

**BEFORE THE HEARING COMMISSIONERS**

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

**AND**

**IN THE MATTER**            of a Submission on Plan Changes 82 A & B, 88 A-J, 109 115, 136,  
143, 144, 145, 147 & 148 to the Whangarei District Plan.

**Submitter:** 129 Atlas Concrete Ltd

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**STATEMENT OF PRIMARY EVIDENCE OF**

**Kaaren Rosser**

Dated 7 November 2019

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## **QUALIFICATONS AND EXPERIENCE**

1. My name is Kaaren Rosser and I am an Associate Planner at Haines Planning Consultants Ltd. I hold the qualifications of Bachelor of Science, and a Post Graduate Diploma in Natural Resources, and a Certificate in Town Planning. I am an Associate member of the New Zealand Planning Institute. My qualifications and experience are set out at **Annexure 1**.

## **CODE OF CONDUCT**

2. I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses contained in the Court's Consolidated Practice Note 2014. This evidence is within my scope of expertise except where I state that I am relying upon the specified evidence of another person. I have considered and referred to all material facts that I am aware of that might alter or detract from my expressed opinions.

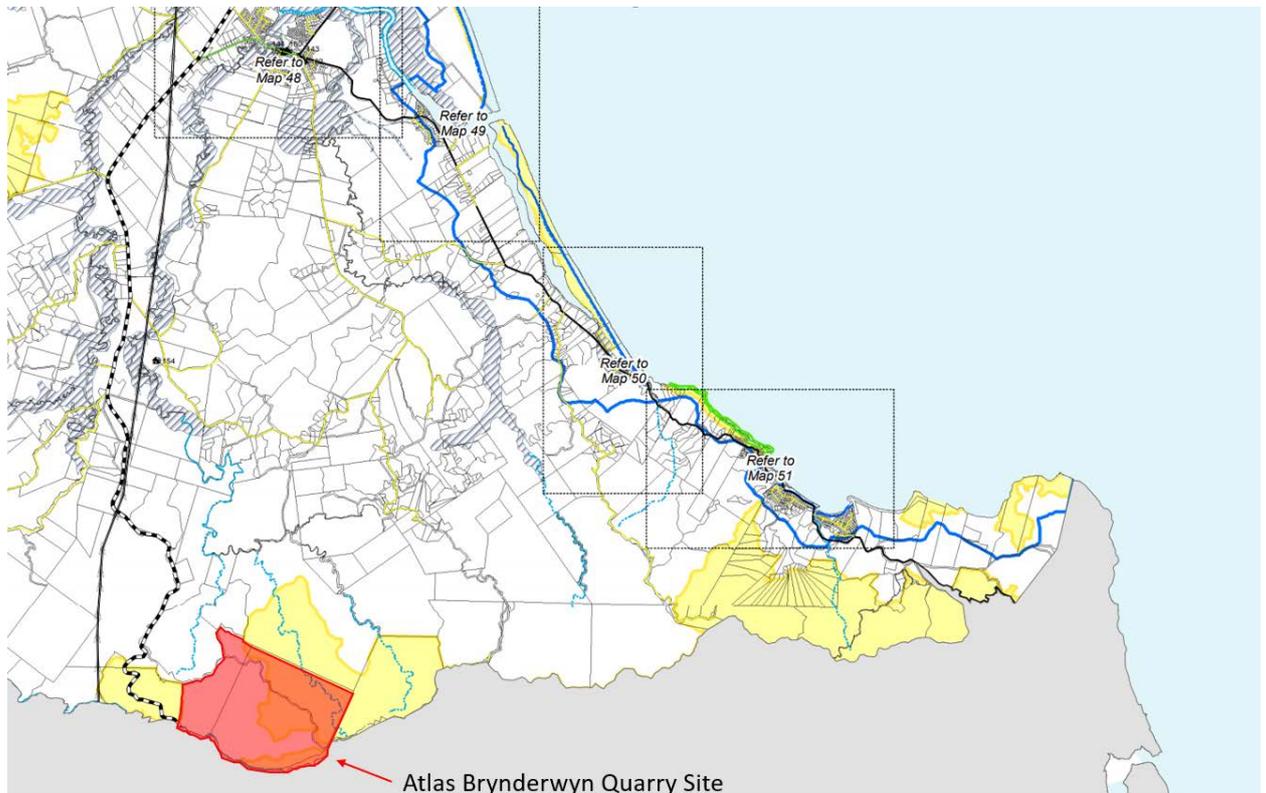
## **PURPOSE AND SCOPE OF EVIDENCE**

3. The purpose of my evidence is to assist the Panel in considering the primary submission by Atlas Concrete Ltd to the following Plan Changes:
  - PC148 - Strategic Direction and Subdivision
  - PC88H - Heavy Industry
  - PC82B - Lighting
  - PC109 - Transport
  - PC136 - Three Waters Management
  - PC147 - Earthworks
4. The primary submission also detailed some requested changes to definitions and consequential general amendments as a result of the proposed plan changes. The following evidence is limited to those points raised in the submission relating to the plan changes above, definitions and consequential amendments.
5. The matters discussed in my evidence are ordered in the same format as the organised topic S42A reports. Accordingly, the first topic to be discussed is Part 1 – Urban and Services Plan Changes: Overview, General Topics and Definitions, followed by Part 2 – Strategic Direction and Subdivision, Part 5 - Industry, Part 9 - Services, and Part 10 – Signs and Lighting.
6. Where no evidence is provided with regards to separate submission points, the submitter is satisfied with, or takes a neutral position on, the proposed changes in wording to the plan

changes, as detailed in the consequential amendments at Attachment 1 of Part 1 of the S42A report.

## INTRODUCTION

- Atlas Concrete Ltd (“Atlas”) and its aligned company Atlas Quarries Ltd operate a large aggregate quarry at the southern boundary of the Whangarei District, in the Brynderwyn Hills (shown at Figure 1). A concrete batching plant is also located at the quarry.



*Figure 1 – Location of Atlas Brynderwyn Quarry on WDC Map 20*

Atlas also operates a concrete batching plant at Ruakaka (site location shown at Figure 2). As providers of materials essential to the construction and roading industries, and recognising that their activities need to be suitably managed in terms of environmental effects, the Whangarei District Plan is a critical document for guiding how the quarrying and concrete industries are provided for within the Whangarei District.

