

3 June 2009

Freepost 118112  
Proposed Regional Policy Statement  
Greater Wellington Regional Council  
PO Box 11646  
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Wellington 6142

### **SUBMISSION ON PROPOSED WELLINGTON REGIONAL POLICY STATEMENT**

The submissions of Winstone Aggregates, a division of Fletcher Concrete & Infrastructure Ltd on the Proposed Wellington Regional Policy Statement are set out in sections 1 to 25 below.

Winstone is New Zealand's largest manufacturer and distributor of aggregates including sand to roading, ready mixed concrete, concrete product manufacturers, and to building and civil engineering customers. Within the Wellington Region, Winstone has operations at Belmont, Dry Creek (Hayward's), Otaki, Petone, Waikanae and Wainuiomata.

#### **The Importance of Aggregate to the Wellington Region**

A sustained supply of aggregate is essential for the continued development of the Wellington Region and to enable people and communities of the Wellington Region to provide for their social, economic and cultural well being.

In the past the Wellington Regional Council (and its predecessors) has recognised the importance of aggregates to the Wellington Region and taken a proactive approach to minerals management, including the commissioning of a regional study of aggregate resources<sup>1</sup>, and providing for minerals in the operative RPS.

Wellington Regional Council anticipates that the population of Wellington will continue to grow over the coming decade.<sup>2</sup> A sustained supply of aggregate will be required to provide for building, construction and roading projects associated with this growth, but also to maintain and redevelop existing infrastructure.

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<sup>1</sup> Planning for Mineral Resources in the Wellington Region – a study undertaken for the Wellington Regional Planning Authority and Wellington Regional Water Board by Applied Geology Associates, June 1978.

<sup>2</sup> A Sustainable Economic Growth Framework for the Wellington Region – a Discussion Document, page 7.

A sustained supply of aggregate will also be essential to enable the completion of the projects forecast by Transit New Zealand for the Wellington Region over the next 10 years including Western and Hutt Corridor projects<sup>3</sup>, and to provide improved and additional roading links, recognised by Wellington Regional Council as a key to unlocking economic potential in the region.<sup>4</sup> It has been estimated by Greater Wellington that expenditure on roading projects within the region excluding road maintenance and renewal will total in excess of \$1.7 billion over the period 2006/07 – 2016.<sup>5</sup>

These projects will be high users of concrete, asphalt and roading aggregates. It would not be sound planning if the implementation of these projects were compromised by aggregate availability.

At present, what I would call base demand of the regional market for aggregate is of the order of 5.4 tonnes per capita annually (based on Ministry of Economic Development 2006 mineral production figures and the 2006 census), and this does not allow for any significant demand spikes created by major infrastructure projects, which could increase demand by a further 1.0 tonne per capita during periods of growth.

In addition, aggregate extraction provides a key tool for river control purposes in the Wellington Region with the Wellington Regional Council Rivers Department holding extraction consents on a number of rivers throughout the Region. At Petone (on the Hutt River) and Otaki, Winstone undertakes extraction operations on the Regional Council's behalf.

The current extraction sites in the Wellington Region are sufficient to meet present demand, but for future demand to be satisfied there will need to be extensions to existing operations and possible development of new sites within the life of the RPS.

Overall, Winstone is very disappointed in the proposed version of the RPS. Winstone considers that the document particularly in regard to Mineral Resources has significantly regressed from earlier draft revisions and that it is now an inappropriate RPS document for the Region and either needs to be completely reconsidered and redrafted or undergo significant changes throughout.

### **Reasons for submission**

The reasons for this submission are:

- (a) that the Proposed Regional Policy Statement (PRPS):
  - (i) will not promote sustainable management of resources, and will not achieve the purpose of the Resource Management Act 1991 ("**Act**");
  - (ii) is contrary to Part II and other provisions of the Act;

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<sup>3</sup> Transit New Zealand's Draft 2006/07 – 2015/16 10-year State Highway Forecast – Wellington, page 3

<sup>4</sup> A Sustainable Economic Growth Framework for the Wellington Region – a Discussion Document, page 30.

<sup>5</sup> Regional Transport Programme 2006/07-2016, pages 4, 8-10

- (iii) will not meet the reasonably foreseeable needs of future generations;
- (iv) will not enable social, economic and cultural well being;
- (v) is otherwise contrary to the purposes and provisions of the Act and other relevant planning documents;
- (vi) is inappropriate and inconsistent with the purpose and principles of the Act;
- (vii) does not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other available means and are therefore not appropriate in terms of s32 and other provisions of the Act;

(b) in particular, but without limiting the generality of the above, for those additional reasons set out in paragraphs 1 to 25 below.

\* \* \*

## 1

1.1 The specific provisions which are opposed are:

Chapter 3.11 Soils and Minerals including the Issues, and Objective 30

1.2 Winstone's submission is:

Winstone has a number of concerns regarding the Soils and Minerals Chapter, and generally considers that the provisions proposed have regressed from those which had previously been proposed and circulated for comment in the draft March and June 2007 revisions of the Minerals provisions which Winstone commented on and was generally supportive of.

The description provided to accompany the proposed issue (5) for minerals fails to recognise the future importance of mineral resources which are not currently being worked and the potential for these to be compromised by sensitive activities locating nearby. In this regard, the description from the March 2007 draft compiled by Margaret Meek is considered more appropriate. The description to the issue from the Margaret Meek draft is also considered more appropriate in that it refers to infrastructure and building as requiring aggregate resources.

