



OMYA NEW ZEALAND LIMITED

**PROPOSED PLAN CHANGE TO THE
OPERATIVE WAITOMO DISTRICT PLAN 2009**

PLAN CHANGE 1: OMYA RESIDENTIAL LAND RE-ZONING

**56 & 56A TAMMADGE STREET, 1, 2, 10 & 11 TERRACE ROAD AND 37 &
41 VIEW ROAD, TE KUITI**

SECTION 32 EVALUATION REPORT

December 2019

Contact Details:



Bloxam Burnett & Olliver
PO Box 9041
Hamilton 3240
Attn: Stephen Gascoigne
Email: sgascoigne@bbo.co.nz

Telephone: 07 838 0144

Job Reference: 142770.01

Document Quality Assurance:

Prepared by: Stephen Gascoigne
Planner
Bloxam Burnett & Olliver

A blue ink signature of Stephen Gascoigne.

Reviewed by: Chris Dawson
Planning Project Manager
Bloxam Burnett & Olliver

A black ink signature of Chris Dawson.

Authorised by: John Olliver
Director
Bloxam Burnett & Olliver

A black ink signature of John Olliver.

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1. Executive Summary

Omya New Zealand Ltd is a subsidiary company of the Omya AG Group Ltd; started in Switzerland in 1884 as a producer of glaziers' putty and expanding over time into a worldwide leader in both the extraction and refinery of calcium carbonate, marble, chalk and dolomite for use in printing and writing, technical polymer applications, construction, packaging, water and energy, agriculture, forestry and wider consumer goods markets (including food production) such as cosmetics.

Omya AG's presence in New Zealand is represented by the Hangatiki East Road Processing Plant (used to refine raw calcium carbonate for chemical and glass applications) and the Symonds Quarry, which is north of Te Kuiti and bordered by Somerville, Hangatiki East and View Roads. In comparison to many other limestone extraction activities within the District, the Symonds Quarry site targets a highly pure, rare form of limestone mineral for refinement as opposed to excavation for aggregate and agricultural applications.

Omya New Zealand Ltd (Omya) requests a private plan change to the Operative Waitomo District Plan (2009) to enable future development of the Quarry.

The landholding in question is owned by Omya and is zoned for Residential purposes within the District Plan.

The landholding is referred to as the Omya Residential Area ("ORA") and is approximately 9.7501ha; being bounded by Tammadge Street to the west, Symonds Quarry to the north, View Road to the east and south east and residential land to the south.

The purpose of the private plan change is to rezone the ORA from the Residential Zone of the District Plan to the Rural Zone of the District Plan. The plan change will affect Planning Map 36 of the District Plan however will not result in a change to the objectives, policies or performance standards of the Plan.

The objectives, policies and rule framework of the Rural Zone within the Operative Waitomo District Plan will be the most appropriate way to manage the ability for mineral extraction activities associated with this significant regional industry and the concurrent extraction of the regionally significant mineral resource to establish within the ORA. Those objectives, policies and rules directly enable the consideration of those land use activities while providing a means of avoiding, remedying or mitigating adverse effects.

An extensive assessment of the proposal against the purpose and principles of Part 2 of the RMA, the relevant National Policy Statement on Urban Development Capacity, the Waikato Regional Policy Statement and policies of *Ko Tā Maniapoto Mahere Taiao* is contained within this report. That assessment demonstrates that the plan change and subsequent promotion of access to significant mineral resources will align with the requirements of the RPS and will be complementary to the sustainable management principles within Part 2 of the RMA as they relate to the ability to access mineral resources in a way that effects are managed under section 5(c).

Accordingly, the plan change is consistent with the relevant statutory provisions in the Resource Management Act 1991 including the Purpose in Part 2, section 32 and the First Schedule of the Act. Overall, the plan change will promote the sustainable management of natural and physical resources in a way that provides for economic, social, environmental and inter-generational wellbeing.

2. Introduction

This report has been prepared in accordance with the information and process requirements of the Resource Management Act 1991 (RMA) as those provisions relate to plan changes to Operative District Plans. In particular, the First Schedule and section 32 of the RMA have been considered in detail in the preparation of this report. The purpose of this report is to evaluate the matters of relevance subject to the proposed private plan change request by OMYA New Zealand Limited in accordance with the statutory framework.

This report comprises an evaluation under section 32 of the RMA and an Assessment of Environmental Effects undertaken by Bloxam Burnett and Olliver in relation to the proposed re-zoning of OMYA residential properties from the Residential Zone to the Rural Zone within the Operative Waitomo District Plan 2009. Those properties are described as 56 and 56A Tammadge Street, 1, 2, 10 and 11 Terrace Road and 37 and 41 View Road, Te Kuiti. Omya proposes to use those properties for mineral extraction, earthworks, mitigation of all adverse effects and associated activities as an extension to the Symonds Quarry.

This report examines the extent to which the plan change request is the most appropriate method to promote sustainable management of natural and physical resources, evaluates the proposed changes to the Operative District Plan and assesses the scale and significance of the environmental effects anticipated from implementing the plan change.

3. Applicant and Property Details

To	Waitomo District Council
Applicant	Omya New Zealand Ltd
Address for Service	Bloxam Burnett & Olliver Attn: Stephen Gascoigne PO Box 9041 Waikato Mail Centre Hamilton 3240 Email: sgascoigne@bbo.co.nz Phone: 07 838 6047
Address for Fees	Omya New Zealand Ltd Attn: Jim Burnett PO Box 372 Te Kuiti 3941 Email: Jim.Burnett@omya.com Phone: 07 878 8260
Legal Description	Allotment 10 of Lot 18, 11 of Lot 18, 12 of Lot 18, 13 of Lot 18 Section 1 Block XV Orahiri Survey District and Lot 14 Deposited Plan 20464 and Allotment 5 of 18 Section 1 Block XV and Section 2A Block XV Orahiri Survey District and Part Lot 1 Deposited Plan 11958 and Lot 2 Deposited Plan 11958 and Lot 7 of Allotment 18 of Section 1 Block XVI Orahiri Survey District and Lot 1 Deposited Plan South Auckland 41887 and Lot 1-2 Deposited Plan South Auckland 49355 and Lot 1 Deposited Plan South Auckland 50483 and Lot 2 Deposited Plan South Auckland 56871 and Lot 6 of Lot 18 of Section 1 of Block XV of the Orahiri Survey District and Lot 1-4 Lot 18 Block XV Orahiri Survey District
Title Reference	859437
Site Address	56-56A Tammadge Street, 37-41 View Road, 1-11 Terrace Road and adjoining Somerville Road, Te Kuiti
Site Area	9.75 hectares
District Plan Zone	Residential Zone
District Plan Policy Overlays	Te Kuiti Unstable Land Area Risk A, Te Kuiti Unstable Land Area Risk B

4. Description of the Site

4.1. Site Description

The site comprises a 9.75ha block of land located to the south of Symonds Quarry and is bounded by Tammadge Street to the west, View Road to the east and south-east and residential land to the south. Terrace Road runs centrally through the site.

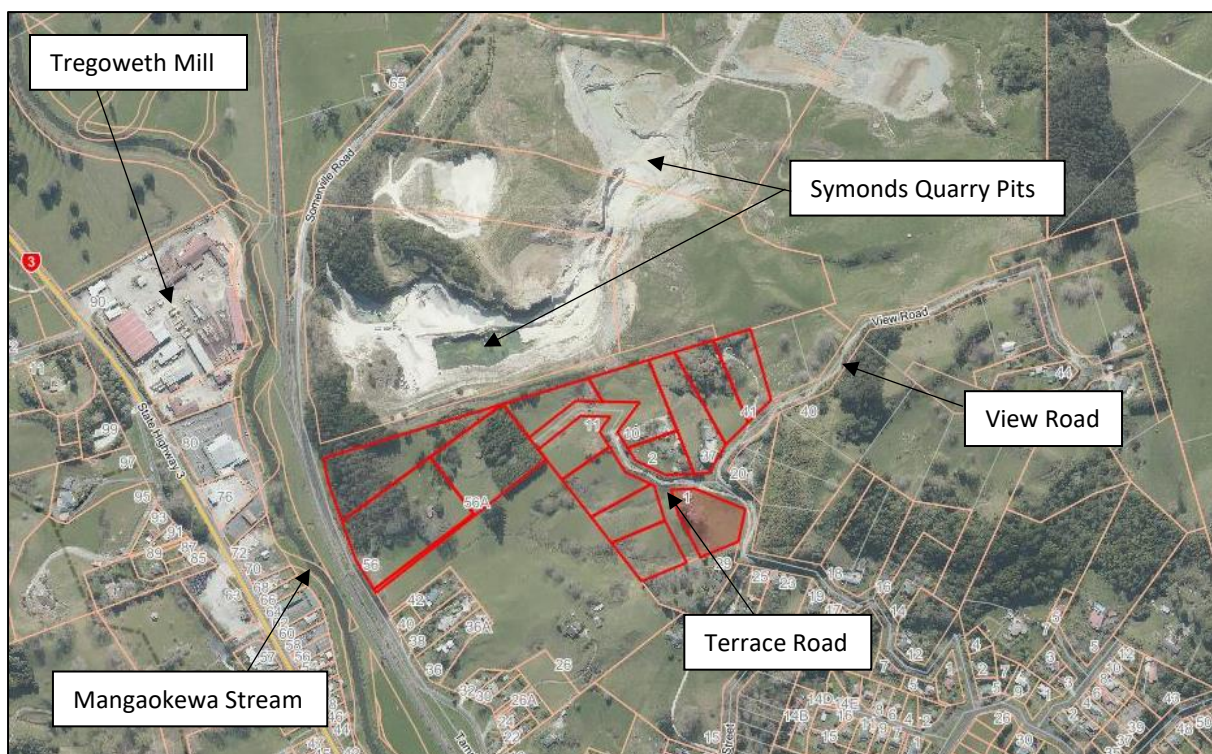
Table 1: Property subject to Private Plan Change

Legal Description:	Record of Title:
Allotment 10 of Lot 18, 11 of Lot 18 Section 1 Block XV Orahiri Survey District and Allotment 5 of 18 Section 1 Block XV and Section 2A Block XV Orahiri Survey District and Part Lot 1 Deposited Plan 11958 and Lot 2 Deposited Plan 11958 and Lot 7 of Allotment 18 of Section 1 Block XVI Orahiri Survey District and Lot 1-2 Deposited Plan South Auckland 49355 and Lot 6 of Lot 18 of Section 1 of Block XV of the Orahiri Survey District and Lot 1-4 Lot 18 Block XV Orahiri Survey District	859437

Note that Lot 1 DPS 41887, Lot 1 DPS 50483, Lot 2 DPS 56871, Allotments 12-13 of Lot 18 Section 1 Blk XV Orahiri SD and Lot 14 DP 20464 are also comprised in Record of Title 859437. These parcels are not subject to this plan change.

Refer to **Figure 1** below for the location of the ORA relative to local features. All parcels that comprise the site are outlined in red.

Figure 1: Site Locality Plan



The site is irregularly shaped and comprises a clustered arrangement of allotments to the south and west, and a lineal arrangement of allotments to the east.

4.2. Description of Locality

The immediate locality features mixed land use characteristics and natural features. The site is contained by two significant features; being the Symonds Quarry site and View Road ridgeline. Somerville and Tammadge Street form the western-most boundary.

Land directly adjacent to the sites eastern boundary is dominated by rural land use activities accessed via View Road. Dwellings at the road's easternmost extent are located at the top of a steep ridgeline comprising View Road that then trends in a southwest direction to meet Tammadge Street to the west. Properties to the south fronting Tammadge and Massey Streets are in residential use while land between the two is undeveloped and is presently used for lifestyle purposes.

Omya has a defined boundary to the west with properties to the north, east and within the ORA all occupied by some form of pastoral activity such as dry-stock grazing. Four properties directly adjoin the southern boundary. Two are residential in nature (located at the intersection of View and Terrace Roads) while the other two are small farm/ pastoral holdings less than 10 hectares in size.

Land located to the west of the site (i.e. further west of the Mangaokewa Stream) is developed with residential and commercial land use activities, most notably the former New World Supermarket, a Gull petrol facility and Tregoweth Timber Mill. Those activities have direct access and frontage to State Highway 3 (SH3). Activities that occur on these sites are located between 70m and 95m from the closest boundary of the ORA and overlook the Mangaokewa Stream and existing vegetation screening the Omya site.

Sites located to the north and east are zoned Rural while sites south and west of the site are zoned Residential and Industrial respectively.

5. Background

5.1. Current Activities

The current Omya activities are divided into three separate areas, being the extraction area, an overburden site and the Omya residential area (ORA).

The extraction area is defined by the extent of the Special Industrial Area as shown on the Planning Maps of the District Plan. The extraction area contains northern and central limestone pits, both pits being subject to blasting for ore recovery.

The extraction area contains the crushing plant, truck wash, sediment ponds and site office and is the focus of all activities on the Omya site.

Crushed materials are sent north to the processing plant operated by Omya at Hangatiki East Road in order to classify and grade finished product prior to dispatch. Direct sales from the quarry are also performed.

The overburden site is located to the north-east of the extraction area and contains an overburden landform, diversion channel and sediment control device. This area is utilised by earthworks machinery on a regular basis. There are no built structures or extraction activities that are located or occur within this area.

The ORA is the focus of this private plan change request. The ORA is divided into 14 individual parcels, three of which are developed and contain residential activities. A resource consent primarily related to the scale of the activity including associated earthworks will be sought from Council following this plan change to enable the deposition of overburden at the site boundary into a bund that will function as an effect's mitigation bund within this site and the expansion of the Quarry's southern pit partly into the ORA.

6. Private Plan Change Proposal

This Private Plan Change is proposed to amend Planning Map 36 of the Operative Waitomo District Plan (2009) and for corresponding amendments to the Online Planning Maps provided by Waitomo District Council.

The proposed amendments to Planning Map 36 are attached as **Appendix A** to this Plan Change Request showing the existing zone, the proposed zone and the proposed zone with the existing policy overlays applied. **Figures 2 and 3** demonstrate the existing and proposed zones. In total, 14 parcels comprising the ORA will be re-zoned to the Rural Zone from the Residential Zone.

The Rural Zone will apply to the following parcels contained within Record of Title 859437:

- Section 2A Blk XV Orahiri Survey District;
- Pt Lot 1 DP 11958;
- Lot 2 DP 11958;
- Lots 1, 2, 3, 4 and 6 of Lot 18 Section 1 Blk XV Orahiri Survey District;
- Allotment 5 of 18 Section 1 Blk XV Orahiri Survey District;
- Lot 7 of Allotment 18 of Section 1 Blk XV Orahiri Survey District;
- Lot 1 DPS 49355;
- Lot 2 DPS 49355; and
- Allotments 10 and 11 of Lot 18 Section 1 Blk XV Orahiri Survey District.

There are no proposed amendments to the rules, objectives or policies framework of the Operative Waitomo District Plan as those provisions relate to the proposed Rural Zone over the subject site.

Figure 2: Existing District Plan Zones

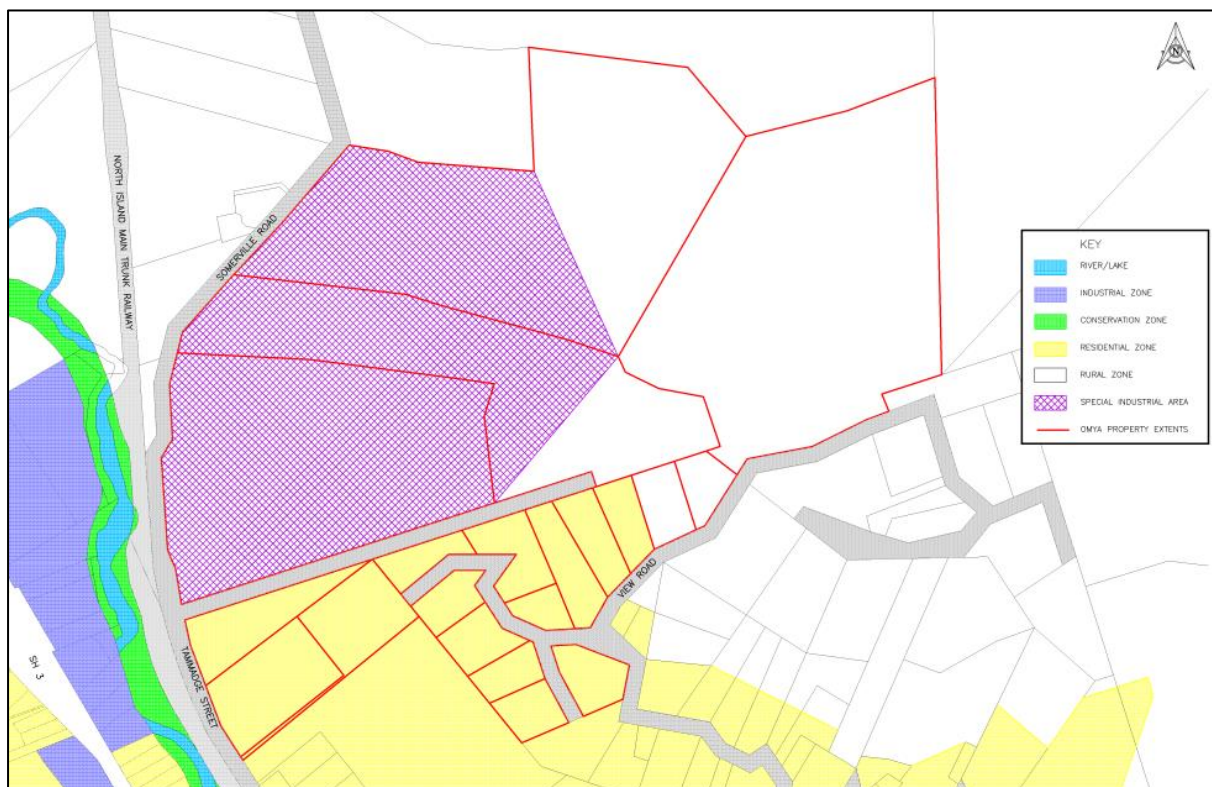
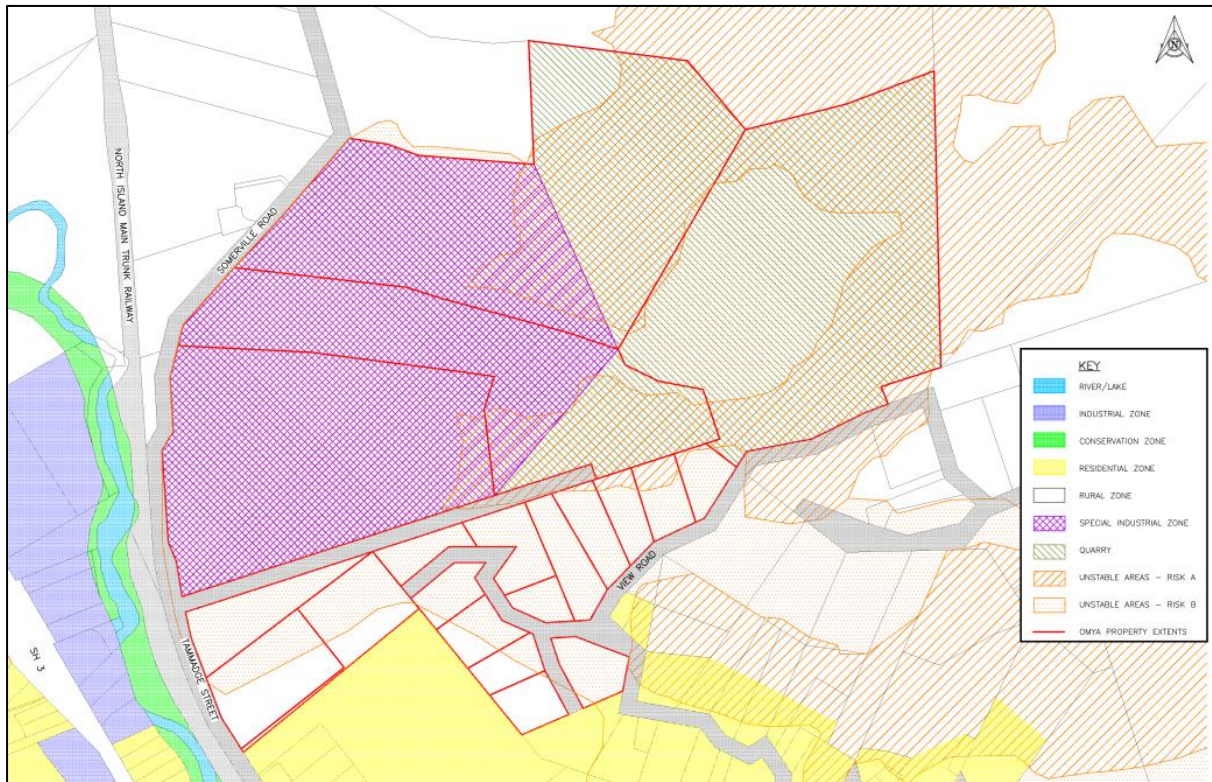


Figure 3: Proposed District Plan Zones



7. Section 32(1)(a) Evaluation

Section 32(1)(a) of the RMA requires the examination of the extent to which the objectives of the proposal will be the most appropriate way to achieve the Purpose of the Act. A detailed section 32 evaluation to assist Council in making that decision has been prepared and is provided within Section 8 of this report.

