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**REPORT 2**  
(1215/52/IM)

## **PROPOSED DISTRICT PLAN CHANGE 64 – AMENDMENTS TO KIWI POINT QUARRY PROVISIONS**

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### **1. Purpose of Report**

To seek approval from the Committee to publicly notify Proposed District Plan Change 64 (Amendments to Kiwi Point Quarry provisions, Ngauranga Gorge).

### **2. Executive Summary**

- Kiwi Point Quarry is a key source of rock material for the City and the Region. Proposed Plan Change 64 will enable the continuation of quarrying operations by providing a valuable resource and extending the life of the quarry.
- The Plan Change includes provision for the following:
  - a rationalisation of current District Plan Rules. Through the merging of rules, a more comprehensive set of provisions will manage the quarry more effectively
  - a rezoning of areas required for quarrying
  - the implementation of a Quarry Management Plan (including provisions for rehabilitation) as a method to the relevant District Plan policy, rather than as rules
  - the modification to the buffer area along the northern boundary providing continued protection for adjoining residents and activities.
- Blasting times have been modified to allow more flexibility for the quarry operator and to address concerns of neighbours.

### **3. Recommendations**

It is recommended that the Committee:

1. *Receive the information.*
2. *Agree to publicly notify Plan Change 64 (Amendments to Kiwi Point Quarry provisions, Ngauranga Gorge), as set out in Appendix One of this report, in accordance with the First Schedule of the Resource Management Act 1991.*

3. *Adopt the Section 32 Report set out in Appendix Two to this report.*
4. *Delegate to the Portfolio Leader for Urban Development and Transport the authority to approve minor editorial changes prior to public notification.*

## **4. Background**

The present Kiwi Point Quarry has operated in Ngauranga Gorge for many years and has provided a valuable source of rock material. Kiwi Point Quarry is one of the City and Region's key resources which underpins other development. Rock material from quarries is essential to providing and maintaining housing, other buildings and infrastructure. The Quarry has been identified by the Council as one of the City's strategic assets.

The Quarry previously operated under a WCC Designation, but since 1994 has been subject to specific rule provisions in the District Plan.

In 2004, Plan Changes 25 and 26 were approved by Council to provide for the extension of Kiwi Point Quarry to the south, and to rationalise the quarry area and open space boundaries to the west of the existing quarry. District Plan provisions for the quarry extension involved changes and clarification of policy, a plan map change, new rules and methods, and a new appendix to the Suburban Centres Area provisions. As part of the Plan Change, it was made a requirement through the insertion of the new rules that a Quarry Management Plan and Rehabilitation Plan be prepared by the quarry operator.

On 21 February 2008, the Strategy and Policy Committee agreed to notify Proposed District Plan Change 63 (DPC63). DPC63 proposed general minor amendments to the District Plan, including a small change to the existing quarry provisions. It was signalled in this paper that a more comprehensive plan change would be prepared later in 2008, resulting in Proposed District Plan Change 64.

Under proposed Plan Change 64, it is now proposed that the provisions for the Quarry as a whole be consolidated. Further modification of the quarry boundaries and rezoning of land is also needed to facilitate the efficient and effective ongoing quarry operation and its eventual rehabilitation.

## **5. Discussion**

### **5.1 *Reasons for the Plan Change and key Plan Change proposals***

There are three key reasons for preparing Proposed District Plan Change 64. These are discussed in sections 5.1.1 – 5.1.3 below. In addition, the specific aspects of the Plan Change are also highlighted.

### **5.1.1 Rule rationalisation**

A key component of the Plan Change is the rationalisation of the existing District Plan provisions as the existing provisions differ between the northern and southern areas of the quarry.

It is intended to merge Rules 7.1.3 and 7.1.3A so that the quarry operates under one set of rules. As a result it is also proposed to merge the Appendix 5 plans related to the rules. This approach will increase the clarity of the Plan in relation to the Kiwi Point Quarry activities for all plan users, including the quarry operators, the general public and Council staff. It will also allow the full extent of the Kiwi Point Quarry to be guided by the Quarry Management Plan as a method under the relevant policy.

### **5.2.2 Continued reference to the Quarry Management Plan and/or the Rehabilitation Plan as extraneous documents is problematic**

With regard to the Management and Rehabilitation Plans, an important consideration is Clause 30 of Schedule 1 of the Resource Management Act which relates to the referencing of extraneous documents in the District Plan. Clause 30 was introduced in 2005, after the preparation of the Management and Rehabilitation Plans. Referencing extraneous documents can be useful where detailed technical information is to be applied but they do have legal effect as part of the Plan. A particular concern therefore is that if amendments are made to any extraneous documents, a subsequent change to the District Plan is required. To retain the flexibility to amend extraneous documents without the necessity to change the District Plan, it is considered more appropriate in the case of Kiwi Point Quarry for the Management Plan (incorporating rehabilitation provisions) to be referenced as a method under the relevant Policy. This will allow the Management Plan to be updated without further change to the District Plan.

