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**To:** District Plan Team – Attention: Greg Wilson  
Strategic Planning & Policy  
5 Memorial Avenue  
Private Bag 752  
Kaikohe 0440.  
Email: greg.wilson@fndc.govt.nz

**RE: Submission on the Proposed Far North District Plan 2022**

1. **Details of persons making submission**

Ventia Ltd (the 'Submitters')  
C/- Bay of Islands Planning (2022) Limited  
Attention: Steven Sanson  
PO Box 318  
PAIHIA 0247

2. **General Statement**

The submitters are directly affected by the Proposed Far North District Plan ('**PDP**').

The submitters cannot gain an advantage in trade competition through this submission. They are directly impacted by the PDP. The effects are not related to trade competition.

3. **Background & Context**

Background

Ventia is one of the largest essential infrastructure services providers in New Zealand. Ventia operates across a broad range of industry segments, including defence, social infrastructure, water, electricity and gas, environmental services resources, telecommunications and transport.

In context of this submission, Ventia currently operates a quarry along Puketona Road, Paihia.

Puketona Quarry is the largest quarry in the Far North District and is of major importance as a source of aggregate products, including roading material, due to its accessibility in terms of the roading network.

With access direct on to State Highway 11 some 2.5 kilometres east of its junction with State Highway 10 it is well located to serve growth in both the Bay of Islands area and the remainder of the Far North District.

#### Site Description

The land to which this submission relates comprises the following properties described and depicted below. These are hereafter referred to as the **Landholdings**.

#### Puketona Quarry

- RT 809849 (Lot 3, 5 DP 517734 and Part Old Land Claim 59 and Part Old Land Claim 59; and
- RT NA97B/387 (Lot 1 DP 164802).



Figure 1 – Site RT 809849 (Source: Prover)



Figure 2 – Site RT NA97B/387 (Source: Prover)

### Operative and Proposed District Plan Zoning

**Attachment 1** details the relevant overlays and zoning sought under the PDP with reference against the ODP. The general PDP approach is to create a Mineral Extraction Overlay, with reference to an underlying zone, in this case being the Rural Production Zone.

4. **The specific provisions of the Proposed Far North District Plan that this submission relates to are:**

- PDP Zone Maps & Overlays; and
- The proposed provisions as outlined in **Attachment 2**.

5. **The Submitter seek the following amendments/relief:**

This submission requests that the PDP:

- Further extend the Minerals Extraction Overlay as it relates to RT NA97B/387;
- Promotes further clarity in terms of what overlays takes precedence when multiple apply; and
- Carries out the proposed changes, where requested, to relevant provisions as outlined in **Attachment 2**.

6. **The reasons for making the submission on the Proposed District Plan are as follows:**

**Extension of the MEO**

Whilst the PDP mapping for the MEO is supported as currently drafted, Ventia understand the significant resources available within the Puketona Quarry.

RT NA97B/387 contains further aggregate resource that could keep the quarry operational for decades to come. In this respect they would seek that the entire site be considered as part of the MEO.

Provision of the resources to the community are important in many aspects of the economy. The extension of the MEO would give Ventia

further certainty to invest in the quarry and it ensures there are appropriate aggregate resources in the Northland region for current and future generations.

### **Overlay Precedence**

Ventia considers that further clarity is required in the PDP in terms of what provisions and overlays take precedence over another, particularly when multiple apply. In terms of **Attachment 1**, it is clear that multiple overlays and features exist. These features are both within and across the MEO.

Where a multitude of features exist, the generally enabling provisions of the MEO become diminished, and the overall mineral potential reduced. For example, it is not clear whether the Outstanding Natural Landscape and Natural Feature provisions trump the MEO (or vice versa) should a mining / quarrying activity be extended. Further it is unclear how this would work in terms of the proposed scoria cones on the site.

As the Puketona Quarry is quite unique in that it is being actively quarried, has current and proposed Mineral zoning / overlays, but also has a series of protective mechanisms across the landholdings.

Perhaps the intrinsic values and worth of all of these features will continue to interact positively however, when there is a time for further quarrying development, an appropriate pathway and process should be established where the values can be considered, offsets made available (if required), and effects appropriately avoided, remedied, and mitigated.

### **Confusing and frustrated provisions**

The overlay and underlying zoning approach requires Ventia to consider multiple sets of provisions which are considered to be confusing and ‘frustrate’ the outcomes Council seeks to achieve.

An exercise has been undertaken which presents the following:

ZONE / OVERLAY	ACTIVITY STATUS	
	EXTENSION	NEW MINERAL EXTRICATION
Rural Production Zone [ RPZ ]	Restricted Discretionary	Discretionary
Mineral Extraction Overlay [ MEO ]	Controlled	Discretionary

For an extension to the Puketona Quarry, the underlying zone rules cause an unnecessary change to the activity status of the application. The rationale for this is not clear, particularly for existing and consented activities.

