

Proposed Private District Plan Change 33

AMENDMENTS TO THE EXTRACTION ACTIVITY AREA
PROVISIONS

Decision

PROPOSED PRIVATE DISTRICT PLAN CHANGE 33 - AMENDMENTS TO THE EXTRACTION ACTIVITY AREA PROVISIONS OF THE OPERATIVE CITY OF LOWER HUTT DISTRICT PLAN

REPORT FOR THE HUTT CITY COUNCIL

PREPARED BY HEARING SUBCOMMITTEE

18 AUGUST 2014

EXECUTIVE SUMMARY

Introduction

A Hearing Subcommittee, consisting of Alistair Aburn (Independent Commissioner) and Councillors Lisa Bridson and Christopher Milne, was appointed to hear the submissions on Proposed Private District Plan Change 33 (**PC33**) and report to Council with recommendations on the proposed change.

PC33 is a Private Plan Change Request from Winstone Aggregates (a Division of Fletcher Concrete and Infrastructure). The Plan Change Request seeks to amend the current District Plan provisions relating to the Extraction Activity Area (Chapter 6D), insofar as they relate to the Belmont Quarry. The requested amendments seek to:

- modify and reduce the extent of the southern Special Amenity Area shown on Appendix Extraction Area 2A and to extend the northern Special Amenity Area also shown on the Appendix;
- make changes to the text of the Extraction Activity Area (Chapter 6D);
- make changes to two existing policies and the explanation that accompanies one of the policies; and
- modify one permitted activity condition and to add an additional permitted activity condition.

The Plan Change Request explains that its purpose is to:

- enable the remaining part of the Belmont Quarry Extraction Activity Area, which contains high-quality useable rock, to be quarried over the next 30 to 40 years; and
- better embed the requirement for a Quarry Management Plan in relation to working quarry activities as a means of managing environmental effects.

Notification

PC33 was notified on 15 October 2013. At the end of the submission period (15 November 2013) a total of 6 submissions were received from three local residents, the Greater Wellington Regional Council, Wellington Fish and Game, and the Friends of Belmont Regional Park.

Following public notification of a summary of the submissions, seven further submissions were received.

Principal Issues

Principal issues raised in the submissions related to:

- lack of need (urgency) to modify the Special Amenity Area (contention that there was sufficient resource available to enable the quarry to operate until at least 2040);
- adverse environmental effects (odour, dust and noise);
- environmental change/visual disturbance;
- adverse ecological effects;

- risk that any discharge from the site could result in adverse effects on the Hutt River, a regionally significant trout fishery; and
- inconsistency with national and regional policy.

The Hearing

The hearing was held on 5 and 6 June 2014. Parties appearing were:

- Winstone Aggregates;
- Greater Wellington Regional Council;
- Perry Husband (198 Liverton Road); and
- Jessica Butson (1161 Taita Drive).

The hearing was also attended by the Council Consultant Reporting Officer (Linda Chamberlain) and Council Consultant ecologist (Roger MacGibbon). Council officers in attendance were Dan Kellow, Divisional Manager Environmental Policy and Corinna Tessendorf, Senior Environmental Policy Analyst.

Main Findings

Based on our evaluation of the PC33 documentation, which was comprehensive, the submissions and further submissions, the Council's s42A Report and the evidence presented at the hearing, and informed by our site inspection, we have come to the following principal conclusions/main findings:

1. That the requested Plan Change should proceed, subject to one minor amendment.
2. That the proposed PC33 provisions, as amended following adoption of our recommendations, provide an appropriate planning framework for the Belmont Quarry that strikes a balance between enabling the extraction of a valuable resource, whilst also ensuring that the on-going quarry operations do not significantly impact on the site's amenity and ecological values.
3. With reference to the principal issues raised through the submissions, we have concluded as follows:

3.1 Lack of Need / Resource Availability

3.1.3 That recent investigations (post 2007/08) confirm that the aggregate resource able to be extracted under the operative District Plan provisions does not contain the high quality resource required to enable the Belmont Quarry to continue producing a range of aggregate products, whereas the resource underlying the Firth Ridge, which is currently subject to a 'Significant Amenity Area' overlay, is high quality.

3.1.2 That if the Belmont Quarry is to continue operating beyond a further 5 to 10 years, access to the high quality resource underlying the Firth Ridge is necessary.

3.1.3 That the 'need' for the Plan Change is reasonably established.

3.2 Environmental Effects (Dust, Odour and Noise)

3.2.1 That dust, noise and odour are subject to operative District Plan permitted activity conditions. PC 33 does not propose any change to these conditions.

3.2.2 That the 'odour' nuisance referred to in submissions is not associated with quarry activities at the Belmont Quarry, but rather with the 'co-located' Fulton Hogan bitumen plant. PC 33 does not propose any changes to the bitumen plant operation.

3.2.3 That the proposed Plan Change amendments reinforce the effectiveness of the Quarry Management Plan, and, working in conjunction with the permitted activity conditions,

provide appropriate controls and processes to ensure that adverse environmental/amenity effects are appropriately 'avoided, remedied or mitigated', so that any such effects will be less than minor.

3.3 Landscape / Visual Amenities

3.3.1 That overall, taking into account the nature of the existing quarry, the progressive extension of the quarry face, and the retention of the eastern edge of the larger spur located within the Significant Amenity Area (SAA), as well as the progressive rehabilitation of the quarried face, landscape and visual amenity effects will be less than minor.

3.4 Indigenous Biodiversity/Ecological Values

3.4.1 That the Firth Ridge has significant ecological/biodiversity values.

3.4.2 That there is clear policy and statutory direction for regard to be had to the ecological values within the SAA, and that appropriate measures should be put in place to 'avoid, remedy or mitigate' any adverse effects.

3.4.3 That the Plan Change proposes an extended SAA in the northern part of the Extraction Activity Area.

3.4.4 That the expanded northern SAA does not necessarily offset the loss of ecological values associated with the southern SAA, into which quarry activities will be extended under the Plan Change.

3.4.5 That in the context of the operative District Plan provisions which specifically establish the Extraction Activity Area to enable the quarrying of aggregate, the proposed mitigation, which will include progressive re-vegetation of the quarried faces, is appropriate and adequate in the circumstances.

3.4.6 That the legal agreement entered into between Winstones and the GWRC for additional mitigation, although outside the scope of the Plan Change, is nevertheless another 'method' by which other significant mitigation will be undertaken.

3.4.7 That the proposed mitigation measures incorporated in the Plan Change are an appropriate response to the statutory direction to 'avoid, remedy or mitigate' adverse effects.

3.5 Impact on Hutt River

3.5.1 That while the continuation of extraction activities at Belmont Quarry could potentially result in some discharge of sediment-laden water to the Hutt River, with the effective implementation of the erosion and sediment control plan, which is part of the Quarry Management Plan, any effects on the Hutt River will be less than minor.

3.6 Policy Context

3.6.1 That both regional and district policy on minerals and quarrying/extraction activities is directly relevant to an assessment of PC 33, which seeks to extend extraction activities within an area with a history of quarrying and which is 'zoned' Extraction Activity Area in the operative District Plan.

- 3.6.2 That the purpose of the SAAs is principally to provide a visual buffer to quarry activities and thereby protect visual amenity rather than ecological values.
- 3.6.3 That notwithstanding the principal purpose of the SAAs as expressed in District Plan policy, other policies, and in particular regional policies, direct that regard is to be had to ecological values.

Overall Conclusion

Drawing on our main findings we conclude that:

1. The Belmont Quarry is a long-standing activity located within an area identified as appropriate for mineral extraction.
2. The Belmont Quarry contributes to the economic welfare of the community of Lower Hutt and the wider Wellington region.
3. The Belmont Quarry, notwithstanding that quarry activities by their very nature can have adverse environmental effects, is operated in an environmentally responsible manner by an experienced quarry operator. The quarry operation is guided by a comprehensive Quarry Management Plan which has a significant focus on 'quarry rehabilitation' through re-vegetation.
4. Although the expansion of quarry activities into the Firth Ridge will result in the loss of some valuable indigenous forest remnants and animal habitat, this loss is partly offset by the extension of the remaining Special Amenity Area located within the Extraction Activity Area, which will be legally protected.
5. Although not part of the Plan Change per se, the enhanced environmental package, which is the subject of a legal agreement between Winstones and the Greater Wellington Regional Council, will result in significant additional environmental outcomes.

Accordingly, it is our recommendation that Council approve Proposed Private District Plan Change 33 "Amendments to Extraction Activity Area Provisions" as amended in Appendix 6; and accordingly that all submissions and further submissions on the Plan Change be accepted or rejected to the extent set out in Appendix 7.

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1.0 INTRODUCTION

- 1.1 Proposed Private District Plan Change 33 (Amendments to the Extraction Activity Area Provisions) (**PC33**) was publicly notified by the Hutt City Council (**Council**) on 15 October 2013. The purpose of the plan change was to amend the District Plan provisions relating to Belmont Quarry, more particularly to modify and reduce the extent of the southern of the two Special Amenity Areas applying to the Belmont Quarry, as shown on Appendix Extraction 2A.
- 1.2 Other proposed amendments involved minor additions and changes to two existing policies and the explanation that accompanies one of the policies.
- 1.3 The purpose of the Plan Change Request, which was a private plan change request from Winstones Aggregates, a Division of Fletcher Concrete and Infrastructure Ltd (**Winstones**), was stated in the application documents as being to:
- “... enable the remaining part of the Belmont Quarry Extraction Activity Area which contains high quality useable rock, which is important to the economic functioning of the city and region, to be quarried over the next 30 to 40 years”.*
- 1.4 The Council appointed, pursuant to s34A(1) of the Resource Management Act 1991, a hearings subcommittee comprising of an independent commissioner Alistair Aburn (Chair), and Councillors Lisa Bridson and Christopher Milne to hear the submissions on the Plan Change Request and report to the Council on the proposed provisions, with recommendations on the matters raised in submissions.
- 1.5 This report has been prepared in accordance with our appointment.

2.0 EXTRACTION ACTIVITY AREA

- 2.1 The operative provisions relating to the Belmont Quarry are found in Chapter 6D of the Lower Hutt District Plan (**District Plan**). One of the permitted activity conditions, Condition 6D2.1.1(l), is that areas identified in Appendix 2A (an Appendix to Chapter 6D) *“shall maintain their indigenous vegetation cover”*.¹ The areas so identified are referred to as Special Amenity Areas (**SAAs**) and Condition 6D.2.1.1 (l) indicates that these areas are of visual importance and special amenity value along the western escarpment.
- 2.2 Quarry activities are a permitted activity within the Extraction Activity Area, save for the areas covered by the SAAs. Within the SAAs vegetation removal, and hence quarrying, is a Discretionary Activity under Rule 6D.2.2(b).

The Plan Change (PC33)

- 2.3 PC33 seeks the following amendments to the operative District Plan provisions applying to the Extraction Activity Area:
- (a) to change the position and extent of the SAAs (as outlined in Appendix 1 to the Private Plan Change Request);²
- (b) to add a new permitted activity condition (o) requiring a Quarry Management Plan to be prepared and maintained by the quarry operator;

¹ A copy of Appendix 2A is attached - refer **Appendix 1**

² A copy of Appendix 1 to the Plan Change Request is attached - refer **Appendix 2**

- (c) to modify the existing permitted activity condition (m) relating to rehabilitation of the cut quarry faces;
- (d) to modify and clarify existing Policy 6D 1.1.1 (a) to specify the means of managing adverse effects of extraction activities;
- (e) to add to the explanation to Policy 6D 1.1.1 (a) to specify the contents of the Quarry Management Plan and review process; and
- (f) add to the wording of Policy 6D 1.2.1 (c) to clarify the link between the progressive rehabilitation required and the provisions of the Quarry Management Plan.

2.4 As recorded in the application document, the principal 'driver' for the Plan Change Request was the need to:

"... enable quarrying to continue into part of the Extraction Activity Area with remaining useable rock, it is necessary to modify the extent of the Special Amenity Areas. The Plan Change Request seeks to reduce the extent of the southern Special Amenity Area, and correspondingly, to increase the extent of the northern Special Amenity Area. Modifying these areas will enable the quarry activities to continue to extend from the current northern face to the east, while ensuring that a significant part of the Firth Block remains with its current vegetation cover".

2.5 In relation to the other requested amendments, as summarised in 2.8 (b) to (f), they were developed following discussions with Hutt City Council officers and are intended to:

"... provide a more clear and effective relationship between the District Plan provisions for extraction activities and on-site management of effects through the Quarry Management Plan".

Notification and Submissions

2.6 Following public notification of PC33 on 15 October 2013, a total of six submissions were received by the closing date of 15 November 2013 from:

Sheryl Parker;
Jessica Butson;
Perry Husband;
Greater Wellington Regional Council;
Wellington Fish and Game Council; and
Friends of Belmont Regional Park.

2.7 Subsequently further submissions were received from:

Winstones Aggregates;
New Zealand Contractors' Federation Inc;
Aggregate and Quarry Association of New Zealand; and
Fulton Hogan Ltd.

Principal Issues in Contention

2.8 Principal issues and concerns raised in the submissions were:

- need for the Plan Change;
- residential amenity effects (dust, noise, odour);
- visual/landscape effects;
- loss of ecological values;

- potential adverse effects on the Hutt River (a regionally significant trout fishery); and
- inconsistency with national and regional policy in relation to biodiversity values and indigenous ecosystems.

3.0 EXISTING ENVIRONMENT

Site and Locality

- 3.1 The Belmont Quarry occupies part of the western escarpment of the Belmont Hills, approximately 6 kilometres north-east of the Lower Hutt Central Business District. Access to the quarry is from Hebden Crescent, which in turn is accessed from SH2.
- 3.2 To the north is the Belmont Regional Park and to the south and west land zoned Rural Residential Activity Area. The immediate property to the south, sometimes referred to as the “Cottle Block”, is owned by Winstones. Part of the Cottle Block, which is zoned General Rural Activity Area, is used as a ‘quarry overburden disposal area’. To the further south and west are some rural-residential properties accessed from Liverton Road and upper Kaitangata Crescent.
- 3.3 In addition to Winstones’ quarry operation, two other businesses are co-located on the wider site on land within the Extraction Activity Area. They are the Fulton Hogan Ltd bitumen plant and the Firth Industries concrete products plant.

