
REPORT 2
(1215/11/IM)

COUNCIL DECISION ON PROPOSED DISTRICT PLAN CHANGE 64 – AMENDMENTS TO KIWI POINT QUARRY PROVISIONS

1. Purpose of Report

To report to the Council the recommendations arising from the consideration of submissions on Proposed District Plan Change 64 – Amendments to Kiwi Point Quarry provisions.

2. Recommendations

Officers recommend that the Council:

1. *Receives the information.*
2. *Approves District Plan Change 64 with the following additions, amendments and deletions resulting from the consideration of submissions:*
 - 2.1 *That new Rules 7.1.3.2 and 7.1.3.2.1 be inserted after existing Rule 7.1.3.1 as follows:*

“7.1.3.2 Dust

7.1.3.2.1 Dust control measures shall be undertaken to avoid creating a dust nuisance beyond the Quarry Boundary.”
 - 2.2 *That the words “Other minor blasting and small shots fired for training purposes may be carried out at any time between 9am and 4pm Monday to Friday inclusive” be deleted from existing Rule 7.1.2.2.*

2.3 *That existing Rule 7.1.3.2.3 be amended to read:*

“In all cases, residents of Tarawera Road, Plumer Street, 113, 130, 170 and 175 Fraser Avenue, and 146 Burma Road must be notified by mail no less than one week in advance of blasting.

Blasting must be immediately preceded by a siren or hooter with a sound which distinguishes it from normal Police, Ambulance or Fire Service sirens.”

2.4 *That existing Rule 7.1.3.2.4 be amended to read:*

“The finished slope of quarry faces shall not exceed 55 degrees from the horizontal.”

2.5 *That existing Rule 7.1.3.2.5 be amended to read:*

“The maximum height of finished batters shall not exceed 15 metres.”

2.6 *That existing Rule 7.1.3.6.2 be deleted*

3. *Accepts or rejects all submissions to the extent that they accord with the above recommendations and the Plan Change document attached as Appendix 1 to this report.*

3. Background

Prior to the notification of Plan Change 64, Kiwi Point Quarry operated under two sets of provisions in the District Plan – one rule managed the northern area of the Quarry, the other managed the southern extent. Plan Change 64 proposes that the provisions for the Quarry be consolidated and streamlined. This will allow the Quarry to be more appropriately managed under one rule.

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.

The plan change was publicly notified on 14 June 2008. 43 submissions were received on the proposal; zero further submissions were received. The submissions in number order are as follows:

1	Paul Roberts	23	Herb White
2	Gary Sleet	24	John Dodds
3	Yvonne Hansen	25	Kevin Monk
4	B R Hansen	26	Robert Bruce Wilson
5	Noel Jones	27	Dave Drew
6	Jason MacDonald	28	Alan Williamson
7	Julian Smith	29	Simon Janse
8	Percy Taiaroa	30	Samantha Gadd
9	Martin Welch	31	Peter Mendoza

10	Paul Te Aonui	32	Lumano Tato
11	Sandy Beazley	33	Steve Tutahi
12	Ricky Kaiwai	34	Toby William Mathieson
13	Aidan Kelly	35	Russell Hudson
14	Jim Corey	36	Paris Monk
15	Carl Gifford	37	Peter Grant
16	Joanne Wright	38	Brett Denison
17	Jerry Louis Kapene	39	Paul Wahren
18	Edwin Ellis	40	Aggregate & Quarry Assn. of NZ
19	Joe Lintern	41	Alexander Tait Mathieson
20	R. Olsen	42	Brian Bouzaid
21	Les Polwart	43	Greater Wellington Regional Council
22	Mohammed Tasheem		

4. Discussion of Submissions

4.1 Submissions 1-39

The first 39 submissions received were identical *pro forma* submissions. The submissions supported the plan change in full and the relief sought was for the plan change to be approved.

It is recommended that Submissions 1-39 be accepted insofar as they support Proposed Plan Change 64.

4.2 Submission 40 - Aggregate & Quarry Association of New Zealand (AQANZ)

AQANZ also supported the plan change in full and requested that it be adopted. Specifically, the AQANZ lauded the merging of existing Rules 7.1.3 and 7.1.3A to more efficiently manage quarry plan provisions. The association also supported the rezoning of land in the northern portion of the Quarry.

It is recommended that Submission 40 be accepted insofar as it supports Proposed Plan Change 64.

4.3 Submissions 41 & 42 – Alexander Mathieson & Brian Bouzaid

Submissions 41 & 42 supported the plan change but sought four amendments to the provisions. A pre-hearing meeting was held between the submitters and Council Officers on 4 September 2008 to discuss the issues.

Clause 8AA of the Resource Management Act (RMA) requires that the Council prepare a report that identifies those matters that are agreed between the local authority and submitters, and those that are not. A full discussion summary of this meeting is attached as Appendix 2 to this report.

It is recommended that Submissions 41 & 42 be accepted insofar as they accord with recommendations 2.2 – 2.5 above.

4.3 Submission 43 – Greater Wellington Regional Council (GWRC)

The submitter generally supported the proposed plan change, but sought amendment to dust control measures. GWRC submitted that the dust control provisions outlined in Rule 7.1.3.6.2 should be applied to quarry activities, cleanfill activities and traffic movements as well.

It is considered reasonable that such an amendment be made to the provisions; however, the suggested approach of adding three new rules is not supported.

It is considered that the most appropriate solution is to have a stand-alone condition under the proposed rule. This will reflect the approach taken in Council's recently notified Earthworks (Plan Change Plan Change 65). The existing Rule 7.1.3.6.2 will consequentially be deleted.

It is recommended that Submission 43 be accepted insofar as it accords with recommendations 2.1 & 2.6 above.

5. Decision to forego a Hearing

Section 8C of Schedule 1 of the RMA states the following:

Where submissions are made but no person indicates they wish to be heard, or the request to be heard is withdrawn, the local authority shall consider the submissions along with other relevant matters, but shall not be required to hold a hearing.

All submitters on the plan change have either indicated that they did not wish to be heard, or have withdrawn their desire to be heard since the lodging of submissions. It is therefore considered appropriate to forego the hearing process and seek approval from Council for the amendments to the proposed plan change.

6. Conclusion

The Plan Change was generally supported in all submissions received. The few amendments that were suggested in submissions have been duly considered and it is believed that the amendments arising from the submissions will enhance clarity in the provisions and allow for a more effective and efficient outcome.

This report has addressed all of the submissions to proposed District Plan Change 64. Overall it is concluded that the Plan Change be adopted but amendments, additions and deletions have been recommended to address matters raised through submissions or otherwise to improve the content or future operation of the provisions.

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