

# Supporting Evidence for Submission # 126

## SUPPLEMENTAL



Proposed District Plan Changes  
PC102 & PC86A  
In relation to 52 Acacia Drive  
And GBC Winstones submission # 250

Submitted By Andrew Norman & Francis Spencer

**Andrew Norman and Francis Spencer**

**Further Submission In opposition to GBC Winstone Plan  
Change Proposal to extend an MEA area and locate an  
Overburden Area in proximity to residential properties (and  
associated changes)**

In order for the Commissioners to comprehend the plan change proposed in submission 250, GBC Winstone needs to provide comprehensive information indicating proof that the proposal will *"... mitigate and "internalise" potential effects or risks associated with their operations within the bounds of their site..."*<sup>39</sup>

**Evidence of this extends to three revelatory questions:**

1. What evidence has GBC Winstone not provided for in their proposal?
2. Where GBC Winstone has provided evidence, how accurate and comprehensive is it, considering the size, scale and lasting effects of the plan change proposal? <sup>40</sup>
3. Was it at all possible for us, as affected residents to have anticipated that the Pegram Block would be used as the site for this proposal, given that we had no knowledge of GBC Winstone's ownership of the land, until the letter arrived from Council? <sup>5</sup>

**The Evidence for Question 1**

1.

The Section 42A Hearing Report<sup>39</sup>, which considers GBC Winstone's submission (#250) covers many of the issues and concerns we have raised in our further

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<sup>39</sup> Clarke, L – Barker and Associates – Part 3 – Proposed Plan Change 102, 6 June, 2017

submission. Our further submission and the Hearing report were based on the only information available to us at that time. GBC Winstone, have now provided more information as part of their recent application for Resource Consent.

- a) The Hearing Report concurred with our submission, that there was an absence of information in the GBC Winstone submission <sup>39</sup>

## 2.

Based on the Hearing Report and further information provided in the recent application for Resource Consent, the following information still remains absent: <sup>39 40</sup>

- a) *“No supporting (cost benefit) analysis has been provided in relation to the use of this area of land”.* <sup>39</sup>
- b) *“No economic analysis or options analysis has been provided by GBC in support of their assertion that the use of the Pegram Block is the preferred option for managing overburden”.* <sup>39</sup>
- c) *“No information has been provided to support the assertion that further storage of overburden would sterilise or compromise access to future aggregate resource.”* <sup>39</sup>
- d) *The management of reverse sensitivity or incompatibility of land uses into the future has not been addressed or detailed with respect to the proposed removal of the Buffer Area in this location.”* <sup>39</sup>

## 3.

Based on our further submission and further information provided in the recent application for Resource Consent, the following information still remains absent: <sup>40 41</sup>

- a) *“...there is a discrepancy of some fifty years in the various GBC Winstone estimates for the remaining resource left in Otaika. All these estimates having been given without the benefit of a formulaic method to confirm their veracity and efficacy...”* <sup>41</sup>

<sup>40</sup> Boffa Miskell, Otaika Quarry – Proposed Overburden Disposal Area (AEE) 1 June, 2017

<sup>41</sup> Norman A, Spencer F, Further Submission on a change proposed in the District Plan, 12 January, 2017

- b) *“...that there is “...at least 100 years of resource remaining...” this would imply that GBC Winstone intends to continue to place overburden on the Pegram Block for a considerably longer timeframe than the “anticipated period of 35+ years.”<sup>41</sup>*
- c) Why are they asking for the entire Pegram Block to be zoned as an overburden area?
- d) *“Acoustic assessments provided for the proposal do not even indicate the presence of our dwelling in the vicinity and the current Quarry boundary is already deficient in shielding us from visual and acoustic activity.”<sup>41</sup>*
- e) Why does the latest proposal take place over 35 years on half the Pegram Block when their first proposal covering the entirety of the Pegram Block only had a time frame of 13 years?
- f) *“In regards to “overburden placement,” there is one word not found in this submission, nor any of the previous proposal documentation and that word is alternative.” It would seem that even “option” is used sparingly in their voluminous test on the subject.”<sup>41</sup>*
- g) There is still no documented “evidence” from GBC Winstone for any assessment of alternatives that allows comparison to the current proposal.
- h) *“...submission does not indicate how close they are to the final depth of the quarry pit, nor the point in time when they intend to begin “overburden placement” within it.” 2020-2025 was indicated as the timeframe for this.<sup>41</sup>*
- i) Despite evidence that quarry overburden is being successfully and profitably reprocessed into useful product in many other countries. This environmentally and fiscally responsible method does not seem to have been considered by the Management of GBC Winstone?<sup>42 43</sup>
- j) GBC Winstone have not explained the contradictory nature of their “reverse sensitivity” relationship with the residents of the Acacia Park Subdivision and the Whangarei District Council<sup>44 45 66</sup>

