

FROM SUE MCQUADE

**STATEMENT OF EVIDENCE
for Barry Povey and Sue McQuade**

Re Plan Change 102 - GBC Winstone application to place overburden on the Pegram block

My name is Sue McQuade

I am speaking on behalf of myself and my partner Barry Povey. We live in Acacia Park and our property overlooks part of the farmland known as the Pegram Block

We fully support the submissions of Southern Whangarei Action Group and all other submitters who would like to see Plan Change Areas 85A-D, 86A,B,87, 102 and 114 retain status quo.

Our focus is on Plan Change 102, regarding GBC Winstones' application to place overburden on the farm land referred to as the Pegram Block.

We purchased our property at 42 Acacia Drive in Acacia Park in 2001 and came to live here in 2003 after our house was built. At the time of purchase it was our understanding that the green belt known as the Pegram block was a buffer zone and would remain so. There was nothing to indicate that any changes were expected.

In late 2006 the Pegram block was purchased by Winstones.

The purchase was followed by Winstones' application for a Private Plan Change in 2008 to enable overburden placement to occur on this land. The application at that time was declined.

Now here we are 9 years later dealing with the same issue- an application for extension of the MEA that will allow the placement of overburden on the Pegram block, thus removing the buffer zone between the quarry operations and Acacia Park boundaries.

We oppose the application by Winstones on the basis that an extension to the MEA will compromise the amenity value currently afforded to ourselves and others in Acacia Park.

We would like to make it very clear at this point, that we are not against the quarry operating as it is currently; we just don't want the buffer zone of the Pegram block lost to any extension of the Mineral Extraction Area.

We do, however, wonder about the integrity of some of the steps taken to get this consent approved. A number of properties are likely to suffer more severe adverse effects than others from the current application to place overburden on the Pegram block. Some owners, as affected parties, were approached prior to closing of submissions and then were

approached later and asked to sign an "Affected parties written approval" form stating that they understood what was to occur. This means: Part B-2 "... Council cannot take into consideration any actual or potential effects of the proposed activity on you." These waivers were signed in May 2017, well after submissions had closed. - see attached doc.

Concerns in Relation to this Application

Adverse amenity effects that will result from the MEA extension: additional dust, noise and loss of visual amenity.

Dust: The enabling process and placement of overburden has the potential to blanket a wide area of dwellings in dust, not just those within visual range. In our opinion our property at 42 Acacia Drive has the potential to be affected as the Pegram block is in our view. No one came to assess the potential effects on our property, nor of several others in our vicinity.

In the application for consent to place this overburden near Acacia Park, it is stated that that operations will have to be stopped if the wind speed exceeds 5 meters per second – That is equal to 9.7 knots or 18 kilometers per hour.

It is of considerable concern to us that the enabling works is planned to occur for up to 5 years working 6 days a week from 7am.

Health concerns: Recently Barry Povey has been diagnosed with asthma, cause unknown. This condition was not present when we first came here. Any further dust nuisance could exacerbate that. He is aged 76.

Toxic substances: We have concerns in regard to the possibility of toxic substances from the quarry area, particularly after a recent report in regard to silicone present in dust from the Yaldhurst Quarry in Christchurch. Has the dust from the Otaika Quarry been tested for any toxic substances?

Noise: We are concerned about noise from the heavy machinery carrying out earthworks on the Pegram block. Noise levels are expected to exceed acceptable levels at times – this has been stated in the some of the "Affected Parties" consents. The noise from warning devices going day in and day out would be a great source of irritation to us as we are home a lot of the time.

Loss of Visual Amenity: A number of property owners in Acacia Park will be losing what are currently very pleasing rural views – these will be, in some cases, severely affected by the proposed extension of the MEA allowing many cubic meters of overburden to be placed on what is currently a buffer zone. A number of properties had their views of the Pegram block assessed and reported on by Boffa Miskell. Our property at 42 Acacia Drive was not among them, nor were at least 3 others that overlook the Pegram block. Do the people assessing these adverse effects have the right to decide who and who will not be affected?

Loss of Quality of Life: How can the potential dust and noise hazards and major visual changes possibly be conducive to quality of life? People are entitled to quiet enjoyment of their living environment – the proposal to extend the Mineral Extraction Area into what was a buffer zone in the form of farmland is contradictory to this.

We purchased our property in Acacia Park because of the rural aspect and the proximity to town and many other amenities, with a view to living here for as long as our health will allow.

We now refer to Part 1 of the RMA

“Environment” includes-

- a) Ecosystems and their constituent parts, **including people and communities;** and
- b) All natural and physical resources
- c) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.”

We will not go into the cultural conditions of the above as that is being presented in detail in later evidence.