To address this issue it is therefore proposed to:

1. Remove the reference to the Quarry Management Plan in the relevant rules in the District Plan. The Management Plan will now be inserted into the relevant Policy as a method to achieve a desired environmental outcome.
2. To remove the requirement for a Rehabilitation Plan under the rules of the District Plan and insert a rehabilitation chapter into the Quarry Management Plan that sets out the principles for the rehabilitation of the site and the techniques that will be adopted to achieve them. This is recommended in this case because the Rehabilitation Plan, which was created prior to the Management Plan, does not address rehabilitation of all quarry areas. It is considered appropriate to include it as part of the Management Plan to maximise efficiency.

### 5.2.3 Rezoning

To bring the District Plan into line with the approved Quarry Management Plan, the rezoning of land is required within the existing quarry area.

The Quarry Management Plan was prepared subsequent to the last significant quarry Plan change in 2004 and identified some additional areas appropriate for undertaking quarrying operations. As two of these areas in the northern part of the site are partially zoned Open Space B it is necessary to change the zoning to permit quarrying. The proposed rezoning is shown on Map A attached as Appendix 1.

As indicated on Plan A a smaller area of land currently zoned Suburban centre is proposed to be zoned Open Space B. This will form part of the buffer area between the quarry and the residential properties to the north.

With regard to the buffer area the existing 40m wide strip will be reduced however, the buffer area as a whole will extend along the entire northern boundary of the site and vary in width. The retention of the open space land as a buffer area will continue to provide mitigation measures against any potential effects on adjoining landowners to the north. This area will be maintained and managed by the relevant Council Business Unit.

### 5.2.4 Other Plan Change proposals

#### *The quarry boundary*

The boundaries of the quarry are proposed to be extended to encompass all the land held within the quarry. This will not be done to facilitate quarrying of the entire area, but to provide for a coordinated management of the area between the District Plan and the Quarry Management Plan. At present, only the land that is permitted to be quarried is contained within the quarry boundary as identified on the Appendix 5 plan of the Suburban Centres section of the District Plan. The full extent of the redefined boundaries will then be required to adhere to the provisions of the Quarry Management Plan.

#### *Blasting hours*

The hours currently permitted under the District Plan for the blasting of rock are restrictive. In the northern portion of the quarry blasting is permitted at 11.40am Monday to Friday only. In the southern extension is permitted between 11.30am and 11.40am Monday to Friday only. The proposal is to continue to restrict the hours of blasting, but with an extended timeframe between 10.00am and 2.00pm for the whole quarry, Monday to Friday. In the unlikely event of a misfire, emergency blasting may be undertaken outside of this timeframe for safety reasons as the explosives cannot be removed from the rock.

Nearby residents will still be required to be notified of forthcoming blasting events. An amended rule is included requiring the eleven identified adjoining property owners to be notified by mail one week in advance of blasting, and/or through an agreed system between the quarry operator and the owners of those properties.

### **5.3 Implications of applying the revised Rule**

The revised rule 7.3.1 will continue to address matters relating to the ongoing management of the Quarry as the existing rules have done, specifically:

- Potential effects such as vibration and dust that may be associated with quarrying activities will be controlled through the specific rules in both the District Plan and the Quarry Management Plan.
- Water quality and ground water management is a Regional Council matter. Any potential effects will be mitigated through the Quarry Management Plan and will involve the use of existing water treatment systems associated with the quarry.
- Ecological effects are given due consideration under the rehabilitation chapter of the Management Plan.
- Any landscape or visual effects arising from extended quarrying will be mitigated through the rehabilitation chapter of the Management Plan.
- Visual effects on residential properties to the north will be mitigated through the rehabilitation requirements related to the buffer area.
- There will be no additional effects on traffic. Any traffic effects are managed through a specific rule limiting access to the site off the State Highway, and the location of the on-site access route.
- Public safety effects are dealt with by the Management Plan.
- Effects of noise as a result of blasting will be managed by restricting the hours when blasting can be undertaken, and through the ongoing requirement to notify adjoining landowners.

In summary, the majority of potential adverse effects are managed through the Quarry Management Plan, including principles and techniques for site rehabilitation. The changes proposed will apply these requirements to the whole of the site. Other effects are able to be limited through District Plan provisions (policy, rules and methods), both existing and through the Plan Change.

### **5.4 Consultation**

As part of the preparation of this report, consultation was undertaken with adjoining landowners and five statutory authorities.

