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Memo

To Waitomo District Council
From Emily Patterson and Chris Dawson (BBO)
Date 16 December 2022
Job No. 142770
Job name Omya Proposed District Plan Submission
Subject **Omya Submission on Proposed Waitomo District Plan**

1. Introduction

This submission is made on behalf of Omya New Zealand Limited (Omya), a key stakeholder located in Te Kuiti who has been involved in the development of the Draft Waitomo District Plan. Council's submission form is attached within Attachment 1.

Omya owns and operates the Symonds Quarry ("Symonds Quarry") and the Hangatiki East Road processing plant located in Te Kuiti ("Processing Plant"). Omya also owns a farm block at 178 Were Road, at the end of Tawarau Road, in Ngapenga, approximately 23km to the west of Te Kuiti ("Ngapenga Quarry"). Omya has intentions of extracting limestone from the Ngapenga Quarry in the future. Lastly, Omya lease the Rorisons Riverside Wairere Lime Quarry and Aglime Processing Plant ("Rorisons Quarry and Processing Plant") located at 703 Aria Road, approximately 25km to the south west of Te Kuiti which is currently being quarried.

This submission briefly sets out:

- 1) The background of Omya;
- 2) The planning process undertaken for the Symonds Quarry Site and the Omya Mineral Processing Plant to date;
- 3) The proposed Ngapenga Quarry;
- 4) Rorisons Riverside Wairere Lime Quarry and AgLime Processing Plant; and
- 5) The specific submission points in relation to the Proposed District Plan provisions.

2. Omya Background

The key aspect of Omya's quarrying activity which sets them apart from the balance of the market is that they target the highest quality of limestone for use in high end products. There are very limited sites where this resource is available and therefore the protection of this resource through the Proposed District Plan is critically important to Omya.

Omya New Zealand Limited (Omya) currently owns and operates the Symonds limestone quarry along with a nearby processing plant on Hangatiki East Road. The Symonds quarry and the processing plant activities include the quarrying and crushing of high quality limestone into a diverse range of grades used as ingredients in products such as paper, construction, polymers, environmental solutions, and other consumer goods. The Symonds quarry has been in operation for over 30 years.



Symonds Quarry currently operates under a set of regional resource consents which govern the operation of the quarrying activity which can be undertaken at the Symonds Quarry. Omya operates under the Operative District Plan Special Industrial Area (SIA) provisions however the accessible limestone within the existing consented extraction area is almost exhausted. Omya wants to continue operating in Te Kuiti as there is still a large amount of high quality limestone available within the quarry boundary.

For this reason, there have been various work streams underway to ensure that the quarry can continue to operate and expand into other portions of the Symonds quarry land holding. This includes a Private Plan Change to the Operative Waitomo District Plan to change the zoning of the southern portion of the site (previously zoned Residential), to the Rural Zone in the Operative District Plan. This change was required as the Rural zoning is a more suitable zoning for the activities undertaken on the site in relation to the existing policy framework of the Operative District Plan. This plan change was made fully operative in late 2020 and the Rural Zoning now applies to the entire Symonds Quarry land holding, including the proposed expansion areas.

Following the zoning becoming fully operative, Omya commenced work on preparing a resource consent application to consent the quarrying activity within the Rural Zone under the Operative District Plan. This application is still being prepared and will be lodged with Council in early 2023.

In parallel to the above, Omya has also been a stakeholder through the preparation of the Proposed District Plan and has provided feedback to Waitomo District Council on various matters relevant to the Symonds quarry, the Hangatiki Road East processing plant, the Ngapaenga Quarry site and the Rorisons Aglime Processing Plant/Rorisons Riverside Wairere Lime Quarry. The feedback requested Council to zone both the entire Symonds Quarry site and the entire Omya processing plant to Rural Production Zone. This zoning will ensure that quarrying can occur across the Symonds Quarry site in the future as a permitted activity (subject to compliance with various performance standards).

In addition to Symonds Quarry, Omya also owns and holds a mining permit for the land for Ngapenga Quarry located on the property at 178 Were Road¹. This site contains a deposit of the high quality limestone which Omya processes and Omya intends to establish a quarry on this site in the future. The initial feedback provided to Council on the Draft Proposed District Plan requested that this site is also zoned Rural Production Zone and is specifically listed in the District Plan as a quarry. This matter is addressed further in the following submission points.

