

Aggregate & Quarry Association of New Zealand Submission Proposed New Plymouth District Plan

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Name of Submitter: Aggregate & Quarry Association of New Zealand (“AQA”)

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I confirm that I am authorised on behalf of AQA to make this submission.

1 OVERVIEW

- 1.1 AQA generally supports the direction of the Proposed New Plymouth District Plan (“Proposed District Plan”) subject to the amendments which are outlined in this submission.
- 1.2 In this submission we have provided:
 - General submissions on the Proposed District Plan (**Section 2**); and
 - Specific submission points on the Proposed District Plan, including relief requested (**Attachment A**).

2 GENERAL SUBMISSION

- 2.1 The Aggregate and Quarry Association of New Zealand (“AQA”) was formed in 1969 by companies involved in extracting and supplying aggregates in New Zealand (e.g. rock, sand, gravel, clay, limestone), in response to the need for an industry group that could represent aggregate suppliers on a range of issues, as well as liaise with regulators and end users of the materials (see www.aqa.org.nz for website). Membership of the AQA stands at over 80 companies, which between them produce 85% of the 50 million tonnes of aggregates and allied raw materials used

in New Zealand annually. AQA members are active throughout New Zealand in terms of extractive industries and provide necessary materials for residential, industrial and commercial development, thereby contributing significantly to sustainable economic development.

- 2.2 Aggregate is a significant resource for the district, regional and national economies. A sustainable supply of aggregate is essential for continued development to enable people and communities to provide for their social, economic and cultural well-being. This is not only required to provide for building, construction and roading projects associated with growth, but also to maintain and redevelop existing infrastructure¹.
- 2.3 While demand for aggregate continues to grow, current supplies are being exhausted, mandating a need to provide future supplies. However, aggregates are a site-specific resource, which means that extraction can only occur where the resource is found and can be economically extracted and transported to local markets (n.b. an additional 30 km travel cost typically doubles the cost of aggregate). Such aggregate resources must be found, subjected to feasibility studies, before any necessary statutory approvals are secured (involving consultation with affected parties), prior to extraction, processing and earning an income. To find, assess, authorise and develop a new aggregate extraction and processing site can take many years at significant cost.
- 2.4 Aggregate extraction is a temporary land-use, whereby the aggregate material is extracted and processed before the area is rehabilitated to a former use, and/or an enhanced use. Responsible environmental management using best practice approaches is an integral part of any aggregate extraction and processing venture.
- 2.5 While AQA is primarily concerned with the extraction and supply of aggregate, it is noted that the Proposed District Plan deals with “quarrying activities” and “mining” as two separate activities throughout the District Plan including within the rules. AQA considers that quarrying activities and mining should be considered together as “*mineral extraction activities*” given the similarities between the two activities and to ensure that all associated activities are adequately recognised and provided for. Accordingly, AQA has proposed a definition for “*mineral extraction activities*” and seeks that the relevant Proposed District Plan be amended accordingly as set out in the specific submission points in **Attachment A**.
- 2.6 AQA is interested in future growth and planning restrictions that have the potential to adversely affect the general operation of all mineral extraction, in particular AQA wants to ensure that:
 - (i) Mineral resources are recognised as a significant and essential resource for development;
 - (ii) New planning provisions do not unreasonably restrict future access to mineral resources and provide for an efficient and cost-effective planning process to authorise aggregate extraction and processing activities; and
 - (iii) Development does not result in reverse sensitivity effects constraining existing or future mineral extraction activities.
- 2.7 Failure to adequately plan for future mineral extraction within the District would lead to a substantial increase in mineral costs (e.g. as a result of increased transportation costs), and in terms of aggregate this would have flow-on effects on the cost of development and maintaining existing infrastructure, while increasing levels of heavy transport on regional roads will adversely affect the environment and the interests of other road users.

¹ In *Winstone Aggregates Ltd v Papakura District Council A96/98* at [50] the Court concluded “*We are satisfied on the evidence that aggregate is a resource of primary significance to our society in a general and in particular to the Auckland region. It is required in very large quantities for roading and construction.*”

2.8 Sound planning is required to ensure that future access to mineral resources is sufficiently recognised, provided for and protected for future generations.

