

RMA FORM 5

Submission on publicly notified proposed district plan

Clause 6 of Schedule 1, Resource Management Act 1991

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To: Chief Executive, Hutt City Council

Via email to district.plan@huttcity.govt.nz.

1. This is a submission from Horokiwi Quarries Limited, on the Proposed Lower Hutt District Plan 2025.
2. The email address for service is:
 Horokiwi Quarries Limited
 PO Box 38037
 Petone, Wellington
 Attention: Ross Baker
 Email: Ross.Baker@hql.co.nz
3. Horokiwi Quarries Limited ~~could~~/could not gain an advantage in trade competition through this submission.
4. The specific provisions of the proposal that the submission relates to, the submission on those provisions, and the decisions sought are shown in the below table. Horokiwi also seeks all further, alternative, necessary, or consequential relief as may be necessary to fully achieve the relief sought in this submission.
5. Horokiwi wish ~~/do not wish~~ to be heard in support of its submission.
6. If others make a similar submission, Horokiwi will ~~/will not~~ consider presenting a joint case with them at the hearing.

Dated: 7 April 2025

Introduction

Overview

Horokiwi Quarries Limited (“Horokiwi”) welcomes the opportunity to make this submission on the proposed Lower Hutt District Plan (“PDP”).

The following provides an overview of Horokiwi and its interest in the PDP, with specific commentary on provisions and relief sought by Horokiwi. In summary the main issues raised and relief sought in the submission relate to:

- Concerns as to the lack of recognition (in particular policy and rule recognition) of existing quarry activities within the PDP outside the Special Purpose Quarry Zone.
- Support for provisions which relate to existing quarries.
- Sought amendment to policies which do not recognise existing quarries.

Of relevance, Horokiwi has resource consent for its existing sand and shingle extraction activities at Fitzroy Bay at Pencarrow, which are an important planning consideration for the site. The consented activity is due to expire in 2027 and therefore the PDP provisions will have relevance for the activity in terms of its ongoing operation. Within this context, Horokiwi notes its submission is site specific and therefore there may be alternative wording to that sought in this submission which may achieve the outcomes sought by Horokiwi.

Introduction to Horokiwi Quarries Limited

Horokiwi Quarries Limited has a long-established quarry activity located within Fitzroy Bay. The site commences south of the Pencarrow Head, southeast of the sewer outfall at Bluff Point and in close proximity to the outlet of Lake Kohangatera and continues to the south-east point - about two thirds of the way along Fitzroy Bay. The total site area is 19.419 hectares and includes privately owned Maori Land where sand is extracted in accordance with an agreement between the owners and Horokiwi Quarry. The material extracted from the site is used at the Horokiwi Quarry site on Horokiwi Road in the production of sand for the concrete and building industries.

Quarrying activities have been undertaken by Horokiwi, at the site, since circa 1970. The company has been granted resource consent for gravel extraction in 1994, and again in 2012 by the Wellington Regional Council, and the Hutt City Council. The current resource consent permits the extraction of 10,000 cubic metres of sand aggregate from the site per year. There are no associated structures or buildings, rather equipment used on a temporary basis.

The sand and shingle being extracted is, categorized as “renewable” along the foreshore and in the zone of accretion; and “non-renewable” to the landward side of the legal road. Within the “renewable” area southerly storms consistently replenish the supply of sand and shingle.

Extraction within the site is undertaken on a rotational basis up and down the coastal strip. The extraction works are undertaken twice a year, for up to 5 weeks at a time. For the remainder of each year the site remains free of quarrying activities, and associated machinery. Extraction does not take place anywhere it has not already occurred in the past. After extraction has occurred, the overburden is recontoured to mimic dune landforms. Particular areas of value and significance are avoided, with the resource consents having monitoring requirements and consent conditions.

Importance of Quarrying

There is limited scope to develop new quarrying activities within Hutt City (and the region itself) as there are often major environmental challenges (depending on the nature and scale of the activity). Horokiwi is seeking relief to recognise and enable its existing quarrying (sand extraction) activity, particularly in context of the proposed General Rural Zone (where quarrying activities are generally located) and Outstanding Natural Features and Landscapes, and Coastal Environments overlays, which seek to avoid establishing new quarrying sites

Currently, according to the Aggregate and Quarry Association¹, the demand for aggregates in New Zealand equates to 8-10 tonnes per person per year. To build 1km of a two-lane highway, you need around 14,000 tonnes of construction aggregates (500 truck and trailer loads), and an average house requires 250 tonnes for use in concrete, asphalt, mortar and building products.

Outside of the resource consenting process, new quarries need to consider a range of non-consent related constraints. These include, but are not limited to the following:

- Whether the potential quarry site can produce appropriate aggregates;
- The availability of the land – is it unoccupied, private or publicly owned; and
- The proximity of the extraction site to where the materials are to be used.

To expand on the last bullet point; Horokiwi acknowledges that this is not a planning matter, however, location is a functional need for the aggregate industry. The shorter the distance between the quarry site and the use, the lower cost. This keeps the transportation costs low and helps to minimise building costs and emissions in local communities. Of note, the price of aggregate doubles after 30km of transport from the quarry. These statistics show the importance of localised quarries and the impact that distance can have on future costs for housing and infrastructure demands within the Hutt region. Specific to the extracted material from the Fitzroy site, the sand and shingle are a key component of the primary quarry operation and production of aggregate material at the Horokiwi Road quarry.

The Mahere Tekau Tau (Our 10 Year Plan) 2024–2034² states that the population of the Hutt City District is growing from 113,00 now to 137,000 by 2043. This will put pressure on housing intensification and increased use of infrastructure, and subsequently pressure on aggregate demands. The proximity of existing quarries (within the city and region) is therefore an important activity within the city to support the growth.

With new quarry activities being difficult to establish, Horokiwi submits that existing quarry activities need to be acknowledged and provided for within the PDP. This would safeguard the continued operation of existing quarrying activities within the region to assist in the future growth of Hutt City.

The importance of quarries is recognised in the Operative Regional Policy Statement which provides a definition for Significant Mineral Resources, and Objective 21 which provides a strong directive to ensure the demand for mineral resources is located in close proximity to the areas of demand. The use and expansion of Horokiwi Quarry is consistent with the objective given the local demand for the quarry material. Policy 60 provides a strong policy and directs that particular regard be given to the social, economic, and environmental benefits of utilising mineral resources within the region. None of the provisions are subject to Plan Change 1 to the RPS.

