

Plan Change 38 – Strategic Directions

Before Taupo District Council

Submissions by Tauhara Quarries Ltd

Supplementary Evidence

25 August 2023

Taupo District Plan: Plan Change 38 Strategic Directions

- 1 Following direction from the Independent Hearings Panel on Thursday, 17 August 2023, and as previously requested in Minute 5, this supplementary evidence addresses the following:
 - (a) Formatting of requested changes using **coloured text** and **strike-outs** to the plan change as notified.
 - (b) Section 32AA evaluation of the changes requested.
 - (c) The relevance of the Waikato Regional Policy Statement and relevant definitions.
- 2 In response to questions from the Independent Hearings Panel I also provide additional comment in relation to the following to two specific questions:
 - (a) A question from Commissioner Burge of whether the changes sought to Policy 2 and Policy 3 may create issues of broadening application of policies to other matters with unintended consequences and whether the change sought should be narrowed.
 - (b) A follow-up question to (a) above from the Chair of the Independent Hearings Panel, Mr DJ McMahon to whether I had turned my mind to what other activities could appropriately be within an inclusive list.
 - (c) A question from of the Chair of the Independent Hearings Panel, Mr DJ McMahon, relating to whether there were lower order provisions within the plan and a wiring diagram as a suitable tool to demonstrate connections relating to primary production so as to consider a “bottom-up approach”.

Formatting of requesting changes

- 3 Appendix 1 adopts the formatting as requested to highlight the changes sought using **coloured text** and **strike-outs** to the plan change as notified.
- 4 The changes sought in original submissions by Tauhara Quarries Ltd are included, along with alternative text for a narrowed scope in Policy 2 and Policy 3 in response to questions of the Panel in relation to this matter.

Section 32AA evaluation

- 5 Appendix 2 provides a section 32AA evaluation of the changes. A separate assessment has been provided for the alternative text outlined in Appendix 1 for a narrowed scope of Policy 2 and Policy 3 recognise the potential for a difference in potential outcomes.

Waikato Regional Policy Statement

- 6 The Waikato Regional Policy Statement 2016: Te Tauākī Kaupapahere Te-Rohe O Waikato (WRPS) contains the topic EIT – Energy, infrastructure and transport. There is a specific policy requiring recognition of primary production and regionally significant industry:
- 7 Tauhara Quarry is located in the Waikato region, and that is why the evidence presented to the Independent Hearings Panel referenced IM-P4 Regionally significant industry and primary production. Definitions from the WRPS relating to both primary production and regionally significant industry are included below:

Primary production

Means the commercial production of raw material and basic foods, and which relies on the productive capacity of soil or water resources of the region. This includes the cultivation of land, animal husbandry/farming, horticulture, aquaculture, fishing, forestry, or viticulture. It does not include hobby farms, rural residential blocks, or land used for mineral extraction.

Regionally significant industry

Means an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.

- 8 I have not undertaken a wider exercise to review other relevant regional policy statements as relevant to other parts of the Taupo district.
- 9 Based on information presented to the Independent Hearings Panel I wish to confirm that is my submission that quarrying activities at Tauhara Quarries Ltd fall within the definition of a regionally significant industry.

Scope of Policy 2 and Policy 3

- 10 In proposing the change to these policies, it is accepted that the use of “including” creates the potential for an inclusive list that may have unintended consequences in application to a range of other activities. It was noted at the hearing that a further submission had been lodged in support of the change to allow for landfills. The original purpose of the use of “including” was to allow application to other similar activities as may be appropriate. I have no further examples of those activities that may be appropriate to provide the Panel at this time.

- 11 Quarrying activities are, in my view, worthy of specific mention, and alternative text for a narrowed scope that only identifies quarrying activities is provided in Appendix 1.

Other relevant plan provisions for a bottom-up approach

- 12 My initial response to a question of the Chair of the Independent Hearings Panel, Mr DJ McMahon was that the importance for seeking changes to the Strategic Directions was that there is a lack of further direction elsewhere in the plan. For clarification, my comments were in relation to strategic infrastructure. When considering a bottom-up approach for application and support in the General Rural Environment where the Tauhara Quarry is located, the existing quarrying activities would need to rely on the following:

Objective 3b.2.3 Rural industry

Rural industry is enabled whilst general commercial and industrial activities not having a locational need to be within the General Rural Environment, other than home-business, are avoided.

Objective 3b.2.5 Avoidance of reverse sensitivity

Reverse sensitivity effects on permitted and legally established activities within the General Rural Environment, including conflict with activities in neighbouring Environments, are avoided.

Objective 3b.2.6 Impacts on infrastructure

The impacts on infrastructure arising from subdivision and development are managed.

Policy 3b.2.13 Avoiding reverse sensitivity

Any adverse effects generated by an activity must be managed within the allotment so as to avoid adversely affecting permitted and lawfully established neighbouring activities.

