

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

**Report to Auckland Council
Hearing topic 041**

Earthworks and minerals

July 2016

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1. Hearing topic overview

1.1. Topic description

Topic 041 addresses the regional plan/district plan provisions of the proposed Auckland Unitary Plan relating to:

Topic	Proposed Auckland Plan reference	Independent Hearings Panel reference
041 Earthworks and Minerals	C5.2 Earthworks objectives and policies	E11 Land disturbance – Regional and
	H4.2 Earthworks	E12 Land disturbance – District.
	C5.4 Mineral extraction from land objectives and policies	E28 Mineral extraction from land
	E1.6 Quarry Buffer Area objectives and policies	D27 Quarry Buffer Area Overlay
	J1.6 Quarry Buffer Area	Recommended for deletion
	E1.7 Quarry Transport Route objectives and policies	
	J1.7 Quarry Transport Route	H28 Special Purpose – Quarry Zone
D8.6 Quarry zone objectives and policies		
I20 Special Purpose - Quarry zone		

Under the Local Government (Auckland Transitional Provisions) Act 2010, section 144 (8) (c) requires the Panel to set out:

the reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to—

- (i) the provisions of the proposed plan to which they relate; or
- (ii) the matters to which they relate.

This report covers all of the submissions in the Submission Points Pathways report (SPP) for this topic. The Panel has grouped all of the submissions in terms of (c) (i) and (ii) and, while individual submissions and points may not be expressly referred to, all points have nevertheless been taken into account when making the Panel's recommendations.

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1.2. Summary of the Panel's recommended changes to the proposed Auckland Unitary Plan

The Panel makes the following key recommendations in regard to the two subtopics in this hearing:

1.2.1. Land disturbance:

- i. The notified combined regional plan and district plan provisions have been separated into two sections: E11 Land disturbance – Regional and E12 Land disturbance – District.
- ii. The distinction between the two sets of provisions is based on the focus of the functions of regional plans in regard to discharges and water quality compared to the functions of district plans in regard to land use activities.
- iii. The objectives and policies have been amended to give effect to the objectives of the National Policy Statement for Freshwater Management 2014 and to better promote the purpose of the Resource Management Act 1991.
- iv. Greater emphasis has been placed on soil conservation and the retention of sediment on the land.
- v. Provisions have been added to better provide for the protection of scheduled resources.
- vi. Provisions have been added to provide for accidental discovery of sensitive materials.
- vii. A requirement to monitor the impacts of land disturbance on water quality has been added.
- viii. Land disturbance activities associated with the provision of infrastructure services have been relocated to the new chapter on Infrastructure (E26).
- ix. Land disturbance provisions for quarries are located in H28 Special Purpose – Quarry Zone.
- x. The Macroinvertebrate Community Index guidelines for freshwater quality have been deleted from this section and are located in E1 Water quality and integrated management.
- xi. The provisions for kauri dieback have not been recommended.

1.2.2. Minerals:

There are three sets of provisions that provide for mineral extraction activities:

- i. D27 Quarry Buffer Area Overlay
- ii. E28 Mineral extraction from land
- iii. H28 Special Purpose – Quarry Zone

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The key recommendations of the Panel are set out below.

- i. The objectives and policies in the above provisions recognise that minerals are essential for the people and communities of Auckland to provide for their social and economic well-being and those minerals are in fixed locations.
- ii. Therefore some degree of protection from reverse sensitivity effects is appropriate and the Quarry Buffer Area Overlay is endorsed.
- iii. However, the adverse effects from mineral extraction activities can be significant and the objectives and policies also require operators to internalise the external costs of adverse effects on neighbouring property owners.
- iv. Dwellings in the Quarry Buffer Area Overlay area are a controlled activity.
- v. Quarry activities in the Special Purpose - Quarry Zone are a controlled activity.
- vi. Quarry Transport Routes have been deleted because they would impose an unreasonable burden on affected owners that does not meet the requirements of section 32 or promote the purpose of the Resource Management Act 1991.
- vii. The provisions for the Hunua Quarry that have been agreed through previous plan changes and resource consents are largely adopted.
- viii. MacLachlan's Farm has been included in the Special Purpose - Quarry Zone.
- ix. The provisions for the Brookby Quarry that have been agreed between the parties have been adopted.

1.3. Overview – land disturbance

As set out in the background sections of E11 (regional) and E12 (district), land disturbance is an essential prerequisite for the development of urban land, for the use of rural land for both farming and forestry, for mineral extraction and for the construction and maintenance of infrastructure. In this Plan, land disturbance encompasses the defined activities of earthworks, ancillary farming earthworks and ancillary forestry earthworks.

The Panel heard evidence that the major contaminant of Auckland's coastal marine area is sediment generated from rural areas and during land development. This sediment affects both the quality of coastal water and the amenity and recreational values of popular beaches. Sediment also reduces the biological diversity of urban and rural streams and the Panel heard evidence about the Macroinvertebrate Community Index guideline.

The Panel acknowledges that the regional plan and district plan provisions must give effect to the National Coastal Policy Statement 2010 and the National Policy Statement for Freshwater Management 2014. Readers of this section should also refer to the relevant sections of the Plan that deal with water quality and discharge management, E1 Water quality and integrated management.

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There are a number of best practice land management techniques that can be used to reduce the amount of sediment generated through erosion and discharged into water bodies during land disturbance. These form the basis of the land disturbance standards. However, even with the use of best practice techniques, it is not possible to prevent all sediment entering water bodies.

Land disturbance can have direct physical impacts on sites of archaeological and heritage value. Given the lengthy history of Māori settlement in Auckland, sites of significance including burial sites are found across Auckland. Procedures have been put in place for dealing with any human remains found during land disturbance. There are also places and areas that have landscape or landform values that are identified in the Plan, where land disturbance is discouraged.

1.4. Overview - minerals

Minerals are an essential resource for people and communities to provide for their social and economic wellbeing and therefore the extraction and processing of minerals promotes the purpose of the Resource Management Act 1991. However, mineral extraction activities can also have significant adverse effects on the environment which includes people. The Panel refers readers to the overlay and zone description statements for further explanation about the issues that arise from mineral extraction.

The primary issue in the three respective chapters providing for mineral extraction:

- i. D27 Quarry Buffer Area Overlay;
- ii. E28 Mineral extraction from land;
- iii. H28 Special Purpose – Quarry Zone;

is to achieve an appropriate balance that promotes the purpose of the Resource Management Act 1991, between enabling mineral extraction on the one hand while at the same time avoiding, remedying and mitigating adverse effects on the environment. This exercise is particularly acute for mineral extraction because minerals are in fixed locations, quarries are usually located in rural areas but they are essentially a ‘heavy industry’, transport costs for supply outside the region are very high, and it is not practicable to internalise all external effects.

