

Further Submission in support of, or opposition to, a notified proposed plan change or variation

Clause 8 of Schedule 1, Resource Management Act 1991
FORM 6



Send your submission to districtplan@waitomo.govt.nz or post to :

Attn: Proposed District Plan
Waitomo District Council
15 Queen Street
PO Box 404
Te Kūiti 3941

For office use only
Further Submission No:
Receipt Date:

Further Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Teina Malone (submitted on behalf of Roy Wetini)

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

Teina Malone 272 Tukapa Street, New Plymouth, 4310

Telephone: 021 0233 6992 Email: twetini@yahoo.co.nz

Contact Person: (Name and designation, if applicable)

Scope of Further Submission

This is a further submission in support of (or opposition to) a submission on the Proposed Waitomo District Plan:

In opposition to submission number 49 lodged by Taharoa Ironsands Limited.

I support : Oppose (tick one) the submission of:

(Please identify the specific parts of the original submission)

(Original Submitters Name and Address)

Submission Number **Point-Number**

Taharoa Ironsands Limited

See attached table

C/- G Eccles - Tonkin + Taylor

PO Box 9544

Hamilton

The reasons for my support / opposition are:

See attached submission and table detailing reasons for opposition.

(continue on a separate sheet if necessary)

I seek that:

the whole :

or part (describe precisely which part) Those parts identified within the attached table.

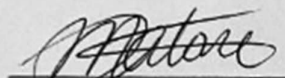
of the original submission be **allowed**

disallowed

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing



Signature of Further Submitter
(or person authorised to sign on behalf of further submitter)

28/07/23
Date

PLEASE COMPLETE THE FOLLOWING SECTION

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

Notes to person making submission:

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

FURTHER SUBMISSION TO NOTIFIED PROPOSED WAITOMO DISTRICT PLAN

Clause 8 of Schedule 1, Resource Management Act 1991

FORM 6

Attn: Proposed District Plan

Waitomo District Council

15 Queen Street PO Box 404

Te Kūiti 3941

Further Submitter Details:

Name: Roy Wetini

Postal Address: c/-Teina Malone

272 Tukapa Street,

New Plymouth

Contact Person: Teina Malone

Telephone: 021 0233 6992

Email: twetini@yahoo.co.nz

Background

1. The Wetini whānau land encompasses approximately 90 ha of land located in Tahāroa in the Waitomo District (see figure 1). While this land is currently in Roy Wetini's name, this is Māori Freehold land which is in the process of being transferred into a Whānau Trust through the Māori Land Court.
2. This land encompasses eight parcels all of which are classified as Māori Freehold Land (Taharoa A1C7A, A1C7D, A1C16J2, A1C12, A7J11B2A, A7J11B2B, A1C15B1, Part Taharoa A1C7C,) and one additional parcel which is in the process of being converted from General land to Māori land through the Māori Land Court (Taharoa A1C15A Blk XVI Albatross SD).
3. We as landowners/kaitiaki and as tangata whenua have an interest in the Proposed Waitomo District Plan that is greater than the interest that the general public.
4. This land is rural in character and is currently predominantly in pasture with some areas of native bush present and a wetland. One dwelling is located within Taharoa A1C7A. An urupā identified as SSM067-A is located within a separate parcel of land located in the centre of Taharoa A1C7A.
5. The TIL mine site immediately adjoins this land to the south-west. Mineral extraction activities at this site have the potential to impact both directly on the Wetini whānau land as well as on the wider environment.

Proposed Waitomo District Plan

Direct effects on Wetini whānau land

6. Under the OP DP the land is zoned Rural. Under the Proposed Waitomo District Plan this land is located within the General Rural Zone as indicated in figure 2 below (boundaries outlined in black).
7. Three land parcels are identified as containing SNAs including R16UP002 and R15UP002. These are identified as Lake Taharoa and Kawhia Harbour Margins both of which are recognised as being of national significance. (See Figure 1 below).
8. Four allotments are also within the Indicative Rural Production Area including Taharoa A1C7C Blk, A1C16J2, Taharoa A1C15A Blk XVI Albatross SD and A1C12 Blk XVI Albatross SD.
9. Those parts of land affected by this Indicative Area include stock yards, water tank and the only access to the westernmost part of the farm which is where the dwelling is located.
10. In addition, while located on a separate legal parcel, SSM067-A is located within Tahāroa A1C1B which is a small landlocked parcel located in the centre of Taharoa A1C7A. This contains an urupā. The only access to this urupā is through the main accessway to the dwelling over Wetini whānau land affected by this Indicative Rural Production Area.

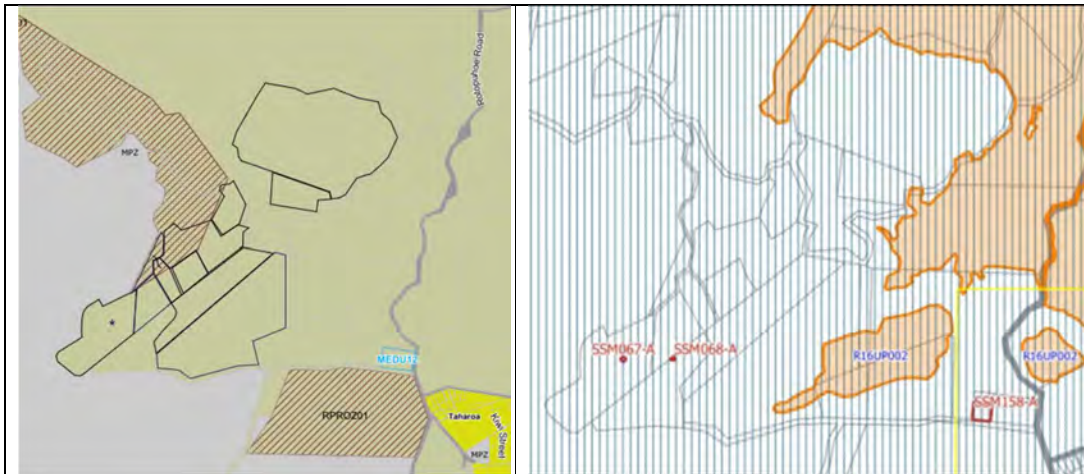


Figure 1: District Plan Maps 42

11. In addition to direct effects on this land as a result of a change in zoning to this site, due to the close proximity of the land to the TIL mine site, any changes to the District Plan which affect the mining activities also have the potential to impact on this land and on our ability to connect with this land. Equally as important, as tangata whenua and as kaitiaki for our ancestral lands we have an interest in the health of te taiao or the wider environment including the awa, moana and the whenua.

Provision for TIL Mining Activities under the Proposed Waitomo District Plan

12. Under the Operative Waitomo District Plan one land parcel known as Taharoa C Block is currently located within the Industrial Zone. This Industrial zoning provides for mineral extraction activities as a permitted activity subject to compliance with General Rules of the Waitomo District Plan.
13. Under the Proposed District Plan WDC have introduced the Rural Production Zone to replace the Industrial Zone under the Operative Plan. Under this zone, mineral extraction can be undertaken as a permitted activity subject to compliance with District-Wide rules and performance standards under RPROZ-Table 2.

14. The S32 report states that the purpose of the Rural Production Zone is to provide for 17 long established industrial, mineral extraction and power generation sites. These sites are included within Schedule RPROZ-SCHED1 of the Proposed District Plan. The TIL mine site has been included as a Regionally Significant mineral resource within RPROZ-SCHED1.