Section 32 of the RMA is outlined as follows:

32 Requirements for Preparing and Publishing Evaluation Reports

- 1) *An evaluation report required under this Act must -*
 - a) *Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - b) *Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by -*
 - (i) *Identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *Summarising the reasons for deciding on the provisions; and*
 - c) *Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.*
- 2) *An assessment under subsection (1)(b)(ii) must -*
 - a) *Identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for -*
 - (i) *Economic growth that are anticipated to be provided or reduced; and*
 - (ii) *Employment that are anticipated to be provided or reduced; and*
 - b) *If practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - c) *Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- 3) *If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to -*
 - a) *The provisions and objectives of the amending proposal; and*
 - b) *The objectives of the existing proposal to the extent that those objectives -*
 - (i) *Are relevant to the objectives of the amending proposal; and*
 - (ii) *Would remain if the amending proposal were to take effect.*
- 4) *If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*
- 4A) *If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must -*

- a) Summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and
 - b) Summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.
- 5) The person who must have particular regard to the evaluation report must make the report available for public inspection -
- a) As soon as practicable after the proposal is made (in the case of a standard or regulation); or
 - b) At the same time as the proposal is publicly notified.

This private plan change is an ‘amending proposal’ in accordance with section 32(3). The evaluation of the plan change under section 32 therefore is not a standalone assessment. In terms of assessing the appropriateness of the objectives in achieving the purpose of the RMA (considering reasonably practicable options for achieving the objectives and assessing the efficiency and effectiveness of the chosen option) the evaluation relies on the various assessments in this report, particularly:

- The assessment of the effects of the plan change on the environment; and
- The assessment of the plan change request against the purpose of Part 2.

“Objectives” means:

- a) for a proposal that contains or states objectives, those objectives;
- b) for all other proposals, the purpose of the proposal.

As this plan change does not propose to add or amend any objectives within the currently operative district plan, the objective of the plan change is therefore the purpose of the proposal.

7.1. Purpose of the Plan Change (Proposal)

There are two primary objectives of the private plan change. These are defined as:

1. To remove the Residential Zone as a planning status from the ORA; and
2. To amend the planning status of the ORA (as the buffer area between the Residential Zone and Special Industrial Area) to a Rural Zone.

7.2. Objectives of the Operative Plan that Remain Relevant

As the plan change seeks a change of the Residential Zone of the ORA to the Rural Zone without amendment to the performance standards of the District Plan, the objectives of the Rural Zone will apply to the area of the plan change. While all objectives of the Rural Zone are applicable, the following key objectives are directly relevant to the future expansion of regionally significant industry in the ORA and for works to create a mitigatory buffer:

11.3.1	<i>To promote the Rural Zone as a productive working environment where the use and development of its natural resources, consistent with meeting environmental safeguards, is encouraged.</i>
11.3.8	<i>To promote use of rural land in a manner which encourages maintenance and enhancement of amenity values of the rural environment, protects outstanding natural features and landscapes from inappropriate use and development, and preserves the natural character of the coastal environment, wetlands, lakes and rivers, and their margins.</i>

11.3.9	<i>To encourage maintenance and enhancement of rural visual character.</i>
11.3.11	<i>To ensure that rural activities and lawfully established industrial activities in the rural area are not adversely affected by the location of new activities with expectations of high amenity values.</i>
11.4.1	<i>To ensure the Rural Zone functions as a productive working environment where the use and development of its natural resources, consistent with meeting environmental safeguards, is encouraged.</i>
11.4.12	<i>To ensure that all rural activities, including extractive industries, are established and operated so as to avoid, remedy or mitigate adverse effects on amenity or on neighbours, or on significant karst features.</i>
11.4.13	<i>To encourage mitigation of the adverse effects of all rural activities, including afforestation and forestry clearance, on adjacent sites. Particularly that mitigation should occur in areas that are visually sensitive, including areas with significant tourist resources, areas of high landscape quality and in the coastal environment.</i>
11.4.16	<i>To discourage activities that are sensitive to the effects of rural or rural/ industrial activities from locating where they could potentially conflict with the operation of lawfully established rural and rural/ industrial activities.</i>

7.3. Evaluation of the Objectives against the Purpose of the Act

All private plan change requests are subject to the overall Purpose of Part; which is “to promote the sustainable management of natural and physical resources”. The assessment of the plan change is also subject to the *King Salmon* caveats.

Sustainable management is defined in section 5(2) of the RMA as:

“Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

The promotion of the sustainable management of natural and physical resources is the lodestar of the RMA.

Minerals are excluded from the requirement that they must be managed to ensure their potential to meet the reasonably foreseeable needs of future generations recognising the non-renewable nature of mineral resources however they are not completely excluded from the scope of the RMA¹. The specific exclusion of minerals by s5 is a statement of deliberate intent, despite minerals being included in the definition of natural resources in the Act. Although both sections 7(e) and (g) do not contain any expressed exclusion corresponding to the words of s5(2)(a), s7 is required to ‘achieve the purpose of the Act under s5. Accordingly, sections 7(e) and (g) do not extend to considerations of the efficient use or finite characteristics of mineral resources.

The use of and access to minerals must be managed sustainably to ensure that the rate in which they are extracted is sustainable This is achieved by the District Plan provisions. The plan change will remove the present restrictions on the use of the Omya residential site which enable access to the underlying mineral resource and

¹ *Fletcher Challenge Energy Taranaki Ltd v Winter & Clark* [1999] NZRMA 1, *Winstone Aggregates Ltd v Papakura DC EnvC A096/98*

the potential to provide mitigation by way of a noise and ecological buffer. These present restrictions are considered unsustainable and prevent the needs of people and communities from attaining social and economic wellbeing through the use of mineral resources. Restrictions of the Residential Zone cannot be assessed as acceptable and ensuring a sustainable extraction rate where higher level policy within the RPS specifically directs that access to such a resource be provided within District Plans.

The provisions of the District Plan as they relate to the Rural Zone and having regard to the provisions contained within Part Three of the District Plan will ensure that the adverse effects of activities anticipated within the Rural Zone, including reverse sensitivity or nuisance effects, will be avoided, remedied or mitigated.

The objectives of the private plan change will achieve the purpose of the Act for the following reasons:

1. The proposal will result in an appropriate planning status to the area which presently acts as a buffer providing protection to a regionally significant mineral resource² and regionally significant industry³ from adverse reverse sensitivities.
2. The proposal will provide planning recognition that residential development is inappropriate on land adjoining regionally significant industry.
3. The proposal will allow for the expansion of the regionally significant industry by removing the non-complying status of the activity from the Residential Zone for the ORA land.
4. Removing the Residential Zone from the buffer area will ensure that sensitive activities are not established on land that adjoins a regionally significant industry.
5. Providing a planning status that reflects the types of activities that are appropriate within an area that is a buffer between residential activities and mineral extraction.
6. Recognises that much of the Residential Zone owned by OMYA has topographical constraints that will make residential development of a density anticipated by the Waikato Regional Policy Statement and the Operative Waitomo District Plan unachievable.

The purpose of the Act is to promote the sustainable management of natural and physical resources. The OMYA land includes a regionally significant industry and regionally significant natural resources that are currently on a site zoned Residential. The residential zoning makes it almost impossible to expand that quarry into a new area of natural resources due to the threshold tests under s104D of the RMA. The expansion of the quarry, creation of a new mitigation bund and associated works will result in more than minor adverse environmental effects. Any new quarrying or industrial activity within the Residential Zone will be contrary to the relevant objectives and policies of the District Plan.

This zone change reflects the current use of the ORA for farming activities (i.e. grazing) which are to continue in areas following the rezoning and the construction of the mitigation bund.

Based on this assessment, the private plan change demonstrates its compatibility with the overall purpose of sustainable management in Part 2.

² Means mineral resources identified in accordance with Regional Policy Statement Method 6.8.1.

³ Means an economic activity based on the use of natural and physical resources in the Region and is identified in Regional or District Plans, which has been shown to have benefits that are significant at a Regional or National scale. These may include social, economic or cultural benefits.

8. Section 32(1)(b) Evaluation

Section 32(1)(b) requires an analysis of the alternative options identified that will achieve the objectives of the requested plan change. The following subsections of this report outline the required evaluations under section 32 including options, cost benefit analysis and an assessment of efficiency and effectiveness.

An evaluation required under section 32(1)(b) requires an evaluation of the issues that the plan change has been prepared to address and demonstrate why the present zoning is not appropriate for the future use of the land. Section 7 of this report has outlined the reasoning as to why the Applicant is seeking the private plan change. In summary, this plan change is to remove the Residential Zone from the ORA and implement a Rural Zone and its associated planning status' over the ORA. The policy direction provided by the Rural Zone will provide a means for the expansion of Symonds Quarry partly into the ORA and the associated establishment of mitigative features which will assist the resource consent application to pass the threshold test under s104D(1)(b).

The issues of the present zoning are summarised in further detail below:

- The location of the Residential Zone adjoining the Significant Industrial Area (SIA) and underlying Rural Zone conflicts with Policies 4.4 (Regionally Significant Industry and Primary Production), 6.1 (Planned and Co-ordinated Subdivision, Use and Development) and 6.8 (Access to Minerals). Specifically, the District Plan is directed by the RPS⁴ that it **shall**⁵ manage the reverse sensitivity effects of development on identified significant mineral resources and mineral extraction activities by discouraging new sensitive activities from locating near identified significant mineral resources and mineral extraction activities;
- Omya's Symonds Quarry and Omya's operations within the Waitomo District fall within the definitions of Regionally Significant Industry and Significant Mineral Resources and Mineral Extraction Activities in the RPS for the reasons described within Section 10.7.1 of this private plan change;
- The potential for the avoidance of reverse sensitivity effects on the ability to access a significant mineral resource is the primary outcome of this plan change. Waitomo District Council is directed by the RPS to have particular regard to reverse sensitivity when changing the District Plan⁶. In particular, Council is directed to discourage new sensitive activities locating near existing and planned land uses or activities that could be subject to effects. These include the discharge of substances, odour, smoke, noise, light spill or dust which could lower amenity values of the surrounding area; and
- The present objectives and policies of the Residential Zone do not meet the requirements of the RPS in considering the location of this Zone relative to the SIA. The Plan states that all non-residential land use activities located within the residential area and in neighbouring zones are to avoid, remedy or mitigate adverse effects to a standard of amenity value that is consistent with the residential receiving environment. This policy direction conflicts with that of the RPS regarding the management of new sensitive activities in areas adjoining mineral extraction activities or located on a significant mineral resource.

8.1. Other Reasonably Practicable Options

This private plan change is an amending proposal to the District Plan under section 32(3). That is, the change will amend the existing District Plan. As there are no new or additional objectives proposed within the plan change,

⁴ Waikato Regional Policy Statement 2016, Part B Implementation Method 6.8.3, Page 6-14.

⁵ 'Shall' has been used by the RPS where methods are of a directive nature, where little discretion is intended to be exercised, and where it is intended that the District Plan shall give effect to the method.

⁶ Waikato Regional Policy Statement 2016, Part B Implementation Method 6.1.2, Page 6-1.

the evaluation is limited to an evaluation of the provisions of the amending proposal under subsection (1)(b) (refer to section 32(3)(a)). This proposal seeks to adopt all of the existing objectives, policies and rules of the Rural Zone.

8.1.1. Maintenance of Existing Zoning and Provisions (Option 1)

Option 1 is the maintenance of the existing Residential District Plan zone over the ORA with an inclusion of its objectives and provisions. No changes to the District Plan maps are required under Option 1.

8.1.2. Adoption of Proposed Zoning and Provisions (Option 2)

Option 2 provides for the adoption of the District Plan's Rural Zone and its associated objectives and provisions and results in a change to Planning Map 36 of the District Plan. This option is set out in detail within Section 6 of this report and is not repeated here.

8.1.3. Adoption of an Independent Zone (Option 3)

A third option that has been considered (but then later discarded) was the adoption of a standalone zone for the activity. This option has been discarded for the reasons below:

- Definition of any new zoning or overlay extent is inappropriate where this has not been investigated or supported by technical analysis in consideration of the future mineral extraction use of the land;
- Any resource consents influencing Development Concept Plans or any provisions to be developed and implemented as part of the District Plan have not been obtained;
- The National Planning Standards do not provide for a separate Quarry Buffer Zone; and
- The issues and objectives of a future zone are unclear.

There is the potential for this option to be adopted by the District Council as part of the District Plan Review and upcoming Proposed District Plan process. Omya will work collaboratively with Council to align the purpose of this plan change with any future outcome of this process and through submissions on the District Plan.

8.2. Evaluation of Efficiency and Effectiveness

An evaluation of the benefits and costs in respect of the alternatives considered is provided as **Table 2** on the following pages. This assessment has been prepared and quantified in accordance with sections 32(2)(a) and (b). An assessment of the efficiency and effectiveness of the options to achieve the purpose of the plan change is also included within that table.

8.3. Reasons for the Option Chosen

Option 1 is considered unfeasible on the basis that it would cause the present issues to remain and therefore is considered to be the least effective of both options considered to achieve the objective.

Development of the site for residential activities fails to take a strategic approach to the planning for extraction of significant mineral resources and compromises the ability of existing mineral extraction activities to undertake that use in a manner that provides for the community to achieve its wellbeing. It is considered this approach is contrary to the Purpose of Part 2 and imposes reverse sensitivity impacts on an established user of the mineral resource which adversely affects its own wellbeing. Option 1 would retain the residential zoning over land that is steep and would be difficult to develop as part of a Residential Zone. Such development did not occur prior to

Omya's ownership and is unlikely to occur in future given its location to a regionally significant industry, Omya ownership and the availability of other residential land within the District which could be developed at a much lower cost.

The re-zoning of the ORA will provide a certain outcome as to access to the regionally significant mineral resource and the continued operation of Omya's regionally significant industry; notwithstanding introducing a more conducive policy and rule framework to prevent reverse sensitivity effects on the operation of the quarry and enabling the completion of mitigation measures under any resource consent process.

There will be costs associated with this option, particularly around the resultant loss of available land for housing, however investigations into residential land supply have determined sufficient residential capacity will be maintained within the District. It is considered within this report that the environmental effects of enabling rural activities in the ORA will, overall, be positive.

The most efficient and effective option to achieve the objective is considered to be the adoption of an Option 2 approach to the District Plan.

8.4. Risk of Acting or Not Acting

There are no matters of insufficient information or uncertainty that present a risk to the adoption of the rules, objectives and policies of the Rural Zone.

8.5. Advice from Iwi Authority

Ngati Maniapoto are the recognised iwi authority with mana whenua in respect of the site. Whanake Taiao are the environmental arm of the Maniapoto Maori Trust Board who were directly consulted in the preparation of this document.

Initial contact with Whanake Taiao was made on 6 June 2019 to commence the consultation process and to seek the opportunity to present the plan change to the monthly Hui of the Te Tokanganui a Noho RMC in accordance with Part 3 of *Ko Tā Maniapoto Mahere Taiao*. An overview of the plan change was presented to Te Tokanganui a Noho RMC at their hui held on 15 July 2019 where 6 members of the RMC were present. The RMC understood the purpose of the plan change and its relationship to the resource consents for the quarry operation. Primary feedback received was the importance of sensitivity to any cultural sites of significance within the footprint of the quarry along with some clarity on the end use of the site post quarrying. Omya undertook to discuss the potential for any sites within the quarry footprint with Ngati Maniapoto.

A request was made to Ngati Maniapoto in late July 2019 and a response received on 2 September confirming that their GIS database did not show any sites of cultural significance within the property boundary.

Omya was also advised to contact Te Hau a Uru RMC and commence engagement with this group. Engagement commenced on 22 July with the provision of summary information on the plan change and subsequent consent processes. An invitation to meet and review the proposal was not required however two members of the RMC did attend a project open day at the quarry on 28 August 2019 where information was shared, and attendees were taken on a conducted tour of the quarry site.

Engagement and consultation with Te Tokanganui a Noho RMC and Te Hau a Uru RMC will be ongoing through the plan change process and subsequent resource consent processes.

Table 2: Section 32 Option Evaluation Table

	Option 1 – Do Nothing/ Status Quo	Option 2 – Rural Zone	Option 3 – Proposed District Plan Review
Zone Description and Purpose	Maintenance of the present Residential zoning over the ORA and any subsequent application for resource consent to expand Omya’s regionally significant industry to access the regionally significant mineral resource in the ORA being a Non-Complying Activity.	Re-zoning of the entire ORA from the Rural Zone to a Residential Zone and any subsequent application for resource consent to expand the Omya regionally significant industry will be a Non-Complying Activity however will be afforded with a more conducive objective and policy framework for the threshold test under s104D(1)(b) to be passed.	Potential drafting of new objectives, policies and performance standards to apply to the ORA and subsequent submissions on the Draft Waitomo District Plan to accommodate the expansion.
Appropriateness <i>(Whether the objectives of the proposal are the most efficient way to achieve the Purpose of the RMA (s32(1)(a))</i>	As identified earlier within this assessment, the expansion of Omya’s regionally significant industry into the ORA and the subsequent ability for a resource consent seeking access to the regionally significant mineral resource to be lodged may not be consistent with s104D of the RMA with regard to the adverse effects of the activity being more than minor on the environment, and being contrary to the objectives and policies of the Residential Zone. As such, this option is not considered to be an appropriate method to achieve the Purpose of the Act as there is no guarantee that regionally significant industry and access to regionally significant mineral resources can be supported within the ORA.	The re-zoning of the ORA to Rural Zone will provide a policy basis for any subsequent resource consent application to pass the Non-Complying threshold test under s104D(1)(b). Consequently, this re-zoning will enable the continued operation of a regionally significant industry and the use of the regionally significant mineral resource located within the ORA and overall achieve the Purpose of the Act. Even if there was no expansion of the quarry (for example, if consents were not approved) the re-zoning is more consistent with the current rural use and the need to provide a mitigation buffer from the existing quarry.	This is not considered to be the most appropriate option to achieve the objectives. While the creation of a bespoke set of objectives, policies and performance standards, or even a bespoke zone, would likely result in the duplication or betterment of the existing District Plan provisions, this is not an efficient process (as indicated by the assessment below) and is likely to be inconsistent with the directions of the National Planning Standards.
Efficiency and Effectiveness <i>(Whether the provisions are the most efficient and effective means of achieving the objectives of the proposal (s32(1)(b))</i>	This is the least effective or efficient method of achieving the objectives of the proposal. Maintenance of the Residential Zone over the ORA will result in any mineral extraction activity within the ORA being unable to satisfy either s104D(1)(a) or s104D(1)(b) under a subsequent resource consent process which is averse to the purpose of this plan change.	This option is considered to be the most efficient and effective means of achieving the objectives of the proposal because the purpose of the plan change is to achieve a Rural Zone which provides a more appropriate framework for assessing rural activities than the present Residential Zone. A bespoke and focused plan change process will avoid time inefficiencies of the District Plan Review process under Option 3 involving an unrestricted focus on the entirety of the District Plan and Zone provisions.	This option is considered to be neither the most efficient nor effective means of achieving the objectives of the proposal. The District Plan review process is generally time inefficient. This option would result in Omya being constrained to a time delay of between two and three years within which uncertainty as to the outcome of the District Plan review will drive inefficiencies regarding the operation of the quarry.
Benefits <i>(Assessment of benefits of the anticipated environmental, economic, social and cultural effects of the provisions, including economic growth and employment (s32(2)(a) and (b))</i>	The maintenance of a Residential Zone over the ORA maintains the ability of land to be developed for housing thereby enabling people to provide for their socio-economic wellbeing through the provision of additional housing supply. As the quarry itself would be limited to the areas north of the ORA, the potential for reverse sensitivity effects of mineral extraction and other rural activities establishing within the ORA (through any resource consent process) would not arise as both threshold tests of s104D would not likely be satisfied. The topographical challenges of the ORA mean that residential development is unlikely in preference to other areas in the town, resulting in this becoming a limited benefit.	The re-zoning of the ORA will enable underlying regionally significant mineral resources to be extracted by OMYA and consequential socio-economic benefits to be attained through the maintenance of employment, investment in the District’s commercial and industrial services and contributions to the National and Regional GDP. Future expansion under a resource consent process will be supported by the policy framework of the District Plan enabling the construction of mitigative features in the ORA to manage the reverse sensitivity effects of industrial expansion. The objectives of the proposal have been assessed in detail against the RPS in Section 10.7 of this assessment and will be highly supportive of the RPS policy directions. Aurally, the assessment of environmental effects in this report has determined that the reduced noise limits of the Rural Zone will enhance the amenity of the environment.	There are no significantly varying benefits of the implementation of this option that would be gained under Option 2 considering, environmental, economic, social and cultural effects. While this option may provide a more structured and significant industry focused set of objectives, policies and performance standards, there is uncertainty as to timeframes associated with this process and as to the direction that Council and submitters take in proposing and assessing various provisions applicable to the ORA.
Costs <i>(Assessment of costs of the anticipated environmental, economic, social and cultural effects of the provisions, including economic growth and employment (s32(2)(a) and (b))</i>	Topographical constraints of the site make the ORA uneconomic to develop for residential land use activities in accordance with the density of development anticipated by the Zone. Maintenance of the Zone will lead to the inability of Omya to access the underlying significant mineral resource and to consequently maximise resource use and development on the site. Less product available for mineral extraction, and a reduced quality of available product, will result in	Although the ORA is assessed as being an area where the anticipated residential density under the District Plan cannot be achieved, the re-zoning of residential land to rural land will result in a reduction in the overall area of land zoned for residential activities and available for development in the District. There is a potential for the re-zoning to result in rural activities which generate reverse sensitivity effects on the surrounding residential land uses, however, it is considered that any mitigation measures to address those reverse sensitivity effects are reliant on the supporting policies of the Rural Zone in any resource	Under this option, the financial costs are shared by the community as a result of going through the District Plan review process. There are also significant social and economic costs as a result of this process due to the uncertainty regarding provisions of the District Plan until such time as the Plan is operative. These include uncertainty regarding investment in the quarry and plant, risk to product supply to the market, meeting client’s requirements and profit forecasting with flow on effects including reduced productivity, a lack of investment long-term in local contractors and the potential for reduced employment.

