

Statement of Andrew Norman

To the Whangarei District Council – Relevant to Evidence Provided In Relation
to

Our Plan Change Submission on a Change Proposed to the District Plan

PC114 Landscapes

PC85A Rural Production Environment

PC102 Minerals

&

Further Submission on a Change Proposed to the District Plan - GBC Winstone

My name is Andrew Norman, together with Francis Spencer, I am joint owner of the residential property at 52 Acacia Drive, Raumanga.

We have endeavoured to keep the scope of our pre-submitted evidence broad, because we believe a full report is sometimes more beneficial than a sentence or passage clipped and divorced from its original context.

It has also been brought home to us, from the documents uncovered, that the level and depth of information available during a decision-making process greatly affects the ultimate outcome of that process.

Our submissions, together with the pre-submitted evidence and notes, contain the substance of our issues in relation to the current plan changes – the following is a brief summation of these.

In our original submission of September 2016, we sought the following relief:

1. *“...re-map and maintain the status quo of the “Significant Landscapes designation that currently exists on our property and in its proximity...”*

Other submitters indicated that we were not alone in this request. You have also heard that this relief is also directly supported by local iwi. We also concur with them that the current area may need to be extended, particularly in relation to the limestone outcrops on our boundary and the known water source for our caves immediately adjacent to the quarry. We also note that “caves” are now individually specified in the “outstanding natural features” categories of the Regional Plan.

GBC Winstone was the only submitter to oppose our requested relief but has not provided any evidence to support that opposition.

We believe we have provided sufficient evidence to indicate that the Landscape change proposed by Council for this area should not proceed at this time and would suggest that it be set aside and reviewed again by the relevant territorial authorities. We would be happy to assist in this process if required.

2. *"...re-map and change the entire property to Rural Production Environment"...*

This initial relief was posed to remove the split-zoning, which we did not consider a helpful addition to the land-use propositions available for our property.

It appears that the current *"Countryside"* and proposed *"Rural Production"* Environment is placed on our property purely to mitigate the imposition of the MEA *"buffer"* which was created by Council, after extensive discussions with Winstone, in 2001.

The creation of our property is an inheritance from the 1995 subdivision approval. This situation means its relationship with the surrounding land leans well away from *farm* like activities and brings it nearer to *"park"* or *"scenic reserve"* uses. Realistically, *"Rural Production"* is not a practical activity on our property, mainly due to its underlying geology and position in the landscape, but if that is the best definition open to the planners, we'll work with that for now.

Personally, we would like to revisit the original intention for a *"scenic reserve"*, as we both see our future land-use more likely to be along cultural and recreational lines. If this could be tied to the existing *"Entranceway"* concepts for the Whangarei City corridor, Council could unite this area's notable historic and geologic landscape with existing walkway amenities to create a viable and strong community asset. We suggest this new hybrid might be posed to planners as a *"Cultural Production Environment"*.

How this plays out with Council rules and future concepts for all the surrounding landscape is a matter that needs to be addressed by Council and we are more than happy to work with them in achieving something that may benefit all of the community. For us, this fits in with our own ethics of stewardship and acknowledgement that we, as human beings, pass very quickly from this world, but the land always endures.

In this regard, we have already been approached to host private cultural and recreational activities. In September, Kawiti Waetford, the young and vibrant local opera singer, will hold a private performance at our home as a fund-raiser to aid the continued development of his career.

3. The Remap of the *MEA* and related *Buffer* was requested as a relief in relation to a *"Restrictive Covenant"* on our land. Having found that the placement of the covenant is apparently contrary to the RMA, changes that relief somewhat. We still think that there is sufficient evidence to show that the 500m Setback achieves the same purpose as the *Buffer* and that both do not need to co-exist.

In our further submission of January 2017, we sought relief:

4. That effectively opposed any extension of GBC Winstone's quarrying activities onto the Pegram block and the movement of overburden disposal areas to areas outside of the active mining area.

We note that GBC Winstone has elected not to present any further evidence to support the expansion of the Mineral Extraction Area at Otaika Quarry. Council Planning Committee notes also indicate that there was an expectation from Council that a cultural impact assessment would be included with their plan change proposal. No CIA has been included.

We think it would be entirely fair to say that our evidence indicates that the proposal to use all of the Pegram block as an Overburden Disposal Area has been badly argued and involved information that held many inconsistencies. This evidence is still applicable to the compromise proposal put forward by GBC Winstone, being that of a disposal area within the existing Pegram block MEA and the Buffer, situated directly below our property.

