

Proposed Private District Plan Change 33

AMENDMENTS TO THE EXTRACTION ACTIVITY AREA
PROVISIONS

Summary of Submissions

Publicly Notified:
Further Submissions Close:

21 January 2014
05 February 2014 at 5.00pm

PUBLIC NOTICE

Public Notification of the Summary of Submissions on Proposed Private District Plan Change 33 to the City of Lower Hutt District Plan

Clause 8 of the First Schedule – Part 1 of the Resource Management Act 1991

Hutt City Council has prepared the summary of submissions received on

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

The summary of the decisions sought and full copies of the submissions are available and can be inspected at

- All Hutt City Council Libraries; and
- Customer Services Counter, Council Administration Building, 30 Laings Road, Lower Hutt.

Alternatively, the summary of submissions is available on the Council website:

- <http://www.huttcity.govt.nz/district-plan-change-33>

Copies can also be requested by contacting Hutt City Council:

- Phone: (04) 570 6666 or
- Email: district.plan@huttcity.govt.nz

Further Submissions close on 05 February 2014 at 5.00pm

Persons who are representing a relevant aspect of the public interest or persons who have an interest in the proposed plan change that is greater than the interest of the general public can make a submission in support of, or in opposition to, the submissions already made.

You may do so by sending a written submission to Council:

- Post: Environmental Policy Division, Hutt City Council, Private Bag 31912, Lower Hutt 5040;
- Deliver: Council Administration Building, 30 Laings Road, Lower Hutt
- Email: district.plan@huttcity.govt.nz

You must also send a copy of your further submission to the person whose submission you are supporting or opposing within five working days of sending your further submission to Hutt City Council.

The further submission must be written in accordance with RMA Form 6 and must state whether or not you wish to be heard on your submission. Copies of Form 6 are available from the above locations and the Council website.

Please state clearly the submission reference number to which your further submission relates.

**Tony Stallinger
Chief Executive**

21 January 2014

Summary of Submissions

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SUMMARY OF SUBMISSIONS - PROPOSED PRIVATE PLAN CHANGE 33

Any new text that is proposed to be added is underlined, while any text proposed to be deleted has been ~~struck through~~.

DPC33/1 Sheryle Parker					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reasons	Decision/Relief Sought	Wish to be heard
1.1	General - Extension of area where Winstone Aggregates can quarry	Oppose	The submitter does not wish to see any changes to provisions that could extend the length of time of the operation of the quarry and objects to any extension of the quarry.	Not to accept/approve the plan change.	No
1.2	General – Dust and odour caused by quarrying activities	Oppose	<p>The reasons for objection relate to odour and dust and generated by quarrying activities.</p> <p>The submitter states that the smell can be detected all year round and affects the inside of the house, even with the windows closed, as well as the washing hanging on the line.</p> <p>The submitter feels that grit and dust also affect the inside of the house and cause damage to the exterior of the house.</p> <p>The submitter and her family suffer from allergies and hay fever which is worsened by dust from the quarry.</p> <p>Though the submitter can hear noise from the quarry this is currently not considered an issue.</p>		

DPC33/2 Jessica Butson					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought	Wish to be heard
2.1	General – Activity Area	Oppose	Noise, dust, environment changes, visual disturbance	Decline the plan change	Yes

DPC33/3 Perry Husband

Sub. Ref.	Amendment & Provision	Support / Oppose	Reasons	Decision/Relief Sought	Wish to be heard
3.1	General – Application in its entirety	Oppose	<p>Plan Change focusses on applicant’s opinion that without the proposed changes the quarry will be exhausted by 2023 the latest. The submitter states that this is not consistent with other recent evidence which indicates that the quarry has enough viable resources to keep quarrying until at least 2040. This evidence was presented by Winstone as part of a resource consent application in 2008.</p> <p>The submitter questions the resource investigations presented as part of the plan change application and its interpretation.</p> <p>The submitter is convinced that there is enough resource available, under the current consents, to keep the quarry going until at least 2040 and that it may just become more expansive to excavate. The submitter thinks the applicant is just looking for the easiest and cheapest option in order to obtain their product.</p> <p>The submitter concludes that:</p> <ul style="list-style-type: none"> • There is no urgency to modify the Special Amenity Area for probably another 17 years • The evidence presented in the plan change relating to the quarry lifespan contradicts other very recent studies • The results of “recent investigations” postdate other expert studies that concluded in a quarry working life until 2040 • There is plenty of rock within the current extraction area without converting a Special Amenity Area, it may just be a little more expensive to extract. 	Reject the proposed plan change in its entirety	Yes

