

**BEFORE THE INDEPENDENT
HEARINGS PANEL HUTT CITY
COUNCIL**

UNDER

The Resource Management Act 1991

IN THE MATTER

Of the Proposed Lower Hutt District Plan

Hearing Stream 4: Other Zones – Quarry Zone
(QUARZ) and Quarry Zone Protection Overlay
(QZPO)

**Statement of rebuttal evidence of Colin
Robert Hopkins on behalf of Winstone
Aggregates Ltd (Planning)**

17 July 2026

1. Introduction

- 1.1. My full name is Colin Robert Hopkins. I provided a primary statement of evidence in support of the submission from Winstone Aggregates (**WA**) with respect to Hearing Stream 4: Other Zones – Quarry Zone (QUARZ) and Quarry Zone Protection Overlay (QZPO), dated 2 July 2026.
- 1.2. My qualifications, experience, and commitment to complying with the Expert Witness Code of Conduct 2023, are set out in my primary statement of evidence
- 1.3. I have reviewed the following evidence on behalf of WA:
 - a. Statement of Rebuttal Evidence of David Compton-Moen on behalf of Winstone Aggregates, dated 17 July 2026.
 - b. Statement of [Rebuttal] Evidence in Response of Jamie Exeter on behalf of Winstone Aggregates, dated 17 July 2026.
- 1.4. I have reviewed the following evidence on behalf of Hutt City Council:
 - a. Statement of Rebuttal Evidence of Sean Bellamy on behalf of Hutt City Council, Hearing Stream 4 – Quarry Zone and Other Zones;
 - b. Statement of Evidence of Rose Armstrong for the Hutt City Council, Landscape and Visual Effects, dated 14 July 2026
 - c. Statement of Evidence of Malcolm Hunt, Review of Submission 444 – Noise & Vibration Matters, dated 10 July 2026.

2. Scope and structure of this rebuttal evidence

- 2.1. My rebuttal focuses only on matters that remain in dispute. These matters are:
 - a. The Quarry Zone Protection Overlay (**QZPO**).
 - b. QUARZ- P7 – Retention of Indigenous Vegetation.
 - c. Visual Effects associated with QUARZ-S1 (Height)
 - d. Visual effects associated with QUARZ-S5 (Quarry Amenity Protection Overlay (**QAPO**)) as it relates to Area 3.

- 2.2. For completeness, it is noted that Mr Exeter has confirmed in his evidence acceptance of the amendments recommended by Mr Hunt and adopted by Mr Bellamy, and I likewise agree. Accordingly, there are no outstanding matters in dispute on those submission points.
- 2.3. Where I propose amendments to the Quarry Zone provisions, these are shown in green underline for additions, and ~~green strikethrough~~ for deletions.

Response to the Hutt City evidence and statements

3. The QZPO

Notification provisions

- 3.1. The Council's rebuttal maintains that the existing RMA framework for determining affected persons is sufficient and that no directive notification requirement is needed for sensitive activities within the QZPO. I do not agree.
- 3.2. The purpose of the QZPO is to manage reverse sensitivity effects on the quarry, not effects on new sensitive activities. The notification framework must therefore ensure that the quarry operator is consistently and explicitly recognised as the potentially affected party. Relying solely on the general RMA discretion under sections 95E–95F does not provide the level of certainty or protection required for an activity of regional significance such as Belmont Quarry.
- 3.3. The RMA expressly provides for district plans to include directive notification provisions. These are well-established tools for providing direction to managing effects such as reverse sensitivity and ensuring consistent decision-making and consideration on relevant parties. In the context of the proposed QZPO and direction of the PDP, directive notification provisions would be entirely appropriate.
- 3.4. For these reasons, I maintain that the PDP should adopt one of the two options outlined in my primary evidence (paragraph 10.16).

Non-complying activity status for sensitive activities in the QZPO

- 3.5. I maintain the position set out in my primary evidence that a non-complying activity status is the appropriate planning response for managing sensitive activities within the QZPO. Mr Bellamy outlines that the rule as notified aligns

better with the NPS-I, and that the NPS-I (as well as the NPS-IB and NES-F) still require consideration of the adverse effects of quarrying on the environment. Respectfully, the QZPO is not intended to manage effects generated by the quarry; it is intended to protect the quarry from the risk that future sensitive activities may object to, or seek to limit, lawful quarrying activities. Applying an activity status that recognises that sensitive activities are not anticipated is appropriate within the PDP framework.