¹ <https://aqa.org.nz/fact-files/>

² <https://www.huttcity.govt.nz/council/annual-plans-and-publications/annual-plans-and-long-term-plans>

PDP Mapping Zoning and Features

Attached as Appendix A is a map showing the various proposed zones and overlays (collectively identified as features) that would apply to the existing Horokiwi sand extraction site and activity. The PDP features are summarised below:

Zoning

- General Rural Zone (noting a small portion of the site is zoned Natural Open Space Zone)

Hazards and Risks Overlays

- *Medium Coastal Inundation Hazard Overlay
- *High Coastal Inundation Hazard Overlay

Natural Environment Overlays

- *Outstanding Natural Landscape (ONL-5, South Coast ONL)
- *Coastal Environment

Historical and Cultural Values Overlays

- *Sites and Areas of Significance to Māori (East Harbour Precinct- category 2) (noting that the site is within the precinct but does not contain any specific individual sites of significance)
- Heritage Buildings and Structures – SS Paiaka Wreck (H068) (noting this is on the east side of the road and outside the sand extraction site itself)

Of note, those features shown with an asterix are new features to the PDP.

Quarrying and the Proposed District Plan

Quarrying activities outside the proposed Quarry Zone have a challenging role in the PDP. Quarrying activities are location and resource dependent, resulting in functional and operational needs. As summarised above, they are essential to enabling growth of the city and enable the construction of key infrastructure (such as providing aggregate for cycleway and road construction, fill material for the repair and maintenance of three waters infrastructure), as well as essential construction material for new dwellings. Despite this, they are not recognised as 'Infrastructure' within the PDP. The General Rural zone provides some policy direction for existing quarries and has one specific quarry rule (GRUZ-R15) resulting in a Discretionary activity status. In terms of policy, Horokiwi seeks relief for existing quarry sites, as described in the table below attached as Appendix B.

