



**Statement of Additional Submission for The Hearings Panel
By Mia Barton-Boots
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In the matter of PC102 Minerals and the further evidence of GBC-Winstones

Dated 19 July 2017

Thank you again for allowing us to present a further submission.

OUR POSITION:

We feel we have been on the back foot throughout the whole PC change process, from the time GBC Winstones (GBC-W) started by making 'suggestions' to PC102 and then tagged the overburden onto PC102 (we could not understand how this could happen because shouldn't this be achieved through a private plan change?), then WDC decided not to include the overburden, then five councillors wanted to overturn that decision and then subsequently removed their motion, then we were faced by GBC-W's submission 250, which covered all the plans changes and thus it was so complicated to understand all the numerous redactions and changes - to prove this, we included our attempts in our first submission. GBC-W frequently moved the goalposts; we had to be very vigilant just to keep up.

I suppose, WDC would have felt the same; they have spent considerable time on plan changes in order to make them more 'rule driven'. We commend their efforts and also appreciate Larissa Clarke's contribution. However as far as GBC-W submission and efforts go, it seems their sole objective is to place/'enable' overburden on the Pegram Block, by any and all means they can; and these processes are not 'cost free', the ratepayers, and ultimately their neighbours, pay the price.

To date, we have been fighting an 'empty suit' because again we are faced with insufficient information. It may seem that we are confused by both processes, this and the Resource Consent which sits at WDC. We are not confused, there was just such little information to go by, that were compelled to look elsewhere including referring to the Resource Consent. We thought this could be a ploy to keep us busy; this thought strengthened as we learned GBC-W "has made the decision not to actively pursue aspects of its submission point 250/39 at this time, relating to its request to extend the MEA3 (Active area) into the Pegram Block, and that this area be annotated an 'overburden area' via PPC102 and provided for overburden placement as a Restricted Discretionary Activity"¹.

Avoiding, remedying and mitigating is not always a complete solution; best practice, is to internalise and separation by a buffer is the next option. There seems to be a confusion about the existing MEA buffer overlay - the MEA 'buffer' we believe is an area that recognises a potential conflict and points to the existence of a quarry, in order to keep any potential conflicting sensitive activities apart; GBC-W would like it to be just an MEA, however the truth is that it is just a **buffer**.

Just to clarify, our BL (Bottom Line), the relief we seek, we want less sensitivity to further development of GBC-W activities and the adverse effects thereof and therefore ask to disallow the proposed new quarrying encroachment towards established residential zones because adverse effects cannot be successfully avoided, remedied or mitigated.

We have included our responses below to the two-week late evidence presented on 6th July 2017 by the GBC-W team. We realise that it should correspond to our evidence already presented but we believe it is all under the heading of **lack of information** because if there was more information supplied in the first instance we could have responded then; our main argument is that we are faced with the same circumstances in PC59 Hearing in 2008 that being **lack of information** and thus we have included our responses for your consideration.

From: Susan Rhodes Evidence:

2.2 'It will rule driven rather than design driven'² - That was really all that was presented to the public - a concept plan (the original design for the overburden looked to us like a burial ground for overburden); thus from our experience, we would have to totally agree that it would be best to be rule driven.

Ian Wallace Evidence¹

1. Page 2, Executive summary- (5) Our response - the 4 Lane Highway project from Whangarei to Ruakaka is a national project, funded by the taxpayer not a locally funded project although there is a huge benefit of the improved infrastructure to the local economy.

Page 4 - There is a long description about 43.7 million, 8% Of GDP etc - Otaika Quarry - \$4 to 5 million in goods - Mining GDP in 2010 was around \$6 million for the Whangarei District, there are quite a few quarries in the Whangarei District - Otaika and Waipu produce between 100 to 500,000 tonne p/a.. Mining production in 2005, 8k for reclamation & protection, 356k for rock, sand, gravel for building, 590k for roading, 338k for fill, approx 1.3 million tonne in total.

13. Supplying sealing chip to Kumeu? How much damage do aggregate trucks do carting such a weight on State Highways?

(f) 70 % Building and construction - Where? Whangarei District or further afield?

