

BEFORE THE WHANGAREI DISTRICT COUNCIL

IN THE MATTER OF

The Resource Management
Act 1991

AND

IN THE MATTER OF

An application by GBC
Winstones Limited for
overburden disposal located
at Otaika Quarry, Whangarei

WDC Reference LU1700100

**ADDENDUM TO RESPONSE TO EVIDENCE AND SUBMISSIONS BY ALISTER
JOHN HARTSTONE**

27TH April 2018

Introduction

1. This Addendum statement provides a response to questions raised by the Commissioners prior to the adjournment of the hearing regarding the origins of the Mineral Extraction Area ('MEA') buffer area as referred to in the District Plan text.
2. Whangarei District Council Policy staff have helpfully provided historic files associated with the development of the Operative District Plan, and more particularly documents associated with the development of the Minerals chapter of the Plan. A summary of the relevant contents of these files is provided below.

Mineral Extraction Area – History

3. The Whangarei District Council's proposed District Plan was publicly notified with the inclusion of an area shown as MEA3 in 1998¹. MEA3 was the area defined as encompassing the Otaika Quarry. In reviewing records available, it appears that the extent of the MEA3 area as originally proposed is the same as that which is now depicted in both the Operative District Plan and proposed Plan Change 102.
4. There is no record of how the boundaries of MEA3 were defined or who defined them. There is no similar identified area in the previous Transitional Whangarei County District Plan that may otherwise have informed the proposed Plan.
5. The proposed Plan as notified contained a chapter for Mineral Resources (originally Chapter 36) with objectives, policies, and rules for quarrying activities. I have reviewed the Decision version of the proposed Plan and the resulting appeals lodged by several parties, including GBC Winstones.
6. GBC Winstones made a submission (recorded as 916/18) on the proposed Plan as notified indicating that an area of MEA3 was located within the Living 3 Environment. GBC Winstones requested that the Living 3 Environment zoning be changed to Countryside Environment. This submission was recorded in the subsequent Decision as 'Accepted in Part', with '*...a plan change to be investigated into the rezoning of Living 3 Environment land within the Mineral Extraction Area in the Otaika Area to Countryside Environment.*' No further action is recorded on this matter. I believe that the portion of Living 3 Environment referred to is that which covered much of 52 Acacia Park Drive, but which is now zoned Countryside Environment.
7. Appeals against the Decision on the proposed Plan were lodged in mid-2001, including appeals by GBC Winstones and McBreen Jenkins Ltd that referred to the operation of Otaika Quarry. However, only one party (Dicksons Quarry as a Section 274 party) directly addressed the provision of any buffer area, and that related solely to Dicksons Quarry. While buffers were discussed and reference to them inserted in the Plan text as a result of mediation, no direct reference to them was inserted in the objectives or policies. Subsequently, a Consent Order was issued on the 20th August 2004, which

¹ This clarifies para. 2 second bullet point in my Right of Reply where I stated '*My understanding is that the initial proposed District Plan was notified in 1998 and may not have contained any defined buffer at that stage.*'

reflects the current Operative District Plan provisions identified in the Section 42A report.

8. As an observation based on the material provided, the matter of defining buffers associated with quarries (essentially by enlarging any existing MEA boundary) fell between different views as to who should be responsible for identifying and developing the relevant Plan provisions to establish and manage buffers. This was largely in recognition that any new buffers would affect land not owned by any quarry owner/operator. Council's position was that the private plan change process should be used, while quarry owners / operators held a different view.



Alister Hartstone

Reporting Planner for Whangarei District Council