Site History

- 3.4 The Belmont Quarry site has a long history as a quarry, with significant quarrying activities commencing in the 1920s when railway ballast was extracted. Subsequently, commencing in the 1970s, the quarry commenced providing roading aggregate. When Hutt River alluvial gravels started becoming scarce in the 1980s, the site was developed into a major production plant producing a full range of high quality aggregate.
- 3.5 Previously owned and operated by River Shingle and Sand Limited (1935-1977) and Firth Industries (1977-1988), the quarry operation was purchased by Winstones in 1988.
- 3.6 Over more recent years a number of consents have been secured for the operation of the quarry, with the most recent being in 2009. This consent was granted following a 2007 application and subsequent Environment Court appeal process for the establishment of an overburden disposal area on the adjoining Cottle Block. The Cottle Block lies outside of the Extraction Activity Area on land zoned General Rural Activity Area, but which is subject to a ‘quarry protection area overlay’.
- 3.7 Before leaving site history we briefly refer to the SAAs located within the Belmont Quarry. We understand that these were established as part of the Extraction Activity Area provisions in the District Plan. They were established to help maintain the ‘green backdrop’ to the City and consequently mitigate the visual effects of quarrying activities on the escarpment. SAAs were only established in the Extraction Activity Areas at Belmont and Haywards. We further examine the ‘role’ of the SAAs in Section 7 below when discussing the planning evidence (policy context) - refer particularly clauses 7.130 to 7.137.

4.0 PRE-HEARING PROCESS

4.1 Prior to the hearing a Minute was circulated in which directions were given regarding the pre-circulation of evidence. As a result, the following evidence was pre-circulated:

- (a) Council Officer's s42A Report (14 May 2014);
- (b) Greater Wellington Regional Council's evidence (21 May 2014); and
- (c) Winstones' evidence (28 May 2014).

4.2 Additionally, an expert witnesses' conference was held involving ecology experts for Winstones, Hutt City Council and the Greater Wellington Regional Council. A copy of the Ecologist's Joint Statement (refer **Appendix 3**) was also pre-circulated prior to the hearing.

4.3 The Hearing Subcommittee undertook a site inspection on Monday 19 May 2014, covering both the Belmont Quarry and the addresses of the three (residential) submitters.

5.0 HEARING

5.1 The hearing was held on the 5 and 6 June 2014 in the Wainuiomata Chambers/Wainuiomata Library.

5.2 The parties attending the hearing were:

Hutt City Council:

Linda Chamberlain	Consultant Planner (the author of the s42A Report)
Roger MacGibbon	Consultant Ecologist (the author of the Ecology Assessment, Appendix 1 to the s42A Report)
Dan Kellow	Divisional Manager Environmental Policy
Corinna Tessendorf	Senior Environmental Policy Analyst

Winstones:

Pherne Tancock	Legal Counsel
Matthew McClelland	Legal Counsel
Timothy Hazell	Winstones Regional Manager NZ South
Ian Wallace	Winstones Environmental Projects Manager
Michael Harris	Winstones Geologist
Richard Barker	Consultant Geologist
Peter Clough	Consultant Economist
Rhys Girvan	Consultant Landscape Architect
Adam Forbes	Consultant Ecologist
Simon Beale	Consultant Ecologist

Greater Wellington Regional Council:

Caroline Ammundsen	Policy Advisor
Dr Paul Blaschke	Consultant Ecologist
Marlies Boydell	Biodiversity Team Leader

Submitters:

Jessica Butson 1161 Taita Drive
Perry Husband 198 Liverton Road

Further Submitters:

Bill Bourke Aggregate & Quarry Association of New Zealand Inc
Jonathon Green Fulton Hogan Ltd

5.3 In addition, although not attending the hearing, Sheryl Parker (Submitter #1) had a written statement tabled at the hearing.

6.0 RELEVANT STATUTORY PROVISIONS

6.1 The ‘application’ was a private plan change request made in accordance with s73(2) of the Act. Section 73(2) states:

Any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Schedule 1.

6.2 In turn, Part 2 of Schedule 1 at clause 22 states:

(1) A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation under section 32 for any objectives, policies, rules, or other methods proposed.

(2) Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.

6.3 Against the background of the relevant statutory provisions, we now outline the evidence, including our assessment of that evidence and our recommendations to Council.

7.0 EVIDENCE, EVALUATION OF ISSUES AND PRINCIPAL FINDINGS

7.1 In this section of our report we identify the main points we have drawn from the evidence (on a ‘theme’ or ‘issue by issue’ basis) and provide our evaluation of the evidence and our principal findings. The issues we cover are those listed above in 2.8 “Principal Issues in Contention”.

ISSUE 1: NEED FOR PLAN THE CHANGE

7.2 **Perry Husband** (Submitter #3) questioned the need for the Plan Change contending that there was plenty of quality rock within the current extraction area without needing to quarry within the southern SAA. Mr Husband referred to evidence given by Winstones at a previous hearing in 2007/08 relating to the Cottle Block overburden disposal application, which stated that the quarry had a working life through until at least 2040; whereas the Plan Change Request states that the currently available resource will all be extracted by 2023. At the hearing Mr Husband said “*he cannot see why the change in the date*” and that he was essentially seeking answers to the inconsistencies regarding the timelines. In answer to our questions, Mr Husband confirmed that he did not have any major

concerns about the current quarry operation and that he had a good relationship with Winstones' site management.

7.3 The points raised in Mr Husband's submission were addressed in the evidence of Michael Harris and Richard Barker.

7.4 **Michael Harris** is employed by Winstones as an Engineering Geologist. He holds a BSc Degree and Post Graduate Diploma in Science in Geology and has 30 years' postgraduate experience in the geological and quarrying industry. Mr Harris told us that geological investigations and quarry pit planning is an on-going, evolving process and is commensurate with the stage of development at the quarry. Mr Harris outlined the investigations undertaken in 2003/04, 2007, 2011 and 2011/12.

7.5 Referring to the 2011 investigations, Mr Harris told us that these consisted of mapping quarry faces in the southern half of the quarry and the drilling of five boreholes in the Cottle Block, adding that these investigations *"showed that the rock under the Cottle Ridge is relatively deeply weathered and contains a lot of argillite"*.³ Referring to the 2011/12 investigations Mr Harris confirmed that these consisted of field mapping and the drilling of six boreholes, adding that the investigations confirmed that *"a high quality greywacke sandstone resource underlies the Firth Ridge"*.

7.6 Mr Harris also outlined for us the 'quarry pit planning' investigations that had been undertaken to enable a balanced and efficient quarry operation and concluded by saying that:

"Detailed investigations have now been undertaken in the quarry area, in particular in the South Face, in the Cottle Block and in the Firth Block to allow better certainty in terms of longer term quarry development planning compared with the knowledge and understanding when the Cottle Overburden Disposal Area resource consents were processed in 2007/08".⁴

7.7 Mr Harris concluded his evidence by asserting that *"the proposed quarry extension into the Firth Block results in an efficient use of the quarry resource and continued use of existing operations"*.

7.8 **Richard Barker** is a self-employed consulting geologist with BSc and MSc degrees in Geology. He has worked in the field of mineral exploration since 1971. Appearing as a witness for Winstones Mr Barker provided us with an overview of aggregate resources in the Wellington Region, noting that a 1962 study by the Geological Survey had identified five quarries as having significant resources with potential to replace the Hutt River as a major source of supply. Mr Barker told us that only three of these quarries (Belmont, Horokiwi and Kiwi Point) are now operating.

7.9 Mr Barker confirmed Mr Harris' statement that the resource within the Cottle Block to the south of the quarry is limited by deep weathering and relatively high argillite content, and that the proportion of argillite increases to the west thus limiting the potential to develop the quarry in that direction. Mr Barker also confirmed that the better quality resource in the existing quarry is located behind the North Face, adding that:

"If quarry production were restricted to the current extraction area, the quarry would soon be unable to produce the unweathered, high quality rock required for making concrete and roading making materials. Maintaining production of these high quality materials requires the expansion of the North Face. This can only be achieved by extending the workings to the east into the Firth Block".⁵

³ We were advised that argillite is a 'poor quality' quarry material, with Mr Hazell (Winstones Regional Manager New Zealand South), stating that premium products predominantly used in construction and roading *"must be quarried from areas of the resource that have negligible amounts of argillite present"*.

⁴ Michael Harris, Summary Statement of Evidence, 5 June 2014, clause 4.3, p6

⁵ Richard Barker, Summary Statement of Evidence, 18 May 2014, clause 1.10, p3

- 7.10 Referring to Mr Husband’s submission, Mr Barker told us that Mr Husband was correct that the earlier investigations had indicated there was sufficient material available, but that more recent and detailed investigations had confirmed that this was not the case; and that resource to keep the quarry operating until 2040 can only be achieved by extending the workings to the east into the Firth Block.
- 7.11 We confirm that Messrs Harris and Barker’s was the only expert geological evidence.
- 7.12 Under this heading “Need for the Plan Change” we also briefly refer to the evidence of Peter Clough, Bill Bourke and Jonathan Green.
- 7.13 **Peter Clough** is a Senior Economist with the New Zealand Institute of Economic Research with over 25 years’ experience in economic research and consulting. Appearing as a witness for Winstones Mr Clough outlined for us the economic consequences of the Plan Change and, in particular, how the continued operation of the Belmont Quarry would make a positive contribution to economic activity and employment in the local economies of Hutt City and the wider Wellington Region.
- 7.14 Mr Clough also referred to the effects of closure and the costs of alternatives. We do not consider it necessary for us to summarise that evidence in any great detail. However, he made two points that we wish to note:
- (a) as an existing quarry already set up for extraction, continuation at Belmont Quarry has advantages over the establishment of new quarries at likely greater distance and with new environmental effects; and
 - (b) there is a fundamental trade-off in choosing between using the Belmont Quarry site for economic production (a purpose that it has long been zoned for) or for ecological conservation.
- 7.15 This second point succinctly captures the principal ‘tension’ that was evident in the evidence presented at the hearing, a point to which we will return when analysing the policy context against which the Plan Change Request must be assessed.
- 7.16 **Bill Bourke** is the Planning and Technical Adviser for the Aggregate & Quarry Association of New Zealand Inc, a further submitter in support of the Plan Change. A key point made by Mr Bourke was his Association’s concern to ensure that there was a good balance between supply of aggregate resources and potential demand, and the key role that local authorities have in assuring local supplies are maintained and encouraged. Mr Bourke was particularly concerned at the apparent lack of long-term planning directed toward identifying and securing aggregate resources sufficient to satisfy the demand side of the equation. We return to this point in Section 11 “Other Matters”.
- 7.17 Mr Bourke told us that his Association recognised that the Plan Change will have some adverse effect on indigenous ecosystems and habitats. The fact that quarrying is an activity that does cause adverse effects is unfortunate, he said. However, it was his Association’s opinion that the adverse effects in this case are outweighed by the significant benefits that will result from extending the Belmont Quarry. Mr Bourke concluded his statement by telling us that he considered that:
- “Both the GWRC and HCC appear unaware of the significance of the quarry in the regional and district socio-economic framework and the difficulty of finding readily available, cost effective replacement resources which will be required if Belmont closes.*
- Taking such a stance against the expansion of an existing long-standing quarry in an area which has been identified and provides for quarrying activities, and the level of mitigation being expected by HCC and GWRC, is of great concern to the AQA and the implications of this stance on the Wellington*

*aggregate industry - particularly in the event that new quarries need to be developed and consented are particularly worrying”.*⁶

7.18 **Jonathon Green** is the National Resource Consents Manager for Fulton Hogan Ltd. His qualifications are Bachelor of Science and Master of Science. He is a Member of the New Zealand Planning Institute and has 20 years’ district and regional planning experience, with particular experience in aggregate extraction and processing activities. This experience includes processing a number of resource consent applications for quarrying activities. Fulton Hogan’s further submission supported the Plan Change.

7.19 Mr Green’s evidence covered the importance of aggregate resources and the regional significance of the Belmont Quarry. He told us that Fulton Hogan are concerned that many parts of New Zealand will be facing shortfalls in the supply of aggregate from local sources in the medium term future, adding that Belmont Quarry is very well located to supply aggregates to Wellington City, the surrounding areas and the major infrastructure projects.

7.20 Mr Green told us that it was Fulton Hogan’s view that:

“... if Proposed Plan Change 33 was declined it would result in the premature closure of the Belmont Quarry and in turn the loss of significant aggregate resource within the Wellington region which has no obvious replacement”

adding that:

*“... there are obvious benefits associated with the expansion of an existing quarry to utilise the identified aggregate resource when compared with the establishment of a new greenfield quarry. These include the use of existing quarry infrastructure such as access roads, crushing and screening equipment, haul roads and stormwater treatment”.*⁷

7.21 Concluding his evidence Mr Green told us that overall Fulton Hogan considered that the benefits of the Plan Change and the provision of access to the high quality aggregates far outweighs the loss of ecology resulting from extending Belmont Quarry. Mr Green opined that *“GWRC and the reporting officer seem to have largely overlooked the significance of the quarry in the regional and district socio-economic framework and the values of the aggregate resource in a wider context”.*

Evaluation of Evidence and Findings – the Need for the Plan Change

7.22 In respect of the geological evidence, we accept that the more recent investigations (post 2007/08) confirm that the resource within the Cottle Block to the south of the quarry does not contain the high quality resource required to enable the Belmont Quarry to continue producing a range of aggregate products, whereas the resource underlying the Firth Ridge is high quality.

7.23 We accept that the post 2007/08 geological investigations and quarry pit planning have demonstrated that if the Belmont Quarry is to continue operating beyond a further 5 to 10 years (depending on levels of demand), then access to the high quality resource underlying the Firth Ridge is necessary.

7.24 We conclude therefore that the ‘need’ for the Plan Change has been reasonably established.

7.25 In our opinion this ‘need’ has been supported through the economic evidence of Mr Clough and also the ‘industry-led’ evidence of Mr Bourke and Mr Green.

⁶ Bill Bourke, Statement of Evidence, clauses 6 and 7, p5

⁷ Jonathon Green, Statement of Evidence, clauses 4.10 and 4.11, p5

ISSUE 2: ADVERSE ENVIRONMENTAL (AMENITY) EFFECTS

7.26 **Sheryle Parker** (Submitter #1) and **Jessica Butson** (Submitter #2) submitted against the extension of the quarry based on odour and dust generated by the quarrying activities (Sheryle Parker) and noise, dust, environmental changes and visual disturbance (Jessica Butson).

7.27 Ms Butson attended the hearing and presented a very thoughtful statement. Ms Parker did not attend the hearing but submitted a further written statement addressing her concerns about the odour from the bitumen plant located on the wider quarry site.⁸

7.28 In relation to Ms Parker's submission regarding the odour from the bitumen plant, this is not a matter that comes within our jurisdiction which is limited to the Plan Change Request and 'quarrying activities' enabled to operate under the District Plan's provisions for the Extraction Activity Area. The resource consent for the bitumen plant, including any consent conditions relating to odour, is a separate matter from the current Plan Change Request.⁹ We note, however, that in relation to odour the permitted activity condition applicable to all activities established in the Extraction Activity Area is Rule 6D2.1.1(c) which states:

"All activities shall be carried out in such a manner so as to ensure that there is not an offensive odour at or beyond the site".