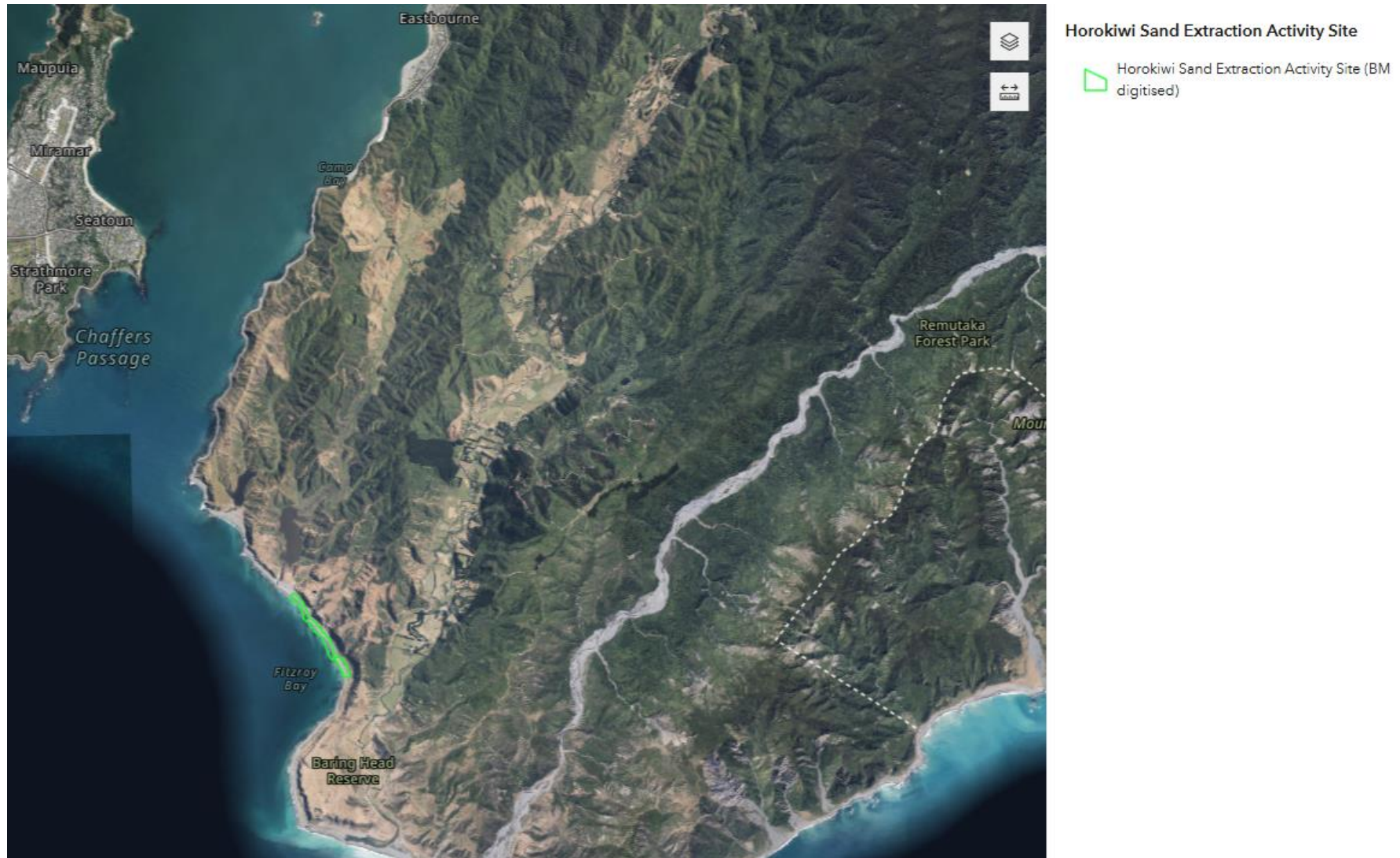
Specific Submission Points

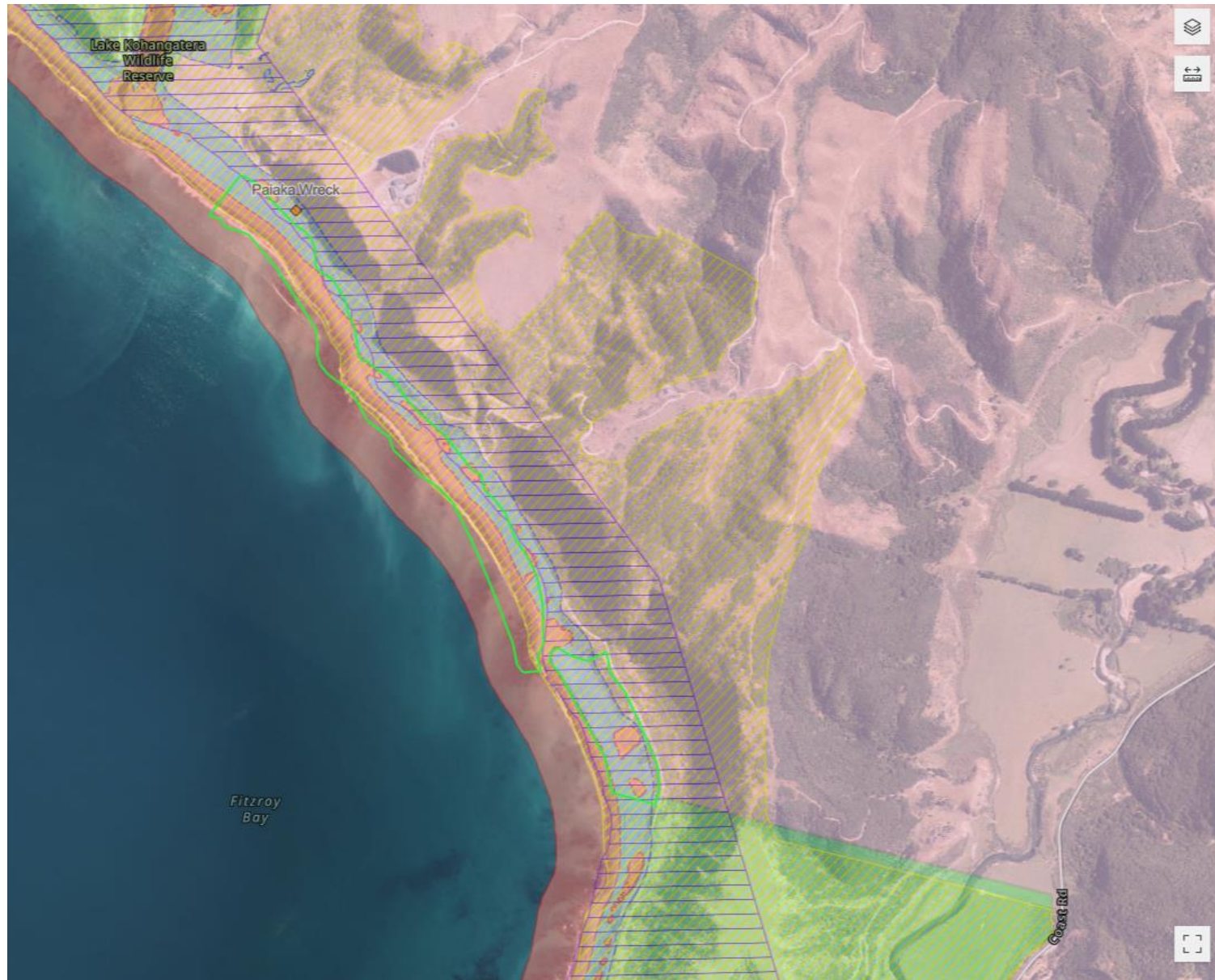
In addition to the general commentary above (which for the avoidance of doubt, forms part of the Horokiwi submission), Appendix B contains specific submissions points. While the comments and suggested relief are specific in nature, they have been identified to provide an overview of concerns with specific provisions and Horokiwi is open to the outcomes being sought through alternative relief.

Amendments sought through this submission are shown as ~~red strikethrough~~ and underline text.


For the avoidance of doubt, all the points below include any consequential amendments.

Appendix A: Sand Extraction Site Location and District Plan Zoning and Overlays





Horokiwi Sand Extraction Activity Site

 Horokiwi Sand Extraction Activity Site (BM digitised)

BM19483 Hutt City Council PDP

Heritage Buildings and Structures



Sites/Areas of Significance to Maori



Outstanding Natural Landscape



Coastal Inundation Hazard Overlay


Type


 High

 Medium

Zones - Open Space and General Rural

ZONE

 General rural zone

 natural_open_space_zone

Appendix B: Specific Submission points and Relief Sought

| # | Chapter | Provision | Position | Reasons | Relief sought |
|---|---------------------|---|-------------------------|---|---|
| Part 1 – Introduction and General Provisions | | | | | |
| Interpretation | | | | | |
| 1 | Definitions | EARTHWORKS: <i>means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock), but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.</i> | Support | The definition is supported on the basis it reflects the National Planning Standards. By default, the definition would cover quarrying activities. | Retain the definition. |
| 2 | Definitions | FUNCTIONAL NEED: <i>means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.</i> | Support | The definition is supported on the basis it reflects the National Planning Standards and provides certainty for users. | Retain the definition. |
| 3 | Definitions | QUARRY: <i>means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand). It includes the area of aggregate resource and surrounding land associated with the operation of a quarry and which is used for quarrying activities.</i> | Support | The definition is supported on the basis it reflects the National Planning Standards and provides certainty for users. | Retain the definition. |
| 4 | Definitions | QUARRYING ACTIVITIES: <i>means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and clean filling of the quarry, and the use of land and accessory buildings for offices, workshops and carparking areas associated with the operation of the quarry.</i> | Support | The definition is supported on the basis it reflects the National Planning Standards and provides certainty for users. | Retain the definition. |
| Part 2 - District Wide Matters | | | | | |
| Strategic Direction | | | | | |
| 5 | Strategic Direction | <i>NESD-03 - Natural Character, Natural Features and Landscapes, Ecosystems and Indigenous Biodiversity</i> <ul style="list-style-type: none"> <i>Protect and enhance the natural character, natural features and landscapes, ecosystems and indigenous biodiversity of the city.</i> | Support | Horokiwi is supportive in principle of the strategic objective, noting it does not use the word ‘avoid’. | Retain Strategic Objective NESD-03. |
| 6 | Strategic Direction | <i>TWSD-03 – Wāhi Taonga and Sites and Areas of Significance to Tangata Whenua</i> <i>Wāhi taonga and sites of significance to tangata whenua are protected.</i> | Support | Horokiwi is supportive in principle of the strategic objective. | Retain Strategic Objective TWSD-03 |
| 7 | Strategic Direction | <i>INFSD-01 – Integration - Land use and development is integrated with the provision of infrastructure, including transport and three waters services, and open space.</i> <i>INFSD-02 – Coordination - The nature, timing and sequencing of new development is co-ordinated with the funding, implementation and operation of necessary transport and other infrastructure.</i> <i>INFSD-03 - National and Regional Significance - Infrastructure of national and regional significance is supported and protected.</i> <i>INFSD-04 - Multi-Modal Land Transport Network - A multi-modal land transport network, including connections between rail, road and sea transport networks, operates safely and efficiently.</i> <i>INFSD-05 – Accessibility - Urban environments and transport networks are integrated to:</i> <ol style="list-style-type: none"> <i>Enable people to access opportunities, including employment and education, by a range of transport modes, and</i> <i>Support an increase in active and public transport use.</i> <i>INFSD-06 - Water Sensitive Design -</i> | Support with amendments | Quarrying activities are location and resource dependent resulting in specific functional needs. They are essential to enabling growth of the city and enabling the construction of key infrastructure (such as providing material for cycleways and road, fill material for the repair and maintenance of three waters infrastructure), and they provide essential construction material for new dwellings. Despite the role and importance of quarries, quarrying activities (outside the Special Purpose Quarry Zone) have a challenging role in the PDP in that they are not recognised as ‘Infrastructure’ within the PDP, and are generally not recognised or provided for. As such, they do not benefit from the strategic direction of the chapter, yet arguably they have great importance to supporting the city’s infrastructure and development. Horokiwi seeks a specific strategic objective to recognise quarry activities. Such an objective would give effect to the Operative Regional Policy Statement which provides a definition for Significant Mineral Resources ³ , and Objective 21 ⁴ which provides a strong directive to ensure the demand for mineral resources is located in close proximity to the areas of demand. The use and expansion of Horokiwi Quarry is consistent with the | Insert a new Strategic Objective as follows: <i><u>INFSD-07 - The benefits of and contribution to the development of the city’s infrastructure and built environment from the utilisation of the city’s mineral resources from quarrying activities are recognised and provided for.</u></i> |