The reports that I have seen which have been prepared for Winstones seem to focus on downplaying the effects of placing overburden on the Pegram block on nearby residential areas.

Are there any beneficial effects for the environment or the people living nearby??

We haven't seen any stated in the reports.

Have Winstones investigated any alternatives for disposal of their overburden? There are at least 3 alternatives to deal with the overburden rather than interfere dramatically with the landscape values of the Pegram block, which is situated near the Southern gateway to Whangarei.

When we purchased in Acacia Park we were aware that the quarry was operating in fairly close proximity, but understood that the farmland known as the Pegram block would remain in perpetuity as a buffer zone. We never anticipated that the MEA would extend almost to our back yards, effectively making parts of Acacia Park the buffer zone. Nor was there any indication that this was likely to happen, until Winstones purchased the Pegram block.

We would have not purchased here if there had been any indication that the Mineral Extraction Area was likely to be extended and essentially make Acacia Park into a buffer zone.

A 500m buffer zone between residential dwellings and the quarry was requested by Winstones via their legal representatives, Russell McVeagh. This is indicated in a 1995 letter from Russell McVeagh and Council. This buffer area was created between the quarry and 52 Acacia Drive, setting a precedent for a buffer between the quarry boundary and all other Acacia Park dwelling houses.

This decision was made to prevent dwelling places creating adverse effects for Winstones – if this buffer area was needed when the Acacia Park subdivision was approved in 1997, 20 years ago, why is it not needed now? How can Winstones now make an application that will now have adverse effects on the people living on the boundary of the Pegram block?

I quote the Whangarei District Council's mission statement **"To create the ultimate living environment"**

We are requesting that the Mineral Extraction is **not** extended to the Pegram block so that we can retain "the ultimate living environment."

Before making their decision, we hope the Commissioners will be able to take the time to visit Acacia Park and assess the area for themselves, rather than making a judgement only from photographs and words.

S.R. McQuade



22 June 2017



Affected parties written approval

Written approval of affected parties in accordance with Section 95E of the Resource Management Act 1991.

PART A - To be completed by applicant

Name of party applying for resource consent GBC Winstone, a division of Fletcher Concrete and Infrastructure Limited

I am applying to Whangarei District Council for resource consent to:

GBC Winstone seek land use consent to provide for the placement of overburden material from Otaika quarry on the Pegram block (being Part Lot 2 DP 53728 & Part Lot 2 DP 363982), Quarry Road, Raumanga, Whangarei.

Property address Quarry Road, Raumanga, Whangarei

Legal description Part Lot 2 DP 53728 & Part Lot 2 DP 363982

Notes to applicant

- 1 Written consent must be obtained from all registered owners and occupiers.
- 2 If you wish, to assist your neighbours to understand the effects of the proposal by providing scale models or marking out the size and height of the development on the property.
- 3 Council may impose conditions on any approved resource consent to avoid, remedy or mitigate any adverse effects generated by the proposed activity.
- 4 The original copy of this signed form and signed plan(s) as well as signed assessment of environmental effects are to be supplied to Whangarei District Council.

PART B - To be read by the party giving approval

If giving approval, please only sign and date on the reverse of this form once you have carefully read and understood all the eight (8) notes below

Notes to party giving written approval

- 1 You should only sign in the place provided on the reverse of this form if you fully understand the proposal, and if you support or have no opposition to the proposal you have been asked to consider. Council will not accept conditional approvals. If you have conditions on your approval, these should be discussed and resolved with the applicant directly.
- 2 Under Section 104 (3)(b) of the Resource Management Act 1991 when you give your consent to an application, Council cannot take into consideration any actual or potential effects of the proposed activity on you.
- 3 You are under no obligation to sign the consent form or any development plans for the proposed activity.
- 4 If you do not give your consent to an application, Council may publicly notify the application, which will provide you with an opportunity to make a submission to Council on the application and attend a Council hearing to speak in support of your submission.
- 5 If you have any concerns about giving your consent, or need help understanding this proposal, please feel free to contact the duty planner on 09 430 4200.
- 6 You may also obtain your own professional advice on the application before deciding whether or not to give your consent to the proposal.
- 7 It is acceptable for you to request that you be given some time to consider the application before you decide whether or not to give your consent to the proposal.
- 8 Your approval can be withdrawn at any time before Council makes its formal notification decision. Once their decision is made, you are no longer able to withdraw it

RUSSELL McVEAGH McKENZIE BARTLEET & CO

BARRISTERS, SOLICITORS & NOTARIES PUBLIC

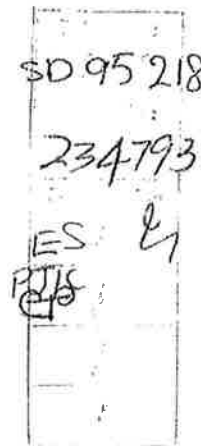
THE SHORTLAND CENTRE, 51-53 SHORTLAND STREET,
PO BOX 8, AUCKLAND 1, NEW ZEALAND.
DX CX10085. FAX 0-9-377 1849. TELEPHONE 0-9-309 8839.