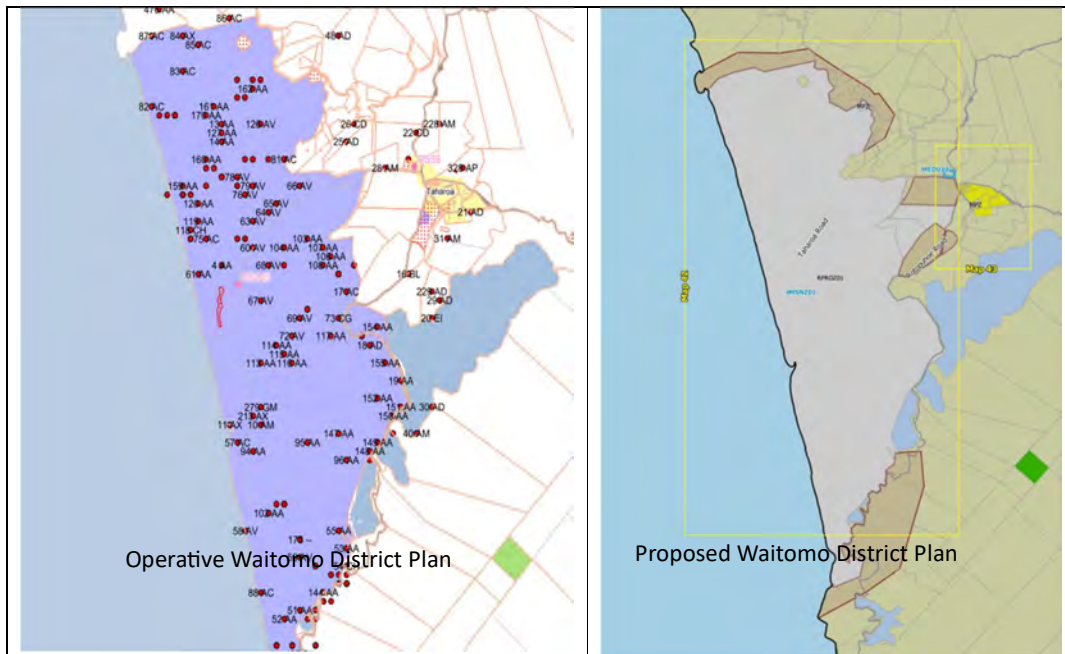


Fig 2: Operative and Proposed Waitomo District Plan Maps

15. Taharoa C Block has an area of approximately 1328 ha. The site is located on the west coast and is located immediately adjacent to Lake Tahāroa which is listed in Schedule 8 of the Waitomo District Plan as an Outstanding Natural Feature (ONF23) of Regional Importance (Lake Taharoa dune dammed lakes).
16. The Proposed Waitomo District Plan identifies a number of sites of significance to Māori within and on surrounding land as well as a number of SNAs.
17. Under the Proposed Plan, the extent of the Rural Production Zone has been extended by Waitomo District Council to include two additional parcels of land being Taharoa A7J3B and Taharoa A7J4B. These parcels are known as the Eastern Block and are subject to an existing resource consent from the Waitomo District Council (see figure 3).

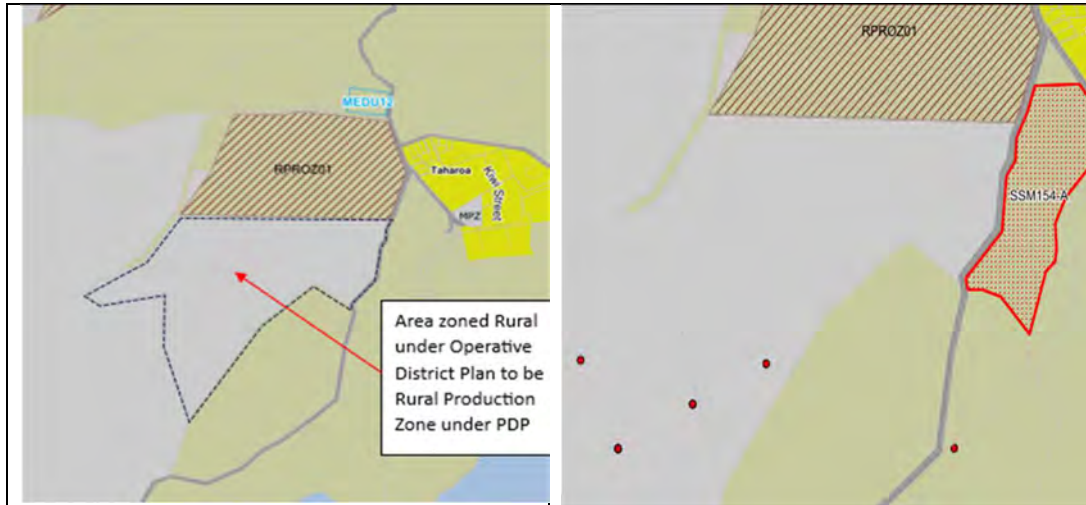


Fig 3: Area of land changing from Rural to Rural Productive under Proposed WDC

18. The existing consent contains a raft of entities designed to mitigate effects on the site and surrounding area including remediation. Rezoning of these land parcels would enable mining extraction activities to take place at this site as a permitted activity subject to compliance with General Rules of the PDP (including but not limited to noise and light emission) and the performance standards under RPOZ Table 1. Those mitigation measures currently required by the consent would no longer apply. In addition to the above, the noise requirements would change as a result of this change in zoning resulting in a higher permitted level of noise to be generated from the site. SSM154-A is located directly to the east of this site. SSM154-A is identified in the Proposed WDP as a site which symbolises life and the oral narratives of the local tribal guardians (people). As a landmark this site is identified by WDC as being valued for its holistic association with the local tribal custodians as a collective, through the generations.

Indicative Rural Production Area

19. In addition to the above, as mentioned within Section 8 of this further submission, WDC have introduced an Indicative Rural Production Area. This affects an area of land surrounding the Rural Production Zone. One strip curves around the northern part of the site while a further strip is located to the south (see figure 2).
20. It should be noted that there is an inconsistency in the Waitomo District Plan maps as the version of downloadable maps shows that in addition to these two strips to the north and south, two parcels including Part Taharoa A7J2 and Taharoa A7JBC as being within the Indicative Rural Production Area. The online maps however show Taharoa A7JBC as being within the General Rural Zone with no overlay (see below).

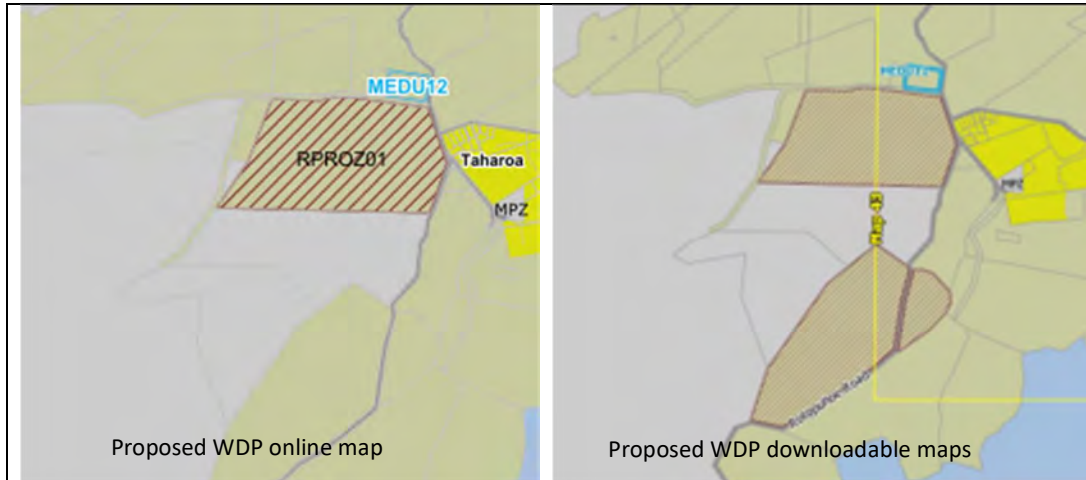


Fig 4: Proposed Waikato District Plan Maps (online vs downloadable maps as notified)

21. It seems appropriate to rely on the downloadable maps given these were the notified plans. However, this is an inconsistency that may have resulted in members of the public accessing incorrect information from Council information online and this needs to be corrected by WDC.
22. In terms of the wider area affected by the Indicative Rural Productive Area, when looking at the overlays map there are a number of significant features of local and national significance that are present within this wider Indicative Rural Production Area (see figure 5 below).