In all our dealings with the personnel from GBC Winstones we have found the experience of getting answers to relevant questions, like the pulling of teeth – reaching in, grabbing and extracting a little bit of tooth, but never the whole tooth - never quite getting the full story.

No matter how GBC Winstone choose to word their proposals – the effect is the same – the Otaika Quarry will increase in size and will bring key quarrying operations into direct conflict with adjacent established subdivision properties.

It is also important to understand that these new activities will occur within a six minute walk from our doorstep, directly adjacent to a landscape that the Council had thought important enough to include as a scenic reserve, with recognised limestone karst caves, fissures, outcrops, sinkholes and subterranean hydrology. Added to this, is the current notable landscape, specifically applying to the native bush on our property and the surrounding ridgeline and valley.

The effects of this new proposal upon our property, aren't comparable to those effects currently experienced from our existing boundary with the quarry. The landform there is quite different in shape, height and direction and as yet, the quarry has not ventured to pile overburden directly beside it. That is why we have previously described our land on this boundary as a bulwark, which has held back the effects of the quarry from the rest of the subdivision land, since the original quarrying began.

Despite arguing that the Quarry activities and residential activities are completely "*incompatible*", and that the encroachment of residential activities will have major adverse effects on the Quarry, GBC Winstone now seems to be proposing that the reverse is true and that in reality no "*buffer*" between the Quarry activities and existing properties is required after all.

We would be surprised if it was truly the Council's intention to create a *buffer* that would allow a quarry to extend mining activities completely within it and further. Thereby bringing an overall detriment to the amenity of a subdivision that has existed for twenty years, in a location that had been approved and established with the agreement of Winstones themselves.

GBC Winstone have not provided evidence that they have assessed any alternatives to their proposal, nor have they provided any reliable evidence that confirms either the quality or quantity of resource remaining. Surely these two essential elements of evidence are required, in order to confirm the necessity of the relief requested.

Our evidence indicates that even if overburden could be disposed of over the entire Pegram block, it would still not meet all the Quarry's overburden needs. With this in mind, we presented a viable way forward to process overburden into a saleable product and have provided further information in that regard.

It is important to note, from our evidence, that *"Ian Wallace explained that an alternatives assessment will be included in the resource consent application."* Well, the application is in and guess what? - No alternatives assessment has been included.

The lack of future overburden disposal space was clearly indicated at the time of the Quarry consent application in 2005, and it is hard to believe that Winstone was not also aware of this when they sold their block to the Pegrams in 1992.

As affected property owners, GBC Winstone are now asking us to consider the construction of this overburden disposal mountain, a *fait accompli*. If, as we have shown in evidence, the 2006 re-purchase of the block was *primarily* for the placement of overburden, we still question why GBC Winstone chose not to make this known to either the Council, or adjacent property owners, at this time or soon after. They would have been fully aware that purchase of the land for overburden placement would inevitably cause a *future effect* on neighbouring properties.

GBC Winstone are telling us now, that they are doing all this, *"to offer some certainty to neighbours."* This *offer*, ten years too late, makes it clear that their proposal will not give neighbours complete certainty, regarding future plans for the Pegram block. What other surprises may neighbours be dealt, ten years from now, or another ten on from that?

We have shown in our evidence that they could have used the Mineral Extraction Management Plan years ago, to notify neighbours, via Council, but they still chose not to. We have also dwelled upon the point and purpose of the Mineral Extraction Management Plan and have questioned its ability to be useful in its present form, in light of the situation that ourselves and other residents of Acacia Park now face.

Our evidence also raises further questions about the suitability of the land proposed for the overburden disposal. Our own direct experience of the unpredictable qualities of the limestone Karst formations beneath our shared boundary, and the obvious hydrological issues that appear to be of sufficient quantity within the Pegram block itself, lend a cautious note to the geological investigations that admit to being preliminary only.

It is beginning to appear more likely, that the route for subterranean water on the Pegram block is in the direction of our property and Acacia Park (towards the city), not the anticipated surface stream direction heading towards the state highway and the coast.

Added to this are the inconsistencies in the Regional Council consent approval and the acoustic, archaeological, landscape, cultural and visual assessments, commissioned to validate the use of the MEA "buffer area" as a new overburden disposal area for the quarry.

We believe we have provided sufficient evidence to support our opposition to the granting of the relief to GBC Winstone (as listed in our further submission) and also their new suggested compromise relief.

When Mr Spencer and I moved to this property in 2015, it was our intention to spend the rest of our lives here, we are now faced with a proposed development, minutes from our door, which will probably have no foreseeable end in our lifetimes.