Omya also leases and operates the Riverside Wairere Lime Quarry and Aglime Processing Plant, which are collectively referred to in this submission as the Rorisons Quarry and Processing Plant, located at 703 Aria Road² and with access off Kaitaringa Road. The Aglime Plant and the Riverside Wairere Lime Quarry operate in conjunction with each other but are separate industrial activities. The initial feedback provided to Council on the Draft Proposed District Plan sought that the entirety of the 3 properties which contain the quarry and processing plant be zoned Rural Production Zone and listed as a quarry and processing plant in Schedule 1 of the Rural Production Zone Chapter. The following submission also addresses the ongoing acknowledgement and protection of the Rorisons Quarry and Processing Plant site to ensure this operation can continue while the limestone resource is still available.

¹ Legally identified as Part Section 1 Block III Maungamangero Survey District, Section 1 Survey Office Plan 51871 and Section 10 Block III Maungamangero Survey District.

² Legally identified as Aorangi 3B Block, Aorangi 3D1 Block, Lot 2 DPS 17671 and Part Karuotewhenua B5A Block.



3. Submission

Omya supports the provisions of the PDP that enable quarrying and mineral processing activities on the Symonds Quarry Site and the processing plant site. Omya does not support the Rural zoning of the Ngapenga Quarry site, being a site which contains the high quality limestone which Omya target, as found in the Symonds Quarry. Omya intends quarrying the Were Road property in the future and has a current Mining Mineral Permit (number 60379) for that purpose. Omya requests a Rural Production Zoning be applied to this site, and that it is included in the Rural Production Zone (RPROZ) rules to allow for future quarrying and to protect the opportunity for that to occur.

Omya does not support the Rural zoning of the Rorisons Quarry and Processing Plant site to be a mix of Rural Production and Rural with a Rural Production Indicative Area overlay over a portion of the properties subject to the quarry and processing activities. Omya requests that a Rural Production Zone be applied to the entirety of this site and that it is included in the RPROZ rules to allow quarrying and protect the opportunity for that to occur. These submission points reflect the comments and feedback provided to Council on the Draft Proposed District Plan as set out in Section 2 above.

Omya notes that there are some fundamental inconsistencies with various National Policy Statements and National Environmental Standard regulations at present. In order to protect the future opportunity for mineral processing on sites that may also trigger a definition of ‘highly productive land’, for example (i.e. at Ngapenga and Rorisons), Council should proactively identify those development sites as part of the District Plan review process. That will avoid the potential for additional hurdles for consenting and/or development in the future but will not compromise the ability of the landowners to carry out permitted rural activities in the interim.

Additionally, Omya is concerned that the definition of ‘outdoor storage’ will encompass overburden and thus convert many quarry activities from Permitted on a Schedule 1 site to being a Restricted Discretionary activity. Many quarries and mineral processing plants will have difficulty fully screening its outdoor storage from view on an adjoining site or road due to the scale and nature of industrial process materials and its inputs and outputs as a primary production activity particularly if overburden is considered “waste materials” or “materials ensuing from an industrial process ...”.

Table 1 below sets out the submission points for each relevant provisions of the Proposed District Plan.

Table No. 1

Submission Points			
Sub Point #	PDP Provision	Support/Oppose/Amend	Comments
1	Zoning (Zones Map 7 & 33)	Support	Omya supports the rezoning of the Symonds Quarry and Omya Processing Plant to Rural Production Zone (RPROZ-07 and RPROZ-10).
2	Zoning (Zones Map 11)	Oppose/Amend	Omya seeks an amendment to Zoning Map 11 to rezone the Ngapenga Quarry to Rural Production Zone, identifying the future quarrying activity to be undertaken on that site. This change will also require the site to be listed as a scheduled site in the RPROZ Schedule 1. See submission point 16. Attachment 2 contains a mark up of the District Plan Zoning Map showing the area Omya seek to be rezoned.



