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To: District Plan Team – Attention: Greg Wilson
Strategic Planning & Policy
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Private Bag 752
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RE: Submission on the Proposed Far North District Plan 2022

1. **Details of persons making submission**

Imerys Performance Minerals Asia Pacific [Imerys]
C/- Bay of Islands Planning (2022) Limited
Attention: Steven Sanson
PO Box 318
PAIHIA 0247

2. **General Statement**

Imerys are directly affected by the Proposed Far North District Plan ('PDP'). They do not support the proposed approach to managing mineral resources within the PDP.

Imerys 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

Imerys, a multinational company which specialises in the production and processing of industrial minerals, own and operate a substantial clay works extraction and processing operation at Matauri Bay in addition to another, yet to be developed (greenfield), land holding off Mangakaretu Road.

The operations at Matauri Bay have been in existence since 1969 and Mahimahi since 1988. Both have been operated sustainably, provided employment and been an integral part of the community. The operations have 15-20 years of life remaining based on current geological knowledge of reserves and sales volumes. The existing Mineral Zones have provided security to the operations allowing sound investment options and without conflict to other land users

The facilities when originally established were known as the China Clays quarry and the hallmark was the presence of container trucks holding the primary processed mineral heading south along State Highway 10. This same transport mode is used however due to the current economic situation the number of container movements has reduced.

Halloysite is extracted and processed on the site and is used in a range of specific tableware including thin porcelain, bone china, fine china and aluminous tableware. To attain this level of international recognition Imerys have committed to a substantial investment program to sustain the operation in both the short and long term. This commitment can be reinforced through the District Plan incorporating the appropriate management strategy as outlined within this submission.

The Matauri Bay location and Mangakaretu property are currently zoned Minerals Zone within the ODP. The Transitional District Plan [Whangaroa County Council] depicted the Matauri Bay facilities on the planning maps as – Extractive Industry ; Mining Disposal ; and Area of Mining Privilege. The land in Mangakaretu Road was zoned Rural 1 under the Transitional District Plan [Bay of Islands County].

The evolving pattern of zoning the land for mineral extraction activities represents an acknowledgment of the site specific intrinsic values and the social and economic wellbeing created through the extraction activity.

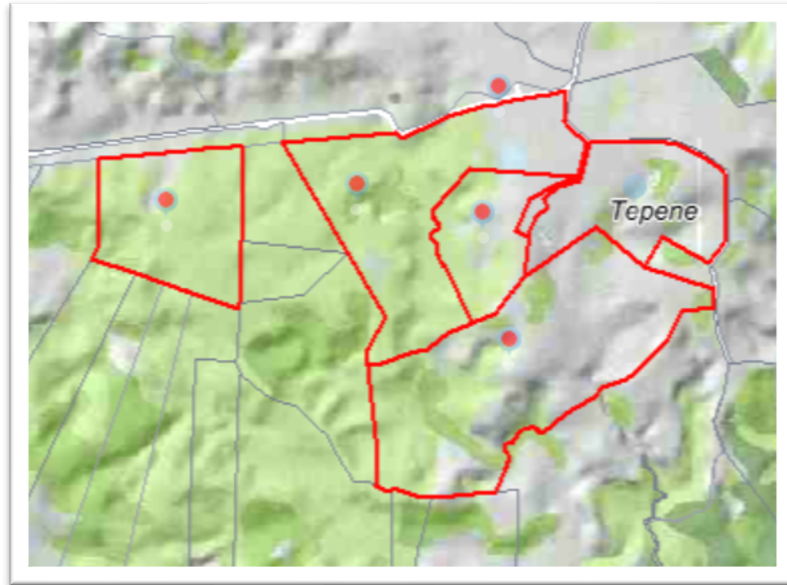
As currently drafted, Imerys prefers the retention of the existing approach to the management of minerals resources within the Far North District, and oppose the underlying zoning, and Mineral Exemption Overlay approach therein.