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<sup>42</sup> Spencer, F – Emails to CDE Global for cost estimates/brochure page/Aggbusiness.com articles

<sup>43</sup> Wilburn & Goonan, Aggregates from Natural and Recycled Sources – Economic Assessments for Construction Applications – A Materials flow Analysis (1998)

<sup>44</sup> Murphy, Nina – emails relating to MEA Buffer Area on Pegram Block & Mineral Extraction Management Plans, October, 2016

<sup>45</sup> WDC – Hearing on Private Plan Change Winstone Aggregates, 18,19,20 August, 2008

<sup>66</sup> WDC – Pre-Hearing Meeting – Winstone Private Plan Change, 25 June, 2008

## The Evidence for Question 2

### 1.

As all previous information, regarding the GBC Winstone proposal, has now been superseded by the information contained in their recent Resource Consent application, we will confine ourselves to an assessment of that information only.<sup>40</sup>

I must also remind the Commissioners that much of the information provided by GBC Winstone is from companies and individuals commissioned to provide that information solely for the benefit and use of GBC Winstone. This information is often accompanied by specific disclaimers that make it inherently clear that liability and responsibility for the accuracy of such information is solely to GBC Winstone and not to third parties.

Basically we can only take such information at face value until such companies are called to justify their information in front of mechanisms such as the Hearing Committee. To fully understand the scope and direction of the information provided by GBC Winstone one would have to know the basis upon which the “professional” information is provided to GBC Winstone and would have to know the contents of the brief given by GBC Winstone to each of those “professionals”.

That said, we now refer to those sources of information and the inherent issues therein:

### 2.

#### **Marshall Day Acoustics – Report - Otaika Quarry Overburden Disposal Area**

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- a) 52 Acacia Drive is entirely missing from the report. Replaced instead by notation on the property behind us which is behind a stand of very large Totara trees and down in a valley (*Undeveloped Living 3 West of Acacia Park.*) This is an important omission and portrays a false impression to anyone relying on this information. As can be shown, the physical makeup, background and circumstances of our property are quite unlike those of the other properties affected and there are many acoustic clear flow pasture areas and bush areas

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<sup>46</sup> Marshall Day Acoustics, Otaika Quarry – Proposed Overburden Disposal Area, 22 May, 2017

amongst the actual contours of the land. From our own experience, sound travels about our property in quite unexpected paths.

*Also from the report:*

- b) *"...due to the elevation of dwellings surrounding the Pegram Block, works would not be able to be easily shielded with earth bunds. The topography between Pegram Block and nearby houses means an effective earth bund would need to be so large in height and length to be effective that it would be impossible to construct."* <sup>46</sup>

We are the highest residential dwelling in Acacia Park (a large 2 storey - 555sqm) with the largest boundary with the Pegram land (318m) and as we indicated in our submission we will have issues with noise path diffraction. This was witnessed recently during the construction of the platform for the house in Grove Lane (5-7) and the acoustic disturbance that resulted, despite/because of our locations, in relation to each other. I am sure many other residents of Acacia Park will tell of similar acoustic experiences.

- c) Our other acoustic/vibration issue is the extremely large roadway, the type of vehicles that will be using it, their operating hours and its proximity to our property. When the property was created by subdivision of farmland in 1997, our entire property was zoned residential and then Living Three after a Plan Change. It was eventually split, unhelpfully, into Living Three and Countryside (purely along the lines of the Mineral Extraction Area Buffer that had been created after all these events). Discounting the bobby calves that are purely there to keep the grass manageable, it is not a farm and the nature of the activities that take place on the land are residential, recreational and cultural, not industrial or agricultural. We have no wish or intention to pursue those latter types of occupation on our land. We purchased the property as a home to enjoy for the rest of our lifetimes.
- d) We also have great concern about the effects of the acoustic vibrations, from operations in the vicinity, on the limestone outcrops, caves and sinkholes near the boundary and across our property. Issues not thoroughly covered by the various reports.
- e) Our "*habitation*" is the area in which we live, our home and our property which, due to the significant qualities inherent in our land, means our "*concentration of thoughts*" (and that of our visitors) occur within a great deal more places than on an average urban house lot. Including Archaeological sites, restful limestone outcrops, caves and meandering native bush areas of Notable Landscape.

