all lizards present in the quarry extension zone (as required under the Wildlife Act) and translocation to suitable habitat in the extended northern Special Amenity Area and to the extended area of restorative planting if required and if suitable habitat exists there.
6. Targeted pest management for a period of 5 years beginning immediately prior to lizard translocation and commencement of planting to provide greatest benefit to the threatened lizard species present in the area and to the restoration plantings.
7. Monitoring and reporting of plant survival in the planting areas and lizard abundance at the release sites and throughout the northern Special Amenity Area for a 5 year period following planting and translocation.

2 Introduction

Winstones Aggregates are proposing to extend their Belmont, Lower Hutt quarry operations into an area northeast of the existing quarry site that has the designation of “Special Amenity Area” under the City of Lower Hutt District Plan. A plan change (Plan Change 33) is required to enable the southern Special Amenity Area to be modified and reduced in size and also to extend (as proposed by Winstone) a second Special Amenity Area to the north. The enlargement of the northern Special Amenity Area by an area similar to that being lost, and the rehabilitation of the full quarry site, are proposed by Winstone as mitigation for the loss of a significant proportion of the southern Special Amenity Area.

Both Special Amenity Areas and the area between them have a predominantly indigenous vegetation cover ranging in age and form from early stage successional species emerging through gorse to pockets of mature forest. The quarry extension will result in removal of the 6.93 ha of predominantly indigenous vegetation. Section 6(c) of the RMA requires “the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna” so effort is required to determine the significance of the vegetation proposed for removal and consideration given to avoiding, remediating or mitigating any ecologically significant vegetation or significant habitat that could be lost.

Adam Forbes of Forbes Ecology has been commissioned by Winstones Aggregates to undertake a terrestrial ecological assessment of the proposed quarry extension area, the Special Amenity Areas adjacent to the quarry and land lying to the northeast of the quarry up to the southern boundary of Belmont Regional Park. His report, entitled “Belmont Quarry Extension: Terrestrial Ecology Assessment” has been completed and includes an assessment of the existing vegetation, avian and herpetological values present in the area, an evaluation of the ecological significance of the values identified, and an assessment of the potential effects of the quarry extension on the ecological values.

I have been commissioned by Hutt City Council to provide an independent assessment of the ecological values of the area, the potential effects of the proposed quarry extension, and the proposed mitigation package as presented in the Plan Change applications.

3 Methodology

My assessment consists of an evaluation of the ecological assessment presented by Adam Forbes, appraisal of the relevant contents of the Winstone Aggregates “Request for Private Plan Change” document (August 2013), background study of ecological values in the general vicinity of the quarry site, review of the submissions made, and a brief walk-over visit to the site on 8 April 2014.

No attempt has been made to undertake any field-based assessment of the ecological values present at the site. In that regard, I am reliant on the findings of the vegetation, avian and herpetological surveys undertaken by Forbes Ecology and their sub-contractors.

4 Ecological Values and Significance

4.1 Ecological values

Adam Forbes has undertaken a comprehensive field appraisal of the terrestrial vegetation, avifauna and herpetofauna present in the area proposed for the quarry extension and the bush area to the north east that is proposed as an extension to the northern Special Amenity Area. The methods used are appropriate and information provided is detailed and comprehensive. I concur with the Forbes Ecology assessment of ecological values and consequently have not found it necessary to repeat the detail of those findings in this report.

The primary ecological values identified in the quarry extension area are:

- Mature tawa forest occupying about 1.10 ha, and standing up to 20 metres tall. Tawa dominated forest is no longer common in this area.
- Three old growth (potentially pre-European) pukatea trees with three mature black beech trees nearby, also likely to be relict specimens.
- Presence of the threatened southern North Island forest gecko (At Risk –Declining).
- While no threatened bird species have been recorded in the quarry extension or proposed mitigation area the area is home to healthy populations of kereru, tui and bellbird.
- The Firth Block provides important movement corridors for species moving along the western Hutt hills.
- The lizard survey undertaken by Eco Gecko for Forbes Ecology (Forbes 2013) did not find any Wellington green gecko in the quarry extension area or in the surrounding landscape but the report authors concluded that this species was likely to be present because they are present in the wider landscape. The Wellington green gecko is arboreal and especially cryptic making it very difficult to detect in amongst thick scrub and forest. Consequently, I concur with the view that there is a reasonable likelihood of them being present in the quarry extension area, especially considering the quality of the forest there. This species is threatened, classified as At Risk – Declining.

