

STATEMENT OF EVIDENCE

for Barry Povey and Sue McQuade

Re Plan Change 102 - GBC Winstone submission #250 to extend the MEA to include all of 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 Winstone's submission for an extension of the Mineral Extraction Area on the farm land referred to as the Pegram Block.

We purchased our property at 42 Acacia Drive 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. This purchase was followed in 2008 by Winstones application for a Private Plan Change to enable them to extend the MEA to include the Pegram block.

Now here we are 9 years later dealing with the virtually the same issue- a submission 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 GBC Winstone on the basis that an extension to the MEA will severely compromise the amenity value of our living environment.

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.

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 we are no more than 200 – 250 meters from

the boundary No one came to assess the potential effects on our property, nor that of several others in our vicinity who are of similar proximity to the Pegram block.

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 kilometres per hour.

It is of considerable concern to us that the enabling works and the placing of over burden is scheduled to take place from 7am six days a week.

We already have more than enough dust as it is.

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.

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 two of the “Affected Parties” consents. (Copy of Affected Parties approval form as an example –Attachment 1) The noise from machinery operating day in and day out would be a great source of irritation to us as we are home a lot of the time.

What is going to stop noise and dust floating up to our property which is not very far from the boundary? Yet we were not considered in any assessments.

Loss of Visual Amenity: We, along with a number of other property owners in Acacia Park, will be likely to lose what are currently very pleasant rural views – the shape of this landscape will be seriously affected by the proposed extension of the MEA which will allow 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 several 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 is currently 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 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, the people, are part of this environment. The Acacia Park community was here before Winstones purchased the Pegram land and we hope this will be given due consideration.

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 the overburden in very close proximity to a residential area.

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 a few alternatives to deal with the overburden rather than interfere dramatically with the natural landscape of the Pegram block, which is situated at the Southern gateway to Whangarei.

When we purchased in Acacia Park in 2001 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. There was never any indication that this would change until the Private Plan change application by Winstones in 2008.

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 in 1995. This is indicated in a letter from Russell McVeagh to Whangarei District Council in regard to the proposal of the subdivision which is now Acacia Park. (See attachment 2) 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.

The decision was made to prevent dwelling places creating adverse effects for Winstones – if this buffer area was needed in 1995, over 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?

Mr Wallace, in his evidence for submission #250 on behalf of GBC Winstone (para 46), states that there has been some confusion among submitters due to their Resource Consent

application being lodged with WDC in tandem with the current Hearings on the Plan Change submissions. Are the submitters really confused?

The end result being sought by GBC Winstone is still the same – the ability to drop all their overburden onto the entire Pegram block, which will result in huge and unacceptable changes in the contours of the landscape. There is certainly no confusion about that.

Why did GBC Winstone lodge the Resource Consent application while this Plan Change is undergoing the hearing process? The Northland Regional Council has already approved their part of the resource consent process – the document is dated 27 April 2017 – and the Plan Change Hearing process hadn't even started, let alone PC 102 being operative.

We do wonder about the integrity of some of the steps taken in this matter. Winstone representatives were busy several months ago visiting property owners whom they deemed to be most affected by the proposal to drop the overburden on the current buffer zone. The visits resulted in a number of these people signing the "*Affected parties written approval*" form meaning that "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 the initial submissions and cross- submissions had closed. One of the affected parties who was approached is 98 years old. His usual caregivers were away at the time. When I spoke to him about 12 months ago, he asked me the same question 4-5 times during a 20 minute conversation. This does beg the question as to whether he truly understood what he was signing.

We only live across the road from him and yet we were not considered to be an affected party, neither were several others in the vicinity. Another neighbour who signed as an affected part lives almost directly across the road from us.

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. They would get a better idea of the implications if they were to view the area from the vantage point of some of the actual properties rather than from the road.

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."

S.R.McQuade

18 July 2017

Private Bag 9023 | Whangarei 0146 | New Zealand
 T: 09 430 4200 | 0800 WDC INFO | 0800 932 463 | F: 09 438 7632
 W: www.wdc.govt.nz | E: mailroom@wdc.govt.nz



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]
Signature

05/05/2017
Date

ATTACHMENT 2.

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.



SD 95 218
234793
ES 21
P/S

JOHN COLLINGSWOOD KIRBY
TIM CRAIG & LUNN
DORIS GIBB
ROBERT THOMAS RICKETTS
EDWARD PAUL CURRY
ANDREW HAWESWORTH BROWN
JACQUARD ARLE GREEN
DAVID BROUCHAM CHAPMAN
JOHN PAUL HAZLETT OULFIELD
CAMERON FLEMING
GREGORY JOHN JOHANNAN
PATRICK CALLAGHAN BOWLER
DEREK ARTHUR NOLAN
JEFFREY ROBERT MORRISON
LEOPOLD DENIS CLEWS
ROBERT LEONARD TOWNER
ANTHONY FREDERICK GRANT
FRANCIS XAVIER QUINN
DEBBY SAMUEL JOHNSON
PHILIP CHARLES CNEAGH
LAWRENCE STRIPPEN MAYNE
ANDREW WILLIAM HARMON
JOHN ROBERT FORTESCUE PARDELL
JOHN MAXWELL COLLINGS
FREDERICK JOHN THORP
JOHN STEPHEN KOS
GREGORY WILLIAM THOMPSON
ALAN STANLEY JAMES ACCOURT
FRIDENCE MARY FLACKS
CHRISTOPHER PATRICK BROWNE
SHEEN JOHN BERRY
GEOFFREY JOHN HARLEY
CHRISTOPHER PATRICK FROST MOORE
MATTHEW NICHOLAS DUNNING
LANCET HAMILTON HEEDMAN
PAUL GORDON FOLEY
RICHARD BRUCE GOLDING MEHRIGNS
DAVID GEORGE WETHERELL
PHILIP GEORGE SELTON
STEPHEN BRUCE LOUVE
PAUL FRANCIS MAJUREY
SIBBLEY ANNE HODGE
PETER ANN HOWE
JUSTIN BAIN MACRAE SMITH
PAUL WILSON DAVID
PRAVIR ATINDRA TESHRAI
LLOYD ANTHONY JAMES KAVANAGH
MARK JOHN GAVIN
SIMON MICHAEL HORNBER
GRAEME DAVID CHURCHLEY
MICHAEL REX GROSSIN
KERRY WAYNE FULTON
ALAN MURRAY PATERSON

CONSULTANTS
ROBIN LANCE CONGREVE
CELIA MARY CAUGHNEY (Vietnam)

OUR REF
DIRECT LINE
YOUR REF

A F Buchanan

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