The Panel’s recommendations are considered to achieve an appropriate balance between internalising adverse effects where reasonable and practicable, and providing for planning regulation of uses on neighbouring properties to manage reverse sensitivity effects. The provisions take into account the competing interests of quarry operators and affected landowners, satisfy the requirements of section 32 and will promote the purpose of sustainable management in accordance with Part 2 of the Resource Management Act 1991.

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1.5. Scope

The Panel considers that the recommendations in 1.2 above and the changes made to the provisions relating to this topic (see 1.1 above) are within scope of submissions.

For an explanation of the Panel's approach to scope see the Panel's Report to Auckland Council – Overview of recommendations July 2016.

1.6. Documents relied on

Documents relied on by the Panel in making its recommendations are listed below in Section 5 Reference documents.

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2. Land disturbance

2.1. Separation of regional plan and district plan functions

2.1.1. Statement of issue

The proposed Auckland Unitary Plan contained both regional plan and district plan provisions in the one Chapter (5.2). Submitters, including the parties to Auckland Utility Operators Group considered that this caused confusion for users of the Plan that were not overcome by the fact that it was a unitary plan and that a unitary council would be administering it.

The problem with having a combined section was particularly acute in the activity table with confusion over area and volume thresholds and was exemplified by differences of opinion during the hearing about the use of 'or' or 'and' in the table.

The Panel is aware that the issue of whether or not a provision is a regional plan provision or a district plan provision is particularly important for designations and requiring authorities. With consent applications on designated land the district plan provisions can ultimately be set aside by the requiring authority whereas regional plan provisions must be still complied with. This is in accordance with sections 9 and 176 of the Resource Management Act 1991 that exempt designated land from compliance with the district plan rules (providing the activity is for the designated use) but not regional plan rules. This is a consideration in how consents are commonly sought for large infrastructure projects.

2.1.2. Recommendations and reasons

Based on the evidence and submissions it heard the Panel has split the provisions into separate chapters for regional plan and district plan provisions. This is how the operative plan provisions have operated, with the regional provisions focused on water quality and the discharge impacts of larger scale land disturbance activities and district plan provisions focused on the land use effects of smaller-scale land disturbance activities. The Panel considers that this separation reflects the functions of regional and district plans in the Resource Management Act 1991 and will ensure that the implementation of the Unitary Plan is clear and administratively efficient, for both applicants and the Council.

Generally land disturbance activities, if not permitted, will only require resource consent under the district plan provisions and it is only larger-scale activities that will also require a regional plan consent. The regional plan is targeted more at more significant land disturbance and soil and sediment retention on the land, and has higher thresholds for permitted activities. The district plan is focused more on land use, for example it addresses dust and noise, and has lower thresholds.

The way the provisions work is that, if not permitted, district plan consent will always be required and for larger-scale applications, regional plan consent may be additionally required. Being a unitary council there is no reason that the consenting process cannot be

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well managed administratively by Auckland Council to ensure that applications are processed in an efficient manner.

2.2. Soil conservation and monitoring

2.2.1. Statement of issue

It was pointed out by Ms Valerie Cole, the Environmental Defence Society and other submitters, that soil conservation and the retention of soil on the land so that it did not become a contaminant, was an important statutory matter that had not been adequately addressed in the proposed Auckland Unitary Plan. Ms Cole and other submitters also pointed out that important provisions in the operative Auckland Council Regional Plan: Sediment Control had not been included in the proposed Auckland Unitary Plan, including rules in regard to slope.

The Panel agrees with the thrust of these submissions. 'Soil conservation' is a defined term in the Resource Management Act 1991, it is a statutory obligation for regional councils to control the use of land for soil conservation and it is also a word that is used in the National Policy Statement for Freshwater Management 2014. Sustaining the life-supporting capacity of soil is a section 5 matter, and the loss of soil from the land from human activity not only adversely affects the productive capacity of the soil but is the most harmful contaminant of fresh and coastal water ecosystems.

2.2.2. Recommendations and reasons

The Panel has amended the objectives and policies to strengthen the provisions and give effect to the objectives of the National Coastal Policy Statement 2010 and the National Policy Statement for Freshwater Management 2014 and promote the purpose of the Resource Management Act 1991. A greater focus has been placed on soil conservation, than in the notified version.

The operative Auckland Council Regional Plan: Sediment Control slope considerations have been introduced which were also absent previously from the proposed Auckland Unitary Plan.

In terms of the provisions, the Panel has taken the rules that were provided by Ms Kay Panther Knight as a useful starting point for the separation of the regional and district provisions. The objectives and policies have been amended as summarised below and for the reasons provided. The numbering is in relation to the original numbering of the objective and policies when it was a combined set.

Objective 1 – health and safety and effects on the environment

The Panel largely agrees with the wording in the notified Plan but has amended it to reflect a change from 'earthworks' to 'land disturbance' and to improve the meaning of the objective.

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The Panel agrees with the Environmental Defence Society and The Royal Forest and Bird Protection Society who were opposed to 'where necessary' qualifying the objective as was proposed by the Auckland Utility Operators Group.

Objective 2 – hazards deleted

The Panel agrees with the outcome of mediation on the basis that chapters C5.12 (Natural hazards) and C5.13 (Flooding) make adequate provision for the potential adverse effects of land disturbance works within areas identified as being at risk to natural hazards.

Objective 3 – (now 2 rp) – minimisation of sediment generation

The Environmental Defence Society evidence and submissions highlighted the importance of the objectives and policies needing to give effect to the National Policy Statement for Freshwater Management 2014 and in particular objectives A1 and A2. The Panel considers that minimisation of sediment generation from land disturbance can meet the requirements of the National Policy Statement for Freshwater Management 2014, subject to an understanding of the baseline/status quo level of contamination and the requirement to adopt best practicable options as provided for in the policies.

The Environmental Defence Society also highlighted the need for the Council to be satisfied under section 70 that its approach meets the requirements of the Resource Management Act 1991. The Environmental Defence Society noted that no expert evidence was supplied by Council on the effects of sediment on water quality. The Panel notes that this issue was canvassed at the regional policy statement level and the Panel heard concerns from submitters that a 'bottom line' will not always be able to be met.

The Panel recognises that waterbodies have the characteristics of a public good and there needs to be regulatory restraint on adverse effect 'costs' being socialised for private benefit. The Panel also considers that the complete elimination of all sediment discharges from land as a result of human-induced land use activities is not realistic. It is, for example, evident from the policies of the Auckland Council Regional Plan: Sediment Control that sediment discharge would result from land disturbance (Policies 5.2.1 and 5.2.2).

