

**Before the Hearings Panel
At Wellington City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Wellington City District Plan

**Hearing Stream 6 (Quarry Zone) Reporting Officer Right of Reply of
Hannah van Haren-Giles on behalf on Wellington City Council
Date: 28 March 2024**

INTRODUCTION

1. My name is Hannah van Haren-Giles. I am employed as a Senior Planning Advisor at Wellington City Council (the Council).
2. I have prepared this Reply in respect of the matters in Hearing Stream 6 relating to the Special Purpose Quarry Zone chapter (QUARZ).
3. I have listened to submitters in Hearing Stream 6, read their evidence and tabled statements, and referenced the written submissions and further submissions relevant to the Hearing Stream 6 topics.
4. The [Quarry Zone Section 42A Report](#) sets out my qualifications and experience as an expert in planning.
5. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
6. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the relevant part of my evidence to which it relates. Where I have set out opinions in my evidence, I have given reasons for those opinions.

SCOPE OF REPLY

7. This Reply follows Hearing Stream 6 held from 20 February to 27 February 2024.
8. [Minute 44: Stream 6 Hearing Follow Up](#) released by the Panel on 29 February 2024 requested that Section 42A report authors submit a written Right of Reply as a formal response to matters raised during the course of the hearing. [Minute 38: 2024 Hearing Arrangements](#) requires this response to be submitted by 28 March 2024.
9. Subsequent to Minute 44, [Minute 45: Stream 6 Hearing Follow Up \(2\)](#) was released by the Panel on 12 March 2024 which requested that I submit a further written Right of Reply as a formal response to matters raised by the Independent Hearings Panel (IHP) after the hearing had closed. Minute 45 is solely focused on the provisions governing the Quarry Zone at Kiwi Point. As noted in Minute 45, *‘These were not a focus in the Stream 6 hearing because of the absence of any substantive submissions*

on them, but the Hearing Panel wishes to gain a better understanding of the thinking underlying those provisions’.

10. The Reply includes:
 - (i) Responses to specific matters and questions raised by the Panel in Minute 44.
 - (ii) Responses to specific matters and questions raised by the Panel in Minute 45.
 - (iii) Commentary on additional matters that I consider would be useful to further clarify or that were the subject of verbal requests from the Panel at the hearing.

Responses to specific matters and questions raised in Minute 44:

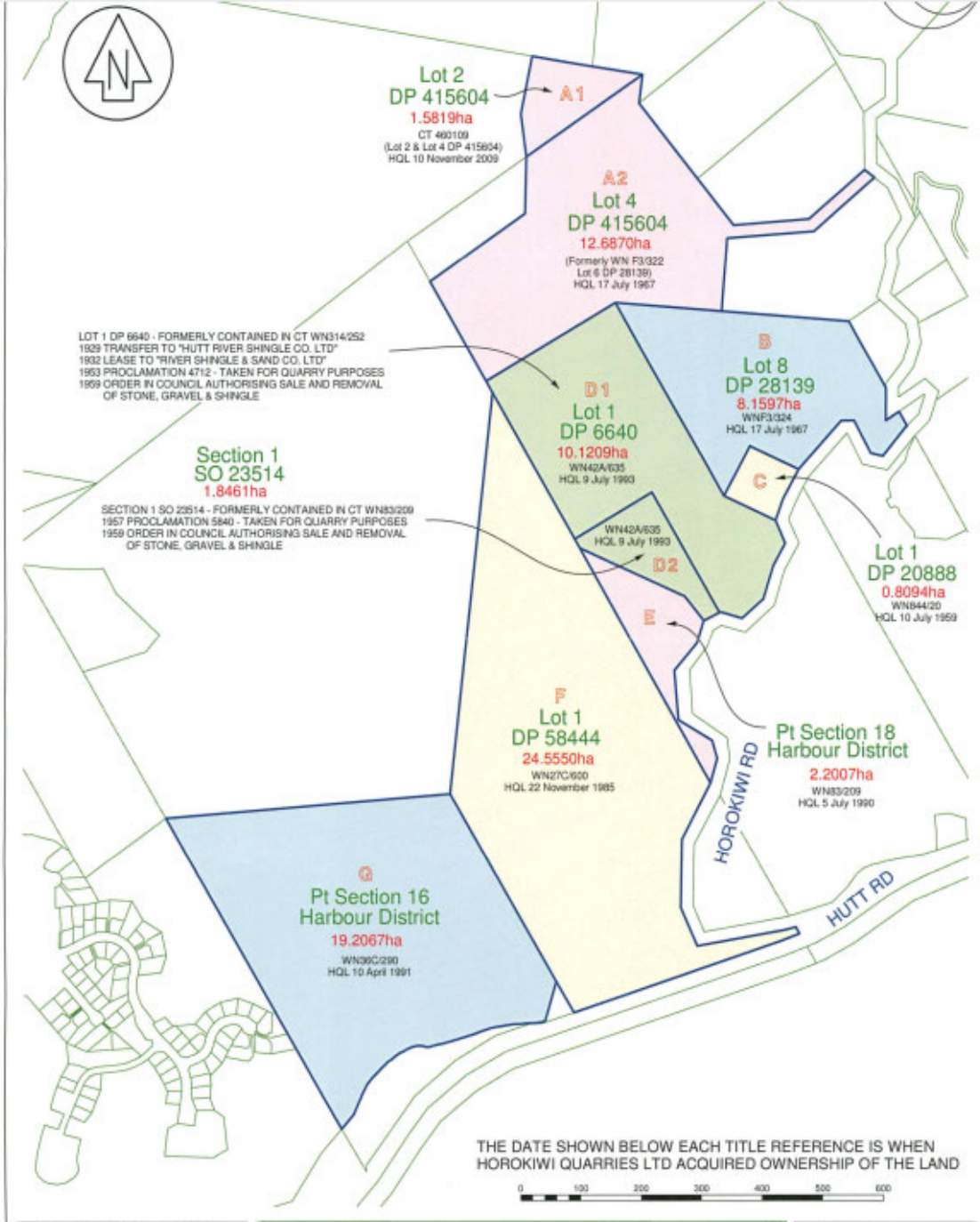
(e)(i) As an input to Council’s Reply, can counsel for the Council please provide advice as to his view of the status of the Existing Use Certificate dated 15 August 2012? – in particular, is it superseded by the subsequent Existing Use Certificate dated 26 November 2012, and if so, by what legal mechanism?

11. I wish to note my agreement with Ms Whitney at paragraph 1.2.7 of her speaking notes¹ in particular that, the content of the August and November certificates are identical apart from the November certificate provides details on the current use of the site and confines this to six listed activities.
12. A memo from Mr Nick Whittington is attached as Appendix 1 to this Right of Reply.
13. An email chain which documents that the revised November Existing Use Certificate (EUC) was sent to and confirmed receipt by Horokiwi Quarries is attached as Appendix 2 to this Right of Reply. This correspondence, as well as Appendix 4 (see paragraph 16), have informed Mr Whittington’s response.
14. In response to questions at the hearing Ms Whitney commented that the reason consents were obtained by Horokiwi Quarries in 2015, 2017, and 2019 was because the activities listed in the EUC limited what could be undertaken as of right. To my mind this confirms that Horokiwi Quarries have an awareness of the November EUC and have proceeded with a consenting pathway in line with its limitations.

¹ [Speaking notes of Pauline Mary Whitney for Horokiwi Quarries Limited](#) Dated 21 February 2024

(e)(ii) Is Council able to source a copy of the Town and Country Planning Appeal Board decision dated 9 February 1977 referred to in the Existing Use Certificate, noting that from the wording of the certificate, it appears to have been provided by Horokiwi Quarries Limited with its application?

15. A copy of the *Town and Country Planning Appeal Board decision and consent order* for the hearing that occurred on 9 February 1977 is attached as Appendix 3 to this Right of Reply.
16. In searching for this decision, I have also reviewed the original EUC application and associated correspondence between WCC and Horokiwi Quarries detailing the EUC application process including requests for further information and request of Horokiwi Quarries to review/revise the EUC. For the benefit of the Panel, and particularly relevant to question (e)(i) above, I attach as Appendix 4 to this Right of Reply a letter from Horokiwi Quarries dated 25 September 2012 which requests Council *'review the format of the decision in issuing the existing use certificate in order to satisfy the requirements of section 139A of the Act.'*
17. Of interest, I note the application documents description of 'the site', as well as CT's and maps provided as part of the application appear to indicate that 'Pt Section 18 Harbour District' (zoned Rural in the PDP) was not sought to be captured within the EUC. Instead, it is 'Pt Section 18 Harbour District' depicted as 'E' in pink on the map below that was to be included within the EUC – and that is zoned QUARZ in the PDP. This map, dated 18 June 2012, was provided by Horokiwi Quarries in response to a further information request to clarify land ownership and evidence of quarrying activities.



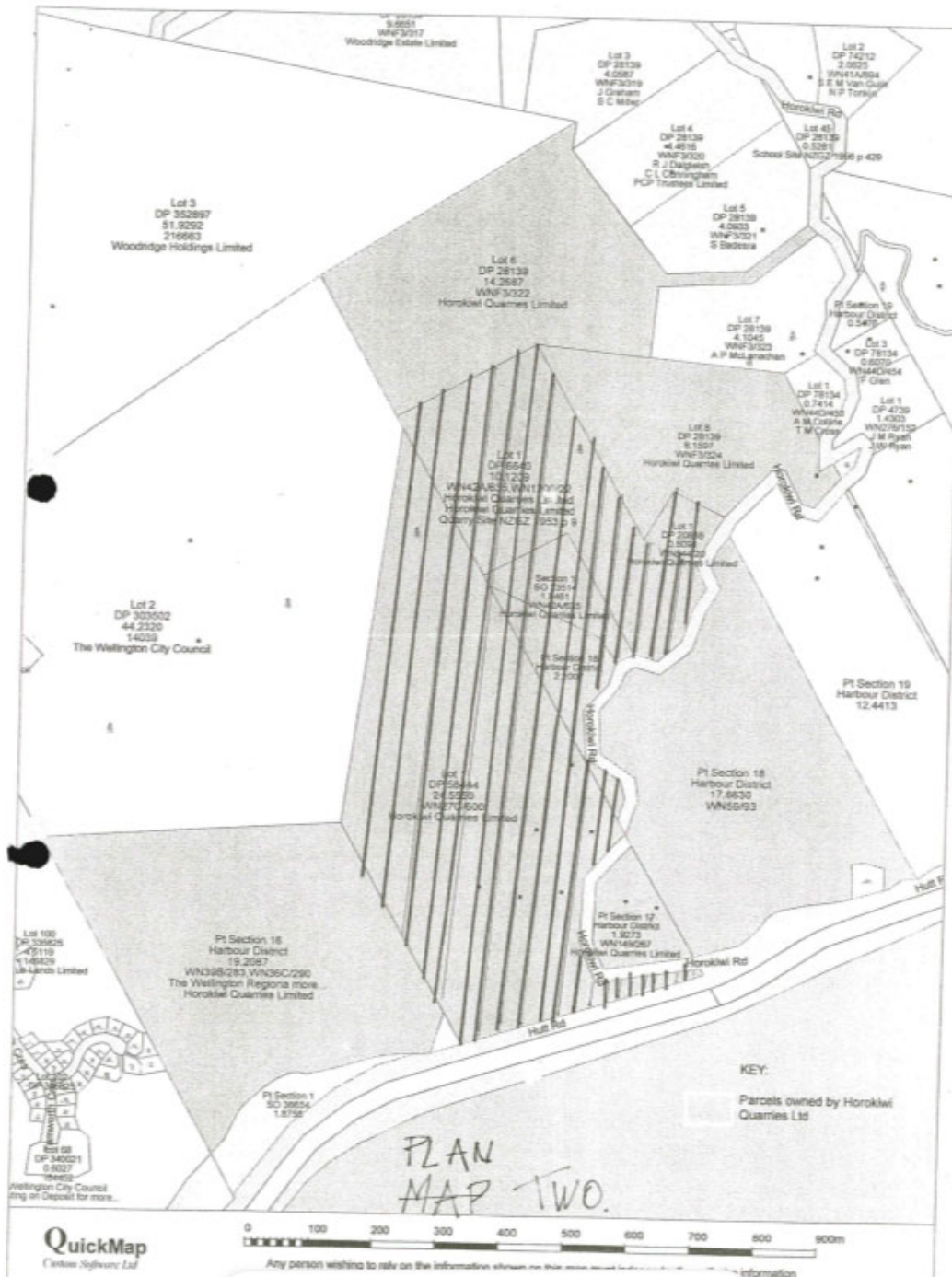
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EXTENT OF LAND OWNERSHIP