7.29 In relation to Ms Butson's submission and evidence, we address the issue of 'environmental change and visual disturbance' in the next section - Issue 3: Visual and Landscape Change.

7.30 In relation to dust and noise we note that the current operations are subject to permitted activity conditions as follows:

"6D2.1.1 (b) Dust

All outside areas shall be sealed, surfaced or managed appropriately so that there is no dust nuisance at or beyond the boundary of the site.

14C2.1.8 Noise

All activities must not exceed the conditions as specified, measured anywhere within a residential or rural activity area:

*Maximum 70dBA 6.00am to 10.00pm
Maximum 45dBA 10.00pm to 6.00am"*

The Plan Change Request does not seek to change these operative permitted activity conditions that will apply to all activities operating in the Belmont Quarry (Extraction Activity Area).

7.31 Referring to the Parker and Butson submissions in the s42A Report, the reporting planner commented that:

"I am of the opinion that the current provisions in the Plan along with the Quarry Management Plan provisions are sufficient for managing dust and noise effects".¹⁰

⁸ The bitumen plant operated by Fulton Hogan Ltd is one of two co-located plants operating from within the Extraction Activity Area (Belmont Quarry), the other being a concrete products plant operated by Firth Industries.

⁹ We record however that a copy of Ms Parker's further submission tabled at the hearing was given to Mr Green, who, as we noted above is Fulton Hogan's National Resource Consents Manager, for his information and any appropriate action.

¹⁰ S42A Report, p23

7.32 Aside from the fact that these permitted activity conditions are not covered by the Plan Change Request, and therefore we do not have jurisdiction to recommend any changes, we nevertheless record that there was no technical evidence to suggest that the standards were not appropriate.

Evaluation of Evidence and Findings - Adverse Environmental (Amenity) Effects

7.33 We note that there was no technical evidence addressing these amenity effects (dust, noise and odour). This is perhaps not surprising given that PC 33 does not seek to change the existing operative District Plan standards.

7.34 Given that the extended quarry activities will need to comply with the permitted activity standards we conclude that any environmental/amenity effects associated with the on-going operation of the Belmont Quarry will be less than minor.

7.35 We note that in addition to the permitted activity standards that we have identified above, the Quarry Management Plan includes a 'noise management plan' and a 'dust management plan'.

7.36 We also note that two of the changes proposed under PC 33 are:

(a) to modify and clarify existing Policy 6D1.1.1(a) to specify that means of managing adverse effects of extraction activities include permitted activity conditions and the Quarry Management Plan; and

(b) to add an explanation to Policy 6D1.1.1(a) 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.

7.37 The amended policy and explanation relating to the Quarry Management Plan (as they would be if the Plan Change as notified was approved) are:

"Policy 6D1.1.1(a) That adverse effects of extraction activities on the receiving environment are avoided or mitigated, including through specified conditions and a quarry management plan.

Explanation and Reasons

(b) Management of Adverse Effects

The effects of extraction activities on hard rock need to be managed to avoid or mitigate adverse effects on the amenity value of the area and the receiving environment. These adverse effects include noise, dust, vegetation clearance, soil erosion, water quality, and extraction of topsoil. Quarrying can also impact on sites of geological, scientific and/or special amenity value.

Quarry management plans can be used to avoid, remedy or mitigate the adverse effects of extraction in some circumstances. 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”.

- 7.38 We consider that the proposed Plan Change reinforces the effectiveness of the management plan process, and, working in conjunction with the permitted activity standards, provides appropriate controls and processes to ensure that adverse environmental/amenity effects are ‘avoided, remedied or mitigated’.

ISSUE 3: LANDSCAPE AND VISUAL AMENITY EFFECTS

- 7.39 As noted above, one of the issues raised by Jessica Butson was ‘environmental changes and visual disturbance’. In her evidence Ms Butson told us of the vista to the western hills from their Taita Drive property, adding that *“we can see the quarry, we can hear the quarry, we can observe the lights at night if we look west - and now it is planning on moving closer to us”*. Ms Butson also drew our attention to the visual change she considered would be experienced from other parts of the Hutt Valley, including public areas such as Fraser Park. She told us that she wanted the ‘visual pollution’ and the ‘environmental pollution’ to be reduced or eliminated.

- 7.40 Visual and landscape effects associated with the quarry expansion were an issue identified in the s42A Report. The conclusion reached by the reporting officer was that:

*“The visual and landscape effects caused by the quarry expansion 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”.*¹¹

- 7.41 The documents submitted with the Plan Change Request included a Landscape and Visual Assessment prepared by Boffa Miskell. In the summary and conclusion to the report (Section 10) it was stated that:

“The extension of extraction activity will be visible from various locations across the Hutt Valley for the duration of the operation. This includes private and public viewpoints which include SH2 approaching the Site from the north and south, recreation users along the Hutt River Corridor, residential properties within the Hutt Valley and elevated residential properties on the Eastern Hills of Stokes Valley and along the northern edge of Kelson.

Where visible, extraction activity will occur incrementally and will not appear simultaneously. The continuation of the extraction activity will not appear foreign or unexpected in the context of the existing quarry operation which has been established and will continue as an ‘amphitheatre’ which helps to contain any visual effects”.

¹¹ Section 42A Report, p21

The Report's overall conclusion was that the extension of the Belmont Quarry will result in a "low significance of landscape and visual effects".¹²

7.42 **Rhys Girvan** was the witness addressing landscape and visual effects, Mr Girvan holds a Masters Degree in Landscape Architecture and is currently a Senior Landscape Architect with Boffa Miskell. He was the author of the Landscape and Visual Assessment referred to in the above paragraph.

7.43 Mr Girvan told us that "the proposed extension of the existing quarry will remove part of an existing spur covered with indigenous vegetation that contributes part of the 'green backdrop' character of the Western Escarpment within the Hutt Valley". Mr Girvan accepted that the extension of the existing quarry will be visible in varying degrees from various private and public viewpoints across the Hutt Valley.

7.44 Mr Girvan described the visual simulations that had been prepared to illustrate the nature and extent of the visual change and drew our attention to the point that the visual simulations showed that:

"... the proposed extension of the existing quarry will retain the eastern edge of the larger spur identified within the SAA where this adjoins Hebden Crescent, maintaining the front face of indigenous vegetation visible in this area".¹³

7.45 Mr Girvan also outlined the proposed 'rehabilitation strategy' which seeks to rehabilitate retired areas to achieve a cover of vegetation returning to second growth native forest over a period beyond 15-20 years.

7.46 Referring specifically to the submission of Jessica Butson, Mr Girvan opined that:

- potential views from Ms Butson's home at 1161 Taita Drive would be obtained at an oblique angle and over a long distance; and
- the dominant character of the Western Escarpment will remain unchanged in near and middle distance frontal views.

He concluded that in relation Ms Butson's property the visual effects of the proposed quarry extension would be no more than "a low level of significance".

Evaluation of Evidence and Findings - Landscape and Visual Effects

7.47 Before turning to our evaluation of the evidence we confirm that we visited 1161 Taita Drive after the hearing to view the quarry from the outdoor deck at the front of Ms Butson's property.

7.48 Based on our site inspection we are satisfied that the principal dominant view from 1161 Taita Drive is due west to the Western Escarpment. The view to the Belmont Quarry, which is located more than a kilometre to the north, is, as Mr Girvan described, an oblique angle view. Furthermore, the view of the quarry is largely screened by intervening vegetation. We agree with Mr Girvan's overall conclusion(s) and find that any impact on the views available from 1161 Taita Drive, as a consequence of any extension of the quarry, will be less than minor.

7.49 Notwithstanding Ms Butson's submission, the general absence of submissions identifying landscape and visual effects as a concern, we feel, is likely reflective of the fact that the Belmont Quarry is an accepted part of the existing environment and that the extension will not significantly change the

¹² Belmont Quarry Extension - Landscape and Visual Effects, Boffa Miskell, 2 August 2013, p10

¹³ Summary Statement of Evidence of Rhys James Girvan, 5 June 2014, p3

situation overall. In his evidence-in-chief, which was pre-circulated in advance of the hearing, Mr Girvan opined that:

*“The extension of extraction activity will be visible from various locations across the Hutt Valley for the duration of the operation. Where visible, extraction activity will occur incrementally and will not appear simultaneously. The continuation of extraction activity will not appear foreign or unexpected in the context with the existing quarry operation which has been established and with the retained and extended SAA areas will maintain an ‘amphitheatre’ form reducing views of quarrying activity from SH2 and wider areas across the Hutt Valley floor”.*¹⁴

- 7.50 Based on out site inspection, and having regard to the visual simulations prepared by Mr Girvan, we confirm our agreement with this statement.
- 7.51 Additionally we have had regard to the proposed mitigation which includes rehabilitation of previously quarried areas. This rehabilitation, which will be undertaken on a progressive basis, will make an important contribution to assimilating the quarry into the wider ‘green backdrop’.
- 7.52 Overall, taking into account the nature of the existing environment, the progressive extension of the quarry face, the retention of the eastern edge of the larger spur located within the southern SAA, and the progressive rehabilitation of the quarried face, we conclude that the landscape and visual effects will be less than minor.

ISSUE 4: ECOLOGICAL EFFECTS

- 7.53 It is fair to say that the principal issue addressed in the Reporting Officer’s s42A Report, and canvassed during the hearing, was the issue of ecological effects resulting from the extension of quarrying into the southern SAA.
- 7.54 This focus on ecological effects was largely due to the submission from the Greater Wellington Regional Council (GWRC). The GWRC submitted that approval of the Plan Change Request would have adverse effects on the significant biodiversity values of the area, and that provision was not made for appropriate mitigation to offset these adverse effects.
- 7.55 Based on our pre-hearing reading of the application and submissions, and our recognition and acceptance that ecological effects were likely to be a ‘contested’ issue, we requested that the ecologists to be called by the parties attend a pre-hearing expert witnesses’ conference and prepare a joint statement.
- 7.56 The expert ecologists who participated in the conferencing session and subsequently prepared the Joint Statement and presented evidence at the hearing were:
- Adam Forbes and Simon Beale on behalf of Winstones;
 - Paul Blaschke on behalf of GWRC; and
 - Roger MacGibbon on behalf of Hutt City Council.
- 7.57 Drawing on the Joint Statement prepared by the ecologists we record that:¹⁵
- (a) there was agreement that the southern SAA into which the quarry would be extended, and the remaining parts of the Firth Block, had significant ecological values in terms of ‘representativeness’, ‘rarity’ and ‘ecological context’. However, both Paul Blaschke and Roger

¹⁴ Rhys Girvan, Evidence in Chief, 28 May 2014, p17

¹⁵ A copy of the Joint Statement is appended - refer **Appendix 3**

MacGibbon were of the opinion that in terms of 'rarity' of indigenous plant species, the proposed quarry extension area had higher values than those of the proposed expanded northern SAA; and

- (b) no agreement was reached about whether each block rated as significant in terms of 'diversity'. While there was no agreement on this criterion, all of the ecologists did agree that the diversity in the quarry extension area was higher than areas surrounding it. However, the determination of whether an area has significant diversity or not, was considered to be *"somewhat subjective and dependent on what the original temporal reference point was"*.

7.58 Based on this expert opinion we accept that the site of the proposed quarry extension has important ecological values. Therefore, we must consider what is necessary and appropriate in terms of 'avoiding, remedying or mitigating' any adverse effects consequent upon the extension of the extraction activities, as sought by the Plan Change Request.

7.59 For completeness at this point we note that the Ecologist's Joint Statement records that:

"Because the rehabilitation plan for the quarry site and the proposed extension of the Northern SAA are likely to be only part of the full mitigation package, it was not possible for the ecologists to draw any conclusions or reach any consensus about the appropriateness of the mitigation proposed".¹⁶

7.60 The evidence from each of the ecologists consisted of a pre-circulated 'evidence-in-chief' statement and a summary statement presented at the hearing. Before turning to that evidence we note that the ecological mitigation proposed in the Plan Change Request consisted of:

- extension and legal protection of the northern SAA;
- lizard conservation measures as required under the Wildlife Act 1953; and
- rehabilitation of quarried slopes in accordance with the rehabilitation strategy provided for in the Quarry Management Plan.

In the Plan Change Request document, referring to mitigation of ecological effects, it was concluded that:

"There will be some adverse effects on ecological values in the area. These include loss of some mature forested areas, but they are small in extent. In mitigation, provision is made to retain a similar (replacement) area with values that are likely, over time, to be approximately equivalent. The rehabilitation of the quarry faces over time will also provide for a larger area of regenerating indigenous floral species, and additional habitat for fauna, particularly for lizard species and some invertebrates".¹⁷

7.61 **Adam Forbes** is a Principal with Forbes Ecology an ecological consultancy. He holds MSc and PhD degrees in Environmental Science and Forestry respectively. Prior to establishing Forbes Consultancy in 2012 he was for eight years a Project Ecologist with MWH New Zealand Ltd. Dr Forbes confirmed that he undertook the assessment of the ecological values of the Firth Block. Specialist inputs to his assessment were provided in relation to botany (by Barbara Mitcalfe and Chris Horne), herpetofauna (by Trent Bell) and ornithology (by Dr Brent Stephenson). Dr Forbes was a witness for Winstones.

7.62 **Simon Beale** is employed by MWH New Zealand Limited as a terrestrial ecologist and planner, a role he has had for nearly 20 years. He has Bachelor qualifications in Zoology and Forestry Science. Mr

¹⁶ Joint Statement of Ecology Experts, 8 May 2014, p3

¹⁷ Plan Change Request (August 2013), p14

Beale's role in the Plan Change was as peer reviewer of the ecological assessment prepared by Dr Forbes. He also briefed the botanists and reviewed their botanical survey. Mr Beale was a witness for Winstones.

7.63 **Paul Blaschke** is a founder of the ecological consultancy Blaschke and Rutherford. He has a BSc (Hons) and PhD. Dr Blaschke has been a practicing ecologist and environmental management adviser for more than 30 years. Dr Blaschke was a witness for the Greater Wellington Regional Council.

7.64 **Roger MacGibbon** is a Principal Ecologist with Opus International a position he has held for the last 4 years. Prior to that for 16 years he managed his own environmental consultancy after having previously worked for the Department of Conservation. Mr MacGibbon has a BSc (Hons) degree in Zoology and Ecology. Mr MacGibbon was part of the Council's reporting team. He prepared the Assessment of Ecological Effects (Appendix 1 to the s42A Report).