This objective also recognises that it is sediment that is by far the greatest threat to the health of water bodies in the region with evidence proving that by far the largest proportion is generated from rural areas.

Objective 3 – (new 3) – soil conservation

The Panel recommends a new Objective 3 that controls land disturbance to achieve soil conservation. This is to reflect the requirements of the Resource Management Act 1991 and is in accordance with submissions from Ms Cole and others. This objective will be implemented by the policies as recommended by the Panel.

Policy 1 – avoidance and protection

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The Panel does wish to ensure generally a high level of protection for scheduled values and sites therefore avoidance of the impacts of land disturbance is appropriate. However this does need to be qualified because avoidance may not always be achievable depending on the nature of the earthworks for example earthworks for infrastructure that is within a significant ecological area.

The policy does attempt to prioritise avoidance and mitigation above and before remediation. This is to recognise that the cumulative effects of land disturbance on water quality and its life-supporting capacity in particular are difficult to remediate or reverse. Therefore avoidance and mitigation to manage the effects of land disturbance will best achieve the purpose of the Act as it is aimed at prevention of adverse effects.

Policy 2 – number as was notified

The Panel heard evidence that the proposed provisions needed to generally deal with soil conservation and in particular the discharge of sediment during land disturbance (Ms Valerie Cole and The Environmental Defence Society). There is a considerable amount of evidence highlighting the adverse impacts of sediment on freshwater and coastal waters including studies on the Hauraki Gulf and Mahurangi Harbours.

Policy 2(a) as notified by Council is preferred by the Panel over the policy as amended by the Auckland Utility Operators group and other parties. The policy has been amended to remove the reference to the 'discharge' of sediment to maintain a distinction in the Plan between this 'land disturbance' chapter and the discharge/water quality focus of E1 Water quality and integrated management.

Best practicable options are dynamic and are very important to achieve permitted activity control of sediment. The policy acknowledges that soil loss from land will still occur but will be managed so as to achieve the overall objectives of maintaining or improving water quality and minimising sediment contamination.

Policy 2(c) is deleted as covered in another section.

Policy 2(d) is amended to take into account changes proposed by the Auckland Utility Operators Group but is a district plan provision.

Policy 2(f) and (g) are considered to be already covered in policy 3(a) particularly with the addition of that part of 3(g) that referred to having regard to the nature and scale of the activity.

Policy 3 – Mana Whenua values

Policy 3, providing for the protection of Mana Whenua cultural heritage values, will be supported by the accidental discovery rule.

Policy 4 – New – Enablement

A new policy enabling land disturbance activities is considered appropriate as proposed by the Auckland Utility Operators Group. Because the policies are to be read as a whole this

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enablement policy does not trump the need to also avoid, remedy and mitigate adverse effects.

Policy 5 – Integrated water principles

This policy was agreed by the parties at mediation and covers aspects of design that the Panel supports.

In regard to ‘water sensitive urban design principles’ the Panel did question whether or not those principles were ambiguous or clear and well understood. Technical witnesses assured the Panel that while they continue to evolve and improve with best practice those principles are sufficiently ascertainable to warrant reference in the Plan. The Panel has adopted the term ‘integrated water principles’ throughout the Plan.

Policy 6 – Health and safety

This policy was agreed at mediation and is important to ensure health and safety and the integrity of land and buildings while earthworks are being undertaken.

Policy 7 – “...likely...” and Macroinvertebrate Community Index

The Panel was concerned that there was too high a level of certainty required about whether or not the land disturbance will result in a discharge as this will be subject to environmental factors such as rainfall events. Therefore the Panel recommends introducing the word ‘likely’ to broaden the application of the policy.

The Panel heard evidence for and against the inclusion of the Macroinvertebrate Community Index measure in this section of the Plan to evaluate the effects of discharges from land disturbance. These provisions are now located in E1 Water quality and integrated management and have been included in Policies 1 and 2 for guidance.

The Panel recommends that the assimilative capacity of receiving environments, as per the notified version, is a consideration that should be retained.

Policy 8 - New - Monitoring

The Panel has proposed a new policy to ensure the monitoring occurs to meet the requirements of section 35 of the Resource Management Act 1991. This new policy is considered necessary to implement Objective 1 which in turn gives effect to Objectives 1A and 2A of the National Policy Statement for Freshwater Management 2014.

This policy addresses concerns raised by the Environmental Defence Society and other submitters that insufficient attention has been given by the Council to the scientific analysis of the impacts of land disturbance on water quality.

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2.3. Rules – regional plan

2.3.1. Statement of issue

As discussed above, submitters supported the inclusion in the regional plan provisions of similar rules in relation to slope that were in the operative Auckland Council Regional Plan: Sediment Control.

There was a considerable amount of submission and evidence on the appropriate area and volume thresholds for different activity status in the rules table.

2.3.2. Recommendations and Reasons

Slope

The Panel was persuaded by the expert evidence that sediment run-off from the land is directly correlated with the slope of the land, that a slope factor should be included in the rules to better avoid, remedy and mitigate adverse effects. The rules recommended are modelled on the operative Auckland Council Regional Plan: Sediment Control.

Thresholds

The Panel recommends the thresholds in the activity table because they are considered to best avoid, remedy and mitigate adverse effects and promote the purpose of the Resource Management Act 1991. The Panel has attempted to describe the thresholds in consistent language and the activity table is much improved having been separated from the district plan provisions.

Different thresholds are applied in different zones and on land affected by the Significant Ecological Areas Overlay and Water Supply Management Areas Overlay. This adds a further level of refinement to the activity table and triggers for when consent is appropriate. The Panel accepts that limits and thresholds can be considered to be arguably arbitrary but they are based on expert advice provided and are necessary and appropriate in terms of section 32 of the Resource Management Act 1991 and to achieve the objectives and policies.

2.4. Farming and forestry

2.4.1. Statement of issue

The Panel received submissions and evidence from various parties on land disturbance ancillary to farming and forestry including from Federated Farmers, Horticulture New Zealand and Pukekohe Vegetable Growers Association, Man O War Farm Limited and Clime Asset Management and the Environmental Defence Society and Royal Forest and Bird Protection Society. Issues identified included:

- i. the significant adverse effects of sediment loss from rural land;
- ii. the most appropriate standards for the Plan;
- iii. the use of industry guidelines for best practice;

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- iv. appropriate set-backs and from ephemeral streams and riparian areas;
- v. the incentivisation for the rehabilitation and retirement of erosion prone land.