To add further, the general requirement for a new mineral extraction activity to default to Discretionary, is considered particularly onerous, especially where the Minerals, or proposed MEO, has already been applied.

The Overview for the MEO is supported as it promotes the rationale and importance of minerals. The Landholdings have been zoned Minerals (either completely or partially) and this zoning approach is considered sufficient in highlighting to other landholdings or property owners in the surrounds that such activity either will take place, or is taking place currently.

Any new mineral extraction activity also has to contend with the requirements of the Northland Regional Council, and it is considered

that the requirements of the MEO seek to duplicate, in many respects, the requirements and matters of consideration that the Regional Council manage. This unnecessary duplication is not warranted.

### **Recognition and enablement of existing and lawfully established activities**

The Puketona Quarry is an existing activity, and Ventia may find themselves having to deal with unnecessary consenting requirements should they seek to expand the operations. This approach is somewhat at odds with the MEO overview which correctly outlines the importance of minerals and quarrying in appropriate circumstances.

The current rule provisions, as considered in **Attachment 2**, in the majority, do not coherently align the importance of minerals / quarrying stated to their enablement.

In fact, many of the provisions look to minimise such activities despite operating under numerous resource consents, having been in operation for decades, and appropriately zoned. Clarity is required for existing activities and their expansion should be appropriately supported

#### **7. Overall, Ventia wish that the Far North District Council to address the above issues by:**

1. Further extending the Minerals Extraction Overlay as it relates to RT NA97B/387; **S424.001**

2. Promoting further clarity in terms of what overlays takes precedence when multiple apply; and **S424.002**
3. Carrying out the proposed changes, where requested, to relevant provisions as outlined in **Attachment 2**.
4. Any other relief to achieve the outcomes sought by this submission. **S424.003**

8. Our clients wish to be **heard** in relation this submission.

Yours sincerely,



**Steven Sanson**

Director | Consultant Planner



Reviewed by

**Jeff Kemp**

Principal Planning Consultant

On behalf of Ventia Ltd

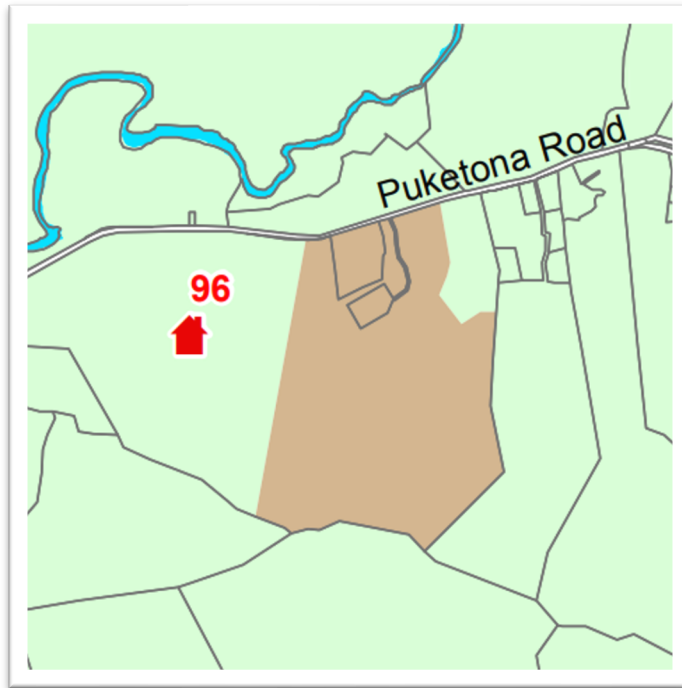
Dated this 21<sup>st</sup> Day of October 2022.



