

Re: Response to Minute 39 – Stream 5 Hearing Follow Up

Thank you for the opportunity to provide written answers to your questions on the 3 June 2022. Please find our responses below:

- a) In my submissions there was reference to both the broader Government policy for increasing housing in the Wellington region and the National Policy Statement on Urban Development. The NPS-UD in clause 1.3 does apply to any local authority's planning decisions that affect an urban environment. The intent is to apply not only to existing urban-zoned environments but also to future, planned ones. This intent is evidenced by the drafters expressing that the NPS-UD will promote urban growth as well as the requirements for local authorities to proactively assess the need for housing development. Alongside the NPS-UD is the new Urban Development Act 2020, which indicates the Government policy towards increasing and providing for urban development and expansion.

The current proposed plan will extend urban environments closer to the current quarry site. It is submitted that the landscape of the Judgeford area is moving towards being more heavily urbanised. Additionally, the current Murphy's Road area, while zoned as rural, has significant urban characteristics. It is an area that is in fact primarily residential, simply on life-style blocks rather than smaller suburban sections.

Our submissions were to draw the commissioners' attention to the issue of providing adequate and healthy housing in Porirua. The Judgeford area is suited for such development due to its topography, existing infrastructure and access to the new Transmission Gully motorway. If the plan allows for the intensification and continuation of quarrying, the Judgeford area's potential for providing healthy housing is significantly diminished.

- b) The distinction between large and small quarrying activities can be made on simple measures such as the footprint of the quarry area, adverse effects on neighbours, haulage, truck movements, or purpose. The Willowbank Quarry is a large quarry. It covers a significant area and is intending to expand. I do not have precise numbers of truck movements as a limit between large and small, as the example suggested, but submit that this is a matter that the Council and/or commissioners could appropriately develop.

- c) I agree with your interpretation as that is consistent with the second part of paragraph 30 of my submissions.
- d) In my submissions at paragraphs 33 to 35, I set out the relevant issue that the traffic will create two more-than-minor adverse traffic effects:
 - i The noise created by large trucks from the quarry and the frequency of them, on the properties adjacent to the traffic.
 - ii The impact on the safety of other road users and pedestrians.

The *Hilton* case illustrated the principle that traffic increasing in an area where it would not normally be expected to be at that volume can be a valid effect for denying a consent. The same principle is applicable to a plan change. The Judgeford area is a residential rural area where people would reasonably expect to have a higher degree of privacy, seclusion and tranquility than an urban area. While normal rural activities such as farming or other agriculture could reasonably be expected, a quarry is a significant change to that environment. The increase in traffic throughout the year and day is a significant change from its residential rural environment.

This same issue and principle is illustrated in *Harewood Gravels Co Ltd v Christchurch City Council* [2018] NZHC 3118 see [104] –[118] and [137] – [147], [186], [190] – [202]. Here the High Court recognised that the effects of traffic noise of a quarry on rural lifestyle blocks was an adverse effect.

- e) The effects on biodiversity arise from the use of flocculants and the increased sedimentation from dust and quarrying's changes to topography. For example, these were identified in the resource consent application by Willowbank Quarry in their 2018 Assessment of Effects at page 29-32. In the limited time, we have not been able to review the evidence on the hearing panel's record for these Plan change hearings. However, these types of effects are ordinary considerations for quarrying, and much greater than background risks of flooding without quarrying, especially background flooding without the use of flocculants. Council reports should be prepared to investigate such risks and should have evaluated them.
- f) The Hearings Panel can provide the recommendation to the Council. There is no provision in the RMA for powers to alter the plan or proposed change, but Hearings Panels have made such recommendations to Councils as a result of their work on Plan hearings, leaving Councils free to take them up or not.
- g) That was not disputed in my submissions. The submission in Section D was that the quarrying in Judgeford is inconsistent with the goal of providing housing in the area.

h) The Hearings Panel can look to the other plans, evaluation and reasoning of those evaluations for guidance in approaching the situation in Porirua. The other plans indicate methods for considering the effects of quarrying and development. Quarrying is not a unique type of development that changes drastically depending on the region and location, as something like public transport or business centers might. The provisions cited in submissions provide illustrations of how rules could be constructed to address the relevant effects and appropriately balance sustainable management. The Panel has the competence to weigh these provisions as it thinks best. We submit them to illustrate best practice approaches that could be adopted and modified for the Porirua context.

If you have any further questions, we will be happy to assist.

Noho ora mai,

A handwritten signature in black ink, appearing to be 'Catherine Iorns', written in a cursive style.

Catherine Iorns
(and the CJP student team)