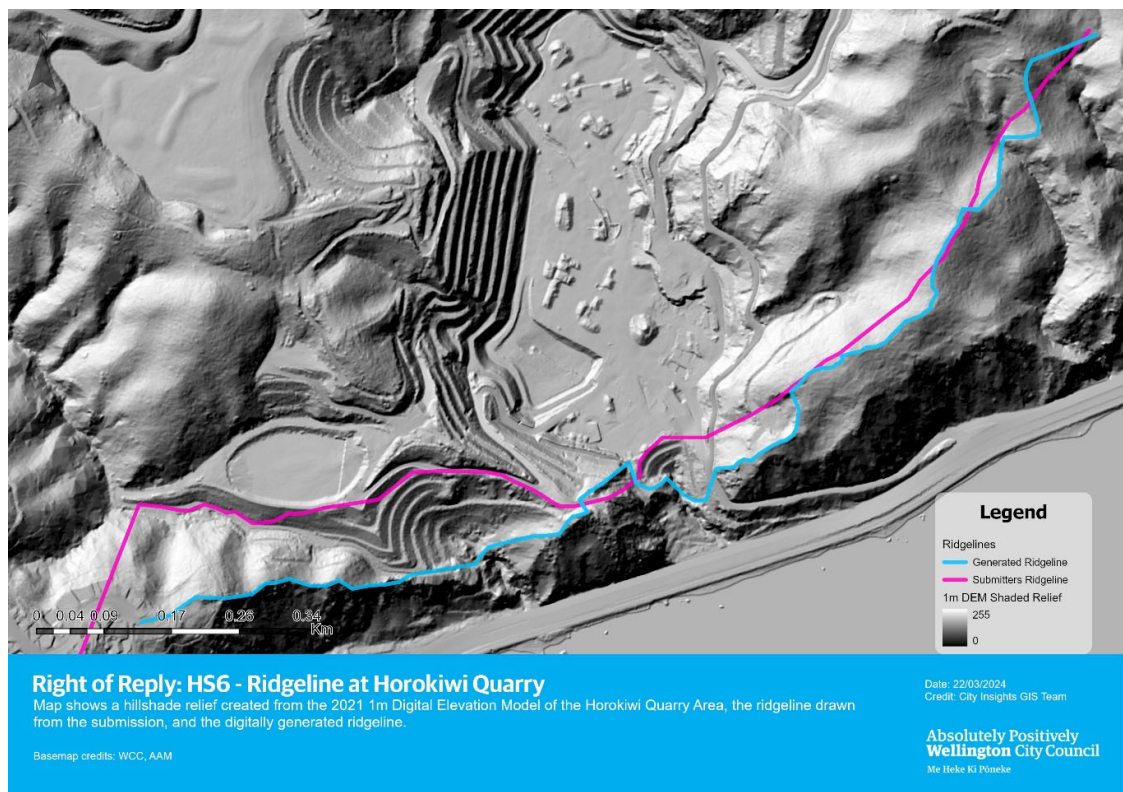
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DATE	18 June 2012
SCALE	1:6000
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18. The EUC application and its Annexure B also establish that "This certificate relates to "the site" which is shown as 'hatched' on the plan titled 'Parcels owned by Horokiwi Quarries Ltd'" (see extract below).



(e)(iii) Can the Reporting Officer please comment on the Plan Ms Whitney provided to the Panel? In particular does the pink line on that Plan correctly show the ridgeline on the eastern (harbour) side of the site and, therefore, the area excluded from the existing use Certificate. If the Reporting Officer's view is that it does not, can she please provide an alternative Plan, and her reasons for that view?

19. At paragraph 1.2.8 of Ms Whitney's speaking notes² it is indicated that 3D model images of the ridgeline have been provided. While plans were provided, Ms Whitney did not in fact provide any plans identifying the ridgeline in pink as suggested by the Panel.
20. The plans on pages 5-7 of Ms Whitney's speaking notes instead identify the relief sought by Horokiwi Quarries to amend the coastal environment (CE) from the blue line (notified CE extent) to the pink line. To respond to the Panels question therefore, the pink line does not accurately show the ridgeline.
21. Attached as Appendix 5 to this Right of Reply are a set of maps prepared by Council's GIS Team which show shaded relief of terrain created using the 1m DEM of Wellington taken in 2021. Below is the map which for the benefit of the Panel compares the 'CE pink line' with what is identified by the Council as the ridgeline (blue).



² [Speaking notes of Pauline Mary Whitney for Horokiwi Quarries Limited](#) Dated 21 February 2024

22. I consider that the ridgeline generated by Council's GIS Team accurately shows the ridgeline – particularly in terms of the escarpment face as viewed from Wellington Harbour. However, it is not for me to comment on as part of this process whether this line delineates the area to be excluded from the Existing Use Certificate.
23. For the benefit of the Panel, I have drawn on Ms Searle's 3D model in yellow the ridgeline as it has been identified by Council's GIS Team (see Figure 1 below). This modelling clearly shows that the 'CE pink line' is not the ridgeline – nor do I think it was ever intended by Horokiwi Quarries to represent the ridgeline.
24. It is important to note that this particular ridgeline is not an identified mapped ridgeline in either the ODP or PDP. While this ridgeline may be relevant to the EUC, I do not consider it has any material relevance to the PDP and provisions that would be applicable to Horokiwi Quarries operations. Notwithstanding that there is a ridgeline mapped in the PDP in the northern extent of the QUARZ at Horokiwi Quarries.



Figure 1: 3D model from Ms Whitney's speaking notes (blue line showing notified CE line, pink line showing amended CE sought by Horokiwi Quarries). The yellow line roughly shows the ridgeline as has been identified by Council's GIS Team in the maps attached as Appendix 5 to this Right of Reply.

(e)(iv) Can the Reporting Officer please comment on the potential to extend the Quarry Zone into the areas the subject of dispute, but with a restricted discretionary activity rule applying to quarrying activities within the expanded area. Such comments should address both the merits of that option and, the Plan provisions she would recommend, if the Hearing Panel determined that that was an appropriate way to address the zoning issue?

25. As discussed at the hearing, one of my concerns is that the provisions for the Quarry Zone are quite high level in comparison to the Kiwi Point Precinct provisions which are much more prescriptive.
26. The provisions for Kiwi Point Precinct reflect Plan Changes 25 (2006), 64 (2009) and 83 (2019) which updated the ODP provisions for managing quarry operations at Kiwi Point. Most recently, Plan Change 83 provided for the expansion of quarrying activities to the southern face and an amended set of standards for quarrying. The ODP has location-specific activity rules for quarrying at Kiwi Point, including Kiwi Point Quarry Extension Area (where quarrying is permitted subject to standards) and Kiwi Point Quarry southern face (where quarrying and cleanfilling is a controlled activity with 10 different matters of control). The standards specific to Kiwi Point address dust, blasting, slopes and batter heights, locations of cleanfill and quarry plant, buffers and screening, traffic movement and rehabilitation.
27. I can therefore see merit in introducing a restricted discretionary rule for quarrying activities to the east of Horokiwi Road, if that area were to be rezoned QUARZ. This approach could introduce tailored provisions, similar to those for Kiwi Point Precinct, in an area that I consider would essentially be a new/expanding quarrying activity.
28. One of the merits is the obvious difference in activity status – in particular that a controlled activity must be granted, whereas restricted discretionary allows the Council to exercise discretion as to whether or not to grant consent. This approach would provide Council broader discretion in considering the range of effects of quarrying in this unquarried area.
29. It is also important to again recognise the presence of the Korokoro Stream Valley Special Amenity Landscape (SAL), which dependent on interpretation of the EUC, would result in the activity status being determined by the SAL provisions for quarrying activities. In my view, the activity status would most likely bundle to a discretionary activity under NFL-R6 (extension of existing quarrying activities) or non-complying activity (new quarrying activities) under NFL-R7. The activity of the

underlying zone (whether GRUZ or QUARZ) therefore to my mind makes no material difference.

30. However, if the Panel were of mind to introduce a new QUARZ rule for quarrying activities east of Horokiwi Road, I consider the matters of discretion should include details from GRUZ-P5 in terms of requiring a rehabilitation management plan, and it should replicate the matters of control of QUARZ-PREC01-R1. The rule should also exclude quarrying activities from escarpment faces which might have a visual impact when viewed from the direction of the Wellington harbour.

31. In my view, if this was to be the case the rule should be as set out below. Key things to note are that QUARZ-S1 requires a site rehabilitation plan be done (akin to GRUZ-P5 requirements). I have brought through the components of GRUZ-P5 as matters of discretion, and otherwise replicated the matters of control from QUARZ-R3 and QUARZ-PREC01-R1 as relevant. Where QUARZ-S1, S2, or S3 are not met then I consider discretionary is appropriate (as per QUARZ-R3).

QUARZ-RX	Quarrying activities within Horokiwi Quarry east of Horokiwi Road
	<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with QUARZ-S1, QUARZ-S2 and QUARZ-S3 is achieved; and b. Quarrying activities do occur on escarpment faces which might have a visual impact when viewed from the direction of the Wellington harbour. <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The matters in QUARZ-P1, QUARZ-P3 and QUARZ-P4; 2. Demonstration through a detailed management plan how the site and faces will be rehabilitated having particular regard to: <ul style="list-style-type: none"> a. The rehabilitation objectives, methodology and timescale; b. The intended end use; c. The location, gradient and depth of excavation; d. The availability of cleanfill material, including topsoil; e. Funding required for rehabilitation; f. The surrounding landform and drainage pattern; g. The ability to establish complete vegetation cover; h. The outcomes of any consultation undertaken with mana whenua; i. Any adverse effects associated with rehabilitation; and j. The planned monitoring and reporting on rehabilitation.

	<ol style="list-style-type: none"> 3. The importance of quarrying aggregate and meeting the supply demand for the city's use; 4. The extent to which conditions are required to ensure that quarrying activities are timed and staged to ensure that rehabilitation of cut faces can begin as early as practicable; 5. The detailed contents of a Quarry Management Plan; 6. Optimising the standard, location and staging of ecological mitigation through the provision of an ecological restoration plan including budgets and indicative timetables to ensure effective mitigation and rehabilitation; 7. Measures to manage noise and vibration from blasting activities; 8. Measures to manage dust and illumination; 9. Measures to manage access and traffic; 10. Measures to maintain slope stability, and to prevent slope erosion or collapse; 11. Measures to manage the impact of quarrying activity on the visual amenity of residential properties.
	<p>2. Activity status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with any of the requirements of QUARZ-RX.1 cannot be achieved.

Responses to specific matters and questions raised in Minute 45:

(3.) First of all, it appears that the Quarry Zone at Kiwi Point and the Kiwi Point Precinct cover exactly the same area. Is that correct, and if it is, what is the rationale for using the Precinct mechanism rather than, for instance, a separate Kiwi Point Quarry Zone?

32. I agree with the Panel in that the QUARZ at Kiwi Point Quarry and the Kiwi Point Precinct (QUARZ-PREC01) cover the same area bar some minor buffer areas along the margins which do not sit within the precinct.
33. In terms of rationale for using a precinct mechanism rather than a separate Kiwi Point Quarry Zone or just relying on the QUARZ itself, I was not involved in the initial drafting of the QUARZ chapter and can therefore only speak to my interpretations and assumptions. While I cannot speak from experience as to the rationale for this decision, my interpretations are based of the QUARZ provisions for the Kiwi Point Quarry, the Section 32 report³ and the draft Issues and Options report for the Quarry Zone⁴ which I have appended to this response at Appendix 6.
34. However, I refer the Panel to page 23 of the Quarry Zone Section 32 report which

³ [Quarry Zone Section 32 Report](#)

⁴ Wellington City Council, Draft Issues and Options Report: Quarrying Activities, July 2021

gives the following rationale for the use of a precinct for Kiwi Point Quarry:

A precinct within the Quarry Zone for Kiwi Point Quarry is appropriate as it provides consistency with the existing management regime under the operative District Plan, including the continued requirement for a Quarry Management Plan, which is a central method for ongoing management of quarrying effects on neighbours, and requires community liaison.