## 3.

**Boffa Miskell - Landscape and Visual Effects Assessment** <sup>47</sup>

- a) The visual “selling point” of the assessment is heavily reliant on the use of a “computer-generated Zone of Theoretical Visibility (ZTV) or viewshed analysis.” This analysis is not intended to show the actual visibility of an object, but is intended to indicate where the object **may** be visible from. Actual visibility can only accurately be determined by site survey since there are a multitude of local variables that may affect lines of sight. A ZTV analysis is a useful desk study that may help to clarify the potential effect of new structures in a landscape but it is not an end in itself. In order to get closer to a good understanding of actual visibility, the results of the ZTV must be stringently evaluated at the ground inspection level. <sup>48 49</sup>
- b) Assessment point 11.21 refers to such “visual simulations” in regard to 52 Acacia Drive. 11.25 states that “it is a large property with limestone outcrops and large tracts of remnant native vegetation dominated by Totara.” Boffa Miskell did not do any “visual simulations” to show the proposal’s impact on this part of the property. The impact will be significant and will change the outlook of the property from the limestone outcrops and the areas immediately beside the native bush. The limestone outcrop and archaeological sites will lose a cultural connection if the current view is totally obscured from the property by an artificial enhanced hill. Such a link to landscape and viewpoints was clearly understood, in the historical and cultural sense, when we recently visited Ruarangi and its own limestone outcrops.
- c) Figure 12 of the Assessment <sup>47</sup> shows a cross section viewpoint and an approximate distance of 295m from our dwelling to the outer edge of the proposed landfill. Based on all the illustrated simulations provided, 235 -295m is the range for distance of the proposal from our dwelling. Which means that the footprint of the proposal falls within the very distance (300m) agreed by Winstone and Council to be a dwelling free area. If the proposal proceeds, our dwelling and others will then be within the 300m dwelling “no-build” buffer accepted as a condition of the original Acacia Park Subdivision approval. <sup>31</sup>
- d) 11.25 also inaccurately observes, “...the garden plantings in the foreground obscure the view of the Site from the downstairs balcony...” These plantings do

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<sup>47</sup> Boffa Miskell, Landscape and Visual Effects Assessment, 22 May 2017 (As included in AEE)

<sup>48</sup> Maloy and Dean, An Accuracy Assessment of Various GIS-Based Viewshed Delineation Techniques, November 2001

<sup>49</sup> Miller, Mathew, Analysis of Viewshed Accuracy with Variable Resolution LIDAR Digital Surface Models and Photogrammetrically-Derived Digital Elevation Models.

not obscure the view to any greater degree than the view from upstairs. Stands of trees currently on the Pegram Block do obscure some of the site area from both floors but these will be removed as part of the proposal, making the site even more visible.<sup>50</sup>

- e) 11.26 states, *“While the OBDA will alter the landform in the mid-ground, the wider views of the countryside and water views will not be affected. The visual effects will be **high** but will reduce to **moderate** when all the mitigation tree planting and other measures are in place.”* In fact the opposite will occur, the growth (approx. 1 metre a year) of the planted Poplar trees, as considered in the proposal, will quickly remove a greater area of view when combined with the additional height of the dumped overburden.

In short the trees will obscure any view left above the overburden. This is distinctly different from the current typical trees that are planted upon the existing low contour and an artificial hillside of trees is not representative of the existing visual amenity of a coastal view. It is a complete change in the historic landscape below us. Therefore the effect still remains **high**, in comparison to the land being left as the existing contour and used for structures other than the proposed pile of overburden.

- f) The assessment regards its duty done by, “ensuring that the height of the OBDA is kept below the floor levels of the Acacia Park dwellings that currently have a view to the Whangarei Heads”. This does not explain the negation of the loss of this exact view from the Notable Landscape areas of our property. Boffa Miskell did not view the impact of their design from anywhere else on our property, except the front of our dwelling.
- g) The proposed tree planting, already referred to, also includes a 10 metre wide strip, along the length of, and immediately inside, the Pegram Block northern boundary. This is indicated as finishing immediately beside the eastern side of the large limestone outcrops. Planting exotic trees near the location of the outcrops and existing native bush on our property would be an undesirable element to introduce into the existing environments. We note they are not considering any planting in the Northwest edge of the Pegram Block, an area of our property that will come under considerable strain from dust, noise and vibration due to the very close proximity of the proposed 20m wide roadway.
- h) The *“enabling works”* will be a considerable immediate disturbance to us and our 22 acres of landscape as the roadway proposed will have immediate impact upon our property at the start of works and all then all the way through the process for the next 35 years.

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<sup>50</sup> Norman, A – Comparison photo study illustrating point (d).