	adverse flow on economic effects and potential for reduced local employment.	consent application that will enable those measures to be implemented. Omya is subjected directly to financial costs as a result of the preparation and processing of the plan change.	Environmental costs of this option are generally the same as those considered under Option 2.
Risk <i>Assessment of the risk of acting or not acting if there is uncertain or insufficient information about the provisions (s32(2)(c))</i>	There is a high level of risk associated with the maintenance of the Residential Zone over the ORA. Any subsequent resource consent process will not support regionally significant industry and effects of this industry in the Residential Zone and therefore it is highly unlikely that either access to regionally significant mineral resources or the establishment of mitigative works within the ORA will pass the threshold test under s104D(1)(b).	It is considered that sufficient information has been provided in this report to justify proceeding with the proposed plan change and that the risk of acting on this information is less than not acting and taking a reactive stance to reverse sensitivity effects of the present Residential Zone.	There is a high level of risk associated with waiting for the Draft District Plan and zoning to be released for submissions. There is a high level of uncertainty as to the nature of the scale of any changes to the objectives, policies and performance standards of both the Rural and Residential Zones including whether the ORA may be subject to re-zoning which may or may not impose further restrictions on access and use of a regionally significant mineral resource by a regionally significant industry. It is expected that this process will not commence until 2021 which will constrain the ability of the Omya activities to continue under the present District Plan provisions.
Summary	Overall, this assessment has determined an option to retain the present Residential Zone will be the most inefficient and ineffective method to achieve both the purpose of this plan change and consistency with the Purpose of the Act. The maintenance of the Residential Zone would result in a highly inefficient and uncertain resource consent process where it is unlikely either threshold test of the Act could be passed in order to enable the efficient use of the limestone resource. Consequently, there are no environmental, social or economic benefits to be gained from this option.	Overall, this assessment has determined an option to rezone the ORA as a Rural Zone will be the most efficient and effective method to achieve both the purpose of this plan change and consistency with the Purpose of the Act. This option will also have the greatest immediate benefits to be attained with the least costs. The re-zoning of the ORA under an independent process to the District Plan Review will provide a certain outcome as to access to the regionally significant mineral resource and the continued operation of the regionally significant industry; notwithstanding introducing a more conducive policy and rule framework to prevent reverse sensitivity effects on the operation of the quarry and enabling the completion of mitigation measures under any resource consent process. There will be costs associated with this option, particularly around the resultant loss of available land for housing, however investigations into residential land supply have determined sufficient residential capacity will be maintained within the District. It is considered within this report that the environmental effects of enabling rural activities in the ORA will, overall, be positive.	Overall, this assessment has determined that while the upcoming District Plan Review process may lead to the preferred Rural zoning of the ORA, there is a high level of uncertainty associated with the timeframes associated with this process and the objectives, policies and performance standards that may be imposed on the Zone. This process would result in the current adverse environmental effects of the ORA zoning remaining over the site reducing the potential for Omya to invest in the expansion quarry. Accordingly, there is an immediately high level of risk and costs associated with this option in order to attain benefits of a successful re-zoning through the District Plan Review.

9. Assessment of Environmental Effects

Section 32(1)(c) of the RMA requires the evaluation report prepared under s32 of the RMA to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal. With the exception of the assessment of effects in consideration of archaeology, these assessments do not rely on any additional technical reporting to support the conclusions reached.

The main environmental matters that need to be considered as part of this plan change request are as follows:

- Residential amenity effects;
- Landscape and visual effects;
- Geotechnical effects;
- Noise effects;
- Ecological effects;
- Air quality effects;
- Archaeological effects;
- Contamination effects; and
- Positive effects.

As the purpose of the plan change is to adopt the Rural Zone to enable significant mineral extraction activities to occur within the ORA and the expansion of buffer areas, these effects are identified as being the most relevant when assessing the impacts of quarry expansions within the wider Waikato Region. As no plans are developed indicating the final extent of Symonds Quarry in relation to that area, this assessment must only be considered in terms of the likely activities provided for by the District Plan in the Rural Zone. Each issue is evaluated under the following subheadings.

9.1. Residential Amenity Effects

The rezoning of the ORA from a Residential to Rural Zone will enable the potential for current significant mineral resource extraction activities to expand closer to the existing Residential Zone south of the ORA. These expanded activities are acknowledged as giving rise to noise, vibration (associated with blasting) and other transportation related effects which are addressed through the Permitted Activity standards of the Zone and the conditions attached to those standards.

Omya has investigated the extent of the limestone resource and mineral extraction activities will not extend to the boundary of the site due to land requirements for a buffer area and bund. However, the requirements for visual mitigation, noise mitigation and overburden disposal will be located in the re-zoned area and will assist in ensuring the adverse effects of any expanded quarrying activity are acceptable.

A broader assessment of those matters which may potentially affect the amenity of the Residential Zone follows regarding landscape effects, noise and air quality arising from activities in the Rural Zone. The assessments have concluded the effects of the plan change will be largely positive.

9.2. Landscape and Visual Effects

The change to the underlying zoning of this site will result in changes to the visual environment of the Residential Zone that adjoins the ORA from an expectation of residential development to an expectation of rural land uses.

However, the use of land within the Rural Zone does not preclude the site from being occupied by a residential activity or activities once the change to the zone has occurred.

9.3. Geotechnical Effects

There is some geotechnical risk within the existing ORA area as indicated by its inclusion in the Te Kuiti Unstable Land Areas Risk A and Risk B. However the effects of the change to the zone are considered negligible, given that provisions for any new building in Hazard Area B (regardless of zone) is a Discretionary Activity, or otherwise is a Non-Complying Activity in the extent of Hazard Area A.

The Rural Zone is considered to provide for greater resilience options in managing natural hazards risks on the activities undertaken by the Applicant. Extractive industries are provided for regarding bulk earthworks activities through Section 11.5.4 of the Rural Zone and are less susceptible to slips arising from natural hazards (i.e. not reliant on buildings in order for the activity to proceed, and can create engineered batters which mitigate effects that would otherwise lead to slope failure). Omya is the only landowner subject to this plan change that owns land within the hazard areas; limiting the risk of natural hazards within this area to the Applicant themselves.

9.4. Noise Effects

Activities within the Residential Zone are required to comply with the provisions of Chapter 20 Noise within the District Plan at levels of 55dBA L₁₀ during daytime periods and 40dBA L₁₀ at night. The introduction of the Rural Zone will impose a lower noise limit of 50dBA L₁₀ during daytime periods measured at the notional boundary in the Rural Zone or at the boundary of any other site in another zone. In this respect, activities that are reasonably expected to originate within the zone are controlled in a manner that will result in an enhancement in the aural amenity of the immediate environment than those activities enabled by the present zoning.

It is noted that exceptions to the lower noise limits apply for traditional seasonal and cyclic farming activities. Such activities are temporary in duration and reasonably anticipated within a productive rural environment such that any disturbance is unlikely to result in any objectionable, unanticipated or adverse effect on receivers. The landowner has no intention of conducting any new or different rural productive activities within the ORA as a result of this private plan change. Any changes to alter the current quarry footprint and/ or to construct bunds will be undertaken subject to a resource consent application with controls imposed through appropriate consent conditions.

Omya does not seek a change to the boundary of the Special Industrial Area therefore noise generated from all activities undertaken within the core area of Symonds Quarry will not change in frequency when received at the receiver's boundary or notional boundary at properties located within the intermediate buffer zone or the extent of the Special Industrial Area (whichever is greater). In other words, there will be no change in perceived noise originating from the site as a result of the plan change when received at the boundary of any other Zone or at a dwelling in the Rural Zone.

In summary, the change of zoning will provide for a positive reduction in the ambient environmental noise level. The acoustic effects of planned mineral extraction activities within the plan change area will be assessed at the time of an application to authorise those activities within the zone.

9.5. Ecological Effects

The ORA is not located within or adjacent to an area of identified ecological significance. Rules relating to the present Residential zoning have no restriction on the clearance of indigenous or other vegetation and do not

provide clear measures to avoid or mitigate adverse ecological effects arising from development. It is recognised that all significant natural areas are zoned Conservation Zone within the District Plan.

The Rural Zone will provide greater protection to ecological areas; therefore, the plan change results in positive ecological effects through the introduction of the zone to the present residential area. The Rural Zone introduces further criteria regarding the clearance of indigenous vegetation or indigenous wetland vegetation through Rule 11.5.4.5 and is identified within the introductory statement as including controls on the location of various activities via separation distances to fulfil Council's obligations in relation to managing the effects of land use on water quality⁷.

Indirect effects of rural activities on waterways and vegetated areas can be controlled at such time as the site is developed to accommodate those land uses through the District Plan provisions in Chapter 11 and Part Three.

9.6. Air Quality Effects

Mitigation measures are in place for the existing Symonds Quarry operation through the provisions contained in the Significant Industrial Area chapter of the District Plan and are further reinforced by the policy direction of Chapter 18. Activities within the Residential Zone are solely managed with regard to that policy direction and no criteria presently exist for Permitted Activities.

It is considered that through the adoption of the Rural Zone over the ORA the requirements to avoid, remedy or mitigate adverse effects of mineral extraction and primary production are well defined by Rule 11.5.4.6(b) and shall ensure rural land use activities are self-contained for the entrapment of dust. This change to the underlying zone will therefore have no lesser effect in controlling dust effects that has been provided by the present zoning. Therefore, air quality and the avoidance, remediation or mitigation of effects on air quality will continue to be provided for through the change of zone.

The emission of dust arising from anticipated mineral extraction activities will be assessed at the time that any application is lodged to authorise those activities within the underlying zone.

9.7. Archaeological Effects

Warren Gumbley has prepared an Archaeological and Historical Assessment report addressing the extent of the ORA. A copy of this assessment is provided as **Appendix C** to this report.

The archaeological review has determined that there are no sites located within the plan change area. In addition there are no known waahi tapu sites within the plan change area or immediate surrounds that may be affected by the plan change. It is therefore unlikely that there are any effects of the plan change on physical archaeology.

9.8. Contamination Effects

There are no provisions within the District Plan within either zone controlling the subdivision, use, development or disturbance of contaminated land. These activities are regulated under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

⁷ Operative Waitomo District Plan, Chapter 11, Section 11.1, Paragraph 11.1.8, page 33.

Any rural land use activity is determined to be less susceptible to the effects of land contamination on the basis that the Ministry for the Environment's Selected Land Use Criteria indicate higher tolerable limits for exposure of rural land use activities to soil contaminants than residential land uses. Consequently, the effects of the use, development and subdivision of rural land will have lesser effects on human health and the environment than use of any potentially contaminated land by a residential activity.

9.9. Positive (Social and Economic) Effects

Through the adoption of the Rural Zone the life of Symonds Quarry will consequently be extended. An extended productive life will contribute to flow-on positive effects and financial benefits for Te Kuiti and the wider Region, not including the broader direct benefits to the construction and paper/board industries as a result of maintaining a net supply of high-quality limestone minerals. In addition, providing for the ability of the quarry to continue to operate will preserve direct employment in the extractive processes at the site and external employment that is associated with contractors and material suppliers dedicated to servicing the site on a full-time basis.

9.10. Summary of Environmental Effects

An assessment of environmental effects in consideration of the purpose of the plan change has been undertaken in Sections 9.1 to 9.9 of this evaluation report. The conclusions reached within that assessment have identified the effects of the plan change on the environment will be wholly positive. In addition, there are also additional positive social and economic effects that arise from the plan change. As such, it is not considered that the change in zoning will present the potential for reverse sensitivity effects on the adjoining Residential Zone, but rather the change of the underlying zone of the ORA to the Rural Zone will avoid any adverse effects of those activities on Omya's planned operations outside of the Special Industrial Activities area.

While Omya has identified plans to expand its mineral extraction activities within this area, the purpose of the private plan change is not to enable immediate access to the mineral resource but rather to establish a planning framework where a more appropriate assessment of the effects of such an activity on the environment can be undertaken and such effects avoided or mitigated. Therefore, the mineral extraction activity is not the focus of this plan change request.

10. Statutory Framework

10.1. Legal Framework for Private Plan Change Requests

The private plan change process is subject to the provisions of the RMA; including the overarching Part 2 Purpose and Principles and Sections 31, 32, 74 and Part 2 of Schedule One.

Part 2 of Schedule One links the private plan change process back to the provisions of Part 1 of Schedule One RMA via Clause 29, meaning there is a degree of commonality between both processes.

However, the RMA framework is to be applied so that the assessments and all information contained within this plan change report are used to draw the most appropriate conclusion. In particular, the decision of the Court in *Environmental Defence Society Inc. vs New Zealand King Salmon Co.* NZSC 38 (2014) NZLR 593 gives guidance as to how Part 2 of the RMA applies to plan changes. Prior to the *King Salmon* decision an “overall judgement” was taken, whereby it was considered that a plan change gave effect to Part 2 by assessing it individually against the various measures in sections 6, 7 and 8. *King Salmon* changed the decision making process for changes to District and Regional Plans. It found that there is no need to refer back to Part 2 where the other high-level planning instruments are deemed to have given effect to Part 2 at the national, regional or local level.

There are three exceptions to this general rule:

- (i) Invalidity (i.e. the higher order document may be illegal);
- (ii) Incomplete coverage (i.e. the higher order document may not fully cover the issue being considered);
and
- (iii) Uncertainty of meaning (i.e. the higher order document is not clear in its application to the issue being considered).

In the case of this private plan change, the relevant planning instruments to be applied are the Waikato Regional Policy Statement and the Operative Waitomo District Plan. The question that must be considered is whether the documents can be relied upon as incorporating all relevant matters under Part 2 or whether any of those above exceptions apply in which case an assessment of the plan change against Part 2 is required. In terms of timing, the Regional Policy Statement was made operative in 2016 and was therefore in place following the operative date of the District Plan. Therefore, given that the District Plan preceded the Regional Policy Statement which is the higher-order document, there is underlying uncertainty as to whether issues contained within the Regional Policy Statement are addressed by the District Plan.

In particular, Objective 8.3.5 and supporting Policy 8.4.9 of the Operative District Plan inadequately take into account Policy 6.8 of the RPS as this policy framework fails to take into account the potential for land use development to occur in the proximity of mineral extraction activities, thereby constraining access to mineral resources and the ability for regionally significant industry to grow and develop.

For that reason, this assessment includes an assessment against the Purpose of Part 2 for completeness.

10.2. Part 2 (Schedule One) – Resource Management Act 1991

Part 2 of Schedule 1 of the RMA sets out the procedure to be followed when making a request to change a Plan. Key elements of this process are summarised below:

- Any person may request a change the District Plan;

- The request shall be in writing to the Council;
- The request shall explain the purpose for the proposed plan change and the reasons for the change;
- The request shall include an evaluation prepared in accordance with section 32 of the RMA;
- The request shall include a description of the environmental effects anticipated from implementation of the plan change;
- The Council can require the Applicant to provide further information;
- The Council shall either adopt the request, accept the request, deal with the request as if it was an application for resource consent; and
- The Council may decline the plan change, approve it, or approve it with modifications.

Part 2 of Schedule One is largely a procedural provision which specifies that any person may request a change to a District Plan (section 21), the local authority must consider the request and to decide if the request can be adopted or accepted (section 25), may reject the request (subsection 25(4)) or may deal with the request as if it were an application for resource consent (subsection 25(3)).

Clause 29 also specifies that Part 1 of Schedule One shall additionally apply to private plan change requests, with all necessary modifications. The Resource Management Legislation Amendment Act 2017 inserted Clause 4A of Part 1 Schedule One which raises a question of interpretation. It requires that:

- 1) *Before notifying a proposal policy statement or plan, a local authority must:*
 - a) *Provide a copy of the relevant draft proposed policy statement or plan to the iwi authorities consulted under clause 3(1)(d); and*
 - b) *Have particular regard to any advice received on the draft statement or plan from those iwi authorities.*

The reference to clause 3(1)(d) is an obligation on a local authority to consult tāngata whenua during preparation or change of their own District Plan. It is a logical extension of this provision then to require a local authority to provide a copy of the draft plan to iwi authorities and obtain advice from them prior to notification and to have particular regard to that advice. OMYA has undertaken consultation with tāngata whenua in accordance with other provisions of the RMA and has recorded the outcomes of that consultation within this report, thereby assuring that the principles of consultation have been followed.

Advice received from the Whanake Taiao arm of the Maniapoto Maori Trust Board is summarised within Section 8.5 of this application. A copy of all correspondence and meeting minutes is attached within **Appendix D**.

10.3. Section 31

Section 31 sets out the function of territorial authorities under the RMA. In particular, it identifies the functions of Councils at section 31(1) as including:

- a) *The establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District.*
- aa) *The establishment, implementation and review of objectives, policies and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the District.*
- b) *The control of any actual or potential effects of the use, development or protection of land, including for the purpose of:*
 - (i) *The avoidance or mitigation of natural hazards;*

- (iia) The prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;*
- (iii) The maintenance of indigenous biological diversity;*
- d) The control of the emission of noise and the mitigation of the effects of noise;*

Council is required to consider the private plan change application in accordance with its function to achieve the integrated management of land use. The enablement of the use and development of land for any foreseeable mineral extraction activities is clearly within the scope of Council's functions in section 31(1) and the integration of those potential activities with infrastructure and the immediate environment is addressed by the assessment of environmental effects section of this plan change application.

Section 31(1)(aa) requires that a development capacity of land for housing and business is provided by Council. This is implemented through the zoning of land for primarily residential and business purposes within the District Plan. Presently, the District Plan provides for 316ha of land zoned Residential in Te Kuiti and 1,500 of the 1,728 properties that comprise that Zone are developed for residential land use. The rezoning will reduce the potential development for residential purposes of 14 of the existing 228 undeveloped properties within the Residential Zone; that equivalent to a 0.8% reduction in the overall residential capacity of Te Kuiti⁸ and 6.1% of the capacity currently undeveloped. Given the existing oversupply of residential zoned land the plan change is considered in no way to affect Council's ability to supply sufficient development capacity in the District.

