

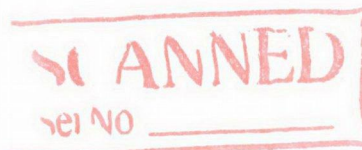


ECM Project: DPRPh5-03  
ECM # .....  
Submission # .....  
Customer # 75465  
Property # 2/19

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October 8, 2018

Waikato District Council  
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### Submission on the Proposed Waikato District Plan

#### 1 Submitter details

Full Name of Submitter	New Zealand Steel Holdings Ltd ('NZS')
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- 1.1. This is a submission on the Proposed Waikato District Plan ('PWDP').
- 1.2. NZS could not gain an advantage in trade competition through this submission.
- 1.3. NZS wishes to be heard in support of its submission.
- 1.4. If others make a similar submission, NZS will consider presenting a joint case with them at a hearing.

#### 2 Scope of submission

The specific provisions of the PWDP that this submission relates to are:

- Those contained in Section A (Plan Overview and Strategic Directions), Section B (Objectives and Policies), Section C (Rules) and the planning maps.

- In particular, but not limited to, those provisions that affect the ongoing operation and future development of NZS's business, including iron sand mining and the provision of iron sand and water to the Glenbrook Steel Mill.
- Any other matters relating to the operation of NZS's business contained within the PWDP.

Without limiting the generality of the matters raised by this letter, NZS seeks the relief set out in the attached table.

### **3 Submission**

#### **3.1 Background**

##### **3.1.1 New Zealand Steel operations**

NZS, through its subsidiary Waikato North Head Mining Ltd, runs an iron sand mining and processing operation at Waikato North Head, an area also known as Maioro. The WNH Mine site has a long history of operation, with mining activities being established in 1968 to supply NZS's Glenbrook Steel Mill.

Iron sand is mined at the Waikato North Head ('WNH') mine site, mainly to supply Primary Concentrate ('PC') to the Glenbrook Steel Mill for iron and steel production. Currently processing of the excavated iron sand at the mine site into the PC supplied to the Steel Mill, involves a gravitational and magnetic separation process, which uses river water. Then the PC is mixed with river water to form a slurry, which is pumped via a material slurry pipeline to the Glenbrook Steel Mill.

The mining operation at WNH includes administration offices, workshops, stores areas, process plant, mine areas and tailings disposal locations, and associated activities and infrastructure. Waste tailings (sand, clays and slimes) from the sand mining process are deposited on the mine site, within the footprint of previously mined areas. The areas being actively mined shift progressively around the mine site. There is a water supply storage lagoon adjacent to the Waikato River, which has an intake structure for drawing water from the Waikato River and structures for conveying water to the mine site. The lagoon is a structure that was formed in the 1960's by excavation of a low lying area of ground adjacent to the Waikato River. Gates control the flow of water in and out of the lagoon.

The Glenbrook Steel Mill also sources some of its water from the Waikato River, with the intake located to the north of the WNH mine site at an area known as 'the Elbow'. The water is transported via pipeline and discharges into a watercourse at the Glenbrook Steel Mill.

NZS's operations within the Waikato District therefore include the WNH mine site, the material slurry pipeline (and associated intake ponds and booster pumps) and the water supply pipeline from the Waikato River (Elbow) running to the Glenbrook Steel Mill site (both of which cross several watercourses). NZS also operates two pump stations in the Waikato District. The pump station at Storey Road (property owned by NZS) is associated with the slurry pipeline, and the pump station at Allcock Road (property leased by NZS) is associated with the water supply pipeline (see Figures 1 and 2 in **Appendix A**).

##### **3.1.2 Mining licence**

NZS holds a Mining Licence for the WNH iron sand mine, which is operative until 2066.



The Mining Licence is an existing privilege, which contains a bundle of rights that enable mining operations and associated activities to continue at WNH notwithstanding the passing of the Resource Management Act 1991 ('RMA') and the Crown Minerals Act 1991 ('CMA').

The High Court in *New Zealand Steel Ltd v The Attorney-General* [2013] NZHC 3524 confirmed that, by virtue of section 107 of the CMA (since replaced by Clause 12 of Schedule 1 CMA), the Mining Licence authorises all land use activities associated with iron sand mining operations at WNH. The High Court confirmed that no further authorisations are required under the RMA for the activities covered by the Mining Licence.

