

FROM SUE MCQUADE

**STATEMENT OF EVIDENCE
For Acacia Park Landowners Association Inc**

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

My name is Sue McQuade.

I am Treasurer for Acacia Park Landowners Association and am speaking on behalf of a majority of the community within Acacia Park. There are **53** lots; 7 lots are not yet built on but no doubt will be in the future. The Boffa Miskell report states there are 46 lots in the Acacia Park community, which is incorrect.

We fully support the submissions of Southern Whangarei Action Group and others 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.

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 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.

I would like to make it very clear at this point, that no one is 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.

Therefore, we oppose the application by Winstones on the basis that an extension to the MEA will compromise the amenity value currently afforded to Acacia Park residents.

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 the application for consent to place this overburden near Acacia Park, it is stated that operations will stop if the wind speed exceeds 5 meters per second. That is equal to 9.71 knots or 18 kilometers per hour.

It is of considerable concern to a majority of our residents that the enabling works is planned to carry on for up to 5 years working 6 days a week from 7am.

Health concerns: There are a number of people in Acacia Park with respiratory problems, children with asthma among them. The placement of overburden is proposed to take place over a period of up to 35 years. What effect does this have on the wellbeing of our residents? Their peace of mind? What happens if they need to sell their property in a hurry due to ill health or any other reason?

Toxic substances: Some residents have expressed concern in regard to the possibility of toxic substances from the quarry area, particularly after a recent report in regard to silicone dust from the Yaldhurst Quarry in Christchurch. Those residents were told to wear masks to mitigate the effects! Has the dust from the Otaika Quarry aggregate been tested for any toxic substances?

Noise: A number of our residents who are retired are concerned about noise from the heavy machinery carrying out earthworks on the Pegram block. The noise from warning devices going day in and day out would be a great source of irritation to residents. Noise levels are expected to exceed accepted levels at times according to some "Affected parties written approval" forms which have been signed by some residents. *Doc. attached*

Loss of Visual Amenity: A number of property owners in Acacia Park are very concerned about the loss of what are currently very pleasing rural views – these will be, in some cases, severely affected by the proposed extension of the MEA which would result many cubic meters of overburden to be placed during a period of up to 35 years on what is currently a buffer zone. Furthermore there are a number of properties overlooking the Pegram block whose visual amenities were not assessed

Loss of Quality of Life: How can the potential dust and noise hazards and major visual changes possibly be conducive to quality of life. Residents purchased property in Acacia Park because of the rural aspect but also close to town. 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 known as the Pegram block is contradictory to this.

I 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.

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.

Are there any beneficial effects for the environment or the people living nearby??
There do not appear to be any mentioned in the reports.

The people who purchased land in Acacia Park were aware that the quarry was operating in fairly close proximity, but understood that the farmland known as the Pegram block would remain as a buffer zone. It was never anticipated that the MEA would extend virtually into back yards, effectively making parts of Acacia Park the buffer zone.

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

This decision was made to prevent dwelling places creating adverse effects for Otaika Quarry – 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 have adverse effects on the people living on the boundary of the Pegram block?

A number of recent owners purchased in Acacia Park only weeks before the Plan Change 102 application by Winstones became known and were suddenly faced with the proposition of quarry operations in very close proximity to their property. They had absolutely no indication that the application for the MEA was in the pipeline. It can only be presumed that due diligence or LIM reports done prior to purchase did not show anything significant or they possibly would not have purchased in Acacia Park.

In conclusion, we are requesting that the Mineral Extraction Area is **not** extended into the Pegram Block as per Winstones application, to dispose of their overburden. There are other alternatives.

In line with Whangarei District Council's mission statement "**To create the ultimate living environment**" we request that Plan Change 102 is declined in its entirety and allow us to retain *our* ultimate living environment.

S.R. McQuade



On behalf of Acacia Park Landowners Association Inc

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



PART C - To be completed by the party giving approval

If giving approval, please only sign and date below once you have carefully read and understood all seven (7) notes below

Please answer all questions fully

Name of party giving approval Grant & Donna Thompson
being the owner/occupier of the property below (please identify which)

Property address(including legal description) 11 Grove Lane, Raumanga Lot 24 DP187898 NA118A/67

Postal address 11 Grove Lane, Raumanga

Phone(daytime) 02102775999 Fax _____

Email glynville@clear.net.nz

1 I am/we are the owner(s) occupiers of the property (please)

2 Please note - In most instances Council will require the approval of the legal owners and the occupiers of the affected property

Do you have authority to sign on behalf of any person Yes No

Who do you have authority to sign on behalf of all the owners all the occupiers

3 I/we understand that the aspects of non-compliance with the Operative District Plan to which I/we are giving my/our written approval are as follows

a Undertaking a Mineral Extraction Activity within the Mineral Extraction Area 3: Otaka Quarry as specified in Rule 64.3 of the District Plan and within the Countryside Environment Zone as specified in Rule 38.3 of the District Plan.

b Predicted exceedance of the daily noise limit specified in Rule NAV 6.1 within Mineral Extraction Area 3: Otaka Quarry of the District Plan, at our property.

