

23 December 2022

Waitomo District Council

By email: districtplan@waitomo.govt.nz

Submission – Proposed Waitomo District Plan

1. This is a submission to Waitomo District Council on the Proposed Waitomo District Plan (“PWDP”) on behalf of Taharoa Ironsands Ltd.

Submitter details:

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Background

2. TIL operates the regionally significant ironsand mine at Taharoa. The District Plan provisions applicable to the mine are critically important to the ongoing successful operation of the mine which is situated on one of New Zealand’s most significant ironsand deposits. The mine is currently in the process of gaining new resource consents from Waikato Regional Council to allow it to continue operating for the next 35 years.
3. In general, TIL supports the intent of the PWDP to recognise and provide for regionally significant industries operating in the Waitomo District. There are however some specific matters that TIL seek to be addressed as follows. TIL also submits that given the scale, nature and setting of the Taharoa ironsands mine when compared to the other scheduled rural industries, there is a need to include more tailored provisions for the ironsands mine within the overall Rural Production Zone provisions in the PWDP.

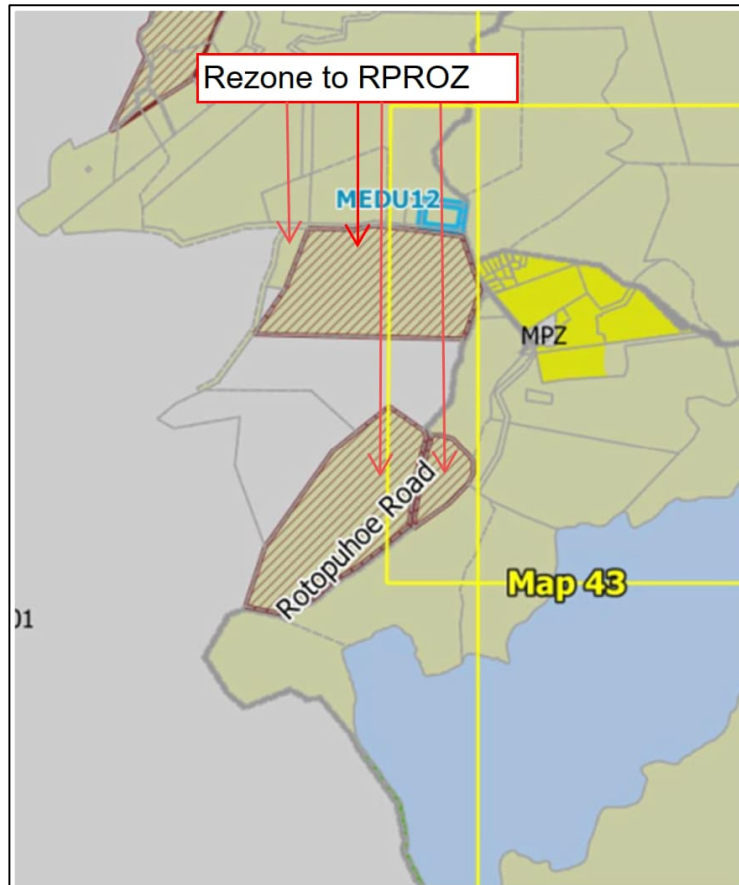
Submission Point 1 – Zonings

4. The Operative Waitomo District Plan zoning for the mine site is Industrial, which has proven to be an appropriate zoning to allow for ongoing operation and development of the mine. TIL understands that given the requirements of the National Planning Standards upon which the PWDP is predicated, the retention of the Industrial zoning was problematic.