3 SPECIFIC SUBMISSION POINTS

3.1 AQA's specific submission points are provided in **Attachment A**.

3.2 In respect of all of those submission points in **Attachment A**, AQA seeks:

- Where specific wording has been proposed, words or provisions to similar effect;
- All necessary and consequential amendments, including any amendments to the provisions themselves or to other provisions linked to those provisions submitted on, and including any cross references in other chapters; and
- All further relief that are considered necessary to give effect to the concerns described above and in **Attachment A**.

Signature:

AGGREGATE AND QUARRY ASSOCIATION OF NEW ZEALAND
by its authorised agents Mitchell Daysh Limited



G.J. Mathieson

Date:

22 November 2019

ATTACHMENT A: AQA'S SUBMISSIONS ON PROPOSED NEW PLYMOUTH DISTRICT PLAN

REF	PROVISION	SUPPORT OPPOSE	AQA COMMENTS	RELIEF SOUGHT
Part 1: Introduction and General Provisions				
1	Interpretation – new “Cleanfill” definition	Support in part	AQA is seeking that “quarrying activities” and “mining” be considered together as “mineral extraction activities” given the similarities between the two activities and to ensure that all associated activities are adequately recognised and provided for. AQA has proposed a definition for “mineral extraction activities” in the Interpretation section which refers to “cleanfilling” (consistent with the District Plan definition for “quarrying activity”). There is currently no definition for “cleanfilling” in the District Plan, so an appropriate definition is proposed.	In Section 3 (Definitions) add the following definition for “Cleanfill”: <u>Means natural material such as clay, gravel, sand, soil and rock which has been excavated or quarried from areas that are not contaminated with manufactured chemicals or chemical residues as a result of industrial, commercial, mining or agricultural activities. Excludes:</u> <ul style="list-style-type: none"> • <u>hazardous substances and material (such as municipal solid waste) likely to create leachate by means of biological breakdown;</u> • <u>product and materials derived from hazardous waste treatment, stabilisation and disposal practices;</u> • <u>materials such as medical and veterinary waste, asbestos, and radioactive substances;</u> • <u>sulfidic ores and soils;</u> • <u>combustible components;</u> • <u>more than 5% by volume of inert manufactured materials (e.g. concrete, brick, tiles); and</u> • <u>more than 2% by volume of attached biodegradable material (e.g. vegetation).</u>
2	Interpretation – new “mineral exploration” definition.	Support in part	AQA is seeking a permitted activity status for “mineral exploration” in the Rural Production Zone so therefore seeks the introduction of a definition as per the Crown Minerals Act 1991.	Introduce the following definition for “Mineral Exploration”: <u>Has the same meaning as in the Crown Minerals Act 1991 as set out below:</u> <u>means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral</u>

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				<i>deposit or occurrence; and to explore has a corresponding meaning</i>
3	Interpretation – new “ <i>mineral extraction activity</i> ” definition	Support in part	The District Plan includes separate definitions for “ <i>quarrying activities</i> ” and “ <i>mining</i> ” based on the definitions in Section 2 of the RMA. The two activities are then treated separately throughout the remainder of the District Plan including within the rules. AQA considers that “ <i>quarrying activities</i> ” and “ <i>mining</i> ” should be considered together as “ <i>mineral extraction activities</i> ” given the similarities between the two activities and to ensure that all associated activities are adequately recognised and provided for. Accordingly, AQA has proposed a definition for “ <i>mineral extraction activities</i> ”.	Introduce the following definition for “ <i>mineral extraction activities</i> ”: <u>Activities carried out at a quarry or mine including:</u> <ul style="list-style-type: none"> • <u>blasting;</u> • <u>excavating minerals;</u> • <u>processing minerals by crushing, screening, washing, or blending;</u> • <u>storing, distributing and selling mineral products;</u> • <u>accessory earthworks;</u> • <u>removing and depositing overburden;</u> • <u>treating stormwater and waste water;</u> • <u>landscaping and rehabilitation of quarries;</u> • <u>cleanfill and managed fills;</u> • <u>recycling or reusing aggregate from demolition waste such as concrete, masonry, or asphalt;</u> • <u>accessory activities and accessory buildings and structures such as laboratories; and</u> • <u>workers accommodation.</u>
4	Interpretation – new “ <i>mineral prospecting</i> ” definition.	Support in part	AQA is seeking a permitted activity status for “ <i>mineral prospecting</i> ” within the Rural Production Zone and therefore seeks the introduction of a definition as per the Crown Minerals Act 1991.	Introduce the following definition for “ <i>mineral prospecting</i> ”: <u>Has the same meaning as in the Crown Minerals Act 1991 as set out below:</u> <p>(a) <u>means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and</u></p> <p>(b) <u>includes the following activities:</u></p> <ol style="list-style-type: none"> (i) <u>geological, geochemical, and geophysical surveying;</u> (ii) <u>aerial surveying;</u> (iii) <u>taking samples by hand or hand held methods;</u>