#### **5.4.1 Responses from Adjoining Landowners**

To date, the Council has received comments from the following adjoining landowners:

- Mr Stuart Haselden, the owner of 130 Fraser Avenue, Johnsonville, raised the following points:
  - That the buffer zone is important for his property and development.
  - The timeframe for blasting is too long, and should be decreased to between 9.00am – 12.00pm or something similar.
  - The current view from his property is not pleasant. He would like trees to be planted around the roadway to screen the quarry. Mr Haselden made the point that the planting of trees would not create a visual block to other properties as this area of land is lower lying.
  - The possible establishment of inappropriate land uses on leased quarry lands
  - Traffic safety issues on Fraser Avenue
  
- Ms Megan Hurnard, the owner of 113 Fraser Avenue, Johnsonville, made the following comments:
  - That the timeframe for blasting is too long and should be reduced. Ms Hurnard suggested a morning period and an afternoon period within which blasting can be undertaken. For example the hours between 10.00am – 11.00am and 1.00pm – 2.00pm.
  - She also raised the point that she does not receive any notification as to when blasting is proposed to be undertaken even though her property adjoins the site.
  - Ms Hurnard mentioned that she would like the gorse on the quarry adjacent to her property cleared, and trees planted.
  - Although outside the scope of the proposed plan change, she also wanted to discuss the potential for acquiring an easement on the southern boundary of their site which falls within Wellington City Council owned Open Space land, situated at the north-western most corner of the quarry. This information has been passed on to the relevant Council business unit.
  - Another peripheral request to the proposed plan change was that speeding vehicles have become a nuisance on Fraser Avenue. Ms Hurnard said that speed bumps should be considered for the area, or further widening and parking restrictions are created. This matter has also been passed on to the relevant Council business unit.
  
- Mr Phil Goodwin, the owner of 9 Plumer Street, Johnsonville, made the following comments:
  - The reduction in the width of the buffer zone adjacent to his property under the new provisions. Mr Goodwin seeks assurance that any work undertaken in such close proximity will be carried out in a safe and appropriate manner.
  - Mr Goodwin noted that the overland flow path in which stormwater runs from Plumer Street, runs down his property toward the north face, which could compound slope instability in the area.

- He noted there had been an issue of dust nuisance in the past. Specifically when quarry activities were being undertaken on the north face during a southerly, causing dust clouds that settled in and around his house. It is noted that operations ceased some 20 minutes after Mr Goodwin had called the quarry operator.
- Mr Keith Palmer, the owner of 175 Fraser Avenue, Johnsonville, made the following comments:
  - Whether the spine of land close to Mr Palmer's property was included in the Plan Change. It was noted however that the spine is included in Area C which is already approved for quarrying and cleanfilling under the District Plan.
  - With regards to the removal of the spine (which is permitted under the District Plan), Mr Palmer voiced his opposition to the increased view of the quarry floor that will result through the removal of the spine, but understood it was a permitted activity under the District Plan. It was suggested the potential for adverse visual effects could be mitigated through the planting of trees.
  - Mr Palmer was also concerned about traffic and access with the introduction of the north-western corner (some of which is proposed to be leased by Council). Mr Palmer stated that he would be interested in gaining a new access to his property from the quarry road, which is situated along the north-eastern boundary of his site. This is so that access to his property does not have to be gained over the existing railway line.
  - Mr Palmer would like to be kept updated with all future planning of the quarry and adjacent area, especially with regards to obtaining access to his property from the quarry.

#### 5.4.2 Responses from Statutory Authorities

To date, the Council received comments from the following statutory authority:

- Wellington Tenth's Trust
 

The Trust had two main concerns with regards to the proposed plan change:

  - *The Stream*  
It was acknowledged that Iwi have strong cultural ties with the Ngauranga Stream that flows through the site, and that Iwi would like it protected. The Wellington Tenth's Trust would be opposed to the piping of the stream and were concerned that no debris as a result of additional quarrying activities should be discharged into the stream.
  - *Visual Effects*  
In this regard, the Trust's concern was that there should be no long term visual effects created when looking up Ngauranga Gorge towards the quarry, from the sea.

### 5.4.3 Changes resulting from consultation

Matters that can be addressed within the scope of this plan change have been addressed as follows:

A reduction in the hours in which blasting can take place (originally proposed from between 9.00am and 3.00pm) to between 10.00am and 2.00pm.

With regard to the concerns of the Wellington Tenth Trust, the stream has been identified as an area requiring future rehabilitation. The eventual rehabilitation of the stream will be undertaken in consultation with the appropriate parties, including the Wellington Tenth Trust, before specific rehabilitation is initiated under the annual implementation plan. Section 7 of the Quarry Management Plan indicates that rehabilitation of the stream should address the removal of industrial waste from the streambed and slopes, diversion and treatment of contaminated runoff, re-grading of the streambed, pest plant removal and the enhancement of riparian re-vegetation.