Objective 3b.3.2 Avoid reverse sensitivity

Adverse reverse sensitivity effects, including conflict with permitted and legally established activities in neighbouring Environments, are avoided.

- 13 When considering the quarrying activities that support the provision of significant infrastructure the provisions in Plan Change 42 clearly do not anticipate that link or provide support except perhaps insofar as can be achieved through Objective 3b.2.5. I would continue to emphasise the importance of establishing the higher order framework from which the subsequent objectives and policies in the plan follow. That is the approach that has been taken in the changes requested by Tauhara Quarries Ltd, and why they have also sought changes through Plan Change 42 as well as Plan Change 38.



Duncan Whyte

25 August 2023

Appendix 1: Amendments version

Original submission:

Add an objective to *2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.2 Objectives* (coloured text added, or showing ~~strike-outs~~ as deleted text):

5. The importance of quarrying as a component of primary production that supports the construction and maintenance for development and infrastructure is recognised.

Amend Policy 2 of *2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.3 Policies* (coloured text added, or showing ~~strike-outs~~ as deleted text):

2. Recognise the functional and operational needs associated with the use and development of nationally and regionally significant infrastructure, including those activities which support them such as quarrying.

Amend Policy 3 of *2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.3 Policies* (coloured text added, or showing ~~strike-outs~~ as deleted text):

3. Subdivision, land use and development will not adversely affect (including reverse sensitivity effects) the effective and safe functioning of infrastructure, including those activities which support them such as quarrying.

Alternative for narrowed scope:

Add an objective to *2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.2 Objectives* (coloured text added, or showing ~~strike-outs~~ as deleted text):

5. The importance of quarrying as a component of primary production that supports the construction and maintenance for development and infrastructure is recognised.

Amend Policy 2 of *2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.3 Policies* (coloured text added, or showing ~~strike-outs~~ as deleted text):

2. Recognise the functional and operational needs associated with the use and development of nationally and regionally significant infrastructure, and the quarrying activities which support them.

Amend Policy 3 of *2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.3 Policies* (coloured text added, or showing ~~strike-outs~~ as deleted text):

3. Subdivision, land use and development will not adversely affect (including reverse sensitivity effects) the effective and safe functioning of infrastructure, and the quarrying activities which support them.

Appendix 2: Section 32AA

This section considers whether, having regard to their efficiency and effectiveness, the proposed changes as requested by submissions are the most appropriate way to achieve the objectives.

Evaluation of the following:

1. Add an objective to 2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.2 Objectives
2. Amend Policy 2 of 2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.3 Policies
3. Amend Policy 3 of 2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.3 Policies

Change	S32AA assessment
<p>Add an objective to 2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.2 Objectives</p> <p>5. The importance of quarrying as a component of primary production that supports the construction and maintenance for development and infrastructure is recognised.</p>	<p>Effectiveness and efficiency</p> <p>Provides a clear link between quarrying and the construction and maintenance of significant and local infrastructure.</p> <p>Costs and benefits</p> <p>Environmental: The benefits of quarrying far outweigh the costs which since potential adverse effects can be managed. Without locally sourced aggregate development ceases or is imported from elsewhere involving greater haulage costs and emissions.</p> <p>Economic:</p> <p>Without support for quarrying the costs of importing aggregate will be higher and there is not the economic multiplier for the local economy for goods, services, and local employment.</p> <p>Social:</p> <p>As a source of local employment quarrying provides social benefits and not costs. Providing for infrastructure is directly linked to social benefits for communities and their development.</p> <p>Cultural:</p> <p>No particular cultural costs are anticipated, but as is the case for infrastructure generally it is important for supporting Māori communities.</p>

Change	S32AA assessment
	<p>Risk of acting or not acting</p> <p>The risk of not acting is that uncertainty remains for the place of quarrying in providing for their infrastructure needs.</p> <p>Conclusion as to the most appropriate action</p> <p>Adopt the requested change.</p>
<p>Amend Policy 2 of 2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.3 Policies</p> <p>Option 1 – Original Submission</p> <p>2. Recognise the functional and operational needs associated with the use and development of nationally and regionally significant infrastructure, including those activities which support them such as quarrying.</p>	<p>Effectiveness and efficiency</p> <p>The requested change is very effective and efficient in making a direct link between infrastructure and the quarrying that supports it.</p> <p>Costs and benefits</p> <p>Environmental: The benefits of quarrying far outweigh the costs which since potential adverse effects can be managed. Without locally sourced aggregate development ceases or is imported from elsewhere involving greater haulage costs and emissions. Quarrying has a functional and operational need to be located in the district.</p> <p>Economic:</p> <p>Without support for quarrying the costs of importing aggregate will be higher and there is not the economic multiplier for the local economy for goods, services, and local employment.</p> <p>Social:</p> <p>As a source of local employment quarrying provides social benefits and not costs. Providing for infrastructure is directly linked to social benefits for communities and their development.</p> <p>Cultural:</p> <p>No particular cultural costs are anticipated, but as is the case for infrastructure generally it is important for supporting Māori communities.</p> <p>Risk of acting or not acting</p> <p>The risk of not acting is that uncertainty remains for the place of quarrying in providing for their infrastructure needs.</p> <p>The risk of acting with this requested change is to open the policy up to other activities that are not identified with unintended consequences.</p>