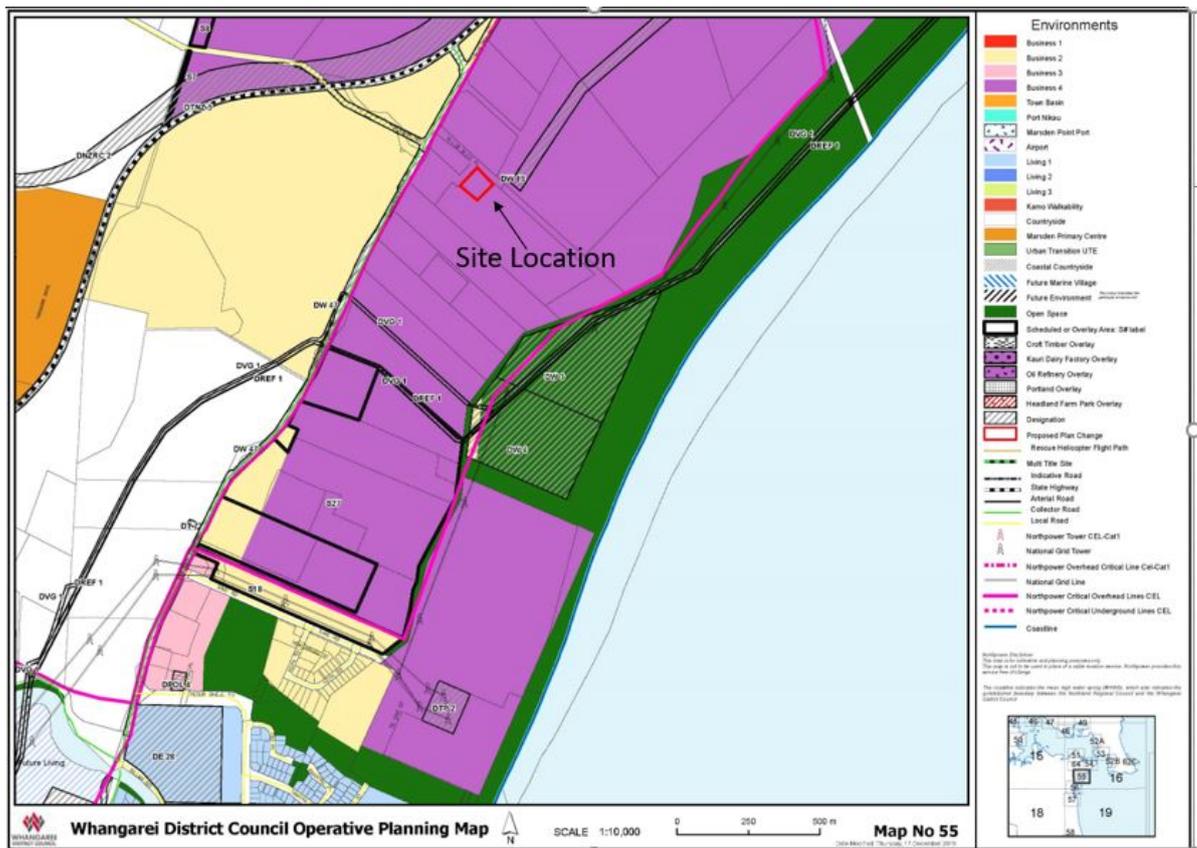


Figure 2 – location of Ruakaka concrete batching plant

## PART 1 – OVERVIEW, GENERAL TOPICS AND DEFINITIONS

8. The Atlas submission proposed changes to four definitions under the proposed plan changes. It requested that definitions align with the National Planning Standards (“Standards”) where possible, but that ‘mineral extraction activities’ be included or excluded in the definitions listed. This was to align the Standards definitions with the recently operative Mineral provisions of the Whangarei District Plan.
9. Part 1 of the s42A report discusses that, under the Standards, where a term defined in the Standards is used in a District Plan then the Standards definition must be utilised. I note that, of the definitions that Atlas commented on, the Standards definition is to be utilised for Earthworks, Industrial Activity, and Land Disturbance. I concur with this recommendation.
10. With respect to the Earthworks definition, I am satisfied that the concern that quarrying activities would be considered under the Earthworks chapter of the Plan instead of the existing Minerals Chapter has been satisfied given the addition of a new rule at HPW – R7 which states:

HPW-R7 Application of Activity Definitions

1. Where an activity could be captured by more than one definition grouping classification, the most specifically defined activity and most specific rule shall over-ride the more general definition and rule.

I consider this recommended rule will direct interpretation of quarrying activities to utilise the definition for mineral extraction instead of earthworks, and accordingly, the rules under the Minerals Chapter.

11. I am in agreement with the reasons given to retain the notified version of the Manufacturing, Servicing and Storage definition in the s42A report and therefore take a neutral position on Submission point 129.18.

