

Submission from the AQA to Manawatu District Council on Draft Plan Change A

November 2023

Introduction

1. The Aggregate and Quarry Association (AQA) is the industry body representing quarrying companies which produce 45 million tonnes of aggregate and quarried materials consumed in New Zealand each year.
2. 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.
3. We would like to thank the Manawatu District Council for the opportunity to comment on the [Draft Plan Change A - Rural and Flood Channel Review](#) (the draft plan change).
4. Our submission comments on a number of points, particularly the way the National Policy Statement for Highly Productive Land (NPS-HPL) relates to quarrying and the Earthworks chapter.

Key points

5. Our submission makes the following key points:
 - Plan Change A needs to recognise that like highly productive soils, aggregate resources are 'location specific' and because of the value of these resources, land containing them is highly productive.
 - We recommend that the council revisit the policies and objectives around highly productive land in Plan Change A after planned changes to the NPS-HPL have been made. Submissions on the planned changes closed on 31 October 2023.
 - Quarrying should at least be a discretionary activity on highly productive land.
 - EW-P12.10.3 in particular needs to be reviewed as the language creates uncertainty. It also penalises quarrying by requiring a national public benefit for a consenting pathway on highly productive land, which is a higher hurdle than provided in Clause of 3.9(2) of the NPS-HPL.
 - The Manawatū District Plan should use the National Planning Standards definition of Primary Production and not use the term "land-based primary production" which excludes quarrying activities.

The importance of aggregates

6. Aggregate (crushed rock, gravel and sand) is an essential resource for the construction of housing, roading projects and other transport infrastructure. It is used for general construction – in concrete, asphalt, mortar and other building products.
7. Aggregate is also important for increasing resilience and adapting to extreme weather events and climate change.
8. Not only is there high demand for aggregate, supply is also constrained. Aggregate deposits are 'location specific' – limited in quantity, location and availability. They can only be sourced from where they are physically located and where the industry is able to access them.

Highly productive land

9. Draft Plan Change A has been written to accommodate the requirements of the National Policy Statement for Highly Productive Land (NPS-HPL) which has implications for the quarrying sector.
10. Until a regional policy statement containing maps of highly productive land in the region is operative, highly productive land is deemed to mean any land zoned rural falling under classes 1, 2 and 3 of the Land Use Capability assessment.
11. These and the NPS-HPL places a significant focus on land-based agriculture and reliance on use of the soil. Consequently, Draft Plan A disadvantages quarrying. Specific examples are provided in the next section.
12. Like highly productive soils, aggregate deposits are 'location specific' – limited in quantity, location and availability. They can only be sourced from where they are physically located and where the industry is able to access them.
13. Land containing quarry materials is also significantly more productive than highly productive soils used for agriculture because of the value and scarcity of the aggregates produced relative to the value of agricultural commodities.
14. The original intent of the NPS-HPL was to protect highly productive land for future primary production. This would include quarrying recognising that other factors in addition to soil determine the productive capacity of land.
15. Furthermore, quarrying is a recognised sector within "primary production" in everyday parlance and in a number of definitions, most particularly the National Planning Standards definition of Primary Production, as discussed further in paragraphs 18 and 19 below.
16. We understand the future of the NPS-HPL is highly uncertain under the incoming Government. The agriculture sector has identified a number of problems with it and we understand some officials are wanting to repeal it. National policy statements generally are likely to be reviewed as part of the new Government's reform of resource management law. There is also the current consultation

under way in the form of the document, [Potential amendments to the National Policy Statement for Highly Productive land \(NPS-HPL\)](#).

17. For these reasons, we recommend that the council revisit the policy and objectives around highly productive land in Plan Change A. We comment on some of these below.