## 4.

**Clough & Associates - Archaeological Assessment** <sup>51</sup>

- a) The report does not give a complete account of the original archaeological site records for our property. These are included in full in our evidence.<sup>22</sup>
- b) The oral history recorded on the site record form is consistent with the information given to us by local iwi and is similar to accounts of burial habits carried out on the Ruarangi Block immediately above us.
- c) We find it entirely likely that *“bones used to lie on the limestone rock edges, and crevices”*<sup>22</sup>. Iwi have told us that bones would be washed down from here onto the Pegram Block and that they would have to pick them up. An argument is made against these limestone layers being *“painted with red ochre”*<sup>22</sup>. The counter argument, that this red was in fact *“lichen,”* has not been borne out during our time as stewards of this landscape. We have not seen *“red lichen”* in any great profusion amongst the present edges of the limestone outcrops.
- d) Given that council documents refer to the limestone area being a residence for early Maori, it is likely that the great depth of the limestone crevices here enabled them to serve as sufficiently distant repositories for ancestral bones. Elsewhere, instances of *“Red ochre”* or *Kokowai* being applied to bones before being deposited in final resting places are recorded. As a paint *“Kokowai”* also had extraordinary permanence and durability and could have remained in situ on items for a considerable time.
- e) Having witnessed the hydrological force and volume of the resurgent water that erupts from out of the karst limestone deep underground and up through the crevices during heavy rain events, it is possible to see how bones deposited at great depths could later be found lying about on the surface, including on the Pegram Block.<sup>52</sup>
- f) The on-site archaeological observations made use of the test pits dug for geotechnical purposes, only one of which was actually near our boundary and was then only to a depth of 1.5 m.

<sup>51</sup> Larsen, B & Clough, R - Overburden Placement – Pegram Block Otaika Quarry, Whangarei: Archaeological Assessment, Clough & Associates, March, 2017 (as included in AEE)

<sup>22</sup> Tatton, Kim – Letter with enclosed Site Records in proposed Acacia Park Development; Historic Places Trust, & April 1997

<sup>52</sup> Norman, A – Recorded Observations of heavy rain events at 52 Acacia Drive

- g) Given the scope of the assessment it was unlikely to record the Pegram Block as anything specifically of interest, archaeologically.

## 5.

### **Tonkin & Taylor – Preliminary Geotechnical Assessment** <sup>53 54</sup>

In reference to Point 7.3 (Assessment of void potential in OBDA foundation)

*“Preliminary geophysical data (Appendix C) indicates that the extent of any void formation will be limited to the high conductivity area in the northwest of the site...”* <sup>53</sup>

*“...our geological interpretation indicates that only a small area of limestone is expected to underlie the north-west extent of the proposed overburden...”* <sup>53</sup>

*“...there is a limited potential for a substantial void...”* <sup>53</sup>

*“...no further assessment required.”* <sup>53</sup>

- a) The recommendation appears to be based on a very light level of geotechnical exploration.
- Only 1 test Pit (at a shallow depth of 1.5 m) made in the area of known subsidence near the boundary. <sup>53</sup>
  - A Ground Penetrating Radar sweep – that failed and “was considered to be an unsuitable technique.” <sup>53</sup>
  - An Electromagnetic Induction sweep – that was “very sparse and primarily aimed at indicating geological variation” <sup>47</sup> not specifically for finding voids and anomalies. <sup>53</sup>
  - Ground water inflow and seepage anomalies are noted but no relation is made to the known Karst hydrology of the surrounding area. <sup>53</sup>
- b) Drilling is still the best way to verify geophysical anomalies. Drill 70mm core recovery holes and see first-hand what you have when extracting the core and examining. A far better indication of geological structure and at what

<sup>53</sup> Tonkin & Taylor, Otaika Quarry – Proposed Overburden Disposal Area – Preliminary Geotechnical Assessment, March 2017 (As inc. in AEE)

<sup>54</sup> Tonkin & Taylor, Otaika Quarry Pegram Block Overburden Assessment of Adverse Effects on and Stability, 5 May, 2017 (As inc. in AEE)

depth it can be found. Fill the holes with bentonite after you have finished. Put in 20 or more holes to get a more comprehensive geotechnical profile. Place piezometers into the holes instead of bentonite and this will also give a profile of the water table. It should be noted that the NRC consent for the placement of overburden, as approved, states that “*borehole investigations*” were “*undertaken*”<sup>55</sup>. The Tonkin & Taylor geotechnical assessment provided with the application does not state this. (See NRC decision document and our notations of its other inconsistencies.<sup>55</sup>)

## 6.

### **Tonkin & Taylor – Surface Water Hydrology Assessment**<sup>56</sup>

This Assessment puts forward an argument of “*minor*” effects, in that “*The catchment area does not change significantly as a result of the proposed overburden placement.*”<sup>56</sup>

The conclusion being that “*for the purposes of the land use consent, the proposed earthworks are unlikely to have significant adverse effects either upstream or downstream within the flood susceptible Area.*”<sup>56</sup>

Catchment 1 and 2 (*Figure 4-1*)<sup>56</sup> which includes our property, 52 Acacia Drive, can only have been considered predominantly via aerial photography, as they will have not done a walk over of our land and are not familiar with its hydrological features. As a result Tonkin & Taylor have arrived at their conclusions with erroneous simulations that do not take the Karst landscape into consideration.