7.65 All four ecologists attended the hearing and presented evidence.

7.66 As previously noted, the ecologists prepared a Joint Statement which confirmed they all accepted that the Firth Block had significant ecological values. As a consequence of this agreement, the focus of the evidence at the hearing was on mitigation.

7.67 We note that in relation to mitigation the Joint Statement records that:

"Despite the lack of a complete mitigation programme to evaluate, the ecologists agreed that the following elements should, ideally, be included in any mitigation package developed for the quarry extension:

- *quarry rehabilitation*
- *legal protection of the proposed extended northern SAA*
- *restorative planting*
- *targeted pest (animal and plant) management*
- *establishment of buffers to lessen edge effects*
- *mitigation/restoration designed to improve connectivity".¹⁸*

7.68 At this point we also record that following the preparation of the Joint Statement, Winstones continued consultation with the GWRC, and, as a consequence, entered into an Agreement covering proposed mitigation both within the Extraction Activity Area and on adjacent land within the Belmont Regional Park. The Agreement, titled "Agreement to Resolve Opposition to Plan Change 33" was signed and dated 30 May 2014. Schedule 1 to the Agreement titled "Environmental Package" sets out the mitigation measures to be undertaken by Winstones covering:

- Legal protection - QE11 Trust Covenants
- Pest Control Fund
- Quarry Rehabilitation
- Wildlife Act 1953
- Establishment of a Restored Area within Belmont Regional Park
- Establishment of a Restoration Fund
- Ecological Listing
- Memorandum of Understanding

Rather than repeat the detail, for information and record purposes we have attached a copy of the Schedule - refer **Appendix 4**.

¹⁸ Joint Statement of Ecology Experts, 8 May 2014, p4

7.69 Before turning to our evaluation of the ecology evidence, we feel it is important to record the parties' positions on the Agreement.

7.70 On behalf of Winstones Ian Wallace advised:

"Following receipt of GWRC's submission, Winstones and GWRC entered into discussions on the future use of Belmont Quarry as provided for in PC33. These have in turn led to a generous Environmental Package being offered by Winstones in recognition of the wider environmental impacts of the Plan Change 33, which, in Winstones' view, should be viewed as a positive benefit of the plan change rather than as mitigation in itself. These are being voluntarily offered by the company in accordance with its environmental policy and aims".

7.71 Then, after summarising the detail of the Environmental Package, Mr Wallace told us that:

"Winstones has entered into a legal agreement with GWRC containing a commitment to provide the items specified in the Environmental Package in the event PC33 is confirmed. GWRC involvement should give HCC the confidence that the package will be implemented. The parties have also made a commitment to enter into a formal memorandum of understanding to implement the package and to establish a working party relationship in respect of Belmont Quarry and the Belmont Regional Park.

The offer represents a significant and long-term commitment from Winstones (which in Winstones' view is far more substantial than what is required in terms of mitigation under the RMA) and the company believes that this will achieve far greater environmental benefits than the environmental outcomes it could achieve by itself on its own site".

7.72 The Regional Council's position was confirmed in a statement of evidence from Caroline Ammundsen, the Council's Policy Advisor on Environmental Policy. She told us that:

"GWRC have been active in informal discussions with Winstones Aggregates to determine what extended mitigation might be appropriate and how this could be agreed to as part of a legal agreement/MOU between both parties.

As a result of these informal discussions, GWRC has now reached an agreement in which the extended mitigation package offered by Winstones addresses the concerns stated in our original submission. Dr Blaschke will provide further support for the extended mitigation offered by Winstones from an ecological perspective".

7.73 Concluding her statement of evidence, Ms Ammundsen confirmed that:

"Provided the extended mitigation put forward is undertaken in accordance with the legal agreement/MOU with Winstones, GWRC's concerns have been addressed, and we no longer oppose proposed Plan Change 33".¹⁹

7.74 The Hutt City Council's position was put forward by Linda Chamberlain the s42A Report author in her 'right-of-reply. Ms Chamberlain told us that:

"I consider that the extended mitigation package to be a considerable improvement. However, this package is not linked with the plan change and sits outside the scope of this plan change. It can

¹⁹ In relation to the Agreement we record that legal counsel for Winstones in closing submissions advised that a way in which side agreements or matters offered on a voluntary basis are frequently provided for is "for the details of the offer or the actions to occur to be set out in the Decision - providing a record of what was offered". We agree, and it is for this reason that we have appended the Schedule outlining the Environmental Package - refer 7.68 above and **Appendix 4**.

*therefore currently not be seen as mitigation of the ecological effects of the plan change, I am therefore unable to take it into account”.*²⁰

7.75 Ms Chamberlain’s recommendation was that the PC33 should be declined, adding however that she:

“... would like to provide the option that as a potential compromise the proposed amendments to include quarrying in the SAA as a restricted discretionary activity (that I know falls outside the current scope of the plan change). This will create a plan change that can address effects on ecology and allows for the ecological effects to be sufficiently mitigated. I believe that this change will not require re-notification of the proposed plan change. However, this potential compromise will need to be offered by the applicant”.

7.76 In closing submissions on behalf of Winstones, legal counsel said that:

“The Officers seem very focused on the need to provide for mitigation in the district plan. As discussed by Winstones’ witnesses and in opening submissions, this is problematic due to both the permitted activity standards and offsite benefits being offered in the Environmental Package.

Winstones do not consider there is a need to provide for the offsite components of the Environmental Package in the Plan because the Plan Change itself provides adequate mitigation. The proposed amendments already provide for the extended northern SAA and for the rehabilitation strategy in the Plan”.

7.77 Confirming Winstones’ view that a change in activity status to restricted discretionary activity as suggested by Ms Chamberlain was *“out of scope of the plan change and the Hearing Committee do not have the jurisdiction to consider the provisions being suggested by Council”*, Ms Tancock (legal counsel for Winstones) nevertheless suggested that:

“A practical solution to resolve Council officers’ concerns would be to add a further bullet point to the list of matters under 6D.1.1 (b) which would be set out in the quarry management plan stating:

- means of achieving any agreements with other agencies and organisations (e.g. Greater Wellington and iwi)”.

7.78 We soon turn to the planning evidence, however at this point we record that Sylvia Allan Winstones’ planning witness told us that she acknowledged the ecological benefits of the Environmental Package agreed between Greater Wellington and Winstones, but in her opinion:

... it is not a necessary part of an acceptable and appropriate plan change given on-site mitigation and the context of the ongoing beneficial effects of the continuing quarry activities to the wider community.

Evaluation of Evidence and Findings - Ecological Effects

7.79 It will be apparent that we have had the benefit of extensive evidence addressing ecological issues from four experienced, well qualified ecologists. Overall there is agreement that the Firth Ridge,

²⁰ Ms Chamberlain tabled at the hearing a legal opinion that she had requested from the Council’s legal advisors, which advised, inter alia, that:

“The off-site mitigation package is beyond the scope of the land affected by PC33, and accordingly no provisions relating to it can form part of PC33. Provisions in a district plan can only relate to the area covered by the plan change that introduces those provisions, and cannot be extended to other areas”.

which would be quarried if the Plan Change Request is approved, has significant ecological / biodiversity values. We accept that that is so.

7.80 Where the ecologists ‘part company’ is in relation to mitigation, not so much in relation to the proposed mitigation methods, but more in relation to the scope (including off-site mitigation), the extent and, in some cases, some of the detail.²¹

7.81 Winstones’ position, notwithstanding it has entered into the agreement with the GWRC, in relation to Plan Change 33 *per se*, is that the proposed mitigation within the Extraction Activity Area is sufficient. For the record we note what that proposed mitigation is, namely:

- (a) replacing the removed part of the southern SAA with an expanded northern SAA;
- (b) providing legal protection (via a QE11 Trust covenant) to the expanded northern SAA; and
- (c) rehabilitating the quarried faces on a staged/progressive basis.

At the hearing Winstones also agreed to covenant a second area of significant indigenous bush in the northwest corner of the Extraction activity Area for protection under the QEII Trust - refer **Appendix 5**.

7.82 The additional mitigation measures covered by the Agreement between Winstones and the GWRC are:

- (a) establishment of a fund for animal and pest control within the areas subject to the QEII covenants and in the adjacent Belmont Regional Park;
- (b) identification of a suitable area or areas within Belmont Regional Park for ecological restoration; and
- (c) establishment of a restoration fund with the funds to be applied by the GWRC for the ecological benefit of the restoration area in accordance with a planting plan to be agreed between Winstones and the GWRC.

7.83 In evaluating the evidence and coming to our conclusions we have had regard to what we will call the ‘statutory framework’ with reference to the District Plan, the regional policy statement (RPS) and the RMA.

7.84 We start by recording that the Belmont Quarry is within the Extraction Activity Area. The objectives for the zone are:

“Objective 6D.1.1.1 To ensure that the adverse effects of extraction activities on the receiving environment and local amenity values are avoided, remedied or mitigated.

Objective 6D.1.2.1 To maintain and enhance the visual amenity values of the area”.

7.85 The issue that Objective 6D.1.2.1 seeks to address is:

“Extraction activities can impact on the visual amenity values of the area through vegetation clearance, the extent and appearance of the cut face, and the design and external appearance of the buildings and structures”.

²¹ For example, Mr MacGibbon although endorsing the Environmental Package contained in Schedule 1 to the Agreement between Winstones and the GWRC, including the off-site mitigation, nevertheless expressed some concern about the lack of detail around implementation and maintenance.

We draw attention to this 'issue' statement because whilst it refers to 'vegetation clearance' the focus is on impacts on visual amenity values rather than loss of ecological/biodiversity values. None of the four policies under Objective 6D.1.2.1 refer to ecological values. The explanation and reasons statement to the objective and related policies notes that the escarpment in Belmont is part of the green backdrop to the city; and also states that:

"The areas of special amenity as shown on Appendix Extraction 2(a) and 2(b) which are visible from other parts of the City will be maintained with their indigenous vegetation cover".

- 7.86 Any extraction activity is a permitted activity in the Extraction Activity Area. However, one of the permitted activity conditions is *"those areas of visual importance and special amenity value along the escarpment shown in Appendix Extraction 2A and 2B, shall maintain their indigenous vegetative cover"*. Consequently in the Firth Ridge, which is largely within a special amenity area (SAA), extraction activities are a discretionary activity under Rule 6D 2.2(b).
- 7.87 The Regional Policy Statement (RSP) includes relevant policies, including Policy 23 which lists criteria by which to identify significant indigenous biodiversity values, and Policy 47 which requires that when a plan change is being considered, a determination is made as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values.
- 7.88 The RMA obligates all decision makers to have regard to 'avoiding, remedying or mitigating' any adverse effects on the environment.
- 7.89 We accept that there is clear policy and statutory direction requiring that we have regard to the site's ecological values and that we should also have a focus on 'avoiding, remedying or mitigating', as appropriate, any adverse effects on those values as part of our consideration of the Plan Change Request.
- 7.90 Thus, turning to the proposed mitigation, which we have assessed in the context of the District Plan provisions that specifically establish the Extraction Activity Area to enable the extraction of greywacke rock, we have concluded that the mitigation proposed by PC33, expanded to include the area to be covenanted in the north west corner, is appropriate and adequate in the circumstances.
- 7.91 In reaching this conclusion we have had regard to the Agreement between Winstones and the GWRC. While it is clear that the Agreement will result in additional positive effects, including effects outside of the Extraction Activity Area, we do not consider that approval of PC33 is dependent on those additional positive effects.
- 7.92 We regard the Agreement as another 'Method' by which ecological outcomes can be achieved. It is often the case that district plans refer to methods outside of the District Plan / RMA by which desirable resource management/environmental outcomes are achieved; and, in our opinion, the Agreement is a good example of such a method.
- 7.93 Our finding is therefore that in relation to ecological effects, the mitigation proposed as part of the Plan Change Request that can be secured through the expanded northern SAA, which will be subject to legal protection under a QEII Trust covenant, as will the area of indigenous vegetation in the north-west-corner of the Extraction Activity Area, along with the rehabilitation of the quarry faces is adequate mitigation. The rehabilitation of the quarried faces will be secured through the implementation of the Quarry Management Plan, an integral component of the District Plan's provisions for the Extraction Activity Area.

- 7.94 In coming to this conclusion we are accepting that the mitigation to be undertaken within the Extraction Activity Area may well fall short of what Dr Blaschke described as the “*no net loss approach to mitigation*”. However, we do not understand that the RMA requires that we adopt such a high threshold. Rather, with regard to s5(2)(c) and the statutory directive to ‘avoid, remedy or mitigate’ adverse effects [our emphasis] we consider in the circumstances applying to the Extraction Activity Area, the mitigation package which we are endorsing is both appropriate and adequate in the circumstances of the Belmont Quarry.
- 7.95 As we note below when discussing the planning evidence, there is also strong policy direction at both the regional and district level providing for extraction activities, policy which we must have regard to when reaching an overall judgement on the merits of the Plan Change Request, notwithstanding the loss of some areas of indigenous vegetation that have significant ecological value.

ISSUE 5: EFFECTS ON THE HUTT RIVER

- 7.96 Fish and Game New Zealand (Submitter #5) in its written submission noted that the Hutt River is a regionally significant trout fishery adding that:
- “Winstone Aggregates acknowledge that there is a risk that a discharge from the site could cause adverse effects in the Hutt River. Such a discharge could come from the unnamed tributary of the Hutt River located within the quarry operational area, or erosion of bare soil/earthen surfaces. Such a discharge could affect trout habitat and angler enjoyment”.*
- 7.97 The relief sought by Fish & Game was that:
- “Wellington Fish and Game Council wish to continue to provide input to the proposed plan change, consenting, and monitoring processes”.*
- 7.98 We record that Wellington Fish and Game did not attend the hearing.
- 7.99 The continuation of extraction activity at Belmont Quarry could potentially result in some discharge of sediment-laden water to the Hutt River. However, with the effective implementation of the ‘erosion and sediment control plan’, which is part of the Quarry Management Plan, we consider that any such effects will be less than minor.
- 7.100 We understand that Winstones will continue to engage with Wellington Fish and Game in response to the latter’s request for opportunity to participate in ongoing monitoring.