**PART 2 – STRATEGIC DIRECTION AND SUBDIVISION**

12. While I understand the rationale for retaining the Strategic Direction (SD) Objectives 14-19 given their genesis from the rural plan changes and given their recent operative status, the entire Strategic Direction chapter (now named the District Growth and Development chapter) was subject to consultation, as there were many statutory considerations that the chapter had to align with. I therefore see no reason why issues not previously identified cannot be provided for within the chapter.
13. One such issue is where significant mineral resources are located in the rural area but not enabled by that suite of objectives, policies and rules that encompass the Quarrying Resource Areas. Atlas has a significant quarry resource in the Rural Production zone at the southern part of the Whangarei District. It has not been identified as a Quarrying Resource Area, as shown on the Resource Area maps and at QRA Appendix 1. This large quarry may be subject to reverse sensitivity effects if it is not appropriately recognised elsewhere in the Plan, most suitably by the objectives and policies of the Strategic Direction chapter.
14. It was for this reason that the first Atlas submission point was raised, requesting that changes be made to SD-016, to ensure that adverse effects on the viability of mineral extraction activities be avoided by rural living activities. It is a well-known issue that quarries are often constrained by conflicting land uses, generally where a residential activity establishes nearby. The Brynderwyn quarry is the second aggregate quarry by volume in the Whangarei District, and is of considerable economic importance to the Whangarei and Auckland areas. Ensuring its operation can continue for the 100-year intended life of the quarry should be safeguarded by the Plan. This can either be achieved with the proposed wording addition to SD-016 (I have

a neutral opinion on the alternative objective put forward by the Atlas submission), or by a Council initiated plan change to include the Atlas Brynderwyn quarry in QRA Appendix 1 and appropriately map its resource as part of that plan change.