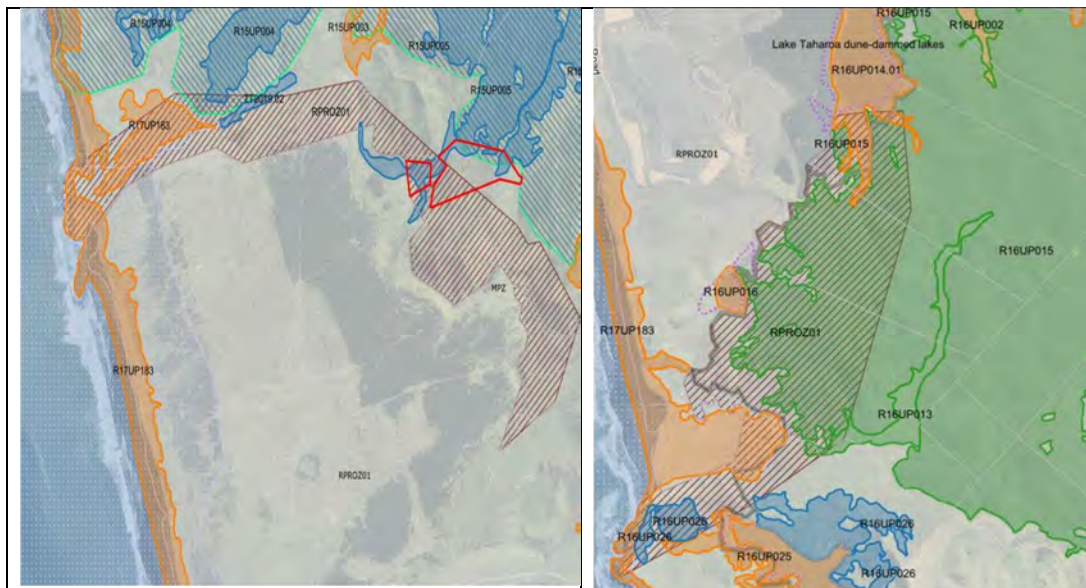


Fig 5: Operative and Proposed Waitomo District Plan Maps

23. The Indicative Rural Production Area is not discussed or mentioned within the S32 report prepared by WDC on Rural Production Zone. The Rural Production Zone chapter of the Proposed Plan states that *“In line with the provisions of the Waikato Regional Policy Statement, where quarries are of regional significance, indicative areas of expansion are identified on the planning maps. A plan change is required to make these areas into a live zone. Identifying these areas does not pre-empt any resource consent application or plan change application decision. However, it does ensure that the resource is identified, and new development and subdivision is appropriately considered in respect of this.”*
24. The relevant rule linked to this Indicative Area includes Rule SUB R9 which relates to subdivision within 250 metres of a rural production or indicative rural production area. The presence of this indicative area

changes the status of the activity to a Discretionary Activity. Objective SUB-010 and policy SUBP3(5) are designed to (among other matters) mitigate any adverse effects of subdivision on the operation, maintenance and access to established network utilities and regionally significant infrastructure.

Consultation

25. No consultation was undertaken with the Wetini whānau in regard to the inclusion of Lots Taharoa A1C7C, A1C16J2, Taharoa A1C15A Blk XVI Albatross SD or Taharoa A1C12 Blk XVI Albatross SD within the Indicative Rural Production Area. The notification letter sent by the Waikato District Council was generic and contained no details in regard to the proposed Indicative Rural Production Area or the potential impacts of this on Wetini whānau land now or in the future. Due to the generic nature of the letter, in no way could anyone reasonably ascertain the direct impact that the Proposed Plan would have on this whānau land. As outlined in paragraph 10 of this further submission, future mineral extraction activities at this location would impact significantly on our ability to access not only our whenua and dwelling but also the urupā which is located which can only be accessed via Taharoa A1C7A. Had WDC consulted with us on this matter we would have confirmed that there is no potential for future mining extraction activities to take place on this land due to the significant impact this would have on the whenua that we are the kaitiaki for and our ability to connect to our ancestral land. In this way, the Waitomo District Council has failed to meet their obligations under clause 5(1A) of the RMA.

S32 of RMA and Consideration of Higher Order Documents

26. Section 32 of the RMA requires any changes to the District Plan to be evaluated for their appropriateness in achieving the purpose of the RMA, and for the policies and methods to be evaluated for their efficiency, effectiveness and risk.
27. When preparing a Proposed District Plan and S32 report there are a number of higher order documents that need to be considered. The Section 32 Report prepared by the Waitomo District Council on the Rural Production Zone outlines those documents considered including the National Policy Statements, National Environmental Standards, the Waikato Regional Policy Statements, Iwi Management Plan and those sections considered by WDC to be relevant under the Resource Management Act 1991.
28. The Section 32 Report prepared by WDC on the Rural Production Zone is deficient for the following reasons:
 - *The S32 Report fails to include an assessment against Section 6 of the RMA (of particular relevance in this case Section 6(e));*
 - *The S32 report fails to address Section 8 of the RMA;*
 - *The S32 report does not address Objective 3.9 of the Waikato Regional Policy Statement (Relationship of tāngata whenua with the environment) and the associated policies;*
 - *The S32 report does not include an assessment to determine the appropriateness of rezoning parcels Taharoa A7J3B and Taharoa A7J4B from General Rural to Rural Productive;*
 - *The S32 report does not include sufficient details or reasoning behind the introduction of an Indicative Rural Production Area nor does this include an assessment as to the suitability of the land that this Indicative Rural Production Area is located on;*
 - *The S32 report does not include an assessment against the NZ Coastal Policy Statement 2010;*
 - *The S32 report does not include an assessment against the National Policy Statement for Freshwater Management 2020;*
 - *The S32 report does not include an assessment against the National Policy Statement for Highly Productive Land 2022.*
 - *The S32 report does not include an assessment against the National Policy Statement for Indigenous Biodiversity which was gazetted on 7 July and comes into force on 4 August 2023.*

- While the S32 report states “it is considered that the proposed Rural Production Zone provisions take appropriate account of the WTEP”, WDC fail to demonstrate how this is achieved.

These above matters are discussed in further detail below.

Section 6 RMA

29. The S32 Report states that “there are no section 6 matters directly relevant to this topic, but there may be areas of rural industrial land where s6 matters are relevant such as in natural hazard areas or within the coastal environment.”
30. As can be seen in the below map from Māori Land online in figure 6 below, the mine site itself and land parcels that surround this site are predominantly Māori Freehold Land.