The report states that there is no significant aquatic habitat present in the study areas. While I agree that there are no permanent or intermittent waterways and associated riparian habitat within the area proposed for quarry extension, there are dry channels that are likely to carry water after heavy rain events (ephemeral channels). Ephemeral channels can be seasonally important for a selection of invertebrate species and so have some ecological value, albeit less than more permanent waterways.

4.2 Ecological significance

Forbes Ecology have used the Greater Wellington Regional Council criteria for identifying and evaluating significant indigenous biodiversity values, as set out in Policy 23 of the GWRC Regional Policy Statement. These criteria include tests of representativeness, rarity, diversity and the ecological context of a feature. The report rates both the extraction block and the mitigation block as ecologically significant for representativeness, rarity, and ecological context. I agree with this evaluation although it is important to clarify that while both blocks trigger the rarity significance criteria for lizards (with southern North Island forest gecko present in both) the proposed

mitigation area does not rate as highly as the quarry extension area for the rarity of its indigenous vegetation. The mature pukatea and black beech are present only in the quarry extension block.

The ecological assessment has rated both blocks as not significant for diversity. The GWRC Policy 23 significance criteria state that an area has significant biodiversity when “*the ecosystem or habitat has a natural diversity of ecological units, ecosystems, species and physical features within the area*”. On this basis it can be argued that the diversity in the quarry extension area is not significant because the full natural range of species and ecological processes are not present, however, it is important to note that this area does have greater indigenous diversity than most surrounding bush areas.

4.3 Assessment of ecological effects

The proposed quarry extension will remove all of the significant ecological values (as listed in the section above) from the area disturbed, and as a consequence the ecological effects will be significant.

In total 6.93 ha of bush and forest vegetation (indigenous and exotic species) and habitat will be lost. Of this, 6.47 ha is of moderate to high ecological value (derived from Table 1 of the Forbes Ecology report), that is, areas of forest and shrubland that are comprised predominantly of indigenous plant cover.

In addition to the effects stated in the Forbes ecological assessment, three other significant potential effects have been identified:

1. **Edge effects:** The extension of the quarry area to the north east will create a new exposed edge to the vegetation, opening up the bush adjacent to the new edge to increased exposure to weather and environmental elements. Research has shown that vegetation as far as 50 metres or more from the edge of an area of forest or bush can be adversely affected by the penetration of weather and environmental factors (Young and Mitchell 1994). This effect is likely to be more pronounced with the quarry extension because the ridge line to the immediate north east of the current quarry area will be lowered substantially once quarrying of the extended area is completed (Ian Wallace pers comm). The lower altitude vegetation that will exist at the new edge will be significantly less well adapted to deal with increased exposure to weather and environmental stressors than higher altitude vegetation.
2. **Dust and noise generated by quarry operations** will potentially have an effect on the bush areas adjacent to the expanded quarry area, and this will persist for the duration of the quarrying activity. The noise and vibrations of the quarry operations are also likely to discourage birds from nesting or occupying the vegetation near to the quarry margins.
3. A small portion only of the southern Special Amenity Area will remain after the quarry is fully extended. Because of its considerably reduced area the remnant section of the SAA will be disproportionately exposed to edge effects and quarry noise and dust. Furthermore, it will have significantly more isolated and less connected to the surrounding bush areas than it is currently. After quarry extension, a narrow tongue of bush that may be no wider than 30 to 40 metres in places will remain to connect it to the areas of bush to the north.

4.4 Mitigation options

4.4.1 Mitigation proposed by Winstone Aggregates.

If the quarry extension proceeds, avoidance of the effects is not possible so remediation and mitigation are required.

To date, Winstone Aggregates have proposed a mitigation package that includes full quarry site rehabilitation once quarrying has concluded, and the legal extension of the northern Special Amenity Area by an area approximately equal to the area being lost by the proposed quarry extension.

Rehabilitation of the quarry site as proposed in the Rehabilitation Strategy (Boffa Miskell Ltd and Tonkin and Taylor Ltd 2013) is fully supported, as is the proposed legal extension of the northern Special Amenity Area. However, for a number of reasons, these two elements of mitigation are not considered to be sufficient mitigation to compensate for the irreversible loss of the ecological values present at the quarry extension site. These reasons are discussed below.