Notwithstanding that the Mining Licence authorises its activities at the WNH site, NZS wishes to see the PWDP appropriately provide for its activities at the site. This approach would better reflect the on-the-ground reality, provide continuity from the operative Waikato District Plan and enable users of the plan to have a clear understanding of activities that are lawful at WNH.

NZS also holds a suite of regional resource consents authorising its activities at WNH.

### **3.2 Zoning of the WNH iron sand mine**

The PWDP proposes to zone the WNH mine site as Rural Zone with an "Aggregate Extraction Area" overlay.

NZS considers that the WNH mine site is sufficiently unique, that it warrants specific treatment through the application of a mining zone. That approach recognises the long-standing existing nature of the WNH mine site and the Mine Licence. It is also consistent with the operative Waikato District Plan provisions, which identify the WNH mine site as "Maioiro Mining Zone" and which provides for specific permitted activities.

NZS considers it essential that the PWDP contains objectives and policies that recognise and provide for the contribution that the WNH mine makes to the social and economic wellbeing of the Waikato District and New Zealand as a whole. This includes the associated Glenbrook Steel Mill business.

The Section 32 Report suggests that adopting the Maioiro Mining Zone from the operative Waikato District Plan is "*not the most appropriate because it results in duplication and inefficiencies from administering multiple zones*".<sup>1</sup> To the contrary, NZS considers that a change from the existing well understood and established specific zoning of the WNH site represents an inefficient departure from a zoning which has operated at the site without issue and better reflects the underlying land use (which can lawfully continue at the site for the duration of the PWDP and beyond).

Furthermore, NZS notes that the PWDP already contains a number of other 'special zones' (e.g. Hampton Downs Motor Sport and Recreation Zone), so it is NZS's submission that a special zone for the WNH mine site would not be inconsistent with the structure of the PWDP. Moreover, there is little efficiency gained by addressing the WNH mine site within the Rural Zone because specific objectives, policies and rules for NZS's activities will still be required. In fact, such an approach may be less efficient because those specific objectives, policies and rules do not neatly fit into the Rural Zone framework.

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<sup>1</sup> Section 32 Report Part 2 Rural Zone (July 2018), page 94.



NZS therefore seeks a special 'Maoro Mining Zone' with associated objectives, policies and rules (in a similar nature to the operative Maoro Mining Zone, with amendments to fit the structure of the PWDP), that provides a comprehensive planning regime for the WNH mine site. Figure 1 in **Appendix A** shows the area to which NZS requests the Maoro Mining Zone should apply.

Alternative options to a specific zoning for the site are to zone the WNH mine site as Rural Zone, and include appropriate objectives, policies and rules. This alternative option is included in the relief set out in the attached table as alternatives to the specific Maoro Mining Zone. While this option could provide for appropriate recognition of the NZS's longstanding activities at WNH site, NZS's strong preference is for the insertion of a Maoro Mining Zone into the PWDP, for the reasons set out above.

### **3.3 Rules relating to the WNH iron sand mine**

In the PWDP Rural Zone an "extractive industry" is a discretionary activity, and any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary is a Non-Complying Activity.

The effect of this is that the activities at the WNH mine site that fall within the definition of "extractive industry" would no longer be recognised in the District Plan, and the lawful continuation of those operations would be reliant on the Mining Licence and existing use rights. That approach would mean that the PWDP does not reflect the longstanding reality of land use at the WNH mine site or provide continuity from the operative Waikato District Plan. The PWDP would fail to recognise that the WNH mine operations are able to operate as of right under the Mining Licence without resource consent for the entire duration of the plan.

Consequently, regardless of zoning, NZS considers that its existing activities at the WNH mine site and those covered by the Mining Licence should be specifically provided for in the PWDP as permitted activities.

In addition, the definitions relating to mining, being aggregate extraction activities, aggregate extraction area, aggregate resource area, extractive industry, and mineral extraction and processing, all overlap and there is potential for confusion and inconsistency. Therefore, NZS proposes that the definitions are streamlined. In particular, NZS proposes to delete the definitions of 'aggregate extraction activities' and 'mineral extraction and processing' as these terms are hardly used in the PDP. There is no clear reason for distinguishing between aggregate and mineral extraction activities in the PDP and the nature of effects of those activities are the same or similar. NZS considers that it is more efficient for the PDP to regulate and assess those activities jointly under the defined term 'extractive activity', as set out in Appendix B.