Site Descriptions

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

Matauri Bay Road

- ROT NA18D/1020 (Lot 1 DP 62019) ;
- ROT NA31B/294 (Pt Lot 1 DP 54194);
- ROT NA93D/602(Pt Lot 1 DP 50232) [In part] ;
- ROT NA15D/1478 (Pt Lot 5 DP 50235) [In part] ;
- ROT 501460 (Mahimahi E 5)



Mangakaretu Road

- ROT NA93B/909 (Section 5 SO 64268) [In part]
- ROT NA28A/1047 (Section 36 SO 48086)

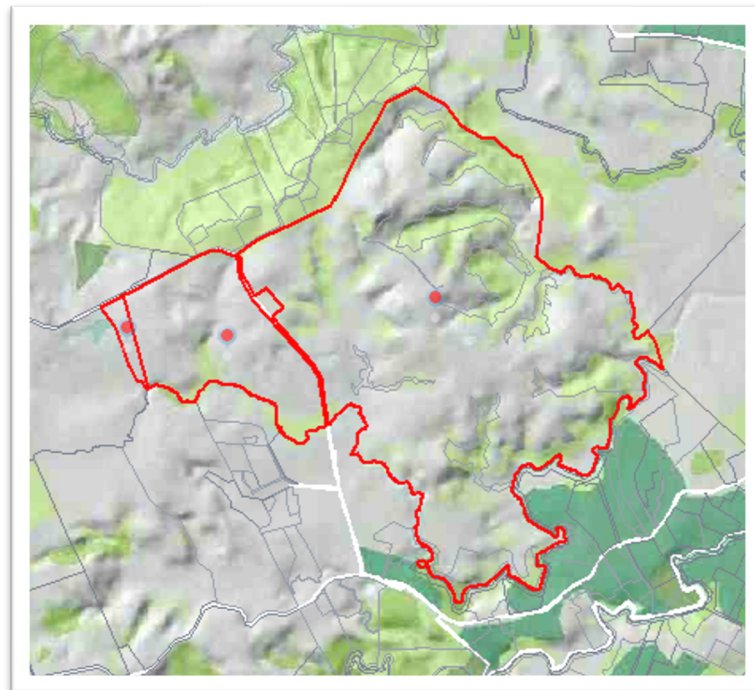


Figure 1 - Site

Operative and Proposed District Plan Zoning

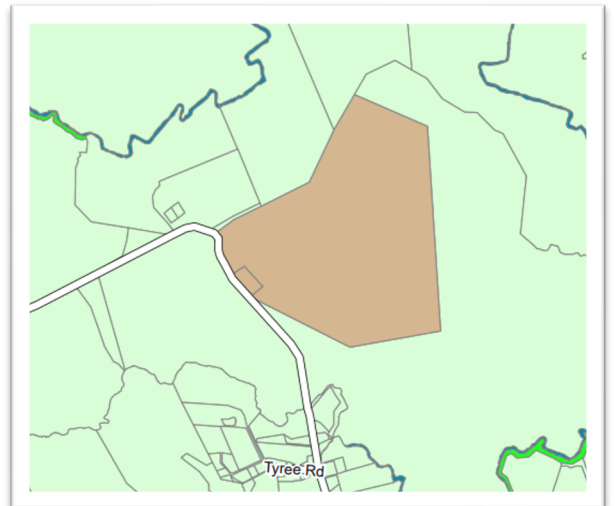
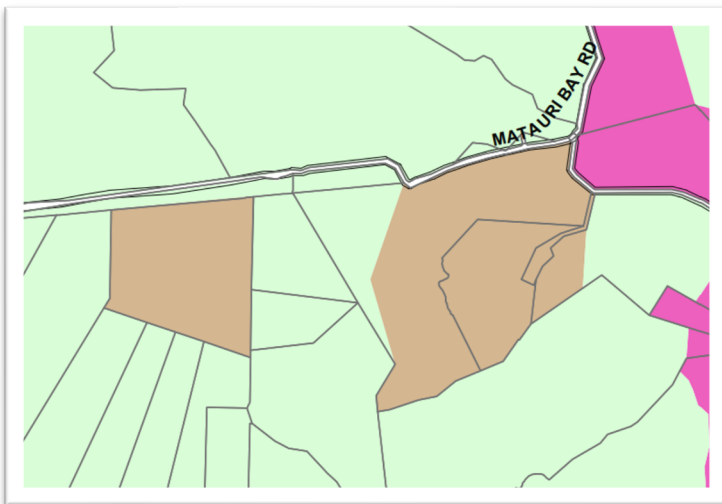
The Operative District Plan reveals the land is zoned –

