

Further submission in support of, or in opposition to, submissions on the Proposed Waitomo District Plan

To: Waitomo District Council

Name of Submitter: Taharoa Ironsands Ltd

1. Introduction and Interest in Submission

- 1.1 This is a further submission on the Proposed Waitomo District Plan (PWDP).
- 1.2 Taharoa Ironsands Ltd ("TIL") has an interest greater than the public generally. Specifically, TIL operates the regionally significant ironsands mine at Taharoa.

2. Particular Matters of Interest

2.1 TIL are particularly interested in the following matters:


- Rural Production Zone objectives, policies and rules and ensuring that they appropriately recognise and provide for the mining operations at the Taharoa ironsands mine.
- Proposed Sites and Areas of Significance to Māori (SASM) located at the Taharoa ironsands mine
- Proposed Significant Natural Areas (SNA's) located at the Taharoa ironsands mine
- Provisions related to Bat Protection Areas.

3. Decision Sought

- 3.1 The decisions sought are detailed in the tables attached to this form, and any consequential relief required to achieve the relief sought.

4. Request to be heard in support of further submission

4.1 TIL wishes to be heard in support of its further submission.

Signature: 

G Eccles

For and on behalf of Taharoa Ironsands Ltd

28 July 2023

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Taharoa Ironsands Ltd Further Submission on the Proposed Waitomo District Plan

Name of submitter, Submission number	Relevant PWDP Provision	Support / Oppose the original submission	Reasons for support / opposition to the original submission	Relief sought
Heritage New Zealand/Pouhere Taonga 03.168	Schedule 3 – Sites and Areas of Significance to Maori	Oppose in part	TIL does not consider it appropriate for site SSM074-A to be included as a SASM in the PWDP and seeks its deletion.	Delete SSM074-A from Schedule 3 SASM in the PWDP.
Omya New Zealand Limited (Omya) 07.04	Chapter 43 Rural Production Zone RPROZ-01 – RPROPZ-06	Support in part	TIL supports the specified objectives subject to its requested amendments to clarify how the sites and activities are to be protected from reverse sensitivity effects and to recognise the practicalities of effects management with particular regard to the unique setting and situation of the Taharoa ironsands mine.	<ul style="list-style-type: none"> i. Retain Objectives RPROZ-01, RPROZ-03, RPROZ-4 and RPROZ-06 ii. Amend clause 2 of Objective RPROZ-02 so that it reads: iii. “2. Managing the establishment of noise sensitive activities including subdivision, use and development <u>on adjoining and adjacent sites</u>”. iv. Amend Objective RPROZ-05 so that it reads: v. “Development or re-development of any site must be appropriately designed, located and landscaped to mitigate adverse effects on the external visual catchment <u>as far as practicable</u>”. vi. Any alternative and/or consequential relief sought above.
Omya 07.05	Chapter 43 Rural Production Zone	Support in part	TIL supports the specified policies subject to its requested amendments to clarify that the sites need to be protected from reverse sensitivity effects and to recognise the practicalities of	<ul style="list-style-type: none"> i. Retain Policies RPROZ-P5 and RPROZ-P7 ii. Amend Policy RPROZ-P1 so that it reads:

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	RPROZ-P1, RPROZ-P4 – RPROZ-P8		effects management on the sites, with particular regard to the unique setting and situation of the Taharoa ironsands mine.	<p>“Protect the ongoing operation and development or maintenance and upgrading of sites identified as regionally significant in RPROZ-SCHED1 – Scheduled rural production sites, by <u>avoiding limiting</u> the establishment or growth of noise sensitive activities on surrounding sites”.</p> <p>iii. Amend clause 6 of Policy RPROZ-P4 so that it reads: “6. Requiring sites where quarrying activities occur to be rehabilitated <u>as far as practicable</u> and ensuring appropriate materials are used for this purpose”.</p> <p>iv. Amend clause 2 of Policy RPROZ-P6 so that it reads: “2. <u>With the exception of the Taharoa ironsands mine</u>, ensuring that sites are sufficiently landscaped and screened from roads, public spaces and adjoining neighbours”.</p> <p>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,</p>