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				<u>taking small samples offshore by low-impact mechanical methods</u>
5	Interpretation – “primary production” definition	Support	The definition of “primary production” is the same as in Section 2 of the RMA so includes mining and quarrying activities which is supported by AQA.	Retain the definition of “primary production”.
6	Interpretation – “sensitive activities” definition	Support	The definition for “sensitive activities” is supported by AQA.	Retain the definition for “sensitive activities”.
Part 2: District-wide Matters				
7	General District-wide Matters – CE – Coastal Environment, Policy CE-P5	Oppose in part	<p>Policy CE-P5 lists a number of activities that should be avoided within the Coastal Environment including:</p> <ol style="list-style-type: none"> 1. significant hazardous facilities; 2. quarries; 3. large scale renewable electricity generation activities; 4. petroleum exploration and petroleum production; and 5. hazard sensitive activities. <p>The District Plan should not completely discount that there could be a functional need for “mineral extraction activities” to locate within the Coastal Environment given that it extends a substantial distance inland in places on the planning maps. For example, aggregates are a site-specific resource, which means that extraction can only occur where the resource is found and can be economically extracted and transported to local markets (n.b. an additional 30 km travel cost typically doubles the cost of aggregate). Accordingly, AQA seeks that the reference to “quarries” in Policy CE-P5 is deleted,</p>	<p>Amend Policy CE-P5 as follows:</p> <p><i>Avoid activities within the Coastal Environment that are likely to result in adverse effects on coastal natural character, landscape, amenity, historic, cultural and ecological values and/or that will be vulnerable to risks from coastal hazards and climate change and/or that are likely to create or increase hazard risks to people, property and the environment, including:</i></p> <ol style="list-style-type: none"> 1. significant hazardous facilities; 2. quarries; 3. large scale renewable electricity generation activities; 4. petroleum exploration and petroleum production; and 5. hazard sensitive activities.

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			and that reliance is placed on the remaining policy framework instead.	
8	General District-wide Matters – CE – Coastal Environment – Rules, Rule CE-R15	Support in part	AQA is seeking that quarrying activities and mining be considered together as “ <i>mineral extraction activities</i> ” throughout any relevant planning provisions in the Proposed District Plan given the similarities between the two activities and to ensure that all associated activities are adequately recognised and provided for. AQA has proposed a definition for “ <i>mineral extraction activities</i> ” in the Interpretation section. Accordingly, AQA seeks that Rule CE-R15 be amended to refer to “ <i>mineral extraction activities</i> ” instead of “ <i>quarries</i> ”.	Amend Rule CE-R15 as follows: Quarries <u>Mineral extraction activities</u>
9	General District-wide Matters – CE – Coastal Environment – Rules, New Rule	Support in part	AQA seeks a permitted activity status for “ <i>mineral prospecting and mineral exploration</i> ” (subject to compliance with specific performance standards) given that associated environmental effects are relatively localised and minor. AQA has proposed definitions for “ <i>mineral prospecting</i> ” and “ <i>mineral exploration</i> ” in the Interpretation section.	Include the following as a permitted activity within the Coastal Environment overlay of the Rural Production Zone: <u>Mineral prospecting and mineral exploration that:</u> 1. <u>Does not involve blasting; and</u> 2. <u>Is not undertaken outside the hours of 7am to 10pm on any day.</u> Add a discretionary activity status where compliance is not achieved.
10	General District-wide Matters – EW – Earthworks – Cross references to other relevant District Plan provisions	Support in part	AQA is seeking that “ <i>quarrying activities</i> ” and “ <i>mining</i> ” be considered together as “ <i>mineral extraction activities</i> ” given the similarities between the two activities and to ensure that all associated activities are adequately recognised and provided for. AQA has proposed a definition for “ <i>mineral extraction activities</i> ” in the Interpretation section. Accordingly, AQA seeks that the cross referencing to the provisions for “ <i>quarrying</i> ” in the Rural Production Zone refers to “ <i>mineral extraction activities</i> ”.	Amend the cross referencing to the provisions for quarrying in the Rural Production Zone as follows: Rural Production Zone – The Rural Production Zone Chapter includes provisions for quarries <u>mineral extraction activities</u>