35. Page 20 of the Section 32 notes that *'Kiwi Point Quarry has an existing requirement for a Quarry Management Plan, that has been carried through into the proposed Kiwi Point Precinct provisions'*. Page 24 of the Section 32 speaks to the spatial extent of the Quarry Zone and Kiwi Point Precinct:

The extent of the Quarry Zone applying to Kiwi Point Quarry and the KIWIPoint Quarry Precinct boundary has been determined based on the map of quarry boundaries in Appendix 2 to the Business Areas of the operative District Plan and the operative District Plan zone boundary of the Business 2 Area.

36. Section 10 of the Section 32⁵ report provides an evaluation of reasonably practicable options and associated provisions, with section 10.5 in particular assessing the provisions to achieve objective QUARZ-PREC01-O1. Three methods were considered for achieving the objective, these included:

- a. The notified PDP precinct tool use approach;
- b. The status quo of the provisions sitting within the Operative District Plan (ODP)'s Business Area zoning; and
- c. *'A reasonable alternative, being relying on the proposed Quarry Zone provisions to manage Kiwi Point Quarry instead of using a precinct'*.

37. The Section 32 report within section 10.5 details that the *'The policies and rules have been restructured from the operative District Plan and support Kiwi Point Quarry to be used, operated and developed safely and effectively for the ongoing supply of aggregate for Wellington City. A precinct is the appropriate method to apply additional place-based provisions to modify or refine aspects of the policy approach for the underlying Quarry Zone.'*

38. The Section 32 report concludes on page 47 that the notified QUARZ chapter

⁵ [Quarry Zone Section 32 Report](#)

'Introduces a precinct for Kiwi Point Quarry as the appropriate method to apply additional place-based provisions. Precinct provisions modify or refine aspects of the policy approach for the underlying Quarry Zone in a manner that reflects the operative District Plan provisions for Kiwi Point as a result of Plan Change 83.'

39. Based on the exerts from the Section 32, a precinct approach was considered the most effective way to translate the ODP Kiwi Point Area provisions (housed within the Business Areas chapters) into the new National Planning Standards led PDP structure and provide for Kiwi Point Quarry operations. Whilst applying the QUARZ to Kiwi Point Quarry without any additional controls was considered, a specific Kiwi Point Quarry Zone was not.
40. The use of precincts as a tool to manage activities and development within individual quarries was also considered within the Draft Issues and Options report for the Quarry Zone⁶, included in Appendix 6. Three options for re-housing ODP quarrying activity provisions were considered within page 20 of the report as follows:
 - a. **Option 1: Re-housing the provisions in a dispersed Zone format.** Provisions for quarrying activities would be spread across zone chapters e.g. Rural and Industrial Zones. This provides for quarrying activities District-Wide but does not prioritise quarrying activities in these zones.
 - b. **Option 2: Re-housing the provisions in a Zone and Precinct format.** Quarrying provisions will be contained within Precincts for specific zones e.g. a Kiwi Point Quarry or Horokiwi Quarry Precinct contained within the Rural or Industrial Zones. This provides for quarrying activities at Kiwi Point Quarry and Horokiwi Quarry but does not provide for quarrying District-Wide. This also provides for but does not prioritise quarrying activities in these zones.
 - c. **Option 3: Re-housing the provisions in a Special Purpose Zone and Precinct format.** The provisions for quarrying activities would be contained in a Special Purpose Quarry Zone and site-specific provisions for Kiwi Point Quarry or Horokiwi Quarry would be contained within the respective Precincts. This provides for quarrying activities at Kiwi Point Quarry and Horokiwi Quarry but does not provide for quarrying District-Wide. This also prioritises quarrying activities in this zone.

⁶ Wellington City Council, Draft Issues and Options Report: Quarrying Activities, July 2021

- d. Page 21 of the report notes that *'Option 3 is the preferred option because this approach provides a targeted policy approach for quarrying activities and will be applied only to the operative commercial-scale quarries, being Kiwi Point and Horokiwi Quarries.'*
41. As I noted in my response to Minute 44 questions above, the provisions for Kiwi Point Precinct reflect Plan Changes 25 (2006), 64 (2009) and 83 (2019) which updated the ODP provisions for managing quarry operations at Kiwi Point. Most recently, Plan Change 83 provided for the expansion of quarrying activities to the southern face and an amended set of standards for quarrying. The ODP has location-specific activity rules for quarrying at Kiwi Point, including Kiwi Point Quarry Extension Area (where quarrying is permitted subject to standards) and Kiwi Point Quarry southern face (where quarrying and cleanfilling is a controlled activity with 10 different matters of control). The standards specific to Kiwi Point address dust, blasting, slopes and batter heights, locations of cleanfill and quarry plant, buffers and screening, traffic movement and rehabilitation.

(4.) In a related point, what is the rationale for some Quarry Zone rules and standards applying within the precinct and some not when, at Kiwi Point, there is no spatial difference between the two? Could the rules governing activities at Kiwi Point be simplified/clarified to avoid that situation.

42. As addressed by the Panel, some QUARZ policies, rules, and standards apply to the Kiwi Point Precinct, whilst others do not due to the Precinct having its own bespoke land use activity and building rules and standards. The table on the following page identifies this separation in QUARZ provisions applicable to the Kiwi Point Precinct.

QUARZ provisions applying to Kiwi Point Quarry:	QUARZ provisions that do not apply to Kiwi Point Quarry:	Kiwi Point Precinct specific provisions:
<p><u>Policies:</u></p> <ul style="list-style-type: none"> • QUARZ-P1 Enabled Activities • QUARZ-P3 Zone interfaces • QUARZ-P4 Site rehabilitation 	<p><u>Policies:</u></p> <ul style="list-style-type: none"> • QUARZ-P2 Other activities 	<p><u>Policies:</u></p> <ul style="list-style-type: none"> • QUARZ-PREC01-P1 Quarry Management Plan • QUARZ-PREC01-P2 Enabled Activities
<p><u>Rules:</u></p> <ul style="list-style-type: none"> • QUARZ-R5 Maintenance and repair of buildings and structures (Permitted Activity) • QUARZ-R6 Demolition or removal of building and structures (Permitted Activity) 	<p><u>Rules:</u></p> <ul style="list-style-type: none"> • QUARZ-R1 Rural activities (Permitted Activity) • QUARZ-R2 Conservation activities (Permitted Activity) • QUARZ-R3 Quarrying activities (Controlled Activity; Precluded from public notification) • QUARZ-R4 All other activities (Discretionary Activity) • QUARZ-R7 Construction and alterations and additions <ul style="list-style-type: none"> ○ (QUARZ-R7.1 Permitted Activity) ○ (QUARZ-R7.2 Restricted Discretionary Activity, precluded from public notification) 	<p><u>Rules:</u></p> <ul style="list-style-type: none"> • QUARZ-PREC01-R1 Quarrying activities <ul style="list-style-type: none"> ○ (QUARZ-PREC01-R1.1 Controlled Activity; Precluded from public notification) ○ (QUARZ-PREC01-R1.2 Restricted Discretionary Activity; Precluded from public notification) • QUARZ-PREC01-R2 All other activities (Discretionary Activity) • QUARZ-PREC01-R3 Construction and alterations and additions <ul style="list-style-type: none"> ○ QUARZ-PREC01-R3.1 (Permitted Activity) ○ QUARZ-PREC01-R3.2 (Restricted Discretionary Activity; precluded from public notification)
<p><u>Standards:</u></p> <ul style="list-style-type: none"> • QUARZ-S1 Site rehabilitation • QUARZ-S3 Height in relation to boundary 	<p><u>Standards:</u></p> <ul style="list-style-type: none"> • QUARZ-S2 Maximum height of buildings and structures 	<p><u>Standards:</u></p> <ul style="list-style-type: none"> • QUARZ-PREC01-S1 Land stability • QUARZ-PREC01-S2 Buffer areas and vegetation • QUARZ-PREC01-S3 Screening and fencing • QUARZ-PREC01-S4 Rehabilitation • QUARZ-PREC01-S5 Quarry Management Plan • QUARZ-PREC01-S Maximum height of buildings and structures, and relocation of primary crusher • QUARZ-PREC01-S7 Access • QUARZ-PREC01-S8 Ecological Survey and Restoration Plan

43. As detailed in the table above there are an extensive set of Kiwi Point Precinct provisions separate to that of the QUARZ provisions. QUARZ-PREC01 policies specifically focus on the quarry management plan. The precinct has its own quarrying activity rule, all other activities rule, and construction and alteration and addition rules. There is crossover within the QUARZ quarrying activity rule and the QUARZ-PREC01 quarrying rule, particularly as to compliance with QUARZ-S1 and QUARZ-S3, both having Controlled Activity rules and similar matters of control i.e. QUARZ-P1 and QUARZ-P3. The differentiation sits with QUARZ-PREC01-R1 having more matters of control in terms of both volume and detail, and a default restricted discretionary activity rule (QUARZ-PREC01-R1.2) when QUARZ-PREC01-R1 requirements cannot be met.
44. Likewise, there is a lot of overlap between the QUARZ construction, alteration and addition rule (QUARZ-R7) and the equivalent precinct rule (QUARZ-PREC01-R3). Both rules seek compliance with QUARZ-S3 and have a default restricted discretionary activity rule when this cannot be achieved along with identical notification statements, with almost identical matters of discretion. Similarly, both maximum height standards (QUARZ-S2 and QUARZ-PREC01-S6) specify building height limits of 12m.
45. QUARZ-PREC01 standards are far more extensive in detail, length, and number. In my view, the Kiwi Point Precinct largely reflect the ODP provisions that have been pulled through into the PDP although as separate precinct provisions (instead of sitting as QUARZ provisions). As noted in the Section 32 report, the precinct provisions were considered to provide consistency with the existing management regime under the ODP, including the continued requirement for a Quarry Management Plan.
46. As I understand it, at the time of drafting the QUARZ chapter, Kiwi Point Quarry had yet to develop a new Quarry Management Plan to replace the 2014 plan, and as such, the QUARZ PDP provisions sought to ensure that this was developed. As noted in page 23 of the Section 32⁷ the Plan was seen as a '*central method for ongoing management of quarrying effects on neighbours, and requires community liaison*'. Section 5.2.4 (page 17) of the Section 32 report details a summary of consultation undertaken with Horokiwi Quarry and Kiwi Point Quarry. It notes that targeted engagement with Kiwi Point Quarry resulted in feedback seeking '*continued*

⁷ [Quarry Zone Section 32 Report](#)

applicability of the Operative District Plan provisions for Kiwi Point Quarry, particularly standards including the Quarry Management Plan. I consider this may have been a strong rationale for the notified PDP precinct approach.

47. In my view, in lieu of not having a new Management Plan, ODP provisions were rolled over into the precinct provisions to ensure this occurred. As I understand it, this Quarry Management Plan has now been prepared, although yet to be certified, which in my opinion means some of the precinct provisions have become unnecessary. I therefore agree with the Panel that a careful review of the precinct provisions and the potential overlap with the QUARZ provisions is needed. However, I note that there is no scope for making amendments to the Kiwi Point Precinct through this current hearings process given the limited scope of submissions.
48. I consider that given a management plan exists (for both quarries), that the Kiwi Point Precinct spatial extent mirrors that of the QUARZ extent, and that there is a considerable extent of overlap between the QUARZ provisions and precinct provisions. As such, there may not be a need for a Kiwi Point Quarry Precinct, and instead the specific provisions relating to Kiwi Point Quarry could be integrated into the QUARZ provisions through tailoring existing provisions or adding to the extent of QUARZ provisions.
49. I therefore recommend to the Panel that a future plan variation or plan change be considered to allow careful review and revision of the QUARZ-PREC01 provisions in order to enable removal of any duplication of provisions and to streamline and simplify the QUARZ provisions applying to Kiwi Point Quarry.

(5.) More specifically what is the rationale for rural and conservation activities being discretionary activities in the Kiwi Point Precinct and permitted activities in the broader zone?

50. I consider the rule framework may have been established in this manner to reflect the ODP zoning and surrounding land uses for each quarry. Under the ODP, Horokiwi Quarry was predominately zoned Rural, with a small section zoned Conservation. In the PDP the site is surrounded by land that sits within the Rural Zone (GRUZ) and Natural Open Space Zoned (NOSZ) land, with some of the land owned by Horokiwi Quarries being zoned GRUZ and NOSZ respectively. As such, permitting rural activities and conservation activities is a reflection of ODP zoning and a natural extension of adjoining zone activities into the QUARZ zoned portion of Horokiwi Quarry.