The Panel was not confident that it was provided with sufficient evidence and provisions in the hearings to fully address the issue of sediment contamination from rural land to the extent that satisfies the significant adverse impacts on the environment. This was particularly the case in regard to horticulture activities and practices regarding the cultivation of land. There have been a number of major past events where significant volumes of soil have been displaced.

The Council and Horticulture New Zealand and Pukekohe Vegetable Growers Association are relying on an industry document: Erosion and Sediment Control Guidelines for Vegetable Production (June 2014). There are a number of issues regarding the use of this document as a standard:

- i. it is not a document that is under the control of the Council and could be changed by the industry group which raises legal issues in regard to the interpretation and implementation of the Plan; and
- ii. the guideline is not written as a standard in the sense that, for example, it is easy for landowners and the Council to know exactly what is required so that any enforcement action is not an arbitrary process.

Submitters did state that there is a valuable role for education and the evolution of best practice through collaboration with stakeholders. However, without minimum standards there is a risk that operators that do not practice good management will continue to have adverse effects on the environment.

2.4.2. Recommendations and reasons

Soil conservation

As discussed above the Panel recommends that the Plan focus more strongly on soil conservation and the retention of sediment on land to avoid the adverse effects on sensitive freshwater and marine ecosystems. Sediment contamination is probably one of the most significant resource management issues in the region in terms of the extent and impacts of adverse effects on the environment. Submitters indicated that insufficient technical work had been undertaken to address this very important resource management issue for the region.

The Panel has made some changes as outlined above, but recommends that more work is undertaken by the Council and stakeholders, including environmental groups, to better manage sediment in rural areas. The options for urban areas, especially existing urban areas, are more limited in terms of the regulatory effort compared to the benefits achieved.

The Panel notes that the Auckland Council Regional Plan: Sediment Control, defers to the Unitary Plan process to implement the National Policy Statement for Freshwater Management 2011 (as it then was). The Panel urges the Council to consider plan changes in

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the near future to better address sediment contamination as it progresses giving effect to the National Policy Statement for Freshwater Management 2014

Standards for ancillary farming and forestry

The Panel has reluctantly accepted that the Horticulture New Zealand and Pukekohe Vegetable Growers Association document: Erosion and Sediment Control Guidelines for Vegetable Production (June 2014) be referred to in the Plan. This is because when witnesses were questioned by the Panel it was stated that it would take a lot of work to convert the Guideline into a workable standard in the Plan and that this would also be going beyond the scope of submissions. The Panel recommends that this issue is addressed by the Council and stakeholders in the near future to give effect to the National Policy Statement for Freshwater Management 2014.

The Panel heard evidence from the forestry sector, as well as Ms Karen Pegrume on behalf of Better Living Landscapes Limited, that the industry has made significant progress in best practice over the past 15 years. The Panel was provided with evidence of the Macroinvertebrate Community Index scores and good stream health that can occur in properly managed forestry areas. The forestry sector provisions were more advanced than the land cultivation ones to the extent that they do have standards in the Plan.

There was evidence from the Environmental Defence Society and the Royal Forest and Bird Protection Society of New Zealand Incorporated that the riparian setback distance from water courses should be increased but the Panel was persuaded that this would lead to an inefficient use of forest areas where the land is quite dissected.

Incentivising rehabilitation and retirement of erosion-prone land

The Panel is persuaded that there are significant environmental benefits from the rehabilitation and retirement of erosion-prone land in terms of reducing sediment run-off and restoring rural ecosystem services. However, this can be expensive to achieve in terms of fencing, clearing weeds and exotic plants, planting, and long-term pest and weed control. The Panel was persuaded by evidence of the benefits of land rehabilitation by witnesses and parties in other topics including Cato Bolam (at the regional policy statement hearings), Ms Karen Pegrume, Dr Mark Bellingham and Mr Shane Hartley.

The Panel is also aware that the Environment Court has strongly endorsed the benefits of land rehabilitation in the Auckland region in decisions such as *di Andre Estates Limited v Rodney District Council* [2007] W127/97, *Omaha Park Ltd v Rodney District Council* [2010] A 265, and *Arrigato Investments Ltd v Rodney District Council* A115/99 (1999) 5 ELRNZ 547. Judge Treadwell said in the *di Andre* decision that the method was so successful at promoting the purpose of the Act that if a plan did not provide for it, it should be amended to do so.

Therefore the Panel considers that it is appropriate to provide *in situ* development opportunities in rural zones to incentivise the retirement of erosion-prone land and the restoration, enhancement and expansion of degraded ecosystems.

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2.5. District plan – kauri dieback

2.5.1. Statement of issue

The proposed Auckland Unitary Plan contained provisions to try and manage earthworks in the vicinity to Kauri trees to try and limit the spread of the kauri dieback disease. The Panel heard evidence that the disease is a significant threat to kauri and that it is primarily a water-borne disease. The Panel heard contested evidence about a number of issues including:

- i. the appropriateness of land use rules in the Plan to address a bio-security issue;
- ii. the workability of the rules proposed; and
- iii. the efficacy of the rules to actually curb the spread of the disease.

2.5.2. Recommendations and reasons

The Panel accepts that the risks to kauri from the dieback disease are significant. The species is iconic and an integral species, particularly in the northern parts of the Auckland region.

However, the Panel was not persuaded to recommend the provisions be included in the Plan for the following reasons:

- i. the Panel considers that kauri dieback is primarily a biosecurity issue to be regulated under the Biosecurity Act 1993, as with other plant-borne diseases such as PSA in kiwifruit;
- ii. the Panel does not find that the provisions could not necessarily legally be included in the Unitary Plan as an instrument prepared under the Resource Management Act 1991, but has not been persuaded that it is an appropriate method in terms of section 35 of the Act and the merits of the proposed provisions;
- iii. the provisions were not well drafted and there were difficulties in how they would be applied in urban zones as pointed out by Mr Allan in legal submissions for The National Trading Company of New Zealand Limited;
- iv. the Panel was also persuaded by the New Zealand Refining Company Limited that there was no schedule of kauri trees and this would make the rules difficult to interpret and enforce;
- v. as a water-borne disease, and considering the potential spread of the disease through the movement of surface water and other modes of transmission, the Panel was not persuaded that there was a sufficiently proven causal connection between land disturbance and the movement of soil *per se*, and spread of the disease, to justify the provisions.

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2.6. Accidental discovery protocols

2.6.1. Statement of issue

Appropriate rules to control the adverse effects of accidental discovery of sensitive material.

2.6.2. Recommendations and reasons

In the proposed Auckland Unitary Plan as notified, Chapter G – General rules included Rule G2.5 which set out separate accidental discovery protocols in relation to historic heritage, Mana Whenua cultural heritage and contaminated land.