The proposed issue itself, while recognising mineral resources in the region are limited and that demand will increase, fails to appropriately discuss the importance of aggregate resources being accessible in close proximity to urban areas or the ability for these resources to be compromised through sensitive development. While the concept of ensuring that the supply of aggregates to the region is met from within the region is sensible in principle, the real issue is ensuring that aggregates are available in close proximity to the areas in which they are in greatest demand, e.g. the Wellington urban area. For example,

transporting aggregates large distances from the Wairarapa and Kapiti Coast (despite being within the Wellington Region) to Wellington City is still not very economically efficient or environmentally sound when other resources could be accessed closer. The issue needs to be deleted and replaced with two new appropriate issues set out below.

Objective 30 needs significant amendment to address the issues and a new objective is also required.

The paragraphs beginning '*In the Wellington region, ...*' needs rewording to make this section more accurate and also to recognise the potential for resources to be compromised.

1.3 Winstone seeks the following decision from the Council:

Amend the Description by adding the underlined words and deleting the words in strikethrough:

*'In the Wellington region, sand, rock, gravel and limestone are ~~extracted mined,~~ from rivers, beaches, coastal cliffs and inland quarries...As the region's population continues to expand, the demand for mineral resources, particularly aggregate (~~crushed rock used in building, roading and other construction~~) will increase. A sustained supply of aggregate will be needed to provide for building, construction and roading projects associated with this growth but also to maintain and redevelop existing infrastructure.*

*Mineral resources are fixed in location, unevenly distributed and finite. Extraction processes, sites and transportation routes can create adverse environmental effects. If activities sensitive to the effects of extraction, and processing and transportation are established nearby, the full and efficient future extraction of these resources can be compromised. In the case of working sites, 'reverse sensitivity' effects can arise — meaning the extractive or processing operations may be forced to restrict or change their activities to avoid affecting the new neighbour. If resources closer to areas of high demand (such as the Wellington urban area including Wellington, Lower Hutt, Upper Hutt and Porirua cities) are compromised or precluded from being extracted, resources have to be obtained from further away, at significantly greater economic and environmental costs associated with aggregate transportation.*

Add new paragraphs as follows:

*It is important that potentially significant aggregate deposits and access routes to these resources are protected to ensure their availability. Obtaining access to resources in recent times has become a key issue addressed by the Environment Court in numerous cases, as residents and occupiers of sensitive activities (e.g. childcare centres, schools) along access routes object to noise and vibration generated by heavy vehicle movements, and quarries are severely limited in their output volume by restricted truck movements.*

*In particular, it is important from economic, social and environmental perspectives that areas that have high demand for aggregate such as the*

Wellington urban area (including Wellington, Lower Hutt, Upper Hutt and Porirua cities) are able to be provided for by the extraction of resources in close proximity, as opposed to resources located at considerable distances away.

Delete Issue 5 and replace with the following two new issues:

5a

Responsible and efficient utilisation of the region's significant mineral resources may be compromised through incompatible land uses, such as residential activity, located in the vicinity of mineral deposits and quarries and access routes to these deposits and quarries. The problem is most likely to arise where hard rock quarry sites and their access ways, are adjacent to residential and rural-residential subdivisions or adjacent to areas which can be subdivided.

5b

A sustained supply of aggregate is essential to provide for the people of the region's social, economic and cultural wellbeing.

Amend Objective 30 by adding the following underlined words:

The demand for mineral resources is met from local sources as much as possible and mineral deposits and access routes are protected to ensure their availability. In particular, areas that have high demand for aggregate such as the Wellington urban area (including Wellington, Lower Hut, Upper Hutt and Porirua cities) are able to be provided for by the extraction of resources in close proximity, as opposed to resources located considerable distances away.

Add the following new objective which was included in the June 2007 draft revision of the RPS Minerals Provisions as follows:

The locations of the region's significant mineral resources are identified and their use provided for.

\* \* \*

2

2.1 The specific provisions which are opposed are:

Policy 60

Lack of appropriate policies and proposed new policies pertaining to minerals

2.2 Winstone's submission is:

Policy 60 of the PRPS fails to appropriately provide for the use of the Region's mineral resources - as the title of the Policy would suggest it seeks to do. More clear policy guidance needs to be included within the RPS to ensure District Council's appropriately provide for the use, development and protection of mineral resources.

2.3 The following decisions are sought from the Council:

Add the following new policies and associated Explanations:

Policy 60A: Significant mineral resources

District and regional plans shall include provisions that recognise and provide for the utilisation of the region's significant mineral resources.

Explanation

Policy 60A recognises the importance of the region's significant mineral resources. The term significant mineral resource includes deposits of minerals, the extraction of which is of prime importance in order to meet the current and future mineral needs of the region (an example of this is the region's aggregate resources). Implementation of this policy is supported by the compilation of information on the location and significance of mineral resources in the region.

Policy 60B: Significant mineral resources - considerations

When considering resource consent applications, notice of requirements and changes to and reviews of district and regional plans, local authorities shall:

- Protect existing mineral extraction sites and access routes to these sites from reverse sensitivity effects; and
- Promote recognition of areas which have the potential to provide significant mineral resources and protect access to such areas

Explanation

Policy 60B seeks to ensure that the development and use of land in the region is done in such a way that existing mineral extraction sites and significant deposits are protected as are access routes to these sites. This policy recognises that it is beneficial - both economically and environmentally - that significant mineral resources be extracted in reasonable proximity to growing communities. Implementation of this policy is supported by the compilation of information on the location and significance of the significant mineral resources in the region.

\* \* \*

3

3.1 The specific provisions which are opposed are:

4.5.1 Methods

3.2 Winstone's submission is:

The methods included in the PRPS will be ineffectual at implementing the objectives and policies sought in this submission and need to be revised to give

effect to the changes sought to the Issues, Objectives and Policies sought in the submissions of Winstone.