Fig 6: Area of land changing from Rural to Rural Productive under Proposed WDP

31. As can be seen in the District Plan and NZAA maps below, the area of Tahāroa is steeped in history and the sites of significance to Māori are numerous.

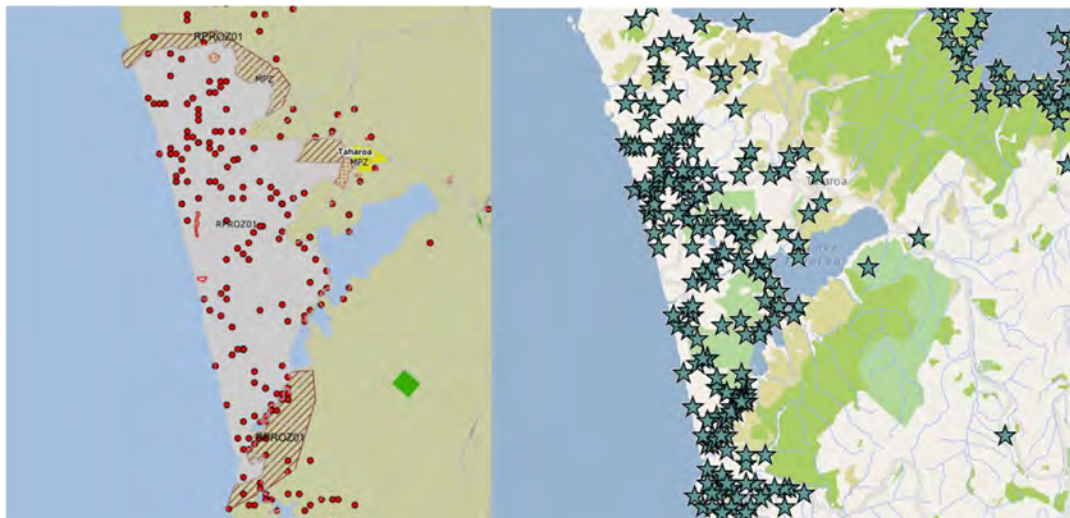


Figure 7: Archaeological Sites identified on Waitomo District Plan and NZ Archsite Archaeological Association website

32. At the time the mine site was established in the 1970's, this land was occupied by tangata whenua. The land surrounding the mine site continues to be occupied by tangata whenua. By failing to address Section 6 in the S32 Report and in particular 6(e) the Council has failed in their duty to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Section 8 RMA 1991

33. The Section 32 report states that "*Section 8 is not especially relevant to the management of rural industrial land, except where these areas are near to culturally significant sites or resources (e.g. streams).*"
34. As above, the TIL mine site is Māori Freehold land as are the majority of parcels adjoining the site many of which are occupied by tangata whenua. In addition, as above, the TIL mine site itself and some of the adjoining allotments contain a number of listed Sites of Significance to Māori within the Waitomo District Plan.
35. Section 8 of the RMA requires that all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi. The S32 report demonstrates that the Waitomo District Council have not taken into account the principles of the Treaty of Waitangi when preparing the Rural Production Zone chapter. This is evident when reading this chapter of the Proposed Plan.

NZ Coastal Policy Statement

36. The TIL mine site is located immediately adjacent to the coast. Planning Map 42 of the Proposed Waitomo District Plan identifies Taharoa C Block and the Eastern Block as being within the Coastal Environment. Despite this, the S32 report for the Rural Productive Zone does not include an assessment against the NZ Coastal Policy Statement.

National Policy Statement for Highly Productive Land

37. The S32 report does not include an assessment against the National Policy Statement for Highly Productive Land. An area of land Class 3 land is located within the vicinity of that area of land within the Indicative Rural Productive Area including over a portion of Wetini whānau land. Despite being located within a rural environment and WDC's proposal to rezone two additional parcels of land from General Rural to Rural Productive no consideration has been given to the National Policy Statement for Highly Productive Land.

National Policy Statement for Freshwater Management 2020

38. Among other relevant matters, The National Policy Statement for Freshwater Management 2020 requires Councils to manage freshwater in a way that 'gives effect' to Te Mana o te Wai:
- through involving tangata whenua;
 - working with tangata whenua and communities to set out long term visions in the regional policy statement;
 - prioritising the health and wellbeing of water bodies, then the essential needs of people, followed by other uses.
39. The National Policy Statement also requires Councils to avoid any further loss or degradation of wetlands and streams, map existing wetlands and encourage their restoration.
40. There are a number of waterbodies within the vicinity of the TIL mine site including the Wainui Stream and Matauwai Stream which traverse the site and Tahāroa Lake.
41. Tahāroa Lake is the largest dune-dammed lake on Waikato west coast which is identified within the Proposed Waitomo District Plan as an Outstanding Natural Feature (ONF23) of Regional Importance within Schedule 8 of the Proposed Waitomo District Plan. In addition, wetlands are located within the vicinity of the site.

42. Despite its relevance to the TIL mine site and Rural Productive Zone, the S32 report fails to consider the National Policy Statement for Freshwater Management 2020.

National Policy Statement for Indigenous Biodiversity.

43. The NPS for Indigenous Biodiversity provides direction to councils to protect, maintain and restore indigenous biodiversity. This is relevant to the Rural Productive Zone as there are a number of SNAs identified within the TIL site and land adjoining the mine site.
44. Under the NPS for Indigenous Biodiversity SNAs on specified Māori land (this includes but is not limited to Māori customary land and Māori freehold land) must be managed in accordance with clause 3.18. Clause 3.18 requires Local Authorities to work in partnership with tangata whenua and owners of specified Māori land to develop, and include in policy statements and plans, objectives, policies, and methods that, to the extent practicable:

(a) maintain and restore indigenous biodiversity on specified Māori land; and

(b) protect SNAs and identified taonga on specified Māori land.

Clause 3.18 requires that objectives, policies, and methods developed under this clause must:

(c) enable new occupation, use, and development of specified Māori land to support the social, cultural, and economic wellbeing of tangata whenua; and

(d) enable the provision of new papakāinga, marae and ancillary community facilities, dwellings, and associated infrastructure; and

(e) enable alternative approaches to, or locations for, new occupation, use, and development that avoid, minimise, or remedy adverse effects on SNAs and identified taonga on specified Māori land, and enable options for offsetting and compensation; and

(f) recognise and be responsive to the fact that there may be no or limited alternative locations for tangata whenua to occupy, use, and develop their lands; and

(g) recognise that there are circumstances where development will prevail over indigenous biodiversity; and

(h) recognise and be responsive to any recognised historical barriers tangata whenua have faced in occupying, using, and developing their ancestral lands.

45. The Rural Production Zone contains a number of SNAs and the site is Māori Land. There is a requirement for WDC to manage this land in accordance with clause 3.18. The WDC has failed to consider this NPS and therefore, to meet its obligations under clause 3.18 of this National Policy Statement in regard to the Rural Production Zone Chapter of the PDP.

Waikato Regional Policy Statement- Objective 3.9

46. Objective 3.9 of the Waikato Regional Policy Statement addresses the Relationship of tāngata whenua with the environment and requires:

The relationship of tāngata whenua with the environment is recognised and provided for, including:

a) the use and enjoyment of natural and physical resources in accordance with tikanga Māori, including mātauranga Māori; and

b) the role of tāngata whenua as kaitiaki.