The Panel considers that such rules are an appropriate method of addressing the effects of land disturbance which reveals something which is required to be protected or otherwise handled with special care. Such things include human remains or kōiwi, archaeological sites, Māori cultural artefacts/taonga tuturu, protected objects, evidence of contamination and underground natural features such as lava caves.

The question that then arises is where such rules are best located. They are of general effect and so could be in the general rules, but that may not be the most obvious place to look for them. They could be located with the specific rules for historic heritage, Mana Whenua or contaminated land, but those provisions generally address known locations of such things. The Panel concluded that the best location for these rules would be with the rules relating to land disturbance as that is the activity that can result in the rules being engaged.

Because accidental discovery may occur during any kind of land disturbance, these rules have been included in both the regional and district plan provisions as E11.6.1 and E12.6.1 respectively.

The rules have been amended from those notified to integrate them into a single set of rules that are applicable to any type of discovery. The rules set out a process for the person undertaking the earthworks based on:

- i. applying to all earthworks unless a resource consent or other statutory authority expressly provides for accidental discovery; and
- ii. a single process that can apply to all types of sensitive material:
 - a. cease works and secure the area;
 - b. inform relevant authorities and parties;
 - c. wait for and enable inspection of the site;
 - d. recommence work after other statutory requirements are met and any grant or variation of resource consent is obtained.

Some details of the notified provisions that were advisory in nature have been deleted on the principle that the rules should be focussed on their regulatory purpose and that guidance can be provided outside the Unitary Plan.

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The Panel considers that these amendments do not change the substance of the notified provisions, but their relocation and redrafting makes them clearer and more workable.

3. Minerals

3.1. Enabling while internalising adverse effects

3.1.1. Statement of issue

Minerals are an essential resource for people and communities to provide for their social and economic well-being and therefore the extraction and processing of minerals promotes the purpose of the Resource Management Act 1991. However, mineral extraction activities can also have significant adverse effects on the environment which includes people. The Panel refers readers to the overlay and zone description statements for further explanation about the issues that arise from mineral extraction.

The primary issue in the three respective chapters providing for mineral extraction:

- i. D27 Quarry Buffer Area Overlay;
- ii. E28 Mineral extraction from land;
- iii. H28 Special Purpose – Quarry Zone;

is to achieve an appropriate balance, that promotes the purpose of the Resource Management Act 1991, between enabling mineral extraction on the one hand while at the same time avoiding, remedying and mitigating adverse effects on the environment. This exercise is particularly acute for mineral extraction because minerals are in fixed locations, quarries are usually located in rural zones when they are essentially a ‘heavy industry’, transport costs for supply from outside the region are very high and that it is not practicable to fully internalise external effects.

3.1.2. Recommendations and reasons

The Panel started with the tracked change version from the Quarry Operators because it considered that this version provided a more balanced starting point for managing the conflicts that arise in the Special Purpose - Quarry Zone and the Quarry Buffer Area regarding the use, development and protection of resources.

The Panel has adopted a principled approach to identifying appropriate provisions to enable mineral extraction while avoiding, remedying and mitigating adverse effects. The Panel was assisted in formulating its recommendations by the *Winstone Aggregates v Matamata-Piako District Council* W55/2004 (2004) 11 ELRNZ 48 Environment Court decision. The Panel quotes a relevant section below from the decision in full because it, with respect, appropriately sets out the rights and responsibilities of quarry operators and neighbouring landowners to best promote the purpose of the Resource Management Act 1991.

Some principles

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[7] So there may be different solutions for different activities and sites, but there are some discernible principles. First among them is the view that in every case activities should internalise their effects unless it is shown, on a case by case basis, that they cannot reasonably do so. That is a view previously expressed and confirmed in decisions already cited in paras [3] and [6]. The *Sugrue* decision was one decided on its own facts and should not be read as diluting the principle that emitted effects are to be avoided, remedied or mitigated by the emitter, to the greatest degree reasonably possible.

[8] There is a greater expectation of internalisation of effects of newly established activities than of older existing activities. That is because new activities are not encumbered by existing plant and processes and have easier access to contemporary technology. Also, the older activities may be restricted by their sites which may have little scope for within boundary buffers. On that aspect, we agree with the evidence of the Council's consultant planner, Ms Ralph [in particular paras 41 and 56 of her brief]. It is our view that new activities are also subject to society's progressively higher expectations of improved environmental performance. If those expectations impose higher entry costs then, in the end, society will probably pay for those expectations through higher prices for whatever is produced at the relevant site.

[9] That said, it is recognised that having done all that is reasonably achievable, total internalisation of effects within the site boundary will not be feasible in all cases and there is no requirement in the RMA that that must be achieved. See e.g.; *Catchpole v Rangitikei District Council* (W35/03).

[10] To justify imposing any restrictions on the use of land adjoining an effects emitting site, the industry must be of some considerable economic or social significance locally, regionally or nationally.

[11] If that point is reached, and the only feasible means of protecting the industry from reverse sensitivity is to impose restrictions on surrounding land, [ie an external buffer zone] any such controls on the use of land beyond the emitting site boundary should be in the form of a discretionary or a restricted discretionary, rather than a non-complying, status for the sensitive activity. Otherwise, there is a distinct risk that, de facto, one creates what was described in the decision in *Wellington International Airport Ltd v Wellington City Council* (W102/97) at p 47 as a tacit prohibition. We would require a very robust s 32 analysis to satisfy us that non-complying status would be justified on the *Nugent* tests: see *Nugent Consultants Ltd v Auckland City Council* [1996] NZRMA 481, 484. We say more about s 32 at para [20]ff. For the moment it will suffice to say that we saw no such justification, and that at least some of the parties; e.g. the Council and Inghams, moved at least partly towards that position, accepting that a discretionary status would be appropriate.

[12] Where there is a low probability and low impact effects scenario existing beyond the emitting site boundary it is usually better to incur occasional relatively minor

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adverse effects than to impose controls on adjoining sites owned by others. We pause to note here that low probability and low impact is not one of the express s 3 definitions of effect, but the s 3 definitions are not an exhaustive list. This approach was supported by Federated Farmers' evidence before us as the lesser of two evils. We think that eventually Mr Wallace came to this view also. It is inevitable that some lawful rural activities will at times be unable to totally internalise their effects. As described in para [9], the law does not require that. This is generally understood and accepted by those who live and work in rural areas. Having said that, we recognise that rural-residential life-stylers in particular may have a different view and it is they, together with those living in settlements near emitting sites, who generally have the greatest potential to generate reverse sensitivity effects. We think that there does need to be a measure of robustness about this. Those who come to the countryside to live have to expect some rural smells, and they may just have to face the choice of accepting that as a fact of life, or accepting that there may be controls placed on how they use their land. (Emphasis added.)

