

## **Plan Change 38 – Strategic Directions**

Before Taupo District Council

Submissions by Tauhara Quarries Ltd

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### **Brief of Evidence**

13 July 2023

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### **Taupo District Plan: Plan Change 38 Strategic Directions**

- 1 My name is Duncan Graham Whyte and I am appearing on behalf of Tauhara Quarries Ltd.
- 2 I am a Principal Planning and Policy Consultant with 4Sight – part of SLR.
- 3 I have over 27 years of experience as a planner that has included providing assistance to a number of Councils across New Zealand with the preparation of plans, prepared private plan changes, and represented territorial local authorities and regional councils at resource consent hearings. I am a full member of the New Zealand Planning Institute, and a member of the Resource Management Law Association. I have a Bachelor of Arts (Honours) from the University of Canterbury, and a Master of Regional and Resource Planning from the University of Otago.
- 4 In preparing this evidence I have reviewed:
  - (a) Plan Change 38 – Strategic Directions;
  - (b) Plan Change 38 – Strategic Directions Section 32 Evaluation Report;
  - (c) Summary of Decisions Sought;
  - (d) Plan Changes 38-42 Overarching Section 42A Officer Report;
  - (e) Plan Change 38 – Strategic Directions Section 42A Officer Report.

### **Scope of evidence**

- 5 I have been asked by Tauhara Quarries Ltd to present evidence in relation to their submissions to Plan Change 38 – Strategic Directions. This includes:
  - (a) Background
  - (b) Submission points
  - (c) Further submissions received
  - (d) Section 42A report

### **Background**

- 6 Tauhara Quarries Ltd operate Tauhara Quarry which is located at 674 Hipaua Road, Tauhara Forest. The site comprises approximately 41.2021 hectares of land which accommodates an operating quarry. Tauhara Quarries Ltd have occupied the property since April 2012. In addition

to aggregate for local roading, the quarry also produces gabion erosion protection rock and supplied some of the large decorative boulders found in and around Taupo.

7 Tauhara Quarry is recognised as being significant because of its production volumes, reserves, the quality of the resource and its suitability for a wide range of uses. Tauhara Quarry was identified as one of a number of quarries under the Taupo County Second Reviewed District Scheme 1985 (Mining and Mineral Resources Zone) and operates under a certificate of compliance (File reference: L15 0012) in accordance with Section 139 of the Resource Management Act 1991 (RMA). The list of quarries in the Taupo County Second Reviewed District Scheme 1985 included:

- (a) Rotokawa Lake (Sulphur Deposits)
- (b) Mount Tauhara
- (c) Taupo Urban Area (Scoria Quarry No. 1 and No.2)
- (d) Poronui Argillite Quarry
- (e) Tauhara Forest

8 Of those quarries listed above, Tauhara Quarry remains the only operative quarry in this list. There is a need to recognise the benefits that people and communities of the District and Region derive from the end use of quarrying activities, and to provide for the operation of significant sites.

### **Submission points**

9 Changes sought to this chapter are to specifically recognise for quarries as a key component of providing significant and local infrastructure. It is my view that it is important not to lose sight of those activities that support the establishment of the significant infrastructure that includes the materials required to construct and maintain it, and not just the infrastructure itself. Aggregates are necessary for pavements of roads and access, producing concrete for foundations and structures, and the need for suitable materials that are sourced locally will have a strong influence on overall project costs.

10 For those reasons Tauhara Quarries Ltd has sought the following changes to objectives and policies.

11 Add an objective to *2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.2 Objectives*:

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

12 Amend Policy 2 of 2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.3 Policies (underlined text added):

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.*

13 Amend Policy 3 of 2.5 Strategic Direction 5 Significant and Local Infrastructure, 2.5.3 Policies (underlined text added):

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.*

### **Plan Change 38 Further Submissions**

14 Tauhara Quarries Ltd received further submissions from:

- (a) EnviroNZ Limited that supported the requested change to amend Policy 3 of 2.5.3. Policies.
- (b) Heritage New Zealand Pouhere Taonga (HNZPT) that opposed the change sought to Policy 2.5.3 on the basis that it could conflict with the changes sought by HNZPT by introducing a new matter to the suite of policies that could have adverse effects on cultural and historic heritage.