47. A failure to address the above matters within the S32 report is obvious within the Rural Productive Zone Chapter of the PDP which lacks any consideration for tāngata whenua. While a separate Mana Whenua chapter is provided matters pertaining to tangata whenua should be integrated throughout the Plan including (but not limited to) the Rural Production Zone Chapter rather than confined to a single chapter.

Iwi Management Plans

48. The S32 report acknowledges the need for WDC to take into account planning documents recognised by an iwi authority and lodged with a territorial authority in particular the Waikato Tainui Environmental Management Plan 2018.
49. However, despite this statement, this does not flow through to the Rural Production Zone Chapter of the Waitomo District Plan. There are no objectives, policies or rules within the Rural Production Zone that address any of the matters within the Waikato Tainui Environmental Management Plan or any other documents recognised by an iwi authority. In addition, matters over which discretion is restricted for quarrying activities that do not meet performance standards do not address effects on tangata whenua including on cultural values, sites of significance or their relationship with their whenua.

Rural Production Zone

50. The deficiencies in the S32 Report flow through to the Rural Production Section of the Proposed Waitomo District Plan within which it is clear that these higher order documents have not been considered. At a higher level the Rural Production Section of the Proposed Waitomo District Plan does not recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga as is required under S6(e) of the Resource Management Act 1991. In addition, this chapter does not take into account the principles of the Treaty of Waitangi as required under Section 8 of the RMA 1991.
51. The Rural Production Zone chapter of the WDP is deficient in that it does not contain any objectives, policies or rules which recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, or other taonga as is required under Section 6(e).
52. In failing to address Section 6(e) and 8 of the RMA it is also clear that the Proposed District Plan and in particular the Rural Production Zone in its current state does not meet other higher order documents including but not limited to the National Policy Statement for Freshwater Management 2020 as this will not give effect to Te Mana o te Wai. This also fails to meet those objectives and policies of Iwi Management Plans as discussed in paragraphs 48 and 49 of this further submission.
53. As outlined in figures 5 and 7 of this further submission there are a number of other significant natural features and significant sites to Māori that are located within or in close proximity to the TIL mine site. The presence of these sites and significance of the site and surrounding area to tangata whenua means there are a number of issues that needs to be provided for within this zone. Ensuring the Proposed Plan is prepared in accordance with these higher order documents would have ensured these issues were addressed.
54. The Rural Production Zone chapter of the PDP contains objectives, policies and rules which are designed to address Objective 3.2 of the Waikato Regional Policy Statement, to provide for regionally significant industry. While these are relevant to the site, there are other significant objectives contained within the Waikato Regional Policy Statement that WDC and TIL have neglected to consider as listed in paragraph 27 of this further submission. These include (but are not limited to); Objective 3.9 (relationship of tāngata whenua with the environment), Objective 3.13 (Mauri and health of marine waters), Objective 3.14 (Mauri and health of fresh water bodies), Objective 3.16 (Riparian areas and wetlands), Objective 3.18 (Historic and Cultural Heritage), Objective 3.19 (Ecological Integrity and Indigenous Biodiversity), Objective 3.20 (Outstanding Natural Features and Landscapes), Objective 3.21 (Amenity) and those associated policies. This has led to a chapter which is deficient and contrary to Sections 6(e) and 8 of the RMA.

TIL's Submission

55. TIL's submission supports the introduction of the Rural Production Zone to provide for existing and future mineral extraction activities but seeks to further extend this zone. This includes Part Taharoa A7J2 Block and Taharoa A7JB C (see figure 8). The plan included by TIL also points to allotment Taharoa A7J7C Blk

located to the west of Part Taharoa A7J2Blk. It is unclear from the submission whether TIL is seeking to rezone this parcel of land also or if this is an error on the map as this legal description is not included in the amended RPROZ-SCHED 1 which outlines the relief sought by TIL.

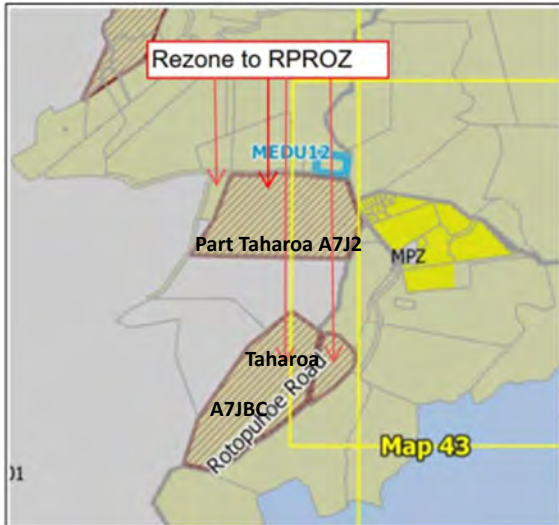


Figure 8: Plan submitted with TIL’s submission (with property descriptions added)

56. TIL’s submission includes the following justification for changing the zoning of these two parcels of land from Rural to Rural Productive:

“Consent applications for the Pihopa Block will likely be sought at some point in the future given the sand resource on that block has the same suitability for production as that mined on the other blocks. As a result it is appropriate to now also apply the Rural Production Zone to the Te Manaia Block and the Pihopa Block, and to consequently amend RPROZ- Schedule 1 to also include the legal description for the Te Manaia Block and the Pihopa Block.”

57. Only a portion of Part Taharoa A7J2 along with a section of the adjoining allotment to the west (of Taharoa A7J7C Blk) is subject to an existing resource consent known as Te Manaia Extension (see below plan). This is the consent TIL is referring to in their submission. The existing consent enables TIL to undertake mining activities within these sites. The extent of Te Manaia Extension is shown in the plan below.



Figure 9. Te Manaia Extension Resource Consent extent

58. Te Manaia extension resource consent is subject to a number of conditions which include mitigation measures to reduce the effects of the works on the environment including surrounding land. This includes

(but is not limited to) earthworks and construction, site rehabilitation, erosion and sediment control, geotechnical stability, accidental discovery protocols and a requirement for a conceptual site closure plan. The conceptual site closure plan would address; future landforms following mining activities on site, future groundcover following mining activities, reporting and review procedures.

59. The reason for decision provided by WDC on the Te Manaia Extension states that:

“The site will be rehabilitated back to a state that facilitates pastoral farming of the site, and the activity can be carried out in a manner that avoids or minimises adverse amenity effects on sensitive nearby receivers.

Any adverse environmental effects resulting from the application are deemed to be less than minor, or can be mitigated to minor levels by the imposition of appropriate consent conditions. In this regard, the 30 metre mining exclusion setback from adjoining land not being mined by the applicant and the subsequent retention of the existing elevated dune formation around the boundary of the site with its associated screening function is a key factor in the management of land use effects from this activity.”

60. TIL's submission on the PWDP seeks to rezone not only Te Manaia Block which is subject to an existing resource consent but the entire parcel of Part Taharoa A7J2 located to the west of Rotopuhoe Road (this parcel is held in the same title as parcels located to the east of Rotopuhoe Road). This would extend as far east as Rotopuhoe Road and as far north as Taharoa Road.

61. If this site were to be rezoned as requested in TIL's submission, subject to compliance with general rules of the PDP (including but not limited to noise and light emission) and the performance standards under RPOZ Table 1, mining could take place within Part Taharoa A7J2 as a permitted activity. Those mitigation measures currently required by the consent would no longer apply including the need to rehabilitate this land to pastoral land following works. The site is located directly across the road from a Settlement Zone being the community of Tahāroa.

62. In addition to the above, the noise requirements would change as a result of this change in zoning resulting in a higher permitted level of noise to be generated from the site.