51. On the other hand, Kiwi Point Quarry was zoned Business 1 in the ODP, and is not surrounded by rural activities, and are therefore not generally anticipated within the precinct. However, it does adjoin NOSZ zoned parcels of land. I consider conservation activities could be permitted activities within the precinct. However, there is no scope for to enable such an amendment.

(6.) Further, what are the boundaries of the area constituting “the southern part of the Quarry” for the purposes of QUARZ-PREC01-S6.2?

52. District Plan Change 83 included the rezoning of an area of land to the south of Kiwi Point Quarry in Ngauranga Gorge. The change allows for the expansion of the south face of the quarry for quarrying activities and included rezoning of an area on the southern side of the quarry site from Open Space B to Business 2. Plan Change 83 documents identify the area to be rezoned as per Figure 2 below with the hatched pattern to which the arrow is pointing.

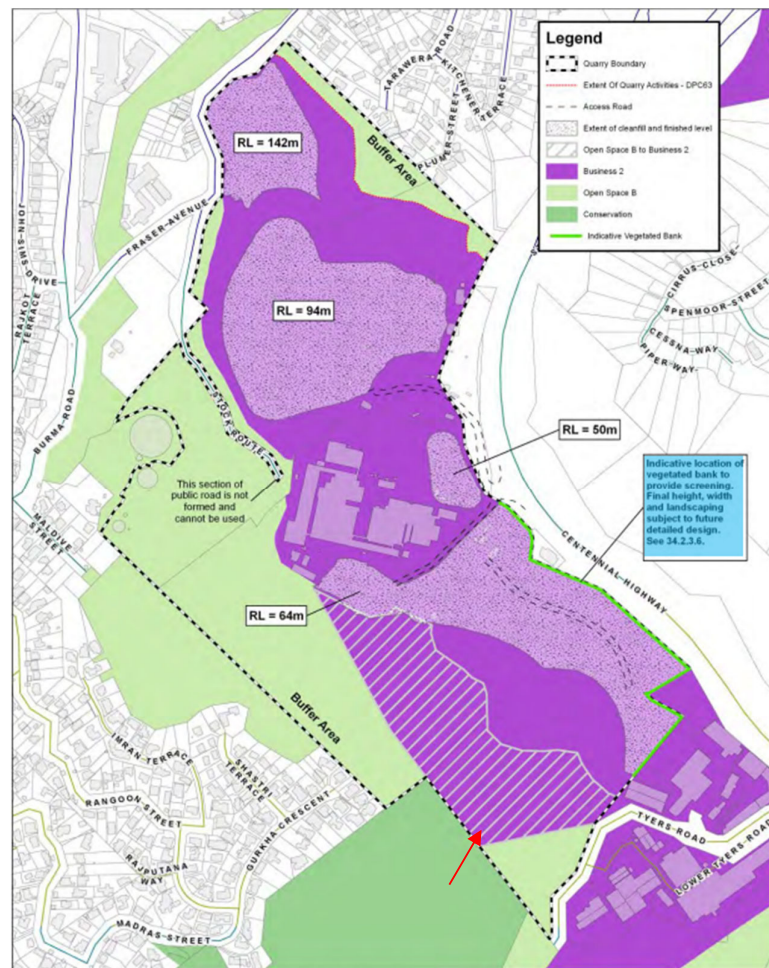


Figure 2: Plan Change 83 rezoning ([Hearing Panel Recommendation Report](#) page 80)

53. This change was incorporated into the ODP through the Business Area Appendices (Chapter 34 – Appendix 2 Kiwi Point Quarry, Ngauranga⁸) as set out in Figure 3 below.

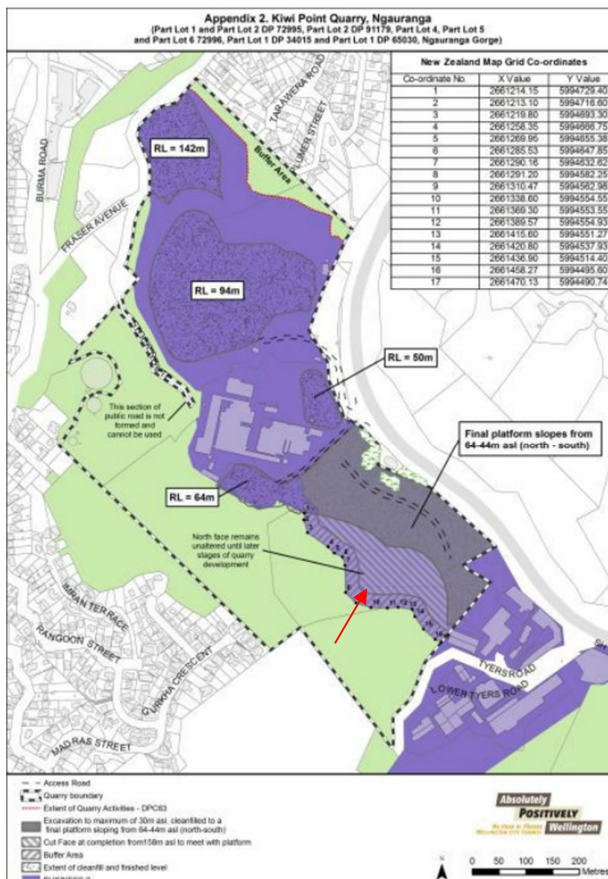


Figure 3: Appendix 2 Kiwi Point Quarry quarrying and cleanfilling plan showing extension area, Ngauranga

54. My assumption is that QUARZ-PREC01-S6.2 somewhat vague reference to *‘the southern part of the Quarry’* which is not mapped within the notified PDP ePlan reflects the hatched areas in Figures 2 and 3 above, which relate to Plan Change 83 changes to provide for the expansion of quarrying activities to the southern face and an amended set of standards for quarrying as noted on page 14 of the Quarry Zone Section 32 report⁹.
55. In my view, it may have been an error that this map was not reflected in the notified PDP mapping relating to Kiwi Point Quarry and that QUARZ-PREC01-S6.2 did not link to a mapping layer. Whilst there is no scope to make an amendment through this process to clarify what *‘the southern portion of the Quarry’* refers to, I consider it is necessary to do so through a future plan variation or plan change.

⁸ Wellington City Operative District Plan, [Chapter 34 Business Areas Appendices – Appendix 2 Kiwi Point Quarry, Ngauranga](#)

⁹ [Quarry Zone Section 32 Report](#)

(7.) Lastly, what is the purpose of QUARZ-PREC01-S6.3, given that it does not appear to specify a Standard against which an activity would be assessed.

56. QUARZ-PREC01-S6.3 relates to an ODP standard 34.6.5.5 (Location of quarry plant) which details:

The primary crusher may be moved as the quarry face recedes and new faces are worked. Any processing plant or buildings within the southern part of the quarry shall be relocatable.

57. In my view this should have been carried through as a provision, rather than retrofitted into the maximum height standard QUARZ-PREC01-S6 as it does not relate to height limits. I consider this to be a drafting error and incomplete carry over of an existing ODP standard. Given the lack of scope for amendments, I suggest that a future plan change or plan variation corrects this error and considers whether it is appropriate to include this requirement as a standard.

A handwritten signature in black ink, appearing to read "Alan", enclosed within a hand-drawn oval.

Date: 28 March 2024

Appendix 1: Memorandum of Nick Whittington

**Before Independent Hearing Commissioners
Wellington City Council**

**I Mua Ngā Kaikōmihana Whakawā Motuhake
Te Kaunihera o Pōneke**

In the matter of **The Wellington City Proposed District
Plan**

**Legal submissions on behalf of
Wellington City Council
Hearing Stream 6**

25 March 2024



Counsel
Nick Whittington
Hawkestone Chambers
PO Box 12091, Thorndon,
Wellington 6144
+64 21 861 814
nick.whittington@hawkestone.co.nz

Legal submissions on behalf of Wellington City Council

Hearing Stream 6

1 Status of existing use rights certificate

- 1.1 I have been forwarded by Ms van Haren a question from the Panel that has arisen in Hearing Stream 6:

As an input to Council's Reply, can counsel for the Council please provide advice as to his view of the status of the Existing Use Certificate dated 15 August 2012? – in particular, is it superseded by the subsequent Existing Use Certificate dated 26 November 2012, and if so, by what legal mechanism?

2 Facts

- 2.1 As the facts have been explained to me:

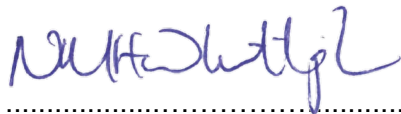
- (a) Horokiwi Quarries Limited applied for an existing use rights certificate under s 139A of the RMA. That was granted by the Council on 15 August 2012.
- (b) Following review by Horokiwi Quarries Limited, a concern was expressed that while the Notice of Decision appropriately addressed all relevant considerations, the certificate itself did not record matters required by s 139A, such as a description of the scale and intensity of the existing uses being certified.
- (c) The Council issued a further certificate on 26 November 2012 which is all material respects the same as the 15 August 2012 Certificate except for information under the heading "Current Use of Site" which lists six activities being undertaken and contains some other general information.

3 Status

- 3.1 Reading between the lines of the Panel's question, the concern may be that when issuing the second certificate the Council was functus officio. That may have been the case. On what I have read, it does not seem as if Horokiwi Quarries Limited made a second application or otherwise surrendered the first certificate.

- 3.2 That said, the doctrine of *functus officio* does have some exceptions. Courts may, for example, correct information or recall decisions in some circumstances. There is likely scope for an argument by Horokiwi Quarries Limited that the second certificate did not alter the recognition of its existing use rights, and instead it merely ensured the paperwork was compliant with the requirements of s 139A.
- 3.3 I do not consider that the Panel needs to determine the question or express an opinion on the matter. The certificate is on its face a legitimate one and the presumption of validity applies – this means that the certificate is effectual until quashed by a court of competent jurisdiction.¹ The Panel, as a delegate of the Council, does not have the power to determine the status of the certificate.
- 3.4 I also note that the purpose of an existing use rights certificate is to recognise an existing use at the time a new plan provision has effect so as to avoid the need to obtain resource consents for existing activities (so long as the activity continues at the stated scale, character and intensity). For myself, I would not have considered it evidence of any significance on the broad question of the most appropriate zone for the site. It is not a question of trying to identify the zone that will best support the existing use, particularly given the existing use is protected by s 10 (and the certificate).

Date: 25 March 2024



.....
Nick Whittington
Counsel for the Wellington City Council

¹ *AJ Burr Ltd v Blenheim Borough Council* [1980] 2 NZLR 1 at 4.

Appendix 2: Email chain confirming receipt of November EUC

From: [Dave & Robyn Armour](#)
To: [Brett Smith](#)
Cc: ["Baker, Ross - Horokiwi"](#)
Subject: RE: Revised EUC - Horokiwi QUarry
Date: Monday, 17 December 2012 4:04:09 pm

Hi Brett

Have just discussed your e mail with Ross, who has just returned from Australia. The position is accepted. Ross has asked me to pass on to you his appreciation for all your work, and advice on this project, and his best wishes for Christmas. Hope you have a great break over Christmas. Look forward to catching up in the New Year.

Regards
Dave A

-----Original Message-----

From: Brett Smith [mailto:Brett.Smith@wcc.govt.nz]
Sent: Wednesday, 12 December 2012 9:18 a.m.
To: 'Dave & Robyn Armour'
Subject: RE: Revised EUC - Horokiwi QUarry

Hello Dave,

Sorry we won't be able to do that. The EUC has been issued and the basis for issuing of the replacement decision was to better meet the requirements of s.139A(1)(b) etc. If the activity of filling is described in the original application then filling would be, by implication, addressed under the description of 'stripping'.

However, given that overburden consents under SR55884, SR66136 and SR116171 have been granted it would be a moot point whether filling may fall under the EUC.

Regards

Brett

From: Dave & Robyn Armour [mailto:rarmour@xtra.co.nz]
Sent: Wednesday, November 28, 2012 10:17 AM
To: Brett Smith
Cc: 'Baker, Ross - Horokiwi'
Subject: RE: Revised EUC - Horokiwi QUarry

Thanks Brett

Ross Baker is really appreciative of your work on this project. We would suggest a small addition under the paragraph [Current Use of Site](#) in that the list of activities should be amended to include filling with stripping. This would be consistent with the description of stripping provided in the application (Page 5 and 6). Therefore the list of activities would read;

Stripping and filling
Blasting
Transport of excavated material
Crushing and screening
Stockpiling; and
Transportation from the site.