3.3 The following decision is sought from the Council:

Additional or amended methods should also be included to give full effect to Issues, Objectives and Policy changes sought by Winstone. In particular, provision needs to be made for new Policies 60A and 60B suggested in submission point 2 above to be implemented through 4.5.1, including method 4.

\* \* \*

4

4.1 The specific provisions which are opposed are:

Section 3.1 Air Quality

4.2 Winstone's submission is:

A new issue is needed to recognise that reverse sensitivity effects from sensitive activities (such as residential activity) locating in close proximity to discharging activities, can result in the discharging activity having to shut down or having to significantly alter their operations. The Exide battery plant in Petone is one prominent example of conflict between incompatible land use activities.

4.3 The following decision is sought from the Council:

Add a new Issue to Section 3.1 as follows:

3. Reverse Sensitivity Effects

Reverse Sensitivity effects can arise where sensitive activities locate in close proximity to discharging activities. Such conflict can result in the discharging activity being forced to shut down, relocate or significantly alter its operations.

\* \* \*

5

5.1 The specific provisions which are opposed in part are:

Policy 1 and the associated explanation

5.2 Winstone's submission is:

Policy 1 as written fails to direct district plans in a manner to adequately address the issue of reverse sensitivity and also confuses the issue of reverse sensitivity.

Providing for District Plans to use policies and/or rules is insufficient to address the issue of reverse sensitivity. To have effect, such plans must include rules as policies alone cannot control permitted or controlled activities from establishing close by if they choose to do so. The term 'discourage' is inappropriate and should be replaced with 'prevent'.

Furthermore, section (b) of Policy 1 does not relate to reverse sensitivity which the policy seeks to address and confuses the issue of reverse sensitivity by discussing sensitivity. Managing the effects of dust, smoke and odour generators is a matter which is more appropriately dealt with under Policy 2. If an activity is capable of controlling its emissions, even though it could cause effects were they to not be controlled otherwise e.g. through a watercart, then this need to control the location of the activity is somewhat irrelevant. A Regional Plan is the appropriate mechanism for addressing discharges. Where appropriate permitted standards cannot be achieved, consent can be required through the Regional Plan.

To try and establish every new activity which may affect sensitive activities away from them is virtually impossible, especially when considering many of these activities are locationally constrained i.e. are limited in where they are able to locate, such as such as quarries, landfills, ports etc. If the adverse effects of such activities are able to be avoided, remedied or mitigated, then these activities should not be precluded from locating in these areas.

5.3 The following decision is sought from the Council:

Amend Policy 1 by deleting the words in strikethrough and adding the underlined words:

*Policy 1: Reverse sensitivity associated with odour, smoke and dust*  
– *district plans*

*District plans shall include policies and/or rules that discourage prevent:*

*(a) new sensitive activities locating near land uses or activities that emit odour, smoke or dust, which can affect the health of people and lower the amenity values of the surrounding area; and*

*~~(b) new land uses or activities that emit odour, smoke or dust and which can affect the health of people and lower the amenity value of the surrounding areas; locating near sensitive activities.~~*

*Explanation*

*New sensitive activities should not establish near land uses or activities that generate odour, smoke or dust. ~~The reverse is also true; new land uses and activities should be distanced from sensitive activities.~~*

*Land uses or activities that may affect sensitive activities include:*

*~~• activities which emit or cause odour – such as rendering, spray painting and solvent~~*



~~use, landfills, sewage treatment plants, silage feeding and effluent spreading~~  
~~• activities which emit or cause smoke such as backyard burning~~  
~~• activities which emit or cause dust — such as earthworks, quarries, and~~  
~~vegetation disturbance.~~

\* \* \*

## 6

6.1 The specific provision that is opposed in part is:

Policy 2

6.2 Winstone's submission is:

The wording of this policy is inappropriate in seeking to protect or enhance and should be amended to better reflect Policies 8 and 11 of the Operative Regional Policy Statement. The wording as it currently stands is too restrictive within the context of policies regarding air quality.

6.3 The following decision is sought from the Council:

Amend Policy 2 as follows:

*Regional plans shall include policies and/or rules that:*

*(a) ~~protect or enhance~~ avoid, remedy or mitigate adverse effects on the amenity values of neighbouring areas from discharges of odour, smoke and dust; and*

*(b) ~~protect~~ avoid, remedy or mitigate adverse effects on people's health from discharges of dust, smoke and fine particulate matter.*

\* \* \*

## 7

7.1 The specific provisions which are opposed are:

Section 3.2 Coastal Environment

Objectives and Policies which relate to the Coastal Environment including Objective 3, 4, 5, 6, 7, 8 and Policies 3, 4, 21, 23, 25, 27, 34, 35, 36, 37, 52, 64 and accompanying methods

7.2 Winstone's submission is:

Section 3.2, including the Background, Issues, Objectives and Policies in this section take a very negative approach to development and use in the Coastal Environment and focus on adverse effects without balancing this with positive aspects of development and use in the Coastal Environment. It needs to be recognised that not all human activities and discharges have more than minor adverse effects, many have positive effects, and more balance is required in this section.

The PRPS fails to recognise through objectives and policies that there are uses and development which depend upon the coastal environment where the resource is located, and functionally can only be located in the coastal environment. It is also necessary to recognise that due to the complexity of the coastal environment, that the effects of some proposed activities may not also be able to be completely known or understood prior to undertaking the activity and that an adaptive management approach is appropriate in these circumstances.