15. I also consider that the Strategic Direction chapter should discuss Whangarei's mineral resources in order to provide an overarching statement of the issues regarding these resources which would lead to the Minerals and Quarrying Resource Areas Chapters. This is because the Strategic Direction chapter contains the overall objectives and policies that guide decision making at a strategic level. I therefore consider the inclusion of a new policy SD-P13 to be appropriate, containing the following wording:

*Mineral Resources*

*Avoid subdivision and development that would result in incompatible uses or sensitive activities (such as rural living) being introduced into areas containing existing or future mineral resources for extraction or recognised Quarrying Resource Areas.*

16. I do not consider the recommended version of the SD chapter sufficiently references valuable mineral resource areas as there are limited locations where such resources are found. The Plan currently leaves specific mention of this resource to the subsequent chapters in the Plan, as described in the s42A report, being provisions of the Rural Production Environment (RPE) and the Strategic Rural Industries (SRIE), and the Minerals (MIN) chapters. Therefore, an overarching policy, would better provide for this resource.

**Subdivision**

17. Atlas welcomes the adoption of the proposed wording changes to SUB-10 outlined in their submission. I consider the proposed changes correct an error and provide clarity for Plan users.

**PART 5 - INDUSTRY**

18. Atlas Concrete operate a concrete batching plant at Ruakaka (refer Figure 2). The plant is zoned Heavy Industry which I consider to be an appropriate zone for the site. Given the Heavy Industry zoning for the site, the following comments focus on this chapter.
19. With respect to rule HI-R3 for building setbacks, I acknowledge that the reporting officers support the amendment of the rule to provide for a restricted discretionary activity status, but with a split to provide for a discretionary status for infringements from mean high water springs or rivers or lakes. I support the proposed amendment to the rule and the proposed matters for

discretion and consider the restricted discretionary status for building setbacks will now allow for small building setback infringements or where there are no adverse effects from infringements of the setback rule.

20. The Atlas submission picked up a discrepancy under the Outdoor Area of Storage or Stockpiles rule HIZ – R4 where the rule under the 1(a) and 1(b) requires compliance with HIZ-R2 and HIZ-R3. However, turning to these rules for height and setbacks, they require compliance for buildings, and now ‘major structures’ (as recommended by the s42A report), and do not explicitly require compliance for outdoor areas of storage or stockpiles. However, given the new ‘major structures’ definition now includes structures ‘*greater than 2.2m in height above ground level or greater than 9m<sup>2</sup> ground coverage, including **outdoor stockpiles or areas of storage***’, I would therefore interpret rules HIZ-R2 and HIZ-R3 to only apply to those stockpiles or areas of storage defined as major structures. If this is the intention of the Council, rather than maximum height and setbacks applying to all outdoor areas of storage or stockpiles, then I agree with the recommended version of Rule HIZ-R4.
21. I support the recommended change to the rule HIZ-R4 that provides for a restricted discretionary activity status for outdoor areas of storage or stockpiles not complying with building setbacks.
22. Considering the 35m height limit proposed for the Heavy Industrial Zone, I consider it appropriate that a discretionary activity status is assigned to outdoor areas of storage or stockpiles that do not comply with the maximum height.
23. I concur with the reporting planner that increasing the ancillary trade activity to the primary industrial activity on the site from 100 to 150m<sup>2</sup> GFA ‘*will not result in a significant change to the operation of industrial activities and provide an appropriate opportunity for ancillary activities to occur*’. This allows a little more scope to adequately showcase the products of the site without incurring a non-complying activity application

## **PART 9 – SERVICES**

### **Plan Change 109 – Transport**

24. Atlas welcomes the restricted discretionary activity status recommended for rules TRA R2-R13 outlined in the s42A report, with appropriate matters of discretion. This will, in my opinion, be the most effective outcome given the known effects of these rules.

25. I support the exclusion of the Rural Production Zone from rule TRA – R3 in accordance with the recommended TRA text, as it is often impractical and/or unnecessary to require permanent marking of car parking spaces in this zone, given the large site sizes and unlikelihood of effects extending beyond a rural site.
26. I support the deletion of rule TRA – R10 Road Boundary Landscaping which is consistent with the submissions put forward by Atlas and other parties. Boundary landscaping, as an amenity issue, can be better addressed under the individual zone chapters.
27. With respect to the changes sought by Atlas to rule TRA-R11 Landscaping Within Parking Areas, I agree with the recommended changes to the rule outlined in the s42A report. The addition of the word ‘adjacent’ captures the Atlas submission which was concerned that landscaping was required for separated non-contiguous carparks, a seemingly onerous requirement if parking was in various locations on a site. I consider that the proposed amendments to the rule will appropriately manage the amenity of large carparking areas. The restricted discretionary activity status is welcomed, also the exclusion of the Rural Production zone from compliance with the rule.
28. I support the exclusion of the Rural Production zone under the recommended version in the s42A report of rule TRA – R12 Tree Planting Within Parking Areas. The reasons for this support were identified in the Atlas submission where:

*“By the nature of the activities within this zone, parking areas are generally surrounded by trees or on very large sites where amenity is provided between the parking area and any viewpoint.”*

### **Plan Change 136 – Three Waters Management**

29. I hold a neutral position on the deletion of rule TWM-R2 from the Three Waters Management chapter of the Whangarei District Plan. While the Regional Water and Soil Plan and the decision version of the Northland Regional Plan may be able to deal with the impact of impervious areas on the receiving environment, many impervious areas are created without subdivision. I therefore consider that effective stormwater management disposal systems require controlling run-off at source. I consider the proposed amendment to the rule as detailed in the Atlas submission to be more appropriate.

## Plan Change 147 – Earthworks

30. The Atlas submission sought an amendment to rule EARTH-R1 as follows:

*Where:*

*Earthworks associated with a subdivision do not...*

The s42A report supports this amendment as the reporting planner considers 'this provides clarity and specificity to the rule'. I concur and support the recommended wording of rule EARTH – R1.

## PART 10 – SIGNS AND LIGHTING

### Plan Change 82B - Lighting

31. The Atlas submission proposed amendments to the lighting rule NL-R5 (recommended to be called LIGHT – R5) to recognise lighting on vehicles associated with mineral extraction activities as a permitted activity. The s42A report states that the intent of the rule is to provide an exemption for existing Quarrying Resource Areas as mapped and listed in QRA Appendix 1, not mineral extraction activities.
32. The size and operational output of the Brynderwyn quarry is considered significant enough to qualify for the application of this rule. To not be included would require a discretionary activity application for truck lighting if the quarry were to expand in the future. This would seem somewhat onerous given the size of the quarry landholding and the enclosed valley nature of the quarry operation. Accordingly, as stated above in this evidence at Point 14, if the Atlas Brynderwyn Quarry were identified as a Quarrying Resource Area, this would then enable the quarry to carry out its quarrying activities with appropriate rules to support the social and economic wellbeing of the community. Until a Plan Change can be initiated to include the Atlas Brynderwyn Quarry as a Quarrying Resource Area, I suggest that the following addition to rule LIGHT – R5 be accepted by the Panel:

*. LIGHT R5 Any Artificial Lighting for Mineral Extraction Activities in Quarrying Resource Areas*

*Activity Status: Permitted*

*Where:*

1. *Artificial lighting is on vehicles associated with mineral extraction activities and the vehicles are located within an identified QRA Quarrying Resource Area Mineral Extraction Area (as identified in the Planning Maps and in QRA Appendix 1 Schedule of Existing Quarrying Resource Areas) and **within Atlas Brynderwyn Quarry (Lot 18 DP 428577 and Sec 11-12 Blk x Waipu SD and Section 1 SO 63291, and Section 10 Block X Waipu SD)***

■ **Annexure 1**

Qualifications, Expertise and  
Experience

## **QUALIFICATIONS AND EXPERIENCE: Kaaren Adriana Rosser**

1. My full name is Kaaren Adriana Rosser. I have been working as a consultant planner at Haines Planning Consultants Limited since 2015. From 2007 until August 2015, I was employed as an Intermediate Planner in the Northern Resource Consents team at Auckland Council. Prior to this employment, my planning work experience included five years employed by North Shore City Council in Resource Management Planner and Senior Planner roles, and 18 months working for Oxford City and Wokingham District Councils (England).
2. I hold a Bachelor of Science from the University of Waikato majoring in Earth Sciences. I hold a Post-Graduate Diploma in Natural Resources from the University of Canterbury, and a Certificate of Proficiency in Planning at Auckland University. I am an Associate member of the New Zealand Planning Institute.
3. My planning experience has involved the assessment and preparation of a wide range of land use applications in both urban and rural settings, along with processing resource consents on behalf of Council. My experience includes medium density residential developments, subdivision, infrastructure, and environmental management projects, and discharge applications. I provided evidence to the Unitary plan hearings on a range of topics, particularly in relation to airport infrastructure and coastal precincts, and have provided evidence to the proposed Northland Regional Plan.