Matauri Bay Road

**Mineral Extraction; and
Rural Production;**

Mangakaretu Road

Mineral Extraction (MEO)



ODP Zone Maps

The PDP seeks to apply the following Zones and Overlay –

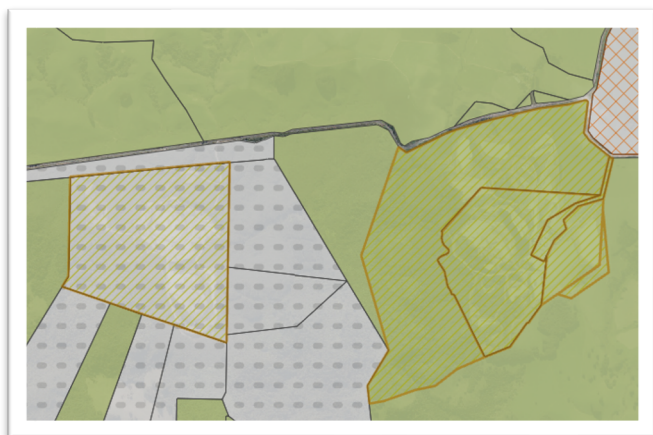
Matauri Bay

**Rural Production and
Maori Purpose - Rural Zones ;**

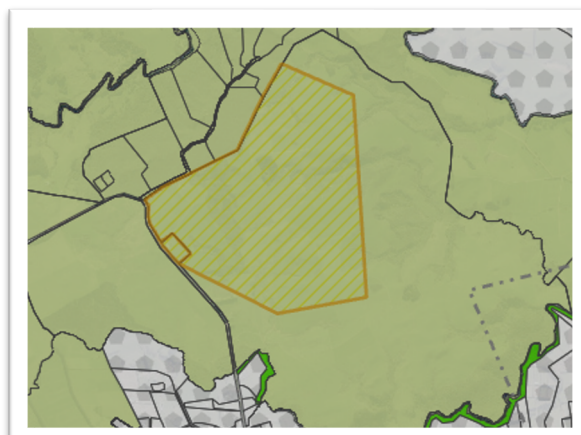
Mangakaretu Road

**Rural Production Zone ;
Mineral Extraction (MEO)**

Mineral Extraction Overlay



Overlay



PDP ZONE MAP

And the PDP also indicates the Matauri Bay property is influenced by a natural hazard - flooding .



PDP OVERLAY MAP

The PDP Overlay Maps effectively replicates the existing zone regime as that within the ODP. Similarly, the zones are retained, save the inclusion of the western block at Matauri Bay Road site now being zoned Maori Purposes – Rural.

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

- Proposed Planning / Zone Maps and Overlay Maps which relate to the Landholdings referred to in Section 3 of this submission;
- The Mineral Extraction Overlay;
- Natural Hazard Flood Maps; and
- The proposed provisions as outlined in **Annexure 1**.

5. **Imerys seek the following amendments/relief:**

This submission requests that the PDP:

- Removes the proposed zoning and overlays over the Landholdings in favour of the retention of the existing Minerals Zone;
- Amends the Natural Hazard Flood Maps; and
- Carries out the proposed changes, where requested, to relevant provisions as outlined in **Annexure 1**.