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Part 3: Area Specific Matters				
11	RPROZ – Rural Production Zone – Objective RPROZ-O2	Support	AQA supports that Objective RPROZ-O2 states that the Rural Production Zone is predominantly used for “ <i>primary production</i> ” given that the definition is the same as in Section 2 of the RMA so includes “ <i>mining</i> ” and “ <i>quarrying activities</i> ”.	Retain Objective RPROZ-O2.
12	RPROZ – Rural Production Zone – Objectives, Objective RPROZ-O3	Support in part	AQA supports that Objective RPROZ-O3 recognises that the predominant character and nature of the Rural Production Zone includes a range of environmental effects associated with the “ <i>production, manufacture, processing and/or transportation of raw materials derived from primary production</i> ” particularly given that the definition of “ <i>primary production</i> ” is the same as in Section 2 of the RMA so includes mining and quarrying activities. However, AQA seeks some minor amendments to better reflect the typical environmental effects associated with mineral extraction activities (and other rural production activities).	Amend Objective RPROZ-O3 as follows: <i>The predominant character and amenity of the Rural Production Zone is maintained, which includes:...</i> ...3. a range of noises, smells odour, light overspill, dust, and traffic and visual effects, often on a cyclic and seasonable basis, generated from the <u>extraction, production, manufacture, processing and/or transportation of raw materials derived from primary production</u> 4. interspersed existing rural industry facilities associated with the use of the land for intensive indoor farming, <u>mineral extraction activities</u> quarrying , oil and gas activities and cleanfills; and...
13	RPROZ – Rural Production Zone – Objectives, New Objective	Support in part	The District contains important mineral resources essential for continued economic growth and development which needs to be adequately recognised and provided for in the policy framework. AQA has proposed a suitable Objective (and supporting Policy) in this regard.	Add the following new Objective: <u><i>New Plymouth’s mineral resources are effectively and efficiently utilised.</i></u>
14	RPROZ – Rural Production Zone – Policy RPROZ-P2	Support in part	AQA is not opposed to mining and quarries being identified as “ <i>potentially compatible activities</i> ” in the Rural Production Zone in Policy RPROZ-P2. However, AQA considers amendments are required to better reflect that “ <i>mining</i> ” and “ <i>quarrying activities</i> ” are included within the definition for “ <i>primary production</i> ”, and are therefore also an appropriate activity within	Amend Policy RPROZ-P2 as follows: <i>Manage activities that are potentially compatible with the role, function and predominant character of the Rural Production Zone and ensure it is appropriate for such activities to establish in the Rural Production Zone, having regard to whether:</i>

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			<p>the Rural Production Zone (consistent with Objective RPROZ-O2 which states that the Rural Production Zone is predominantly used for “primary production”). Further, AQA is seeking that “quarrying activities” and “mining” be considered together as “mineral extraction activities” given the similarities between the two activities and to ensure that all associated activities are adequately recognised and provided for. AQA has proposed a definition for “mineral extraction activities” in the Interpretation section.</p>	<ol style="list-style-type: none"> 1. <i>the activity is compatible with the character and the amenity of the rural area <u>associated with its predominant use for primary production</u>;</i> 2. <i>the activity will limit or constrain the establishment and operation of agricultural, pastoral and horticultural <u>and other primary production activities</u>;</i> 3. <i>the activity will reduce the potential for versatile land to be used for <u>primary production</u> productive purposes and in a sustainable manner;</i> 4. <i>adequate on-site infrastructure and services are available and/or can be provided to service the activity's needs;</i> 5. <i>adverse effects can be <u>avoided, remedied or mitigated internalised within the activity's site</u>; and</i> 6. <i>the activity will not result in conflict at zone interfaces.</i> <p><i>Potentially compatible activities include:</i></p> <ol style="list-style-type: none"> 1. <i>community facilities;</i> 2. <i>camping grounds;</i> 3. <i>sport and recreation activities;</i> 4. <i>rural industry;</i> 5. <i>aquaculture;</i> 6. <i><u>mineral extraction activities</u> mining;</i> 7. <i>intensive indoor primary production;</i> 8. <i>rural transport activities;</i> 9. quarries; 10. <i>retail activities (except supermarkets, large format retail activities and integrated retail activities);</i> 11. <i>business service activities;</i> 12. <i>commercial service activities; and</i> 13. <i>industrial activities.</i>
15	RPROZ – Rural Production Zone – Policies, Policy RPROZ-P7	Support	<p>AQA supports that Policy RPROZ-P7 requires sensitive activities to be appropriately located and designed to minimise any reverse sensitivity effects, risks to people, property and the environment and/or conflict with activities in the Rural Production Zone including “primary production” given that the definition of</p>	Retain Policy RPROZ-P7