3	Zoning (Zones Map 20)	Oppose/Amend	Omya seeks an amendment to Zoning Map 20 to rezone the Rorisons Quarry and Processing Plant site to Rural Production Zone, identifying the current and ongoing quarrying activity to be undertaken on that site. This change will also require changes and additions to RPROZ Schedule 1. See submission point 16. Attachment 2 contains a mark up of the District Plan Zoning Map showing the area Omya seek rezoning.
4	Objectives RPROZ-O1 to RPROZ-O6	Support	Omya supports the objectives set out in the Rural Production Zone, particularly those relating to providing for specified sites (in Schedule 1 of RPROZ) to continue to operate and grow.
5	Policies RPROZ-P1, RPROZ-P4 to RPROZ-P8	Support	Omya supports the policies listed here, particularly those providing for the continuation and growth of specified sites.
6	RPROZ-R1 and RPROZ-R2	Support	Omya supports the permitted activity status associated with the construction of warehouses, cool stores and covered storage areas as well as offices, canteens, workshops and other listed buildings where these are ancillary to the primary purpose of a scheduled activity (i.e. listed in Schedule 1 of the RPROZ chapter).
7	RPROZ-R12 and RPROZ-R13	Support in part/amend	<p>Omya supports the permitted activity status relating to mineral prospecting and exploration and quarrying activities within the Symonds Quarry site, listed as RPROZ-7 in Schedule 1 of the RPROZ chapter. Omya also supports the note stating that the provisions of the earthworks chapter do not apply to quarrying activities.</p> <p>Omya however seeks amendment to include the Ngapenga Quarry Schedule 1 reference in rules RPROZ-12 and RPROZ-13 so that rules that apply to quarrying activities and mineral prospecting apply to this site. Refer to submission point 16.</p>
8	RPROZ-R14	Support in part/amend	<p>Omya supports the permitted activity status associated with mineral processing, including various ancillary activities (packing, storage etc) within the Omya New Zealand Limited Mineral Processing Plant site, listed as RPROZ-10 in Schedule 1 of the RPROZ.</p> <p>Omya seeks amendment to include the Rorisons Aglime Processing Plant Schedule 1 reference in Rule RPROZ-R14 so that the rules that apply to mineral processing etc. apply to this site. (Note the reference will be determined under submission point 16d)).</p> <p>It is also noted however that this activity description appears to be unfinished, and amendments are sought by Omya to complete this sentence. Omya requests an</p>



			opportunity to review the activity description once amended.
9	RPROZ-R20	Support in part/amend	Omya supports the building setback rules of the RPROZ chapter, however seeks clarification that existing buildings are exempt from these rules. This could be achieved by an additional note at the end of RPROZ-R20 stating: <i>“Note: Buildings existing prior to the decisions version of this District Plan are exempt from this rule”</i>
10	RPROZ-R21	Support	Omya has no concerns with the height and height in relation to boundary provisions.
11	RPROZ-R22	Support	Omya has no concerns with the building size and building coverage provisions.
14	RPROZ-R25	Oppose	Omya has concerns with the outdoor storage screening provisions, particularly in relation to the placement of overburden. Omya requests that this rule excludes Mineral Processing Plants and Quarries. Alternatively, overburden associated with mineral processing plants and quarries should be excluded from the definition of outdoor storage (in Part 1 – Interpretation – 9. Definitions chapter of the Proposed District Plan).
15	RPROZ-R26	Support	Omya supports the servicing provisions.
16	RPROZ-SCHED1	Support in part/Amend	<p>a) Omya supports the listing of Symonds Quarry (RPROZ-7) and Omya Mineral Processing Plant (RPROZ-10) within Schedule 1 of the RPROZ chapter, and their classification as regionally significant.</p> <p>b) Omya seeks amendments to RPROZ Schedule 1 to include Ngapenga Quarry as a scheduled site for the purpose of limestone quarrying as an insertion after RPROZ-9.</p> <p>The details sought to be included are listed as follows: <u>Unique identifier:</u> To be confirmed by Council <u>Site Name:</u> Ngapenga Quarry Omya New Zealand Limited <u>Location:</u> Tawarau Road/Were Road <u>Legal Description:</u> Part Section 1 Block III Maungamangero SD, Section 10 Block III Maungamangero SD. <u>Site type:</u> Significant Mineral Resource</p> <p>c) Omya seeks amendments to the listed location and legal description of scheduled site RPROZ-4.</p> <p>The details proposed to be amended are included as follows:</p>