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

The reasons why it is believed that the existing framework associated with the Mineral Zone under the Operative District Plan (with amendments) is more appropriate for the landholdings than what is proposed are:

- a) The zoning / overlay approach proposed causes results in confused and frustrated provisions which cause unnecessary consent requirements.
- b) The proposed overlay approach does not give sufficient recognition and enablement of existing and lawfully established activities.
- c) Promoting new quarrying activities.
- d) The existing approach (with proposed amendments) is more consistent with higher order Resource Management Act 1991 ('**RMA**') policies and plans.
- e) The existing approach (with proposed amendments) is more consistent with the purpose and principles of the RMA.

The reason why amendments are sought to the Natural Hazards which affect the site is:

- a) The Natural Hazards overlay implicates an existing and operational clay dam. This is not considered as a hazard but infrastructure associated with the operations of the quarry.

We briefly expand on these reasons in the following sections. These matters will be fleshed out further in the evidence we call in support of our position at the hearing.

Confusing and frustrated provisions

The overlay and underlying zoning approach requires Imerys to consider multiple sets of provisions which are not considered to confusing and 'frustrate' the outcomes Council seeks to achieve.

The Landholdings under consideration have multiple underlying zones (Rural Production & Maori Purpose) as well as consideration of the MEO. An exercise has been undertaken which presents the following:

| ZONE / OVERLAY | ACTIVITY STATUS | |
|--|--------------------------|-------------------------|
| | EXTENSION | NEW MINERAL EXTRICATION |
| Rural Production Zone [RPZ] | Restricted Discretionary | Discretionary |
| Maori Purposes (Rural) Zone [MPRZ] | Discretionary | Discretionary |
| Mineral Extraction Overlay [MEO] | Controlled | Discretionary |

For an extension to a 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.

The existing approach to the management of Minerals is far simpler, more effective, and more efficient than that which is proposed.

Recognition and enablement of existing and lawfully established activities

The Mahimahi and Matauri Bay quarries are existing activities which may find themselves under unnecessary consenting requirements should they seek to be extended. 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 **Annexure 1**, 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.

Promoting new quarrying activities

The enablement of future quarrying activities is important to the social and economic wellbeing of the District. At the Mangakaretu Site, where a minerals zone has been in place for some time, it is considered appropriate for these to be enabled to match the

importance of mineral resources in the District and the many benefits these can bring.

The current PDP does not appropriately provide for new activities, and it is considered that any new activities be undertaken by way of a Controlled Activity, in an overarching and new Minerals Zone.

Natural Hazard Mapping

The Natural Hazard Maps seem to have, in error, covered an existing operational clay dam within the Landholdings. This is detailed below.



It is clear that this is an operational dam on the Landholdings and it is unclear how this is implicated by a River Flood Hazard event. The overlay should be removed. (Matauri Bay site)

The existing approach (with proposed amendments) is more consistent with higher order RMA policies and plans.

It is contented throughout this submission that the existing approach by way of a single and simple Minerals Zone (with

amendments) is far more effective, efficient and enabling than the current PDP makeup.

The provisions proposed to reduce the likelihood of sterilisation in **Annexure 1**, are provided for throughout the RPS and should be adopted.

With respect to the Landholdings, current and new activities operate under existing Northland Regional Council consents. These consents cover the majority of the activities undertaken, and the role of the PDP in this instance should be enabling by only seeking to manage matters that are not currently managed by the Northland Regional Council.

The existing approach (with amendments) is more consistent with the purpose and principles of the RMA.

Ultimately, the purpose of the preparation, implementation and administration of a district plan is to assist a territorial authority to carry out its functions in order to achieve the purpose of the Act.

The purpose of the Act is stipulated in Part 2 of the Act, specifically section 5, which provides that the purpose of the Act is to promote the sustainable management of natural and physical resources.

Sustainable management means the management of the use, development and protection of natural physical resources so that people and communities are able to provide for their social economic and cultural well-being, while:

- (a) sustaining natural and physical resources (except minerals);

- (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.

It is noteworthy that 'minerals' are excluded from the resources that are to be sustained, demonstrating an intention that minerals are to be utilised and any effects of that utilisation on the environment are to be managed.

Under section 6 identified matters of national importance must be recognised and provided for. Under section 7 particular regard is to be had to the "other matters" listed, which relevantly includes the efficient use and development of natural and physical resources.

