

**Before an Independent Hearings Panel for Whangarei District Council**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** Submissions made by Dicksons Quarries Ltd  
on Proposed Plan Changes 102 and 86B

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**STATEMENT OF EVIDENCE BY RUSSELL JAMES MORTIMER**

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**INTRODUCTION**

- 1 My name is Russell James Mortimer. I hold a Master of Science degree with honours in Environmental Science and Zoology from Auckland University. I also hold a Diploma in Business Studies and a Bachelor of Science degree from Massey University. I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association. I have worked in central government and for private consultancies on issues associated with the Resource Management Act since 1993. Since 1998 I have been a director of Resource Management and Assessment Limited (RMAL), a Northland based resource management consultancy. I am certified under the Making Good Decisions Programme for Resource Management Act Decision Makers.
- 2 My experience includes the preparation of applications for numerous subdivision consents, including the commissioning and reviewing professional reports: surveyors, engineers (civil, geotechnical, acoustic, traffic), landscape architects, archaeologists. Those applications range from single section proposals to multi-staged developments in excess of 100 lots along with the preparation and lodgement of a successful privately initiated plan change request to rezone 22 hectares of a property from Living 3 Environment to Living 1 Environment with yield of some 220 -230 residential allotments. I have presented evidence at various council hearings and Environment Court proceedings relating to those applications and a wide variety of policy development matters.

- 3 This statement of evidence relates to submissions made by Dicksons Quarries Ltd on Proposed Plan Changes 102 (Minerals) and 86B (Urban Expansion) of the Whangarei District Plan. I have visited the Dicksons Quarries site and am familiar with the surrounding environment.
- 4 The evidence I present is within my area of expertise and I confirm I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence. I am familiar with the Environment Court's 'Code of Conduct for Expert Witnesses' and agree to comply with the Code of Conduct in presenting hearing evidence to the Commissioner.

## THE SUBMISSIONS

- 5 Dicksons Quarries seeks
1. **Inclusion of MEA 500m Indicative Setback in Planning Maps**
  2. **Redraft of provisions to include the MEA 500m Indicative Setback as the trigger for Discretionary Activity Status for sensitive activities in all Environments**
  3. **Specifically identify that the MEA 500m Indicative Setback line is the trigger which moves land use and subdivision in the Living 1 and Living 3 into discretionary or non-complying activity status**
- And
- Minimum performance standards to be applied within the MEA 500m setback area to ensure that any construction or alteration of a buildings associated with a sensitive activity was required to be designed to ensure identified internal design noise levels. Those levels to be determined by an acoustical expert.**
- 6 Dickson's Transport and Quarries was established by John Dickson, and began as agricultural contractors. In 1963 it started selling metal from its Glenbervie Quarry. Dickson's is a family owned and operated business. Dickson's Glenbervie Quarry is located east of the Whangarei City suburb of Tikipunga at the terminal property off Dickson Rd
- 7 The company has provided aggregate for many of Northland's roads and has contracts to supply all the major roading companies working for the Whangarei District Council. The company also provides aggregate to farmers for stock races and feed pads as well as for farm development and upkeep. Similarly it supports many other developments and local businesses with the supply of all grades of aggregate for subdivisions and driveways to hard fill for house floors, plus sand and Doby Mix – a new type of building material. Other project examples that Dickson's have been involved with are providing the original foundation rocks for the Tutukaka breakwater, the extensions in the 1990s and the aggregate for the Tutukaka Sewage Treatment Plant.

### **Inclusion of MEA 500m Indicative Setback in Planning Maps**

- 8 The Council reporting officer has considered the rationale provided in the submission seek inclusion of MEA 500m Indicative Setback in Planning Maps. They have recommended that submission be accepted. For the reasons provided in the submission and the 42A report I agree with and endorse that recommendation.

### **The drafting and wording in PC 102.**

- 9 The Council reporting officer has considered the rationale provided in the submission. They have recommended that submission be accepted in part. A partial redraft of provisions has occurred which includes identifying that rules apply within the 500 setback from a Mining Area in Rural Environments.
- 10 In the submission I advised that I found the wording in Plan Change 102 is confusing, difficult to understand and it should be redrafted. The reporting planner notes that.

I agree that this is difficult to follow when referring to the MEA chapter but note that the guidance note at MEA.1.4 provides a useful link and identification of rules elsewhere in the WDP.

- 11 MEA 1.4 (now proposed as QRA 1.4) does indeed provide a useful link to those other Rules. I note they only apply to RUEE, RP RLE and UTE Environments. Notably all residential is excluded. I fail to see the distinction between managing the effects of sensitive activities against the location of a nearby QRA. In my opinion whether they are in a Rural or Residential zoning should make no difference.
- 12 I consider that further redrafting is required and it should Redraft utilising the MEA 500m Indicative Setback as the trigger for Discretionary Activity Status of sensitive activities in all Environments

### **Land use and subdivision in the Living 1 and Living 3**

- 13 PC 86B seeks to introduce Residential zones L1 and L3 into the 500m indicative setback area. The Council officers discussion (in the Section 32 report) on that matter acknowledges the of obvious issue of reverse sensitivity, identifies that mechanisms such as sound insulation, screening and positioning of dwellings are required to be addressed – no follow on provisions have been adopted.
- 14 In the Section 42A report the reporting officer appears to have moved on from that position. From my reading of the report they have now arrived at a position that
1. the 500 m is an arbitrary figure
  2. that Dickson's Quarries have not fully assessed the possible reverse sensitivity issues of locating residential activities neared to a working quarry.

3. The relief sought by Dicksons Quarries would not retrospectively apply to the residential units within the MEA setback

- 15 I accept that the 500 m is an arbitrary figure. It was a figure advanced by Council.
- 16 On the second matter. Dickson's Quarries has been cognisant of the potential reverse sensitivity issues of residential activity occurring with the 500m setback. My understanding, from advancing applications for other clients within this area, is that Dicksons have sought to have no complaint covenants registered prior to them supplying written approval to subdivision and development proposals.
- 17 In any case it is not Dickson's Quarries that is advancing a Proposed Urban Expansion. It is the Councils obligation under Section 32 to examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by of the Plan Change, if they have identified they are the most reasonably practicable options; and if they will be efficient and effective in achieving the objectives. I am not satisfied that it has.
- 18 Dicksons Quarries accepts that it needs to manage its operations to account for and accommodate the legitimate use on neighbouring sites. It does not however accept that provisions put forward in the Proposed Plan Changes should increase the density of such development and expose it to more and potentially closer neighbours. In my opinion reverse sensitivity issues are relevant in determining appropriate density of development and subdivision.
- 19 I remain of the view that the relief sought by Dicksons Quarries is appropriate



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R Mortimer

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23 June 2017