The Panel also heard evidence that some quarry operators had purchased neighbouring properties on the open market to ensure that they could control affected land and internalise the cross-boundary effects of their operations. It would be expected that this could increase the costs of their products. In order to ensure that there is a 'level playing field' between different operations, and that the principle of internalisation is the appropriate starting point for the management of adverse effects, the Panel has been careful not to let the buffer overlay impose undue burdens and costs on the owners of properties within the buffer that would in turn give those operators that have not secured property interests to internalise effects an advantage over those that have.

Long-term ownership is of course not the only option for affected land and covenants removing objection rights can also be negotiated by quarry operators. The Panel does not consider it appropriate that quarry operators should be able to use planning regulation to fully externalise, or socialise the costs of their effects, while internalising or privatising the financial benefits of not having to account for the external costs.

On the other side of the ledger are the expectations of property owners that are affected by quarry operations in terms of exposure to the effects of noise, lighting and dust etc and from the transportation of aggregate on the public road network. The Resource Management Act 1991 does not recognise the common law principle of 'coming to the nuisance' where a person purchasing a property with the knowledge of a nuisance has limited rights to subsequently object to that nuisance activity.

However, as the Court recognised in the *Winstone* decision discussed above, those living in the vicinity of a quarry have to expect at least some degree of adverse effects because the nature of quarry activity is such that it is not reasonable or practically possible for all effects to be avoided, remedied or mitigated, for example the noise and vibration from blasting. In such circumstances the economic importance of the industry does justify planning interventions to manage the use of affected land so that reverse sensitivity effects do not prevent minerals from being supplied to enable people and communities to provide for their

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social and economic well-being. The Panel recommendations are considered to achieve an appropriate balance between competing interests that satisfy the requirement of section 32 and promote the purpose of sustainable management in accordance with Part 2 of the Resource Management Act 1991.

3.2. D27 Quarry Buffer Area Overlay

3.2.1. Statement of issue

To signal to landowners within the Quarry Buffer Area Overlay that there may be adverse effects from quarry activities; and to manage particularly sensitive activities that cause reverse sensitivity effects and threaten quarry operations.

3.2.2. Recommendations and reasons

Objective 1

This objective has been amended to recognise that the buffers do impose a significant constraint on land owners adjoining the quarry zone that in particular circumstances for example where the topography is favourable, subdivision, use and development may be able to occur while managing adverse reverse sensitivity effects. In other words avoidance may not be necessary.

The Panel considers that ‘regionally significant’ is an unnecessary qualifier for those sites that may otherwise benefit from the enablement provided by the Special Purpose - Quarry zone. It is not clear how the test of ‘regional significance’ would be assessed in practice.

There is also no precedent in the Plan for applying a test of ‘regional significance’ to the application of other zones e.g. an industrial zone. The unnecessary constraint of having to be regionally significant to have the zone could undermine the intent of the zone which is generally to enable the efficient extraction of minerals to meet the economic needs of Auckland.

The Panel also recommends that the provision of minerals, an essential resource for the region, is enabled more widely than just limited to a few larger quarry sites and operators.

Policy 1

This policy has been amended for similar reasons to the inclusion of remediation and mitigation measures elsewhere.

The Panel considers that there needs to be some threshold of compromise or else even an activity that had a negligible effect would potentially offend this policy. Such an outcome would be unnecessarily restrictive of land-owners within the buffer.

Policy 1(c) is deleted as it removes all obligation from the operators to avoid, remedy or mitigate adverse effects which the Panel considers unreasonable and would not meet the purpose of the Act and is inconsistent with the *Winstone* decision as quoted above.

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Policy 2 – no transfers of titles into the quarry buffer zone

The Panel agrees with this Policy because if sites in the buffer area were receiver sites for titles from elsewhere this would magnify the reverse sensitivity effects by increasing the number of people exposed to the effects of a quarry.

Policy 3 – deleted

Policy 3 had sought to restrict the subdivision of land adjoining quarries as follows.

Ensure subdivision of rural land does not create the potential for development that could adversely affect mineral extraction activities.

The key elements of managing reverse sensitivity effects from subdivision, use and development, and the balance of enabling efficient mineral extraction activities vs the rights of owners within the buffer to enjoy reasonable use of their land, are already covered in Policy 1.

This policy is also very open-ended in terms of determining whether or not an activity “could adversely affect” a mineral extraction activity.

Rule - dwellings a controlled activity

The controlled activity criteria provides the opportunity to appropriately locate and site dwellings and ensure that the design of dwellings is appropriate to avoid, remedy and mitigate adverse effects. Such assessment will be very site-specific, for example locating dwellings behind topographic features will meet the objectives and policies for the buffer overlay.

It is commonly accepted that a separate individual title of land affords the ability to build a dwelling as part of its bundle of rights. Restricted discretionary status for dwellings raises the prospect of consent for any dwelling on a site to be refused. This is considered to be an excessive limitation on a landowner’s ability to use their land for the benefit of the quarry activity. Quarry operators do have the opportunity to purchase adjoining land through agreements if they want to prevent houses from being built. Any costs would be internalised to the costs of their mineral products.

Rule - home occupations - permitted

Home occupations are important to specifically provide for in the activity table because otherwise they would default to discretionary activity status. Home occupations, because they generally take place within the confines of the home, will be managed through the controls on dwellings.

Home occupations are an important entitlement for properties and can be a key part of enabling people to provide for their social and economic well-being under the Resource Management Act 1991. The Panel notes that the definition of home occupation includes homestays and this is considered appropriate.

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Visitor accommodation - discretionary

The Panel recommends discretionary activity status which enables consent to be declined as appropriate to meet the purpose of the Resource Management Act 1991. Particular applications can be considered on their merits and non-complying status is considered not sufficiently responsive to site-specific characteristics.

3.3. E28 Mineral extraction from land

3.3.1. Mineral extraction from land

This section addresses the location specific nature of mineral resources and the threats to the extraction of those resources from other activities including urban expansion. It provides for general objectives and policies for mineral extraction.

3.3.2. Recommendations and reasons

Objective 1

This objective was agreed at mediation. The Panel considers avoidance of some significant adverse effects be provided for at the objective level.

Policy 1 and 2 – avoidance where practicable on Mana Whenua and scheduled values

Policies 1 and 2 are intended to achieve an appropriate balance between providing for the extraction of mineral resources while protecting important environmental values.

Policy 3 – no change

Policy 4 – avoid, remedy and mitigate where practicable

Because the Plan seeks high levels of protection for example scheduled sites and values, avoidance of significant adverse effects from mineral extraction may be appropriate particularly if there are viable alternatives. The qualification of “as far as practicable” means that it does not preclude the location of a quarry in an area where avoidance may not be achieved subject to the circumstances.