### **3.4 Reverse sensitivity**

In addition, NZS seeks provisions to effectively manage potential reverse sensitivity effects on the WNH mine site. These particularly relate to land uses which may be sensitive to dust, noise, light glare, traffic and other activities associated with sand mining operations, including residential dwellings or home stays. While, there are some provisions that partly address this issue, NZS considers amendments are required to strengthen these provisions. Objectives and policies should also seek to effectively manage potential reverse sensitivity effects on the WNH mine site.



Without limiting the generality of the above, NZS seeks the relief set out in the attached table. In summary this is:

- Strengthened policies relating to reverse sensitivity effects that may occur if sensitive land uses locate near existing activities such as the WNH mine site.
- A buffer of 200m from the boundary of the WNH mine site, including:
  - Rules restricting subdivision within 200m of the WNH mine site boundary.
  - Retention of building setback rules for sensitive land uses within 200m of the WNH mine site boundary.

### **3.5 Provisions applying to the water intake lagoon**

NZS notes that there are some areas of the WNH mine site immediately north of the recycle pond and the water intake lagoon, that are located outside of the Mining Licence area but nevertheless forms a core part of the mine's infrastructure – as set out in Figure 1.

The PWDP appears to propose Rural Zoning by default at the water intake lagoon, on the basis that the lagoon is part of the Waikato River waterbody. That approach would require essential elements of the WNH mine infrastructure to be reliant on existing use rights under s10 RMA to provide for their continuation. Given the dynamic environment, that is not an efficient or appropriate method of planning.

In addition, NZS notes that the lagoon is an artificial structure constructed in 1968, for the sole purpose of providing a water supply for the WNH Mine. The area around the lagoon is dry land not inundated by the river (and also noting that the coastal marine area boundary is upstream of the lagoon area in this location).

Consequently, NZS considers this area should be subject to the same zone/overlay/rules as the remainder of the WNH mine site to ensure the nature of the existing activities is appropriately reflected in the PWDP.

### **3.6 Application of overlays on the WNH mine site**

In addition, the PWDP maps identify several Significant Natural Areas (SNA) within the WNH mine site. With particular reference to the Mining Licence area, the SNAs have been identified despite the highly modified nature of this area which will continue to be mined. NZS seeks clarification on how these sites were identified, as the mapping of an SNA within the WNH mine site is potentially misleading and may create unrealistic expectations as these areas can be mined under the Mining Licence.

Regardless of whether the SNAs have been correctly identified, the Mining Licence authorises all land uses in relation to the WNH mining site and therefore the PWDP should recognise that the SNA protections do not apply. To recognise SNAs in the WNH mine site would inappropriately set an expectation that such areas are subject to protections that are neither consistent with the nature of operations at the site nor compatible with the rights conferred by the Mining Licence. Therefore, NZS seeks the removal of the SNAs identified in Figure 3, in **Appendix A**.

Within the WNH Mining Licence area four blocks of land (Sec 1 SO 65729, Sec 1 SO 40757, Allot 98 Parish of Waiuku West and Sec 2 SO 40757) were previously subject to an undertaking by NZS



to not proceed with mining activities. That undertaking was withdrawn in 2015,<sup>2</sup> and therefore, iron sand mining is anticipated and authorised within those four blocks of land by the Mining Licence (excluding an urupa and fishing reserve area which are not included in the Mining Licence). Therefore, NZS seeks for the zoning of the four blocks to be the same as the zoning for the other parts of the area covered by the Mining Licence, as set out in 3.2 above.

### 3.7 Infrastructure

The PWDP contains district-wide rules relating to infrastructure and energy. NZS has reviewed the definition of infrastructure and considers that it applies to its water supply system, which encompasses the water supply pipeline from the Waikato River (Elbow) to the Glenbrook site (both of which cross several watercourses), and the pump station at Allcock Road. This definition and associated rules is considered to be appropriate and NZS supports this application of the PWDP.

NZS considers the district-wide rules relating to infrastructure should also apply to its "material slurry pipeline" (and associated intake ponds and booster pumps) between the WNH mine site and the Glenbrook Steel Mill, along with the Storey Road pump station. The slurry pipeline and slurry pump station are similar in nature to other infrastructure (e.g. the pipeline is linear in nature crossing various zones and both facilities have an important social and economic function). Consequently, NZS requests that the district-wide infrastructure definition is amended to explicitly capture the material slurry pipeline and Storey Road pump station.