³Deposits of minerals, the extraction of which is of potential importance in order to meet the current or future mineral needs of the region or nation.

⁴ Objective 21: The demand for mineral resources is met from resources located in close proximity to the areas of demand.

| # | Chapter | Provision | Position | Reasons | Relief sought |
|--|---|---|------------------------|---|---|
| | | <i>New development integrates water sensitive design to improve freshwater quality and avoid or mitigate the risks of flooding.</i> | | objective given the local demand for the quarry material. Policy 60 ⁵ provides a strong policy and directs that particular regard be given to the social, economic, and environmental benefits of utilising mineral resources within the region. None of the provisions are subject to Plan Change 1 to the RPS. Of note, the insertion of a strategic objective would also be consistent with that inserted into the WCC PDP (decision version). | |
| Natural Hazards | | | | | |
| 8 | Natural Hazards | <i>NH-02 - Risk from natural hazards in Low Natural Hazard Overlays and Medium Natural Hazard Overlays - Subdivision, use and development within the Low Natural Hazard Overlays reduce or avoid increasing the existing risk from natural hazards to people, buildings and infrastructure.</i> | Support | Horokiwi supports in principle the policy, in that it relates to people, building and infrastructure only. | Retain objective NH-01. |
| SASM – Sites and Areas of Significance to Māori | | | | | |
| 9 | SASM – Sites and Areas of Significance to Māori | <i>SASM-O1 - Te Mana o Ngā Wāhi (Recognition, protection and maintenance) - Sites and areas of significance to Māori and their associated values are recognised, protected and maintained.</i> | Support | Horokiwi supports in principle the objective. | Retain objective SASM-01. |
| 10 | SASM – Sites and Areas of Significance to Māori | <i>SASM-P4 - Category 2 Sites and Areas of Significance to Māori - Avoid, remedy, or mitigate the adverse effects of subdivision, use, or development on sites and areas listed as Category 2 in SCHED6 – Sites and Areas of Significance to Māori.</i> | Support with amendment | Given the concentration of recognised sites and its historical value, the ‘East Harbour Precinct’ has been designated as a precinct, with eleven individual sites marked within it. However, there are no individual sites within the sand extraction site. While the policy is largely supported, it is not clear if the policy applies to the precinct itself, or the 11 individual sites marked within it only, noting the policy makes no reference to ‘precinct’. Clarification would assist the interpretation and application of the policy. | Clarification is sought regarding the application of policy ‘SASM-P4 – Category 2 Sites and Areas of Significance to Māori.’ Specifically, clarification is sought as to whether the policy applies to the entire precinct itself or each individual site listed within the East Harbour precinct. |
| 11 | SASM – Sites and Areas of Significance to Māori | <i>SASM-P7 – Working with tangata whenua to protect sites and areas of significance to Māori - Encourage landowners to:</i> 1. <i>Engage with tangata whenua where subdivision, use, or development has the potential to adversely affect sites or areas of significance to Māori, and</i> 2. <i>Work with tangata whenua to manage, maintain, preserve and protect sites and areas of significance to Māori.</i> | Support | Horokiwi supports in principle the policy, in particular the policy directive to ‘encourage’, ‘engage’ and ‘work with’. | Retain policy SASM-P7. |
| 12 | SASM – Sites and Areas of Significance to Māori | <i>SASM-P8 – Culturally incompatible activities - Avoid degradation of the mauri of sites and areas listed as Ngā Awa o te Takiwā in SCHED6 – Sites and Areas of Significance to Māori as a result of the following activities:</i> 1. <i>Cemeteries and crematoria,</i> 2. <i>Landfills,</i> 3. <i>Wastewater treatment plants, and</i> 4. <i>Earthworks and land disturbance</i> | Support with amendment | Given the concentration of recognised sites and its historical value, the ‘East Harbour Precinct’ has been designated as a precinct, with individual sites marked within it. It is not clear if the policy applies to the precinct itself, or just the individual sites and areas marked within it. Clarification would assist the interpretation and application of the policy. In relation to Clause 4. Horokiwi would support amendment to the policy to reflect the permitted activity status under SASM rules R2.1 and .2 for land disturbance within Category 2 and 3 SASM sites and areas. An amendment is sought within the policy to apply the avoid directive to Category 1 sites and areas (to reflect SASM R2.3). | Clarification is sought regarding the application of policy ‘SASM-P8’. Specifically, clarification is sought as to whether the policy applies to the entire precinct itself or each individual site listed within the East Harbour precinct. Amendment is also sought to clause 4 of the policy as follows: <i>SASM-P8 – Culturally incompatible activities -</i> |

⁵ Policy 60: Utilising the region’s mineral resources – consideration

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.