The approach proposed is considered to more appropriately align with the intention of the RMA and higher order documents.

7. **Overall, Imery's wish that the Far North District Council to address the above issues by:**

1. Retaining a simple Minerals Zone approach (with amendments as promoted in **Annexure 1**);
2. Rezoning the Landholdings as simply Minerals Zone, as opposed to the underlying zoning and the Mineral Extraction Overlay;
3. Removing the River Flood Hazard that affects the property over the operational clay dam.
4. Any other relief to achieve the outcomes sought by this submission.

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 Imery's

Dated this 14th Day of October 2022

Annexure 1: Consideration of Provisions

| Provision | Position | Relief Sought | Rationale |
|---|----------------|---|---|
| <p>S65.007</p> <p>MEO – Rules. Note 5.</p> | <p>Support</p> | <p>Retain the rule but place this within a Minerals Zone.</p> | <p>The note is supported to avoid any necessary confusion, particularly when considered against the definition of Earthworks.</p> |
| <p>S65.008</p> <p>ME-R1 Mineral prospecting and exploration</p> | <p>Oppose</p> | <p>Removal of the rule in its entirety or exemptions for land already zoned for minerals to be provided within a new Minerals Zone (removal of MEO and underlying zone).</p> <p>Removal of PER-1 which requires any prospecting / exploration to be</p> | <p>Exploration and prospecting includes various methods and to limit this to hand tool investigations only promotes unnecessary limitations to mining operations.</p> <p>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.</p> <p>If appropriately zoned for mining (as are the Landholdings), then the rules should be deleted or not apply.</p> |

S65.009

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| | | undertaken using handtools. | |
| ME-R2 Expansion of existing mineral extraction activity | Oppose | Removal of the rule in its entirety. | <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. In 2022 Imerys will forecast 10,000 dry tonne sales, whereas in 2020 this was 40% less. You can also expand an operation without impacting volumes. The 10% figure is considered arbitrary with no defined rationale.</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</p> |

S65.010

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| | | | <p>exercise redundant. If the landholding has been appropriately zoned for mining, the full extent should be able to be quarried / mined.</p> <p>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.</p> |
| ME-R3 New mineral extraction activity | Oppose | Deletion of rule or amendment of rule to a Controlled Activity status within a new Minerals Zone (removal of MEO and underlying zone). | 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. |

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| | | | <p>A controlled activity status can achieve the matters to which Council typically have concerns with.</p> <p>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 that which Imery's undertakes.</p> | |
| S65.011 | ME-R4 New noise sensitive activities or alterations or additions to a building or structure containing an lawfully established sensitive activity | Oppose | Deletion of the rule | Should a quarrying activity wish to include a noise sensitive activity on their site i.e workers accommodations then this should be provided for. |
| S65.012 | ME-R5 Any activity not otherwise listed in this | Oppose | Deletion of the rule | Linking the MEO to the underlying zone causes unnecessary confusion and |

S65.013

S65.014

S65.015

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| chapter or the underlying zone chapter as a permitted activity | | | frustration. The rule would also consider any activity associated with rehabilitation of the site 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 a new Minerals Zone (removal of MEO and underlying zone) linking this to ME-R3 as a Controlled Activity. | The MEAP is supported as this is quite similar to the requirements of a Development Plan as is currently required for an activity associated with quarrying / mining in the existing Minerals Zone. The Management Plan for new activities should be linked to a Controlled Activity status in a revised but overarching Minerals 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 | Sufficient protection is required for new and existing quarrying and mining activities from new sensitive activities. |

S65.016

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| | | apply to all underlying zones. | |
| Subdivision | Support | Support a new rule which requires subdivision within 100m of the Minerals Zone to consider and assess effects directly to the zone, any existing activities, and whether the operational quarry, or underlying owner of the Mineral Zone site is an 'affected party' under the RMA. | 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 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. | 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 |

S65.017

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| | | | <p>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 resources when proposed subdivision, land use or development may have an adverse effect.</p> |
|--|--|--|---|