Policy 5 – new activities

The Panel considers the market-related matter is not a Resource Management Act related issue and therefore should not be part of the information requirements.

Market destinations, to the extent that this involves traffic movements, are covered in 3(b) and (c)(ii).

Policy 6

The Panel considers avoidance of some significant adverse effects be provided for as at the objective level.

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Policy 10 – require internalisation where practicable

The Panel considers that internalisation of adverse effects should be the primary starting point for all users of the resources under the Resource Management Act 1991 and therefore this should be ‘required’ rather than merely ‘encouraged’. The policy still is qualified in the sense that internalisation is only to the point of where it is practicable and within the overall context of the efficient extraction of mineral resources.

This policy also seeks to establish a level playing field between different operators in the sense that the costs of internalising the adverse effects should be reflected in the cost of quarry products so that quarries that have minimal adverse effects on the environment should be able to enjoy a lower cost product all other factors being equal.

3.4. H28 Special Purpose – Quarry Zone objectives and policies

3.4.1. Statement of issue

The main issues regarding the application of the zone included ‘regional’ significance and quarry transport routes.

3.4.2. Panel recommendations and reasons

Objective 1 – significance sufficient to apply the zone

The Panel considers that ‘regionally significant’ is an unnecessary qualifier for those sites that may otherwise benefit from the enablement provided by the Special Purpose - Quarry Zone. It is not clear how the test of ‘regional significance’ would be assessed in practice.

There is also no precedent in the Plan for applying a test of ‘regional significance’ to the application of other zones e.g. an industrial zone. The unnecessary constraint of having to be regionally significant to have the zone could undermine the intent of the zone which is generally to enable the efficient extraction of minerals to meet the economic needs of Auckland.

The Panel considers avoidance of some significant adverse effects be provided for at the objective level.

Policy 1

See above discussion on regionally significant.

Policy 2

Policy as agreed at mediation.

This policy enables compatible activities to occur in adjoining zones. The Panel considers this is warranted due to the cost of transport and the bulk of mineral extraction which lends itself to reprocessing in the immediate vicinity of the quarry.

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Policy 3

The Panel considers the protection for scheduled sites and values needs to be strengthened relative to the proposed Auckland Unitary Plan.

While it is recognised that mineral resources are in specific locations and therefore avoidance may not always be possible, where alternatives exist, avoidance should be considered and it is appropriate to remedy and mitigate significant adverse effects on scheduled items.

Policy 4

The Panel received evidence that mineral extraction gives rise to dust and illumination effects and therefore it is considered that these effects should be listed in this policy.

The policy also supports rules and assessment criteria that relate to the management of dust and glare.

Policy 6

This change is consistent with not using the term 'manage' at the policy level in order to give greater direction as to how adverse effects will be addressed.

Policy 7

The Panel recommends that the internalisation of external effects be 'required' as far as practicable rather than just 'encouraged' for the reasons outlined above.

Deleted Policy – Quarry Transport Routes

The following policy had been proposed:

Where the scale of the mineral extraction site and roading constraints warrant, identify for information purposes the Quarry Transport Routes used by heavy vehicles to and from the mineral extraction site.

The Panel considers the Quarry Transport Route Noise Overlay is unjustified because it would impose costs on those adjoining the route without any compensation and it does not require the quarry operator to take any action to avoid, remedy or mitigate the transport effects of its operation. The Panel was persuaded by the evidence of Mr Jon Maplesden and Mr Leigh Auton that:

- i. the routes themselves were not in the most appropriate road corridors;
- ii. truck operators on public roads could not be confined to particular routes;
- iii. the routes identified were used by a number of heavy vehicles and not just quarry trucks;

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- iv. the costs and technical issues of retrofitting houses, if building works triggered the need to mitigate noise, would be onerous for owners; and
- v. in a similar situation at the airport with the noise overlays the airport company was required to contribute towards the costs of mitigation.

3.5. H28 Special Purpose – Quarry Zone rules

3.5.1. Statement of issue

The main issues in this section included the activity status for quarry activities within the zone and the standards including hours of operation and noise limits.

There were also issues in regard to providing for operative plan provisions, particularly for the Hunua Quarry.

3.5.2. Recommendations and reasons

Activity table

The activity table was largely confirmed in mediation and track change versions.

The Panel recommends controlled activity status because, notwithstanding that quarry activities are the primary purpose of the zone, the significant potentially adverse effects of those activities deserves consideration by way of resource consent.

In terms of the hours of operation and noise levels, it is noted that while the Council notified the Plan with a 10pm time limit, it then in its closing remarks suggested a 6pm time limit as being more appropriate. In order to enable the efficient supply of aggregate, including greater flexibility over operations and transportation, 6pm is considered to be too restrictive.

10pm is considered too late as it would interfere with the quiet enjoyment of neighbouring properties beyond what would otherwise be contemplated in a predominantly rural area. Therefore for the higher noise level the Panel recommends that this extend to 9pm on Monday to Friday.

Hunua Quarry provisions – Table H28.6.2.1.2

The Panel considers that because the provisions for the Hunua Quarry have been through a rigorous process of assessment and negotiation between adjoining landowners and the quarry, as reflected in operative plan provisions, this outcome should be largely respected in the Plan (there have been some slight changes to try and equate the difference noise measurement method).

While a generic approach to provisions across the region is helpful, this should not be at the expense of site-specific considerations where the avoidance, remediation and mitigation of adverse effects have been carefully assessed and provision tailored to specific requirements such as topography.

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Noise measurement – H28.6.2.1(2)

The provision assumed that all dwellings are existing and there will be no future dwellings built which could lead to a breach of the standard. Therefore for regulatory administration purposes measurement is to be undertaken objectively at the boundary, as provided for in the Auckland-wide rules.

This recommended position is also consistent with the resource management principle of internalization of external effects within the boundary of a property where possible.

Buildings

This control provides for modest and reasonable buildings without the need for resource consent which is appropriate in this zone. Larger buildings than what is provided for as a permitted activity are appropriately considered as a restricted discretionary activity.

3.6. Minerals mapping changes

3.6.1. Statement of issue

The application of the Special Purpose – Quarry Zone and Quarry Buffer Area Overlay were heard in both Topic 041 Earthworks and minerals and Topic 080 Rezoning and precincts.