A F Buchanan

OUR REF

DIRECT LINE

YOUR REF



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MATTHEW NICHOLAS DUNNING
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PAUL GERARD FOLEY
RICHARD BRUCE GOLDING MEHRTESS
DAVID GEORGE WETHERELL
PHILIP GEORGE SKELTON
STEPHEN BRUCE LOWE
PAUL FRANCIS NAJUREY
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BETSY-ANN HOWE
JUSTIN BAIN MACRAE SMITH
PAUL WILSON DAVID
PRAWIR ATINDRA TESIRAM
LLOYD ANTHONY JAMES KAVANAGH
MARK JOHN CAVIN
SIMON MICHAEL HORSNER
GRAEME DAVID QUIGLEY
MICHAEL REX CRONIN
KERRY WAYNE FULTON
ALAN MURRAY PATERSON
CONSULTANTS
ROBIN LANCE CONGREVE
CELIA MARY CAUGHBY (Vietnam)

20 September 1995

The District Planner
Whangarei District Council
Private Bag 9023
WHANGAREI

PROPOSED SUBDIVISION - D TAYLOR - TAUROA STREET, SOUTHDALE

1. We act for Winstone Aggregates Limited ("**Winstone**"). Our client has referred to us your letter of 11 September 1995 regarding the above subdivision on land adjacent to Winstone's Otaika quarry.
2. Winstone wishes to place on record its concern regarding residential activity in close proximity to the Otaika quarry. The company's view is that residential and rural residential development and quarries are incompatible in close proximity to one another. New residential developments should be directed away from mineral resource areas, and particularly from operating quarries (as from other forms of industry).
3. The Otaika quarry contains reserves of very good quality aggregate and is a resource of major district and regional significance. The location of residential development in close proximity to the quarry will have an adverse effect on quarry operations in that it will constrain the way Winstone normally operates its quarry.
4. As you are aware, the Resource Management Act 1991 ("**RMA**") imposes a duty on all landowners and occupiers to avoid adverse effects on the environment arising from activities carried on by them. The areas adjacent to quarries are commonly subject to the effects of noise and vibration from blasting. With

residential activity in close proximity to the quarry, Winstone would be restrained from operating and continuing its long term development of the Otaika quarry in the way it might otherwise do so, particularly in carrying out blasting activities. As the Council is aware, if Winstone's quarrying activities have an adverse effect on adjoining residential land, then any owner of that land could bring an action in nuisance or apply for an enforcement order to stop those activities. Permitting residential activities to locate in close proximity to the quarry could therefore compromise the long term productive use of the mineral resource. This effect on Winstone's operation of the quarry is a potential effect on the environment which the Council must take into account when considering the application.

5. For a number of years, Winstone has taken action to ensure that residential activity does not come too close to the quarry. For example, in the mid-1980's Winstone requested the Council to include a notation on its planning maps indicating that ground vibration could occur within 1,000 metres of quarry workings. At that time, the need for a buffer area around the quarry was also considered by the Council and it was proposed that this be a matter included in the next review of the district plan. Winstone has also made submissions on the draft strategy documents which have preceded the formulation of a new district plan. Those submissions stressed the importance of buffering the quarry from encroaching residential activity.
6. In our view, the potential adverse effects of the subdivision proposal could be remedied or mitigated by the imposition of a 500 metre buffer area in which no dwelling units are allowed between the quarry boundary and the subdivision. In its present form, the subdivision plan fails to provide fully for such a buffer area as part of proposed lot 3 and almost half of proposed lot 18 are within 500 metres of the quarry boundary. If the subdivision were permitted as currently proposed, a dwelling could be erected or a multi-unit development take place anywhere on those lots, bringing residences within 500 metres of the quarry.
7. 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. In our view, unless the suggested amendments are made, the application will have to be publicly notified because it would fail the tests contained in section 94(2) of the RMA.
8. We also note that there is support for such an amendment to the scheme plan in the subdivision policies contained in the Transitional District Plan. In particular, a subdivision must have regard for the characteristics of adjoining land and the present and likely future pattern of development of that land.

9. We therefore look forward to your confirmation that the Council has required the applicant to redesign the subdivision scheme plan to ensure that no lots for residential purposes are within 500 metres of the quarry boundary, or that other means are found to exclude dwelling units from this buffer area.

Yours faithfully

RUSSELL McVEAGH McKENZIE BARTLEET & CO



Anne Buchanan
Senior Solicitor