Commercial operations which rely on the coastal environment include gravel and sand extraction operations such as those that take place at Petone and intermittently take place at Wainuiomata. These resources are required to provide for building, construction and roading projects, but also to maintain and redevelop existing infrastructure and as components of manufactured products, and are therefore vital to ensuring the ongoing social, economic and cultural well being of Wellington's communities. Moreover, operations at Petone make a positive contribution to controlling adverse effects of flooding and contribute to natural hazard management within the Region.

7.3 The following decisions are sought from the Council:

Delete Section 3.2 and redraft and re-notify this section so it is more balanced and appropriate in terms of the Resource Management Act 1991. Delete the relevant objectives, policies and methods and replace these with provisions which are appropriate in terms of the Resource Management Act 1991 and the New Zealand Coastal Policy Statement. These need to recognise the positive aspects of development and use within the coastal environment, including objectives and policies which recognise that there are uses and development which depend upon the coastal environment where the resource is located, and functionally can only be located in the coastal environment. It is also necessary to recognise that due to the complexity of the coastal environment, that the effects of some proposed activities may not also be able to be completely known or understood prior to undertaking the activity and that an adaptive management approach is appropriate in these circumstances.

Any revised suite of provisions should include objectives and policies which recognise and provide for appropriate use and development within the coastal environment, such as sand and gravel extraction, and for adaptive management approaches to be applied where all the effects of a proposed activity are not fully known or understood.

\* \* \*

8

8.1 The specific provisions which are opposed are:

Energy, Infrastructure and Waste Section 3.3 including Issue 2

8.2 Winstone's submission is:

This chapter fails to recognise that a shortage of aggregates, or increased end user costs of aggregates and products such as concrete in which aggregates are a significant component, due to increased transport distances, has the potential to significantly impact on the timely provision of regionally significant infrastructure and in particular new roading projects necessary to achieve a productive and vibrant Wellington economy. To provide for future growth and also to maintain and redevelop existing building and infrastructure within the region, a sustained supply of aggregate resources will be required. Such growth and development should not be compromised by aggregate availability, including significantly increased costs arising from having to transport aggregate products large distances due to their unavailability in proximity to the areas they are required most.

Recognition of this should be made both in the background to Section 3.3 and as part of the Issue statement 2.

8.3 The following decisions are sought from the Council:

Add the following additional paragraph into the background to the issues:

Resource unavailability or inefficiencies in obtaining such resources (such as aggregates, steel), required to construct and maintain such infrastructure can detrimentally impact upon the development, management, use and maintenance of such infrastructure. This has the potential to significantly impact on the timely provision of regionally significant infrastructure and in particular new roading projects necessary to achieve a productive and vibrant Wellington economy.

Winstone seeks that Issue 2 be amended by adding the following underlined words to the end of the Issue:

...or owing to resource unavailability or inefficiencies (i.e. increased costs) in obtaining such resources (e.g. aggregates, steel)

Cross references to minerals provisions of the RPS should also be included on Pages 30-32.

\* \* \*

9

9.1 The specific provisions which are opposed in part are:

Energy, Infrastructure and Waste Section 3.3  
Objectives – need for a new objective

9.2 Winstone's submission is:

A new objective is needed to recognise the importance of ensuring resource availability and efficiencies to provide infrastructure at relatively low economic, social and environmental costs to the consumer (i.e. the ratepayers of the

Wellington Region). This is critical in ensuring a prosperous and economically competitive Wellington Region.

9.3 The following decision is sought from the Council:

Add a new objective 10A as follows:

Resources required for infrastructure construction (such as aggregates, concrete and steel) are provided for and are able to be produced efficiently to reduce economic, social and environmental costs in infrastructure provision.

This objective should be given partial effect to through the new policies sought in Winstone's submission point 2 above. An additional policy may be required to give full effect to this new objective.

\* \* \*

## 10

10.1 The specific provisions which are opposed in part are:

Energy, Infrastructure and Waste Section 3.3 Waste  
Issue 3  
Objective 11  
Need for a new policy

10.2 Winstone's submission is:

The Proposed RPS appropriately recognises the limitations on landfill space that exist within the Region. It should also be recognised however that clean and managed fills provide an appropriate means for disposing of material that does not require the same controls or level of containment as land fills, including rock, stones, gravels, sand, silt, clay, soil, bricks, ceramics, chip seal (cured), concrete (including exposed reinforcing rods that cannot reasonably be separated from the concrete), cured asphalt, fibre cement building products (nil asbestos content), gib board, hardboard, MDF, particle board, plywood, roofing iron, untreated timber, glass, masonry blocks, pavers (clay, concrete, ceramic), pipes (clay, concrete, ceramic), piles (clay, concrete, ceramic) or vegetative matter (less than 5% by volume per load), due to such materials being either being inert or having low potential for contamination when appropriately managed. The benefits of locating fill sites near quarries should also be recognised due to benefits for fuel consumption, exhaust emissions and vehicle fleet efficiency, associated with backloading by those carting aggregate and fill products to and from work sites.

10.3 The following decisions are sought from the Council:

Amend Issue 3 by adding the following underlined sentences to the end of the Issue:

...Clean and managed fills can provide an appropriate means of disposing of material that is not needed to be disposed of to landfill due to it either being inert

or having low potential to create contamination when appropriately managed. Quarry sites and sites in close proximity to quarries can have added efficiency as cleanfills because the trucks which dispose of fill are able to backload with aggregate products, thereby minimising fuel consumption, exhaust emissions and vehicle fleet efficiency.

Amend Objective 11 as follows:

The quantity of waste disposed is reduced, and waste that is disposed of is disposed of in appropriate locations e.g. so as valuable landfill space is not taken up by material that can be disposed of in managed fills or cleanfills.