Surface water flow is entirely different within our land and this has a flow on effect through the other catchments. A lot of this occurs subsurface and the path (high flow and low flow) still needs further investigation and interpretation. This is reflected in the subsidence/sinkhole on our boundary with the Pegram Block, a sinkhole immediately beside the large limestone outcrop that sits on the shared boundary. Indications are that this is another subsurface entry point taking surface water from the Pegram Block and passing it through to the Karst system known to exist on our property.<sup>52</sup>

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<sup>55</sup> Savill, Stuart, Resource Consent Application (APP.039161.01.01) Approval Decision , Northland Regional Council, 27 April, 2017

<sup>56</sup> Tonkin & Taylor, Otaika Quarry – Proposed Overburden Disposal Area – Surface Water Hydrology Assessment, March 2017 (As inc. in AEE)

## The Evidence for Question 3

When purchasing our property in 2015, what would have indicated the existence of a quarry?

A site visit, aerial photograph or Title deeds may have. A Land Information Memorandum would have indicated the same, through most of these same primary sources, with the possible addition of a resource map, indicating a Mineral Extraction Area. In our own experience the LIM we obtained did not contain a resource map and these LIM issues were extensively and amicably discussed with the Council.

However, all this information will only ever relate to two things, location, and “possible” effects from the quarry. These documents will not tell you the future intentions of the quarry operator, particularly if the quarry operator has decided not to communicate those future intentions to the Council.

### 1.

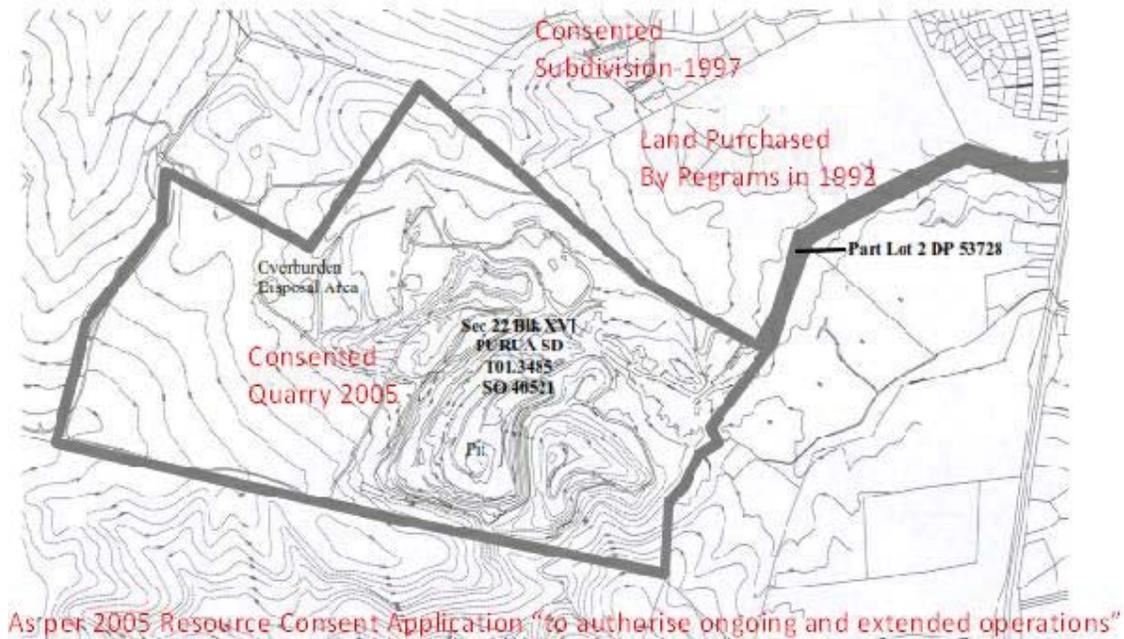
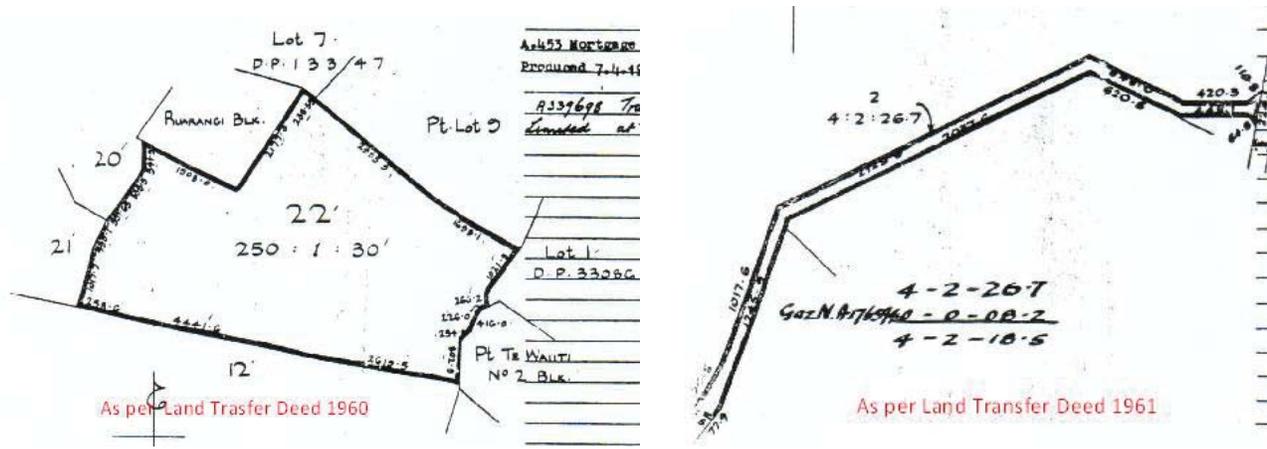
In reference to Section 42A Hearing Report: Part 3: Proposed Plan Change 102 Mineral (and Mineral Extraction Areas) and the following points raised in relation to our further submissions.<sup>39</sup>