(continue on separate page if necessary)

Have you attached a separate page(s) to this form Yes No

If yes, how many pages have you attached _____

4 I/we confirm that I/we understand and have signed and dated the plans of the proposal and the assessment of environmental effects prepared by the applicant and the relevant rules of the Operative District Plan, and have attached the signed documents to this form.

5 I/we understand and accept once I/we give my/our approval the Consent Authority (Council) cannot take account of any actual or potential effect of the activity and/or proposal upon me/us when considering the application and the fact that any such effect may occur shall not be relevant grounds upon which the Consent Authority may refuse to grant the application.

6 Further, I/we understand that at any time before the notification decision is made on the application, I/we may give notice in writing to Council that this approval is withdrawn.

7 I/we understand the eight (8) notes included on the front of this form.

All owners and occupiers of the property must give their written approval by signing and dating below

[Signature]
Signature

05/05/2017
Date

[Signature] 05/05/2017
Signature Date

RUSSELL McVEAGH McKENZIE BARTLEET & CO

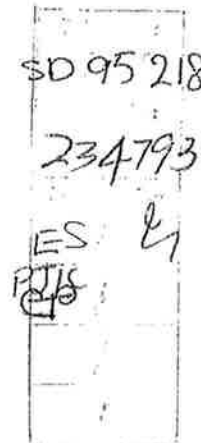
BARRISTERS, SOLICITORS & NOTARIES PUBLIC

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.

OUR REF A F Buchanan

DIRECT LINK

YOUR REF



JOHN COLLINGWOOD KING
JOHN CLAVIER LUSK
ROSS MICHAEL SHANAHAN
GEOFFREY THOMAS RICKETTS
TERARD PAUL CURRY
ANDREW HAWKSWORTH BROWN
MICHAEL ARKLE GREEN
LUY BROUGHAM CHAPMAN
JOHN PAUL HASLETT OLDFIELD
CAMERON FLEMING
GREGORY JOHN SHANAHAN
PATRICK CALLAGHAN BOWLER
DEREK ARTHUR NOLAN
JEFFREY ROBERT MORRISON
GEOFFREY DENIS CLEWS
ROBERT LEONARD TOWNER
ANTHONY FREDERICK GRANT
FRANCIS XAVIER QUINN
DEREK SAMUEL JOHNSTON
PHILIP CHARLES CREAUGH
LAWRENCE STEPHEN MAYNE
ANDREW WILLIAM HARRIS
JOHN ROBERT PORTESCUE PARDELL
JOHN MAXWELL COLLINGS
FREDERICK JOHN THORP
JOHN STEPHEN KOS
GREGORY WILLIAM THOMPSON
ALAN STANLEY JAMES A'COURT
PRUDENCE MARY FLACKS
CHRISTOPHER PATRICK BROWNE
SIMON JOHN BERRY
GEOFFREY JOHN HARLEY
CHRISTOPHER PATRICK EISELL MOORE
MATTHEW NICHOLAS DUNKING
LANCE HAMILTON HEENAN
PAUL GERARD FOLEY
RICHARD BRUCE GOLDING MEHRTENS
DAVID GEORGE WETHERELL
PHILIP GEORGE SKELTON
STEPHEN BRUCE LOWE
PAUL FRANCIS MAJUREY
SHELLEY ANNE HODGE
BETSY-ANN HOWE
JUSTIN BAIN MACRAE SMITH
PAUL WILSON DAVID
PRAVIR ATINDRA TESHAM
LLOYD ANTHONY JAMES KAVANAGH
MARK JOHN GAVIN
SIMON MICHAEL HORNBER
GRAEME DAVID QUICLEY
MICHAEL REX CRONIN
KERRY WAYNE FULTON
ALAN MURRAY PATERSON
CONSULTANTS
ROBIN LANCE CONGREVE
CELIA MARY CAUGHNEY (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