63. This change in zoning would alter the anticipated character of this land and nature of long- term land uses at this site from Rural to Rural Production at least for the life of the Proposed WDP and likely for the foreseeable future.

64. Under S32 of the RMA an evaluation report is required which contains a level of detail that corresponds to the scale and significance of the environmental, economic, cultural and cultural effects that are anticipated from the implementation of the proposal. No evaluation has been provided in regard to this proposed zone change. No consideration has been given to any of the higher order documents listed in paragraphs 28- 49 of this further submission. TIL has not demonstrated that any consultation has been undertaken with affected parties in regard to these changes including tangata whenua.

65. The Pihopa Block (Taharoa A7J8 C Block) is currently located within the Rural Zone and is rural in character. The Pihopa Block immediately adjoins SNA R16UP002. This is identified in the Waitomo District Plan as Lake Taharoa which is identified within the Proposed Waitomo District Plan as being of National Significance. This is also right next to the Lake Taharoa dune dammed Lakes which is also listed in Schedule 8 of the Waitomo District Plan as being an Outstanding Natural Feature (ONF23) of Regional Importance. To the north is SSM154-A as described in paragraph 14 of this further submission and shown in figure 5 of this further submission.

66. As is the case for Part Taharoa A7J2 no evidence has been provided by TIL to support the suitability of land parcel for rezoning from Rural General to Rural Production Zone. This level of detail should correspond to the scale and significance of the environmental, economic, cultural and cultural effects that are anticipated from the implementation of the proposal. This should include but not be limited to consideration of effects on the adjoining SNA, Lake Tahāroa, sites of significance to Māori, the surrounding environment, cultural

values including the relationship of tangata whenua and their ancestral land. Consultation should be undertaken in regard to this proposed zone change.

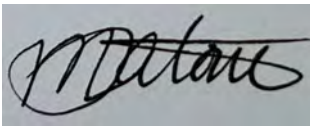
67. While a change in zoning for the Pihopa Block would directly affect Wetini whānau land to a lesser degree than the Manaia extension, as tangata whenua we have an interest that extends wider than the physical boundaries of the whenua which we are landowners/ kaitiaki for. Based on TIL's submission, the effects of this rezoning on the environment are unknown. TIL needs to provide sufficient evidence of the appropriateness of this rezoning and consultation should be undertaken with affected parties. In addition, any proposal to change the zoning of this site would need to be consistent with those higher order documents listed in paragraph 28 of this further submission.
68. In addition to the above, TIL is seeking specific amendments to objectives, policies and rules within the Rural Production Zone of the Proposed Waitomo District Plan. The specific relief sought and reasons for relief sought in regard to these further submission points is detailed in the attached table.

Relief Sought by this Further Submission

68. The Rural Production Zone is a broad zone with general rules designed to cater for 17 regionally significant industries. The objectives, policies and rules in the PDP as notified do not sufficiently address the complex issues within and around the TIL mine site. A Special Purpose Zone would have perhaps been a more suitable option for the Taharoa mine site which would enable bespoke provisions to provide for this regionally significant mine site while providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. In addition there is a need to mitigate effects on the numerous sites of significance to Māori, SNAs, waterbodies, wetlands, the coast and Lake Tahāroa which is identified as a regionally significant Outstanding Natural Feature.
69. The S32 report prepared by WDC that the Council includes an assessment against some higher order documents including the Waikato Policy Statement. WDC addresses the need to meet Objective 3.2 Policy 4.4 and Policy 6.8 of the Waikato Regional Policy Statement. These objectives and policies relate to mineral extraction, rural primary production and regionally significant industry. While these are relevant to the Rural Production Zone, as outlined previously, WDC have neglected to address other equally significant objectives and policies of the Waikato Regional Policy Statement. These are listed in paragraph 54 of this further submission.
70. In addition, the NZ Coastal Policy Statement 2010, National Policy Statement for Freshwater Management, National Policy Statement for Highly Productive Land 2022, National Policy Statement for Indigenous Biodiversity (gazetted on 7 July 2023 coming into force on 4 August 2023) should have been considered within the S32 report.
71. While the Waikato Tainui Environment Management Plan 2018 and Maniapoto Environmental Management Plan are acknowledged in the S32 report, the objectives, policies and rules of the Rural Production Zone fail to address any of the issues, objectives or policies addressed in either Iwi Management Plan.
72. In the absence of a Special Purpose Zone, there is at a minimum a need for WDC to include additional objectives, policies and rules that address the above higher order documents and the Resource Management Act 1991 in particular Sections 6(e) and 8.
73. WDC proposes to expand the Industrial/ now Rural Production Zone to include the Eastern Block. We oppose this zone change which was undertaken without WDC completing the necessary evaluation under Section 32 of the RMA. While mining activities currently take place on this site, the Eastern Block is subject to an existing resource consent which contains numerous mitigation measures to reduce the effects of the activity on the surrounding environment. These conditions would no longer be required should the site be rezoned and the effects of this change in zoning on the surrounding environment need to be addressed.

74. TIL's submission seeks to further expand the Rural Production Zone to include Part Taharoa A7J2 Block and Taharoa A7J8. We oppose the expansion of the Rural Production Zone on the basis that no assessment has been undertaken to consider the effects of rezoning these sites. While mining currently take place within a portion of this site (Te Manaia Extension), these activities are subject to an existing consent which requires numerous mitigation measures including a requirement that the site be rehabilitated back to a state that facilitates pastoral farming of the site, and that the activity can be carried out in a manner that avoids or minimises effects on sensitive nearby receivers. In addition, TIL have not demonstrated that this zone change would be in line with higher order documents or the RMA including but not limited to Section 6(e) and 8.
75. TIL is seeking to strengthen objectives and policies for the Indicative Rural Production Zone. We oppose the Indicative Rural Production Zone in its entirety given no assessment as to the suitability of this land for future mineral extraction activities has been undertaken by WDC. Furthermore, no consultation has been undertaken with tangata whenua who are the kaitiaki of this whenua.
76. The Mana Whenua section of the Waitomo District Plan reads *"The relationship with te taiao suffers when mana whenua cannot fulfil their obligations as kaitiaki to ensure mauri is preserved and natural resources are not depleted beyond their ability to replenish. This Plan seeks to ensure that mana whenua have the ability to appropriately influence decision-making in order to effectively carry out their kaitiaki duties."* The Waitomo District Plan in it's current state is failing to achieve this by prioritising regionally significant industry above mana whenua.
77. The specific relief sought is attached in the following table. This further submission does however need to be read and considered in its entirety. The measures outlined in the table seek to provide mana whenua with the ability to effectively carry out their kaitiaki duties and to ensure that the mining operations do not impact adversely on te taiao, cultural values, sites of significance to Māori, natural features, or the ability of tangata whenua to connect to their ancestral land.
78. We wish to be heard in support of this further submission, and would consider presenting a joint case with other presenting similar submissions.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Teina Malone', is written over a light grey rectangular background.