Add a new policy to give effect to the amended objective above as follows:

XX

District and Regional Plans make provision for rules which enable the development of clean and managed fills so as to avoid compromising valuable landfill space through the disposal of such material.

\* \* \*

## 11

11.1 The specific provisions opposed are:

Policies 6, 7 and 38

The definition of Regionally Significant Infrastructure

11.2 Winstone's submission is:

Policy 6, 7 and 38 and the Definitions Section of the RPS sets out a definition of *Regionally Significant Infrastructure*.

This definition fails to recognise significant aggregate resources and the quarries that have been developed at a cost of tens of millions of dollars, to extract these resources for the Region's benefit. Policy 6 and the Definition of Regionally Significant Infrastructure need to be amended to reflect these resources as part of the Region's significant infrastructure.

11.3 The following decisions are sought from the Council:

Amend Policies 6 and 7, and the Definition of Regional Significant Infrastructure by adding the underlined words as follows:

*Regionally significant infrastructure includes:*

- *pipelines for the distribution or transmission of natural or manufactured gas or petroleum*
- *strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001*
- *strategic radio communications facilities, as defined in section 2(1) of the Radio*

*Communications Act 1989*

- *the national electricity grid, as defined by the Electricity Governance Rules 2003*
- *facilities for the generation and transmission of electricity where it is supplied to the*

*national electricity grid*

- *the local authority water supply network and water treatment plants*
- *the local authority wastewater and stormwater networks, systems and wastewater*

*treatment plants*

- *the Strategic Transport Network, as defined in the Wellington Regional Land Transport*

*Strategy 2007-2016*

- *Wellington city bus terminal and Wellington Railway Station terminus*

- *Wellington International Airport*

• *Aggregate resources and quarries such as those found within the Western Hills of the Hutt Valley, within river systems, coastal sites and elsewhere throughout the region*

- *Commercial Port Areas within Wellington Harbour (including Miramar, Burnham and Seaview wharves) and adjoining land and storage tanks for bulk liquids.*

\* \* \*

## 12

12.1 The specific provisions which are opposed are:

Section 3.4 Freshwater, including Objectives 11, 12, 13 and 14 and Policies 11-18, 39-41, 42-44, 52, 64 and 65 and accompanying methods

12.2 Winstone's submission is:

The Freshwater section of the PRPS fails to appropriately recognise or provide for industrial demand for water and fails to recognise the primarily non-consumptive nature of water takes associated with aggregate extraction and processing activities.

12.3 The following decisions are sought from the Council:

Delete and re-notify the Freshwater Section of the PRPS with appropriate provisions in terms of the RMA which provide for industrial use of water resources. Delete the Objectives, Policies and Methods identified above and redraft and re-notify these so they too provide for industrial use of water resources.

In doing so it is also necessary to include policy which provides for primarily non-consumptive takes, such as the abstraction of water for aggregate extraction and processing activities to be considered without having regard to maximum flow or level requirements; as the bulk of the water taken is generally returned to the water body from which it came as it is used for activities such as aggregate washing and then treated prior to being returned to the water body.

\* \* \*

## 13

13.1 The specific provision opposed is:

Objective 15 – Historic Heritage

13.2 Winstone's submission is:

Objective 15 is inconsistent with Part 6(f) of the RMA and the word 'modification' should be replaced with the word 'subdivision'

13.3 The following decision is sought from the Council:

Amend Objective 15 by deleting the word in strikethrough and adding the underlined word:

*Historic heritage is identified and protected from inappropriate ~~modification~~ subdivision, use and development.*

\* \* \*

## 14

14.1 The specific provision opposed is:

Policy 45 – Historic Heritage

14.2 Winstone's submission is:

Recognition should be given to the positive effects of any proposal including any previous positive work that has been undertaken for heritage values – including not destroying/modifying an area even when it may have been permitted and could have been undertaken.

14.3 The following decision is sought from the Council:

Add a new clause (j) to Policy 45 as underlined below:

*(j) Positive effects of the proposal including positive work undertaken previously or proposed to be undertaken in relation to heritage values on the site or in the vicinity of the site.*

\* \* \*

## 15

15.1 The specific provisions which are opposed are:

Section 3.6 Indigenous Vegetation including Objective 16 and Policies 22, 23, 46, 61 and 64.

15.2 Winstone's submission is:

Section 3.6 of the PRPS fails to recognise the ability to mitigate or offset loss of indigenous ecosystems through mitigation measures both on and off the site, within close proximity or some distance away from sites where ecosystems may be being affected, including environmental compensation measures.

Winstone's Belmont Quarry Overburden Disposal Project provides an example of where such an approach has been utilised, whereby indigenous vegetation together with ephemeral streams is to be removed on one site, although this is to be offset with a mitigation and remediation package on this site and an adjoining site through the protection of indigenous vegetation and stream enhancement by covenanting, replanting, pest control and associated management plans.

This section of the PRPS needs reworking including changes to Objective 16 and the relevant policies as set out below.

It is also important that rules, zonings and overlays applied to areas of significant indigenous ecosystems do not have the effect of compromising another resource present on a site which is otherwise provided for by way of a consent, Certificate of Compliance or permitted activity status to be worked e.g. aggregate resources at Belmont and Dry Creek which are zoned Extraction in the Lower Hutt District Plan and for which vegetation removal for the purposes of quarrying activities is permitted subject to meeting performance standards. To identify and protect indigenous ecosystems on such sites for example would not represent sound planning and would compromise existing rights and regionally significant aggregate resources.