5. TIL thus supports the recognition of the mine's significance through the application of the Rural Production Zone ("RPROZ") to the mine site, and the scheduling of the site in RPROZ-Schedule 1.
6. It is critically important that the RPROZ includes the boundary of TIL's site because significant investment has been made to enable TIL to mine the ironsand resource and its ability to operate in the future relies on appropriate zoning being applied to its site.
7. The properties that are currently subject to ironsands mining activity pursuant to consents issued by Waitomo District Council and Waikato Regional Council are the Taharoa C Block, the Wetini and Puketapu Blocks, and the Te Mania block.
8. Currently, the PWDP applies the RPROZ to the Taharoa C, Wetini and Puketapu blocks only, and the Taharoa C, Wetini and Puketapu blocks are scheduled in RPROZ-Schedule 1, but not the other blocks.
9. At the time the PWDP was prepared for notification, consent applications for the Te Mania and Pihopa blocks were in the pre-lodgement phase. In light of that, the PWDP applies the General Rural Zone to the Te Mania and Pihopa Blocks with an Indicative Rural Production Zone notation.
10. Consents have now been sought and granted for the Te Mania Block and mining activity has commenced on that site. 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 Mania Block and the Pihopa Block, and to consequentially amend RPROZ-Schedule 1 to also include the legal description for the Te Mania Block and the Pihopa Block.
11. TIL notes that Indicative Rural Production Zone notations are shown on Planning Map 1 on land that is zoned Rural General adjoining and adjacent to the Rural Production Zone. TIL supports these notations as they provide an indication of where potential future mining expansion may occur, however is concerned that the notations are not backed up by any policy or rule references in the PWDP. Such policy backing should at minimum recognise the appropriateness of the land within the Indicative Rural Production Zone for future mining activities.

Relief Sought

12. TIL seeks the following relief in terms of zoning:
 - (i) Retain the zoning of the overall Taharoa Ironsands mine site (Taharoa C Block, Taharoa A7J3B Block, Taharoa A7J4B Block) as Rural Production Zone; and
 - (ii) Rezone the Te Mania Block and the Pihopa Block from General Rural Zone/Indicative Rural Production Zone to Rural Production Zone ("RPROZ") on Planning Map 1 as shown below.



- (iii) Amend RPROZ-SCHED1 – Scheduled rural production sites as follows (additions underlined, deletions ~~struck through~~) to include the Te Mania Block and the Pihopa Block:

Unique Identifier	Map Ref	Site Name	Location	Legal Description	Site Type
Primary Purpose – Quarrying Activities					
RPROZ-1		Taharoa Ironsands Limited	Taharoa Road	Taharoa A7J3B Block, Taharoa A7J4B Block, Taharoa C Block, <u>Part Taharoa A7J2 Block,</u> <u>Taharoa A7J8 C Block</u>	Significant Mineral Resource

- (iv) Without derogating from relief (ii) above, retain the extent of the Indicative Rural Production Zone notations shown on Planning Map 1 and provide policy support for those Indicative notations to at minimum recognise the appropriateness of the land within the Indicative Rural Production Zone for future mining activities.
- (v) Any alternative and/or consequential amendments to the same effect as the primary relief sought above.

Submission Point 2 – District Wide Overlays

13. Planning Map 51 shows the extent of the various District Wide Overlays across the Waitomo District.
14. TIL supports the extent of the Outstanding Natural Landscape and Landscape of High Amenity Value notations on Map 51 as they relate to the Taharoa area. It is appropriate for these notations to exclude the ironsands mine site and adjoining and adjacent properties given the nature of the mining activity and other existing development in the area (eg Taharoa Village).

Relief Sought

15. TIL seeks the following relief:
 - (i) Retain the extent of the Outstanding Natural Landscape and Landscape of High Amenity Value notations on Map 51 as they relate to the Taharoa area.
 - (ii) Any alternative and/or consequential amendments to the same effect as the primary relief sought above.

Submission Point 3 – Rural Production Zone Objectives

16. TIL supports Objectives RPROZ 01-06 subject to amendments to clarify how the sites and activities are to be protected from reverse sensitivity effects and to recognise the practicalities of effects management on the sites, with particular regard to the unique setting and situation of the Taharoa ironsands mine.