20. Otaika Quarry is producing around 400,000 cu.m per annum? The quarry Manager, Selwyn Dodd, indicated to me that they are presently producing around 300,000 cu.m?

23. Total resource of site are not precisely known. Reckoned to be over 26,000,000 cu.m - the same amount as stated in 2005 and again in 2008? In 2008, approximately 60 years left and now over 100+ years? Can we trust any of their numbers?

24. The three key reasons for GBC-W interest in PPC102 and its impact on its Otaika operations are:

(a) Proposed Plan Change 102 (PPC102) objectives, policies and rules recognise the significant and important role that mineral extraction plays in the District and appropriately provides for these activities:

(b) To ensure that PPC102 adequately provided for future sustainable development of GBC-W. Our response to this statement follows:

- Quarrying is not a sustainable industry, it is an exploitive and exhaustive industry where resource is to be depleted or when extraction is no longer economically viable; it is a large-scale, long term and highly intrusive.
- GBC Winstone claim that they are challenged by the removal and disposal of overburden that the options in the MEA 'active' zone have been exhausted; they say that if the overburden could not be placed on the Pegram Block (that is externalised), it would compromise access to future resources (there is no factual evidence to support this) and it will increase prices; this goes against them because at a lower price, there would be more demand for more aggregate and it would also allow the aggregate to be sold further afield, and would actually lead to overexploitation of the aggregate resource, which would be a travesty because it would lead to a scarcity of the resource in the very living environments that ultimately bear the 'cost' of the adverse effects created by quarrying. Further more, when production increases, so do the the adverse effects and thus the level of pollution is exacerbated.
- Should not GBC-W have a long-term management plan which already makes provision for overburden, ongoing and terminal rehabilitation, throughout the working life of the quarry through to its eventual closure?

Therefore the only way to make it 'sustainable' is by restricting and constraining the resource.

(c) PPC102 continues to protect its operations from reverse-sensitivity.

What is reverse sensitivity? A reverse sensitivity buffer is intended to separate two conflicting land uses. GBC-W have already instigated all other avenues of reverse sensitivity - by a 300m MEA buffer, by 500m setbacks, by increase in noise

allowances, by buying the 'Pegram Block' and selling it with a 'no complaints' covenant etc; yet the best practise is to internalise adverse affects, these buffers show that GBC-W cannot internalise all the effects and in fact gives them no encouragement or incentive to do so.

By instigating the above GBC-W actually have a reverse reverse-sensitive approach by wanting to bring sensitive activities not just as overlays but by proposing to physically move their quarrying activities adjacent to well-developed Living 3 environments; It is GBC-W who are moving in our direction, they are the intent on bringing new industrial activities in close proximity to our homes, placing the burden onto the local residents, who will suffer more adverse effects. What is clear is to us now is that it is us who need to have a reverse-sensitivity buffer to keep the adverse effects of activities from our doorsteps. What could we have in place that would protect us? As we see it we only have the local authority to protect us and to date, it appears they have chosen to protect GBC-W by allowing buffers, noise increases and setbacks, over our properties.

27 Our Response - GBC-W could dispose of overburden elsewhere- but they do not want the expense, they prefer to socialise their business costs onto the neighbouring residents by disposing overburden next to well-established residential properties; onto residents who are already subjected to more dust, grit, noise and unsocial hours.

29 Our response: Pegram Block is an MEA buffer, zoned Countryside, Living 3 and Living 1! Why is Living 1 omitted here?

35 page 9 b(1) The no-complaints covenant was placed on the Pegram Block by Winstones Aggregates before it was sold to Richard (Dick) Pegram?

c - see b(1) above, and thus there was no reason for Winstones to purchase the block back again in 2006 for reverse-sensitivity or a buffer as they stated in PC59 Hearing. In 2008 we accepted an 80m MEA for the possible future construction of a noise bund to mitigate an increase in noise as a result of possible increases in traffic volumes and perhaps future night-time traffic. Why did they not go for an MEA on the whole block at that time? In fact why did they not do it when they owned the land? It probably could have stopped any new residential development in Acacia Park.