- 3.6. In my opinion a restricted discretionary activity status for sensitive activities does not achieve this, and that the most effective and efficient way for the planning framework to reflect the significance of the quarry activity, and reflect that is the effects on the quarry activities that the QZPO seeks to manage, is to provide a clear direction on notification, and provide an activity status that reflects that it is the sensitive activity that are not anticipated. This approach would be consistent with the NPS-I Policy 5 which directs decision-makers to recognise and provide for infrastructure supporting activities such as quarries.
- 3.7. Should the Panel be of a mind to retain the restricted discretionary status, I recommend that the proposed further amendments Mr Bellamy are not accepted, and propose an amendment. In my opinion, as drafted, these clauses risk limiting future assessments by directing the consideration of reverse sensitivity effects on the current quarry activities. This would fail to account for the lawful future and ongoing operational needs of Belmont Quarry.
- 3.8. If matters of discretion are to be retained, I recommend that the clause be amended as follows:

Reverse sensitivity effects that may constrain, limit, or otherwise adversely affect existing or future quarrying operations ~~quarrying activities in the Quarry Zone, including, but not limited to, the impact of the:~~

~~a) visibility of the quarry from the sensitive activity~~

~~b) noise and vibration from quarrying activities at the site, and~~

~~c) dust generated by quarrying activities.~~

4. QUARZ- P7 – Retention of Indigenous Vegetation.

- 4.1. I remain of the view expressed in paragraph 10.8 of my evidence that QUARZ-P7 should be deleted. The Council officer's rebuttal (para 4.18) asserts that the policy "*provides for the mitigation of effects on sensitive activities in adjacent zones. This in turn minimises reserve sensitivity to the quarry*" yet it is unclear how this outcome is achieved other than by implying that indigenous vegetation across the Quarry Zone should be retained. This also suggests that it is the quarrying activities within the quarry zone that should be constrained to reduce reverse sensitivity effects experienced by the quarry rather than recognise that reverse sensitivity effects arise from the sensitive activities themselves.
- 4.2. As I outlined in my primary evidence, QUARZ-P7 elevates vegetation retention in a manner that is incompatible with the extractive nature of quarrying activities, creates internal tension within the zone, and introduces an unnecessary constraint on quarry operations. The officer's reasoning appears to conflate the value of general vegetation retention with targeted amenity mitigation (which is provided through the Special Amenity Area Overlay), and that effects of quarry operations can be restricted to reduce reverse sensitivity effects.
- 4.3. If the Panel considers that vegetation retention for amenity purposes should be recognised in policy, then QUARZ-P7 should be amended to specifically refer to vegetation identified through the Special Amenity Area Overlay.
- 4.4. I recommend the following amendment:

Minimise the adverse effects of quarrying activities and ancillary activities on the visual amenity and character of the surrounding area through maintaining the indigenous vegetation within the Special Amenity Area Overlay areas where practicable, having regard to whether there are functional needs or operational needs to clear the vegetation to enable quarrying on the site.

~~1. Firstly, retaining existing indigenous vegetation that screens views of disturbed areas where practicable, having regard to whether there are functional needs or operational needs to clear the vegetation to enable quarrying on the site.~~

~~2. Where existing indigenous vegetation is not retained (under point 1):~~

~~a. Screening the disturbed areas as far as practicable with new planting.~~

~~b. Minimising the length of time that newly disturbed areas are visible and adversely affect visual amenity values beyond the site, including through prompt rehabilitation of these areas, having regard to functional and operational needs for quarrying activities on the site and any impacts rehabilitation of these areas may have on the effectiveness of rehabilitation within the site in general.~~

5. Visual Effects associated with QUARZ-S1 (Height)

5.1. With respect to QUARZ-S1, I acknowledge the concerns raised by Mr Bellamy and Ms Armstrong regarding the potential for quarry structures to compromise skyline values. The intent of the relief sought was not to enable operational structures that would extend into or visually intrude upon the skyline, rather, it reflected the practical reality that structures located within the quarry floor, processing area, stockpile area or yard will be viewed against the backdrop of the existing quarry landform and will not reach a height where they appear as skyline elements. To provide additional certainty that the skyline values will not be impacted, Mr Compton-Moen recommends an objective maximum top-of-structure RL (NZVD2016) of RL 80 which would ensure that any structure sits below the skyline.

5.2. In addition, I support the recommendation of Ms Armstrong and Mr Compton-Moen that the provisions include a requirement that new specified structures be finished in recessive, low-reflectivity colours to reduce contrast with the quarry and vegetated backdrop. This provides a practical and effects-based response to visual integration, avoiding bright or highly reflective finishes except where required for safety or statutory markings. To incorporate these elements, QUARZ-S1 could be amended as follows:

Buildings and structures must not exceed a maximum height at the top of the structure of RL 80 (NZVD2016)÷.

All new buildings and structures must have recessive, low-reflectivity finishes to reduce contrast with the quarry and vegetated backdrop (except where required for safety or statutory markings).