# Attachment 1: Zone Maps

## ZONE MAPS

Existing ODP



Currently – **Minerals Zone**

New PDP



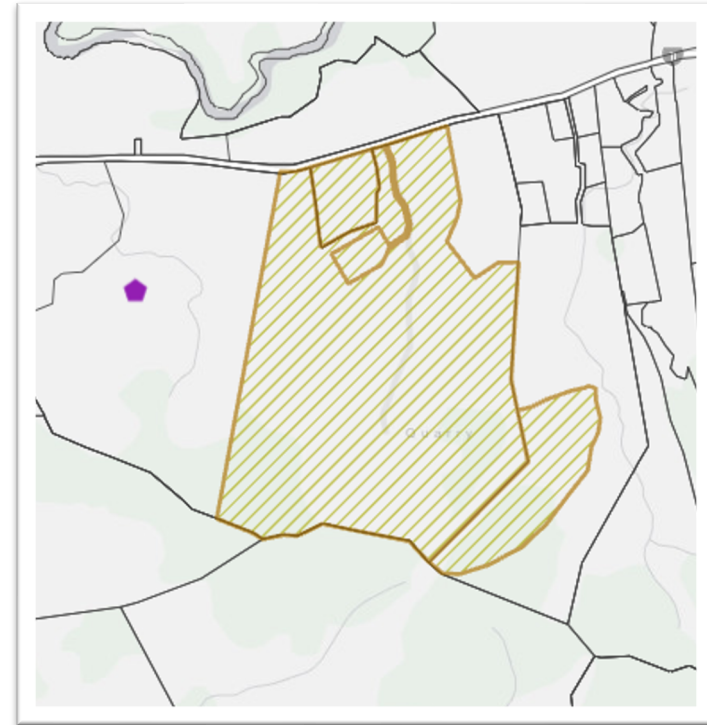
The New **Zone Map** above reveals –  
Removal of the Minerals Zone – now **Rural Production Zone**.

## OVERLAYS MAPS

Existing ODP

New PDP

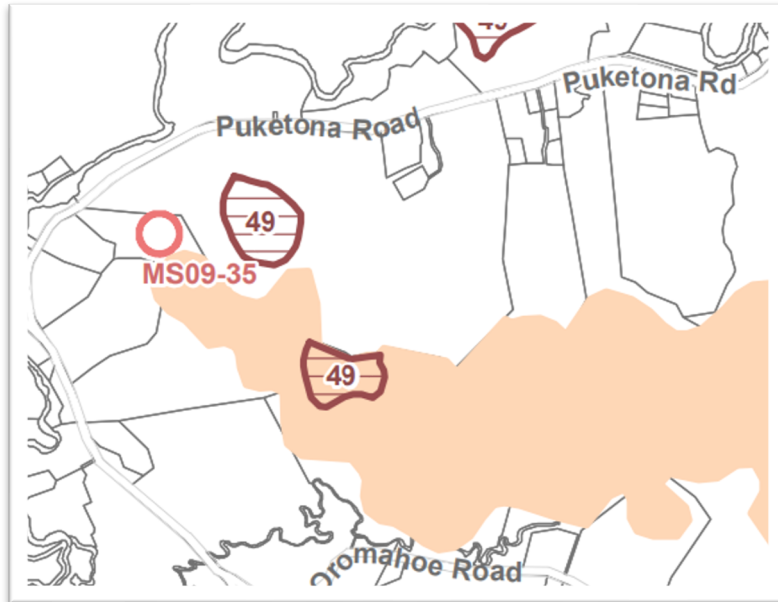
No overlays



The New Overlay Map above reveals the **District Wide Overlay – Mineral Extraction**. This replaces the previous Mineral Extraction Zone in the ODP.

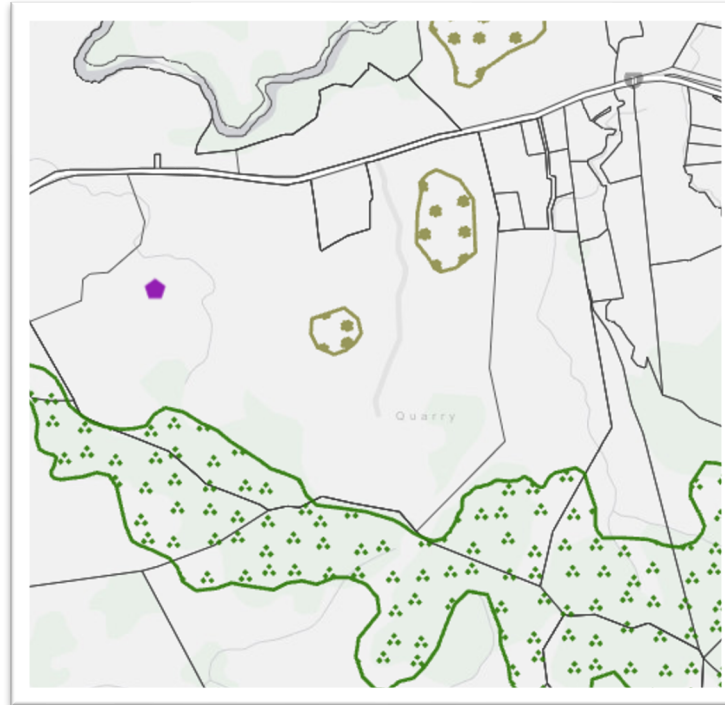
## NATURAL ENVIRONMENTS OVERLAYS

Existing ODP



ODP depicts –  
**Outstanding Landscape ;**  
**Outstanding Natural Feature - [ Scoria Cones ]**