| # | Chapter | Provision | Position | Reasons | Relief sought |
|----|---|--|------------------------|--|---|
| | | | | | <p>Avoid degradation of the mauri of sites and areas listed as Ngā Awa o te Takiwā in SCHED6 – Sites and Areas of Significance to Māori as a result of the following activities:</p> <ol style="list-style-type: none"> 1. Cemeteries and crematoria, 2. Landfills, 3. Wastewater treatment plants, and 4. Earthworks and land disturbance <u>within a SASM Category 1 Site or Area of Significance to Māori.</u> |
| 13 | SASM – Sites and Areas of Significance to Māori | <p>SASM-P9 - Use and development that protects spiritual and cultural values – Provide for maintenance, repair, alterations, construction and modification within sites and areas of significance to Māori where it is demonstrated that the spiritual and cultural values of the site are protected, having regard to:</p> <ol style="list-style-type: none"> 1. Whether tangata whenua have been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation. 2. Whether a cultural impact assessment has been undertaken and whether the proposal is consistent with the values identified in SCHED6 – Sites and Areas of Significance to Māori. 3. The potential adverse effects on the values of the site or area of significance to Māori, and the relationship of tangata whenua with the site or area, including: <ol style="list-style-type: none"> a. Loss of cultural values through modification of the landscape, b. Damage to the integrity of the site or area through disturbance of land or indigenous vegetation, c. Adverse effects on the mauri of water bodies, and d. Reduction in the extent and quality of mahinga kai. 4. Any loss of access to the site or area of significance to Māori for customary activities. 5. Any opportunities to maintain or enhance the ability for tangata whenua to access and use the site or area of significance to Māori. 6. Where the activity will remove indigenous vegetation, the nature of any effects on mahinga kai and other customary uses. 7. The effects on sites or areas where there is the potential for kōiwi or artefacts to be found, including: <ol style="list-style-type: none"> a. Consideration of the need manage potential adverse effects through an accidental discovery protocol, and b. Whether any particular requirements as part of an accidental discovery protocol, such as the presence of a cultural monitor, have been identified as an outcome of consultation with tangata whenua. 8. Whether there are alternative methods, locations or designs that would avoid remedy or mitigate adverse effects on spiritual or cultural values associated with the site or area. 9. Whether the proposal provides an opportunity to recognise tangata whenua culture, history and identity including the potential to: <ol style="list-style-type: none"> a. Affirm the connection between tangata whenua and the site or area, or b. Enhance the cultural values of the site or area. | Support with amendment | <p>Horokiwi is not opposed to the policy. However clarity is sought as to whether the policy applies to identified <i>sites and areas of significance to Māori</i> within Schedule 6 and /or identified Precincts.</p> <p>Clarification is also sought around the use of the phrase ‘construction and modification’.</p> | <p>Clarify whether the policy applies to identified <i>sites and areas of significance to Māori</i> within Schedule 6 and /or identified Precincts.</p> <p>And</p> <p>Amend SASM-P9 as follows: ...Provide for maintenance, repair, alterations, construction and modification development or use within sites and areas of significance to Māori where it is demonstrated that the spiritual and cultural values of the site are protected, having regard to:...</p> |

| # | Chapter | Provision | Position | Reasons | Relief sought |
|--------------------------------------|---|---|------------------------|---|--|
| 14 | SASM – Sites and Areas of Significance to Māori | <p><i>SASM-R2 - Land disturbance within a Site or Area of Significance to Māori</i></p> <p><i>SASM Category 2 - Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>Compliance is achieved with SASM-S1: Accidental discovery protocol.</i></p> <p><i>SA SM -S1- Accidental Discovery Protocol</i></p> <p><i>Where kōiwi or other artefacts are unearthed during works, those undertaking the works must:</i></p> <ol style="list-style-type: none"> <i>1. Immediately cease works,</i> <i>2. Inform the relevant iwi authority,</i> <i>3. In the case of kōiwi, inform the New Zealand Police, and</i> <i>4. Inform Heritage New Zealand Pouhere Taonga, apply for an appropriate archaeological authority, and once granted commence works in compliance with the archaeological authority.</i> <p><i>There are no matters of discretion if the standard is breached.</i></p> | Support | Horokiwi supports the permitted activity for earthworks, subject to compliance with the accidental discovery protocol. | The permitted rule SASM-R2 is supported. |
| Natural Environment Values | | | | | |
| 15 | Natural Environment Values | <i>NATC-01 The natural character of coastal margins and riparian margins is preserved and protected from inappropriate subdivision, use and development, and enhanced.</i> | Support | Horokiwi supports in principle the objective. | Retain Objective NATC-01 |
| 16 | Natural Environment Values | <p><i>NATC-P4 Provide for the use and development of land within coastal margins and riparian margins where:</i></p> <ol style="list-style-type: none"> <i>1. The use and development is of a scale, form, and nature that does not detract from the natural character of the coastal margin or riparian margin, or</i> <i>2. The use and development:</i> <ol style="list-style-type: none"> <i>a. Has a functional need or operational need to be located within the coastal margin or riparian margin and no alternative locations are practicable, and</i> <i>b. Has been designed and located to minimise adverse effects on the natural character of coastal margins and riparian margins.</i> | Support | Horokiwi supports in principle the policy. The use of the wording ‘functional need’ or ‘operational need’ is supported and provides for existing quarry sites. | Retain Policy NATC-P4 |
| 17 | Natural Environment Values | <p><i>NATC-P5</i></p> <p><i>Avoid all other use and development of land within coastal margins and riparian margins not provided for through NATC-P1, NATC-P2, NATC-P3, and NATC-P4, unless:</i></p> <ol style="list-style-type: none"> <i>1. The use and development:</i> <ol style="list-style-type: none"> <i>a. Will not have any adverse effects on the natural character and amenity values of the coast, water bodies, and their margins, or</i> <i>2. The use and development:</i> <ol style="list-style-type: none"> <i>a. Has a functional need or operational need to be located within the coastal margin or riparian margin and no alternative locations are practicable, and</i> <i>b. Has been designed and located to minimise adverse effects on the natural character of coastal margins and riparian margins.</i> | Support with amendment | <p>Horokiwi supports the reference to functional and operational needs within the policy.</p> <p>However, it is noted clause 2. appears to duplicate clause 2 within NATC-P5. This duplication makes the application of the policy unclear.</p> <p>Horokiwi also questions whether clause 1. gives effect to the NZCPS in that the avoid directive within the policy requires that the effects will not have any adverse effect on natural character. This does not reflect the policy directive in the NZCPS which relates to avoiding ‘significant’ adverse effects on natural character that is not outstanding.</p> | <p>Retain policy NATC-P5 but clarify the application of clause 2 given it duplicates NATC-P4.2.</p> <p>Amend the policy to give effect to the policy directive in Policy 13 of the NZCPS.</p> |
| Outstanding Natural Landscape | | | | | |
| 18 | Outstanding Natural Landscape | <i>NFL-01 The landscape values of Outstanding Natural Features and Landscapes are protected from inappropriate subdivision, land use, and development.</i> | Support | Horokiwi supports in principle the objective. | Retain policy NFL-01 |
| 19 | Outstanding Natural Landscape | <p><i>NFL-P7 – Mining and quarrying activities and commercial forestry in Outstanding Natural Features and Landscapes are managed as follows:</i></p> <ol style="list-style-type: none"> <i>1. Provide for established plantation forestry and ongoing management of existing plantation forestry within Outstanding Natural Features and Landscapes where:</i> <ol style="list-style-type: none"> <i>a) If located outside the coastal environment:</i> <ol style="list-style-type: none"> <i>i) Any significant adverse effects on the landscape values of the Outstanding Natural Feature or Landscape identified in SCHED5 are avoided, and</i> | Support with amendment | <p>Clause 1 of the policy recognises the existing forestry requirement but fails to make provision for existing quarrying uses within ONF’s and ONL’s.</p> <p>Horokiwi accepts this may not be intentional noting the existing sand extraction activity is minor and scale and relatively innocuous in terms of its effects. However, it is a ‘quarrying activity’ as defined in the PDP and requires recognition. Of note, the site is predominantly zoned General Rural and has no identified high or very high natural character values, unlike other areas of the ONL.</p> | <p>Amend the policy to recognise existing quarry activities, as follows:</p> <p><i>NFL-P7 – Mining and quarrying activities and commercial forestry in Outstanding Natural Features and Landscapes are managed as follows:</i></p> |