ISSUE 6: POLICY CONTEXT

- 7.101 Issue 6 is not an ‘effects-based’ issue. Rather, the matter to be assessed is the policy context for the Plan Change Request. In this section we draw on the evidence of the planning witnesses:
- Linda Chamberlain (the author of the s42A Report)
Sylvia Allan (witness for Winstones)
Caroline Ammundsen (witness for GWRC)
- 7.102 **Linda Chamberlain:** Ms Chamberlain is a consultant planner with Opus International Consultants. She has a Bachelors Degree in Town and Regional Planning and 14 years’ experience as a planner and was engaged by the Hutt City Council to prepare the s42A Report and attend the hearing as the reporting officer. The s42A Report, which was pre-circulated, was taken as read at the commencement of the hearing, identified what Ms Chamberlain described as four primary issues. They were:

- Effects on Indigenous Ecosystems;
- Consistency with Regional and National Policy Direction;
- The Need for the Plan Change; and
- Noise, Dust and Odour.

7.103 In her Executive Summary under the heading ‘Consistency with Regional and National Policy’, Ms Chamberlain recorded that:

“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 now stands is not consistent with Regional Policy direction”.

7.104 As a consequence, Ms Chamberlain advised that:

“... 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”.

7.105 After considering the Applicant’s evidence, in her right-of-reply Ms Chamberlain told us that she understood and appreciated:

“... the economic importance of aggregate to the economic wellbeing of the Wellington region, and the economic significance of the particular quarry. This is not disputed. However, I am concerned that the application has not put enough weight on ecological values. The current plan change proposal is not sufficiently addressing these. In my hearing report I recommended that the plan change be rejected, but I also would like to indicate that if the adverse ecological effects could be sufficiently and reliably mitigated then this recommendation could be changed”.

7.106 Referring to the proposed Ecological Package agreed by GWRC and Winstones, Ms Chamberlain told us that:

“I consider the extended mitigation package to be a considerable improvement. However, this package is not linked with the plan change and sits outside the scope of this plan change. It can therefore currently not be seen as mitigation of the ecological effects of the plan change. I am therefore unable to take it into account”.

7.107 In the end result, Ms Chamberlain’s recommendation remained that the Plan Change Request be declined.

7.108 **Caroline Ammundsen:** Ms Ammundsen is a policy advisor in Environmental Policy for the GWRC. She has a Bachelor of Science and Masters of Environmental Studies degrees and has 7 years’ experience as a planner/policy advisor.

7.109 In her statement of evidence at the hearing she confirmed that the GWRC’s submission:

“... focused on the consistency of proposed Plan Change 33 with the policy direction of the Regional Policy Statement 2013 (RPS) and whether the loss of significant indigenous biodiversity values were effectively mitigated”.

7.110 Drawing our attention to Policy 23 and Policy 47 of the RPS, Ms Ammundsen confirmed that the GWRC made a submission in opposition because it considered that the Plan Change was not

consistent with national and regional policy direction for the protection of indigenous biodiversity, and that the proposed mitigation was not adequate.

- 7.111 Ms Ammundsen advised that the GWRC's submission also recognised that Policy 60 of the RPS supported the extraction of minerals, the importance of meeting the demand for mineral resources for the community, and the benefits of extracting mineral resources locally.
- 7.112 Finally Ms Ammundsen confirmed that the GWRC had reached agreement with Winstones over the extended mitigation package, adding that the package addressed the concerns stated in its original submission and, as a consequence, the GWRC no longer opposed the Plan Change. In response to clarification sought by us as to whether "no longer opposed" meant that the GWRC now supported the Plan Change, Ms Ammundsen confirmed that given the agreement reached with Winstones the GWRC withdrew its submission.
- 7.113 **Sylvia Allan:** Mrs Allan is an experienced planner who is very familiar with the operative District Plan, the Extraction Activity Area provisions and the Belmont Quarry operation. She confirmed that she advised Winstones on the approach to the Plan Change Request and prepared the Plan Change Request documentation.
- 7.114 In her pre-circulated statement of evidence Mrs Allan covered the following matters:
- Site planning history;
 - Winstones operation and consents;
 - Need for the Plan Change;
 - Assessment of the Plan Change (including effects on the environment, policy alignment, section 32 matters and matters raised in submissions);
 - Comments on the Officer's Report; and
 - Part 2 RMA assessment.
- 7.115 Although not intending to be a summary of Mrs Allan's evidence, we do note the following principal points:
- (a) acknowledgement that there are some adverse effects associated with the Plan Change Request, but that these are generally minor and are able to be satisfactorily mitigated;
 - (b) the SAAs included in the District Plan were, in her opinion, intended to manage the visual impacts of quarry development rather than provide for the protection of ecological values;
 - (c) the Plan Change Request has not triggered the need for any policy changes in the District Plan other than minor clarifications and explanations, and does not raise any issues of compatibility with the remainder of the District Plan. It is in accordance with the District Plan's objectives; and
 - (d) while the Plan Change Request has raised issues in terms of one Section 6 matter [s6(c)] 'the protection of significant indigenous vegetation and significant habitats of indigenous fauna', the area of habitat affected is relatively limited and the Plan Change itself provides for a considerable amount of mitigation within the same Activity Area.
- Mrs Allan's overall conclusion was that a 'balanced evaluation' under Section 5 and Part 2 of the Act would lead to a recommendation to approve the Plan Change Request without modification.
- 7.116 In her Summary Statement of Evidence which she presented at the hearing Mrs Allan drew our attention to the District Plan policy context relevant to a consideration of the Plan Change Request,

noting that in regard to District-wide policy the purpose of the Extraction Activity Area was to assist with meeting the Region's needs for quarry materials. Here Mrs Allan was referring to Objective 1.10.5 and the related policies:

“Objective 1.10.5 To ensure the Region's needs for aggregate material can continue to be met, while managing the adverse effects of hard rock extraction activities on the receiving environment and amenity values and surrounding areas.

Policy (a) That the naturally occurring aggregate resources in the City are able to meet the Region's demand for such material by maintaining reasonable accessibility and availability of the resource.

Policy (b) That adverse effects of hard rock extraction activities on the receiving environment are avoided or mitigated by the provisions of the Extraction Activity Area.

Policy (c) That adverse effects generated by hard rock extraction activities be managed to enhance the amenity values of the area by the provisions of the Extraction Activity Area.

Policy (d) That reverse sensitivity is taken into account in managing land-use in the area surrounding hard rock quarries”.

7.117 Mrs Allan told us that in her opinion this District-wide policy made it clear that the purpose of the Extraction Activity Area is to assist with meeting the Region's needs for quarry materials.

7.118 Referring to regional policy, Mrs Allan identified three policy 'themes', namely:

- (a) the need for and benefits of on-going local supplies of mineral resources;
- (b) identification of the region's special amenity landscapes and the maintenance and enhancement of those values; and
- (c) maintenance of indigenous ecosystems with significant biodiversity values and managing effects on such areas.

7.119 Mrs Allan then made two observations:

- firstly, that it was important to note that the RPS considerably post-dates the District Plan, and the Hutt City Council has not yet undertaken the district-wide studies and made necessary changes to reflect the requirements. In particular, the District Plan does not achieve Policy 24 of the RPS, relating to policy, rules and methods for protection of indigenous biodiversity from inappropriate subdivision, use and development; and
- secondly that she thought it was *“somewhat inexplicable”* as to why the submission of GWRC and the Officer's s42A Report chose to ignore the first two policy areas and only focused on the third.

Evaluation of Evidence and Findings - Policy Context

7.120 Drawing on the planning evidence we consider that there are three principal 'questions' we need to pose as part of our evaluation of the evidence and hence our conclusions and findings. The questions are:

Question 1: what policy do we consider is relevant to an assessment of the Plan Change Request and what 'weighting' should be applied to that policy?

Question 2: what do we understand to be the ‘purpose’ of the SAAs?

Question 3: is the proposed on-site ecological mitigation sufficient?

The answers to these questions in turn informs our overall Part 2 evaluation of the Plan Change Request, which we cover in Section 10 of our report.

7.121 In relation to Question 1 we consider that regional and district policy on quarrying/extraction activities is directly relevant to an assessment of the Plan Change Request, which seeks to extend extraction activities within an area with a history of quarrying and which is ‘zoned’ Extraction Activity Area in the District Plan.

7.122 At the regional level the RPS in Section 3.11 “Soils and Minerals” identifies efficient mineral extraction as one of five ‘major management challenges’ for the Region. In explanation, the RPS states, inter alia, that:

“A sustained supply of aggregate will be needed to provide for building, construction and roading projects associated with this growth but also to maintain and redevelop existing infrastructure. Resource availability or inefficiencies in obtaining such resources has the potential to impact on the timely and efficient provision of regionally significant infrastructure - in particular new roading projects.

*Mineral resources are fixed in location, unevenly distributed and finite. Extraction processes, sites and transportation routes can create adverse environmental effects. If activities sensitive to the effects of extraction, processing and transportation are established nearby, the full and efficient future extraction of these resources can be compromised”.*²²

7.123 The objective and policy to address the issue is:

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

Policy 60 Utilising the region’s mineral resources - consideration.

Method 4 Resource consents, notices of requirement and when changing, varying or reviewing plans. Implementation - Wellington Regional Council and city and district councils.

Method 52 Identify the region’s significant mineral resources. Implementation - Wellington Regional Council”.

7.124 At page 137 of the RPS in relation to Policy 60, it is explained that:

“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”.

The explanation provided is that:

²² Regional Policy Statement for the Wellington Region (2013), pps.78/79

“Policy 60 directs that particular regard be given to the social, economic and environmental benefits of utilising mineral resources within the region. It also requires that particular regard be given to protecting significant mineral resources from incompatible and inappropriate land use alongside. This protection extends to both the land required for the working site and associated access routes. Examples of methods to protect significant mineral resources include the use of buffer areas in which sensitive activities may be restricted, and the use of noise reduction measures and visual screening.

Method 52, when implemented, will identify the locations of significant mineral resources within the region”.

- 7.125 We have chosen to cite the above Objective and Policy and related explanation given Mrs Allan’s statement that it was (at least to her) *“somewhat inexplicable”* that the GWRC had not really highlighted the regional policy position on minerals as stated in the RPS.
- 7.126 Although we accept that in the context of the Belmont Quarry there is an inevitable tension between the RPS policy on minerals and the RPS policy on protecting indigenous ecosystems, given the significant ecological values of the Firth Ridge vegetation and the significant economic values of the greywacke resource lying below, we nevertheless have concluded that to have significant regard only to the RPS policies on indigenous ecosystems would not led to an overall balanced evaluation.
- 7.127 When referred to the statement in the RPS regarding the management of mineral resources, Ms Ammundsen accepted that *“it was a powerful statement and that in hindsight there could have been more focus on that aspect in the RPS in the GWRC submission”*; but nevertheless added that she did not consider that a greater focus on Policy 60 *“would have changed the GWRC’s submission”*.
- 7.128 We have taken careful account of the different opinions and conclude that the regional policy on minerals is directly relevant to an assessment of the Plan Change Request.
- 7.129 We also conclude that regard should be had to District-wide policy as expressed in Objective 1.10.5 and the related policies.
- 7.130 Turning now to Question 2: what do we understand to be the ‘purpose’ of the SAA, here again there was a difference between the planners, in this case between Ms Chamberlain and Mrs Allan.
- 7.131 Ms Chamberlain told us that she did not agree with Mrs Allan’s statement in her evidence-in-chief that the protection of ecology values within the SAA was *“only by chance”*. It was Ms Chamberlain’s evidence that the special amenity area has a long history and has been present in the various forms of the Hutt district plans since the first District Plan in 1974; and that the SAAs were created at the same time the Extraction Activity Area was established in the District Plan. She told us that it was her opinion that there was acknowledgement of the ecological values of the SAAs in the District Plan, and pointed us to Chapter 14E which covers *“Significant Natural, Cultural and Archaeological Resources”*.
- 7.132 Quite correctly, Ms Chamberlain also drew our attention to Rule 14E 2.2(b)(iii) which was subject to a sunset clause and ceased to apply to the Belmont Quarry site on 31 December 2005.²³ Ms Chamberlain nevertheless added:

²³ The so-called ‘sunset clause’ was considered by the Environment Court in *Minster of Conservation v Hutt City Council* [Decision No W13.2003]. In its decision the Court noted that the Hutt City Council had imposed the sunset clause which *“provides that site protection will cease to have effect from 1 January 2004 and that future protection of sites from that date will be achieved by voluntary mechanisms and/or by a further change to the plan whereby sites may be identified for protection if voluntary protection mechanisms have failed”*.

“However, the SNRs remain as a relevant consideration of Council when assessing certain resource consent applications. The objectives and policies are relevant in assessing applications that are triggered by rules other than 14E 2”.

7.133 Whilst that may be so, namely that the SNRs remain as a relevant consideration when assessing resource consent applications, we are assessing a Plan Change Request relating to the Extraction Activity Area and not a resource consent application. Furthermore, and to the extent that as part of our wider consideration of the ‘merits’ of the Plan Change Request we should have regard to another section of the District Plan, a section that seeks to identify and protect significant natural resources from inappropriate subdivision, use and development, then we consider that we have done so by accepting the evidence of the ecologists regarding the important ecological values of the Firth Ridge.

7.134 Turning now to Ms Allan’s comment that the SAAs effectively protected ecological values by chance rather than by specific provision, we understand that Mrs Allan’s opinion was based on the purpose of Appendix Extraction 2A and 2B, which established the SAAs, being to provide a visual buffer to quarry activities and thereby protect visual amenity rather than ecological values per se.

7.135 Based on our reading of Objective 6D 1.2.1 we accept that there is some ‘force’ to this interpretation. For example, the objective refers to ‘maintain and enhance the visual amenity values of the area [our emphasis] and Policy (b) states:

“That extraction activities retain the indigenous vegetation on the faces of the escarpment, particularly in areas of special amenity, as part of the visual backdrop of the City”.

7.136 Under Explanation and Reasons it is stated that:

“The escarpment in Belmont is part of the green backdrop to the City and it is an area of geological and scientific significance. Adverse effects on the visual quality and amenity values of the area will be managed through compliance with landscaping, screening, noise, vibration and dust controls. The areas of special amenity as shown on Appendix Extraction (2A) and (2B) which are visible from other parts of the City will be maintained with their indigenous vegetation cover”.

In our opinion the explanatory statement reinforces the conclusion that the intent of the SAAs is principally in relation to the retention of visual amenities through retaining a ‘green backdrop’ to the City, rather than protection of ecological values per se. It is likely that it was this interpretation that led Mrs Allan to coin the phrase in her evidence that the protection of ecological values was ‘by chance’ rather than purposeful intent.

7.137 Thus, our answer to Question 2 is that the principal purpose of the SAAs is the protection of visual amenities rather than the protection of ecological values; but in protecting visual amenities through retention of vegetation cover there can (also) be some protection of ecological values as a ‘collateral’ outcome.