Applying the principle of “like-for-like”, the proposed enlarged Special Amenity Area does not contain ecological values equivalent to those being lost from the quarry extension area. In particular, the old growth pukatea trees and possibly old growth black beech do not occur in the proposed mitigation area.

The proposed quarry area has a substantially larger area (approx. 6.47ha) of moderate to high value indigenous vegetation¹ compared to the area of similar value vegetation in the proposed extended Special Amenity Area (approx. 2 ha)². Vegetation of moderate to high value has been determined to be that with a predominance of indigenous species and the area calculations have been derived from the information contained in Table 1 and Figure 1 of the Forbes ecological assessment report.

Giving an existing predominantly indigenous vegetation covered area the status of a Special Amenity Area will not improve its ecological value per se. Special Amenity Area status will provide greater protection for this area from future clearance but it will not enhance its ecological value. Consequently, this proposed form of mitigation plus the proposed quarry site rehabilitation is not considered to offer sufficient effective compensation for the ecological values that will be lost.

A mitigation package including restorative planting is considered necessary to compensate for the loss of the ecological values in the extended quarry area.

4.4.2 Rationale for determining an appropriate area of restorative planting

There is no standard ecological recipe for the determination of the amount or size of mitigation/restoration areas to compensate for areas lost, and the multiplier ratios (referred to also as Ecological Compensation Ratios, or ECR's) used in New Zealand for ecological compensation/mitigation appear to have been determined arbitrarily.

Brown et al (2014) assessed 110 cases of ecological compensation in New Zealand. In 97 cases (88%) there was no objective quantification of the compensation needed to make up for impact

¹ Vege map area nos. 3,4,6,8,9,10,11,16,17,18,24 (Forbes 2013).

² Vege map nos. 23,25,26,28,29,30,31.

losses. They stated “We encountered few instances of quantification or standardised methods of compensation assessment. The level of compensation seems to have been determined primarily by the resourcing by and willingness of the applicant, and the council specifying and insisting on a minimum standard” (Brown et al., 2014 page 145). The authors concluded that consideration and implementation of ecological compensation in NZ is noticeably ad hoc and so ecological compensation as it is presently implemented is unlikely to achieve environmental protection goals.

The Transmission Gully NZTA project, located relatively close to the quarry site, proposes the removal of a large area (approx. 120 ha) of indigenous vegetation including areas of mature kohekohe forest. A scale of multipliers from 1:1 for indigenous shrublands; 2:1 for kanuka scrub and low forest; to 3:1 for remnant mature tawa-podocarp forest and wetlands was proposed by ecology experts to determine the area of restorative plantings required for this project. The final Board of Enquiry decision on Transmission Gully was released in 2012 with comments from the Board that it appeared that there may have been a certain rule of thumb element to the selection of the compensation ratios. The Board deemed it was not necessary for them to specify appropriate offset mitigation ratios in reaching their decision and stated that such a matter will always be open for debate and that ultimately the adequacy of mitigation proposed (whether biodiversity mitigation or otherwise) is a matter which is subject to debate and determination by a consent authority (Board of Enquiry Transmission Gully, 2012).

4.4.3 Mitigation recommendations

With the lack of scientific foundation and legal precedent for the determination of compensation areas I have chosen, in recommending the following ecological mitigation package, to focus on achieving locally appropriate and achievable ecological outcomes.

In determining appropriate mitigation I have given consideration to the following ecological principles:

- Forest or bush areas of younger age or lesser maturity generally accommodates significantly lower plant and animal biodiversity than mature forest stands;
- Single, large, connected areas of forest or bush are of greater ecological value than smaller, unconnected areas even if the total area covered is the same;
- Restorative planting is of greatest value when it enhances and complements the process of natural succession rather than duplicates it.
- Animal and plant pest control achieves the best ecological gains when it is focused directly at the species, communities and ecosystems most at risk.

The recommended mitigation package for the loss of 6.93 ha of bush area is as follows:

1. Extension and legal protection of the northern Special Amenity Area as proposed by Winstone.
2. Progressive rehabilitation of the full quarry site back to indigenous vegetation.
3. Restorative planting of an area equal to twice that being lost (that is, $2 \times 6.93 \text{ ha} = 13.86 \text{ ha}$) with the areas chosen for planting to include part of the northern Special Amenity Area and the rest to be connected physically to that area if possible.
4. Buffer plantings to be installed along the new north-eastern and eastern edges of the quarry to reduce the impact of edge effects on the bush areas to the northeast and the remnant area of the southern Special Amenity Area.