Regards
Dave A

-----Original Message-----

From: Brett Smith [mailto:Brett.Smith@wcc.govt.nz]

Sent: Monday, 26 November 2012 3:00 p.m.

To: 'Dave & Robyn Armour'

Subject: Revised EUC - Horokiwi QUarry

Hello Dave,

I've completed the revised EUC for the Quarry. Hard copy is in the post to you but here is a copy for your reference.

Cheers

Brett Smith | Senior Planner | Development Planning & Compliance

Wellington City Council | Council Offices, 101 Wakefield Street, PO Box 2199

Wellington, NZ

DDI +64 4 801 3211 | Email brett.smith@wcc.govt.nz | Website

www.Wellington.govt.nz

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Appendix 3: Town and Country Planning Appeal Board decision



IN THE MATTER of the Town and Country Planning Act 1953

and

IN THE MATTER of an appeal under Section 26 of the Act

BETWEEN

HOROKIWI QUARRIES LIMITED

Appellant

AND

LOWER HUTT CITY COUNCIL

Respondent

BEFORE THE NUMBER 1.0 TOWN AND COUNTRY PLANNING APPEAL BOARD

Messrs F.J.M. Treadwell S.M. (Chairman)
R.J. Calvert
H.K. Besley
R.S. Martin

HEARING at Wellington on the 9th day of February 1977.

CCUNSEL Mr E.F. Page for Appellant.
Mr T.A. Roberts for Respondent.

INTERIM DECISION

This is an appeal pursuant to the provisions of section 26 of the Town and Country Planning Act 1953 against a decision of a respondent council disallowing an objection designed to allow the right to win and process quarry material as a predominant or conditional use in the Rural B Zone. The appeal also concerned disallowance of an objection to permit the appellants, after development of the quarry, to store on the land containers and buildings accessory thereto.

The appellants at present operate a quarry which was previously in the Hutt County. The area of land owned by the appellants is now partly in the Lower Hutt City and partly in the Wellington City. Horokiwi Road is the boundary between the two local authorities and the appellant is permitted to carry on quarrying operations as a conditional use in the Wellington City but is now precluded from so doing in the Lower Hutt City because of the provision of the proposed scheme change.

The proposed change covers an area of approximately 1028 acres which is almost entirely rural in character. The area owned by the appellant company is on the perimeter of the new zone where the Lower Hutt City meets the Wellington City. The objective of the scheme change is to preserve the rural character of the area. The respondent council have to a certain extent compromised zoning in the Horokiwi Road area by allowing a 10 acre subdivision near the top of the Road which road climbs up an escarpment which faces the

T.C.P.A 1977
court
decision

A

harbour then generally runs along a ridge. / The road is at the moment generally maintained by the appellant company which is actively quarrying the area of land contained within the Wellington City. / The Board was somewhat surprised that residential development of this type should be permitted in this particular locality and was concerned that this development had been permitted on what appeared to be a barter system whereby the subdivider obtained the right to subdivide in exchange for ceding land to the council for reserve purposes. / It therefore ill behoves the council to object to further quarrying in the area on the basis that it may in some way prejudice the residential amenities which should never have been created in the first place.

The Board is satisfied on the evidence that there is a quarry established in this area which is providing materials for use by local authorities. The Board is satisfied that its location is such as to service local authorities with metal at economic rates having regard to the road transport distances from the quarry to the source of consumption. It is accordingly in the public interest to facilitate the orderly development of a well established enterprise. It is also in the public interest to continue the operation on its present site provided adequate amenity safeguards can be provided. It is in many ways better to accept the presence of such an enterprise in a position which may not be ideal and to facilitate its continued development in that situation than to establish such an enterprise anew in an area where it may be planned for but may be physically unexpected. The Board would have also observed that respondent council appear to have ignored reality having regard to the fact that the quarry is recognised on one side of the road by the Wellington City and prohibited on the other by the Hutt City.

The appeal is accordingly allowed by way of interim decision. The parties are to place before the Board a schedule of land which is to be incorporated in the proposed new zone. This land schedule is to recognise the right of the appellant to quarry upon land already owned by the appellant on the Lower Hutt City side of Horokiwi Road. The operation is to be permitted pursuant to a schedule by way of conditional use and the land area set aside for the permitted use is to exclude escarpment faces which might have a visual impact when viewed from the direction of the Wellington Harbour. The Board accordingly awaits a suggested land definition, and failing agreement between the parties, the matter will be settled by the Board.

Dated this 22nd day of JUNE 1977.



[Handwritten signature]

See page 11
 IN THE MATTER of the Town and Country
 Planning Act 1953

and

IN THE MATTER of an appeal under Section
 26 of the Act

BETWEEN

HOROKIWI QUARRIES LTD

Appellant

AND

LOWER HUTT CITY COUNCIL

Respondent

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BEFORE THE NUMBER TWO TOWN AND COUNTRY PLANNING APPEAL BOARD

Messrs W.J.M. Treadwell S.M. (Chairman)
 R.J. Calvert
 H.M. Besley
 R.S. Martin

Hearing at Wellington on the 9th day of February 1977

CONSENT ORDER

The Board, having read the memorandum dated 6 September 1977
 filed by the parties herein, hereby orders by consent that
 the above appeal against the Lower Hutt City Council District
 Scheme review No. 1 be allowed in the following manner and to
 the following extent:

- A. By inserting in Ordinance II Clause 3 the following
 subclause (b) :-
- (b) "The winning and processing of materials occurring naturally
 on the land known as: -
- (1) 4 Acres, 3 roods 2 perches being part of section 17
 Harbour district and all the land in Certificate of
 Title Volume 149 Folio 267 (Wellington Registry)
 - (2) 43 Acres, 2 roods 23.4 perches being part of section
 18 on the Public Map of the Harbour district and all
 the land in Certificate of Title Volume 59 Folio 93"
- B. By amending the heading of Sub-clause (4) of the draft
 Ordinance to read: -
"Bulk and Location Requirements - General"
- C. By inserting a new Sub-clause (5) in ordinance II Clause 3
 as follows:-
"(5) Bulk and Location and Other Requirements for the
 Winning and Processing of Naturally Occurring Materials."
- (a) Any application for approval to a conditional use to permit
 the winning and processing of materials occurring naturally
 in the land referred to in Sub-clause (3) (b) above shall
 be accompanied by plans illustrating the extent of the
 proposed operation and its eventual effect on the terrain
 and showing: -
- (i) Vehicular access points, vehicular routes within the

site, the general distribution of buildings and plant areas where overburden is to be placed and/or quarried material is to be stored, significant areas of bush or other vegetation and other major physical features.

- (ii) The existing contours of the site and the proposed final contours.
- (iii) The phasing of development and the areas proposed to be worked in five yearly periods with the first period dating from the commencement of operations.
- (b) Any conditional use approval that may be granted by Council shall include conditions which will ensure that : -
 - (i) No work shall be undertaken on that part of the land that faces Wellington Harbour (and which forms part of the fault escarpment running along the foreshore from Kaiwharawhara to Korokoro) that would have any detrimental visual effect on the said land.
 - (ii) The vegetative cover on the land referred to in (i) above, and on any other land not affected by the proposed workings shall be preserved and if necessary enhanced by additional planting of suitable trees and shrubs.
 - (iii) Any overburden that is removed shall be placed in such a manner as to prevent any unsightly appearance from beyond the boundaries of the site.
 - (iv) Control of any watercourses on the land and the control of runoff from the land shall be to the satisfaction of the Council and of the Wellington Regional Water Board.
 - (v) The location of all vehicular access points shall be to the satisfaction of the City Engineer.
 - (vi) All operations on the land shall be conducted in such a manner as to ensure that Horokiwi Road is not obstructed at any time.
 - (vii) Before any operations are commenced on the site, the applicant shall submit to Council a preliminary rehabilitation plan showing appropriate landscaping and planting to be carried out when each part of the area has been worked out, so as to blend the rehabilitated area with surrounding areas. No work shall be commenced on the site prior to such plan being approved by Council.
 - (viii) Not less than six months prior to completion of working of each phase of the overall development, the applicant shall submit to Council for approval a final rehabilitation plan for the relevant phase which shall conform generally with the approved preliminary rehabilitation plan and shall show in detail the landscaping, planting and any other work proposed to be carried out so as to blend the rehabilitated area with surrounding areas.
 - (ix) Work in accordance with the approved rehabilitation plan shall be completed to Council's satisfaction as soon as practicable after completion of the winning of material from the relevant area has ceased.

(x) A performance bond in an appropriate sum determined by Council will be required at the commencement of each phase of the development to ensure that rehabilitation of that phase is completed to Council's satisfaction.

(xi) The land and buildings shall be maintained at all times in a neat and orderly manner to Council's satisfaction.

The appellant had also requested the right after the full development of the quarry to store containers on the land and erect buildings accessory thereto. The type of container is that used for the transport of goods primarily by sea.

In its interim decision the Board omitted to make a determination in respect of that aspect of the appeal. The Board disallows the appeal in respect of containers for the following reasons.

1. Until the land has been exhausted for quarry purposes the use for the storage of containers is premature.
2. That container storage requires a large amount of land together with a considerable amount of heavy traffic movement and is a matter requiring detailed consideration at district if not regional level.
3. In the absence of detailed evidence establishing the appeal site as a site suitable for the storage of containers in the context of land and services available in the district the Board is not disposed to zone land for that purpose.

DATED this 2nd day of November 1977.



[Handwritten Signature]
.....
Chairman

Appendix 4: Letter from Horokiwi Quarries requesting August EUC be reviewed

SR 255760
Lufi: 1048648

file please

Dave Armour
Resource Management Solutions Ltd

8 John St,
Titahi Bay,
PORIRUA
Ph: 2368609
Cellph: 021 503 187
Fax: 2360051
Email: rarmour@xtra.co.nz

Scanned

PROJECT HQL/01/61

25 September 2012

Brett Smith
(Senior) Consents Planner
Development Planning and Compliance
Wellington City Council
PO Box 2199
WELLINGTON



Dear Brett

**GRANTED APPLICATION FOR EXISTING USE RIGHTS CERTIFICATE 39
HORIKIWI QUARRY LIMITED, 39 HOROKWI ROAD, HOROKIWI.**

COUNCIL REFERENCE SERVICE REQUEST NO: 255760

Ross Baker has requested that Philip Milne (Barrister), and I review the existing use certificate as issued by the Wellington City Council, including the Notice of Decision, 15 August 2012, and the formal decision, correspondence dated 10 September 2012.

Philip has advised that in his opinion the Notice of Decision appropriately addresses, and considers matters under sections 139A, and 10(1)(a)(i), 10(1)(a)(ii), 10(2), and 10(3) of the Resource Management Act. However, he has advised that the formal issue of the decision by way of your letter dated 10 September does not meet the requirements of sections 139A (1) (b), and (c) of the Act which requires inter alia that the *certificate* as issued includes a description of the use of the land, and that the character, intensity and scale of the use of the land on the dated on which the certificate is issued is specified.

I therefore request that the Council review the format of the decision in issuing the existing use certificate in order to satisfy the requirements of section 139A of the Act. To assist the Council I have prepared, and append a possible format for the decision to issue the existing use certificate (the current decision remains valid and part of the process). The draft certificate is directly based on material in the application

Yours Faithfully


Dave Armour

Encl

Copy to Philip Milne Barrister and Independent Commissioner
Ross Baker Manager Horokiwi Quarries Limited.

Appendix 5: 1m DEM ridgeline maps



Legend

- Ridgelines
 - Generated Ridgeline (blue line)
 - Submitters Ridgeline (pink line)
- 1m DEM Shaded Relief
 - 255 (light gray)
 - 0 (dark gray)

Right of Reply: HS6 - Ridgeline at Horokiwi Quarry

Map shows a hillshade relief created from the 2021 1m Digital Elevation Model of the Horokiwi Quarry Area, and the digitally generated ridgeline.