The requirement for the avoidance or mitigation of natural hazards is administered for any use or development of land under both Residential and Rural Zones through Rules 8.5.2 and 11.5.3 of the District Plan. As there will not be any change to that requirement by the rezoning to Rural Zone the plan change supports clause 31(1)(b)(i).

Presently, there are no rules within the District Plan controlling the use and development of contaminated land. Regardless, future land use activities are required to be assessed at the time of resource consent applications against National Environmental Standards in accordance with clause 104(1)(b)(i) of Part 2 of the RMA. Effects of the use and development of land can be prevented or mitigated regardless of the underlying zoning under the applicable Regulations contained in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. Clause 31(1)(b)(iia) is therefore met by the plan change.

The present Residential Zone of the District Plan does not contain controls regarding the clearance of indigenous vegetation or development within karst environments that may contain or provide for the habitats of significant indigenous fauna or significant indigenous flora and therefore does not uphold the maintenance requirements of clause 31(1)(b)(iii). Introduction of the Rural Zone and its associated objectives, policies and rules to the OMYA residential landholding will provide for the management of effects on these systems to maintain diversity under Rules 11.5.2 and 11.5.4.5 of the District Plan. Clause 31(1)(b)(iii) is therefore met by the plan change.

The requirement to control the emission of noise and the mitigation of the effects of noise is administered for any activity involving the use or development of land under both Residential and Rural Zones through Rules 8.5.2 and 11.5.3 of the District Plan requiring compliance with the provisions of Chapter 20. As there will be no change to that requirement by the rezoning to Rural Zone the plan change is considered to support clause 31(1)(d).

⁸ Symonds Quarry – Residential Land Capacity letter to Bloxam Burnett & Olliver from Waitomo District Council, dated 26 October 2018.

10.4. Sections 74 and 75

Sections 74 and 75 of the RMA set out the matters to be considered by Council when changing District Plans and set out the prescribed purpose and contents for District Plans. The plan change request is designed to integrate into the District Plan without requirements to change its objectives, policies and rules.

Section 74 is not relevant to private plan change requests and is accordingly disregarded⁹.

Under section 75 of the RMA, a plan change application must have regard to all higher order planning documents including Regional Policy Statements, management plans, and strategies prepared under other Acts.

The relevant documents considered within this private plan change application are as follows:

- National Policy Statement on Urban Development Capacity 2017;
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
- Waikato Regional Policy Statement 2016;
- Waikato Regional Plan 2007; and
- Maniapoto Environmental Management Plan/ *Ko Tā Maniapoto Mahere Taiao*.

10.5. National Policy Statements

National Policy Statements are prepared under the RMA and are used to establish policies and broad objectives for matters of significance relevant to achieving the purpose of the RMA. Both District and Regional Plans are required to give effect to National Policy Statements in their objectives and policies.

10.5.1. National Policy Statement on Urban Development Capacity 2017

The National Policy Statement on Urban Development Capacity 2017 (NPS-UDC) recognises urban environments can be nationally significant and need to be enabled to develop and change while providing sufficient development capacity to meet the needs of people and communities and future generations. The NPS-UDC requires that the Council provides enough development capacity within the District Plan to ensure that demand for urban growth can be met while that land must be commercially feasible to develop and supported by infrastructure.

Not all policies of the NPS-UDC apply to this plan change. The Waitomo District does not contain a High Growth Area, or a Medium Growth Area as defined by the NPS. Therefore, only Policies PA1 to PA4 must be considered. These are assessed as follows; but excluding Policy PA4 as the plan change request is not an urban development proposal:

PA1: Local authorities shall ensure that at any one time there is sufficient housing and business land development capacity ...

The District Plan provides for 316ha of land zoned for Residential purposes in Te Kuiti and 1,500 of those 1,728 properties that comprise that Zone are developed for residential land use. The rezoning will reduce the potential development for residential purposes of 14 of the existing 228 undeveloped properties within the Residential

⁹ *Kennedys Bush Road Neighbourhood Assn v Christchurch CC EnvC W063/97*

Zone; that equivalent to a 0.8% reduction in the overall residential capacity of Te Kuiti¹⁰ and 6.1% of the capacity currently undeveloped. Given the existing oversupply of residential zoned land the plan change is considered in no way to affect Council's ability to supply sufficient development capacity in the District. The District Plan states in Paragraph 8.1.1 "*There is no significant pressure for residential growth in the settlements*"¹¹.

It is worth noting for the purposes of addressing urban development capacity, the change to the underlying zone is not a precluding activity. All rural allotments are able to be developed for residential purposes (excluding any resource consent requirement) until such time as they are required for incompatible rural land use activities.

PA2: Local authorities shall satisfy themselves that other infrastructure required to support urban development are likely to be available.

There are no stormwater or wastewater connections provided to the present dwellings located within the Omya residential area. Any development either within the Residential or Rural Zone must therefore be self-sufficient in terms of stormwater and wastewater management. As there is no change in the servicing requirements under either zone, the change in the use of land will not result in any servicing deficiency for any intermediary or future land use activities.

PA3: When making planning decisions that affect the way and the rate at which development capacity is provided, decision-makers shall provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations, whilst having particular regard to:

- a) Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses;*
- b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and*
- c) Limiting as much as possible adverse impacts on the competitive operation of land and development markets.*

A minor reduction in the availability of residential zoned land will not result in adverse competition effects on the land market. The underlying zoning does not inhibit the use of the Omya site for residential activities. Those sites are sized and regulated through the provisions of the District Plan to enable flexible dwelling types and sizes within permitted thresholds and thereafter subject to consent to ensure that effects on the amenity of residential and rural environments or infrastructure are avoided, mitigated or remedied in accordance with the objectives and policies of the District Plan.

Based on the above assessments against the applicable policies of the NPS-UDC, the plan change will not conflict with the requirements of Council to provide urban development capacity through the District Plan zones for the use of residential and business activities.

10.6. National Environmental Standards

Section 32(4) of the Act requires an evaluation as to whether a proposal will impose a greater or lesser form of restriction on an activity to which a National Environmental Standard applies than the existing prohibitions or restrictions in that standard. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES Soil) applies to all activities and has therefore been assessed in this report.

¹⁰ Symonds Quarry – Residential Land Capacity letter to Bloxam Burnett & Olliver from Waitomo District Council, dated 26 October 2018.

¹¹ Operative Waitomo District Plan, Chapter 8 Residential Zone, Section 8.1 Introduction pg. 22.

10.6.1. *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health*

The NES Soil applies to any person seeking to undertake an activity on a land parcel classified as a Piece of Land on which an activity described in the Ministry for the Environment's Hazardous Activities and Industries List has been undertaken, is being undertaken or is more likely than not to have been undertaken. Applicable activities include subdivision, a change of land use, removing or replacing a fuel storage system, sampling soil or disturbing soil.

Regardless of a permitted activity status in the District Plan, the NES Soil applies. The NES is non-discriminatory in the sense that regardless of the zoning over the ORA, every new activity required to be assessed for a resource consent is subject to equal requirements and limitations.

Accordingly, the plan change is not considered to result in any greater or lesser restriction that may undermine the NES Soil.

10.7. Regional and Strategic Planning Documents

10.7.1. *Waikato Regional Policy Statement*

Section 75(3) of the RMA requires a District Plan to “give effect” to any Regional Policy Statement. The Waikato Regional Council made the Waikato Regional Policy Statement operative on 20 May 2016.

The Regional Policy Statement sets out significant regional resource management issues and contains objectives, policies and implementation methods to address those issues. The policies and supporting methods have been designed to achieve integrated management of natural and physical resources and guide the development and content of subordinate plans such as Regional and District Plans and the consideration of resource consents.

The Omya activity is, for the purposes of this assessment, considered to be a regionally significant industry. This is defined by the Regional Policy Statement as:

“Regionally significant industry – means an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.”

Omya specialises in the extraction of pure crystalline limestone found only in Te Kuiti Oligocene deposits. That type of limestone is typically buried by a thick deposit of younger sediments and is only accessible (i.e. only close to the surface in a manner that makes extraction feasible) at Omya's sites in Te Kuiti and Ngapaenga. This makes Omya the only supplier of calcium carbonate greater than 98.5% purity in the Region to the steel, paper and mineral fillers markets. Further evidence related to the regional significance of the industry and Symonds Quarry is included as **Appendix G** to this plan change.

There are significant economic and social (employment) benefits created by this industry.

OMYA's Symonds Quarry is a listed Special Industrial Activity in the District Plan.

The key issues, objectives and policies of the Regional Policy Statement in relation to this plan change have been defined as follows:

- **Issue 1.4 Managing the Built Environment;**
 - Objective 3.1 Integrated Management;
 - Objective 3.2 Resource Use and Development;
 - Objective 3.12 Built Environment;
 - Policy 4.1 Integrated Approach;
 - Policy 4.4 Regionally Significant Industry and Primary Production;
 - Policy 6.1 Planned and Co-Ordinated Subdivision, Use and Development; and
 - Policy 6.8 Access to Minerals.

Our policy assessment is provided in **Table 3** of this report as follows:

Table 3: Waikato Regional Policy Statement (2016) Policy Assessment

Waikato Regional Policy Statement Policies	Supporting Objective(s)	Assessment of the Private Plan Change
Policy 4.1 Integrated Approach		
<p><i>An integrated approach to resource management will be adopted that:</i></p> <ul style="list-style-type: none"> <i>a) Recognises the inter-connected nature of natural and physical resources (including spatially and temporally) and the benefits of aligning the decisions of relevant management agencies across boundaries;</i> <i>b) Maximises the benefits and efficiencies of working together;</i> <i>c) Recognises the multiple values of natural and physical resources including ecosystem services;</i> <i>d) Responds to the nature and values of the resource and the diversity of effects (including cumulative effects) that can occur;</i> <i>e) Maximises opportunities to achieve multiple objectives;</i> <i>f) Takes a long-term strategic approach which recognises the changing environment and changing resource use pressures and trends;</i> <i>g) Applies consistent and best practice standards and processes to decision making; and</i> <i>h) Establishes, where appropriate, a planning framework which sets clear limits and thresholds for resource use.</i> 	<p>Objective 3.1</p> <p>Objective 3.2</p> <p>Objective 3.12</p>	<p>To achieve integrated management within the Waikato Region, the RPS identifies within the explanation for Policy 4.1 that it is necessary to ensure a level of consistency in resource management approaches; with one of the primary methods to achieve this being through the amendment of District and Regional Plans to give effect to the RPS. The assessments below have identified that access to minerals and the enablement of regionally significant industry must be appropriately recognised and provided for within the District Plan. The Rural Zone provisions of the District Plan will be the most efficient and effective means of providing for access to minerals and regionally significant industry to operate and expand while taking into account the avoidance or means of addressing adverse environmental effects.</p> <p>The replacement of the Residential Zone will have no adverse immediate or long-term effect on the ability of the District Plan to provide for both the current and predicted urban development and growth demands of Te Kuiti. The plan change recognises and provides for changing resource use pressures (i.e. access to high purity limestone resources) and changes within the environment. The Rural Zone provisions in conjunction with the general requirements of the District Plan which relate to all activities set clear limits and thresholds for resource use and development which are not prescribed within the provisions for the Residential Zone (e.g. earthworks).</p>
Policy 4.4 Regionally Significant Industry and Primary Production		
<p><i>The management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:</i></p> <ul style="list-style-type: none"> <i>a) Recognising the value and long-term benefits of regionally significant industry to economic, social and cultural wellbeing;</i> <i>b) Recognising the value and long-term benefits of primary production activities which support regionally significant industry;</i> <i>c) Ensuring the adverse effects of regionally significant industry and primary production are avoided, remedied or mitigated;</i> <i>d) Co-ordinating infrastructure and service provision at a scale appropriate to the activities likely to be undertaken;</i> <i>e) Maintaining and where appropriate enhancing access to natural and physical resources, while balancing the competing demand for these resources;</i> <i>f) Avoiding or minimising the potential for reverse sensitivity; and</i> <i>g) Promoting positive environmental outcomes.</i> 	<p>Objective 3.1</p> <p>Objective 3.2</p> <p>Objective 3.12</p>	<p>The proposed Rural Zone will enable Omya to apply for the necessary statutory approval to expand Symonds Quarry into part of the Omya residential area. The ability of Omya to expand within this area will provide for its continuing operation and subsequent ability to continue employment within the District, the engagement of local Contractors, and the sale of minerals and subsequent re-investment within the Region in a regionally rare resource.</p> <p>The Rural Zone provisions of the District Plan specifically identify and provide for mineral extraction activities and regionally significant industry. These are supported by a range of provisions which apply to all activities seeking to establish within the Rural Zone contained within Chapters 16-27. While the present Residential Zone provides for consideration of those supporting provisions there are no rules which directly enable access to mineral resources and which seek to avoid, remedy or mitigate the associated effects of mineral extraction activities. In addition, it is also considered that reverse sensitivity such as that which is addressed by the intermediate buffer area noise provisions for Special Industrial Activities have greater weight in avoiding such effects on lawfully established mineral extraction activities where an adjoining zone is the Rural Zone and the overarching objectives and policies of the Rural Zone discourage the establishment of any recognised noise sensitive activity.</p> <p>The Rural Zone does not provide for Symonds Quarry to expand without resource consents. Rather, any future expansion will be subject to assessment under Part 2 and Schedule 4 of the Resource Management Act 1991 including the requirement to provide a comprehensive Assessment of Environmental Effects.</p> <p>It is a positive environmental outcome if Omya can internalise its adverse effects within the ORA buffer area while also continuing a rural land use that will effectively and appropriately maintain the soil resource. This outcome is assisted by the uplifting of the present paper road and Terrace Road and consequential amalgamation of that land into the Omya title.</p>

Policy 6.1 Planned and Co-Ordinated Subdivision, Use and Development

Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:

- a) Has regard to the principles in Section 6A;*
- b) Recognises and addresses potential cumulative effects of subdivision, use and development;*
- c) Is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and*
- d) Has regard to the existing built environment.*

Objective 3.1

Objective 3.2

Objective 3.12

The present Residential Zone is not considered to align with the principles in Section 6A of the RPS when planning and coordinating subdivision use and development. The location of a Residential Zone at the boundary of an identified Special Industrial Activity does not provide an appropriate buffer between urban development and activities that are reasonably expected to occur within a rural environment; in particular as quarry activities generate a broader range of actual and potential environmental effects than comparatively permissive primary production activities. The introduction of the Rural Zone, while not entirely inhibiting the ability for the OMYA residential area to be used for residential activities, will provide for OMYA to utilise the site for the creation of a buffer between Symonds Quarry and Te Kuiti's northern urban extent east of the Mangaokewa Stream. There is no intention or benefit for the operator of a regionally significant industry to develop land for residential purposes within the immediate vicinity of a Special Industrial Activity.

In addition, the Rural Zone is considered to provide a stronger direction to the avoidance of reverse sensitivity than the present policy and rule provisions contained within the Residential Zone chapter of the District Plan. Both Zones are acknowledged as enabling residential development however the Residential Zone policies seek that the existing Omya activities shall avoid, remedy or mitigate effects on sensitive land uses. This is averse to the operation of an activity established prior to the introduction of the District Plan. Rather, it is sought that sensitive activities should be required to demonstrate effective mitigation in accordance with Policy 11.4.16 through the implementation of the Rural Zone over the site.

Policy 6.8 Access to Minerals

Management of development of the built environment appropriately recognises:

- a) The potential for impacts of subdivision, use and development on access to mineral resources;*
- b) The need for mineral resources to be available for infrastructure and building developments;*
- c) The potential benefits of the further development of the Region's minerals and providing for the continued operation of existing lawfully established mineral extraction activities;*
- d) The need to manage the adverse effects of extraction, which may include avoiding mineral extraction, or certain types of mineral extraction, in some areas;*
- e) The potential for land use development that is inconsistent with nearby mineral extraction activities; and*
- f) That some mineral resources are considered taonga or traditional resources by tāngata whenua.*

Objective 3.2

Objective 3.12

The District Plan is directed by the Regional Policy Statement (with little discretion)¹² to manage reverse sensitivity effects of development on significant mineral resources and mineral extraction activities by discouraging new sensitive activities from locating near those resources and activities¹³. The present Residential Zone is sited on an accessible significant mineral resource and inappropriately restricts access to that resource to enable social and economic wellbeing. In particular, the present policy direction of the Residential Zone requires that non-residential activities maintain the amenity of the receiving environment¹⁴. This policy direction is therefore clearly contrary to the prevention of reverse sensitivity effects by residential development locating immediately adjacent to a Rural Zone and identified Significant Industrial Activity. Ongoing access to the significant mineral resource will enable the continued benefits of the present activity to be derived including re-investment in the local economy and ongoing employment.

The proposed Rural Zone more appropriately provides for the protection of Symonds Quarry from sensitive activities establishing in a Rural Zone. Objective 11.3.11 of the District Plan and supporting Policy 11.4.16 specifically seek that the establishment of sensitive activities is discouraged to prevent adverse effects on the operation of existing lawfully established rural and industrial activities.

Limitations on the use and development of land through the District Plan's Rural Zone will effectively reduce the potential for land development to further compromise access to the underlying mineral resource within the Omya residential area presently afforded the ability to establish within the Residential. Thereafter enablement of access to the resource will provide for the ability to extract limestone values for use as a filler within construction industry products supporting the building and infrastructure industries.

The provisions of the Rural Zone take into account mineral extraction activities occurring within the Zone and provide rules which specifically relate to the operation of such activities (e.g. Rules 11.5.4.3 and 11.5.4.6) and therefore will provide a more consistent and effective means of managing the adverse effects of mineral extraction in conjunction with supporting provisions in Chapters 16-27 of the District Plan than those contained within the Residential Zone.

¹² The RPS adopts the following definition of 'shall': "Shall" has been used where methods are of a directive nature, where little discretion is intended to be exercised, and where it is intended that district or regional plans shall give effect to the method.

¹³ Method 6.8.3.

¹⁴ Refer Objective 8.3.5 and Policies 8.4.4 and 8.4.9.

The plan change request, overall, will give effect to the RPS in that it does not raise any issues which are in direct conflict with the relevant objectives and policies. The plan change is therefore considered to be consistent with the relevant RPS provisions and in fact supports those objectives and policies.

10.7.2. *Waikato Regional Plan*

District Plans must not be inconsistent with any Regional Plan for any matter specified under section 30(1) of the RMA which relates to the functions of Regional Councils¹⁵. The relevant Regional Plan is the Operative Waikato Regional Plan which was made operative in September 2007. The Waikato Regional Plan contains directions for the use and protection of primarily natural resources in the Waikato Region.

Omya holds various resource consents from the Waikato Regional Council to take groundwater, discharge water and to discharge overburden from quarrying activities. These existing resource consents cover the current scale of activities however additional consents will be required in the future subject to earthworks volumes and any water supply demands. All future resource consent applications will be assessed against the Regional Plan or any subsequent revision.

Adoption of the proposed Rural Zone and provisions over the ORA will not conflict with the rules of the Regional Plan as they relate to earthworks activities, the take and use of water and discharges.

10.7.3. *Maniapoto Environmental Management Plan*

Ko Tā Maniapoto Mahere Taiao is an environmental plan implemented by Whanake Taiao for the Maniapoto Maori Trust Board. The plan is a high-level document describing issues, objectives, policies and actions designed to protect, restore and enhance the relationship of Maniapoto with the environment including their economic, social, cultural and spiritual relationships.

The plan change will introduce a broader range of anticipated activities into the ORA based on the permissive presumptions of the proposed Rural zoning. Section 74(2A) requires a territorial authority to take into account any relevant iwi/ hapu planning document. That obligation is transferred to the Applicant for a private plan change by Clauses 25 and 29 of the First Schedule of the RMA. The proposed plan change is therefore required to take into account the objectives and policies of the Environmental Plan as they may relate to the Rural Zone. An assessment of the plan change against the categorised objectives and policies of the Environmental Plan follows.

The plan change will not affect an area of identified natural heritage or biodiversity or exacerbate the effects of natural hazards on sensitive land uses. Nor will this plan change relate to the coastal and marine environments, fisheries, wetlands, freshwater or climate change. Regarding objectives of the Environmental Plan that address the discharge of contaminants to air and air quality, the control of activities reasonably expected to establish in the Rural Zone will be regulated by Rule 11.5.4.6(b) and Chapter 18 of the District Plan. Accordingly, likely future activities will be required to acknowledge the life-supporting capacity of air and protect or enhance the quality of that resource. Parts 11-17, 19 and 20 overall will be upheld by the plan change.