5. Capture of all lizards present in the quarry extension zone (as required under the Wildlife Act) and translocation to suitable habitat in the extended northern Special Amenity Area and to the extended area of restorative planting if required and if suitable habitat exists there.
6. Targeted pest management for a period of 5 years beginning immediately prior to lizard translocation and commencement of planting to provide greatest benefit to the threatened lizard species present in the area and to the restoration plantings.
7. Monitoring and reporting of plant survival in the planting areas and lizard abundance at the release sites and throughout the northern Special Amenity Area for a 5 year period following planting and translocation.

The rationale for a restoration planting area of twice what is being lost is because mature and old growth forest provides a significantly greater quantity and diversity of habitat than younger regenerating areas of bush. While the nature of the habitat provided by the existing tawa, pukatea and beech in the quarry extension area cannot be immediately replicated the enhancement of a bush area twice the size will go some way to compensating for the volume of habitat being lost. Greater multipliers have been used elsewhere (eg. 3:1 at Transmission Gully and on the NZTA Otaki to Pekapeka project (J. Turner pers comm)) for the loss of mature indigenous vegetation but the proposal to rehabilitate the quarry and the recommendation to undertake the other mitigation activities as listed above will probably lead to better ecological outcomes than simply planting up a greater area. The reason for not reducing the restorative planting further to a 1:1 ratio is that 6.47 ha of the 6.93 ha quarry extension area is of moderate to high quality forest/bush (ie. in a relatively advanced stage of regeneration and diversity) and it will take many decades before the restored area will provide habitat of the quality of the quarry extension area as it is today.

Not all of the extended northern Special Amenity Area is suitable for restorative planting. The more mature and established tawa and hardwood forest areas are already experiencing healthy and diverse regeneration and will not benefit greatly from additional planting. Instead planting should be focused on open areas and gorse – exotic scrub areas that are beginning to regenerate but which currently have a low diversity of regenerating native species. Utilising the information provided in Table 1 of the Forbes report, approximately 4.2 ha of the proposed extended northern Special Amenity Area (and some of the land between the northern Special Amenity Area and the proposed new quarry edge) would appear to be suitable for restorative planting.

If practicable, it is recommended that the rest of the restorative planting (approx. 9.66 ha) occur within Belmont Regional Park extending out from the northern Special Amenity Area to link it either with the Boulder Hill Bush area to the west (Figure 1) and/or to link to existing indigenous bush areas in the Park. Restoration of this area would reinforce the value of the quarry rehabilitation programme and, ultimately, create a relatively large area of quality indigenous vegetation. GWRC approval will be required to enable this area to be planted, and further investigation of the practicality of restoring this area. All plantings should be supported by a 5 year releasing and blanking (replacing dead plants) programme.

It is my understanding that GWRC currently pays for broad scale pest management (ie. possum bait stations) in Belmont Regional Park. It is recommended that mitigation includes additional intensive animal pest management in the northern Special Amenity Area and planted areas that will further enhance lizard survival (especially southern North Island forest gecko and Wellington green gecko) – target pests: cats and ship rats; nesting native bird species - target pests : stoats and ship rats; and restoration plantings – target pests: rabbits and hares.

Ideally restoration planting should occur at a rate that matches the rate of clearance of the vegetation in the quarry extension area. I am not aware of the planned vegetation clearance schedule but if all of the surface area of the extension needs to be cleared at once the restoration planting programme should be completed within 3 years of that clearance. If the vegetation clearance is to be staged then restoration planting could be staged to match it.