Specific comments on the draft plan change

18. Further to the comments above we make the following specific comments on the draft plan change.

Definition – Land-Based Primary Production

19. The draft plan change has introduced a definition of Land-Based Primary Production. This is not the same definition of Land-Based Primary Production used in the NPS-HPL. It is also distinct from the definition of Primary Production in the National Planning Standards
20. Different definitions can cause confusion. For consistency, the Plan should use the National Planning Standards definition of Primary Production. As stated above, this definition includes quarrying activities. We do not support the use of Land-Based Primary Production in either the NPS-HPL or Manawātū District Plan if quarrying is excluded.

EW – Earthworks chapter

21. Under the draft Plan Change A, the Earthworks chapter would include specific quarrying provisions. However, quarrying activities are significantly broader than just earthworks and there is some risk having it within an earthworks chapter where there is scope for confusion or misinterpretation. A separate quarrying chapter altogether would make sense.
22. In the Plan's definitions, "quarrying activities" taken from the National Planning Standards, means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand) etc. We support the use of this definition, yet the draft plan change also refers to aggregate extraction, which is not defined and could be much narrower. Quarrying activities include necessary ancillary activities which, if excluded, could mean quarrying could not take place in the locations that the plan clearly intends for it to take place.

EW-P2 and EW-P11

23. **EW-P2** and **EW-P11** relate to quarrying activities outside highly productive land.

EW-P2: Enable quarrying activities in the General Rural Zone outside land identified within the Highly Productive Land Overlay, recognising the positive effects of mineral extraction, and

EW-P11: Enable quarrying activities in the General Rural Zone outside land identified within the Highly Productive Land Overlay, recognising the positive effects of mineral extraction,

24. We support **EW-P2** and **EW-P11** and we support the Restricted Discretionary Status as provided for with **EW-R6.2**.
25. We note the two provisions seem to be saying the same thing. “Outside land identified within the Highly Productive Land Overlay” and “on land that is not highly productive land”.

EW-P12.10.3

26. EW-P12.10.3 provides a consenting pathway for aggregate extraction on highly productive land.

To protect highly productive land from those activities that are not land based primary production except where the activity:

Is associated with one of the following, and there is a functional or operational need to be on highly productive land:

Mineral extraction or aggregate extraction that provides significant national public benefits that could not otherwise be achieved using resources within New Zealand.

27. We support the intent of this policy, however, we have some significant concerns with the way it is worded.
28. We note the wording of the policy comes from Clause 3.9(2)(j) of the NPS-HPL. In that clause, the terms “*significant national public benefits*” and “*that could not otherwise be achieved using resources within New Zealand*” are highly problematic, due to the uncertainty around how they are interpreted. For example, the [CJ Industries - Peach Island Environment Court decision](#) questioned what “significant” and “public benefit” mean in this context as well as the implications of “*could not otherwise be achieved using resources within New Zealand*”.
29. Also, the undefined term “aggregate extraction” is used, as it is in the NPS-HPL. As stated earlier, the term “quarrying activities” is much preferred to this as it is much broader than aggregate extraction, captures ancillary activities and, furthermore, it is defined in both the NPS-HPL and the Manawatū District Plan.
30. We understand Government officials and the incoming Government itself are wanting to review this terminology so it would possibly be amended by the time that this draft plan reaches the proposed plan stage and so we recommend council consider changing it now and revisit it after the NPS-HPL is amended.

EW-P12.10.3 – National vs regional

31. We also note that the proposed plan specifies “national” public benefit whereas the NPS-HPL refers to “national or regional” public benefit for aggregate extraction. Restricting it to just “national” public benefit (not allowing regional public benefit) creates a much higher hurdle for aggregates than is intended by the NPS-HPL.
32. We do not think it is appropriate or necessary for the draft plan change to make it tougher for aggregates than is intended by central government.

EW-R6.3 Quarrying activities – Non-complying

33. We oppose this non-complying activity status for quarrying activities and argue it should instead at least be a discretionary activity.
34. Quarrying activities are as suited to being discretionary as much as the other activities listed in the GRUZ on highly productive land. Many of these activities do not have any need to be situated on highly productive land ie they are not locationally constrained the way that quarrying activities are. For example, GRUZ-R8 – Residential Units on highly productive land has a permitted status.

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