		<p><u>Location:</u> Kaitaringa Road / Aria Road <u>Legal Description:</u> Aorangi 3B Block, Aorangi 3D1 Block, Lot 2 DPS 17671 and Part Karuotewhenua B5A Block.</p> <p>d) Omya seeks amendments to RPROZ Schedule 1 to ensure that the Rorisons Aglime Processing Plant is specifically identified in addition to existing RPROZ-4 Rorisons Riverside Wairere Lime Quarry. These activities operate in conjunction with each other on the same site. There are two options proposed as follows:</p> <ol style="list-style-type: none"> 1. Add a new scheduled site under the “Primary Purpose – Mineral Processing” section of Schedule 1 (with the same legal description and location as the existing RPROZ-4). Wording proposed as follows – <ul style="list-style-type: none"> <u>Unique identifier:</u> To be confirmed by Council <u>Site Name:</u> Rorisons Aglime Processing Plant <u>Location:</u> Aria Road/Kaitaringa Road <u>Legal Description:</u> Lot 2 DPS 17671, Aorangi 3D1 Block, Aorangi 3B Block, Part Karuotewhenua B5A Block <u>Site type:</u> Regionally Significant Industry <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> 2. Alternatively to ‘b’ above, Council could combine the Aglime Processing Plant with existing Schedule 1 site RPROZ-4 ‘Rorisons Riverside Wairere Lime Quarry’. If this option is opted for, RPROZ-4 will need to be listed against Rule RPROZ-14 in addition to RPROZ-12 and RPROZ-13 in the RPROZ chapter. Changes to the Schedule 1 description of RPROZ 4 will also be required. See wording as follows: <ul style="list-style-type: none"> <u>Unique identifier:</u> RPROZ-4 <u>Site Name:</u> Rorisons Riverside Wairere Lime Quarry and Aglime Processing Plant <u>Location:</u> Aria Road/Kaitaringa Road <u>Legal Description:</u> Lot 2 DPS 17671, Aorangi 3D1 Block, Aorangi 3B Block, Part Karuotewhenua B5A Block <u>Site type:</u> Significant mineral resource and regionally significant Industry
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4. Conclusion

Council’s submission form is attached within **Attachment 1** of this Memorandum.

Omya wishes to be heard in relation to the above submission points.



Please contact us if you wish to discuss any of these points further or seek clarification.

Yours sincerely

Bloxam Burnett & Olliver



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Attachment – Submission Form



Proposed Waitomo District Plan SUBMISSION FORM



Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

15 Queen Street, Te Kuiti 3910
PO Box 404, Te Kuiti 3941 0800 932 4357
districtplan@waitomo.govt.nz
www.waitomo.govt.nz

Closing date for submissions: 12pm on 23 December 2022

SUBMITTER DETAILS: *(please note that the (*) are required fields and must be completed)*

Name of submitter: * Omya New Zealand Limited	
Contact person for communications: * Jim Burnett	
Agent (if applicable): Emily Patterson, Bloxam Burnett and Olliver	
Postal address: * PO Box 372, Te Kuiti	
Suburb:	Town/City: * Te Kuiti
Country:	Postal code: * 3941
Daytime phone:	Mobile: 0278454321 (Emily Patterson)
Email address for submitter: * jim.burnett@omya.co.nz Email address for agent (if applicable): epatterson@bbo.co.nz	
Please tick your preferred method of contact *	Correspondence to *
<input checked="" type="checkbox"/> Email <input type="checkbox"/> Postal	<input type="checkbox"/> Submitter <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Both
Trade competition and adverse effects: *	
<input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission.	
Only if you ticked "I could" above, please answer this question: I am/am not directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.	
Note to person making submission: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.	
Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):	
<ul style="list-style-type: none">• it is frivolous or vexatious:• it discloses no reasonable or relevant case:• it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:• it contains offensive language:• it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.	
Would you like to present your submission in person at a hearing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If others make a similar submission I will consider presenting a joint case with them at the hearing.	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Please complete a line for every submission point, adding as many additional lines as you need:

The specific provisions of the proposal that my submission relates to e.g provision number, map number	Do you: <ul style="list-style-type: none"> • Support? • Oppose? • Amend? 	What decision are you seeking from Council? What action would you like: <ul style="list-style-type: none"> • Retain? • Amend? • Add? • Delete? 	Reasons
<i>e.g SD-05</i>	<i>e.g Support</i>	<i>e.g Retain Objective SD-05</i>	<i>e.g It will help to reduce adverse effects between activities and ensure resources are used efficiently</i>
Refer to attached Memorandum for submission points			