7.138 Finally to Question 3: is the proposed on-site ecological mitigation adequate? As will be apparent from our discussion and evaluation of the ecological evidence, we have concluded that the ecological mitigation is sufficient.

7.139 As noted above, the points discussed and conclusions reached in this section on “Policy Context” will inform our overall Part 2 evaluation, which we cover in Section 10 below.

8.0 OTHER SUBMISSIONS

8.1 Aside from the parties appearing at the hearing, submissions were also received from Sheryle Parker (already discussed above at clauses 7.26 to 7.28) and the Friends of Belmont Regional Park. A further submission was also received from the NZ Contractors' Federation Inc.

8.2 **Friends of Belmont Regional Park:** the Belmont Regional Park lies to the immediate north of the Extraction Activity Area from which it is separated by a 25m wide buffer zone. The Friends supported the application noting that:

"Although the proposal entails the loss of an existing special amenity area, we are 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".

8.3 The **NZ Contractors' Federation** further submission opposed the submission of the Greater Wellington Regional Council, recording in particular that it disagreed:

"...with the parts of GWRC's 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 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)".

8.4 The Federation submitted that the continued operation of the Belmont Quarry into future decades is important to the region's economy.

8.5 We confirm that we have taken the above submission and further submission into account in reaching our conclusions on the ecological effects, as recorded in Section 7.0 at clauses 7.53 to 7.95

9.0 SECTION 32 ANALYSIS

9.1 Section 32 requires the Council to undertake an evaluation of the proposed Plan Change in terms of sub-section (3) and (4) before the change is notified. For PC33 a s32 evaluation was set out in the s42A Report (Section 5.3). We also note, as did the Reporting Officer in the s42A Report, that the Applicant's request documentation in support of the Plan Change Request included a s32 Analysis.

9.2 Before making any recommendations to Council on submissions and further submissions under Clause 10 of Schedule 1 we must undertake a further evaluation. Our further evaluation must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act;
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules and other methods are the most appropriate for achieving those objectives;
- (c) the benefits and costs of policies, rules and other methods; and
- (d) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules and other methods.

The further evaluation may rely on the initial evaluation, particularly in relation to any matters which are not challenged by submissions, or matters which remain unchanged.²⁴

- 9.3 Before turning to our further evaluation we record that no submitter took issue with the s32 analysis submitted with the Plan Change Request.²⁵ Rather, the focus of the submissions was on the need for the Plan Change and adverse environmental effects. Although it is not our role to surmise, the lack of submissions on the s32 analysis may have been due to the fact that the District Plan already contains operative provisions for an Extraction Activity Area, and that the Plan Change Request is about amendments to those provisions rather than a suite of new provisions.
- 9.4 Having reviewed the s32 analysis provided by Winstones, we have concluded that in our opinion the obligations under s32 have been met and that the proposed amendments to the operative Extraction Activity Area provisions are appropriate and ‘fit for purpose’.
- 9.5 Furthermore, as we are not recommending any changes to the overall content of the Plan Change, apart from the inclusion of one additional bullet to the list of matters under Policy 6D.1.1.1(b), at the suggestion of the Applicant (refer 7.77 above), we do not need to undertake a ‘overall’ further evaluation.
- 9.6 However, we consider we should offer comment on one area where the Reporting Officer (Ms Chamberlain) recorded disagreement with the Applicant’s s32 analysis. That disagreement related to the analysis of options with regard to modifications to Appendix Extraction 2A.
- 9.7 In relation to the retention of the current provisions, except for the requested change to the Special Amenity Area on Appendix 2A, Ms Chamberlain recorded that she agreed:

“... with applicant’s analysis provided on the efficient and effectiveness of this option with regard 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 Management Plan by having no improved reference to it”.

Then, in relation to a ‘more complex rule change’, she added:

“I do not agree with the applicant’s analysis provided on the effectiveness of this 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”.

- 9.8 We have reviewed the Applicant’s analysis of the same provisions and can advise that we adopt that analysis. The Applicant’s analysis was that the retention of the current provisions, except for the change to the Special Amenity Areas on Appendix 2A, would be:

“Efficient and effective, as it enables access to the remaining useable resource in the Extraction Activity Area. It also clearly establishes protected areas and avoids the need for an additional consent. The District Plan will retain its integrity and an approximately equivalent area of landform and vegetation would be protected under the requested Plan Change”.

- 9.9 Secondly, in relation to a more complex rule change, the Applicant’s analysis was that this was:

²⁴ Section 32 was amended in 2013 (Resource Management Amendment Act 2013). The Amendment inserted s32AA, which confirms that a further evaluation is only required for any changes made to the proposal since the initial s32 analysis was undertaken.

²⁵ Refer Part 4 of the Application “Section 32 Analysis”, pps.38 to 47

“Not efficient and unlikely to be effective. Any change would affect several provisions in the District Plan and would introduce different quarry activity status in different parts of the Extraction Activity Area. It would mean that one part of the quarry would operate under a consent and the remainder would not. Plan integrity would also be at issue, as this option would also involve a consent being sought to quarry an area protected under the District Plan”.

9.10 Based on the evidence presented at the hearing, it is apparent to us that the ‘difference of opinion’ expressed in the above quoted passages largely rests on the perceived adequacy of the proposed ecological mitigation and the need (or otherwise) for a restricted discretionary activity rule. In turn, this difference in opinion between the two planners appears to us to rest on the different ecological advice and evidence that they drew on.

9.11 For the reasons we have summarised in Section 7 above when discussing the ecology evidence, we have concluded that the on-site ecological mitigation is sufficient; and also that there is no need (even if we had the jurisdiction) to require quarrying activity within the Firth Block to need consent for a restricted discretionary activity.

9.12 Returning to the s32 analysis, and given our findings in relation to ecology, we endorse the points made in the Applicant’s s32 analysis. Thus, again we do not see the need to undertake a further evaluation.

9.13 Finally in relation to s32, we note that the Plan Change was notified in November 2013 and therefore prior to the amendment to the Act (refer Footnote 24 above), which repealed the previous s32 and introduced a new provision in s32(2). The new provision, which came into force in December 2013, specifies that an assessment must:

“(a) identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for-

(i) economic growth that are anticipated to be provided or reduced; or

(ii) Employment that are anticipated to be provided or reduced; and

(b) if practicable, quantify the benefits and costs referred to in paragraph (a)”.

9.14 Although we are not required to undertake a further (new) evaluation as we are not proposing to amend the Plan Change Request, other than insert a new ‘bullet point’ at the suggestion of the Plan Change Requestor, we nevertheless record that if such an evaluation were required to be undertaken the probable conclusion reached would be that economic growth and employment retention would be a positive outcome of the Plan Change.²⁶

9.15 Furthermore, in relation to the inclusion of the additional bullet point to the list of matters under 6D.1.1.1(b), our evaluation of this amendment leads us to conclude that it will increase the effectiveness of the amended District Plan’s provisions relating to the Extraction Activity Area.

Quarry Management Plan

9.16 In her s42A Report Ms Chamberlain had this to say about the quarry management plan:

²⁶ Refer to the evidence of Peter Clough which we summarised at 7.13 to 7.15 above.

"I am of the opinion that the proposed policy changes will improve efficiency and effectiveness through improved implementation of the District Plan. However I am of the opinion that some wording is still a bit loose around acceptance/approval of a management plan and is thus not that effective".²⁷

9.17 We have considered the point made by Ms Chamberlain but, on balance, have decided not to recommend any changes. We have taken the following into account in reaching this decision:

- (a) the amendments to the explanation and reasons statement to Policy 6D1.1.1(b) spell out in quite some detail what a quarry management plan should cover;
- (b) the Plan Change Request documents included a very comprehensive (proposed) quarry management plan. We have reviewed the proposed plan and can advise that we consider it should be 'approved', and that is our recommendation; and
- (c) if based on our recommendations the Plan Change Request is approved by Council, the quarry management plan will come into effect. However, the quarry management plan is not a 'static document'. A regular progress report on the effectiveness of the plan must be provided to the Council by the quarry operator, no less than every two years. Furthermore, the plan must be reviewed at least every five years and any necessary adjustments made.

9.18 Our overall conclusion is that the quarry management plan provisions as stated in the publicly notified Plan Change Request are appropriate and are recommended to Council for approval.

10.0 PART 2 RMA

10.1 Part 2 of the RMA sets out the purpose and principles of the Act. 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 reasonable 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.*

10.2 For completeness we also note that Part 2 covers sections 6, 7 and 8, in addition to section 5:

- s6 Matters of National Importance
- s7 Other Matters
- s8 Treaty of Waitangi

10.3 We had the benefit of two Part 2 evaluations, one from the Reporting Officer Ms Chamberlain and one from Mrs Allan. Again we were made aware of different opinions being expressed by the two planners.

10.4 Ms Chamberlain accepted that the proposed Plan Change will allow for foreseeable needs of future generation to be met with regard to aggregate. However, she considered that allowing extraction within the southern SAA (the Firth Ridge) would have significant ecological impacts, as well as impacts on safeguarding of the life supporting capacity of the current ecosystems with the permanent loss of

²⁷ S42A Report, p32

rare trees. Ms Chamberlain therefore concluded that the Plan Change did not provide for the 'protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna', a matter of national importance under s6 of the Act. She also considered that the proposed extension of the quarry would negatively impact on the quality of the environment and therefore would not be consistent with 'the maintenance and enhancement of the environment', which is an 'other matter' under s7 to which particular regard should be had.

10.5 Mrs Allan was of the opinion that the Plan Change, which she asserted would provide an improved framework for the on-going management of the Extraction Activity Area, was in accordance with Part 2 of the Act.

10.6 Her conclusion was based on the following principal points:

(a) the requested Plan Change would allow for the continuation of the established quarry activity in line with s5, as it would enable people and communities of the Hutt valley and the wider region to provide for their economic, social and cultural wellbeing;

(b) adverse effects have been addressed and the mitigation of adverse visual and ecological effects appropriately provided for; and

(c) the life supporting capacity of air, water, soil and ecosystems is safeguarded through the Quarry Management Plan, including the rehabilitation proposals and the protection of an equivalent area of SAA.

10.7 In reference to the s6(c) and the 'protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna' as a matter of national importance, Mrs Allan told us that:

"Such values have been recognised over parts of the area from which the SAA is to be withdrawn. However, an equivalent area of SAA is proposed which has similar if not quite equivalent values".

10.8 Referring to the Regional Policy Statement she told us that notwithstanding that the relevant regional policy refers to 'protection', it does not prevent change.²⁸ Mrs Allan then commented that:

"In this case, the protection is to be provided on the site, within the quarry area. The provision of an alternative SAA means that the Section 6(c) requirement of recognising and making provision for the matter of national importance, is addressed".

10.9 In relation to s7 "other matters" Mrs Allan advised us that these were addressed in the Plan Change Request documentation at pages 23/24. The matters addressed were:

- s7(a) kaitiakitanga
- s7(aa) the ethic of stewardship
- s7(b) the efficient use and development of natural and physical resources
- s7(c) the maintenance and enhancement of amenity values
- s7(d) intrinsic values of ecosystems
- s7(g) any finite characteristics of natural and physical resources

²⁸ The relevant regional policy is Policy 24 "Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values". In the explanation to the policy it is stated that:

Policy 24 is not intended to prevent change, but rather to ensure that change is carefully considered and is appropriate in relation to the biodiversity values identified in Policy 23.

10.10 We have reviewed the comments made in respect of the above matters and confirm our general agreement. Points which we consider are worth noting are in relation to:

- (a) the ethic of stewardship: we accept that Winstones has an Environmental Policy which requires it to manage its operations in a way that achieves all environmental health and safety standards and conditions, that applies best practicable options, prevents pollution, and “works towards environmental enhancement, particularly the maintenance and restoration of biodiversity, where practicable”;²⁹ and
- (b) the efficient use and development of natural and physical resources: we accept that enabling the quarry extension will achieve this outcome in that it will provide for the extraction of a valuable rock aggregate, while using existing infrastructure within an area already identified in the District Plan as appropriate for mineral extraction. It avoids the need to establish a new quarry with all the attendant difficulties and costs.

10.11 In her evidence-in-chief Mrs Allan made additional comment in relation to the ‘ethic of stewardship’ when she said that she considered that:

... the environmental package which has been recently agreed between Winstones and Greater Wellington is entirely in line with that concept and should particularly be taken into account when a decision on the plan change is being made.

10.12 Turning now to our evaluation of the Plan Change in relation to Part 2, we have concluded that it will make a contribution to achieving the purpose of the Act, which is sustainable management of natural and physical resources, and is in general accordance with Part 2 principles.

10.13 In reaching this conclusion we have taken into consideration the following main points:

- (a) the Belmont Quarry is a long-standing activity located within an area identified as appropriate for mineral extraction;
- (b) the Belmont Quarry contributes to the economic wellbeing of the community of Lower Hutt and the wider Wellington region;
- (c) the Belmont Quarry, notwithstanding that quarry activities by their very nature can have adverse environmental effects, is operated in an environmentally responsible manner by an experienced quarry operator. The quarry operation is guided by a comprehensive Quarry Management Plan which has a significant focus on ‘quarry rehabilitation’ through re-vegetation;
- (d) whilst the expansion of quarry activities into the Firth Ridge will result in the loss of some valuable indigenous forest remnants and animal habitat, this loss is partly offset by the extension of the remaining Special Amenity Area located within the Extraction Activity Area, which will be legally protected; and
- (e) although not part of the Plan Change per se, the enhanced environmental package, which is the subject of a legal agreement between Winstones and the Greater Wellington Regional Council, will result in significant additional environmental outcomes.

²⁹ As outlined in the evidence of Ian Wallace.

11.0 OTHER MATTERS

11.1 During the course of the hearing we were made aware of the closure of many quarries that had previously operated in the Wellington region; and that currently there are only three operating - namely at Kiwi Point and Horokiwi (both in Wellington City) and at Belmont.

11.2 An issue that was raised, principally in the evidence of Mr Bourke on behalf of the Aggregate and Quarry Association of New Zealand, was the need for long-term planning on identifying suitable sites for aggregate extraction. Although this long-term planning focus (aside from Belmont Quarry) is outside the scope of our jurisdiction on Plan Change 33, we nevertheless record this concern in our report.

11.3 We have identified in Section 7 above (at clause 7.123) the regional objective and policy concerning the 'demand' for mineral resources. In particular, we noted the task that the GWRC had set itself, namely:

"Identify the region's significant mineral resources".