Basemap credits: WCC, AAM

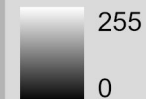
Date: 22/03/2024
Credit: City Insights GIS Team

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Legend

1m DEM Shaded Relief



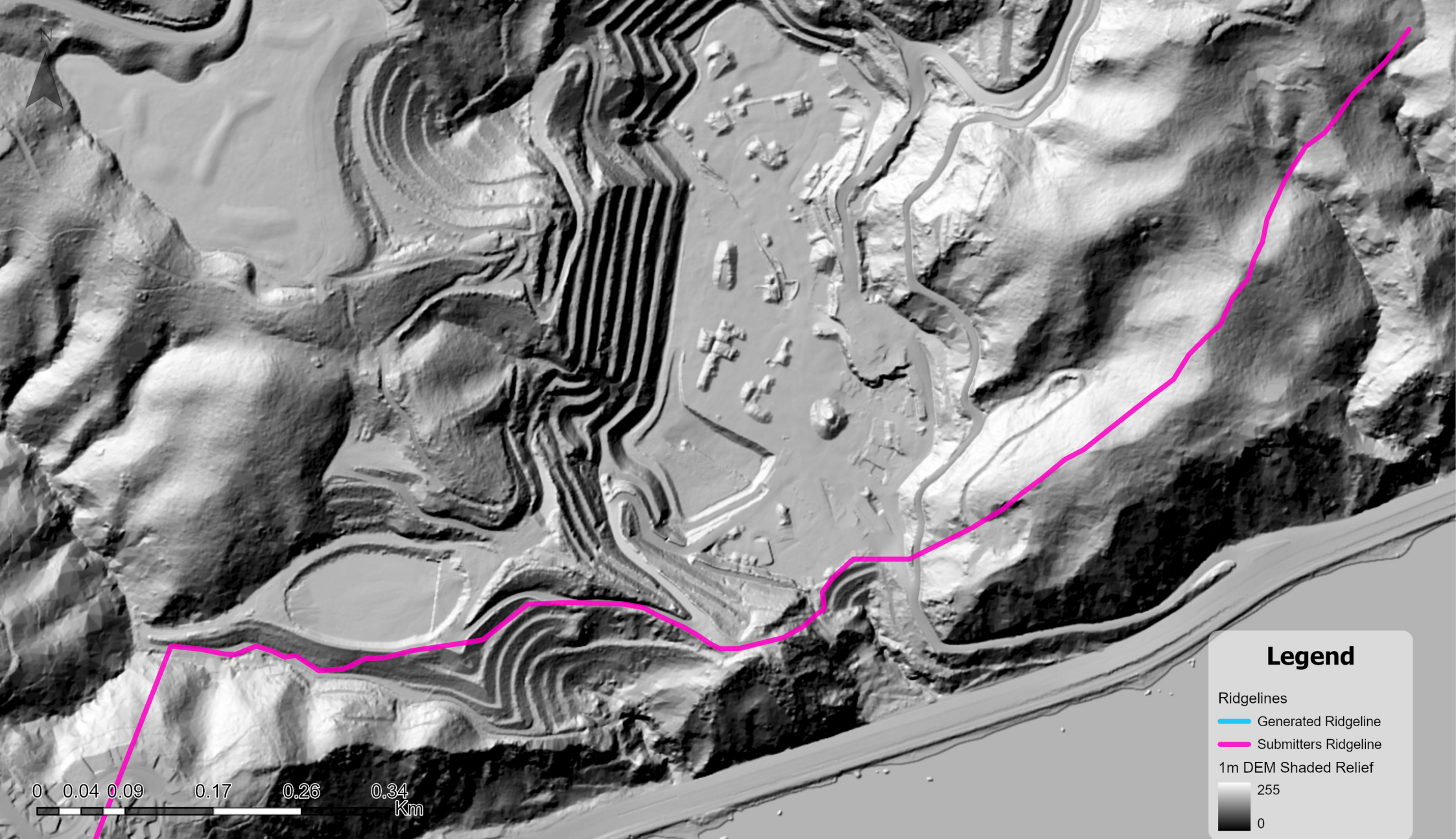
Right of Reply: HS6 - Ridgeline at Horokiwi Quarry

Map shows a hillshade relief created from the 2021 1m Digital Elevation Model of the Horokiwi Quarry Area.

Date: 22/03/2024
Credit: City Insights GIS Team

Basemap credits: WCC, AAM

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke



Right of Reply: HS6 - Ridgeline at Horokiwi Quarry

Map shows a hillshade relief created from the 2021 1m Digital Elevation Model of the Horokiwi Quarry Area, and the ridgeline drawn from the submission.

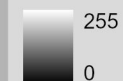
Basemap credits: WCC, AAM

Legend

Ridgelines

- Generated Ridgeline
- Submitters Ridgeline

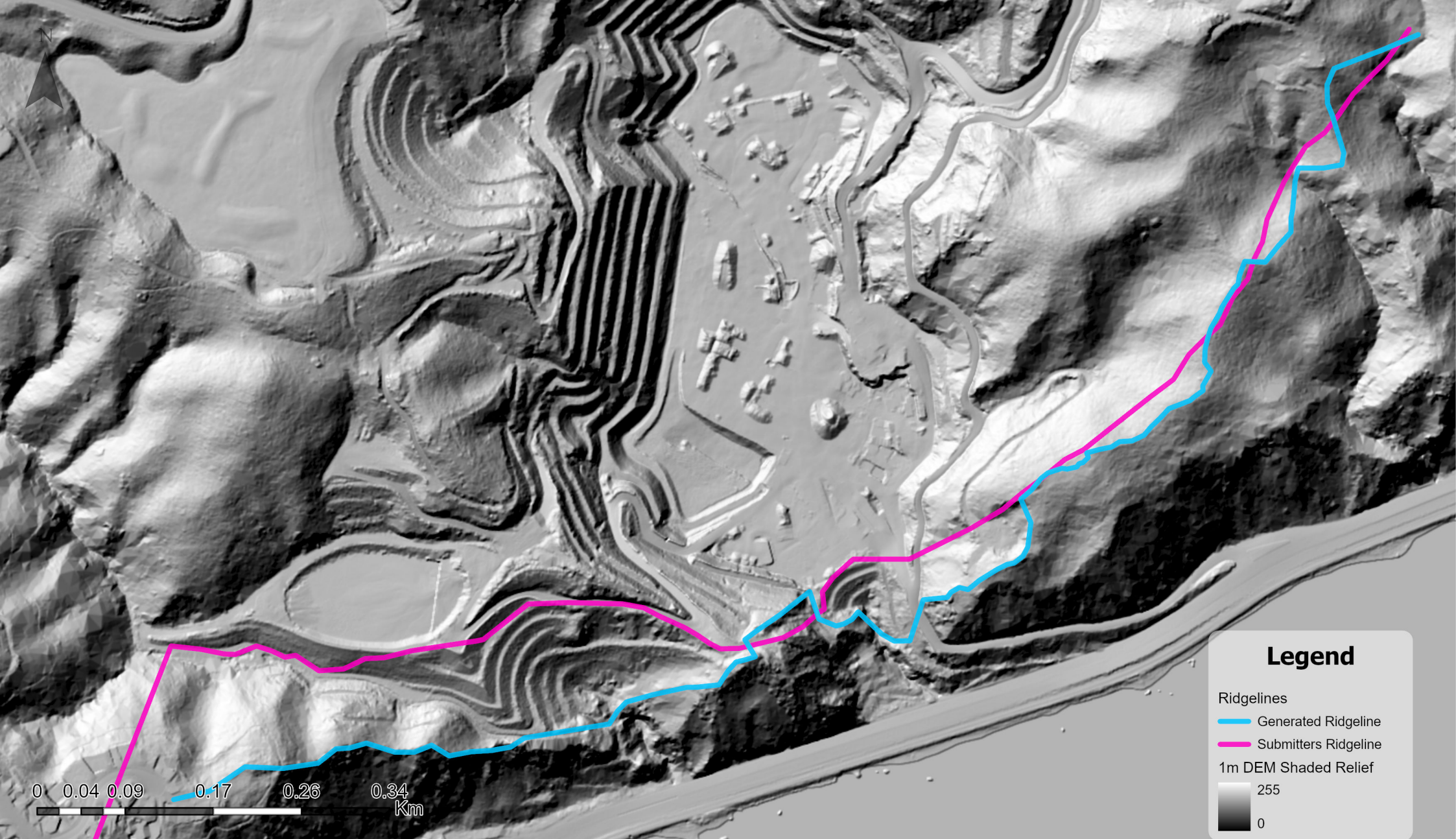
1m DEM Shaded Relief



Date: 22/03/2024
Credit: City Insights GIS Team

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0 0.04 0.09 0.17 0.26 0.34 Km

Legend

- Ridgelines
 - Generated Ridgeline
 - Submitters Ridgeline
- 1m DEM Shaded Relief
 - 255
 - 0

Right of Reply: HS6 - Ridgeline at Horokiwi Quarry

Map shows a hillshade relief created from the 2021 1m Digital Elevation Model of the Horokiwi Quarry Area, the ridgeline drawn from the submission, and the digitally generated ridgeline.

Basemap credits: WCC, AAM

Date: 22/03/2024
Credit: City Insights GIS Team

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Right of Reply: HS6 - Ridgeline at Horokiwi Quarry

Map shows aerial imagery of the Horokiwi Quarry Area, the ridgeline drawn from the submission, and the digitally generated ridgeline.

Basemap credits: WCC, AAM

Legend

- Ridgelines
- Generated Ridgeline
- Submitters Ridgeline

Date: 25/03/2024
Credit: City Insights GIS Team

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Appendix 6: Draft Issues and Options report for the Quarry Zone

Planning for Growth

District Plan Review

Issues & Options Report: Quarrying Activities

Tō tātou taone
mō Apōpō

**E rautaki
ana mātou**

Our City
Tomorrow

**Planning
for Growth**

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Document Information

Version number	Author	Peer Reviewer	Date
First Draft	Tom Chi		12/07/2021

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Executive Summary

This Issues and Options Report has been prepared as part of the wider Planning for Growth programme to accommodate anticipated growth over the next 30 years. The purpose of this Report is to provide an analysis of high-level issues relating to quarrying activities as addressed by the Wellington District Plan and to provide options for addressing these issues.

The key issues and preferred options as identified by this report are:

- Issue 1: The efficiency of District Plan provisions.
 - Efficiency here relates to the number of resource consents required to operate and develop a quarry, and the activity status applied to these resource consents. Overall, the current District Plan provisions are not considered efficient for quarrying activities. While the Kiwi Point and Horokiwi Quarries have been able to continue operations, there is a demonstrated need at Horokiwi Quarry to apply for uncertain resource consents to continue to operate and develop.
 - Preferred option: It is recommended to provide for quarrying activities as Permitted or Controlled Activities subject to activity standards.
- Issue 2: The appropriateness of District Plan policy direction.
 - Appropriateness here relates to the alignment / consistency of the District Plan policies and objectives with the policy direction provided by the RPS and the PNRP. The overarching direction of these documents is to provide for mineral extraction of significant mineral resources and to protect their continued use and operations from incompatible or inappropriate land uses / activities occurring nearby. Overall, the District Plan provisions are not considered appropriate. While the provisions relating to Kiwi Point Quarry provide a degree of policy support, which could be refined to better meet the needs of the quarrying operations, there is little to no policy support provided for Horokiwi Quarry.
 - Preferred option: It is recommended to carry out a full review of quarrying provisions to better give effect to the RPS. This review is to be broader than only Kiwi Point Quarry or Horokiwi Quarry.
- Issue 3: Drafting structure.
 - The overarching policy direction for quarrying activities requires implementation of the National Planning Standards. These came into effect on 3 May 2020 and set out a national template and framework requiring national consistency on the structure and format for resource management plans. However, the National Planning Standards do not require a specific structure for District Plan quarrying provisions. There is no Quarry Zone nor any set location that quarrying provisions need to be re-housed into.
 - Preferred option: It is recommended to re-house new provisions in a Special Purpose Zone Chapter, supported by Precincts as required.

1 Introduction

Wellington City Council is planning for substantial growth in the next 30 years. The Council is currently undertaking a review of the Urban Growth Plan and the District Plan to provide for this future growth as part of the Planning for Growth programme of work.

The purpose of this report is to identify issues and recommend options for further consideration relating to a review of the District Plan's (DP) quarrying provisions. There are two commercial quarries that operate within Wellington City – Kiwi Point Quarry and Horokiwi Quarry. These quarries are a local and regionally significant source of aggregate and quarry materials used in construction, agriculture and other industries.

At present, the DP provisions for quarrying are housed within the Business Area Chapter – a dedicated quarrying chapter does not exist. Kiwi Point Quarry is predominantly zoned Business Area and Open Space B.; Horokiwi Quarry is predominantly zoned Rural and Conservation.