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				<p>use and development <u>on adjoining and adjacent sites</u>".</p> <p>vi. Any alternative and/or consequential amendments to the same effect as the primary relief sought above.</p>
Omya 07.06	Chapter 43 Rural Production Zone RPROZ-R1 – RPROPZ-R2	Support	TIL supports the permitted activity rules RPROZ-R1 and RPROZ-R2 for Scheduled RPROZ sites as they capture the mining activity and range of facilities that are required at the Taharoa ironsands mine, including the helipad.	Retain Rules RPROZ-R1 and RPROZ-R2
Omya 07.09	Chapter 43 Rural Production Zone RPROZ-R20	Support in part	TIL supports clarification within the rule that existing buildings are excluded.	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.
Omya 07.10	Chapter 43 Rural Production Zone RPROZ-R21	Oppose	TIL opposes retention of this standard to the extent that the RPROZ Table 2 Performance 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 Taharoa ironsands mine.	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.
Omya 07.11	Chapter 43 Rural Production Zone RPROZ-R22	Oppose	TIL opposes retention of this standard to the extent that the RPROZ Table 2 Performance Standards and the associated matters over which discretion is restricted contain numerous inconsistencies with RPROZ objectives and policies, do not appropriately provide for mining	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.

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			operations and have the potential to significantly impact activity at the Taharoa ironsands mine.	
Omya 07.12	Chapter 43 Rural Production Zone RPROZ-R25	Support	TIL supports excluding Mineral Processing Plants and Quarrying being excluded from the rule, and the alternative of excluding such activity from the definition of outdoor storage in the definitions chapter.	Exclude Mineral Processing Plants and Quarrying from the rule, and the or exclude such activity from the definition of outdoor storage in the definitions chapter.
Omya 07.13	Chapter 43 Rural Production Zone RPROZ-R26	Oppose	TIL opposes retention of this standard to the extent that the RPROZ Table 2 Performance 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 Taharoa ironsands mine.	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.
Waikato Regional Council 10.153	Schedule 3 – Sites and areas of significance to Māori – wāhi tapu sites	Oppose in part	TIL does not consider it appropriate for site SSM074-A to be included as a SASM in the PWDP and seeks its deletion.	Delete SSM074-A for Schedule 3 SASM in the PWDP.
Balance Agri-Nutrients 23.20	Chapter 43 Rural Production Zone RPROZ-O1	Support	TIL supports the specified objective 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.	i. Retain Objective RPROZ-01 ii. Any alternative and/or consequential relief sought above.
Horticulture NZ 27.80	Chapter 43 Rural Production Zone RPROZ	Oppose	TIL opposes the RPROZ becoming a precinct in the General Rural Zone. Retaining the RPROZ Zone as a stand alone zone appropriately recognises the significance of the activities undertaken in the zone. .	Retain the RPROZ as a stand alone zone.

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Aggregate and Quarry Association (AQA) 29.08	Chapter 43 Rural Production Zone PROZ-P4	Support in part	TIL supports the specified policy subject to further amendments to recognise the practicalities of effects management on the sites, with particular regard to the unique setting and situation of the Taharoa ironsands mine.	<ul style="list-style-type: none"> i. Amend RPROZ-P4 to delete the word “avoid” and add the words “offset” and “compensate”. ii. Amend clause 6 of Policy RPROZ-P4 so that it reads: “6. Requiring sites where quarrying activities occur to be rehabilitated <u>as far as practicable</u> and ensuring appropriate materials are used for this purpose”. iii. Any alternative and/or consequential amendments to the same effect as the primary relief sought above.
AQA 29.09	Chapter 43 Rural Production Zone RPROZ-P7	Support	TIL supports the specified policy that recognises the importance and functional constraints of mineral extraction and quarrying activity.	<ul style="list-style-type: none"> i. Retain Policy RPROZ-P7 ii. Any alternative and/or consequential amendments to the same effect as the primary relief sought above.
AQA 29.10	Chapter 43 Rural Production Zone RPROZ-SCHED1 RPROZ 1-9	Support in part	TIL supports the identification of the Taharoa Ironsands mine as RPROZ-01 in RPROZ-SCHED1..	<ul style="list-style-type: none"> • Retain RPROZ-SCHED1 RPROZ 1-9 subject to the amendments to the legal descriptions applicable to the Taharoa Ironsands Mine as set out in the original TIL submission.
Te Tokanganui-a-noho Whare (TTRMC) 38.147	Schedule 3 – Sites and areas of significance to Māori – wāhi tapu sites	Oppose	TIL does not consider it appropriate for site SSM074-A to be included as a SASM in the PWDP and seeks its deletion.	<ul style="list-style-type: none"> • Delete SSM074-A from Schedule 3 SASM in the PWDP. •