| # | Chapter | Provision | Position | Reasons | Relief sought |
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| | | <p>ii) Any other adverse effects on the landscape values of the Outstanding Natural Feature or Landscape identified in SCHED5 are avoided, remedied or mitigated, or</p> <p>b) If located within the coastal environment:</p> <p>i) any adverse effects on the landscape values of the Outstanding Natural Feature or Landscape identified in SCHED5 are avoided.</p> <p>2. Avoid the establishment of new commercial forestry and new mining and quarrying activities in Outstanding Natural Features and Landscapes outside the Coastal Environment unless:</p> <p>a) Any adverse effects on the landscape values of the Outstanding Natural Feature or Landscape identified in SCHED5 can be avoided,</p> <p>b) There is a functional or operational need for the activity to locate in the area, and</p> <p>c) There are no reasonably practical alternative locations outside of the Coastal Environment.</p> <p>i) Avoid the establishment of new commercial forestry and new mining and quarrying activities in Outstanding Natural Features and Landscapes within the Coastal Environment.</p> | | <p>Given the existing nature of the activity, Horokiwi seeks amendment to the wording in clause 1. to include existing quarry activities (such as the existing sand extraction site at Fitzroy Bay.)</p> | <p>1. Provide for established <u>quarrying activities</u>, plantation forestry and ongoing management of <u>existing quarrying activities</u> and plantation forestry within Outstanding Natural Features and Landscapes where:</p> <p>a) If located outside the coastal environment:</p> <p>.....</p> <p>b) If located within the coastal environment:</p> <p>i) any adverse effects on the landscape values of the Outstanding Natural Feature or Landscape identified in SCHED5 are avoided, <u>recognising the existing nature of the activity.</u></p> |
| 20 | Outstanding Natural Landscape | <p>NFL-R4 New land use activities in Outstanding Natural Features and Landscapes All Zones</p> <p>1. Activity status: Permitted Where:</p> <p>a. The land use activity is located in an Outstanding Natural Landscape outside the Coastal Environment, and</p> <p>b. The land use activity is a permitted activity in the underlying zone.</p> <p>All Zones</p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. The land use activity is located:</p> <p>i. In an Outstanding Natural Landscape outside the Coastal Environment and compliance is not achieved with NFL-R4.1b, or</p> <p>ii. In an Outstanding Natural Landscape within the Coastal Environment, or</p> <p>iii. In an Outstanding Natural Feature outside the Coastal Environment.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in:</p> <p>a. NFL-P6: New use and development in Outstanding Natural Features and Landscapes,</p> <p>b. PA-P1: Appropriate activities within coastal margins and riparian margins,</p> <p>c. PA-P2: Maintenance and enhancement of public access, and</p> <p>d. PA-P3: Restriction of public access.</p> <p>All Zones</p> <p>3. Activity status: Discretionary</p> <p>Where:</p> | Support with amendment | <p>For the reasons outlined in the submission point above, Horokiwi is not opposed to the activity status but seeks clear recognition of the application of the rule to its existing quarry (sand extraction) activity. The rule framework as currently drafted has a potential gap for the existing activity. The reconsenting would be a restricted discretionary under clause 2, with the matters of discretion sufficient, noting consent would also likely be required under the General Rural Zone.</p> | <p>Amend rule NFL-R4 as follows:</p> <p>NFL-R4 New <u>(and existing quarry)</u> land use activities in Outstanding Natural Features and Landscapes All Zones</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The land use activity is located in an Outstanding Natural Landscape outside the Coastal Environment, and</p> <p>b. The land use activity is a permitted activity in the underlying zone.</p> <p>All Zones</p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. The land use activity is located:</p> <p>i. In an Outstanding Natural Land scape outside the Coastal Environment and compliance is</p> |