1.1 Report Topic

This report covers **quarrying activities**, which are defined in the National Planning Standards 2019 as: *“... 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 cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.”*

2 Legislative and Statutory Context

2.1 Resource Management Act 1991

The District Plan is a statutory planning document required to be produced by local authorities by the Resource Management Act 1991 (RMA or Act). The RMA requires local authorities to review the District Plan provisions at least once every 10 years. This can be done through a staged / rolling review or full review. Wellington City Council is undertaking a full review of the District Plan as part of the Planning for Growth programme to fulfil this statutory requirement.

Section 5 of the RMA sets out the purpose of the RMA, as to “*promote the sustainable management of natural and physical resources.*” Sustainable management is defined within this section. **Section 6** sets out matters of national importance that local authorities are required to provide for and **Section 7** sets out other matters that local authorities are required to have particular regard to, with giving effect to the purpose of the RMA. **Section 8** requires local authorities to take into account the Principles of the Treaty of Waitangi.

These matters are relevant to the management of quarrying activities insofar as the quarrying activities must consider these matters by course. The matters identified in sections 6(c), 6(h), 7(b), 7(c), 7(f) and 7(g), however, are particularly relevant to Kiwi Point Quarry and Horokiwi Quarry:

- 6(c) for “the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.”
- 6(h) for “the management of significant risks from natural hazards.”
- 7(b) for “the efficient use and development of natural and physical resources.”
- 7(c) for “the maintenance and enhancement of amenity values.”
- 7(f) for “maintenance and enhancement of the quality of the environment.”
- 7(g) for “any finite characteristics of natural and physical resources.”

With respect to section 6(c), preliminary identified Significant Natural Areas have been located within or near operative areas of Kiwi Point Quarry and Horokiwi Quarry.

2.2 National Planning Standards

The National Planning Standards, which came into effect on 3 May 2020, set out a national template and framework requiring consistency nationally in relation to:

- The structure and format of new district plans;
- The purpose and naming of zones;
- The use of mandatory definitions, and
- The requirements for electronic functionality.

The National Planning Standards require the existing district plan structure to be reorganised and made consistent nationally. Consequentially, many of the provisions relevant to quarrying activities contained in the Business Area Chapter have been relocated into district-wide chapters e.g. for earthworks, traffic and noise / vibration. Matters specific to quarrying activities will be re-housed within another structure.

2.3 National Policy Statements

The following National Policy Statements are in effect:

- National Policy Statement on Urban Development;
- National Policy Statement for Freshwater Management;
- National Policy Statement for Renewable Electricity Generation;
- National Policy Statement on Electricity Transmission; and
- New Zealand Coastal Policy Statement.

None of these National Policy Statements are specifically applicable to a review of operative provisions for quarrying activities.

2.4 National Environmental Standards

The following National Environmental Standards are in effect:

- National Environmental Standards for Plantation Forestry;
- National Environmental Standards for Air Quality;
- National Environmental Standard for Sources of Drinking Water;
- National Environmental Standards for Telecommunications Facilities;
- National Environmental Standards for Electricity Transmission Activities;
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;

None of these National Environmental Standards are specifically applicable to a review of operative provisions for quarrying activities.

2.5 Regional Policy Statement 2013

The Regional Policy Statement (RPS) is a document prepared by Greater Wellington Regional Council that sets out the framework and priorities for resource management across the Wellington region. The RPS identifies the regionally significant issues around the management of the Wellington region's natural and physical resources, sets out what needs to be achieved (objectives) and the way in which

objectives will be achieved (policies and methods). District Plans are required to give effect to policies 1-34 of the RPS, and to consider policies 35-60.

The following Regional Policy Statement 2013 provisions Issue 1 (3.11 Soils and Minerals), Objective 31 and Policy 60 are strongly supportive of managing quarrying activities to both confer economic and social benefits and manage environmental effects. It is noted, however, that Policy 60(b) speaks to the risks of reverse sensitivity for sensitive land uses (e.g. residential) near quarrying / mineral extraction.

RPS	
3.11, Issue 1	There are limited mineral resources in the region and demand for these will increase. A sustained supply of mineral resources is essential to provide for the well being of the regional and local communities and the people of Wellington, and for the regional economy. There are also benefits from extracting mineral resources locally
Objective 31	The demand for mineral resources is met from resources located in close proximity to the areas of demand.
Policy 60	<p>Utilising the region’s mineral resources – consideration</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>Explanation</p> <p>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</p>

2.6 Proposed Natural Resources Plan

The Proposed Natural Resources Plan (PNRP) is the Regional Plan prepared by Greater Wellington Regional Council and is intended to replace and consolidate the five Operative Regional Plans. These plans relate to air, soil, land, freshwater and the coast – the PRNP seeks to integrate these topics into a single planning document and better enable integrated management of regional resources. The PRNP was publicly notified in June 2015 with the proposed provisions having immediate legal effect. The decisions version (notified on 31 July 2019) is referred to in this report.

A review of the PRNP notes that the provisions relating to quarrying / mineral extraction are consistent with the policy direction in the RPS:

PNRP	
Objective O12	The social, economic, cultural and environmental benefits of regionally significant infrastructure, renewable energy generation activities and the utilisation of mineral resources are recognised.
Objective O13	Significant mineral resources use and the ongoing operation, maintenance and upgrade of regionally significant infrastructure and renewable energy generation activities in the coastal marine area and beds of rivers and lakes are protected from incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.
Policy P12A	When considering proposals that relate to the use of the Region's mineral resources, particular regard will be given to the benefits from the utilisation of those resources.
Policy P14	Regionally significant infrastructure, renewable energy generation activities and significant mineral resources shall be protected from new incompatible use and development occurring under, over or adjacent to it, by locating and designing any new use and development to avoid, remedy or mitigate any reverse sensitivity effects.

2.7 Wellington District Plan

The First Generation District Plan replaced the 1986 District Scheme, which was written under the Town and Country Planning Act. It was considered at the time that the market would appropriately decide the best location for different types of activities, particularly economic activities, and the District Plan needed only to control the adverse effects of activities. This District Plan had five generic zones, the inner and outer residential areas, the central area, the rural area, the open space area, and the suburban centres;

and two precincts. This First Generation District Plan was reviewed and the Second Generation District Plan was made operative in 2000.

The provisions specifically relating to quarrying activities are contained in the Business Area Chapter and relate only to Kiwi Point Quarry. Kiwi Point Quarry is predominantly zoned Business Area and Open Space B.; Horokiwi Quarry is predominantly zoned Rural and Conservation. This means that quarrying activities undertaken in Horokiwi Quarry achieve resource consent, where resource consent is required, within a policy and rule framework that is not designed to provide for quarrying activities.

2.8 Plan Changes 25, 55, 64 and 83

Plan Changes 25, 55 and 83 (PCs) related to the management of Kiwi Point Quarry. Collectively, these plan changes provided for updates to the District Plan provisions and underlying zoning managing quarry operations at Kiwi Point. A very brief summary of these PCs is as follows: PC 25 proposed an extension to the quarry site, PC 64 proposed a Quarry Management Plan requirement and new rules to manage the effects of quarrying on neighbouring sites, and PC 83 proposed rehabilitation and visual mitigation methods e.g., new rules to manage vegetation replanting and establishing an Open Space Zone to provide a buffer area. Plan Change 54 rezoned the decommissioned Owhiro Bay Quarry from Rural to Outer Residential Zone.

2.9 Kiwi Point Quarry Management Plan 2014

The Kiwi Point Quarry Management Plan 2014 was prepared as a requirement of the District Plan after PC 64 was made operative. This management plan provides guidance and parameters for Kiwi Point Quarry's operations, broadly being quarrying, cleanfilling and site rehabilitation. The management plan is a relevant consideration in this District Plan Review insofar as management procedures and policies need to be contained within the District Plan and, where they need to be, how.

3 Key Issues & Options

3.1 Issue 1: The Efficiency of District Plan Provisions

3.1.1 Summary of Issue

The overarching policy direction for quarrying activities in Wellington points to recognition of the value of Wellington’s mineral resources and related extractive industries. This guidance predominantly comes through the RPS and the PNRP objectives and policies. The question before us is, “how efficient are the operative District Plan provisions in managing quarrying activities?”

This matter primarily relates to the District Plan rules and activity standards for quarrying. The question of efficiency here relates to the number of resource consents required to operate / develop a quarry, and the activity status applied to these resource consents. A case of high efficiency would see relatively few resource consents required to operate / develop a quarry, coupled with resource consent activity statuses providing greater certainty to applicants i.e. controlled or restricted discretionary, rather than discretionary or non-complying.

The following comments are drawn from the accompanying Background and Monitoring Report:

- At present, the DP provisions for quarrying are housed within the Business Area Chapter – a dedicated quarrying chapter does not exist. Kiwi Point Quarry is predominantly zoned Business Area and Open Space B; Horokiwi Quarry is predominantly zoned Rural and Conservation. It is also noted that quarrying activities are not provided for in the Rural and Conservation zones, nor are quarrying activities outside of Kiwi Point Quarry provided for in the Business Area.
- In order from most common to least common, the activity statuses for the applications were for Discretionary (Restricted), Discretionary (Unrestricted) Non-Complying and Controlled. While a range of activities were applied for, the activities related to quarrying consistently required to rely on a less efficient / certain consenting process.

Overall, the current District Plan provisions are not considered efficient for quarrying activities. While the Kiwi Point and Horokiwi Quarries have been able to continue operations, there is a demonstrated need at Horokiwi Quarry to apply for uncertain resource consents to continue to operate and develop. This is the case even while commercial-scale quarries are land uses that dominate their respective site of operations, at the exclusion of many other land uses.

Councils have approached this matter differently. Below is summarises the quarrying provisions for Auckland Council and Kapiti Coast District Council:

- Auckland Council currently uses the Auckland Unitary Plan (Operative in Part) (AUP OP). The AUP OP uses the term “mineral extraction activities” as the equivalent of “quarrying activities” defined above. Mineral extraction is provided for in either the Chapter H28 Special Purpose – Quarry Zone or within Chapter H19 Rural Zones. The former Special Purpose – Quarry Zone

has a rule regime that caters for the core components of quarrying (see Figure 1 below) with the activities provided for in Permitted, Controlled, Restricted Discretionary and Discretionary activity statuses – in contrast to activities not provided for.

H28.4. Activity table

Table H28.4.1 specifies the activity status of land use and development activities in the Special Purpose – Quarry Zone pursuant to section 9(3) of the Resource Management Act 1991.

All buildings accessory to any activity specified in the table have the same status as the activity itself unless otherwise specified in the table.

The objectives, policies, permitted activities and associated standards for land disturbance are located in [E12 Land disturbance – District](#).

Table H28.4.1 Activity table - Land use and development [dp]

Activity		Activity status
Use		
(A1)	Farming	P
(A2)	Forestry	P
(A3)	Conservation planting	P
(A4)	Rural commercial services	D
(A5)	Rural industries	D
(A6)	On-site primary produce manufacturing	P
(A7)	Mineral extraction activities	C
(A8)	Processing and recycling mineral material, construction waste and demolition waste	P
(A9)	Industrial activities that utilise the extracted minerals as the principal raw material	D
(A10)	Rehabilitation of quarries using cleanfill or managed fill	P
Development		
(A11)	Demolition of buildings	P
(A12)	New buildings or additions and alterations to existing buildings accessory to mineral extraction activities up to 200m ² gross floor area	P
(A13)	Buildings that do not comply with the controlled activity Standard H28.6.2	RD
Land disturbance - District		
(A14)	Greater than 2500m ²	C
(A15)	Greater than 2500m ³	C

Figure 1: AUP OP Activity Table H28.4.1 (screenshot of the AUP OP in July 2021).

- The latter Chapter H19 Rural Zones provides for quarrying but does not necessarily anticipate commercial-scale quarrying within these zones (see Figure 2 below). This is demonstrated by the Discretionary and Non-Complying activity statuses provided for – in contrast to activities not provided for.

Table H19.8.1 Activity Table – use and development [rp/dp]

Use	Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
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Mineral activities		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
(A60)	Mineral extraction activities	NC	NC	NC	D	D
(A61)	Mineral prospecting	P	P	P	P	P

Use	Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
	(A62)	Mineral prospecting that does not comply with Standard H19.10.16.	D	D	D
(A63)	Mineral exploration	P	P	P	P
(A64)	Mineral exploration that does not comply with Standard H19.10.16.	D	D	D	D

Figure 2: AUP OP Activity Table H19.8.1 (screenshot of the AUP OP in July 2021).