Change	S32AA assessment
	<p>Conclusion as to the most appropriate action</p> <p>The most appropriate action is to make a change, but Option 2 below avoids the risk of acting outlined above.</p>
<p>Amend Policy 2 of 2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.3 Policies</p> <p>Option 2 – Narrowed scope</p> <p>2. Recognise the functional and operational needs associated with the use and development of nationally and regionally significant infrastructure, and the quarrying activities which support them.</p>	<p>Effectiveness and efficiency</p> <p>The requested change is very effective and efficient in making a direct link between infrastructure and the quarrying that supports it.</p> <p>Costs and benefits</p> <p>Environmental: The benefits of quarrying far outweigh the costs which since potential adverse effects can be managed. Without locally sourced aggregate development ceases or is imported from elsewhere involving greater haulage costs and emissions. Quarrying has a functional and operational need to be located in the district.</p> <p>Environmental: The benefits of quarrying far outweigh the costs which since potential adverse effects can be managed. Without locally sourced aggregate development ceases or is imported from elsewhere involving greater haulage costs and emissions. Quarrying has a functional and operational need to be located in the district.</p> <p>Economic:</p> <p>Without support for quarrying the costs of importing aggregate will be higher and there is not the economic multiplier for the local economy for goods, services, and local employment.</p> <p>Social:</p> <p>As a source of local employment quarrying provides social benefits and not costs. Providing for infrastructure is directly linked to social benefits for communities and their development.</p> <p>Cultural:</p> <p>No particular cultural costs are anticipated, but as is the case for infrastructure generally it is important for supporting Māori communities.</p>

Change	S32AA assessment
	<p>Risk of acting or not acting</p> <p>The risk of not acting is that uncertainty remains for the place of quarrying in providing for their infrastructure needs.</p> <p>The risk of acting with this requested change identified for Option 1 to open the policy up to other activities that are not identified with unintended consequences is avoided.</p> <p>Conclusion as to the most appropriate action</p> <p>The most appropriate action is to make this change with a narrowed scope of application.</p>
<p>Amend Policy 3 of 2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.3 Policies</p> <p>Option 1 – Original Submission</p> <p>3. Subdivision, land use and development will not adversely affect (including reverse sensitivity effects) the effective and safe functioning of infrastructure, including those activities which support them such as quarrying.</p>	<p>Effectiveness and efficiency</p> <p>The requested change is very effective and efficient in making a direct link between development and infrastructure, and the quarrying that supports it.</p> <p>Costs and benefits</p> <p>Environmental: The benefits of quarrying far outweigh the costs which since potential adverse effects can be managed. Without locally sourced aggregate development ceases or is imported from elsewhere involving greater haulage costs and emissions. Quarrying has a functional and operational need to be located in the district.</p> <p>Economic:</p> <p>Without support for quarrying the costs of importing aggregate will be higher and there is not the economic multiplier for the local economy for goods, services, and local employment.</p> <p>Social:</p> <p>As a source of local employment quarrying provides social benefits and not costs. Providing for infrastructure is directly linked to social benefits for communities and their development.</p> <p>Cultural:</p> <p>No particular cultural costs are anticipated, but as is the case for infrastructure generally it is important for supporting Māori communities.</p>

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<p>Amend Policy 3 of 2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.3 Policies</p> <p>Option 2 – Narrowed scope</p> <p>3. Subdivision, land use and development will not adversely affect (including reverse sensitivity effects) the effective and safe functioning of infrastructure, and the quarrying activities which support them.</p>	<p>Effectiveness and efficiency</p> <p>The requested change is very effective and efficient in making a direct link between development and infrastructure, and the quarrying that supports it.</p> <p>Costs and benefits</p> <p>Environmental: The benefits of quarrying far outweigh the costs which since potential adverse effects can be managed. Without locally sourced aggregate development ceases or is imported from elsewhere involving greater haulage costs and emissions. Quarrying has a functional and operational need to be located in the district.</p> <p>Economic:</p> <p>Without support for quarrying the costs of importing aggregate will be higher and there is not the economic multiplier for the local economy for goods, services, and local employment.</p> <p>Social:</p> <p>As a source of local employment quarrying provides social benefits and not costs. Providing for infrastructure is directly linked to social benefits for communities and their development.</p> <p>Cultural:</p> <p>No particular cultural costs are anticipated, but as is the case for infrastructure generally it is important for supporting Māori communities.</p>

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