15.3 The following decision is sought from the Council:

Add the following paragraph to the background section of 3.6:

Mitigation and remediation for the loss or degradation of an indigenous ecosystem can be achieved through undertaking works elsewhere on the subject site or off site. Such works include but are not limited to planting, covenanting of bush and stream habitats, pest control and environmental monitoring.

Amend Objective 16 by adding the underlined text and deleting the text in strikethrough.

Adverse effects on indigenous ecosystems and habitats with significant biodiversity values are avoided, remedied or mitigated ~~maintained and restored to a healthy functioning state.~~

Amend policy 22 as by adding the following underlined words:

Regional plans will identify indigenous ecosystems and habitats with significant biodiversity values in the coastal marine area, wetlands and the beds of lakes



*and rivers. District plans will identify indigenous ecosystems and habitats with significant biodiversity values for all land, except the coastal marine area and the beds of lakes and rivers and where an activity for which ecosystem removal is provided for by way of an existing consent, Certificate of Compliance or permitted activity rule in a relevant district plan.*

Amend Policy 23 by adding the following underlined words:

*District and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant biodiversity values from inappropriate subdivision, use and development except where an activity for which ecosystem removal is provided for by way of an existing consent, Certificate of Compliance or permitted activity rule in a relevant district plan.*

Make similar amendments to Policy 61.

Amend Policy 46 by giving explicit recognition to positive effects of a proposal and methods of mitigation and remediation proposed by an applicant by adding the following underlined words:

*Policy 46: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration  
When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, a determination shall be made as to whether an activity may affect indigenous ecosystems, habitats or areas with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to:*

- (a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;*
- (b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;*
- (c) maintaining water bodies in their natural state;*
- (d) avoiding the incremental loss of indigenous ecosystems and habitats;*
- (e) providing seasonal or core habitat for specific indigenous species;*
- (f) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;*
- (g) protecting the life supporting capacity of indigenous ecosystems and habitats;*
- (h) remedying or mitigating adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and*
- (i) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats.*
- (j) The remediation and/or mitigation methods proposed including (but not limited to):*

- Areas of enhancement planting, including areas of riparian enhancement planting, proposed;*
- The translocation of any native plant and animal species;*
- The opportunity to establish ecological linkages with existing vegetation and/or habitats;*

- The legal protection of the balance of any indigenous vegetation
- Ongoing programmes of weed and pest control proposed; and
- Fencing and stock removal.

(k) The positive environmental benefits created by any activities that may have been undertaken by the applicant with the intent and effect of remedying or mitigating the adverse effects of vegetation removal including:

- any planting and/or translocation of native plant and animal species that has been undertaken ahead of vegetation removal;
- weed and pest management action undertaken (including action undertaken in other natural areas locally prior to the removal of vegetation); and
- fencing and stock removal in other native vegetation and riparian areas locally;

(l) the positive effects of the proposal

\* \* \*

## 16

16.1 The specific provisions which are opposed are:

Section 3.7 Landscape including Objective 17 and Policies 24-27, 49 and the relevant methods

16.2 Winstone's submission is:

This section is inappropriate, inconsistent with the purpose and principles of the RMA and should be deleted in its entirety along with the relevant objectives and policies referred to in this section. If the chapter is to remain in any form, it should be in relation to outstanding natural landscapes only and not significant amenity landscapes. It also needs to be consistent with the provisions of the RMA as opposed to modified wording proposed through the PRPS. Any remaining part of this chapter should also not compromise another resource present on a site which is otherwise provided for by way of a consent, Certificate of Compliance or permitted activity status. To identify and protect landscape areas on such sites would not represent sound planning and would compromise existing rights and regionally significant resources.

16.3 The following decision is sought from the Council:

Delete Section 3.7 including objective 17, policies 24-27 and 49, and the relevant methods.

\* \* \*

## 17

17.1 The specific provisions which are opposed are:

Natural Hazards Section 3.8 and supporting Objectives, Policies and Methods

17.2 Winstone's submission is:

The proposed Natural Hazards Section fails to recognise the important role that gravel and sand extraction plays in mitigating flood hazard risks throughout the Wellington Region. These are provided for in the operative RPS through operative Issue 8, operative Policies 4 and 5 and the operative methods (refer to pages 94, and 100-101, 107-113) of the operative RPS.

River extraction is widely used to for river control purposes throughout the region (e.g. Hutt, Otaki, Wairarapa, Waikanae, Waitohu) and the material extracted also comprises an important component of aggregate supply within the region. I note that no similar provisions to those included in the operative RPS seem to feature in either the Soils and Minerals or the Natural Hazards section of the PRPS. Winstone considers that such provisions need to be included in the RPS.

Considering the immense damage that flood events can cause and the contribution that river gravels make to aggregate supply in the region, Winstone would again like to reiterate, as it has done on previous draft revisions of the RPS provisions, that it considers river control to be a matter of regional importance which should be expressly included in the RPS, irrespective of whether it is in the Freshwater Plan and river management plans.

Winstone therefore seeks the reinstatement of Issue 8, operative Policies 4 and 5 and the operative methods (refer to pages 94, and 100-101, 107-113) pertaining to flood management and sand and gravel extraction from rivers.

Amending the policies to facilitate river extraction is considered to be an important step in ensuring natural hazards are able to be mitigated and amendments are therefore suggested to the Objectives (19) also.

At the moment the PRPS seems to focus solely on avoiding effects of hazard mitigation without recognising the potential benefits of activities such as river extraction.