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			<i>“primary production”</i> includes <i>“mining”</i> and <i>“quarrying”</i> .	
16	RPROZ – Rural Production Zone – Policies, New Policies	Support in part	The District contains important mineral resources essential for continued economic growth and development which need to be adequately recognised and provided for. AQA has proposed a suitable Objective and supporting Policy in this regard.	Add the following new Policy: <u><i>Provide for mineral extraction activities within appropriate areas to ensure a secure supply of extractable minerals for the continued development of New Plymouth and surrounding areas, while requiring they are established and operated in ways which avoid, remedy or mitigate significant adverse effects on the environment.</i></u>
17	RPROZ – Rural Production Zone – Rules, New Rule	Support in part	AQA seeks a permitted activity status for <i>“mineral prospecting and mineral exploration”</i> (subject to compliance with specific performance standards) given that associated environmental effects are relatively localised and minor. AQA has proposed definitions for <i>“mineral prospecting”</i> and <i>“mineral exploration”</i> in the Interpretation section.	Include the following as a permitted activity: <u><i>Mineral prospecting and mineral exploration that:</i></u> 1. <u><i>Does not involve blasting; and</i></u> 2. <u><i>Is not undertaken outside the hours of 7am to 10pm on any day.</i></u> Specify a discretionary activity status where compliance is not achieved.
18	RPROZ – Rural Production Zone – Rules RPROZ-R24 and RPROZ-R25	Support in part	AQA supports the discretionary activity status for <i>“Quarries (excluding farm quarries)”</i> and <i>“mining”</i> however considers that the two activities should be combined and considered together as <i>“mineral extraction activities”</i> . AQA has proposed a definition for <i>“mineral extraction activities”</i> in the Interpretation section.	Amend Rule RPROZ-R24 as follows: <u><i>“Quarries</i></u> <u><i>Mineral extraction activities (excluding farm quarries)”</i></u> and retain as a discretionary activity in the Rural Production Zone. Delete Rule RPROZ-R25
19	RPROZ – Rural Production Zone – Rule RPROZ-S2 (Minimum building setbacks)	Support in part	Policy RPROZ-P7 requires sensitive activities to be appropriately located and designed to minimise any reverse sensitivity effects, risks to people, property and the environment and/or conflict with activities in the Rural Production Zone, including by <i>“ensuring sufficient separation by distance and/or topography between sensitive activities and zone boundaries, transport networks, primary production, significant hazardous facilities and rural industry”</i> . The definition	In Rule RPROZ-S2, add the following performance standard: <u><i>From a mineral extraction activity (either legally operating or consented for future use):</i></u> a. <u><i>Sensitive activities: 500 metres</i></u>

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			<p>of <i>“primary production”</i> includes <i>“mining”</i> and <i>“quarrying”</i>. Consistent with Policy RPROZ-P7, Rule RPROZ-S2 includes minimum building setback requirements for residential units and other buildings and structures in relation to state highways, and for sensitive activities and all buildings and structures in relation to <i>“established intensive indoor primary production buildings and structures”</i>. For consistency with Policy RPROZ-P7, AQA seeks an appropriate setback requirement to ensure that sensitive activities are not established in close proximity to existing or future <i>“mineral extraction activities”</i> to avoid potential reverse sensitivity effects.</p>	