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| | | <p><i>a. The land use activity is located in an Outstanding Natural Feature within the Coastal Environment.</i></p> | | | <p><i>not achieved with NFL-R4.1b, or</i></p> <p><i>ii. In an Outstanding Natural Landscape within the Coastal Environment, or</i></p> <p><i>iii. In an Outstanding Natural Feature outside the Coastal Environment.</i></p> <p><i>Matters of discretion are restricted to:</i></p> <p><i>1. The matters in:</i></p> <p><i>a. NFL-P6: New use and development in Outstanding Natural Features and Landscapes,</i></p> <p><i>b. PA-P1: Appropriate activities within coastal margins and riparian margins,</i></p> <p><i>c. PA-P2: Maintenance and enhancement of public access, and</i></p> <p><i>d. PA-P3: Restriction of public access.</i></p> <p><i>All Zones</i></p> <p><i>3. Activity status: Discretionary</i></p> <p><i>Where:</i></p> <p><i>a. The land use activity is located in an Outstanding Natural Feature within the Coastal Environment.</i></p> |
| 21 | Outstanding Natural Landscape | <p><i>NFL-R5 New Quarrying activities, Mining activities, and Commercial forestry in Outstanding Natural Features and Landscapes</i></p> <p><i>All Zones</i></p> <p><i>1. Activity status: Non-complying</i></p> <p><i>Where:</i></p> <p><i>a. It is located outside the Coastal Environment.</i></p> <p><i>Note:</i></p> <p><i>Applications under this rule must provide the following in addition to the standard information requirements pursuant to s88(3) of the RMA:</i></p> <p><i>An assessment by a suitably qualified landscape architect that assesses the proposal against the characteristics and values of the Outstanding Natural Feature or Outstanding Natural Landscape.</i></p> <p><i>All Zones</i></p> <p><i>2. Activity status: Prohibited</i></p> <p><i>Where:</i></p> <p><i>a. It is located within the Coastal Environment</i></p> | Support with amendment | For the reasons outlined in the submission points above, Horokiwi is not opposed to the activity status but seeks clear recognition the rule applies to new quarrying activities and not reconsenting of existing activities. As a prohibited activity, there would be no ability to assess the effects of the activity as resource consent cannot be applied for. Horokiwi therefore opposes the application of the rule to the reconsenting of its existing quarry site and activity. | <p>Amend rule NFL-R5 as follows:</p> <p><i>NFL-R5 New Quarrying activities</i> <i>(excluding the re-consenting of existing lawfully established quarrying activities), Mining activities, and Commercial forestry in Outstanding Natural Features and Landscapes</i></p> <p><i>All Zones 1. Activity status: Non-complying</i></p> <p><i>Where:</i></p> <p><i>a. It is located outside the Coastal Environment.</i></p> <p><i>Note:</i></p> <p><i>Applications under this rule must provide the following in addition to the standard information</i></p> |

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| | | | | | <p>requirements pursuant to s88(3) of the RMA: An assessment by a suitably qualified landscape architect that assesses the proposal against the characteristics and values of the Outstanding Natural Feature or Outstanding Natural Landscape.</p> <p>All Zones 2. Activity status: Prohibited Where: a. It is located within the Coastal Environment</p> |
| Coastal Environment | | | | | |
| 22 | Coastal Environment | CE-01 - The natural character within the landward extent of the coastal environment is maintained and, where appropriate, restored or enhanced | Support | Horokiwi supports in principle the objective. | Retain policy CE-01 |
| 23 | Coastal Environment | CE-03 - Subdivision, use and development within the High Tsunami Hazard Overlay and High Coastal Inundation Hazard Overlay reduce or avoid increasing the existing risk from coastal hazards to people, buildings and infrastructure. | Support | Horokiwi supports in principle the objective, largely on the basis it relates to people, buildings and infrastructure so would not impact existing quarrying activities. | Retain policy CE-03 |
| 24 | Coastal Environment | CE-04 - Subdivision, use and development within the Low Tsunami Hazard Overlay, Medium Tsunami Hazard Overlay, and Medium Coastal Inundation Hazard Overlay minimise the risk from natural hazards to people, buildings and infrastructure. | Support | Horokiwi supports in principle the objective, largely on the basis it relates to people, buildings and infrastructure so would not impact existing quarrying activities. | Retain policy CE-04 |
| 25 | Coastal Environment | <p>CE-P7 - Mining, quarrying and forestry activities in the coastal environment are managed as follows:</p> <ol style="list-style-type: none"> Avoid the establishment of new mining, quarrying and forestry activities within the coastal environment unless: <ol style="list-style-type: none"> Any adverse effects on the natural character of the Coastal Environment can be avoided, There is a functional need or operational need for the activity to locate in the area, and There are no reasonably practical alternative locations outside of the Coastal Environment. Avoid the establishment of new mining, quarrying and forestry activities within High, Very High or Outstanding Coastal Natural Character Areas. | Support with amendment | <p>Horokiwi supports the policy in principle but seeks amendment to ensure the policy does not inadvertently capture the re-consenting of existing quarry activities, and amendment to clause a) to reflect the policy directive within the NZCPS in relation to avoiding <u>significant</u> adverse effects on natural character that is not outstanding, as opposed to avoiding all adverse effects. The use of the words functional <u>or</u> operational are supported. No changes are sought to clause 2.</p> <p>Horokiwi also notes its support for its site not being identified as High, Very High or Outstanding Coastal Natural Character Areas.</p> | <p>Amend CE-P7 as follows:</p> <p>CE-P7 - <u>New</u> Mining, quarrying and forestry activities in the coastal environment are managed as follows:</p> <ol style="list-style-type: none"> Avoid the establishment of new mining, quarrying <u>(excluding the re-consenting of existing lawfully established quarrying activities)</u>, and forestry activities within the coastal environment unless: <ol style="list-style-type: none"> Any <u>significant</u> adverse effects on the natural character of the Coastal Environment can be avoided There is a functional need or operational need for the activity to locate in the area, and |