Part 18 of the Environmental Management Plan relates to land. The adoption of Rural Zone provisions as they relate to the management of soil loss and indigenous vegetation clearance will provide for the maintenance of the mauri of land and its life supporting capacity. Those provisions are strengthened by the supporting provisions in Part Three of the District Plan relating to the management and use of erosion prone land.

¹⁵ Section 75(4)(b)

Part 23 of the Environmental Management Plan is of key importance to the plan change as it relates to minerals, mining, quarrying, oil and gas. Key objectives contained within the Plan seek that Maniapoto is engaged in the highest level of decision-making surrounding minerals, that any adverse social, cultural, spiritual, environmental and economic effects arising from new and existing activities are managed and that those activities demonstrate direct community benefits associated with their operation. Maniapoto has been consulted during preparation of this plan change request via the Whanake Taiao arm of the Maniapoto Maori Trust Board. Correspondence and advice received from this party is provided within **Appendix D** to this plan change application.

This plan change will adopt the objectives, policies and rule framework for the Rural Zone in the District Plan, including by default the objectives, policies and rule framework of Chapters 16 to 27. Those provisions are tested at the time the District Plan is adopted to ensure that adverse effects of activities are avoided, remedied or can be mitigated. Those provisions have again been tested for the purpose of this rezoning and will provide for that purpose for any new activity to be undertaken within the adopted Rural Zone.

The necessary resource consent applications that will be lodged in future to expand Symonds Quarry will provide additional opportunities for *Whanake Taiao* input, notwithstanding including a broad description of the benefits to the community provided by Omya. This plan change has demonstrated the rarity of the mineral resource and consistency with the direction of the RPS to require District Plan's to provide access to mineral resources for regionally significant industry which upholds Objective 23.3.3 as it relates to the plan change request.

There are no relevant objectives in Parts 24-26 of the Environmental Management Plan that relate to the plan change. The plan change has no adverse effects on waste management, biosecurity or tourism and recreation industries.

Overall, taking into account all matters of *Ko Tā Maniapoto Mahere Taiao*, there are no matters contained within the plan change or arising from the plan change which are contrary to the Plan.

11. Consultation

11.1. Waitomo District Council

Engagement and consultation with Waitomo District Council has taken place on several levels since early 2017. Initially, consultation was completed at a conceptual level to provide Council with an overview of the planned expansion of Symonds Quarry and to gain feedback on the broad concept. Since 2018 this has been refined and a detailed breakdown of the processes required to expand the quarry have been presented to Council in order to seek their high-level recommendations.

A concurrent process under the Public Works Act seeks to stop parts of Terrace Road and Paper Road that divide the existing southern pit from, and divide, the ORA. Full disclosure of the estimated extent of bunding required to mitigate the effects of the pit expansion has been provided to Council to justify the length of road required to be stopped.

Waitomo District Council's processing planner, Mr Murray Kivell, has been engaged in a briefing to the purpose of the private plan change with Bloxam Burnett & Olliver and has been provided an opportunity to visit Omya's Symonds Quarry and the private plan change area.

Meetings will continue to be held with Waitomo District Council's staff during notification and processing of the private plan change.

11.2. Adjacent Landowners

Representatives from Omya and BBO met individually with all surrounding landowners through July and August 2019. The purpose of the visits was to introduce the plan change and subsequent quarry resource consents, to set out the quarry expansion staging plans, to identify and investigate potential effects arising from the process and outlining the approach to be taken to mitigating those effects. The quarry has been in operation for a number of decades on the site and the home visits provided important feedback on current experiences with the quarry operation and a good sense of any potential issues moving ahead into the plan change and related statutory processes.

A record of consultation with adjoining landowners is provided within **Appendix E** to this private plan change.

11.3. Tangata Whenua

Representatives from Omya and BBO met with representatives of Te Tokanganui a Noho RMC at their monthly hui in Te Kuiti on 15 July 2019. The plan change and subsequent resource consent processes were outlined, and a discussion was held in relation to the project, the potential issues of concern to the RMC and the engagement process moving forward. The RMC members were invited to a quarry open day to be held at the quarry on 28 August 2019. No RMC members were able to attend the open day on the day. Engagement with Te Tokanganui a Noho RMC will continue through the project timeframes.

Consultation with Te Hau a Uru RMC has also commenced with a package of information being sent to the RMC representative, Ronnie Takerei on 22 July 2019. The RMC confirmed that they wished to be engaged in the consultation and engagement processes associated with the quarry project. An invitation to attend the quarry open day was extended and two members of the local marae, Michael Moerua - Chairperson of the marae and Grant Morgan, Hauauru ki Uta RMC Representative for Te Korapatu Pa attended the open day.

A record of consultation with the Te Tokanganui a Noho RMC and Te Hau a Uru RMC is provided within **Appendix D** to this private plan change.

12. Conclusion

Omya New Zealand's Symonds Quarry is an established, regionally significant mineral extraction activity. Omya owns adjoining residential properties which inefficiently restrict mineral extraction activities from occurring on that land. This plan change is designed to adopt the least intrusive method on the District Plan to provide a planning framework that will facilitate the future growth of Symonds Quarry. The sites current Residential zoning fails to take into account the significance of the activity and limits the opportunities to realise the potential of the site to protect the Quarry from reverse sensitivity effects and enable its expansion.

Omya New Zealand Limited is proposing a change to the Operative Waitomo District Plan. The purpose of this plan change is to provide a change to the underlying zone to the Rural Zone ensuring greater alignment between the District Plan and subsequent resource consent approvals. Generally, the private plan change will allow access to the underlying significant mineral resource in a way that provides for the ongoing operation of the Symonds Quarry and provides for the social and economic wellbeing of Omya and the wider community.

As an amending proposal, this plan change is limited to changing the underlying zoning of the ORA as represented on Planning Map 36 of the Operative Waitomo District Plan from Residential to Rural Zone. There are no changes proposed to objectives, policies or rules of the District Plan. The topography, the location of the ORA and the growth projections for Te Kuiti signal that the land subject to the plan change is not likely to be developed for urban/ residential use. Rather, its location adjoining a regionally significant mineral resource and the ownership of this site by Omya will limit its potential for residential development. Changing the zoning to Rural will enable more compatible and beneficial land uses to continue and be developed.

The proposal satisfies the objectives of the RPS by providing for regionally significant industry and access to any significant mineral resources.

An assessment of the proposal against the purpose and principles of Part 2 of the RMA, the relevant National Policy Statement on Urban Development Capacity, the Waikato Regional Policy Statement and policies of *Ko Tā Maniapoto Mahere Taiao* is contained within this report. That assessment concludes that the plan change and subsequent promotion of access to significant mineral resources will align with the requirements of the RPS and will be complementary to the sustainable management principles within Part 2 of the RMA as they relate to the ability to access mineral resources in a way that effects are managed under section 5(c).

The actual and potential effects on the environment associated with the private plan change can be satisfactorily avoided. Any environmental effects are determined to be positive in nature. There will be adverse effects on the environment of allowing rural activities and regionally significant industry to occur within the ORA, however, the District Plan contains a suitable rule framework directing the avoidance, and thereafter the mitigation, of any adverse environmental effects of such activities.

A resource consent application to expand Symonds Quarry will follow this private plan change.

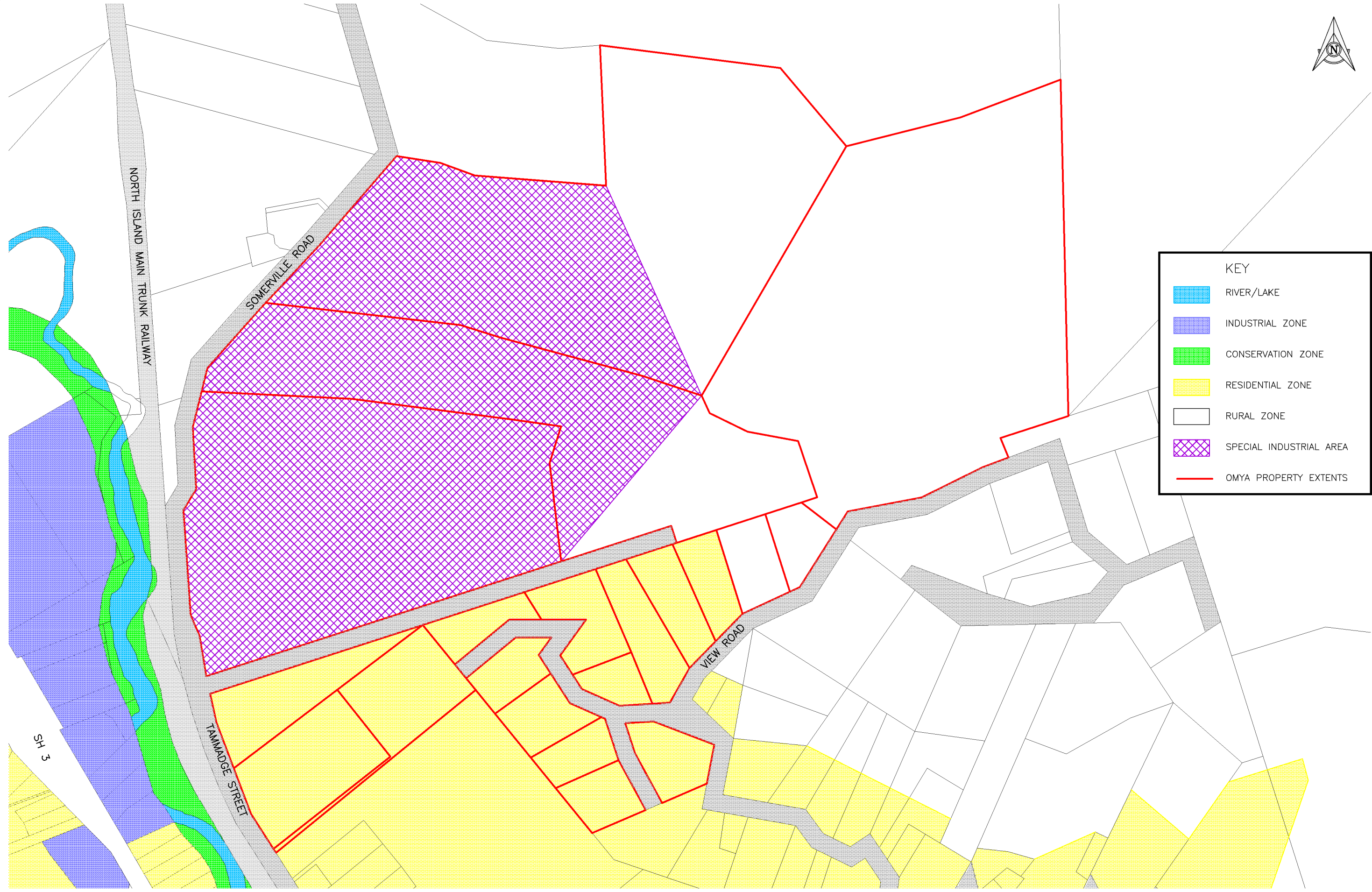
Having provided a evaluation of alternatives to the private plan change in accordance with the section 32 process under the Resource Management Act 1991 this plan change is considered to meet the appropriate response to the planning framework, consistent with the relevant higher order planning documents and meets the relevant statutory criteria.

Appendix A

Proposed Plan Change Zoning Maps

100mm
SCALE FOR VALIDATING SIZE OF A3 PLOT ONLY

0



KEY	
	RIVER/LAKE
	INDUSTRIAL ZONE
	CONSERVATION ZONE
	RESIDENTIAL ZONE
	RURAL ZONE
	SPECIAL INDUSTRIAL AREA
	OMYA PROPERTY EXTENTS

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Designed	SG	Checked	CD
Drawn	HW	Approved	
Date	24.10.2018	Issue/revision detail	INITIAL ISSUE
By	HW	Chk	SG
Appr			

mx model version:	
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Phone 64-7-838 0144, Fax 64-7-839 0431

Client
OMYA NEW ZEALAND LTD.

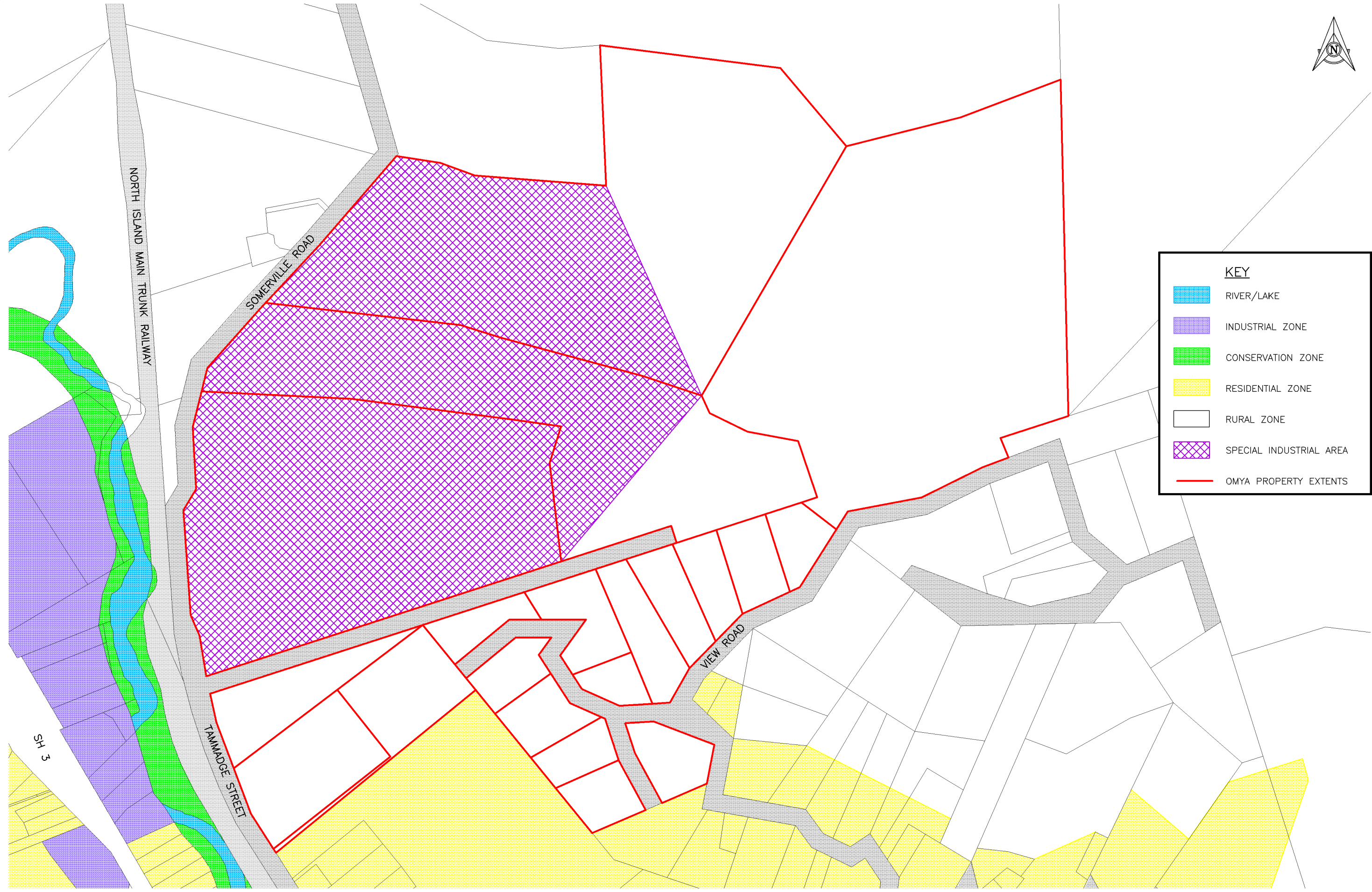
Project
PRIVATE PLAN CHANGE
TO THE OPERATIVE
WAITOMO DISTRICT PLAN 2009

Drawing
EXISTING DISTRICT PLAN ZONES
SHEET 1

Status	PRELIMINARY	
Date	24.10.2018	Scale (Original Size A3) 1:4000
Drawing Number	142770/01 /- /0111	Revision A

100mm
SCALE FOR VALIDATING SIZE OF A3 PLOT ONLY

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KEY

- RIVER/LAKE
- INDUSTRIAL ZONE
- CONSERVATION ZONE
- RESIDENTIAL ZONE
- RURAL ZONE
- SPECIAL INDUSTRIAL AREA
- OMYA PROPERTY EXTENTS

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SG	CD	HW	
mx model version:		HW	SG
Date	Issue/revision detail	By	Chk
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Version 2.04 - October 2013			

Client	Project
OMYA NEW ZEALAND LTD.	PRIVATE PLAN CHANGE TO THE OPERATIVE WAITOMO DISTRICT PLAN 2009

**BLOXAM
BURNETT
OLLIVER**

Phone 64-7-838 0144, Fax 64-7-839 0431

Client	Project
OMYA NEW ZEALAND LTD.	PRIVATE PLAN CHANGE TO THE OPERATIVE WAITOMO DISTRICT PLAN 2009

Client	Project
OMYA NEW ZEALAND LTD.	PRIVATE PLAN CHANGE TO THE OPERATIVE WAITOMO DISTRICT PLAN 2009

Drawing	Status
PROPOSED DISTRICT PLAN ZONES SHEET 2	PRELIMINARY
Date	Scale (Original Size A3)
24.10.2018	1:4000
Drawing Number	Revision
142770/01 /- /0112	A

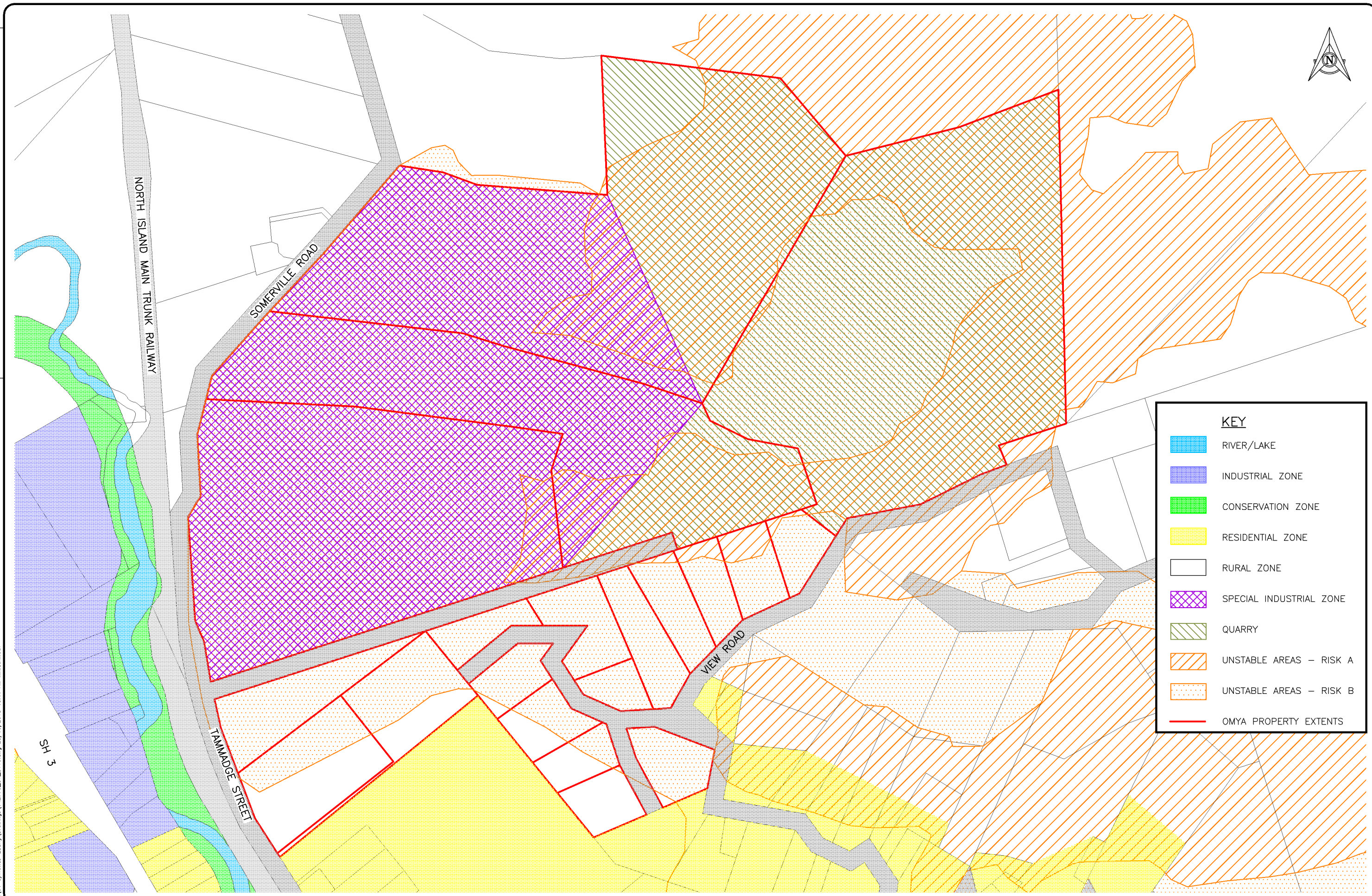
Date	Scale (Original Size A3)
24.10.2018	1:4000
Drawing Number	Revision
142770/01 /- /0112	A

100mm

SCALE FOR VALIDATING SIZE OF A3 PLOT ONLY

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KEY	
	RIVER/LAKE
	INDUSTRIAL ZONE
	CONSERVATION ZONE
	RESIDENTIAL ZONE
	RURAL ZONE
	SPECIAL INDUSTRIAL ZONE
	QUARRY
	UNSTABLE AREAS - RISK A
	UNSTABLE AREAS - RISK B
	OMYA PROPERTY EXTENTS

A		24.10.2018	INITIAL ISSUE	HW	SG
Date	Issue/revision detail	By	Chk	Appr	

Designed	Checked
SG	CD
Drawn	Approved
HW	



Client
OMYA NEW ZEALAND LTD.