Teina Malone

The specific submission(s) on the Proposed Waitomo District Plan that this further submission relates to:

Name of submitter	Original Submission Point No	Support / Oppose	Reason for support/ opposition to the original submission:	Relief Sought																		
Taharoa Ironsands Limited	49.01	Oppose	<p>(i) Under submission point 49.01 TIL is seeking to retain the zoning of the overall Taharoa mine site (Taharoa C Block, Taharoa A7J3B and Taharoa A7J4B Block) as Rural Production Block.</p> <p>We oppose the retention of the extent of the Indicative Rural Production Zone as notified by WDC and RPOZ-SCHED1 which includes two additional allotments (Taharoa A7J3B and Taharoa A7J4B) not included within the Industrial Zone under the Operative Plan (East Block). Details of this rezoning of land are included in paragraphs 17-18 of this submission.</p> <p>As outlined in paragraph 28 of this submission, WDC have not completed a sufficient S32 assessment to demonstrate that the rezoning of Taharoa A7J3B Block and Taharoa A7J4B Block from Rural to Rural Productive will not impact adversely on the surrounding environment or tangata whenua including effects on cultural values, sites or significance and/ or the relationship of tangata whenua with their ancestral land or the wider environment.</p> <p>While mining currently takes place on the Eastern Block, as detailed within Paragraph 17 the resource consent includes conditions to mitigate effects on the surrounding environment.</p> <p>Rezoning of this site would mean there was no longer a need to meet these consent conditions. Subject to compliance with general rules of the PDP (including but not limited to noise and light emission) and performance standards set out in RPOZ Table 2, mining could take place as a permitted activity. The noise requirements would also change as a result of this change in zoning resulting in a higher permitted level of noise to be generated from the site.</p> <p>In regard to the rezoning of the Eastern Block, an assessment has not been undertaken by WDC against the higher order documents in the Section 32 Report including (but not limited to) the Waikato Regional Policy Statement, relevant National Policy Statements, Iwi Management Plans, and the Resource Management Act 1991 including but not limited to Sections 6(e) and 8 of the RMA. This is expanded on in paragraphs 28-49 of this further submission.</p>	<p>(i) Disallow retention of the extent of the Indicative Rural Production Zone notations shown on Planning Map 1 as notified by WDC. Amend the Rural Production Zone map and RPOZ-SCHED1- to remove all allotments with the exception of Taharoa C Block as follows:</p> <table border="1" data-bbox="1415 643 2039 873"> <thead> <tr> <th>Unique Identifier</th> <th>Map Ref</th> <th>Site Name</th> <th>Location</th> <th>Legal Description</th> <th>Site Type</th> </tr> </thead> <tbody> <tr> <td colspan="6">Quarrying Activities</td> </tr> <tr> <td>RPROZ-1</td> <td></td> <td>Taharoa Ironsands Limited</td> <td>Taharoa Road</td> <td>Taharoa-A7J3B Block, Taharoa A7J4B Block, Taharoa C Block, Part Taharoa-A7J2 Block, Taharoa A7J8 C Block</td> <td>Significant Mineral Resource</td> </tr> </tbody> </table> <p>(ii) Disallow the relief sought in the original submission by TIL to rezone the Te Manaia Block and Pihopa Block from General Rural Zone to Rural Production Zone on Planning Map 1.</p> <p>(iii) Disallow the relief sought by TIL to amend RPROZ-SCHED1- to include Part Taharoa A7J2 Block and Taharoa A7J8 C Block.</p> <p>(iv) Remove all Indicative Rural Production Zone notations shown on Planning Map 1 of the Proposed Waitomo District Plan.</p>	Unique Identifier	Map Ref	Site Name	Location	Legal Description	Site Type	Quarrying Activities						RPROZ-1		Taharoa Ironsands Limited	Taharoa Road	Taharoa-A7J3B Block, Taharoa A7J4B Block, Taharoa C Block, Part Taharoa-A7J2 Block, Taharoa A7J8 C Block	Significant Mineral Resource
Unique Identifier	Map Ref	Site Name	Location	Legal Description	Site Type																	
Quarrying Activities																						
RPROZ-1		Taharoa Ironsands Limited	Taharoa Road	Taharoa-A7J3B Block, Taharoa A7J4B Block, Taharoa C Block, Part Taharoa-A7J2 Block, Taharoa A7J8 C Block	Significant Mineral Resource																	

(ii) We oppose the relief sought by TIL to rezone the Te Manaia Block (Part Taharoa A7J2) and the Pihopa Block (Taharoa A7J8 C Block) from General Rural Zone to Rural Production Zone on Planning Map 1.

A portion of Part Taharoa A7J2 along with a portion of the adjoining allotment to the west (of Taharoa A7J7C Blk) is subject to an existing resource consent known as Te Manaia Extension (see plan in figure 9 of this submission). As discussed within sections 56-64 of this further submission, this enables TIL to undertake mining activities within two sites subject to a raft of conditions of consent including a requirement to rehabilitate the land back to a state that facilitates pastoral farming of the site. In addition, this consent requires activities to can be carried out in a manner that avoids or minimises effects on sensitive nearby receivers.

Rezoning of Part Taharoa A7J2 would mean that subject to compliance with general rules of the PDP (including but not limited to noise and light emission) and performance standards set out in RPOZ Table 2, mining could take place as a permitted activity. This would remove the need for these mitigation measures and significantly expand the area that could be mined. This is discussed in further detail in paragraphs 56-64 of this submission. In addition to the above, the noise requirements would change as a result of this change in zoning resulting in a higher permitted level of noise to be generated from the site.

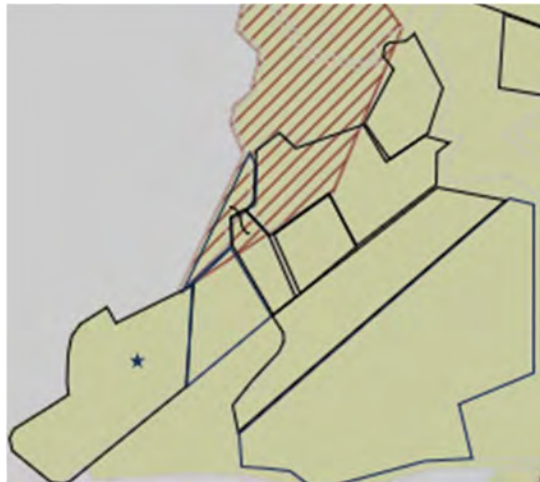
The Pihopa Block (Taharoa A7J8 C Block) is currently located within the Rural Zone and is rural in character. The Pihopa Block immediately adjoins SNA R16UP002. This is identified in the Waitomo District Plan as Lake Taharoa which is identified within the Proposed Waitomo District Plan as being of National Significance. This is also right next to the Lake Taharoa dune dammed Lakes which is also listed in Schedule 8 of the Waitomo District Plan as being an Outstanding Natural Feature (ONF23) of Regional Importance. To the north is SSM154-A as described in paragraph 14 of this submission and shown in figure 5 of this submission. No assessment has been provided by TIL in regard to the effects that this zone change would have on the surrounding environment Further details on the Pihopa Block are contained within paragraphs 65-67 of this submission.

No supporting evidence has been provided by TIL to demonstrate that the rezoning of Part Taharoa A7J2 and Taharoa A7J8 C Block (Pihopa Block) would not result in adverse effects on the surrounding environment or tangata whenua including effects on cultural values, sites or significance and/ or the relationship of tangata whenua with their ancestral land. TIL has not demonstrated that this rezoning would be consistent with any higher order documents, policies or plans including the Waikato Regional Policy Statement, relevant National Policy Statements, Iwi Management Plans, and the Resource Management Act 1991 including but not limited to Sections 6(e) and 8 of the RMA. This is expanded on in paragraphs 55-67 of this submission. No assessment has been undertaken in regard to effects on SNAs, ONF23 or SSM154-A.