Concerning visual effects, the overall objective of the rehabilitation of the Kiwi Point Quarry is to be in accordance with Council's policy, in particular *Capital Spaces, Open Space Strategy for Wellington City (November 1998)*, which requires native vegetation to be established that contributes to the Council's vision for Ngauranga Gorge to become part of the identified inner green belt. Through the re-establishment of vegetation within the Kiwi Point Quarry site, the visual effects of the Ngauranga Gorge when viewed from the harbour will effectively be enhanced over time.

## 6. Conclusion

Proposed District Plan Change 64 (Kiwi Point Quarry) redefines the boundary between Open Space B and Suburban Centre Areas in a number of places within the northern portion of the quarry area. The Plan Change also simplifies the District Plan in terms of merging existing rules that relate directly to the Kiwi Point Quarry. The integration of these rules, and the subsequent Appendix 5 plan amendment will provide clarity to District Plan users. The buffer area will help mitigate any potential effects from quarrying activities, including the blasting of rock, on properties adjoining the northern boundary of the site. The revisiting of rehabilitation principles will ensure that rehabilitation of the site is undertaken as the quarry is progressively closed.

Consultation has been undertaken with potentially affected and interested parties. As a result of that consultation, the proposed hours of blasting were reduced. The current outdated and unduly restrictive Rehabilitation Plan (required by the current rules) has been replaced with a dedicated section in the Quarry Management Plan that addresses the rehabilitation of the Kiwi Point Quarry site. The chapter sets out the objective and principles for the rehabilitation of the site, and the techniques that will be adopted in order to achieve them. The incorporation of the objective, principles and techniques and

the requirement to produce an annual implementation plan, will address and mitigate any potential adverse effects on amenity.

As such, it is considered that the proposed District Plan Change is appropriate.

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## **Supporting Information**

### **1) Strategic Fit / Strategic Outcome**

*The District Plan supports a range of strategic outcomes particularly under the Built Environment. Kiwi Point Quarry is identified as a strategic asset, as listed in the Council Plan. The Plan Change will enable the quarry's continued operation.*

### **2) LTCCP/Annual Plan reference and long term financial impact**

*As a strategic asset of the Council, the Quarry contributes on-going development benefits to the City and wider region. Rehabilitation of finished areas will be funded annually by Annual Plan process.*

### **3) Treaty of Waitangi considerations**

*All District Plan work is required to take account of the principles of the Treaty of Waitangi (refer: Section 8 of the Resource Management Act 1991).*

### **4) Decision-Making**

*This is not a significant decision. The report sets out the most efficient and effective option and reflects the views and preferences of those with an interest in this matter who have been consulted with.*

### **5) Consultation**

#### **a) General Consultation**

*All potentially affected parties have been identified and have been provided with a letter stating the proposed changes and asking for any comments. The adjoining properties consulted include:*

- *Phillip & Debra Goodwin, 9 Plumer Street, Johnsonville*
- *Anthony & Brenda Norton, 14 Plumer Street, Johnsonville*
- *Kathleen Edith Major, 73 Tarawera Road, Johnsonville*
- *Glenda Oben & Dougal McQueen, 75 Tarawera Road, Johnsonville*
- *Neville Janus Baay, 84 and 86 Tarawera Road, Johnsonville*
- *Megan Lee Hurnard, 113 Fraser Avenue, Johnsonville*
- *Sanctuary On Fraser Ltd, 130 Fraser Avenue, Johnsonville*
- *Wellington Education Trust, 170 Fraser Avenue, Johnsonville*
- *K Palmer, J Taylor & M Burrowes, 175 Fraser Avenue, Johnsonville*
- *Malvina Major Retirement Village, 146 Burma Road, Johnsonville*

*All statutory pre-consultation obligations for the Plan Change have been met in accordance with the First Schedule of the Resource Management Act 1991.*

*Statutory authorities consulted include:*

- *Greater Wellington Regional Council*
- *The Ministry for the Environment*
- *Department of Conservation*
- *Te Runanga O Toa Rangatira Inc*
- *Wellington Tenths Trust*

#### **b) Consultation with Maori**

*Te Runanga O Toa Rangatira Inc and the Wellington Tenths Trust were consulted with for their comments.*

### **6) Legal Implications**

*Council's lawyers have been consulted during the development of this report.*

### **7) Consistency with existing policy**

*The proposal is an amalgamation of existing rules to improve the efficiency and effectiveness of managing the Kiwi Point Quarry, consistent with Council Policy.*