17.3 The following decision is sought from the Council

Either reinstate Issue 8, operative Policies 4 and 5 and the methods (refer to pages 94, and 100-101, 107-109) from the Operative RPS together with appropriate amendments to Objective 19; or amend the PRPS, in particular Section 3.8 Issues and Objectives 18-20 and Policies 50 and 51 to reflect the operative provisions. Make additional amendments where necessary to the methods to reflect the policy changes made.

\* \* \*

18

18.1 The specific provisions which are supported and opposed in part are:

Section 3.9 Regional Form  
Accompanying Objectives and Policies

18.2 Winstone's submission is:

Winstone supports the inclusion of the word 'aggregate' in Issue 2(b)

This needs to be reflected and carried through into the Objectives and Policies however which the PRPS does not currently do. Poorly designed and controlled urban development can compromise the extraction of valuable aggregate resources, particularly those in close proximity to urban areas where pressures on land use for living opportunities tend to be stronger.

In particular, Objective 21 needs to recognise the need to ensure access to resources in proximity to where they are needed most is not compromised e.g. recognise and provide for extraction of the aggregate resources in the Western Hills which are in close proximity to the Wellington and Hutt urban areas. The changes sought to the objective by Winstone need to then be reflected through amendments to policies 54 and 55.

Further cross references in this section need to be made to new provisions sought elsewhere in this submission pertaining to protecting aggregate resources and access to these resources.

18.3 The following decision is sought from the Council:

Include a new clause (k) in Objective 21 as follows:

(k) does not compromise access to significant regional resources (including minerals) and these resources can be accessed in close proximity to the areas they are needed most (e.g. urban areas).

Amend Policy 54 (explanation) by adding the underlined words as follows:

*...The content and detail of structure plans will vary depending on the scale of development.*

*Notwithstanding this, structure plans, as a minimum, should address:*

- provision of an appropriate mix of land uses and land use densities*
- how environmental constraints (for example, areas at high risk from natural hazards) and areas of value (for example, indigenous ecosystems, rivers, streams and ephemeral watercourses, wetlands, areas or places with historic heritage, outstanding landscapes, or significant amenity landscapes) are to be managed*
- integration with existing and proposed infrastructure services, such as, connections to existing and proposed transportation systems and provision of public and active transport linkages*
- the integration of the development with adjoining land use activities including measures to avoid or mitigate reverse sensitivity effects*

Amend Policy 55 by adding the underlined words as follows:

*Policy 55: Managing development in rural areas – consideration  
When considering an application for a resource consent or a change, variation or replacement to a district plan, in rural areas (as at March 2009), particular regard shall be given to whether:*

*(a) the proposal will result in a loss of productivity of the rural area, including cumulative impacts that would reduce the potential for food and other primary production including extraction and distribution of aggregate resources*

...

\* \* \*

## 19

19.1 The specific provisions opposed are:

Section 5 - Monitoring the Regional Policy Statement

19.2 Winstone's submission is:

Section 5 of the PRPS sets out the procedures to be used to monitor the efficiency and effectiveness of the policies and methods in the RPS. It then lists the anticipated environmental results of implementing the Regional Policy Statement, which will be used to measure whether the overall objectives are being achieved.

With regards to Objective 30, the Anticipated Environmental Result (AER) is:

*Aggregate and hard rock, for local use, is sourced from within the Wellington Region.*

This AER is far too simplistic and does not recognise the large size of the Wellington Region and the key areas of demand located around the Wellington urban area. Winstone consider this should be deleted and replaced with the following new AER which also recognises changes suggested in submission point 1 above which seek amendments to objective 30.

*Demand for aggregate is met from resources located in close proximity to the areas of demand.*

The new objective proposed above in submission point 1, also needs to be added to this section.

*The locations of the region's significant mineral resources are identified and their use provided for.*

It is considered appropriate that a further AER be added to align with Objective 30 and the new objective proposed by Winstone above in submission point 1 as follows:

*Reverse sensitivity effects on aggregate extraction, processing and transportation activities are minimised.*

19.3 The following decisions are sought from the Council:

Amend Table 14 of Section 5 by including the amendments and new objectives and AERs sought by Winstone in this submission, with appropriate linking.

\* \* \*

20

20.1 The specific provisions which are supported and opposed are:

Appendix 3 - Definitions

- Reverse sensitivity
- Regionally Significant Infrastructure
- Consequences
- Landscape
- Aggregate
- Significant Mineral Deposits

20.2 Winstone's submission is:

#### **Reverse Sensitivity**

The definition of reverse sensitivity in the PRPS is inconsistent with Environment Court case law and current usage in district plans and other regional policy statements. It does little to help understanding of reverse sensitivity effects. The definition should be replaced with that set out below to appropriately reflect relevant Court decisions (e.g. Auckland Regional Council v Auckland City Council Decision 10/97) and assist users understanding:

*The term "reverse sensitivity" is used to refer to the effects of the existence of sensitive activities on other activities in their vicinity particularly by leading to restraints in the carrying on of those activities. An example of a reverse sensitivity effect in relation to an airport, is where a new sensitive activity, such as a dwelling, child care centre or visitor accommodation, locates in close proximity to the airport and then objects to noise generated by the airport.*

#### **Regionally Significant Infrastructure**

This definition fails to recognise significant aggregate resources and the quarries that have been developed at millions of dollars to extract these resources for the Region's benefit. Policy 6, 7 and 38 and the Definition of Regionally Significant Infrastructure need to be amended to reflect these resources as part of the Region's significant infrastructure.