~~a. On any part of the area where the ground level is RL 45 metres or lower at the time of installation or construction of the structure: 24 metres above ground level.~~

~~b. On any part of the area where the ground level is greater than RL 45 metres at the time of installation or construction of the structure: 12 metres above ground level.~~

~~For the purpose of this standard, RL = MSL, 1949 Geodetic Datum.~~

Matters of discretion if the standard is breached:

- 1. The extent to which the additional height is necessary to provide for functional need or operational need of a quarry.*
- 2. The effect on visual amenity of the surrounding area.*
- 3. The effectiveness of any proposed landscaping, screening or other mitigation at mitigating the effects on visual amenity of the surrounding area.*

Cumulative Effects

- 5.3. With respect to Ms Armstrong's comments regarding potential cumulative landscape effects should the OBDA be consented, I note that the substantive application for the OBDA will include a full assessment of landscape and visual effects in accordance with the Fast-track Approvals Act process. Those effects will be evaluated comprehensively at that stage, including any interaction with existing quarry operations. Further, the OBDA would be viewed within the broader context of the established quarry landform and operational footprint. As outlined in the evidence of Mr Compton-Moen, and in my primary evidence, it is neither possible nor necessary to completely screen views of quarry activity, and any assessment of cumulative effects will appropriately reflect that context.

6. Visual effects associated with QUARZ-S5 (Quarry Amenity Protection Overlay (QAPO)) as it relates to Area 3.

- 6.1. The application of the QAPO within Area 3 remains the principal matter in dispute. Ms Armstrong assesses Area 3 as having greater landscape values than those identified by Mr Compton-Moen, and on that basis considers that the overlay should be retained over Area 3 unless further information is provided with respect to the 10-metre wide landscape strip and an appropriate rule framework to manage the visual effects of new buildings. Relying on Ms Armstrong's assessment, Mr Bellamy recommends that Area 3 be retained, and outlines that he would consider a change if supported by the additional assessment proposed by Ms Armstrong and suitable drafting to manage those visual effects.
- 6.2. Firstly, with respect to the landscape values, as outlined in the rebuttal evidence of Mr Compton-Moen, he does not agree with the Moderate-High value ratings adopted by Ms Armstrong and confirms that Area 3 is a small, peripheral and already modified component of an established quarry and infrastructure setting. His assessment concludes that the removal of Area 3 would result in Low / minor landscape and visual effects overall, with only temporary Low-Moderate effects during active works, and that the wider landscape values would remain intact. I rely on his conclusions and maintain the position set out in my primary evidence.
- 6.3. Turning now to the recommendation for further detail, to assist the panel, within his evidence Mr Compton-Moen has provided details of the screening achieved through the retention of a 10m landscape strip. This demonstrates that retaining this landscaping would achieve an effective screen through retaining the topography up to ~RL60 (with additional height of 8-10m from vegetation). As outlined in my primary evidence, this would be effective at screening low-level views of the quarry floor, processing area and vehicle movements from the closest public road and river corridor viewpoints, and in this location, the overlay provides a balanced approach by recognising the existing quarry context, addressing any remaining effects, and avoiding unreasonable constraints on quarrying activities or access to the resource.

- 6.4. Should the Panel form a view that a mapped 10 landscape strip is required, as outlined in my primary evidence, this could be mapped as an amended extent of the QAPO for Area 3.
- 6.5. With respect to the appropriate rule to manage visual effects of new buildings, this can be provided through the recommended amendments to QUARZ-S1 as outlined above.

7. Overall Conclusion and Recommendation

- 7.1. Having considered the Council's evidence and the expert rebuttal material, with respect to the matters that remain unresolved, I conclude that:
 - a. Setting a directive notification provision for sensitive activities within the QZPO sets an effective framework to manage reverse sensitivity effects on Belmont Quarry. A non-complying activity status is appropriate for sensitive activities within the QZPO. If restricted discretionary status is retained, amendments are required to ensure future quarry operations are appropriately recognised.
 - b. With respect to QUARZ-P7, I remain of the view that the policy should be deleted. If vegetation retention for amenity purposes is to be recognised, the policy should be amended to refer specifically to the Special Amenity Area Overlay.
 - c. For QUARZ-S1, I support the inclusion of a fixed maximum top-of-structure RL of RL80 and recessive colour requirements, which provide certainty that skyline values will be protected while enabling necessary quarry operations.
 - d. Any future OBDA proposal will be subject to a full landscape and visual assessment under the Fast-track Approvals Act, and will be considered within the established quarry context.
 - e. The application of the QAPO to Area 3 remains the key matter in dispute. I rely on the rebuttal evidence of Mr Compton-Moen, who concludes that Area 3 is a small, peripheral and already modified component of an established quarry setting, and that its removal would result in Low / minor landscape and visual effects. If the Panel considers that a mapped 10-metre landscape strip is required, this can be secured through an amendment to the extent of the mapped QZAO.

- f. Managing visual effects of new buildings can be addressed through the recommended amendments to QUARZ-S1.
- 7.2. Overall, the refinements recommended in my rebuttal evidence, supported by the landscape evidence of Mr Compton-Moen, provide a clear, targeted and effects-based planning framework that appropriately manages reverse sensitivity, protects relevant landscape values, and recognises the functional and operational needs of Belmont Quarry.



Colin Robert Hopkins

17 July 2026