These repeated overburden campaigns will be like living next door to a building site, except the building never gets finished and is instead, constantly rebuilt. If approved, this leaves us with the ongoing possibility of 9 months disturbance, every 3 years, Monday to Friday*, from 7am to 6pm, for the next 35+ years. *(+ Saturdays, 7am -2.30pm)

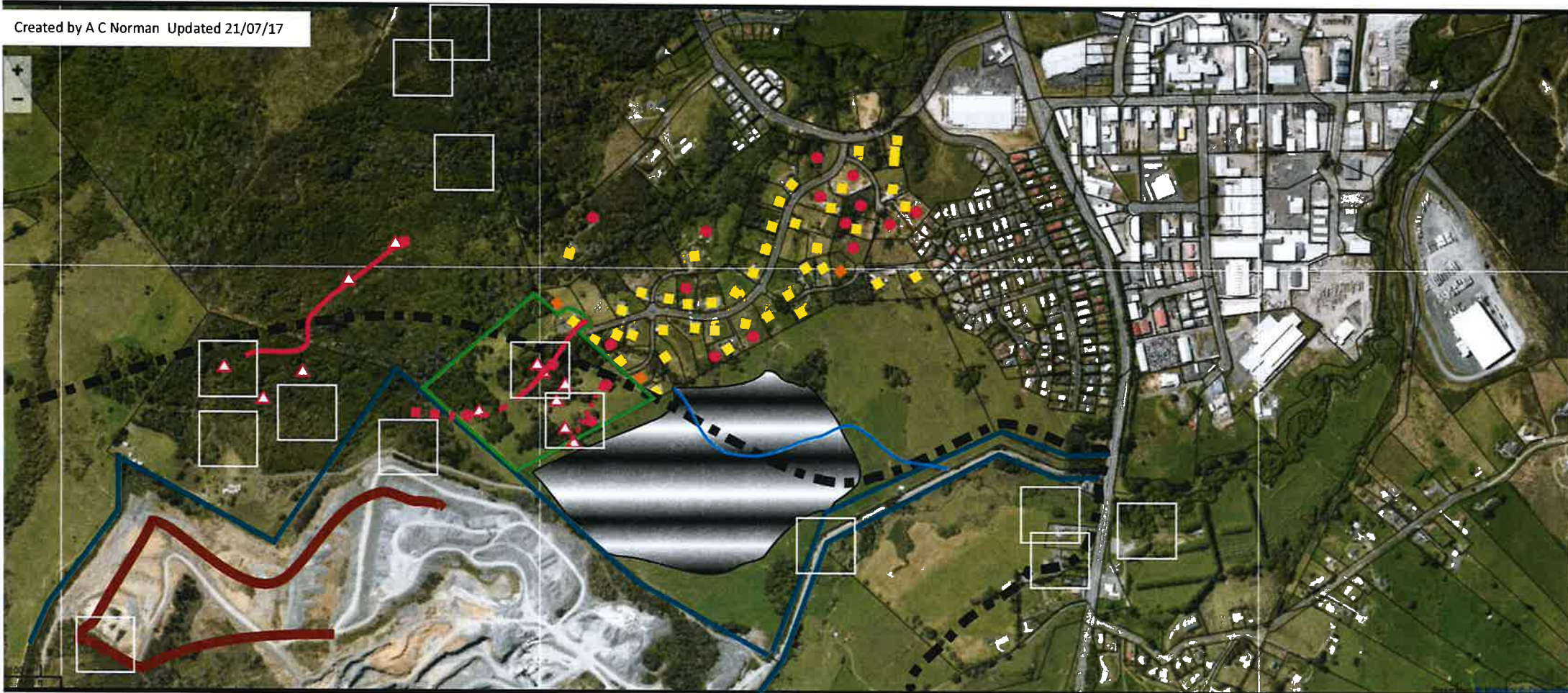
There is no doubt that GBC Winstone re-purchased the Pegram block in order to place overburden upon it and that no effort had been made to communicate this purpose, until very recently. Their unwillingness to admit this plain truth and the continued attempts to dress these facts up in Orwellian double-speak, does not reflect well on the company, or the way it runs its business.

Finally, we must commend and thank the staff of the Whangarei District Council, all of who have proved cheerfully efficient and endlessly helpful, during the preparations of our submissions and these subsequent hearings.