Signed: E Patterson Date: 16 December 2022

(A signature is not required if you make your submission by electronic means)

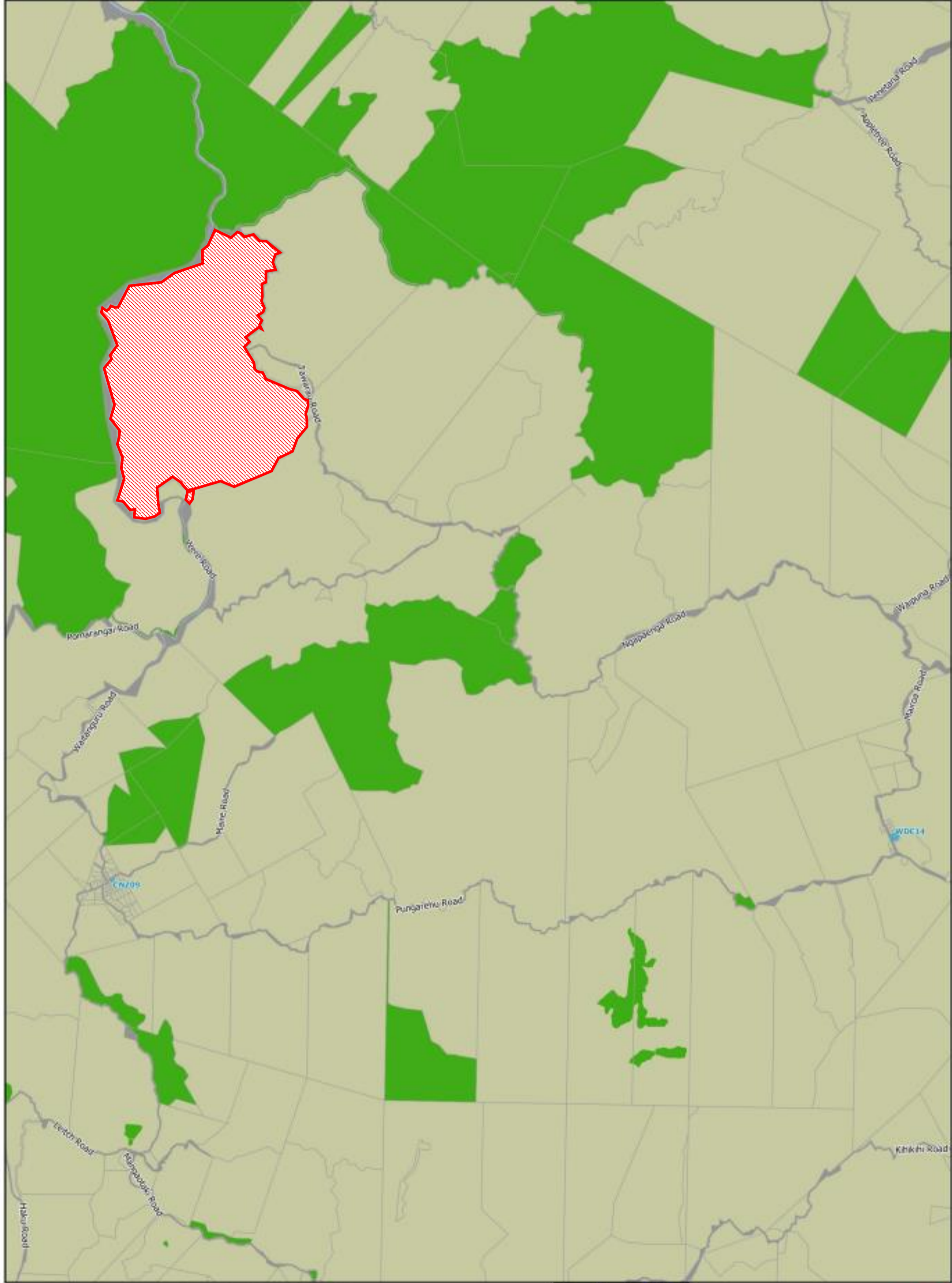
PRIVACY ACT NOTE: Please note that all information provided in your submission will be used to progress the process for this proposed district plan, and may be made publicly available.