- Kapiti Coast District Council currently uses the Operative Kapiti Coast District Plan (KCDP) as of 30 June 2021. The KCDP uses the term “extractive industries” which also includes quarrying activities. The KCDP provides for quarrying activities / extractive industries in the Earthworks Chapter, but applicable rules apply to the rural zones only. The Earthworks Chapter contains a rule regime that largely anticipates farm-scale quarries on productive farms but also provides a rule regime that allows for assessment of commercial-scale quarries should they appear (see Figure 3 below). Restricted Discretionary and Discretionary activity statuses apply for quarries that do not meet the Permitted activity rule standards. A Non-Complying activity status applies for quarries proposed within identified Outstanding Natural Features and Landscapes.

Rules - EW-EXT - Extractive Industries	
EW-EXT-R10	Extraction of materials from Farm <i>quarries</i> in the Rural Production <i>Zone</i> .
<i>Permitted Activity</i>	<p>Standards</p> <ol style="list-style-type: none"> 1. Extraction of materials from farm <i>quarries</i> shall: <ol style="list-style-type: none"> a. not exceed 1,000m³ in any calendar year; b. not be extracted for sale or trade; c. be used on that <i>site</i> or adjacent <i>sites</i> under the same ownership or management for <i>permitted farming</i> activities <i>ancillary to farming</i>; d. not be extracted or stockpiled within an <i>Outstanding Natural Feature and Landscape</i>, <i>ecological site</i>, <i>historic heritage feature</i>, or <i>flood hazard category</i>; and e. not be extracted nor stockpiled within the <i>National Grid Yard</i>. 2. The farm <i>quarry</i> shall: <ol style="list-style-type: none"> a. be setback 10m from any <i>boundary</i>; b. be setback 20m from <i>waterbodies</i> and <i>wetlands</i>; c. be setback 10m from an <i>ecological site</i>; and d. be setback 30m from coastal marine areas. 3. The farm <i>quarry</i> shall: <ol style="list-style-type: none"> a. not include the use of mechanical separators or crushers; and b. be limited to a maximum of 1 <i>quarry site</i> per <i>site</i>.

Figure 3: KCDP Earthworks Chapter Rules for Extractive Industries (screenshot taken from the KCDP in July 2021). This shows the permitted rule EW-EXT-R10 only.

- The Operative Wellington District Plan takes a similar approach to the KCDP in that quarrying activities at Kiwi Point Quarry are Permitted activities subject to compliance with conditions of the activity.

3.1.2 Options

The options available for improving the effectiveness of the District Plan provisions (being the rules and activity standards) include:

- **Option 1: Provide for quarrying activities as a Permitted activity subject to conditions, leading to a graduated consenting regime.** This means that quarrying activities could occur without a resource consent provided that they comply with all activity standards and also do not require a resource consent under any other rule in the District Plan. Resource consent activity statuses could be Restricted Discretionary, Discretionary or Non-Complying activity depending on the risk being managed.
- **Option 2: Provide for quarrying activities as a Controlled activity, leading to a graduated consenting regime.** This means that quarrying activities would need a resource consent at minimum but this resource consent could not be refused by Council. Any additional resource consent activity statuses could be Restricted Discretionary, Discretionary or Non-Complying activity depending on the risk being managed.
- **Option 2: Provide for quarrying activities as a Restricted Discretionary activity, leading to a graduated consenting regime.** This means that quarrying activities would need resource consent at minimum and this resource consent could be refused by Council. Any additional

resource consent activity statuses could be Restricted Discretionary, Discretionary or Non-Complying activity depending on the risk being managed.

3.1.3 Preferred Option

Either Option 1 or Option 2 are the preferred options. The reasons are:

- All three Options could provide more certainty for the Horokiwi Quarry compared with the current rule regime that does not provide for quarry operations. However, Option 1 is already applied in the context of Kiwi Point Quarry and it is feasible – at this stage of investigation – to apply a similarly adjusted regime to Horokiwi Quarry.
- Options 2 and 3 would increase consenting requirements for Kiwi Point Quarry (for new quarry works) and would decrease the consenting requirements for Horokiwi Quarry. However, both Options 2 and 3 could provide Horokiwi Quarry with more certainty over their quarry activities through the attainment of long-term resource consents for the quarrying activity itself.
- However, the resource consent process would also allow for management requirements to be dealt with through resource consents rather than a plan change e.g. the Kiwi Point Quarry site plan that is contained within the Business Area Appendices. Option 1 would involve containing these matters within the District Plan itself and may require the lengthier plan change process to update.

3.2 Issue 2: The Appropriateness of District Plan Policy Direction

3.2.1 Summary of Issue

The overarching policy direction for quarrying activities in Wellington points to recognition of the value of Wellington’s mineral resources and related extractive industries. This guidance predominantly comes through the RPS and the PNRP objectives and policies. The question before us is, “how appropriate is the operative District Plan policy direction for quarrying activities?”

This matter primarily relates to the District Plan objectives and policies for quarrying. The question of appropriateness here relates to the alignment / consistency of the District Plan policies and objectives with the policy direction provided by the RPS and the PNRP. The RMA requires the District Plan to give effect to the RPS and to not be inconsistent with the PNRP. A case of high appropriateness would see the higher-level policy direction clearly flowing into the District Plan whereas low appropriateness would see dilution, deviation, or disappearance of this higher-level policy direction in the District Plan.

Sections 2.5 and 2.6 above of this report set out the issues, objectives and policies of the RPS and the PNRP. The overarching direction of these documents is to provide for mineral extraction of significant mineral resources and to protect their continued use and operations from incompatible or inappropriate land uses / activities occurring nearby. With respect to the latter, managing adverse safety and amenity effects onto neighbouring sites are of primary concern i.e., noise, vibration, dust, lighting, traffic / access and visual amenity.

Quarrying activities are provided for in the Wellington District Plan in the Business Area Chapter and generally as earthworks activities, except where specified in the Centres Area Chapter. The Business Area Chapter quarrying provisions specifically relate to and apply only to Kiwi Point Quarry. Quarrying anywhere else within Wellington City is otherwise specifically provided for, including Horokiwi Quarry.

The absence of policy support for Horokiwi Quarry was also raised through internal discussion with the Resource Consents team. The team advised that the current quarrying operations at Horokiwi Quarry are not in of themselves consented and rely on historical existing use rights that pre-date the Wellington District Plan and the RMA itself. This is confirmed in the Background and Monitoring Report.

Internal discussion with the Infrastructure Project Management team for Kiwi Point Quarry noted that the existing policy support for Kiwi Point Quarry was sufficient to enable continued operations but could not provide for works contrary to the concept plan contained within the Business Area Appendices.

Overall, the District Plan provisions are not considered appropriate. While the provisions relating to Kiwi Point Quarry provide a degree of policy support, which could be refined to better meet the needs of the quarrying operations, there is little to no policy support provided for Horokiwi Quarry.

3.2.2 Options

The options available for improving the appropriateness of District Plan provisions (being the objectives and policies) include:

- **Option 1: Duplicate Kiwi Point Quarry policy approach over Horokiwi Quarry.**
- **Option 2: Fully review the policy approach for quarrying District-Wide.**

3.2.3 Preferred Option

Option 2 is the preferred option. The reasons are:

- Option 1 is not preferred because it does not take into account the site-specific circumstances for Horokiwi Quarry. The quarrying provisions for Kiwi Point Quarry include site-specific concept plans and provisions that references specific addresses and neighbours. Duplication would risk providing an unsuitable policy structure for Horokiwi Quarry.
- Option 2 provides an opportunity to review quarrying provisions across the whole District. This may involve providing generally applicable quarrying provisions where appropriate, alongside site-specific provisions where required. As noted earlier, this also provides an opportunity for increasing the flexibility of the provisions that apply to Kiwi Point Quarry, alongside increasing the regulatory certainty for quarry operations at Horokiwi Quarry.

3.3 Issue 3: Drafting Structure

3.3.1 Summary of Issue

The overarching policy direction for quarrying activities in Wellington requires implementation of the National Planning Standards. These came into effect on 3 May 2020 and set out a national template and framework requiring national consistency on the structure and format for resource management plans prepared under the RMA.

The National Planning Standards includes a new definition for “quarrying activities,” being:

“[T]he 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 cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.”

The National Planning Standards also include a new definition for “quarry,” being:

“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.”

However, the National Planning Standards do not require a specific structure for District Plan quarrying provisions. There is no Quarry Zone nor any set location that quarrying provisions need to be re-housed into. The question before us is, “how should the new quarrying provisions be structured in the Proposed District Plan?”

Councils have approached this matter differently. Below is summarises the quarrying drafting structures for Auckland Council, Porirua City Council and Kapiti Coast District Council:

- Auckland Council currently uses the Auckland Unitary Plan (Operative in Part) (AUP OP). The AUP OP uses the term “mineral extraction activities” as the equivalent of “quarrying activities” defined above. The AUP OP provides for mineral extraction on land using either the District-Wide provisions in Chapter E28 Mineral Extraction from Land and other provisions contained in the earthworks chapters and rural zones, or in the site-specific provisions in Chapter H28 Special Purpose – Quarry Zone. Generally, mineral extraction activities are identified in specific overlays as being high-risk e.g. landscape overlays.
- Porirua City Council publicly notified the Porirua Proposed District Plan (PPDP) on 28 August 2020. The PPDP process has closed further submissions and is moving towards hearings, and eventually onto decisions. The PPDP provides for quarrying activities within their General Rural Zone. Quarrying activities are identified in the landscape and coastal environment overlays as being high-risk.
- Kapiti Coast District Council currently uses the Operative Kapiti Coast District Plan (KCDP) as of 30 June 2021. The KCDP provides for quarrying activities within the Earthworks chapter, but

rules providing for quarrying activities apply to rural zones only. Quarrying activities are also identified in the landscape and ecological overlays as being high-risk.

3.3.2 Options

Taking into account the above comparative notes and the drafting structure proposed in the National Planning Standards, the options available for re-housing quarrying activity provisions (separate to the content of those specific provisions) include:

- **Option 1: Re-housing the provisions in a dispersed Zone format.** Provisions for quarrying activities would be spread across zone chapters e.g. Rural and Industrial Zones. This provides for quarrying activities District-Wide but does not prioritise quarrying activities in these zones.
- **Option 2: Re-housing the provisions in a Zone and Precinct format.** Quarrying provisions will be contained within Precincts for specific zones e.g. a Kiwi Point Quarry or Horokiwi Quarry Precinct contained within the Rural or Industrial Zones. This provides for quarrying activities at Kiwi Point Quarry and Horokiwi Quarry but does not provide for quarrying District-Wide. This also provides for but does not prioritise quarrying activities in these zones.
- **Option 3: Re-housing the provisions in a Special Purpose Zone and Precinct format.** The provisions for quarrying activities would be contained in a Special Purpose Quarry Zone and site-specific provisions for Kiwi Point Quarry or Horokiwi Quarry would be contained within the respective Precincts. This provides for quarrying activities at Kiwi Point Quarry and Horokiwi Quarry but does not provide for quarrying District-Wide. This also prioritises quarrying activities in this zone.

3.3.3 Preferred Option

Option 3 is the preferred option. The reasons are:

- Per the above assessments for Issues 1 and 2, the policy direction is to prioritise quarrying but to not require District-Wide provision for quarrying activities. This is because there are only two commercial-scale quarry sites in Wellington City, being Kiwi Point and Horokiwi Quarries, that require a policy approach that is specifically targeted towards quarrying.
- Option 1 is the least preferred option because this approach provides unneeded District-Wide policy support and does not offer the policy priority that commercial-scale quarrying needs.
- Option 2 is a less preferred option because this approach does not provide the targeted policy priority that commercial-scale quarrying needs.
- Option 3 is the preferred option because this approach provides a targeted policy approach for quarrying activities and will be applied only to the operative commercial-scale quarries, being Kiwi Point and Horokiwi Quarries.

4 Conclusion

The purpose of this report is to identify issues and recommend options for further consideration relating to a review of the District Plan's quarrying provisions. Recommended options in proceeding to review the District Plan's quarrying provisions are:

- With respect to improving the efficiency of the District Plan provisions, it is recommended to provide for quarrying activities as Permitted or Controlled Activities subject to activity standards.
- With respect to improving the appropriateness of the District Plan provisions, it is recommended to carry out a full review of the District Plan quarrying provisions to better give effect to the RPS. This review is to be broader than only Kiwi Point Quarry or Horokiwi Quarry.
- With respect to re-housing the District Plan provisions, it is recommended to re-house new provisions inside a Special Purpose Zone Chapter, supported by Precincts as required.