New PDP



The PDP now depicts the extent of –  
**Outstanding Natural Landscape ;**  
**Outstanding Natural Feature – [ Scoria Cones ].**

## Attachment 2: Consideration of Provisions

Provision	Position	Relief Sought	Rationale
MEO – Rules. Note 5.	Support	Retain the rule  S424.004	The note is supported to avoid any necessary confusion, particularly when considered against the definition of Earthworks.
ME-R1 Mineral prospecting and exploration	Oppose	Removal of the rule in its entirety or S424.005 exemptions for land already zoned MEO.  Removal of PER-1 which requires any prospecting / exploration to be undertaken using handtools.	Exploration and prospecting includes various methods and to limit this to hand tool investigations only promotes unnecessary limitations to mining operations.  Where the site is existing and already has a long standing history of quarrying it is not clear what the rules are trying to achieve.  If appropriately zoned for mining (as are the Landholdings), then the rules should be deleted or not apply.

<p>ME-R2 Expansion of existing mineral extraction activity</p>	<p>Oppose</p>	<p>Removal of the rule in its entirety. <b>S424.006</b></p>	<p>The rule contains arbitrary numbers i.e 10% increase in volumes (CON-3), to necessitate a consent. The rules highlight a lack of understanding of mining, particularly Imery's operation.</p> <p>Business varies according to market demand with annual production sales varying year to year. It should be noted that a quarry operation can also be expanded without increasing volumes.</p> <p>With respect to CON-4, which requires a 30m setback from the existing MEO boundary, this is considered to make the entire zoning exercise redundant. If the landholding has been appropriately zoned for mining, the full extent should be able to be quarried / mined.</p>
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			To add further, in many instances, the matters to which Council seek are appropriately managed by the Northland Regional Council through their consenting regime, particularly with respect to existing quarrying arrangements. The PDP in this respect seeks to duplicate requirements.
ME-R3 New mineral extraction activity	Oppose	Deletion of rule or amendment of rule to a Controlled Activity status within the MEO.  S424.07	Where appropriately zoned as containing a mineral resource, the resource consent process (if any) should be balanced against the requirements of the Northland Regional Council, and specify what the local authorities requirements are in terms of management.  A controlled activity status can achieve the matters to which Council typically have concerns with.

			In many instances the PDP rules seek to manage matters, in addition to what the Northland Regional Council has appropriate scope and experience to manage. This approach is preferred for larger quarrying operations such as Puketona.
ME-R4 New noise sensitive activities or alterations or additions to a building or structure containing a lawfully established sensitive activity	Oppose	Deletion of the rule  S424.008	Should a quarrying activity wish to include a noise sensitive activity on their site i.e workers accommodations then this should be provided for.
ME-R5 Any activity not otherwise listed in this chapter or the underlying zone chapter as a permitted activity	Oppose	Deletion of the rule  S424.009	The rule would also consider any activity associated with rehabilitation of the landholdings as a non-complying activity or any associated passive / active recreation that the site may offer following rehabilitation.

ME-S1 Mineral extraction area management plan	Support	Retain the rule within the MEO linking this to ME-R3 as a Controlled Activity. <b>S424.010</b>	The MEAP is supported as this is quite similar to the requirements of a Development Plan in the ODP. The Management Plan for new activities should be linked to a Controlled Activity status without any further restriction from the underlying zone.
Sensitive activities setback from boundaries of the Minerals Zone	Support	Promote the existing rule found in many underlying zones (refer RPROZ-S7 Sensitive activities setback from boundaries of a Mineral Extraction Overlay to apply to all underlying zones. <b>S424.011</b>	Sufficient protection is required for new and existing quarrying and mining activities from new sensitive activities.
Subdivision	Support	Support a new rule which requires subdivision within 100m of the MEO to consider and assess	SUB-R16 Subdivision of a site containing a mineral extraction overlay does not appropriately provide for subdivision which can impact its existing or future operations. A



		effects directly to the zone, any existing activities, and whether the operational quarry, or underlying owner of the MEO site is an 'affected party' under the RMA. <b>S424.012</b>	new rule is required to protect mining activities from potential sterilisation.
SUB-R16 Subdivision of a site containing a mineral extraction overlay	Oppose	Amend to a Controlled Activity. <b>S424.013</b>	<p>The proposal to require subdivision as a Discretionary Activity, and the qualifying DIS-1, only considers subdivision that will result in dwellings being built. However, boundary adjustments may occur as a result of areas being rehabilitated following exhaustion of the minerals deposit and the potential passive / active recreational activities that may occur.</p> <p>Note 5.1.5(e) of the RPS requires consultation with owners of regionally significant mineral</p>

			resources when proposed subdivision, land use or development may have an adverse effect.
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