In addition to those parcels included in RPROZ-Schedule 1, the map provided by TIL points to an additional land parcel which appears to be allotment Taharoa A7J7C Blk located to the west of Part Taharoa A7J2Blk. This parcel is not included in the amended RPOZ-SCHED1 however, TIL needs to clarify whether this is an error on the map or RPOZ-SCHED1.

iv) In addition to the above, TIL is seeking to retain the extent of the Indicative Rural Production Area and provide policy support for those Indicative Notations to at a minimum recognise the appropriateness of the land within the Indicative Rural Production Zone for future mining activities.

As detailed in paragraphs 8 and 9, of this further submission, four parcels of Wetini whānau land are included within the Indicative Rural Production Zone notation (see plan below).



Three out of four parcels are Māori land while the fourth parcel is in the process of being converted from General to Freehold Māori land. As discussed within paragraphs 9 and 10 of this further submission, mineral extraction activities at this location would have a direct impact on our ability to access our land inclusive of the dwelling. This would also impact on stockyards, fencing and a creek which flows along the boundary. Most significantly, this would impact on the only access to the urupā located within the centre of Taharoa A1C7A. Due to the significant impact this would have on the whenua that we are the kaitiaki for and our ability to connect to our ancestral land we can confirm that there is no potential now or in the future for mining to take place on this land.

As outlined in paragraph 25 of the submission no consultation was undertaken with us in regard to the inclusion of this whenua within the Indicative Rural Production Area. The notification letter sent by the Waitomo District Council in regard to the District Plan

			<p>review was generic and contained no details in regard to the proposed Indicative Rural Production Area. Due to the generic nature of the letter, in no way could anyone reasonably ascertain the direct impact that the Proposed Plan would have on our whānau land. Had WDC consulted with us we would have confirmed that there is no potential for future mining extraction activities to take place on this land now or in the future.</p> <p>We are opposed to the inclusion of the Indicative Rural Productive Zone on that land surrounding the Tahāroa C mine site including the Pihopa and Te Manaia Extension site. This is due to the absence of an assessment by WDC as to the suitability of this land for future mining extraction activities, potential effects on the environment including but not limited to Wetini whānau land and the lack of consultation with landowners/tangata whenua kaitiaki. It is significant to note that the majority of this land is Māori Freehold Land.</p> <p>The identification of land as a potential future mine site has the potential to affect the relationship of tangata whenua with their ancestral land. Until such time as WDC undertakes consultation with landowners of those parcels of land this land should not be identified as potentially suitable for extraction of minerals. The process itself and lack of consultation is contrary to Section 6(e) and 8 of the RMA 1991.</p> <p>As indicated in figure 5 and paragraph 22 of the attached submission, the Indicative Rural Production Area is located over and in close proximity to a number of SNA's and Sites of Significance to Māori as identified on the Waitomo District Plan. In addition, this is located adjacent to Lake Taharoa Dune dammed lakes which are listed in Schedule 8 as an Outstanding Natural Feature (ONF23) of Regional Importance. No consideration has been given to any of these features on and near the Indicative Rural Production Area.</p> <p>The submission by TIL requests that WDC provide policy support to recognise the appropriateness of the land within the IRPZ for future mining activities. As above, no assessment has been provided by WDC or TIL to support the suitability of the Indicative Rural Production Area for mining extractive activities and we oppose this relief sought by TIL and instead request that the Indicative Rural Productive Area is removed in its entirety from Map 1 of the Waitomo District Plan.</p>	
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Taharoa Ironsands Limited	49.04		<p>(i) While we agree with retaining Objectives RPROZ-01, RPROZ-03, RPROZ-4 and RPROZ-06 as notified by WDC, the TIL mine site is located within the Rural Production Zone and adjoins Rural land. The majority of this land is Māori Freehold Land which has been passed down through the whakapapa. There is a need to enable this adjoining land to continue to be occupied and utilised by tangata whenua. New objectives and policies need to be incorporated into the Rural Production Zone Chapter that will recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, or other taonga as is required under Section 6(e).</p> <p>(ii) TIL is seeking to amend Policy RPROZ to replace the word <u>limiting</u> with <u>avoiding</u>. The Taharoa mine site is surrounded by Māori land and it would be contrary to Section 6(e) of the RMA to require the establishment or growth of noise sensitive activities to be avoided on these surrounding sites. Mining extractive activities should not be prioritised above tangata whenua's ability to connect to their ancestral land.</p> <p>(iii) As detailed in the S32 report for the Rural Production Zone, extractive industry may affect the amenity of rural areas through the discharge of stormwater, dust, emissions and noise and visual effects and may have adverse effects on habitat values. Given this, it is appropriate that TIL be required to undertake rehabilitation of these sites. We oppose the request to weaken policy RPRZ-P4 by adding "as far as practicable."</p> <p>(iv) We oppose the relief sought by TIL to add the words "With the exception of the Taharoa Ironsands mine" to the start of clause 2, Policy RPROZ-P6. There is no reason that TIL should be exempt from this requirement. There is a need to mitigate effects of mining on the surrounding environment and adjoining land.</p>	<p>(i) Retain Objectives RPROZ-01, RPROZ-03, RPROZ-4 and RPROZ-06 as notified by WDC;</p> <p>While we agree with retaining the above objectives, in addition to the above, we are seeking to add further objectives and policies within the Rural Production Zone that will recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, or other taonga.</p> <p>(ii) Disallow change relief sought by TIL to amend policy RPROZ-P1 and retain as notified by WDC.</p> <p>(iii) Disallow relief sought by TIL which seeks to add in the words "as far as practicable to" clause 6 of Policy RPROZ-P4 and retain as notified by WDC.</p> <p>(iv) Disallow relief sought by TIL and retain Policy RPROZ-P6 as notified.</p>
Taharoa Ironsands Ltd	49.05		<p>Under Submission point 49.05(iii) TIL is seeking to amend Rules RPROZ-R20 to RPROZ R27 to eliminate inconsistencies with objectives and policies and to more appropriately recognise the activities undertaken at the Taharoa Ironsands mine.</p> <p>This relates to the performance standards required in the Rural Production Zone. These standards include minimum setbacks from boundaries, height and height in relation to boundaries, maximum building size and coverage, landscaping (adjoining zones), landscaping (adjoining roads), outdoor storage screening, servicing and minimum setback requirements from water bodies.</p> <p>These performance standards are designed to mitigate effects of activities within the Rural Production Zone including mineral extraction on adjoining land and the surrounding environment. We oppose the relief sought by TIL to remove or amend these standards.</p>	<p>49.07(iii) We oppose the relief sought by TIL to remove or amend RPROZ-R20 to RPROZ R27 and request that these performance standards are retained as notified in the Proposed Waitomo District Plan.</p>

Taharoa Ironsands Ltd	49.07		<p>We oppose removal of all SNA on or immediately adjacent to the Taharoa C Block. It would be more appropriate for WDC to consider further information provided by TIL and amend the boundaries of SNAs where deemed appropriate by WDC. Any proposal needs to ensure effects on the surrounding environment are considered and to be consistent with higher order documents listed in paragraph 28 of this submission including but not limited to the National Policy Statement for Indigenous Biodiversity.</p> <p>TIL needs to provide appropriate evidence to demonstrate the SNAs on the mine site should be removed to ensure the removal of these does not result in adverse effects on the environment.</p>	<ul style="list-style-type: none">(i) Disallow relief sought by TIL and retain SNAs as notified. These should remain on the Proposed Plan until such time as TIL provides sufficient evidence to WDC which may require changes and/ or more specific descriptions or location of these sites.(ii) Disallow for the above reasons.
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