DPC33/4 Greater Wellington Regional Council

Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought	Wish to be heard
4.1	General	Oppose	<p>Primary reasons for opposing Plan Change 33 are:</p> <ul style="list-style-type: none"> • It is not consistent with national policy direction in relation to the protection of biodiversity; • It is not consistent with the Regional Policy Statement for the Wellington Region 2013 (RPS); and • The mitigation proposed as part of the plan change application is unlikely to be adequate for the loss of significant indigenous biodiversity. 	<p>That Council decline the application.</p> <p>Should commissioners be minded to approve proposed Plan Change 33, actions will be necessary to mitigate the loss of significant indigenous biodiversity values and amendments to the District Plan will be required:</p> <ul style="list-style-type: none"> • The activity status of extraction activity be changed from permitted to restricted discretionary. 	Yes
4.2	General – National Policy Direction		<p>National Policy Direction</p> <p>Matters of national importance under section 6 of the RMA include the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. This is reflected in the National Statement of Priorities for Biodiversity and the proposed National Standard on Indigenous Biodiversity.</p>	<ul style="list-style-type: none"> • The conditions relating to the quarry management plan under 6D 2.1.1 should specify that the rehabilitation plan provide for adequate mitigation of adverse effects and that the rehabilitation plan should be subject to approval of HCC and GWRC. 	
4.3	General – Regional Policy Direction		<p>Regional Policy Direction</p> <p>The Regional Policy Statement (RPS) sets out objectives and policies to address regionally significant issues. Sections from the RPS which are considered relevant are Section 3.6 – Indigenous Ecosystems and Section 3.11 – Soils and Minerals.</p>	<ul style="list-style-type: none"> • Amend rules relating to extraction activities: 	
4.4	General - Indigenous Ecosystems		<p>RPS Section 3.6 – Indigenous Ecosystems</p> <p>Objective 16 That indigenous ecosystems and habitats with significant indigenous biodiversity values are maintained and restored to a healthy functioning state</p> <p>Policy 47 Requires that when a plan change is being considered a determination is made as to whether an activity may affect areas with significant indigenous</p>	<p>6D 2 Rules</p> <p>6D 2.1 Permitted Activities <u>Restricted Discretionary Activities</u></p> <p>(a) Any extraction activity, including ancillary offices and caretaker living quarters.</p> <p>6D 2.1.1 Permitted Activities</p>	