- a) Point 177: *“The purpose and application of the Buffer Area where it is included in an MEA is to reflect the land ownership within the MEA area and provide for a “buffer” between the active mineral extraction area and other land use, which presumably is beyond the control of the quarry operator in cases where they do not own or control the land.”*<sup>39</sup>
- b) Point 193: *“...the issue of incompatibility of uses as opposed to a reverse sensitivity effect...” and “...where residential land use is existing, in proximity to a MEA, there should be a degree of responsibility for the quarry to mitigate and “internalise” potential effects or risks associated with their operations within the bounds of their site...”*<sup>39</sup>

### 2.

In relation to the existing Otaika Quarry, “the bounds of their site” and the sites “active mineral extraction area” have been constant since the site was

purchased from the McQueen brothers in 1960 (for many years the McQueen's operated a significant commercial enterprise supplying firewood throughout Whangarei) (A Cave at 52 Acacia Drive carries their name).



- 1992 Pegram's signed a "no complaints covenant" with Winstone<sup>59 69</sup>
- 1995 Winstone objected to a Subdivision proposal on the farmland adjacent to the quarry

- 1997 The Acacia Park Subdivision was consented after no further objections were raised by Winstone.<sup>31 2 30 28</sup>
  - 2006 The Pegram Block was purchased by the parent company of Winstone
  - 2008 An extension of the existing MEA was consented in 2008, this allowed an increase in the “*active mineral extraction area*” in relation to the use of the access road only.<sup>45</sup>
- a) In relation to a subdivision being developed adjacent to their quarry, Winstones stated view in the 1995 letter to WDC was; “...*that residential and rural residential development and quarries are incompatible in close proximity to one another...*”<sup>28</sup>
  - b) And that “...*Winstone therefore seeks an amendment to the subdivision scheme plan so that no lots for residential purposes are located within 500 metres of the Otaika quarry boundary. In our view, unless such amendments are made to the subdivision scheme plan, the proposed activity would have adverse effects upon Winstone as the neighbouring occupier of the quarry which are more than minor...*”<sup>28</sup>
  - c) Winstone withdrew all opposition to a subdivision after the WDC placed a restrictive covenant on our title as a condition of the 1997 consent.<sup>2 31</sup>
  - d) No dwelling has been built within 300m of the quarry since that time and the “Living 3” area of the Pegram Block ends within 500m of the quarry boundary. Clearly showing the intent of Council to maintain exactly the amount of setback/buffer as first requested by Winstone.<sup>57</sup>
  - e) The 2017 overburden proposal seeks to move the boundary of the existing quarry “active area” outwards. This would mean many existing “lots” would now be within 500m of the quarry boundary. Yet in 1995, Winstone has stated that such an event would have “*adverse effects*” which are “*more than minor*” “*upon Winstone.*”<sup>28 40</sup>
  - f) It is also interesting to note that when the Acacia Park Subdivision was approved (1997),<sup>31</sup> all the Pegram land outside of the current “Living 3” zone was “Rural Scenic Protection Zone”. The transitional Draft Plan at the time indicates this was to become “Coastal Countryside Environment”, not just “Countryside Environment”.<sup>58 59</sup> Given Acacia Park’s visual connection to the coastline this does

<sup>57</sup> Norman, A – illustrations created to show interpretations of zoned areas, in relation to Quarry.