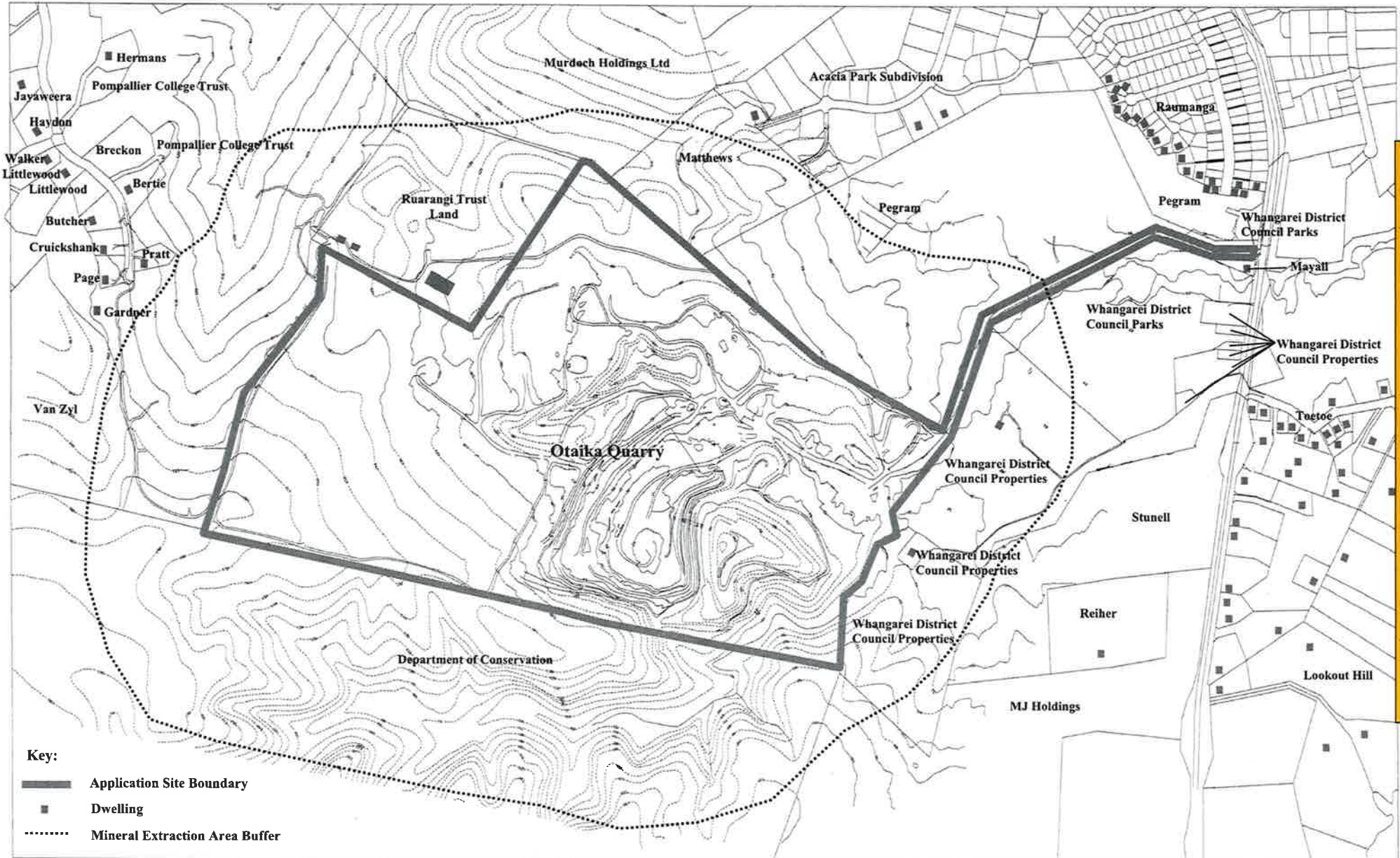
As we are soon to face this process all over again, during the current GBC Winstone resource consent proceedings – we remain fully appreciative, that these legislative mechanisms not only enable us, as citizens, to give voice to our legitimate concerns, but that they also enable territorial authorities, to gain further insight or perspective, into areas they may not have taken into consideration previously.