Amend the Definition of Regional Significant Infrastructure by adding the underlined words as follows:

*Regionally significant infrastructure includes:*

- *pipelines for the distribution or transmission of natural or manufactured gas or petroleum*
- *strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001*
- *strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 1989*
- *the national electricity grid, as defined by the Electricity Governance Rules 2003*
- *facilities for the generation and transmission of electricity where it is supplied to the national electricity grid*
- *the local authority water supply network and water treatment plants*
- *the local authority wastewater and stormwater networks, systems and wastewater treatment plants*
- *the Strategic Transport Network, as defined in the Wellington Regional Land Transport Strategy 2007-2016*
- *Wellington city bus terminal and Wellington Railway Station terminus*
- *Wellington International Airport*
- *Aggregate resources and quarries such as those found within the Western Hills of the Hutt Valley, within river systems such as Otaki and the Hutt River, coastal sites including Wainuiomata and Petone and elsewhere throughout the region*
- *Commercial Port Areas within Wellington Harbour (including Miramar, Burnham and Seaview wharves) and adjoining land and storage tanks for bulk liquids.*

### **Consequences**

The proposed definition is inappropriate and pointless to include with the RPS. It should be deleted.

### **Landscape**

The proposed definition of landscape is highly confusing and very subjective. It is completely inappropriate and should be deleted from the RPS.

### **Aggregate**

The definition of aggregate is generally appropriate but needs to include modified aggregates such as those which have had a small component of cement or lime added to increase the quality of the resource. The definition should be amended by adding the following underlined words:

*A broad category of coarse particulate material used in construction, which includes sand, gravel, crushed stone, slag and recycled concrete, as well as aggregates which have been modified by the addition of products such as cement or lime. Aggregates are a component of composite materials such as concrete and asphalt concrete.*

### **Significant Mineral Deposits**

This definition is also generally appropriate but should be amended slightly by the addition of the following underlined word:

*Are deposits of minerals, the extraction of which is of potential importance in order to meet the current and future mineral needs of the region.*

20.3 The following decisions are sought from the Council:

Delete the definitions of Consequences and Landscape.

Amend the definitions of Reverse Sensitivity, Regionally Significant Infrastructure, Aggregate, and Significant Mineral Deposits as set out above.

\* \* \*

## 21

21.1 The specific provisions opposed are:

Appendix 1

21.2 Winstone's submission is:

Appendix 1 is too vague and does not provide sufficient certainty as to where such values exist within rivers and lakes or where significant ecosystem values are present, and to what extent these exist. Inadequate consultation has been undertaken in the preparation of the tables in Appendix 1.

21.3 The following decision is sought from the Council:

Delete Appendix 1.

\* \* \*

## 22

22.1 The specific provisions opposed are:

Consequential amendments and Cross-references

22.2 Winstone's submission is:

Additional consequential amendments and cross references will need to be made to the RPS to reflect the changes sought elsewhere in this submission. In particular, consequential amendments will need to be made to the methods to give effect to the changes to the issues, objectives and policies sought elsewhere in these submissions.

The Anticipated Environmental Results (AERs) will also need some amending in response to the decisions sought elsewhere in this submission.

22.3 The following decision is sought from the Council:



Make consequential amendments and cross references throughout the RPS to reflect changes made in response to giving effect to the relief sought in Winstone's submissions. As part of the consequential amendments, make appropriate changes to the AERs and Methods to reflect the changes sought in Winstone's submissions.

\* \* \*

## 23

23.1 Winstone seeks inclusion of a map within the RPS identifying the significant aggregate resources at Belmont, Dry Creek, Petone (Hutt River), Otaki River and Waikanae as being of Regional Significance.

23.2 Winstone's submission is:

Such a map is appropriate to identify these resources as being of Regional Significance. Other resources can be added at later stages through variations or changes to the RPS or Regional or District Plans.

23.3 The following decision is sought from the Council:

Include a map within the RPS identifying the significant aggregate resources at Belmont, Dry Creek, Petone (Hutt River), Otaki River and Waikanae as being of Regional Significance.

\* \* \*

## 24

24.1 The specific provision opposed is:

The section 32 analysis

24.2 Winstone's submission is:

The Section 32 analysis is completely inadequate and fails to meet the requirements of Section 32 of the RMA.

24.3 The following decision is sought from the Council:

That an adequate Section 32 analysis be undertaken that recognises the changes needed to the RPS sought in the submissions of Winstone.

\* \* \*

## 25

25.1 Winstone opposes the proposed Regional Policy Statement in its entirety.

25.2 Winstone's submission is:

The PRPS as notified fails to promote sustainable management by failing to adequately provide for the significant mineral resources within the Region, the potential for reverse sensitivity effects to arise from development of sensitive activities in close proximity to aggregate extraction and processing activities and access to these resources, as well as failing to appropriately address nearly all the other issues of regional significance identified in the document. The structure and format of the PPRS is poorly thought out and difficult to understand and it would be more appropriate to retain the current operative RPS until an appropriate PRPS can be developed.

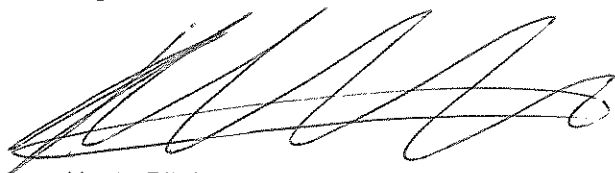
25.3 The following decision is sought from the Council:

Withdraw the PRPS in its entirety. Alternatively, if the PRPS proceeds, Winstone seeks that the points of relief set out above in paragraphs 1-24 above are adopted together with other necessary consequential and supporting amendments throughout the document to give full effect to these submissions.

\* \* \*

Winstone Aggregates wishes to be heard in support of these submissions. If others make a similar submission, I would be prepared to consider presenting a joint case with them at a hearing.

Signature:



Kevin Bligh  
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**Winstone Aggregates**

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