In Topic 080 Mr Michael Campbell of Auckland Council set out on page 4 of his evidence a comprehensive list of amendments supported by Auckland Council, these included:

- The Brookby Quarry zone should be retained in accordance with the proposed Auckland Unitary Plan as notified. The Quarry Buffer Area overlay should be partially removed from part of the surrounding sites. The Quarry zone rules should be amended to include specific restrictions on blasting, excavating minerals, processing minerals by crushing, screening, washing or blending as a discretionary activity on Lot 3 DP 437102.
- The Fowler Quarry zone should be partially expanded, with the Quarry Buffer Area overlay partially expanded.
- The Flat Top Quarry zone should be partially expanded, with the Quarry Buffer Area overlay retained in the same location.
- Wainui Quarry and the Quarry Buffer Area overlay should be retained in accordance with the proposed Auckland Unitary Plan.
- Hunua Quarry and the Quarry Buffer Area overlay should be retained in accordance with the proposed Auckland Unitary Plan.
- The Drury Quarry zone should be partially expanded to include the identified Future Urban zone, with the Quarry Buffer Area overlay also amended. The Quarry zone should not extend into the Rural zone.
- The Whangaripo Quarry zone (Warahine) should be partially expanded, with the Quarry Buffer Area overlay also expanded.

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- Whangaripo Quarry (Rodney Aggregate Supplies) should be retained in accordance with the proposed Auckland Unitary Plan, with the road removed from the Quarry zone.
- Matakana Quarry should be retained in accordance with the proposed Auckland Unitary Plan.
- Whitford Quarry should be retained in accordance with the proposed Auckland Unitary Plan with a minor change to the Quarry Buffer Area overlay.
- Waitākere Quarry should no longer be zoned as Quarry zone.
- Bombay Quarry should be retained in accordance with the proposed Auckland Unitary Plan.
- Wiri Quarry should be rezoned to Heavy Industry zone as per Topic 051-054.
- The submission by Perry Resources (2008) Limited seeking to rezone all Special Purpose zones where they cover an area of significant mineral resource is not supported.

In the closing remarks of Auckland Council further changes were supported. These included:

- The expansion of the Brookby Quarry zone to the north together with a corresponding Quarry Buffer Area and the deletion of a portion of the Quarry Buffer Area to the southwest of the quarry.
- The expansion of the Fowler (McNicol Road) Quarry zone, deletion of a portion of the quarry relating to an ONF and deletion of a portion of the Quarry Buffer Area, and the inclusion of the Quarry Transport Route.
- The retention of the notified Quarry zone for Flat Top quarry on the basis that the Winstone's submission seeking an extension has now been withdrawn.
- The retention of the notified Quarry zone for Wainui quarry, as supported by the landowner (KS King and Sons) with the inclusion of additional 4 assessment criteria in the provisions and the reduction of the Quarry Buffer Area around part of the site.
- The expansion of the Quarry zone for Hunua quarry and the consequential deletion of a small portion of the Quarry Buffer Area.

3.6.2. Recommendations and Reasons

The Panel agrees with the changes listed above which have been mediated between parties and Auckland Council, with the exception of the points relating to the Quarry Transport Route Overlay and site-specific activity statuses.

As stated in the overview above, the Panel recommends deletion of the Quarry Transport Route Overlay.

The Panel also agrees to the zoning of Wainui Quarry as Special Purpose – Quarry Zone in Topic 080 although it is not operational. The Panel agrees to the reduction of the Quarry Buffer Area Overlay as supported by Auckland Council.

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The Panel does not agree with the inclusion of site-specific activity statuses or rules for mineral extraction activities. Instead the Panel recommends controlled activity status applies to areas where the Special Purpose – Quarry Zone is extended.

4. Consequential changes

4.1. Changes to other parts of the plan

There are no consequential changes to other parts of the Plan as a result of the Panel's recommendations on this topic.

4.2. Changes to provisions in this topic

As a result of the Panel's recommendations on other topics, there are consequential changes to the provisions in this part of the Plan as set out below.

- i. The provisions relating to accidental discovery protocols have been relocated from Chapter G – General rules to E11 Land disturbance – Regional and E12 Land disturbance – District.
- ii. These accidental discovery rules have been replicated in E26 Infrastructure.

5. Reference documents

The documents listed below, as well as the submissions and evidence presented to the Panel on this topic, have been relied upon by the Panel in making its recommendations.

The documents can be located on the aupihp website (www.aupihp.govt.nz) on the hearings page under the relevant hearing topic number and name.

You can use the links provided below to locate the documents, or you can go to the website and search for the document by name or date loaded.

(The date in brackets after the document link refers to the date the document was loaded onto the aupihp website. Note this may not be the same as the date of the document referred to in the report.)

5.1. General topic documents

Panel documents

[041- Submission Points Pathway Report - 30 March 2015](#)

[041- Parties and Issues Report - 19 March 2015](#)

Mediation statements

[041 - Mediation Joint Statement - Earthworks - 16 March 2015](#) (16 March 2015)

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[041 - Mediation Joint Statement - Minerals - 18 March 2015](#) (19 March 2015)

Auckland Council closing statement

[041 Hrg - Auckland Council - Legal reply - Earthworks - Chapters C 5.2 and H 4.2](#) (2 June 2015)

[041 Hrg - Auckland Council - Legal Reply - Minerals](#) (2 June 2015)

[041 Hrg - Auckland Council - Legal Reply - Minerals - Attachment A1- Auckland Transport Comments](#) (2 June 2015)

[041 Hrg - Auckland Council - Legal Reply - Minerals - Attachment A2 - Auckland Transport Comments - Renewal Costs - roads around Brookby](#) (2 June 2015)

[041 Hrg - Auckland Council - Legal Reply - Minerals - Attachment B - Tracked Provisions](#) (2 June 2015)

5.2. Specific evidence

Alfriston Village Association

[041 Hrg - Alfriston Village Assoc \(Jon Maplesden\)](#) (30 April 2015)

Environmental Defence Society Incorporated and Royal Forest and Bird Protection Society of New Zealand Inc

[041 Hrg - EDS & Royal F & B - Peter Taylor](#) (30 April 2015)

[041 Hrg - EDS & Royal F & B - Kate McArthur](#) (30 April 2015)

Leigh A Auton

[041 Hrg - Leigh Auton](#) (29 April 2015)

[041 Hrg - Leigh Auton - hearing summary](#) (19 May 2015)

Port of Tauranga et al

[041 Hrg - Kay Panther Knight - Port of Tauranga et al](#) (30 April 2015)

[041 Hrg - Kay Panther Knight - Port of Tauranga et al - Anneuxre B](#) (30 April 2015)

The National Trading Company of New Zealand

[041 Hrg - Kiwi Property Group Ltd and The National Trading Co of NZ - Legal Submissions and proposed track changes](#) (21 May 2015)

Valerie Cole

[041 Hrg - Valerie Cole](#) (30 April 2015)