Relief Sought

17. TIL seeks the following relief:
 - (i) Retain Objectives RPROZ-01, RPROZ-03, RPROZ-4 and RPROZ-06; and
 - (ii) Amend clause 2 of Objective RPROZ-02 so that it reads:
"2. Managing the establishment of noise sensitive activities including subdivision, use and development on adjoining and adjacent sites".
 - (iii) Amend Objective RPROZ-05 so that it reads:
"Development or re-development of any site must be appropriately designed, located and landscaped to mitigate adverse effects on the external visual catchment as far as practicable".
 - (iv) Any alternative and/or consequential amendments to the same effect as the primary relief sought above.

Submission Point 4 – Rural Production Zone Policies

18. TIL supports Policies RPROZ P1-12 subject to amendments to clarify that the sites need to be protected from reverse sensitivity effects and to recognise the practicalities of effects management on the sites, with particular regard to the unique setting and situation of the Taharoa ironsands mine.

Relief Sought

19. TIL seeks the following relief:

- (i) Retain Policies RPROZ-P2, RPROZ-P3, RPROZ-P5, RPROZ-P7; and RPROZ-9 to RPROZ-P12
- (ii) Amend Policy RPROZ-P1 so that it reads:
"Protect the ongoing operation and development or maintenance and upgrading of sites identified as regionally significant in RPROZ-SCHED1 – Scheduled rural production sites, by avoiding limiting the establishment or growth of noise sensitive activities on surrounding sites".
- (iii) Amend clause 6 of Policy RPROZ-P4 so that it reads:
"6. Requiring sites where quarrying activities occur to be rehabilitated as far as practicable and ensuring appropriate materials are used for this purpose".
- (iv) Amend clause 2 of Policy RPROZ-P6 so that it reads:
"2. With the exception of the Taharoa ironsands mine, ~~E~~nsuring that sites are sufficiently landscaped and screened from roads, public spaces and adjoining neighbours".
- (v) Amend Policy RPROZ-P8 so that it reads:
"Avoid or minimise the potential for reverse sensitivity effects to arise by managing the establishment of noise sensitive activities including subdivision, use and development on adjoining and adjacent sites".
- (vi) Any alternative and/or consequential amendments to the same effect as the primary relief sought above.

Submission Point 5 – Rural Production Zone Rules

20. TIL supports, in part, the permitted activity rules RPROZ-R1 to RPROZ-R13 for Scheduled RPROZ sites, as overall they capture the quarrying activity and range of facilities that are required at the Taharoa ironsands mine, including the helipad.
21. However, RPROZ-R7 allows for only one residential unit providing residential accommodation for security staff, caretakers, or other staff who are required to be on-site at night. TIL currently has more than one building that provides residential accommodation. The port operation that is part of the overall mine activity contains bunk room accommodation for pilots; and there is also re-locatable accommodation used by security staff and other staff who are at times required to be on site at night. Given the large size of the operational mine area, it is not feasible to have staff housed at one location/residential unit. Accordingly, TIL seeks that RPROZ-R7 be amended to allow for more than one residential unit on a scheduled site as a permitted activity, to reflect current and ongoing operations.
22. TIL opposes rules RPROZ-R20 to RPROZ-R27 in their entirety. These standards and the associated matters over which discretion is restricted contain numerous inconsistencies with RPROZ objectives and policies, do not appropriately provide for mining operations and have the potential to significantly impact activity at the ironsands mine. This includes but is not limited to:

(i) Having discretion over an applicant's "ability to internalise adverse effects" (clause d of the matters for discretion in RPROZ-R20) which suggests that adverse effects outside of the site aren't appropriate and tend to favour sensitive activities.

(ii) RPROZ-R25 requires all outdoor storage areas to be screened so that they not visible from an adjoining property, public space or a road – coupled with the definition of outdoor storage area in the PWDP which could be read to include areas where sand is stockpiled before export, and the setting of the ironsands mine, this will be impossible to achieve

TIL seeks that these rules be amended in consultation with the operators of the scheduled RPROZ sites to be more appropriate and reflective of the activities undertaken.

Relief Sought

23. TIL seeks the following relief:

- (i) Retain Rules RPROZ-R1 to RPROZ-R6 and RPROZ-R8 to RPROZ-R13; and
- (ii) Amend Rule RPROZ-R7 so that it reads:
"One or more residential unit(s) providing residential accommodation per each individual zone for security or key operational staff or caretakers".
- (iii) 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.
- (iv) Any alternative and/or consequential amendments to the same effect as the primary relief sought above.