37 Our response: GBC-W should have a long term plan that includes provision for the disposal overburden. They had an opportunity in the late 1980s to arrange for overburden placement in the future on what is now known as the Pegram Block; they owned the land. The Acacia Park subdivision permit was given in 1997 when there was an agreement for a 300 m. interface between Acacia Park residences and themselves.

39 Response:

(a) Really Poor design!

(b) There was no substantial expert reports in the Proposed PC 102 (not until the recent, GBC Winstone's Resource Consent application and then still more information is required)), just a poor design - 5 or 6 long piles that looked like an overburden burial ground reminiscent of a Neolithic long barrow, with no specific details included.

(c) Community consultations were vastly understated.

42. Northland Regional Council granted a permit on 27th April 2017, without a cultural report and without borehole data, on Page 3 NRC say that test pits and boreholes have been done. Is this correct procedure or a rushed process so that GBC-W can obtain consents in the current, less constrictive, Operational Plan? When should this criteria be completed by? When one builds a house the boreholes are part of the Consent process, particularly if the ground is known to be unstable.

43. Parred back from what to what? Volumes have gone up from 1.5 million to 2.4 cu.m. Why?

44. The MEA proposed change is a zoning request and thus should be achieved by a Private Plan Change, I believe that was the case in 2008? Both the proposed zoning change and the Resource Consent need more information - lack of information had also been a main issue in both the PC59 and the PC102 overburden proposal. Do the acoustic reports include the side roads, the banging of tailgates?

48. We agree with Larissa Clarke the overburden is part of the Mineral Extraction Activity. Overburden is 'active' product.

Ian Wallace states that we are confused about the Resource Application and submission 250, yet in point 42, he mentions the NRC consent permit and in 51, he mentions the resource consent. We refer to the resource consent documentation only because the GBC-W Submission 250 lacked the information. Where is the analysis of any alternative option for the disposal of overburden?

RESERVE SENSITIVITY BUFFERS

57. The buffer zone and setbacks for the Otaika Quarry area were introduced during the planning process for the operative District plan in 2001 and subsequent appeals to the Environment Court settled by consent order, which Winstone Aggregates (as the company was then called were involved in). A key reason for these was the acceptance of the Buffer Areas at Otaika in the Operative District Plan maps (based on the evidence at the time). It was recognised at Otaika that it was practicable to internalise all its effects.

58. *These provisions were introduced to protect the Otaika Quarry from reverse sensitivity effects arising from encroaching more sensitive residential activities, not to preserve that land as an amenity buffer for the benefit of adjacent landowners. This is reflected in Part E Resource Areas – Mineral Extraction Area Rules in the (WDC operative plan) in that the Buffer Area is described as follows:*

Our Response to above:

In 1997, an interface was accepted between the Otaika Quarry (through a Russell McVeagh letter) and Acacia Park during the Consent period. There has been no evidence of encroachment from our residential area that we know of. We have seen no evidence in 2001 that there were Environmental appeals regarding the MEA buffer overlay, nor the 500m setbacks? In 2006, GBC-W bought back the Pegram Block, with a no complaints covenant, in 2008, PC 59, a 80m MEA was approved to enable the construction of a noise bund. During this time Transit NZ were very concerned about an increase in traffic, as they were in GBC-W Management Plan in 2005 - some submitters living in Pompellier were concerned about losing their views, and in the Plan regard was given to preserve their views.

Ian mentions that they should be allowed to dispose of overburden onto the MEA (buffer) overlay, however burden cannot be placed on just this area, it needs a toe bund that is to be placed right in front of us, in order to hold back the enormous hill (31 metres) at a height of about 73 or 74 m asl.

59. The MEA buffer area is a 300m interface area instigated by Winstones in 1997 by way of lawyers letters to WDC.

Catherine Clarke Evidence ³

3.6 WDC planners want to create a new plan structure 'to create a stronger 'policy driven plan'. **We support that.**

3.7 The exception is a one-off submission to include a new business including the overburden disposal on the Pegram Block by expanding the existing MEA over the Pegram Block. All the redactions and changes to plan changes are to 'enable', that is, make it easier to dispose of, or facilitate overburden on the Pegram Block.