11.4 In turn, we recommend that the Hutt City Council should draw the GWRC's attention to the importance of this declared intention in the Regional Policy Statement as it is likely to take a lengthy period of time to firstly identify the location of suitable of aggregate deposits and secondly to ensure that the necessary RMA approvals are in place to enable extraction.

12.0 RECOMMENDATIONS

12.1 Based on our consideration of the request for a Plan Change for amendments to the Extraction Activity Area provisions of the Hutt City District Plan, namely proposed Private District Plan Change 33 by Winstone Aggregates, the submissions and further submissions, the Officer's s42A Report and the evidence presented at the hearing, and after consideration of the requirements of section 32 of the Resource Management Act 1991, we recommend that:

1. Council accept the recommendations of the District Plan Hearing Subcommittee in respect of Proposed Private District Plan Change 33 "Amendments to Extraction Activity Area Provisions" as outlined in the Hearing Subcommittee's Report dated 18 August 2014; and
2. Council approve Proposed Private District Plan Change 33 as amended in **Appendix 6**, and that all submissions and further submissions on the Plan Change be accepted or rejected to the extent set out in **Appendix 7**.
3. Council approve Proposed Private District Plan Change 33 for incorporation in the District Plan.

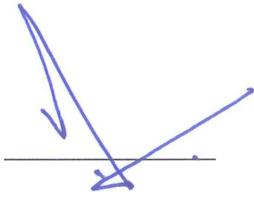
13.0 REASONS FOR RECOMMENDATIONS

13.1 The reasons for our recommendations are:

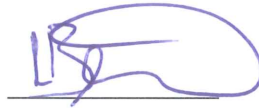
1. The proposed amendments will enable a valuable economic resource (high quality aggregate) to be extracted in an area long associated with quarry activities.
2. The adverse effects associated with the extended extraction activities are either no more than minor, or where they are more than minor, they have been appropriately and adequately mitigated.

3. Continued and extended extraction activities within the Extraction Activity Area will result in positive economic effects and contribute to the economic and social wellbeing of the communities of Lower Hutt and the wider Wellington Region.
4. The proposed amendments to the Extraction Activity Area provisions are consistent with the Part 2 of the Resource Management Act 1991 and the purpose of 'sustainable management' of natural and physical resources.


DATED at Lower Hutt this 18th day of August 2014



Alistair Aburn
Independent Commissioner
Chair



Cr Lisa Bridson
Member



Cr Christopher Milne
Member

APPENDICES

- 1. EXTRACTION ACTIVITY AREA (APPENDIX 2A)**
- 2. DISTRICT PLAN CHANGE 33 REQUEST (APPENDIX 1)**
- 3. ECOLOGIST'S JOINT STATEMENT**
- 4. SCHEDULE 1 - ENVIRONMENTAL PACKAGE**
- 5. PLAN SHOWING EXTENSION OF ECOLOGICAL MITIGATION AREAS**
- 6. DISTRICT PLAN CHANGE 33 INCORPORATING RECOMMENDED CHANGES [FOR COUNCIL ADOPTION]**
- 7. RECOMMENDATIONS ON SUBMISSIONS**

Proposed Private District Plan Change 33 - Amendments to the Extraction Activity Area Provisions
Hearing Subcommittee Report and Recommendation

APPENDIX 1

EXTRACTION ACTIVITY AREA (APPENDIX 2A)

Appendix Extraction 2A

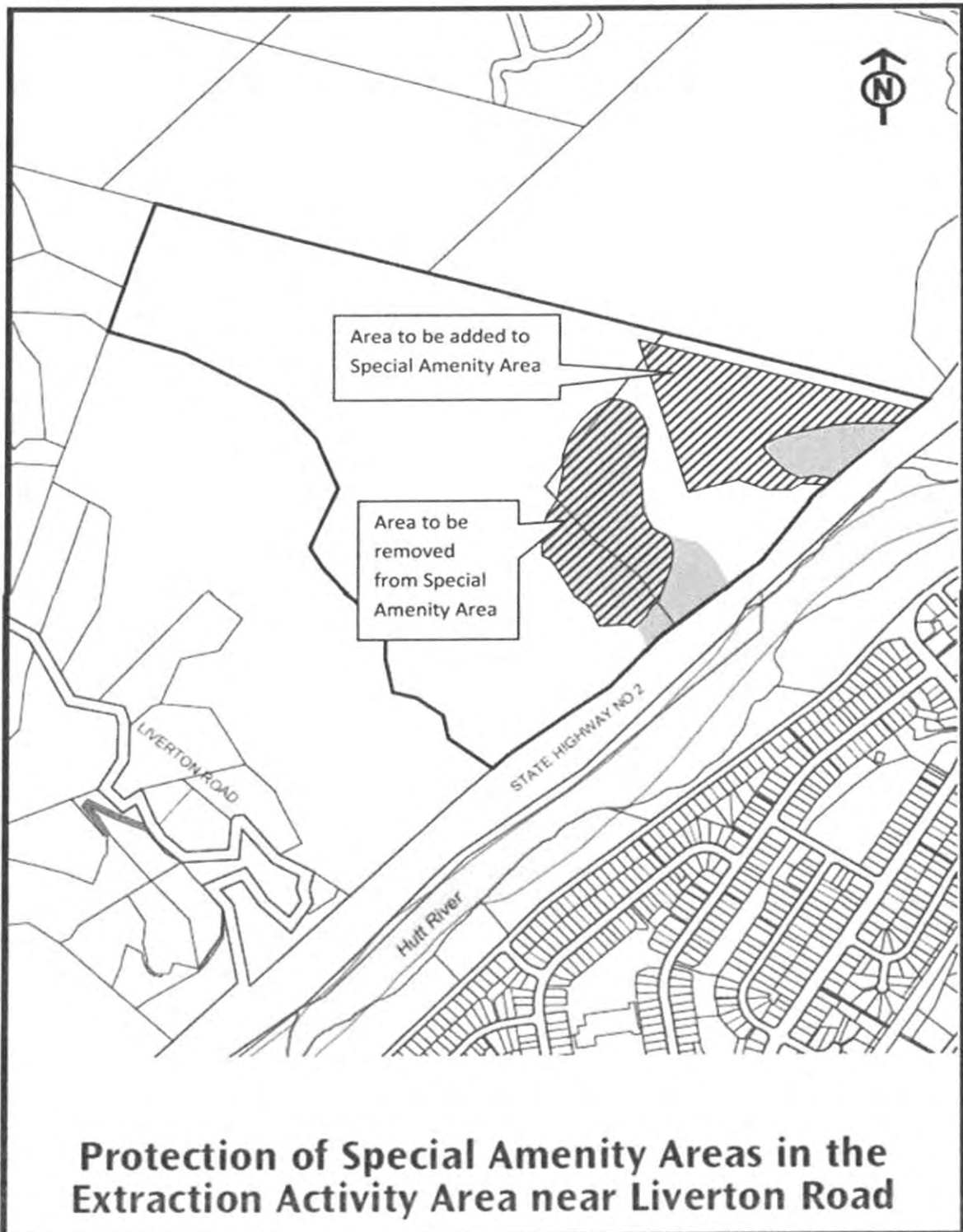


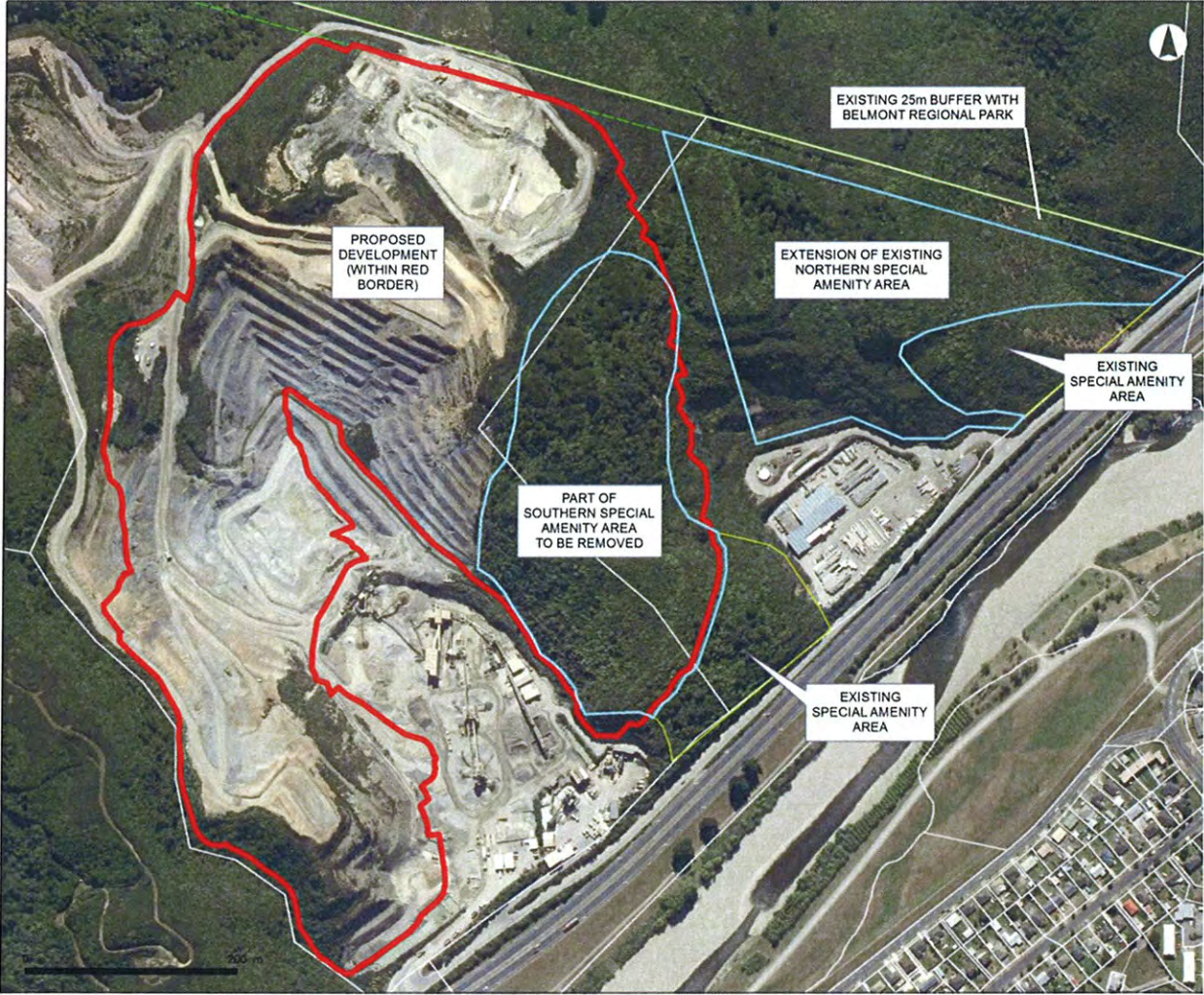
Proposed Private District Plan Change 33 - Amendments to the Extraction Activity Area Provisions
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APPENDIX 2

DISTRICT PLAN CHANGE 33 REQUEST (APPENDIX 1)

Appendix Extraction 2A - PLAN CHANGE REQUEST





Requested Changes to Text of Chapter 6D – Extraction Activity Area

1. 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”*.
2. 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.”~~
3. 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 will 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."

4. 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.~~"

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."

Appendix Extraction 2A - FOLLOWING PLAN CHANGE



Proposed Private District Plan Change 33 - Amendments to the Extraction Activity Area Provisions
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APPENDIX 3

ECOLOGIST'S JOINT STATEMENT

Hutt City Council Proposed Private District Plan Change 33: Winstones Quarry Extension

JOINT STATEMENT OF ECOLOGY EXPERTS 8 May 2014

Introduction

At the request of the Chair of the Hearing Panel for the Proposed Private Plan Change 33, ecologists representing Winstone Aggregates, Greater Wellington Regional Council and Hutt City Council held a conferencing session at the Hutt City Council offices on High St Lower Hutt on 8 May 2014.

The purpose of the conferencing session was to discuss the nature and extent of the potential effects of the proposed Winstone Belmont quarry extension on the ecological values of the site and the surrounding area.

Those in attendance were:

- Adam Forbes, Forbes Ecology, representing Winstone Aggregates;
- Paul Blaschke, Blaschke and Rutherford Environment and Ecology Consultants, representing Greater Wellington Regional Council;
- Simon Beale, MWH, representing Winstone Aggregates;
- Roger MacGibbon, Opus International Consultants, representing Hutt City Council;
- Allison Tindale, Policy Analyst, Hutt City Council (Secretary support/minute taker)

Scope of the Meeting

The following matters were discussed:

1. The ecological values present in the proposed quarry extension area and on the remainder of the Firth Block (including the existing northern Special Amenity Area (SAA), the area of the proposed extension to that SAA, the eastern section of the southern SAA that will remain intact following the extension of the quarry, and the strip of land that will remain between the quarry edge and the extended northern SAA).
2. The significance of the ecological values in both the quarry extension area and the northern SAA extension area, using the GWRC Policy 23 biodiversity significance criteria.
3. The potential effects of the quarry extension on the ecology of the Firth Block and the surrounding environment.
4. The two mitigation components offered as at 8 May – that is, progressive rehabilitation of the quarry site during quarrying and legal enlargement of the northern amenity area. Note that the contents of the quarry rehabilitation plan were not discussed.

We were advised by Simon Beale that the two mitigation components tabled could be part of a larger mitigation package, however, the details of any additional mitigation were not available for our consideration at the conferencing session. Because we were not aware of possible additional mitigation our ability to adjudge areas of agreement and disagreement were limited.

The principal written information considered was the “Belmont Quarry Extension: Terrestrial Ecology Assessment” as prepared by Adam Forbes of Forbes Ecology.

Discussion point 1: Ecological Values

- **The ecologists agreed that the methodology used by Adam Forbes was appropriate for each of the vegetation, avian and herpetological field surveys, and that the data collected and presented in his report was comprehensive and relevant. All were happy to accept the data presented.**

Arising from comments in paragraph 26 and footnote 12 of the GWRC submission there was some discussion as to whether the bird data (figure 2, pages 13 and 14) presented in the ecology assessment showed differences between the quarry extension block and the remaining Firth Block area that might be significant. The ecologists agreed that it was unlikely that the differences would be significant and left it to Mr Forbes to decide as to whether he undertook a test of significance.

The accuracy of the vegetation zone land areas shown in Table 1 (page 5) of the ecology assessment were questioned. After discussion with Adam Forbes, all agreed that the data presented in the table was sufficiently robust to be used with confidence.

Mr Forbes raised participants’ attention to an error in the ecology assessment report. Table 1 states that there are 6.93 ha of land area within the proposed quarry extension area whereas 6.39 ha is stated on page 33 (in 5.1 and 5.2) and page 34 (5.5). 6.93 ha is the correct figure.