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Graymont Limited (GL) 43.93	Chapter 43 Rural Production Zone RPROZ-O1	Support	TIL supports the specified objectives 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.	<ul style="list-style-type: none"> Retain Objectives RPROZ-01, RPROZ-02, RPROZ-03 and RPROZ-4.
GL 43.94	Chapter 43 Rural Production Zone RPROZ-O2	Support		
GL 43.95	Chapter 43 Rural Production Zone RPROZ-O3	Support		
GL 43.96	Chapter 43 Rural Production Zone RPROZ-O4	Support		
GL 43.97	Chapter 43 Rural Production Zone RPROZ-P1	Support		
GL 43.98	Chapter 43 Rural Production Zone RPROZ-P2	Support	TIL supports the specified policies subject to amendments to clarify that the sites need to be protected from reverse sensitivity effects and to recognise the practicalities of effects	<ul style="list-style-type: none"> Retain Policies RPROZ-P2, RPROZ-P3 and RPROZ-P7 Amend RPROZ-P4(4) as follows:

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GL 43.99	Chapter 43 Rural Production Zone RPROZ-P3	Support	management on the sites, with particular regard to the unique setting and situation of the Taharoa ironsands mine.	<p>4. Avoiding, <u>remedying or mitigating</u> adverse effects on water bodies; and</p> <ul style="list-style-type: none"> Amend RPROZ-P8 as follows: Avoid or minimise the potential for reverse sensitivity effects to arise by managing the establishment of noise sensitive activities including subdivision, use and development <u>on adjoining and adjacent sites to RPROZ-SCHED1</u> – Scheduled rural production sites. Any alternative and/or consequential amendments to the same effect as the primary relief sought above.
43.100	Chapter 43 Rural Production Zone RPROZ-P4	Support in part		
GL 43.101	Chapter 43 Rural Production Zone RPROZ-P7	Support		
GL 43.102	Chapter 43 Rural Production Zone RPROZ-P8	Support in part		
GL 43.103	Chapter 43 Rural Production Zone RPROZ-R12	Support		
GL 43.104	Chapter 43 Rural Production Zone RPROZ-R13	Support		
Forest & Bird (F&B) 47.177	Chapter 43 Rural Production Zone RPROZ-P2	Oppose	TIL opposes the deletion of RPROZ-P2. This objective should be retained to provide policy support for the scheduled activities to apply the effects management hierarchy when required.	<ul style="list-style-type: none"> Retain Policy RPROZ-P2

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Te Nehenehenui Trust (TNN) 50.32	Schedule 3 – Sites and areas of significance to Māori – wāhi tapu sites	Oppose in part	TIL does not consider it appropriate for site SSM074-A to be included as a SASM in Schedule 3 to the PWDP and seeks its deletion.	<ul style="list-style-type: none"> Delete SSM074-A from Schedule 3 SASM in the PWDP.
Department of Conservation (DOC) 53.06	New Definition – Bat Protection Area	Oppose	The definition (which includes foraging and commuting areas for long tailed bats, which can be geographically extensive) has the potential to be extremely wide ranging in its effect and restriction on both existing and proposed landuse in the Waitomo District, especially in tandem with the policy sought by DOC in submission point 53.34.	Reject DOC submission point 53.06
DOC 53.34	New Policy Eco-Px Protection for Bats	Oppose	The policy has the potential to be extremely wide ranging in its effect and restriction on both existing and proposed landuse in the Waitomo District, especially in light of the all encompassing definition of Bat Protection Area sought by DOC in submission point 53.06.	Reject DOC submission point 53.34
DOC 53.44	New Rule – Clearance of Trees in Bat Protection Area	Oppose	The rule has the potential to be extremely wide ranging in its effect and restriction on both existing and proposed landuse in the Waitomo District, especially in light of the all encompassing definition of Bat Protection Area sought by DOC in submission point 53.06.	Reject DOC submission point 53.44
DOC 53.72	New Information Requirement – Bat Management Plan	Oppose	In tandem with the other components of the Bat Protection framework requested by DOC, this information requirement has the potential to be extremely wide ranging in its effect and restriction on both existing and proposed landuse in the Waitomo District, especially in	Reject DOC submission point 53.72

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			light of the all encompassing definition of Bat Protection Area sought by DOC in submission point 53.06.	