Submission #	Customer #	Property #
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Attachment 2 – Proposed District Plan Zone Map Changes





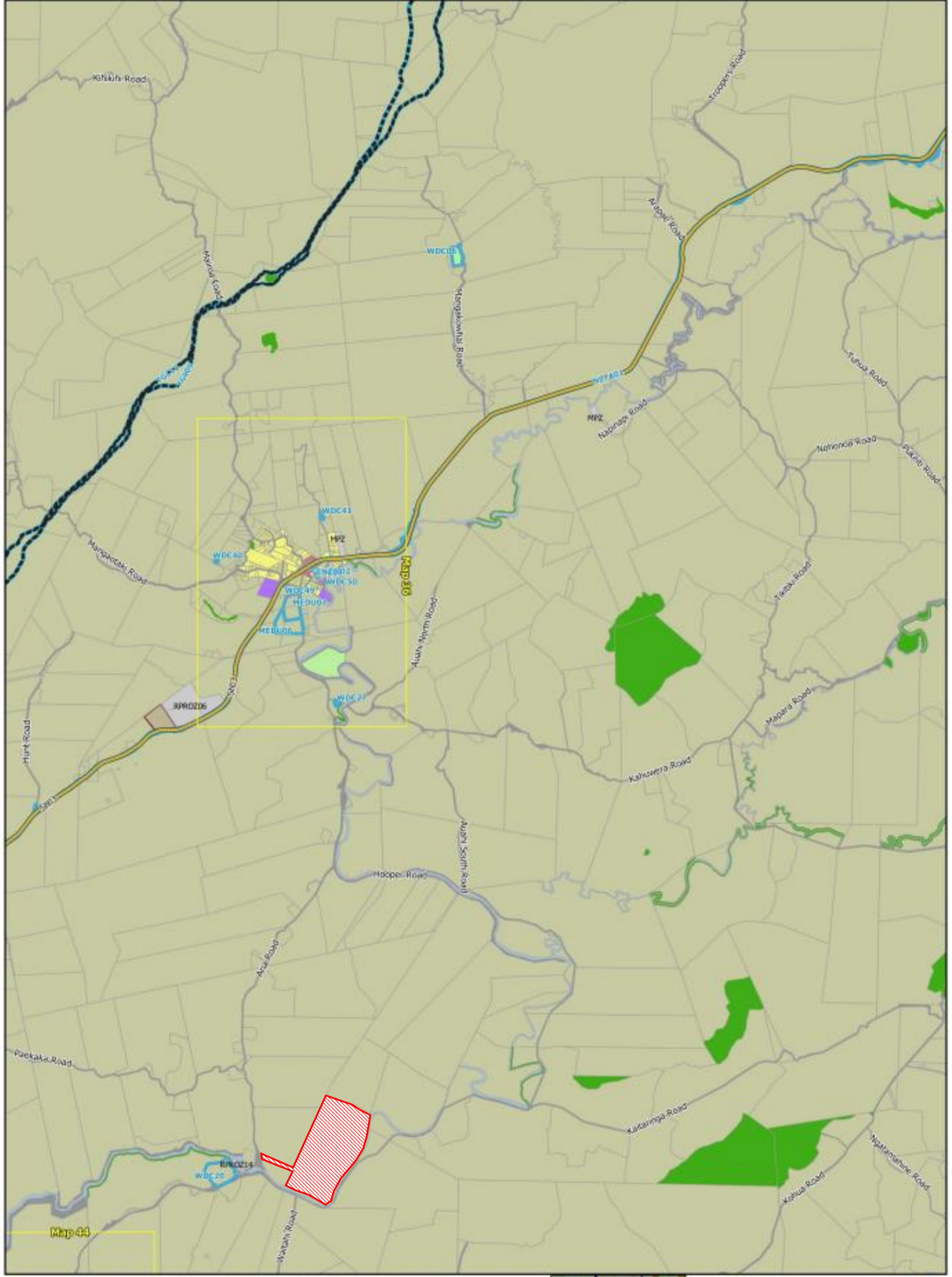
11 Zones

Proposed Waitomo District Plan

Notified version - 20 October 2022

Scale = 1:40,000 at A3





20 Zones

Proposed Waitomo District Plan
 Notified version - 20 October 2022
 Scale = 1:40,000 at A3
 0 0.5 1 1.5 2 km