Project
PRIVATE PLAN CHANGE
TO THE OPERATIVE
WAITOMO DISTRICT PLAN 2009

Drawing
PROPOSED DISTRICT PLAN
ZONES WITH OVERLAY
SHEET 3

Status	PRELIMINARY	
Date	24.10.2018	Scale (Original Size A3) 1:4000
Drawing Number	142770/01 /- /0113	Revision A

Appendix B

Record of Title



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952




R. W. Muir
Registrar-General
of Land

Search Copy

Identifier **859437**
Land Registration District **South Auckland**
Date Issued 05 October 2018

Prior References

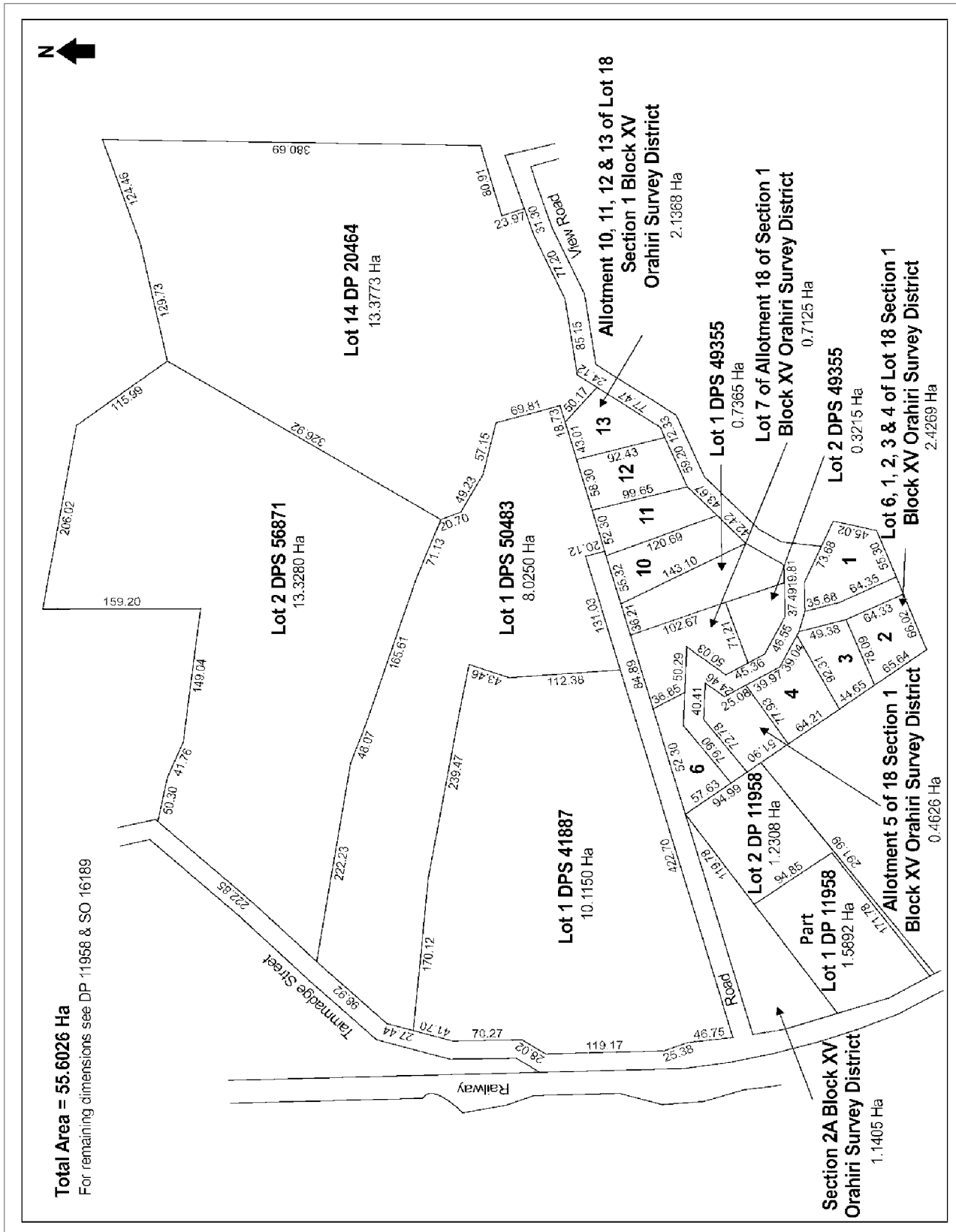
SA1200/241	SA1408/64	SA223/193
SA247/81	SA279/183	SA279/184
SA307/11	SA37B/275	SA42B/707
SA42B/708	SA42D/879	SA46D/597
SA615/94	SA900/208	

Estate	Fee Simple
Area	55.6026 hectares more or less
Legal Description	Allotment 10 of Lot 18, 11 of Lot 18, 12 of Lot 18, 13 of Lot 18 Section 1 Block XV Orahiri Survey District and Lot 14 Deposited Plan 20464 and Allotment 5 of 18 Section 1 Block XV and Section 2A Block XV Orahiri Survey District and Part Lot 1 Deposited Plan 11958 and Lot 2 Deposited Plan 11958 and Lot 7 of Allotment 18 of Section 1 Block XVI Orahiri Survey District and Lot 1 Deposited Plan South Auckland 41887 and Lot 1-2 Deposited Plan South Auckland 49355 and Lot 1 Deposited Plan South Auckland 50483 and Lot 2 Deposited Plan South Auckland 56871 and Lot 6 of Lot 18 of Section 1 of Block XV of the Orahiri Survey District and Lot 1-4 Lot 18 Block XV Orahiri Survey District

Proprietors

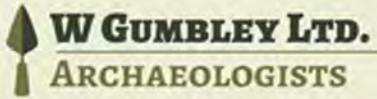
Omya New Zealand Limited

Interests



Appendix C

Archaeological Assessment – Warren Gumbley



Warren Gumbley
Principal/Director

PO Box 7108, Hamilton East, Hamilton 3247
cell 027 471 2165 **landline** 07 856 9071
email warren@archaeologist.co.nz

Archaeological and historical assessment

Proposed quarry expansion

OMYA New Zealand Limited

Matthew Gainsford
Reviewed by Warren Gumbley

February 2019

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1. Summary

OMYA New Zealand Limited are applying for a plan change for the area immediately south of their current quarry at Sommerville Road, Te Kuiti to deal with issues such as noise. The plan change applies to land which is owned by OMYA but which is currently zoned as residential (Figures 1–3). OMYA contracted W. Gumbley Limited to conduct a walkover survey and subsequent test trenching of the proposed area to determine the likelihood of any archaeology present. Archaeological survey was undertaken in October 2018 and test trenching in January 2019. Archaeological investigation did not result in the location of any archaeological deposits, sites or artefacts.

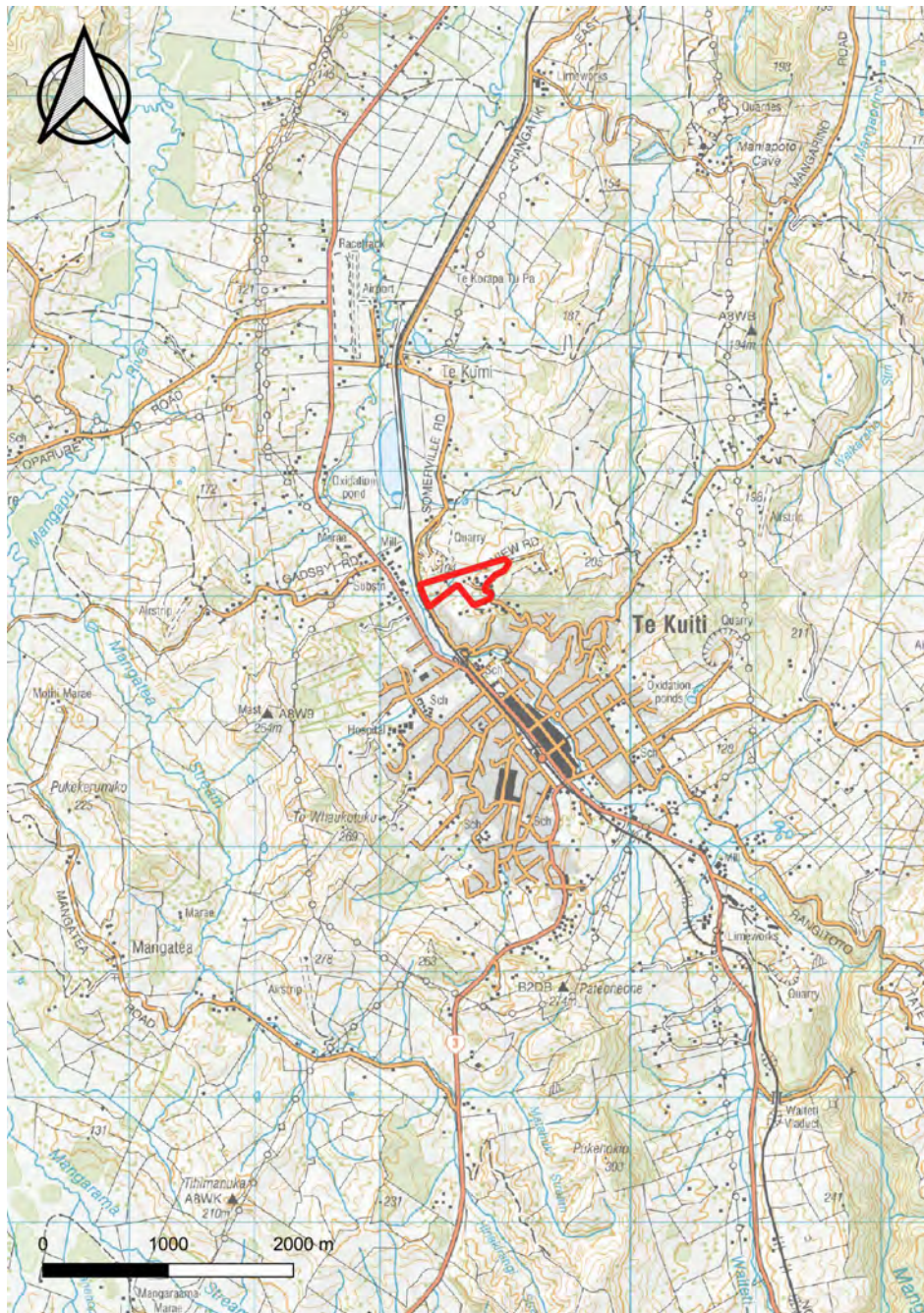


Figure 1. Location of proposed area for plan change. (Source: LINZ & OMYA New Zealand Limited) Scale 1:50 000).

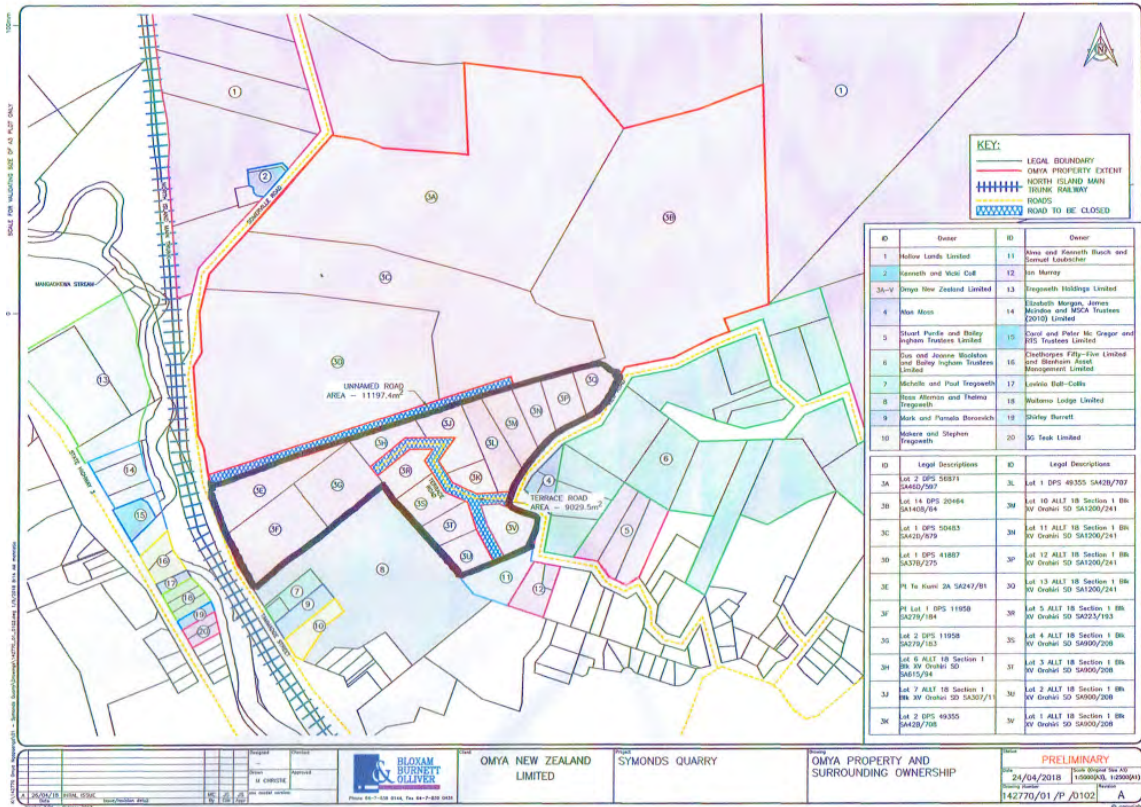


Figure 2. Plan of proposed area. (Source: OMYA New Zealand Limited).



Figure 3. Proposed area superimposed on aerial and LIDAR data. Contours are dark grey lines (Source: LINZ, WRC and OMYA New Zealand Limited).

2. Introduction

The purpose of this archaeological assessment is to investigate the archaeological potential for the area of the proposed expansion and advise whether an archaeological authority is required from Heritage New Zealand Pouhere Taonga (HNZPT) for the project.

The assessment will involve:

- An overview of relevant legislation pertaining to archaeological sites;
- A brief review of historical and archaeological background sources relating specifically to the proposed development area;
- A walkover survey and test trenching within the project area;
- Recommendations in relation to work required to fulfil the project;
- Recommendations in relation to any HNZPT requirements.

3. Statutory requirements

The management of archaeological historical and cultural sites and landscapes are controlled by the Resource Management Act (RMA) and its associated District Plans and Regional Policy Statements. Archaeological sites are also explicitly protected through the archaeological provisions of the Heritage New Zealand/Pouhere Taonga Act (NZHPT). This Act prevents archaeological sites from being destroyed or modified without an authority from Heritage NZ.

3.1 The Heritage New Zealand Pouhere Taonga Act (HNZPTA) 2014

The purpose of the HNZPTA is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand (HNZPTA section 3). Emphasis is placed on avoiding effects on heritage.

The HNZPTA provides blanket protection to all archaeological sites meeting the definition in the Act, whether they are recorded or not. Protection and management of sites is managed by the archaeological authority process, administered by HNZPT. It is illegal to destroy, or modify archaeological sites without an authority to do so from HNZPT.

The HNZPTA 2014 (s6) defines an archaeological site as:

(a) Any place in New Zealand including any building or structure (or part of a building or structure) that:

(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where that wreck occurred before 1900; and

(ii) provides, or may provide through investigation by archaeological methods, evidence relating to the history of New Zealand; and

(b) Includes a site for which a declaration is made under Section 43(1) of the Act¹.

Any person who intends carrying out work that may modify or destroy an archaeological site, or to investigate an archaeological site using invasive archaeological techniques, must first obtain an

¹ Such declarations usually pertain to important post-1900 remains with archaeological values.

authority from HNZPT. The process applies to sites on land of all tenure including private, public and designated land. The HNZPTA contains penalties for unauthorised site damage.

The archaeological authority process applies to all archaeological sites that fit the HNZPTA definition regardless of whether the site is recorded in the NZAA Site Recording Scheme or registered with HNZPT; or if the site only becomes known about as a result of ground disturbance; and/or the activity is permitted under a district or regional plan, or a resource or building consent has been granted, or the ground is subject to a designation.

The HNZPTA replaced the *Historic Places Act 1993* (HPA) in May 2014.

HNZPT also maintain the New Zealand Heritage List/Rārangi Kōrero (The List). The List can include archaeological sites. The purpose of The List is to inform members of the public about such places, and to assist with their protection under the RMA.

It is possible that archaeological sites, as defined in the HNZPTA, may be discovered by this project. Any archaeological sites identified during the ground works at this site will be protected under the HNZPTA.

3.2. Waitomo District plan. Part three, Section 21 Heritage resources.

21.3 Objectives

21.3.1 To ensure that new developments, activities and subdivisions do not adversely affect any heritage values of places, areas, structures or buildings (Issue 21.2.1).

21.3.2 To protect sites, features and buildings of historical or cultural significance (Issue 21.2.2).

21.4 Policies

21.4.1 To ensure that all developments, activities or subdivisions are designed, constructed or operated so as to avoid, remedy or mitigate any adverse effects upon heritage values and features.

3.3 The Resource Management Act (RMA) 1991

The *Resource Management Act 1991* (RMA) requires City, District and Regional Councils to manage the use, development, and protection of natural and physical resources in a way that provides for the wellbeing of today's communities while sustaining the potential of natural and physical resources for future generations. The protection of historic heritage from inappropriate subdivision, use, and development is identified as a matter of national importance (section 6f).

Historic heritage is defined as those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, derived from archaeological, architectural, cultural, historic, scientific, or technological qualities.

Historic heritage includes:

- historic sites, structures, places, and areas;
- archaeological sites;
- sites of significance to Maori, including wahi tapu;
- surroundings associated with the natural and physical resources (RMA section 2).

These categories are not mutually exclusive, and some archaeological sites may include above ground structures or may also be places that are of significance to Maori.

Where resource consent is required for any activity the assessment of effects is required to address cultural and historic heritage matters (RMA 4th Schedule).

4. Physical environment and setting

The proposed area lies on approximately 12 hectares. It is bounded by Somerville Road and Tammadge Road in the west, View Road in the east, subdivided private land in the south and the existing Quarry in the north. There is a creek that runs through the property that is surrounded by relatively sharply sloping hills. The highest elevation is at the eastern half of the proposed expansion area. Soils identified in the area by Landcare Research are medium to poorly draining soils that arise on hills and surrounding lower elevations.

5. Historical background

5.1. The quarry

Limestone quarrying in Te Kuiti has been in operation since the early 1900s. OMYA New Zealand is one of the world's largest producer of ground calcium carbonates (GCC). The company operates one limestone and one marble quarry and a mineral processing plant producing in excess of 100,000 tonnes per annum of calcium carbonate within New Zealand (OMYA 2019).