		<p>biodiversity values and lists matters to have particular regard to.</p> <p>Policy 23 Provides criteria by which to identify indigenous ecosystems and habitats with significant indigenous biodiversity values.</p> <p>Policy 24 Requires that District Plans include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development.</p> <p>The submitter states that the approval of the plan change will have adverse effects on the significant indigenous biodiversity values of the area and does not consider that it provides appropriate mitigation to offset these adverse effects.</p> <p>The ecological assessment provided by the applicant leads the submitter to the conclusion that the site should be considered as an important component in the maintenance of indigenous ecosystems. The assessments also find that the site contains moderate to high quality habitat for native lizards with at least one threatened species present and that there would be a more than minor adverse effect on the species if the quarry was extended. While no survey of invertebrate communities was undertaken, the submitter applies the precautionary principle and assumes that it is likely that invertebrate communities will be healthy and diverse and that the impacts of the plan change would be more than minor.</p> <p>The submitter considers that the interpretation of the criteria on diversity and the application of Policy 23 as provided by the applicant are incorrect. It is the submitter's assessment that the indigenous biodiversity contained in the extraction expansion area is regionally significant and therefore warrants protection under policy 24 of the RPS and should be included in the District Plan.</p> <p>The submitter considers the proposed level of mitigation for anticipated adverse effects (protection of an equivalent area, active rehabilitation over 30-40 years) to be inadequate for the following reasons:</p>	<p><u>Restricted Discretionary Activities - Conditions</u></p> <p><u>(o) Quarry Management Plan</u></p> <p><u>The quarry operator shall prepare a quarry management plan that sets out, among other things, how adverse ecological effects will be avoided, remedies, or mitigated. This plan is subject to the approval of both the council and the regional council, and must be prepared in advance of any extraction activities commencing.</u></p> <p><u>Matters of discretion – (to be confirmed in discussion)</u></p> <p>That the Extraction Activity Area overlay is removed from an extended Special Amenity Area to further protect this area from development.</p>	
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		<ul style="list-style-type: none"> • The proposal will result in a net-loss of indigenous forest habitat because the extraction expansion area has higher species diversity and richness than the alternative area to be protected. • Rehabilitation of the extraction area will not replace significant indigenous biodiversity values that will be lost, rehabilitation of past quarry activity has resulted in areas of low ecological value even 25-33 years after quarry activity has ceased. • The proposal does not provide for the protection of indigenous biodiversity, should the plan change be approved it only shows that designation as a Special Amenity Area does not provide any real protection and can rather easily be reversed. <p>As manager of the adjacent Belmont Regional Park the submitter proposes the removal of the extended special amenity area or the existing 25m buffer from the Extraction Activity Area to further protect this area from development.</p>		
4.5	General - Soils and Minerals	<p>RPS Section 3.11 – Soils and Minerals</p> <p>Regionally significant issues include limited supply of mineral resources in the region, increasing demand and a sustained supply being essential to provide for the wellbeing of regional and local communities. The submitter acknowledges that the location of Belmont Quarry has advantages in terms of its proximity to users.</p> <p>Objective 31 states that the demand for mineral resources is met from resources located in close proximity to the areas of demand. Under Policy 60 particular regard shall be given to the social, economic and environmental benefits from utilising mineral resources within the region and to protecting significant mineral resources from incompatible or inappropriate uses alongside.</p> <p>The submitter concludes that while the RPS highlights the importance of meeting the demand for mineral resources from areas in close proximity to the market it also promotes the identification and protection of indigenous ecosystems and habitats with significant indigenous biodiversity values. In</p>		

DPC33/4 Greater Wellington Regional Council

			<p>this case the submitter considers that the loss of significant indigenous biodiversity cannot be appropriately avoided, remedies or mitigated and that adequate offsetting is not possible. The submitter concludes that the adverse effects of losing the significant natural resource outweigh the benefits from extending Belmont Quarry.</p>		
4.5	General - Conclusion		<p>Conclusion</p> <p>The submitter considers the application to be incomplete due to the lack of invertebrate summaries and the incorrect assessment of Policy 23 of the RPS.</p> <p>The plan change will result in the loss of a large area containing significant indigenous biodiversity values while not including adequate mitigation for this loss.</p> <p>While consideration must be given to the benefits of utilising mineral resources within the region, the scale and significance of the anticipated effects indicates that the proposal is inconsistent with national, regional and district policy context for indigenous biodiversity.</p>		

DPC33/5 Fish & Game New Zealand

Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought	Wish to be heard
5.1	General	Neutral	<p>The Hutt River is a regionally significant trout fishery and also home to a strong native fishery. The submitter points out that Winstone Aggregates acknowledge that there is a risk that discharge from the site could cause adverse effects in the Hutt River</p>	<p>The Hutt River and its tributaries are very important for trout spawning, and to local and visiting anglers. Consequently, the Wellington Fish and Game Council wish to continue to provide input to the proposed plan change, consenting and monitoring processes.</p>	Yes

DPC33/6 Friends of Belmont Regional Park

Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought	Wish to be heard
6.1	General	Support	Although the proposal entails the loss of an existing special amenity area the submitter is satisfied that the proposed change does not breach the Regional Park buffer zone and that the compensatory extension of the Northern special amenity area matches that lost on a like for like basis.		No

ADDRESSES FOR SERVICE – PROPOSED PRIVATE PLAN CHANGE 33

Submission Number	Submitter Name/Organisation	Address 1	Address 2	Address 3
DPC33/1	Sheryle Parker	[REDACTED]	[REDACTED]	[REDACTED]
DPC33/2	Jessica Butson	[REDACTED]	[REDACTED]	[REDACTED]
DPC33/3	Perry Husband	[REDACTED]		[REDACTED]
DPC33/4	Greater Wellington Regional Council Caroline Ammundsen	PO Box 11 646		WELLINGTON
DPC33/5	Wellington Fish and Game Council Alexandra King	PO Box1325		PALMERSTON NORTH
DPC33/6	Friends of Belmont Regional Park Peter Matcham	[REDACTED]		[REDACTED]