Submission Point 6 – Sites and Areas of Significance to Maori ("SASM")

24. There are three SASM identified on the Taharoa ironsands mine site: site SSM074-A, SSM159A and SSM113A. TIL's position is neutral on the inclusion of site SSM113-A.

25. Site SSM074-A is one of the three SASM identified on the Taharoa ironsands mine site. Site SSM074-A is included as a SASM as waahi tupuna (an ancestral location that is valued for its holistic association with the local tribal custodians as a collective, through the generations). No further information has been provided as to the cultural significance of the site.

26. TIL does not consider it appropriate for site SSM074-A to be included as a SASM in the PWDP and seeks its deletion for the following reasons:

- a) TIL's iwi representatives and local kaumatua are not aware of this site or its significance and no evidence has been provided as to why it should be identified as a SASM in the PWDP.
- b) If the SASM does infact exist, accurately verifying/identifying the location of the site is important to ensure that it can be appropriately protected, and investigations should support the inclusion of any SASM in the PWDP.

27. SASM SSM159A is a diamond shaped parcel situated at the very northern end of the Taharoa C block. It is zoned General Rural under the PWDP. However, it is more appropriate for this parcel to be zoned Rural Production because of its small size, isolated location and the fact that

it is surrounded by RPROZ zoning. The General Rural zone is neither effective or practicable and does not recognise that the parcel is entirely “landlocked” by the surrounding RPROZ zoning. Further, zoning the parcel General Rural does not provide the recognised SASM within it any greater protection from mining activity. This is because the site is well recognised, respected and fenced off and is subject to Heritage New Zealand/Pouhere Taonga protection.

Relief Sought

28. TIL seeks the following relief:

- (i) Deletion of SASM ref SSM074-A from the PWDP.
- (ii) Rezoning of SSM159A from General Rural Zone to Rural Production Zone

Submission Point 7 – Significant Natural Areas (“SNAs”)

29. Planning Overlays Map 1 shows several SNAs on or immediately adjacent to the Taharoa ironsands mine site. These include (descriptions taken from PWDP Schedule 6):

- R16UP014.01 – Lake Rotoroa
- R16UP015 – no description
- R16UP015.01 – Lake Numiti
- R16UP015.01 – Lake Rototapu Wetland
- R16UP002 – Lake Taharoa
- R17UP183 – Coastal Strip

30. TIL has, as part of its current regional consenting process, undertaken comprehensive and fine grained wetland and natural area mapping throughout the mine site and its immediate surrounds.

31. In comparison, the SNAs recorded on the planning maps are poorly defined, very coarsely assessed and their descriptions are inaccurate. For example, an isolated portion of SNA R16UP002 is entirely encompassed by the mine site and the RPROZ zoning, yet it is identified as “Lake Taharoa” on the relevant planning map.

32. Accordingly, TIL opposes the inclusion of the SNAs referred to above on the basis that they have been inappropriately assessed/justified and delineated and do not reflect on-going mining operations and any areas of significant indigenous vegetation or habitat of indigenous fauna. In this regard, TIL is willing to share its mapping with Council to assist.

Relief Sought

33. TIL seeks the following relief:

- (i) Deletion of all SNAs directly on or immediately adjacent to the Taharoa C Block including but not limited to SNA refs R16UP014.01, R16UP015, R16UP015.01, R16UP015.01, R16UP00, and R17UP183.
- (ii) Any alternative and/or consequential amendments to the same effect as the primary relief sought above.

Concluding matters

34. TIL wish to be heard in support of this submission.
35. TIL would not consider presenting a joint case with other submitters.
36. TIL could not obtain a trade advantage as a result of this submission.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G.R. Eccles'. The signature is written in a cursive style with a large, sweeping flourish at the end.

Grant Eccles

Technical Director – Planning - Tonkin + Taylor Ltd

For and on behalf of Taharoa Ironsands Ltd