Indication of dwellings in the Vicinity of the Quarry in 2017

Including known topographical, geological, hydrological and archeological features of Immediate Environment of Proposed Overburden Disposal Area



- ◆ Boundary of 52 Acacia Drive, Raumanga, Whangarei
 - Known springs/resurgence
 - △ Caves, Sinkholes, Swallets & Fissures in Karst topography
 - Identified subterranean water flow/cave system
 - Surface Stream Channel
 - ◊ Proposed Quarry Extension Overburden Disposal Area (2.4 million cubic metres of spoil over 35 + years)
 - Current Overburden Disposal Area (as indicated in 2012 MEMP)
 - Approximate Boundary of Current Mineral Extraction Buffer Area
 - Approximate Boundary of Current Mineral Extraction Active Area
 - Notified archaeological sites (NZAA)
 - ◆ Existing Dwellings
 - ◆ Dwellings under Construction
- Showing Acacia Park development since 2004
(date of Quarry Management Plan for dwellings in the vicinity of quarry
(2005 Resource Consent)
- LINZ DATA SERVICE 2015 AERIAL PHOTO



EXCERPT FROM WINSTONE AGGREGATES A/E (INCLUDED IN 2005 RESOURCE CONSENT APPLICATION)

- Key:**
- Application Site Boundary
 - Dwelling
 - Mineral Extraction Area Buffer

PRECISION AERIAL SURVEYS
 PHOTOGRAMMETRY BY
 JANUARY 2004
 GSD015734 - GSD015812
 PRECISION AERIAL SURVEYS
 MT EDEN
 GEODETIC 1949
 Contour Interval: 2m (eug 10m)

PRECISION AERIAL SURVEYS
 PHOTOGRAMMETRY BY
 JANUARY 2004
 GSD015734 - GSD015812
 PRECISION AERIAL SURVEYS
 MT EDEN
 GEODETIC 1949
 Contour Interval: 2m (eug 10m)



NORTH

REV	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			
6			
7			

Figure 8:

Dwellings in the Vicinity of Otaika Quarry.

IMAGE

JANUARY 2004 1:4000 01-5071-01



2.2. The Locality

Otaika Quarry is located approximately 2km north-west of Otaika settlement on the urban edge of Whangarei, 4km south of Whangarei town centre. The quarry access way intersects with the north-south State Highway 1, (Auckland to Whangarei), and the quarry itself is less than 1km from the State Highway.

The majority of the site is identified as a Mineral Extraction Area (MEA) by the Proposed Whangarei District Plan (as amended by Council Decisions and Consent Order). The extent of the Mineral Extraction Area (Figure 4) indicates the area within which the effects of mineral extraction activities will generally be contained. At Otaika this takes in the Active Area, or operational area of the quarry site and a surrounding 300 - 500metre buffer.

The buffer area around Otaika Quarry takes in native vegetation to the south and to the north west with part of the Department of Conservation (DOC) Otaika Reserve to the south. Within the remaining buffer to the north, north east, east and west is pastureland with two residential properties, one uninhabited, currently located to the east. The Ruarangi Trust land to the north west is also located within the MEA buffer.

The Active Area in relation to a Mineral Extraction Areas is that part of the MEA which is owned by or under the control of the quarry operator at the time the MEA is established or extended. At Otaika Quarry, the Active Area is within the boundaries of the Winstone Otaika site (Figure 4) therefore, the Active Area specifically includes the vehicle access area within the MEA, which is owned by Winstone.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1. Within the Mineral Extraction Area

Pursuant to Rule 47.3 2 of the Whangarei Proposed District Plan:

*“Mineral Extraction in an Active Area of a Mineral Extraction Area is a **controlled activity** if:*

- a) more than 5,000m³ of material on the site is disturbed or removed in any 12 month period, and*
- b) All activities are conducted in accordance with a Mineral Extraction Management Plan, accepted by Council, which contains the elements listed below under the heading Content of Management Plan*

Contents of Management Plan

-
- xiv. a description of the methods by which the environmental effects of the operation will be managed and controlled to comply with all relevant rules of the Plan and the conditions of consent and to avoid, remedy or mitigate any adverse effects in regard to those matters which are relevant to Council's assessment”*

In accordance with Rule 47.3.2, the detailed assessment of effects and management techniques by which to avoid, remedy or mitigate effects within the Mineral Extraction Area is addressed in Section 6.14 (xiv) of the Mineral Extraction Management Plan. Having regard to the proposal, the actual and potential adverse effects are considered to relate to the following:

- Noise;
- Vibration;
- Visual Amenity;
- Ecological Effects;
- Archaeological Effects;
- Traffic;
- Hazardous Substances;
- Water; and
- Dust Effects;

The following assessment contained within this AEE however assesses effects of activities taking place outside the Mineral Extraction Area (MEA). This relates to an approximately 500m length of access way from the entrance way towards the quarry site in a west, south west direction (Figure 4). This part of the access way is outside the MEA in the Countryside Environment and therefore subject to Countryside Environment Noise Rules.

5.2. Outside the Mineral Extraction Area

Traffic movements at Otaika take place over an access lot, Lot 2 DP48378 as described in Section 2 and 3 and Figure 3 and as Activity Area I on Figures 6 and 7 above.