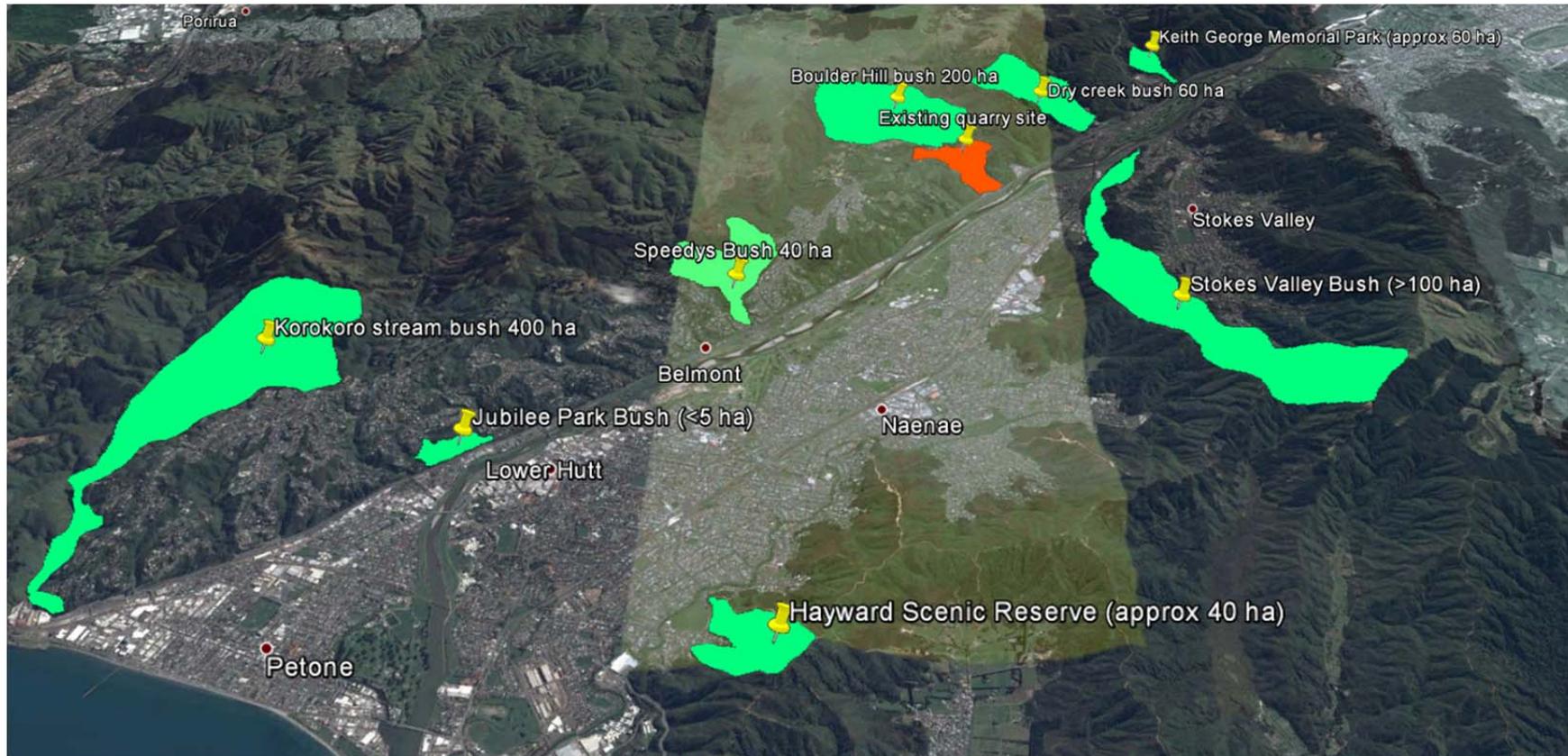


Figure 1: Existing and proposed quarry area and location of other areas of native bush in the Hutt Valley area.

5 References

Board of Inquiry into the Transmission Gully Proposal. 2012. Final Report and Decision of the Board of Inquiry into the Transmission Gully Proposal. Produced under Section 149R of the Resource Management Act 1991.

Boffa Miskell Ltd and Tonkin and Taylor Ltd 2013. Belmont Quarry Extension Rehabilitation Strategy. Prepared for Winstone Aggregates. In Appendix 5 “Proposed Quarry Management Plan” of the Winstone Aggregates 2013: Request for Private Plan Change (modified following discussions with Council Officers) report.

Brown, M.A., Clarkson, B.D., Stephens, R.T.T., Barton, B.J. 2014. Compensating for ecological harm – the state of play in New Zealand. *New Zealand Journal of Ecology* 38(1): 139-146.

Forbes, A. 2013. Belmont Quarry Extension: Terrestrial Ecology Assessment. Prepared for Winstone Aggregates by Forbes Ecology.

Winstone Aggregates. 2013. Request for Private Plan Change (modified following discussions with Council Officers). Relating to Chapter 6D of the City of Lower Hutt District Plan. Prepared by Allan Planning and Research Ltd.

Young, A. and Mitchell, N. 1994. Microclimate and vegetation edge effects in a fragmented podocarp-broadleaf forest in New Zealand. *Biological Conservation* 67(1): 63-72.



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