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| | | | | | <p>c. There are no reasonably practical alternative locations outside of the Coastal Environment.</p> <p>2. Avoid the establishment of new mining, quarrying and forestry activities within High, Very High or Outstanding Coastal Natural Character Areas.</p> |
| 26 | Coastal Environment | <p><i>CE-R4 Land use activities in the Coastal Environment</i></p> <p><i>All Zones 1. Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>a. It is located outside of High, Very High or Outstanding Coastal Natural Character Areas.</i></p> <p><i>Note: Resource consent may be required under the underlying zone provisions.</i></p> <p><i>All Zones</i></p> <p><i>2. Activity status: Discretionary</i></p> <p><i>Where: a. It is located within a High or Very High Coastal Natural Character Area.</i></p> <p><i>All Zones</i></p> <p><i>3. Activity status: Non-Complying</i></p> <p><i>Where:</i></p> <p><i>a. It is located within an Outstanding Coastal Natural Character Area.</i></p> <p><i>Note:</i></p> <p><i>Applications under this rule must provide the following in addition to the standard information requirements pursuant to s88(3) of the RMA:</i></p> <p><i>An assessment by a suitably qualified landscape architect to assess the proposal against the characteristics and values of the identified Coastal Natural Character Area.</i></p> | Support | Horokiwi supports the rule and considers it provides an appropriate assessment framework and activity status in which to consider activities. | Retain Rule CE-R4 |
| 27 | Coastal Environment | <p><i>CE-R5 - Quarrying activities, Mining activities and Plantation forestry in the Coastal Environment</i></p> <p><i>1. Activity status: Non-complying</i></p> <p><i>Where:</i></p> <p><i>a. It is located outside of High, Very High or Outstanding Coastal Natural Character Areas.</i></p> <p><i>Note: Applications under this rule must provide the following in addition to the standard information requirements pursuant to s88(3) of the RMA:</i></p> <p><i>An assessment by a suitably qualified landscape architect to assess the proposal against the characteristics and values of the identified Coastal Natural Character Area.</i></p> | Support with amendment | <p>Horokiwi supports the rule in principle but seeks amendment to ensure the rule does not inadvertently capture the re-consenting of existing quarry activities (specifically the Horokiwi sand extraction activity). Unlike policy CE-P7, the rule is not specific to new quarrying activities. Horokiwi seeks the rule be amended to recognise existing quarry activities.</p> <p>Should the sought relief not be accepted, as an alternative Horokiwi would accept a restricted discretionary activity status for the re-consenting of existing lawfully established quarrying activities.</p> | <p>Amend Rule CE-R5 as follows:</p> <p><i>CE-R5 - <u>New Quarrying activities (excluding the re-consenting of existing lawfully established quarrying activities)</u>, Mining activities and Plantation forestry in the Coastal Environment</i></p> <p><i>1. Activity status: Non-complying</i></p> <p><i>Where:</i></p> <p><i>a. It is located outside of High, Very High or Outstanding Coastal Natural Character Areas.</i></p> <p><i>Note: Applications under this rule must provide the following in addition to the standard information requirements pursuant to s88(3) of the RMA:</i></p> |

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| | | | | | <i>An assessment by a suitably qualified landscape architect to assess the proposal against the characteristics and values of the identified Coastal Natural Character Area.</i> |
| Part 3 – Area Specific Matters | | | | | |
| General Rural Zone | | | | | |
| 28 | General Rural Zone | <i>GRUZ-01 The General Rural Zone consists of areas with a prevalence of open space areas over built development that provide opportunities for:</i> <i>a. Rural activities, and</i> <i>b. Other activities that either support or are compatible with rural development and retain the rural, open space character of the zone.</i> | Support | Horokiwi supports in principle the objective. | Retain policy GRUZ-01. |
| 29 | General Rural Zone | <i>GRUZ-02 Activities in the zone</i> <i>The General Rural Zone:</i> <i>a. Predominantly provides for:</i> <i>i. Rural activities, and</i> <i>ii. Low-density residential development that maintains the rural and open space character of the zone.</i> <i>b. Provides for other activities that:</i> <i>i. Maintain and enhance the rural and open space character of the zone,</i> <i>ii. Are compatible with the rural activities and residential activities within the zone and adjoining areas in the Rural Lifestyle Zone and Residential Zones,</i> <i>iii. Are compatible with the residential activities within adjoining areas in Residential Zones, and</i> <i>iv. Either support the community within the zone and surrounding area or have and operational need or functional need to be in a rural, low-density location.</i> | Support | Horokiwi supports in principle the objective., and in particular the inclusion of functional and operational in the wording. | Retain GRUZ-02. |
| 30 | General Rural Zone | <i>GRUZ-P2 Compatible activities</i> <i>1. Provide for activities in the General Rural Zone that:</i> <i>a. Are compatible with the rural activities and residential activities within the zone and adjoining rural and residential zones, and</i> <i>b. Either:</i> <i>i. Support the rural activities and wellbeing of the community within the zone and surrounding area, or</i> <i>ii. Have an operational or functional need to be in a rural area or an area with a low level of development.</i> <i>2. Potentially compatible activities include:</i> <i>a. Commercial activities, Child care services, Health care activities, and Community facilities that support the community within the zone and surrounding area,</i> <i>b. Retail of goods grown and produced on the site or in the surrounding area,</i> <i>c. Visitor accommodation,</i> <i>d. Educational facilities, recreation activities, and commercial activities that require access to open spaces, a rural location, or the natural features and landscapes within the zone and adjoining areas,</i> <i>e. Cleanfill and quarrying activities that support rural development, and</i> <i>f. Boarding of domestic pets</i> | Support | Horokiwi generally supports the policy and in particular, <ul style="list-style-type: none"> Policy GRUZ-P2 clauses 1.b.ii, which recognises the operational <u>or</u> functional need of a quarry activity to be located within the General Rural Zone Policy GRUZ-P2 clauses 2. (e.), which recognises quarrying activities as being potentially compatible within the General Rural Zone. <p>Notwithstanding its support, Horokiwi would support amendment to clause 2.e. to recognise that it is not only rural development that benefits from quarry activities, but also residential, commercial and infrastructure, and any activity that requires aggregate, including cycleways, roads and reserves. A general reference to development is supported to reflect the wide use of aggregate material.</p> | Retain policy GRUZ-P2 with amendment to clause 2. e) as follows: <i>GRUZ-P2 Compatible activities</i> <i>.....</i> <i>2. Potentially compatible activities include:</i> <i>....</i> <i>e. Cleanfill and quarrying activities that support rural development, and</i> <i>f. Boarding of domestic pets</i> |
| 31 | General Rural Zone | <i>New rule</i> | Support | Given the existing nature of the existing Horokiwi Quarry sand extraction activity at Fitzroy Bay, Horokiwi seeks specific recognition of the existing operation and its consenting. A specific restricted discretionary rule is sought. Horokiwi accepts the provision may only be applicable to | Insert a new rule as follows: <i>GRUZ-Rxx – Existing (and re-consenting) of existing lawfully established quarrying activities</i> |

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| | | | | Horokiwi's activity, however submits recognition of existing quarry activities outside the Quarry zone is still appropriate to give effect to the RPS Objective 21 and Policy 60. | <u>1. Activity status: Restricted discretionary</u> <u>Matters of discretion are restricted to:</u> <ol style="list-style-type: none"> <u>The effects on the amenity values of the surrounding area</u> <u>The importance of quarrying aggregate and meeting the supply demand for the city's use</u> <u>Dust, access and traffic</u> <u>The matters in GRUZ-P2</u> |
| 32 | General Rural Zone | GRUZ-R15 – Quarrying Activities 1. Activity status: Discretionary | Support with amendment | Horokiwi supports the rule but on the basis a new rule is provided in relation to existing quarries (located outside the Quarry Zone) seeks amendment to apply R15 to new quarries. | Amend Rule GRUZ-R15 as follows: GRUZ-R15 – <u>New</u> Quarrying Activities 1. Activity status: Discretionary |