<sup>58</sup> WDC – District Plan (circa 1997)

<sup>59</sup> WDC – Environmental Engineering Standards, September 1998.

<sup>70</sup> WDC - Sustainable Futures 30/50- excerpt – Otaika/Raumanga January, 2010 (pg .126)

make a lot more sense and the design of the “overburden hill” is counter intuitive to this existing connection with the coast, its character and heritage.<sup>70</sup>

### 3.

- a) *“GBC Winstone purchased the site, known as the Pegram block, in November 2006 as a strategic landholding for the long-term development of the quarry.”* (As stated in AEE 2017)<sup>40</sup>
- b) *“The historic position of the company is that the Pegram Block was primarily purchased for the placement of overburden.”*<sup>60</sup> (Statement of Ian Wallace, GBC Winstone, Environmental Manager, at Site Liaison Group Meeting 2016)<sup>61 62 63</sup>
- c) *“...Winstone purchased the Pegram Land to mitigate reverse sensitivity effects...”* (Statement of Keith Squires, Otaika Quarry Manager, at the Private Plan Change Hearing in 2008)<sup>45 67</sup>
- d) As we were not living in New Zealand until late 2015, we could not reasonably be expected to know about the purchase of the Pegram Block, and the many “weasel words”<sup>64</sup> used since to obfuscate reasons for its purchase.
- e) At the time of the Pegram Block purchase, the Quarry was operating under resource consent conditions that allowed such an intent to be communicated via a revision of a Mineral Extraction Management Plan.<sup>65</sup>
- f) The MEMP (April 2005) would appear to be the only territorial authority mechanism that would have indicated to us (prior to our purchase of 52 Acacia Drive) or anyone else, GBC Winstone’s future intentions for the Pegram Block.
- g) Only one update to the original MEMP has been made (May 2012) and it is completely silent about the Pegram Block being a solution to the overburden problems of the existing site.<sup>66</sup> In June 2012, Winstone specifically alerted the WDC about their reverse sensitivity concerns, writing that, *“the provision of information to the community and professionals is important in ensuring that*

<sup>60</sup> Cave, Andrea – letter to Norman & Spencer, 23 November, 2016

<sup>61</sup> Wallace, Ian, GBC Winstone Environmental Projects Leader, Statement made at Otaika Quarry Site Liaison Group Meeting, 27 October, 2016

<sup>62</sup> Norman & Spencer - letter to Andrea Cave – GBC Winstone Environmental Manager, 16 November, 2016

<sup>63</sup> Norman, A – Part transcript of relevant private personal digital audio recording of SLG meeting 27 October, 2016

<sup>64</sup> Watson, Don, Watson’s Dictionary of Weasel Words, Contemporary Cliches, Cant & Management Jargon, 2004

<sup>65</sup> Winstone Aggregates, Otaika Quarry Mineral Extraction Management Plan, April 2005

<sup>66</sup> Winstone Aggregates, Otaika Quarry Mineral Extraction Management Plan, April 2012

<sup>67</sup> WDC – Pre-Hearing Meeting – Winstone Private Plan Change, 25 June, 2008

<sup>68</sup> Winstone Aggregates, letter to WDC, 1 June, 2012

*landowners make wise decisions based on a complete picture of the environment and potential constraints.” Yet they chose not to use the update of their MEMP to achieve this, or any other method, that would allow the WDC to give the community a “complete picture.”<sup>68</sup>*

- h) In 2008, during the Winstones Private Plan Change pre-hearing meeting Paul Waanders (WDC) said *“the big fear of the neighbours was that Winstones had bought the farm for the sole purpose of depositing overburden...and assurance should be given that the land was not being used for dumping overburden.”<sup>67</sup>*

In conclusion I will hark back to the Russell McVeagh McKenzie Bartlett & Co letter received by Council in 1995:

*“As the Council is aware, if Winstone’s quarrying activities have an adverse effect on adjoining residential land, then the owner of that land could bring an action in nuisance or apply for an enforcement order to stop those activities”*

The RMA s 23 (1), expressly preserves the application of the common law by providing that:

*“Compliance with this Act does not remove the need to comply with all other applicable Acts, regulations, bylaws and other rules of law.”*

The environmental effects caused by GBC Winstone’s proposal are relevant to our entire property, not just in relation to our dwelling. In that respect, those 1995 liability concerns, noted by Winstone’s, remain the same in 2017.

As property owners, immediately adjacent to the quarry, we have, very reasonably, assumed our property’s continuing role as a “bulwark” against those existing adverse effects that can’t reasonably be contained within the current “active area” boundary shared with us.

However, the proposed expansion of the active area will create an entirely new series of adverse effects, along the full length of an entirely different boundary. Thereby doubling the environmental impact on us and our property and introducing land-use conflict where none currently exists.