15 A response received in August 2022 from Hilary Samuel, Senior Policy Advisor at Taupo District Council to feedback from Tauhara Quarries Ltd on the draft plan changes noted that it was not necessary to provide examples within Policy 3 because they are adequately provided for with the general wording.

16 The further submission by HNZPT reinforces the importance of providing specific examples because it is not seeking to introduce a new matter, but simply to state something explicitly that is already within the scope of these policies. This will clearly assist with interpretation and the application of policies in time to come if it is adopted.

### **Plan Change 38 Section 42A report**

17 The 'Plan Change 38 – Strategic Directions Section 42A Officer Report' recommends that the changes sought by Tauhara Quarries Ltd not be accepted. The reporting officer notes in Section 4.2.9 Issue 1.8 that 'aggregate is not considered to be a strategic issue within the district' and that 'there is no national level direction through legislation or national policy requiring specific recognition of the aggregate resource.'

18 The Section 42A Officer Report notes both in Section 4.2.9 Issue 1.8 and Section 4.7.1 that non rural activities, such as aggregate and quarrying, will be accommodated in other sections of the Plan, such as the Rural Environment chapter subject to Plan Change 42.

- 19 The changes sought by Tauhara Quarries Ltd were ultimately to recognise the importance of activities that support nationally and regionally significant infrastructure, such as quarrying. In the Section 42A report, the reporting officer has recommended the following change to the introductory text in Section 2.5 Strategic Direction 5 (refer page 97, paragraph 2 of the Section 42A report):

*“...Infrastructure is critical to the social and economic wellbeing of people and communities, ~~including providing for their health and safety~~, and has national, regional and local benefits, including the economic, cultural and social wellbeing of people and communities and for their health and safety. However, inappropriately located or designed land use activities can adversely affect the safe and effective functioning of significant and locally important infrastructure and the natural resources on which they rely on to operate...”*

- 20 The recommended addition supports Tauhara Quarries Ltd submission that Objectives 2.5.2, and Policies 2 and 3 of Strategic Direction 5 should explicitly provide for activities which support nationally and regionally significant infrastructure. While the Section 42A report recognises the importance of supporting activities, no changes have made to the objectives and policies of Strategic Direction 5 to reflect this. I find that to be inconsistent to include the link in the introductory text but not to include it within the objectives and policies themselves.
- 21 The Section 42A Officer Report appears to overlook that the Waikato Regional Policy Statement 2016: Te Tauākī Kaupapahere Te-Rohe O Waikato (WRPS) which contains the topic EIT – Energy, infrastructure and transport. This is notable for two reasons. The first that it groups energy, infrastructure, and transport together recognising the interconnected relationship between all elements of the topic, and the second being that there is a specific policy requiring recognition of primary production (which includes land used for mineral extraction) where it supports regionally significant industry:

***IM-P4 – Regionally significant industry and primary production***

*The management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:*

- 1. recognising the value and long term benefits of regionally significant industry to economic, social and cultural wellbeing;*
- 2. recognising the value and long term benefits of primary production activities which support regionally significant industry;*
- 3. ensuring the adverse effects of regionally significant industry and primary production are avoided, remedied or mitigated;*
- 4. co-ordinating infrastructure and service provision at a scale appropriate to the activities likely to be undertaken;*
- 5. maintaining and where appropriate enhancing access to natural and physical resources, while balancing the competing demand for these resources;*
- 6. avoiding or minimising the potential for reverse sensitivity; and*
- 7. promoting positive environmental outcomes.*

- 22 The changes sought by Tauhara Quarries Ltd are to make the link between infrastructure and the natural resources they rely on explicit in the Strategic Directions chapter as envisaged by clause 2 of IM-P4 of the WRPS. In my view to exclude the requested changes would be contrary to the requirements of Section 75(3)(c) of the RMA that states a district plan must give effect to any regional policy statement.

### **Conclusion**

- 23 It is necessary to consider and provide support for not just the significant infrastructure itself, but those activities and the natural resource that are directly required to provide and maintain it. That should be included within the objectives and policies of the district plan and not simply the introductory text.
- 24 The changes sought by Tauhara Quarries Ltd give effect to the WRPS, whereas to omit these requested changes does not.
- 25 The changes requested by Tauhara Quarries Ltd provide additional clarification and support that recognise the importance of quarrying to the provision of infrastructure as is appropriate in the Strategic Directions chapter and its objectives and policies as introduced by Plan Change 38.



**Duncan Whyte**

13 July 2023