4.2 **Response:** Susan Rhodes refers that the policy will be policy driven rather than design driven - being on the receiving end of a poor concept plan that looks like a

overburden burial ground, we can understand why WDC want to make it more restrictive for managing Quarrying activities than the current operative plan.

4.3 We think the words 'provide for' (we concur with Larissa Clarke) are a more appropriate description because we think 'facilitate' or 'enable' means to make it easier, to help.

Question for Catherine: As a partner in Boffa Miskell, why do Boffa Miskell have so much problem with simple cartography? - old maps that pre-date 2005; a photoshopped house that is not totally built yet?; Maps that are cropped at the bottom pages and some sort of overlay on the top of others that look like the maps are stitched together?

Now for the compromise:

From Ian Wallace's evidence:

As discussed in the evidence of Ms Clarke on behalf of GBC Winstone, a compromise position has been put forward, by the company, which seeks changes to the provisions to enable overburden placement (and extraction and removal of over 5,000m³ of material associated with overburden placement (as is sometimes required as part of preparatory works for overburden placement) to occur in the existing MEA3 Buffer Areas and in the Rural Production Environment as an RDA. ¹

From Ms Clarke's evidence:

As noted in the statement by Mr Wallace, extending the footprint of the MEA including Mining Area of the MEA as notified, and introducing an Overburden Area Overlay in the Mining Area of the extended MEA is not being actively pursued by GBC- W. The submissions are not being withdrawn but no further evidence is being presented to support the MEA extension or the new Overburden Overlay area. However, GBC-W continues to seek provisions that are consistent with the Operative WDP so that the placement of overburden is assessed as a Restricted Discretionary Activity ('RDA') in the Buffer Area of the MEA

To achieve this outcome, I am authorised to offer a compromise position which will allow placement of overburden to be assessed as an RDA in the Buffer Area, with no extension of the Mineral Extraction Area and no creation of a new Overburden Overlay Area. This is consistent with the Operative WDP provisions, and with the position sought by GBC-W in respect of mineral extraction activities in the Rural Production Environment (RPE) (see GBC-W submission 250/10 and my evidence at paragraphs 7.56 – 7.62). It is therefore consistent with the intent of the GBC-W submissions on this point with the exception of extending the MEA and creating a new Overburden Overlay area. ³

Our Response:

In terms of physical effect the “compromise” offers no significant difference. The fact is GBC-W seeks to establish a new mineral extraction activity as a RDA viz. the placement of a very large volume of overburden over a very long timeframe within 500m of an existing sensitive activity on several adjacent sites which includes our residence.

Overburden disposal activities, including any enabling works, should be wholly contained within the existing MEA and thus we oppose GBC-W redaction in RPE 2.1 Eligibility Rule - from Mineral Extraction activities that are not in a MEA is a non-complying activity to a RDA activity. We also ask what it means that GBC-W proposal is not to be actively pursued?

One should also be aware of the difference between a MEA buffer area and MEA ‘active area’. GBC-W with Boffa Miskell have confused submitters because sometimes it is referred to a MEA, other times an MEA ‘buffer’ when in fact it is only a buffer because the Quarry could not contain the adverse effects; isn’t that is why it was formed? To change it to a MEA it would require another Private Plan Change.

We have already attended the private plan change 59 Hearing in 2008, we got a judgement then and so it should remain. A new activity is not appropriate in this case in any which way or form, whether is through an addition to PC102, a submission or a resource consent; it must be a non-complying activity.

8.1 Catherine’s Conclusion³ - ‘provide for’ these significant regional activities - The ongoing use is fine, the only problem we have is if these developments encroach closer to sensitive residential activities.

References:

1. **STATEMENT OF EVIDENCE OF IAN WALLACE ON BEHALF OF GBC WINSTONE Dated: 6 July 2017**
2. **SUBMISSIONS OF SUSAN RHODES ON BEHALF OF GBC WINSTONE Dated 6 July 2017**
3. **STATEMENT OF EVIDENCE OF CATHERINE MARY CLARKE FOR GBC WINSTONE (‘GBC-W’) Submitter Number 250 Dated 7 July 2017**