5.2. Historical images and survey plans

Historic aerials and survey plans were analysed to determine if land use and associated structures could be visualised. In the earliest photograph series between 1943 to 1960s the OMYA quarry on Sommerville Road has not been established? It is not until the 1970s series that the quarry is visible (Figures 5–6). On the earliest survey plan (Figure 7) there is no quarry shown; land usage is a mix of leased land and native bush. There is however a plan from 1908 for a quarry reserve in some of the land earmarked in the area for OMYAs planned review. In the 1943 aerial there are five houses within the area. Land usage is most probably farmland/grazing. Some of the houses (2) have recently been demolished, the (3) remaining are still standing and are occupied. Current land use is farmland/grazing.



Figure 4. Aerial photograph from 1943 over the current quarry location and planned area for review (SN358_1066/11). (Source: Retrolens).



Figure 5. Aerial photograph from 1963 over the current quarry location and planned area for review (SN1559_O_3). (Source: Retrolens).



Figure 6. Aerial photograph from 1974 over the current quarry location and planned area for review. At this stage the quarry is in production (SN3738_O_2). (Source: Retrolens).



Figure 7. Excerpt from a survey map from 1900 found in the Māori land court plans (HNC_ML_6689_I_1). The area that the quarry is situated is represented by a red circle. (Source: Quickmaps).

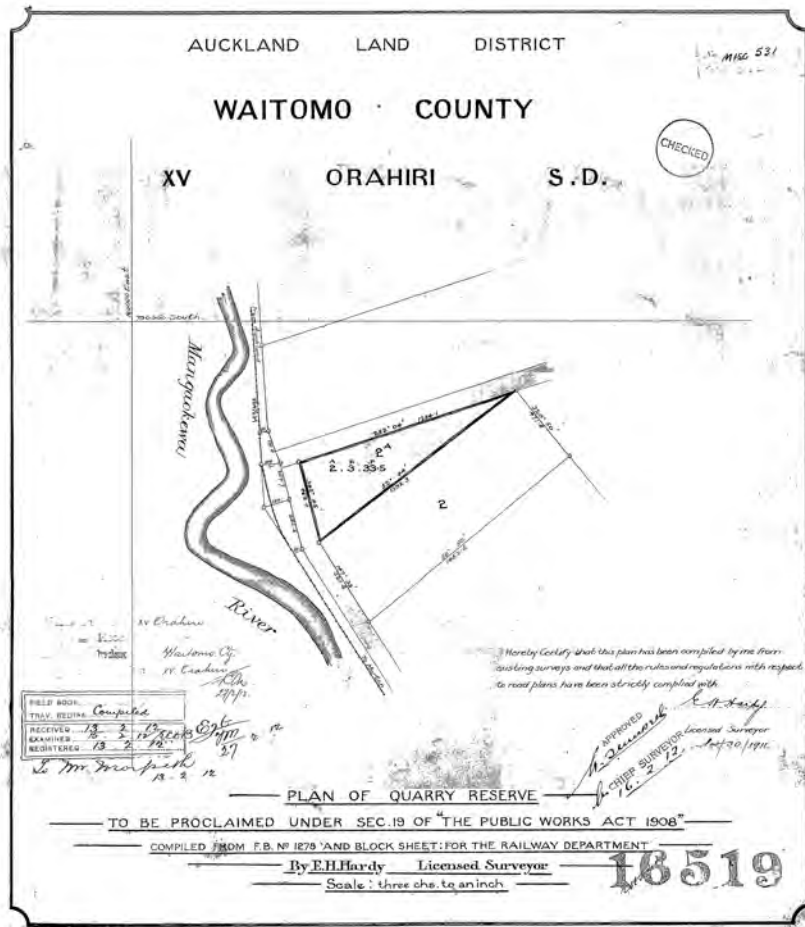


Figure 8. Survey map from 1908 showing plan for a quarry reserve (HNC_SO_16519_I_1). (Source: Quickmaps).

5.3 Historic Newspaper Articles

A review of historic newspaper articles was undertaken using the website <https://paperspast.natlib.govt.nz>. There are several references to limestone quarrying in Te Kuiti although these mainly concern incidents at a quarry which is not the Symonds Road quarry.

6. Archaeological work

6.1 Recorded archaeological sites

A search of the NZAA online database ArchSite was undertaken to identify any archaeological sites either on the proposed development area or in the immediate vicinity. In Table 1 the only recorded archaeological site is described (Figure 9).

Table 1. Archaeological sites near the proposed development area (Source: Archsite).

NZAA ID	Description	NZTM E	NZTM N
S16/209	Paa	1787535	5755439

□

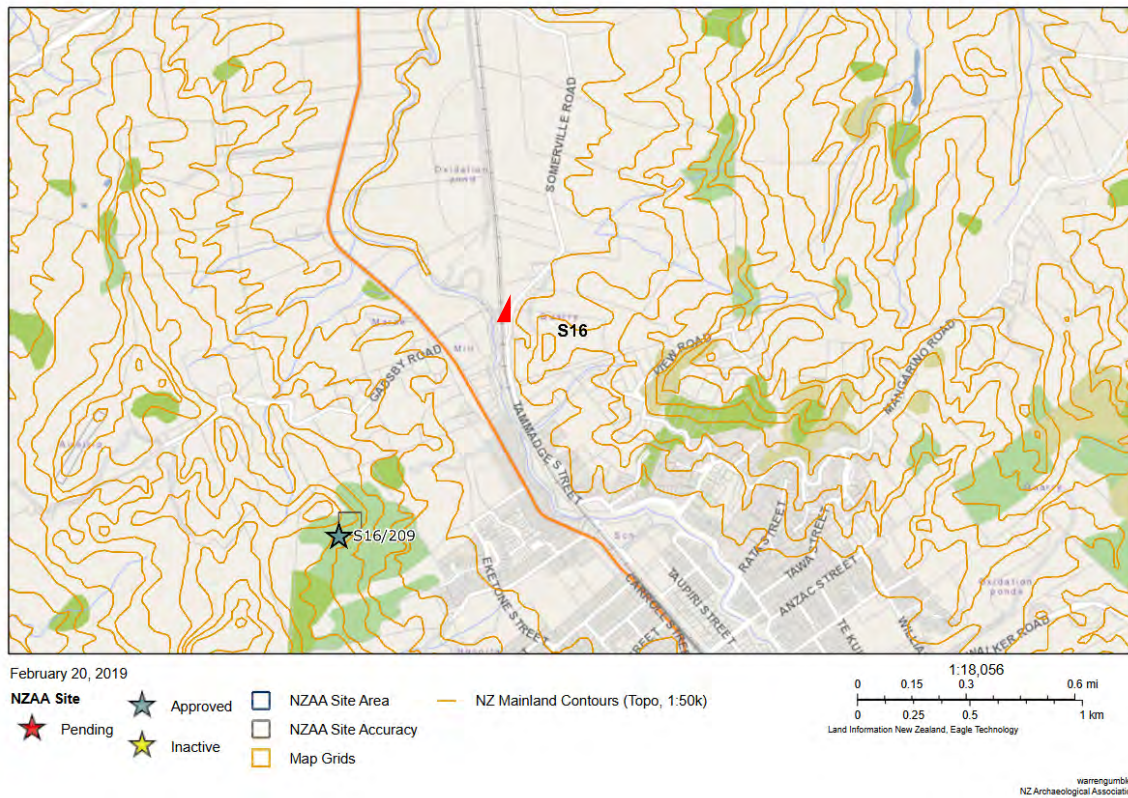


Figure 9. Excerpt from ArchSite visualising above mentioned archaeological sites. Quarry sites approximate location is denoted by the red circle. (Source: NZAA ArchSite).

7. Fieldwork

7.1. Methodology

7.1.1. Walkover survey

On October 19, 2018 Warren Gumbley and Matthew Gainsford conducted a walkover survey of the planned area for review. Survey included a pedestrian ocular survey as well as soil sampling using a hand auger. Auger samples were taken to help determine the presence of potential archaeological sites or deposits. Sample points were recorded with hand held GPS and samples were described as to soil type colour, and morphology.

7.1.2. Test trenching

On January 23, 2019 Matthew Gainsford and Lance Nicol (OMYA) excavated a total of five test trenches with a 2-tonne digger. The width of the bucket was approximately one metre. Plant was supplied by OMYA and was operated by Lance Nicol. Test trenches were excavated in those areas deemed to be of potential archaeological interest to a depth that could identify if any subsurface features or archaeological indicators were present. Trenches were recorded with hand held GPS, described and photographed.

8. Results

8.1. Walkover survey

The area deemed to have potential for archaeology was investigated/sampled. At ten locations archaeologists sampled the soil with handheld auger. Soil stratigraphy/morphology was generally A) topsoil, followed by B) dark yellowish-brown clayey silt; no samples contained charcoal. At two locations archaeologists identified areas of potential archaeology; Points 345 and 350–351. Areas were identified based on soils and location in the landscape. Point 345 is located northwest of a demolished house on a small ridge in a grove of *Macrocarpa* trees. Points 350–1 are located slightly south of another demolished house on a flat area at the edge of the slope down to the creek (western area). Sampling of Point 350 provided possible evidence for a storage feature or pit (eastern area). Points 340 and 349 are the locations of modern houses. These have recently been demolished and incinerated in nearby pits (Figures 10–12).



Figure 10. First area that could potentially have archaeology, located on a small ridge above one of the demolished houses (Point 345).



Figure 11. Second area of potential archaeology. Located on a flat area next to the slope down to the creek (Points 350 and 351).

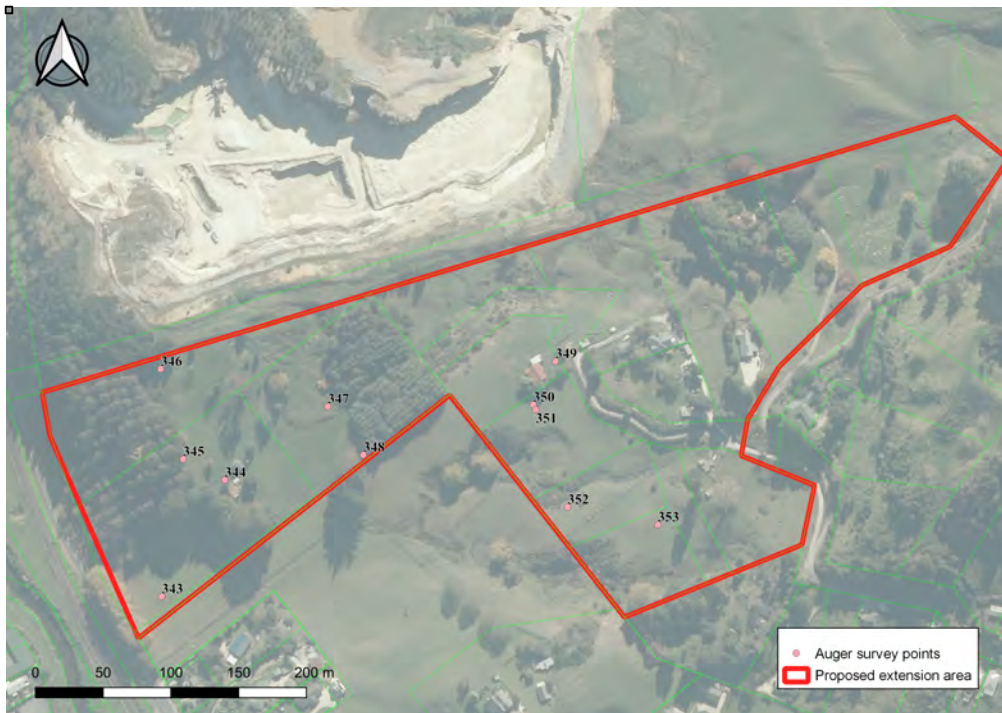


Figure 12. Map showing the locations of the points sampled during the walkover survey and two areas of archaeological inters. (Source: WRAPS 2012).

8.2. Test trenching

Based on the auger survey two areas of potential archaeological interest were identified (Figures 13 & 14).



Figure 13. Auger survey points and the two areas of potential archaeological interest (Source: LINZ & OMYA New Zealand Limited).

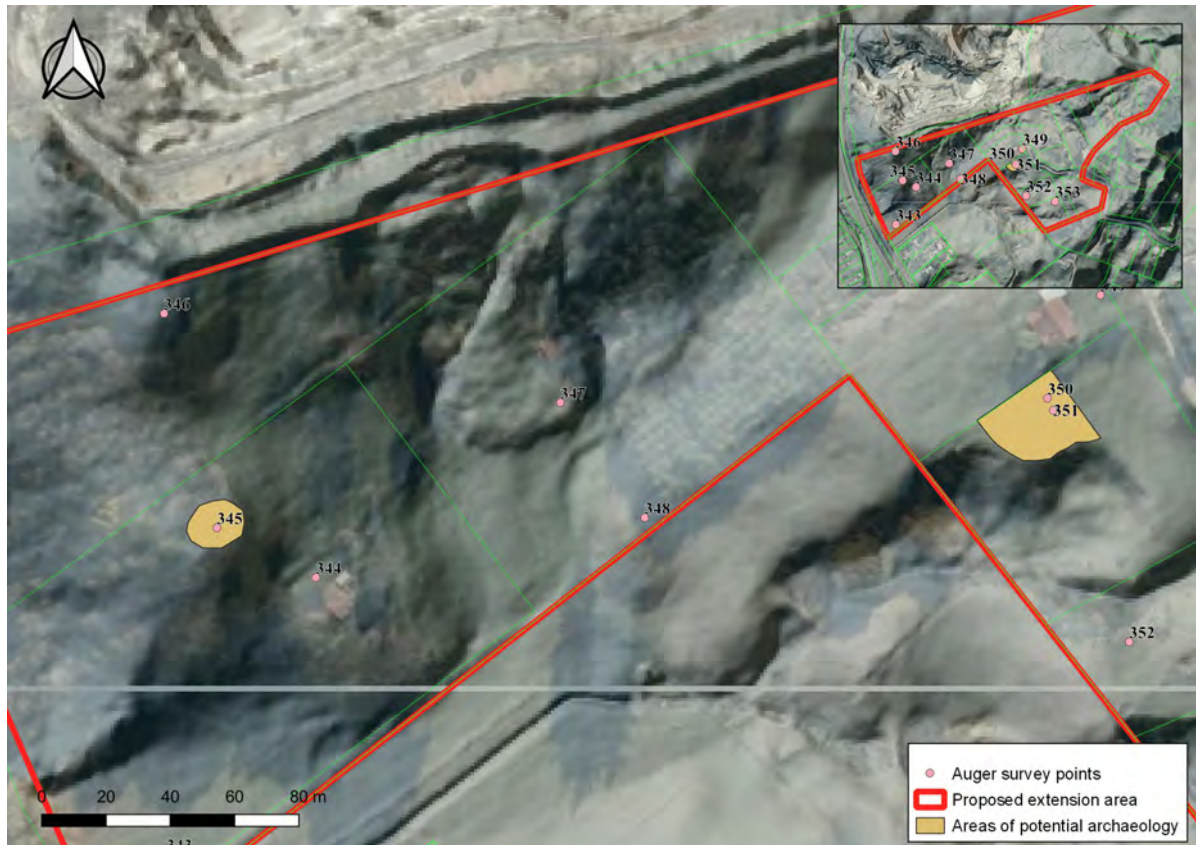


Figure 14. Areas of potential archaeological interest overlaid on aerial imagery and LIDAR derived data (Source: LINZ & OMYA New Zealand Limited).

A series of test trenches were excavated. Three at the western area (345) and two at the eastern area (350—1).

Three of the test trenches were excavated above the westernmost house remains on a plateau surrounded by gums and macrocarpa trees. Two trenches were excavated on the treeless plateau (Figures 15 & 17) and one within the wooded area to investigate a conspicuous dip in the terrain. Soil within test trench 1 and 2 followed the same generic profile, that is, topsoil (10–15 centimetres) followed by silty clay. Clay varied in colour from reddish brown to light brown to more yellow brown from south to north. Test trench 3 had a soil profile of topsoil (10–15 centimetres) followed by light yellowish brown silt loam. No evidence of charcoal or archaeological deposits were encountered in any of the three test trenches.



Figure 15. Test trench 1 on the deforested plateau.

Test trenches 4 and 5 were excavated in the adjoining paddock south of the easternmost house remains in proximity to a small pit feature identified during the auger survey. The pit is located close to the edge of the gully and creek. Test trench 4 ran along the gully edge and test trench 5 (Figures 16 & 18) ran through the pit like feature. Within test trench 4 there was no sign of any archaeological material or charcoal. Its soil profile was 20–25 centimetres topsoil followed by a yellowish brown silt loam. Results from test trench 5 showed that the pit like feature was a modern burn/rubbish pit. Modern (20th Century) buried remains included glass, metal and animal bones (Figures 18 & 19). The surrounding soil profile was similar to test trench 4.



Figure 16. Trench 5, showing the location of the modern rubbish pit.

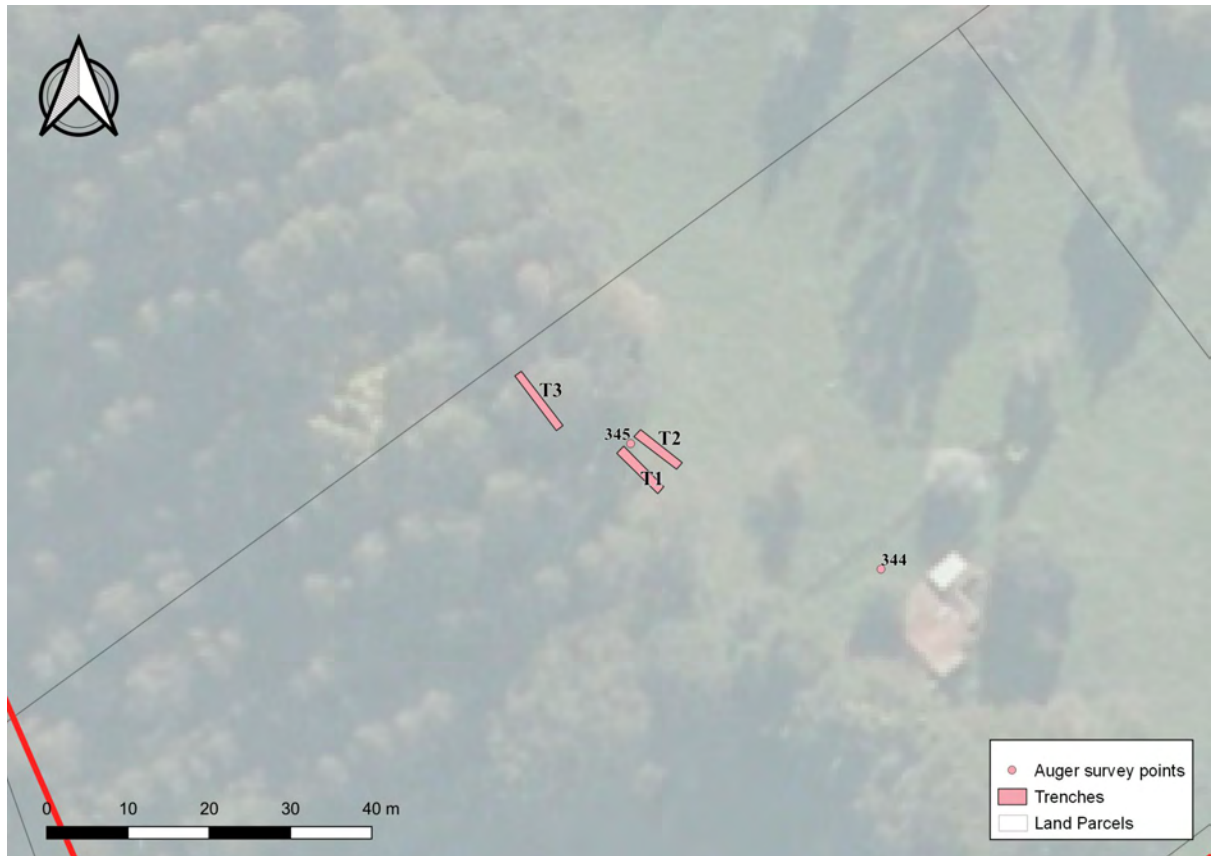


Figure 17. Test trenches 1–3 on the plateau above the westernmost house remains.



Figure 18. Test trenches 4–5 below the easternmost house remains at the edge of the gully.



Figure 18. Animals bones encountered in the modern rubbish pit.



