

Submission on the proposed Te Tai o Poutini Plan November 2022

Introduction

The Aggregate and Quarry Association (AQA) is the industry body representing construction material companies which produce 50 million tonnes of aggregate and quarried materials consumed in New Zealand each year.

Funded by its members, the AQA has a mandate to increase understanding of the need for aggregates to New Zealanders, improve our industry and users' technical knowledge of aggregates, and assist in developing a highly skilled workforce within a safe and sustainable work environment.

AQA welcomes the opportunity to submit on the proposed [Te Tai o Poutini Plan \(TTPP\)](#). Our submission is focussed on the provisions relating to quarries and the need to plan for a secure supply of aggregate to meet increasing demand.

Key points

- The West Coast's aggregate supply is seriously constrained, and current production will struggle to meet the growing demand for aggregate in the region including for many public infrastructure projects.
- It is essential that the TTPP does not unreasonably curtail the expansion of existing quarries, or the establishment of new quarries.
- The TTPP must allow for the anticipated aggregate demand by identifying potential sources of aggregate close to markets and ensuring that planning is streamlined, quarry resources are protected so they can supply vital construction materials, and quarry land is returned as an asset to the community once extraction is complete.

General comments on aggregate and the West Coast situation

Aggregate (crushed rock, gravel and sand) is an essential resource for the construction sector, for housing and transport infrastructure, and for climate change adaptation. The West Coast relies heavily on locally sourced aggregate resources for infrastructure repair following disasters, for road and rail transport corridors, major projects and for housing development, all of which are essential for the social, economic, and cultural wellbeing of communities.

Characteristics of aggregate

It is important to appreciate aggregate is a locationally constrained resource. Quarrying can only occur where suitable aggregate resource exists. It is therefore important to ensure that access to potential aggregate resources is not inadvertently shut off by competing land uses – many of which could, by their nature, be located anywhere.

This means that Council planning must identify where the rock is located and protect those areas from other development and prevent sterilisation by alternative land uses.

Due to its weight and volume, aggregate is very expensive to transport. An additional 30km travel typically doubles the cost of aggregate. This highlights that shifting large volumes from outside the region, or far from where it is to be used, is very expensive and would increase the cost of many of the proposed projects.

Quarrying activities generate environmental impacts (eg: truck movements, dust and noise) and while quarries can and do mitigate these environmental impacts, they need to be an appropriate distance from residential and other sensitive areas.

Mineral Extraction Strategic Objectives

We support the Mineral Extraction Strategic Objectives and the two special purpose zones for mineral extraction, however in many places, the plan is written in a way that is unworkable or will have unintended negative consequences for the quarrying sector.

We strongly support the Strategic Objectives, MIN-01 to MIN-06, of the Minerals Extraction chapter. These set out the overarching direction for matters relating to mineral extraction and allow for a consenting pathway to address adverse effects including offsetting and compensation.

While the intention is clear, and very positive, for the six strategic objectives to be effective they need to be referenced in subsequent chapters. There would be more clarity and certainty if other chapters referred to them with words such as “having regard to Strategic Objective XX”. This would ensure that in chapters such as those covering Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes, conflicts between quarrying and natural environment protection objectives and policies could be weighed in a manner consistent with the Strategic Objectives.

SNAs, ONLs and other overlays

Permissive rules and the activity status of mineral extraction activities could be impacted when they occur within many of these overlays. While this might be acceptable in some places, it is important that access to a consenting pathway remains including with the ability to mitigate, offset and compensate.

There are some cases where different overlays overlap with each other and where the rules and activity statuses for each are not consistent. This means there would be confusion for applicants as to which overlays take precedent.

Transition period

A major concern with the plan relates to the impact of SNAs and ONLs in the transition period between the plan being notified and when it becomes fully operative.

Specifically, the SNA, and other overlay provisions take effect now the plan is notified but the enabling provisions, both in the extractive zones and outside, will not become operative until decisions are made much later. This clearly causes problems for consent applications in that interim period.

The rules need to take effect now that the plan is notified to prevent the SNAs from being legally effective without the intended enabling rules.

West Coast Regional Policy Statement (WCRPS)

The vegetation clearance rules in the Ecosystems and Indigenous Biodiversity chapter are inconsistent with the principle of mitigating, offsetting or compensating environmental effects. One possible solution is to use the biodiversity management hierarchy from the WCRPS as a template for the vegetation clearance rules. Given the West Coast Regional Policy Statement is a relatively recent RPS and given its status in that it is a requirement of the District Plan to give effect to it, it makes sense to use the WCRPS's biodiversity management hierarchy in this way.

Use of the word "avoid"

Recent case law has deemed the word 'avoid' to mean avoid in a prohibitive sense, and as such is inconsistent with the permissive rules and activity statuses for extraction activities within the TPP. Care should be taken when using the word "avoid" so as not to imply that the activity be prohibited in all cases.

'Avoid' is, of course, an important part of the effects management hierarchy and so we support it being used in this context i.e. if you can't avoid it then you have to remedy, mitigate, offset or compensate in that order. Again, this is consistent with the WCRPS.

We have identified some places in the table below where we are unhappy with the use of the word.

The following table outlines some specific suggested changes.

Table of suggested changes:

CHAPTER	PROVISION	SUGGESTED CHANGE	EXPLANATION FOR CHANGE
Definitions	Mineral Extraction and Processing	Insert "to, from and between" after "access within".	Need to cover access that is not within the site.
ECO	ECO-P2	Item d. - add after current wording "or where adverse effects can be mitigated".	Adverse effects may not always be minor but where effects can be mitigated, there should be provision for such activities.
	ECO-P6	Add below Item c., "where these activities cannot be avoided, ensure that the adverse effects are remedied, mitigated or offset".	"Avoid" means avoid in a prohibitive sense. This may prohibit any such activity in every case.

	ECO-R1	Add another permitted item for a “lawfully established activity”.	Need to provide for lawfully established activities and also the MINZ Zone. This will be consistent with ECO-P2.
	ECO-R2	Add another permitted Item for a “lawfully established activity”.	Need to provide for lawfully established activities and also the MINZ Zone. This will be consistent with ECO-P2.
MINZ	MINZ- R2	Item 3. - Mineral Extraction Management Plan.	Some guidance is necessary on what is required here. All extractive sites will have a Mine/Quarry Management Plan and it is important that there is not duplication of requirements that currently exist under other legislation.
	MINZ-R3	Item 4. - Truck movement restricted to 30 per day.	This should be removed as it is an unnecessary duplication of requirements in MINZ-R2, is extremely restrictive, and is covered under the Noise rules.

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