- **The Ecologists agreed with the statement in the Eco Gecko herpetological report that Wellington green gecko were very likely to be present in the quarry extension block even though they were not detected during the surveys.**

Paul Blaschke questioned the absence of reference to any aquatic or riparian areas within the quarry extension area. Adam Forbes showed photos of and verbally described the channels that probably carried runoff following rain events but suggested that at most these were ephemeral flow channels only. Water draining from the quarry extension site appears to drain onto an area of curb and channel at the edge of the Firth Yard from where it is carried by stormwater culvert to the Hutt River. Adam Forbes queried whether this matter was to be dealt with by a separate (resource consent) process, however, both Roger MacGibbon and Paul Blaschke considered this drainage feature to be part of the site’s ecology and therefore is relevant to the current plan change process. Adam Forbes agreed to look into the nature and location of the drainage network that carried water away from the base of the quarry extension block to enable a more complete picture of the aquatic and riparian habitat to be gained.

- **Paul Blaschke reserved his view about whether there was aquatic and/or riparian habitat that might be affected until more information was made available. In particular he was concerned about any invertebrate populations that might be associated with seeps or ephemeral waterways.**

Discussion point 2: the significance of the ecological values

The use of the GWRC Policy 23 criteria for biodiversity significance, as used by Adam Forbes, were considered appropriate.

- **Of the 4 measures, all ecologists agreed that the quarry extension block and the remaining Firth block were significant for Representativeness, Rarity and Ecological Context.**

Roger MacGibbon stated that while both areas were significant for Rarity, the quarry extension area rated higher for the rarity of indigenous plant species than the proposed extension to the northern SAA. Paul Blaschke agreed with this statement. Adam Forbes raised concern over the subjectivity of the GWRC Policy 23 Diversity criterion.

- **Agreement was not reached about whether each block rated as significant for the Diversity criterion. Adam Forbes rated both as not significant for diversity, while Paul Blaschke believed they were significant. Roger MacGibbon felt that both flora and fauna were less diverse than previous more natural states.**

While there was not agreement on this issue, the ecologists all agreed that the diversity in the quarry extension area was higher than areas surrounding it. The determination of whether an area has significant diversity or not was considered to be somewhat subjective and dependant on what the original temporal reference point was (eg. pre-European, pre-Maori or some other time).

Discussion point 3: Potential ecological effects of quarry extension.

- **The potential ecological effects of the quarry extension as stated in the ecology assessment report were agreed to by all of the ecologists.**
- **In addition to those identified in the report, the ecologists all agreed that there were three additional effects:**
 - 1. Increased edge effects especially to the remnant area of the southern SAA and the strip between the quarry area and the northern SAA.**
 - 2. The combination of edge effect and reduced connectedness of the remaining area of the southern SAA with the bush areas to the north will lessen the ecological value of the small remaining area of the southern SAA.**
 - 3. Quarry operations (especially dust and noise) will potentially have an effect on the bush areas adjacent to the north-eastern edge of the new quarry area for the duration of the quarrying activity.**

Discussion point 4: Mitigation

Because the rehabilitation plan for the quarry site and the proposed extension of the northern SAA are likely to be only part of the full mitigation package it was not possible for the ecologists to draw any conclusions or reach any consensus about the appropriateness of the mitigation proposed. Furthermore, none of the ecologists present

had evaluated the quarry rehabilitation plan in sufficient detail so it was not possible to critique that aspect of the proposed mitigation.

However, the proposed extension of the northern SAA as part of the mitigation package was discussed.

Simon Beale reaffirmed that the mitigation proposed for the Firth Block under PC 33 is regarded as partial mitigation in terms of addressing the effects of the quarry extension.

- **All of the ecologists agreed that increased legal protection for the indigenous vegetation remaining in the Firth Block was of value.**
- **However, Roger MacGibbon felt that increased legal protection alone would not greatly improve the state of the ecology in this area in the short to medium term and would not, on its own, be sufficient mitigation for the quarry extension.**
- **Paul Blaschke agreed with this statement but stated that he regarded legal protection as an important component of any mitigation package.**
- **Both Paul Blaschke and Roger MacGibbon believed that the ecological values in the quarry extension area were higher than those in the proposed northern SAA extension and for that reason would require more mitigation than was currently being proposed.**
- **Despite the lack of a complete mitigation programme to evaluate, the ecologists agreed that the following elements should, ideally, be included in any mitigation package developed for the quarry extension:**
 - **Quarry rehabilitation;**
 - **Legal protection of the proposed extended northern SAA;**
 - **Restorative planting;**
 - **Targeted pest (animal and plant) management;**
 - **Establishment of buffers to lessen edge effects;**
 - **Mitigation/restoration designed to improve connectivity.**

Signed



Roger MacGibbon

On behalf of and as approved by Paul Blaschke, Simon Beale and Adam Forbes

Proposed Private District Plan Change 33 - Amendments to the Extraction Activity Area Provisions
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APPENDIX 4

SCHEDULE 1 - ENVIRONMENTAL PACKAGE

SCHEDULE 1: ENVIRONMENTAL PACKAGE

1. The parties have agreed upon the Environmental Package to be provided as mitigation for Plan Change 33 to the City of Lower Hutt District Plan as set out below:

Legal Protection –QEII Trust Covenants

- 1.1 Winstone Aggregates will seek (with written support from GWRC) Legal Protection via QEII covenant of the Northern Special Amenity area of 8.2 ha as identified on Map “Eco Mitigation A3” at Schedule 1;
- 1.2 Winstone Aggregates will seek (with written support from GWRC Legal Protection via QEII covenant of an additional 2 ha area to the West of the site as identified on Map “Eco Mitigation A3” at Schedule 1; both parties recognise that the area to be protected has significant indigenous biodiversity values;
- 1.3 Winstone Aggregates will actively engage with GWRC and QEII Trust to develop a management plan, which will include control of animal pests and weeds for the covenanted areas (set out at 5.1.1 and 5.1.2 above) and will carry out its responsibilities as set out in that plan and in relation to the QEII requirements;
- 1.4 In the event that a QEII Trust covenant cannot be obtained for the covenanted areas Winstone Aggregates will seek alternative legal protection of both areas to a similar level of that of QEII covenant in agreement with GWRC.

Pest Control Fund

- 1.5 Winstone Aggregates will fund GWRC to undertake animal and plant pest control to a total of \$12,000 + GST per year for a maximum duration of 5 years. This pest control will seek to complement and progress animal pest control already undertaken by GWRC on the covenanted areas, other areas on Winstone’s Belmont Quarry site, the restoration area (as pursuant to Schedule 1, clause 1.8) and in the surrounding areas. This money is to be spent as follows;
- a. Firstly on undertaking appropriate animal pest control on the Belmont Quarry site within the proposed QEII areas shown on the Map in Schedule 1. Pest control in these areas will be in accordance with the management plan provided for the QEII covenant areas (to be agreed with input from GWRC/Winstones/QEII Trust); and
- b. In addition to the animal Pest Control to be undertaken under schedule 1, clause 1.5 and 1.5(a) above, GWRC will undertake woody weed pest control within the QEII areas on behalf of Winstone Aggregates in accordance with the QEII management plan as developed and reviewed.
- c. Secondly following the completion of agreed pest control as described in Schedule 1, Clause 1.5(a) and (b) above, on pest control (animal and plant pests) in the adjacent Belmont Regional Park with the preference being given to the restoration area/s.

13


Quarry Rehabilitation

- 1.6 Winstone Aggregates will undertake quarry rehabilitation of completed faces and benches to RL65 (as per rehabilitation plan in the Quarry Management Plan provided as part of the Plan Change request);

Wildlife Act 1953

- 1.7 Winstone Aggregates agree to carry out actions required under the Wildlife Act 1953 in respect of lizards and any other threatened taxa that the provisions of the Wildlife Act 1953 apply to within the Excavation Area.

Establishment of a restored area within Belmont Regional Park

- 1.8 GWRC will explore options to identify a suitable area or areas within Belmont Regional Park that would be appropriate for ecological restoration (the "Restoration Area"). Where practicable, this Restoration Area must be:

- (a) Adjacent or in close proximity to the Winstone's Belmont Quarry site; and
- (b) Have legal protection or status as Regional Park land; and
- (c) Adjacent to existing established indigenous vegetation; and
- (d) Consist of a single area of land or if in more than one area, provide improved connection of existing fragments to create larger contiguous areas of indigenous forest.

- 1.9 GWRC will consult with Winstone Aggregates in identifying and selecting sites as being appropriate as the potential Restoration Area. Both parties shall agree on the final area or areas chosen as the Restoration Area.

Establishment of a Restoration Fund

10. Once the Restoration Area has been selected and agreed, Winstone Aggregates will pay GWRC a total of \$140,000+ GST to fund the restoration of the chosen area. Those funds are to be applied by GWRC for the ecological benefit of the restoration area in accordance with a planting plan, to be agreed between Winstones and GWRC, which as a minimum, must include:

- (a) Number and type of indigenous plant species to be planted;
- (b) Size of area planted with indigenous vegetation;
- (a) Provisions for subsequent area management including weed control and protection from grazing (including hares); and
- (d) Provisions for additional planting in years 2 and 3 where required and sufficient resources to enable any adaptive management in the restoration area.

- 10.1 GWRC and Winstone Aggregates will decide the final content of the planting plan jointly.



- 10.2 The purpose of the planting plan and allocated funds for the Restoration Area ("Restoration Area Fund") will be to maximise the ecological benefit of the area with the resources provided.

Ecological Listing

- 10.3 Winstone Aggregates agrees to support the ecological listing of the two proposed QEII areas on its site within its site in the City of Lower Hutt District Plan.

Memorandum of Understanding

- 10.4 The parties record an intention that their relationship, obligations and responsibilities working together to achieve the Environmental Package will be set out in a formal Memorandum of Understanding between them.

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APPENDIX 5

PLAN SHOWING EXTENSION OF ECOLOGICAL MITIGATION AREAS



WINSTONE AGGREGATES FIRTH BLOCK EXTENSION

Site Plan showing extension of ecological mitigation areas

Date: June 2014 | Revision: 1 |

Plan prepared for Winstone Aggregates by Boffa Miskell Limited
 Author: rhyas.girvan@boffamiskell.co.nz | Checked: BE



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APPENDIX 6

DISTRICT PLAN CHANGE 33 INCORPORATING RECOMMENDED CHANGES (FOR COUNCIL ADOPTION)

Note:

1. Black ~~strike-outs~~ (deletions) and black underlining (additions) identify changes proposed by the Plan Change Request as notified.
2. Red insertions are amendments/changes recommended by the Hearing Subcommittee.

Recommended Changes to Text of Chapter 6D – Extraction Activity Area

1. 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”.

2. 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; and*
- *means of achieving any agreements with other agencies and organisations (e.g the Regional Council and iwi).*

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.~~

3. 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 will 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."

4. 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.~~"

5. 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's Divisional Manager Environmental Policy on the effectiveness of the quarry management plan, and advise of any changes that have been made.*

Appendix Extraction 2A - FOLLOWING PLAN CHANGE



Proposed Private District Plan Change 33 - Amendments to the Extraction Activity Area Provisions
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APPENDIX 7

RECOMMENDATIONS ON SUBMISSIONS

PROPOSED PRIVATE DISTRICT PLAN CHANGE 33 - AMENDMENTS TO EXTRACTION ACTIVITY AREA PROVISIONS

HEARING SUBCOMMITTEE'S RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

TABLE 1: SUBMITTERS

	Submitter	Support/Oppose	Decision/Relief Sought	Recommendation	Report Reference
DPC33/1	Sheryle Parker	Oppose	Reject Plan Change	Reject Submission	Section 7.0, clauses 7.26 to 7.38 at pages 14 to 16
DPC33/2	Jessica Butson	Oppose	Reject Plan Change	Reject Submission	Section 7.0, clauses 7.26 to 7.38 at pages 14 to 16; and clauses 7.39 to 7.52 at pages 16 to 18
DPC33/3	Perry Husband	Oppose	Reject Plan Change	Reject Submission	Section 7.0, clauses 7.2 to 7.25 at pages 10 to 13
DPC33/4	Greater Wellington Regional Council	Oppose	Reject Plan Change in current form / amend Plan Change to mitigate significant loss of indigenous biodiversity values	Reject Submission in part	Section 7.0, clauses 7.53 to 7.95 at pages 18 to 25; and Clauses 7.101 to 7.139 at pages 25 to 32
DPC33/5	Fish & Game New Zealand	Neutral	Fish & Game to continue to provide input to Plan Change, consenting and monitoring processes	Accept Submission in part	Section 7.0, clauses 7.96 to 7.100 at page 25
DPC33/6	Friends of Belmont Regional Park	Support	Not Stated	Accept Submission	Section 8.0, clause 8.2 at page 32

TABLE 2: FURTHER SUBMITTERS

	Further Submitter	Submission Opposed	Decision/Relief Sought	Recommendation	Report Reference
DPC33F/1	Winstones	DPC33/1	Reject submission of Sheryle Parker	Accept Further Submission	Section 7.0, clauses 7.26 to 7.38 at pages 14 to 16
DPC33F/2	Winstones	DPC33/2	Reject submission of Jessica Butson	Accept Further Submission	Section 7.0, clauses 7.26 to 7.38 at pages 14 to 16; and clauses 7.39 to 7.52 at pages 16 to 18
DPC33F/3	Winstones	DPC33/4	Reject submission of Perry Husband	Accept Further Submission	Section 7.0, clauses 7.2 to 7.25 at pages 10 to 13
DPC33F/4	Winstones	DPC33/3	Reject submission of GWRC	Accept Further Submission in part	Section 7.0, clauses 7.53 to 7.95 at pages 18 to 25; and Clauses 7.101 to 7.139 at pages 25 to 32
DPC33F/5	NZ Contractors' Federation Inc	DPC33/4	Reject submission of GWRC	Accept Further Submission in part	Section 8.0, clauses 8.3 and 8.4 at page 32
DPC33F/6	Aggregate & Quarry Assoc of NZ	DPC33/4	Reject submission of GWRC	Accept Further Submission in part	Section 7.0, clauses 7.53 to 7.95 at pages 18 to 25; and Clauses 7.101 to 7.139 at pages 25 to 32
DPC33F/7	Fulton Hogan Ltd	DPC33/5	Reject submission of GWRC	Accept Further Submission in part	Section 7.0, clauses 7.53 to 7.95 at pages 18 to 25; and Clauses 7.101 to 7.139 at pages 25 to 32