Figure 19. Glass bottle and metal encountered in the modern rubbish pit.

9. Constraints and limitations

This report is an assessment of the impacts of OMYA New Zealand Limited's proposed expansion on archaeological values. There are no statements on the cultural significance of the project area nor are the views of tangata whenua represented in this report. Statements are made as to the location and nature of recorded archaeological sites and their archaeological values. The archaeological information is derived from published material including the New Zealand Archaeological Association (NZAA) ArchSite Database. Archaeological site location data should be regarded as a guide only as locational accuracy of archaeological sites recorded in ArchSite is variable. Accuracy for some recorded sites is only to 100 metre grid squares since many of these have been recalculated from earlier 100 yard coordinates which can compound location error. Inaccurately recorded sites are indicated on ArchSite with a square; accurate to within 100 metres at best. Archaeological sites that have been visited since the advent of GPS may have more accurate recorded locations. Full extents of recorded sites are often not known, and the single point coordinate provided by ArchSite is often based on visible surface archaeological remains alone. This does not necessarily represent the true subsurface extent of archaeological sites as defined in the *Heritage New Zealand Pouhere Taonga Act 2014* (HNZPTA), as most archaeological remains lie below the ground surface. However, no recorded sites are in the vicinity of the area under review.

10. Archaeological or other values

10.1 Archaeological

There are known archaeological sites with corresponding values in the wider landscape however these are more than a kilometre from the planned expansion. The basis for this is the presented desktop assessment combined with archaeological fieldwork conducted by W. Gumbley Limited.

10.2 Historical

Historical land use of the area for review, based on the aerial photography, has been predominantly been farmland for grazing. Current land usage is not dissimilar.

11. Assessments of effects

There are no known previous archaeological values associated with the project. If further archaeological material is identified during earthworks in other areas it will be a requirement to investigate and record this material under an authority from HNZPT, if the material will be modified or destroyed.

12. Conclusions and recommendations

There is no current evidence for archaeological sites, deposits or artefacts within the development area.

13. References

Landcare Research online portal LRIS (Land Resource Information Systems)

<<https://lris.scinfo.org.nz/search/?q=soil+hampilton>>.

New Zealand Archaeological Associations database Archsite. <<http://www.archsite.org.nz/>>.

OMYA. 2019. <<https://www.omya.com/nz-en>>.

Waitomo District Council. 2019. <<http://www.waitomo.govt.nz/publications/district-plan/>>.

Quickmaps.

Appendix D

Record of Consultation – Whanake Taiao (Maniapoto Maori Trust Board)

Tangata Whenua consultation log

	Group	Contact Person	Comments
1	Te Tokanganui a noho RMC (Regional Management Committee)	Weo Maag	<p>Met on 15th July in Te Kuiti. See meeting notes for details. Six members were present, key request was to have Omya request any cultural sites from Ngati Maniapoto Trust Board to see if there were any sites within the Symonds Quarry site. Email to Ngahuia in relation to this matter.</p> <p>Invited to quarry open day on 28 August.</p> <p>No one attended the quarry open day on behalf of this RMC.</p>
2	Te Hau a Uru RMC	<p>Ronnie Takerei</p> <p>Michael Moerua Te Korapatu Marae Chairperson</p> <p>Grant Morgan Te Korapatu pa rep for the RMC</p>	<p>Called Ronnie on 22 July on the advice of Weo Maag. He requested that Omya send some project notes to him via email and they will raise it at their next hui.</p> <p>Email response that they would like to be involved in the consultation on the project. Called Ronnie and he confirmed that the marae located between the Quarry and the processing plant was interested in the project and some members may attend the open day.</p> <p>Grant Morgan and Michael Moerua attended the iwi open day on 28/8. Had a positive discussion and walked through the quarry site where the plant manager explained the processes that are followed within the quarry site.</p> <p>Offered the opportunity to have a presentation with the RMC in November when the investigations on site had progressed and the applications were almost ready to lodge.</p>

Appendix E

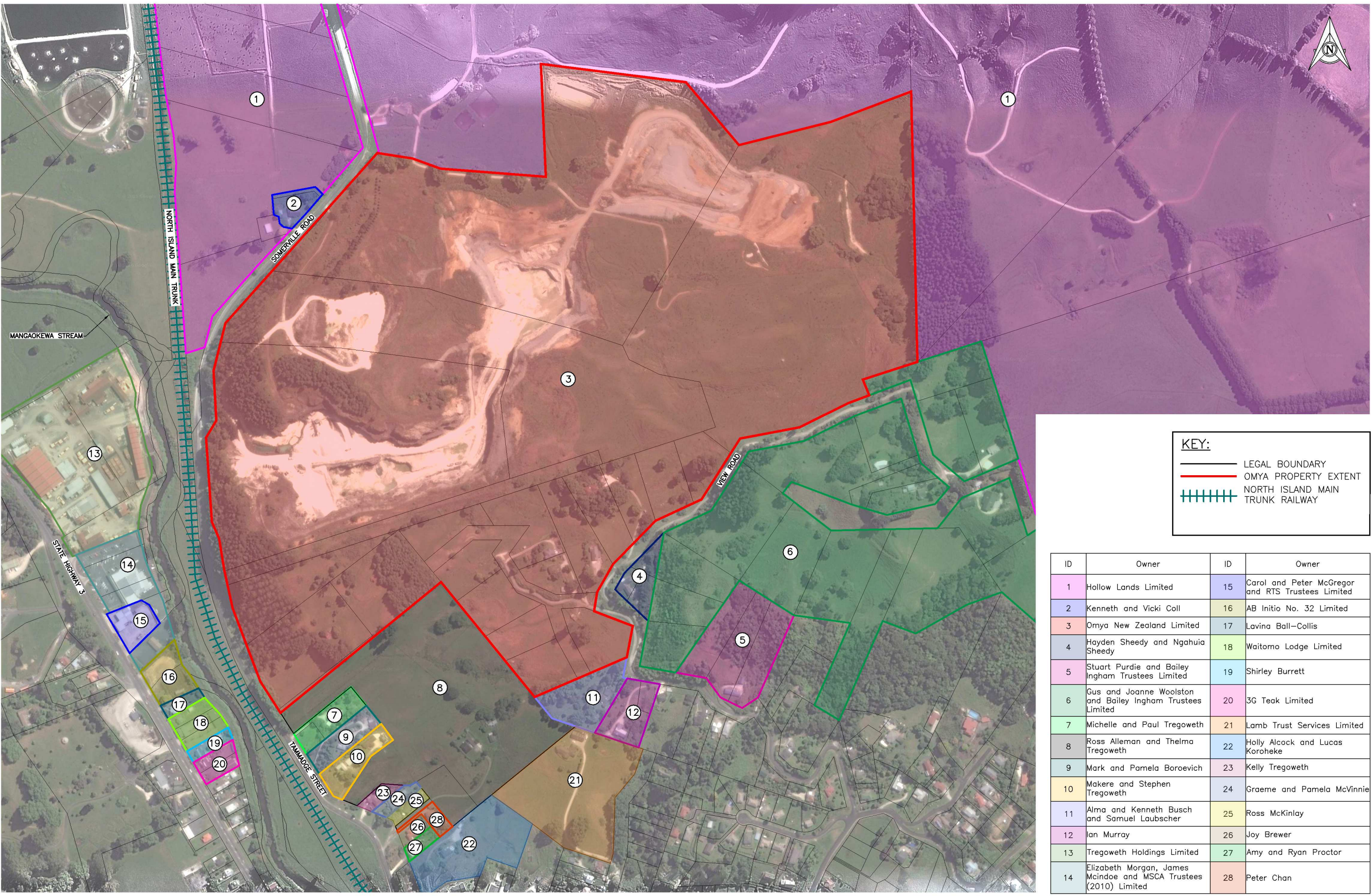
Record of Consultation – Adjoining Landowners

Omya Symonds Quarry Plan Change and Quarry expansion consultation log			
Map Ref	Owner	Address	Status of consultation
1	Hollow Lands Steve & Toni Bolger	1 Princes Street, Paeroa	<ul style="list-style-type: none"> Met Steve and Toni 10/7 and introduced project, left summary documents with Bolgers. Explained the plan change process and the proposed quarry expansion. Key issues – effects on groundwater bore. Steve attended the open day on 27/8.
2	Kenneth and Vicki Coll		<ul style="list-style-type: none"> Meeting on 6 August at 3.00 pm at Ken's work, 16 Seddon Street. Explained the plan change process and the proposed quarry expansion. Ken had no issues at all with the project, wanted to ensure his water supply would continue to be protected and consistent.
4	Hayden and Ngahuia Sheedy	38 Tawa Street, Te Kuiti	<ul style="list-style-type: none"> Met Sheedy's on 10/7 and introduced project, left summary documents. Explained the plan change process and the proposed quarry expansion. Do not live on site, tenants are in property, happy to have landscape architect do visual photos from site. No key issues raised. Hayden attended open day on 27/8.
6	Gus and Joanne Woolston	P O Box 387 Te Kuiti	<ul style="list-style-type: none"> Met at property on 10/7, talked to Joanne and left contact sheet. Call for meeting next week or later. Met Gus and Joanne on site on 6/8. Shared consultation summary, explained the plan change process and the proposed quarry expansion. no issues raised and happy to be informed as to the project. Very keen to attend open day at the quarry. Joanne and Julie attended open day on 27/8.
7	Michelle and Paul Tregoweth	42 Tammadge Street, Te Kuiti	<ul style="list-style-type: none"> Met on 11/7 in group meeting. Explained the plan change process and the proposed quarry expansion. General concern over visual issues, proximity of quarry workings to property, dust and blasting effects including vibration. Interested in planting (species, timing, growth). Have had some dust on property but unclear as to connection to quarry operations.
8	Thelma Tregoweth	26 Tammadge Street, Te Kuiti	<ul style="list-style-type: none"> Met on 11/7 in group meeting. Explained the plan change process and the proposed quarry expansion. General concern over visual issues, proximity of quarry workings to property, dust and blasting effects including vibration.

			<ul style="list-style-type: none"> Interested in planting (species, timing, growth). Have had some dust on property but unclear as to connection to quarry operations. Agreed to allow landscape photos to be taken from her front lawn. Thelma attended open day on 27/8.
9	Tony and Pamela Boroevich	38 Tammadge St, Te Kuiti	<ul style="list-style-type: none"> Met on 11/7 in group meeting. Explained the plan change process and the proposed quarry expansion. General concern over visual issues, proximity of quarry workings to property, dust and blasting effects including vibration. Interested in planting (species, timing, growth). Have had some dust on property but unclear as to connection to quarry operations. Spoke to Tony B on 15/8, concerns remain over the rezoning and the potential for this to enable the quarry to expand to their boundary. I explained the purpose of the zoning and the subsequent resource consents but will need to have further discussions with Tony and Pam along with other Tregoweth group.
10	Makere and Stephen Tregoweth	36 Tammadge St, Te Kuiti	<ul style="list-style-type: none"> Met on 11/7 in group meeting. Explained the plan change process and the proposed quarry expansion. General concern over visual issues, proximity of quarry workings to property, dust and blasting effects including vibration. Interested in planting (species, timing, growth). Have had some dust on property but unclear as to connection to quarry operations. Steve and Makere attended open day on 27/8.
11	Alma Busch	29 View Road, Te Kuiti	<ul style="list-style-type: none"> Met with Alma 10/7, introduced project. Explained the plan change process and the proposed quarry expansion and left information with her. Key issue is noise and visual to a lesser extent. Tabled the road stopping form for her to sign. Alma signed the road stopping form and her lawyer has processed it for use in the road stopping.

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KEY:

- LEGAL BOUNDARY
- OMYA PROPERTY EXTENT
- NORTH ISLAND MAIN TRUNK RAILWAY

ID	Owner	ID	Owner
1	Hollow Lands Limited	15	Carol and Peter McGregor and RTS Trustees Limited
2	Kenneth and Vicki Coll	16	AB Initio No. 32 Limited
3	Omya New Zealand Limited	17	Lavina Ball-Collis
4	Hayden Sheedy and Ngahuia Sheedy	18	Waitomo Lodge Limited
5	Stuart Purdie and Bailey Ingham Trustees Limited	19	Shirley Burrett
6	Gus and Joanne Woolston and Bailey Ingham Trustees Limited	20	3G Teak Limited
7	Michelle and Paul Tregoweth	21	Lamb Trust Services Limited
8	Ross Alleman and Thelma Tregoweth	22	Holly Alcock and Lucas Koroheke
9	Mark and Pamela Boroevich	23	Kelly Tregoweth
10	Makere and Stephen Tregoweth	24	Graeme and Pamela McVinnie
11	Alma and Kenneth Busch and Samuel Laubscher	25	Ross McKinlay
12	Ian Murray	26	Joy Brewer
13	Tregoweth Holdings Limited	27	Amy and Ryan Proctor
14	Elizabeth Morgan, James McIndoe and MSCA Trustees (2010) Limited	28	Peter Chan

Date	Issue/revision detail	By	Chk	Appr
C 04/07/19	UPDATE OMYA DETAILS	HW	CD	
B 09/11/18	GENERAL UPDATES	HW	-	
A 26/04/18	INITIAL ISSUE	MC	JS	JS

Designed	Checked
-	-
Drawn	Approved
M CHRISTIE	



Client: **OMYA NEW ZEALAND LIMITED**

Project: **SYMONDS QUARRY**

Drawing: **OMYA PROPERTY AND SURROUNDING OWNERSHIP**

Status	PRELIMINARY	
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Appendix F

Residential Capacity Response – Waitomo District Council

26 October 2018

Digitally Delivered

OMYA New Zealand Limited
C/- Stephen Gascoigne
Bloxam Burnett & Olliver
PO Box 9041
Hamilton 3240

Dear Stephen,

SYMONDS QUARRY – RESIDENTIAL LAND CAPACITY

In response to your email of 9 October 2018, in respect of providing figures for development capacity of land for housing and business. We can advise the following:

- The population projections are **attached** for Te Kuiti and for the Waitomo District as a whole.

Under the Operative District Plan, the total area of land zoned residential in the District is **502 ha**. The Proposed District Plan seeks to make provision for residential land in the following way:

- Under the Proposed District Plan, the total area of land zoned residential is currently proposed to be **323 ha**.
- This decline is due to rezoning to “settlement” zone to align with the zone descriptions in the National Planning Standards. Under the Proposed District Plan, the total area of land zoned settlement is currently proposed to be **155 ha**.
- In addition, a new rural residential zone is proposed. Under the Proposed District Plan, the total area of land zoned rural residential is currently proposed to be **391 ha**.
- Under the Proposed District Plan, deferred rural residential zones and residential zones are also proposed.

Under the Operative District Plan, the total area of land zoned residential in **Te Kuiti** is **316 ha**. In the Te Kuiti Residential Zone 86.8% of the residentially zoned properties are being used for a residential purpose (dwelling, flat, unit, or bach). This equates to 1500 of 1728 properties currently being used for a residential purpose. The Proposed District Plan seeks to make provision for residential land in the following way:

- Under the Proposed District Plan, the total area of land in Te Kuiti zoned residential is currently proposed to be **280 ha**.
- Under the Proposed District Plan, the total area of land in Te Kuiti zoned rural residential is currently proposed to be **211 ha**. Close by in Oparure an additional **83 ha** of rural residentially zoned land is proposed.
- Under the Proposed District Plan, the total area of land in Te Kuiti zoned deferred rural residential is currently proposed to be **67 ha**. The appropriate net density for rural residential properties for the purpose of yield calculations is 8000 m² average allotment size.

- Under the Proposed District Plan, the total area of land in Te Kuiti zoned deferred residential is currently proposed to be **23 ha**. The appropriate net density for residential properties for the purpose of yield calculations is 17 dwellings per hectare (equating to 600-1000m² allotment sizes).

Please do not hesitate to contact me if you wish to discuss.

Yours faithfully,



Alex Bell
Senior Planner

Appendix G

Regionally Significant Industry and Resource Assessment

Significance of the Symonds Quarry and the Te Kuiti Plant

Omya NZ Ltd (**Omya**) has operated in New Zealand since 1987.

Within New Zealand the Applicant currently operates one limestone quarry at Somerville Road, Te Kuiti known as the Symonds Quarry (**Symonds Quarry**) and a processing plant near Te Kuiti (**Te Kuiti Plant**).

Symonds Quarry is now very short on accessible high purity limestone and if this limestone would be exhausted certain industries can't be supplied with the product portfolio they need, from this local source. Other limestone resources in New Zealand which are accessible and within a reasonable distance are unable to provide the material characteristic for these customer applications. These characteristics include substance chemistry (very low amounts of impurity) and brightness.

The Te Kuiti Plant processes limestone from the Symonds Quarry and produces commercial lime products for high added-value sectors including printing, polymers, packaging, consumer goods, etc. Customers of the Applicant largely use the Applicant's limestone products for manufacturing in New Zealand and to create products that are for use and consumption within New Zealand (for example, paper, plastics and paint) and for export. The high-grade resource at the Symonds Quarry is of very high quality and purity. The resource is the only available source within the North Island that can be used for clear (flint) glass manufacturing.

Product Examples for Significance Assessment

O-I Glass

Approximately 30% of O-I Glass production of clear (flint) glass which requires limestone with low Iron content as a manufacturing component is supplied by Omya from the Symonds Quarry. The Symonds Quarry is the only available source in NZ able to supply the quality and quantity needed. A shortage of this product would need to be compensated with imported products.

Oji Fibre Solutions (NZ) Ltd

Oji manufactures and exports a range of products including white top containerboard and fibre cement pulp. They need limestone with high requirements in terms of brightness which is only provided by the Symonds Quarry resource (quality and quantity). A shortage of this specific limestone would lead to a need to import the product with a significantly higher cost.

Oji Tasman uses "limerock" chip from the Symonds quarry to improve productivity in their pulping process. This is an application that is sensitive to purity and cost. Other limestones in New Zealand are not found to be suitable. Shortage of this product would need to be compensated with imported products.

Whakatane Mill Ltd (WML)

WML exports specialty packaging and has been a long-standing customer of Omya for the products manufactured at the Te Kuiti plant. Omya understands that WML expects an expansion of their production in the next coming years.

WML produces aseptic carton packaging for non-carbonated drinks and milk-based products.

Omya is planning to invest in additional grinding capacities to support the growth of WML based on long term availability of sufficient high-quality raw material reserves (of the Symonds SL1 grade resource) to support WML growth and to provide the security for Omya's long term capital investment.

Other Customers:

Other Omya customers that only use Symonds Quarry for export products include Cavalier Bremworth, Hexion, and Winstone Wallboards. All rely on Omya products from the Te Kuiti plant and Symonds quarry to make products for the building industry. Growth in exports is expected to follow organic growth rates, estimated at 3% per annum. No local competitor has the capability to produce/supply the products required, meaning that importation of calcium carbonate would be the only option if the Symonds Quarry could not meet demand. An imported product is expected to be at a higher cost in most cases.

Omya Investment planning:

Calciprill – Organic Fertilizer

Omya is looking to invest in Calciprill production in New Zealand. Calciprill is an organic fertiliser with a potential production of approximately 50,000 tonnes per annum from the available known limestone resource. Testing has shown that Calciprill can increase the yields from pasture grasslands by 10-15%, which is achieved by an increase of soil pH values.

Liz Flow:

Water quality is an issue of significant current concern in New Zealand, and nitrogen run-off is a major source of freshwater pollution. Increased levels of nitrogen in the soil and on the surface lead to greater levels of nitrogen in surface and groundwater impacting on water quality. Nitrogen containing fertilisers such as urea, are a source of increased nitrogen presence in the soil.

Omya has developed products to be manufactured in the Te Kuiti plant based on raw material from the Symonds Quarry which are significantly more sustainable and environmentally friendly than many fertilisers currently in use in New Zealand. These products have been in use overseas, particularly in Europe, for many years, but are a relatively new concept to New Zealand agriculture. Omya Group currently has a global roll-out of these technologies underway with New Zealand identified as being a strong candidate for production given its leadership and scale in the agriculture sector. The technology is currently specific to Omya and is needed for the production of this sustainable fertiliser.

Conclusion:

Omya specialises in the manufacture of products that require the specific type of limestone available in the Symonds Quarry. It is not the same as limestone quarried by other companies in the district but has been identified in several locations within the district and can be described as scarce within the region. OMYA has purchased sites identified as containing that rare resource.

The products produced in the Te Kuiti Omya plant are the reason why Omya has invested in New Zealand. They are valuable local products that replace more expensive imported options.