# Index to Supporting Documents

(Footnote no. /Title/page no.)

- <sup>40</sup> Boffa Miskell - Otaika Quarry – Proposed Overburden Disposal Area (AEE) 1 June, 2017 **(pg. 1)**
- <sup>54</sup> Tonkin & Taylor - Otaika Quarry Pegram Block Overburden Assessment of Adverse Effects on Stability, 5 May, 2017 (As included with AEE) **(pg. 14)**
- <sup>51</sup> Larsen, B & Clough, R - Overburden Placement – Pegram Block Otaika Quarry, Whangarei: Archaeological Assessment, Clough & Associates, March, 2017 (as included with AEE) **(pg. 15)**
- <sup>46</sup> Marshall Day Acoustics - Otaika Quarry – Proposed Overburden Disposal Area, 22 May, 2017 (as included with AEE) **(pg. 26)**
- <sup>47</sup> Boffa Miskell - Landscape and Visual Effects Assessment, 22 May 2017 (As included with AEE) **(pg. 33)**
- <sup>50</sup> Norman, A – Comparison photo study illustrating point (d. **(pg. 35)**
- <sup>53</sup> Tonkin & Taylor - Otaika Quarry – Proposed Overburden Disposal Area – Preliminary Geotechnical Assessment, March 2017 (As included with AEE) **(pg. 38)**
- <sup>56</sup> Tonkin & Taylor - Otaika Quarry – Proposed Overburden Disposal Area – Surface Water Hydrology Assessment, March 2017 (As included with AEE) **(pg. 41)**
- <sup>57</sup> Norman, A – illustrations created to show interpretations of zoned areas, in relation to Quarry. . **(pg. 42)**
- <sup>63</sup> Norman, A – Part transcript of relevant private personal digital audio recording of SLG meeting 27 October, 2016 **(pg. 44)**
- <sup>62</sup> Norman & Spencer - letter to Andrea Cave – GBC Winstone Environmental Manager, 16 November, 2016 **(pg. 47)**
- <sup>60</sup> Cave, Andrea – letter to Norman & Spencer, 23 November, 2016 **(pg. 57)**
- <sup>67</sup> WDC – Pre-Hearing Meeting – Winstone Private Plan Change, 25 June, 2008 **(pg. 58)**
- <sup>45</sup> Squires, Keith - Excerpts from evidence given at WDC – Winstone Private Plan Change Hearing, 18 August, 2008 **(pg. 65)**
- <sup>58</sup> WDC – District Plan (circa 1997) **(pg. 66)**
- <sup>59</sup> WDC – Environmental Engineering Standards, September 1998 **(pg. 67)**
- <sup>44</sup> Murphy, Nina – emails relating to MEA Buffer Area on Pegram Block & Mineral Extraction Management Plans, October, 2016 **(pg. 69)**
- <sup>66</sup> Winstone Aggregates - Otaika Quarry Mineral Extraction Management Plan, April 2012 **(pg. 70)**
- <sup>65</sup> Winstone Aggregates - Otaika Quarry Mineral Extraction Management Plan, April 2005 **(pg. 77)**
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- <sup>55</sup> Savill, Stuart - Resource Consent Application (APP.039161.01.01) Approval Decision, Northland Regional Council, 27 April, 2017 **(pg. 105)**
- <sup>42</sup> Spencer, F – Emails to CDE Global for cost estimates/brochure page/Aggbusiness.com articles **(pg. 109)**
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31. Parlane, C – Senior Planner - Notice of Decision on Application for Resource Consent; WDC 27 March, 1997 **(pg. 6)\***
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28. Buchanan, A.F. - Letter to WDC District Planner on behalf of Winstone Aggregates Limited; Russell McVeagh McKenzie Bartleet & Co., 20 September, 1995 **(pg. 19)\***
25. Killalea, P.J. - Statement; WDC Judicial Committee, 15 February, 1990 **(pg. 22)\***
27. Boulton/Landscape - Report - WDC Special Council, 11 October, 1989 **(pg. 30)\***
13. Kermodie, Les - Caves South of Whangarei; New Zealand Speleological Bulletin, 1966 **(pg. 43)\***
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23. Brendon, Neil – Letter advising of Archaeological sites in proposed Acacia Park Development, Dept. of Conserv., 26 March, 1997 **(pg. 53)\***
21. Crossley, Peter – Ruarangi and Surrounds: Limestone Hydrology Report. 2017 **(pg. 55)\***
16. Wayne Teal - Locating a Cave System within Whangarei Heights Limited Proposed Development Site – Report, 29 June, 2007 **(pg. 191)\***
5. Murphy, Nina – Letter – Mineral Plan Change – Extension to Otaika Quarry, WDC, 27 April, 2016 **(pg. 207)\***