## 4 Relief sought

NZS seeks the following decisions from Waikato District Council:

- Amend the PWDP in accordance with NZS's submission as outlined above, and as detailed in the attached table (attached in **Appendix B**) and related appendices (including figures in **Appendix A**), or words to like effect (additions underlined, deletions ~~struckthrough~~).
- Any other further or consequential amendments required to address NZS's concerns with the PWDP, including edits, deletions or additions to any issues, objectives, policies, rules, maps, assessment or discretion criteria, or any explanatory text.



Date 8/10/18.

Margaret Gracie

**VP People & External Affairs, New Zealand Steel Ltd**

**Attachments:** Appendix A: Figures showing mine site and associated pipelines (3 pages)

Appendix B: submission Table (14 pages)

<sup>2</sup> *Ngati Te Ata v New Zealand Steel Mining Limited* [2015] NZCA 547.

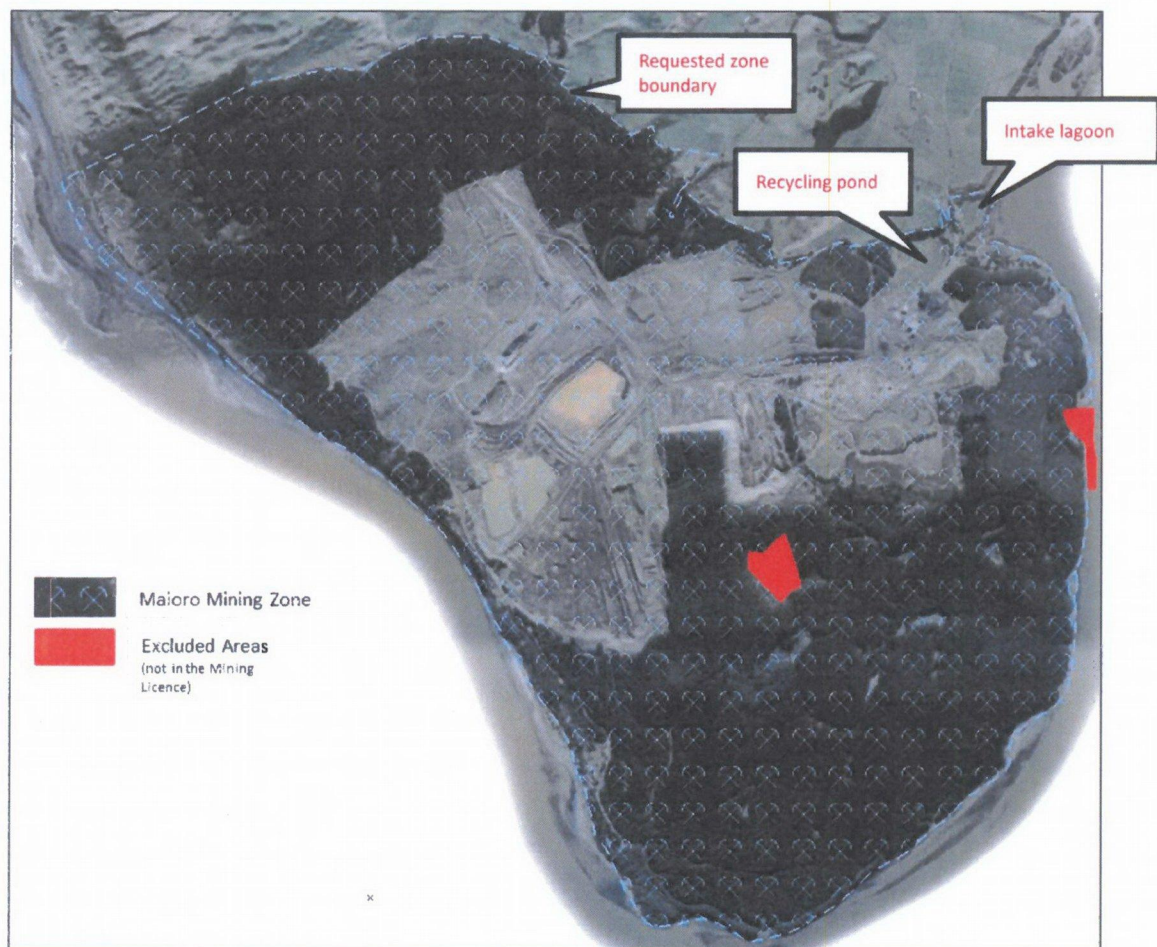


## Appendix A: Figures showing mine site and associated pipelines

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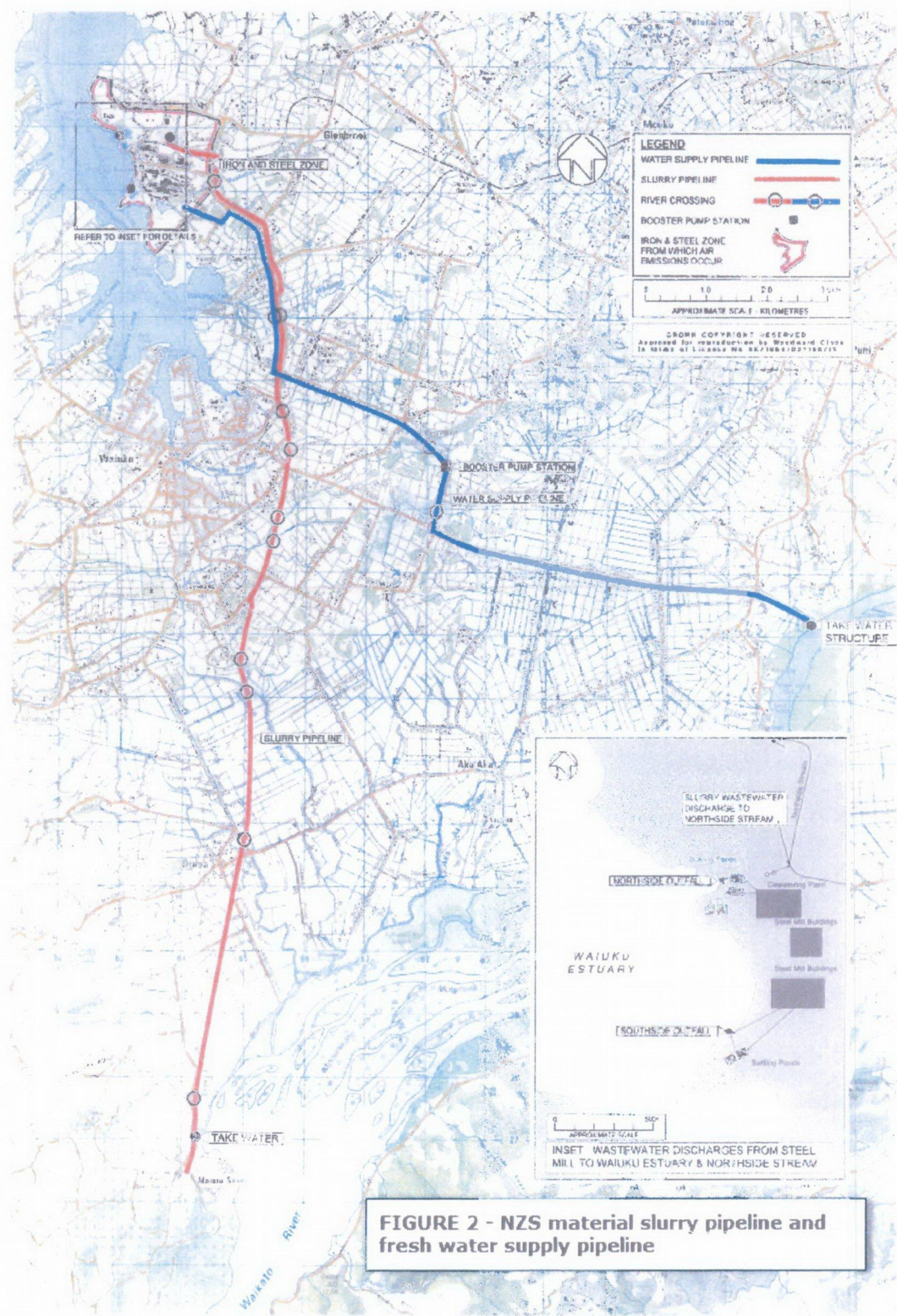
**Figure 1** - Map showing the Waikato North Head Operational Area.

The hatched area shows the required extent of the Maoro Mining Zone requested in this submission - to reflect the NZ Steel Mine Licence, property owned by NZ Steel and the intake water lagoon.



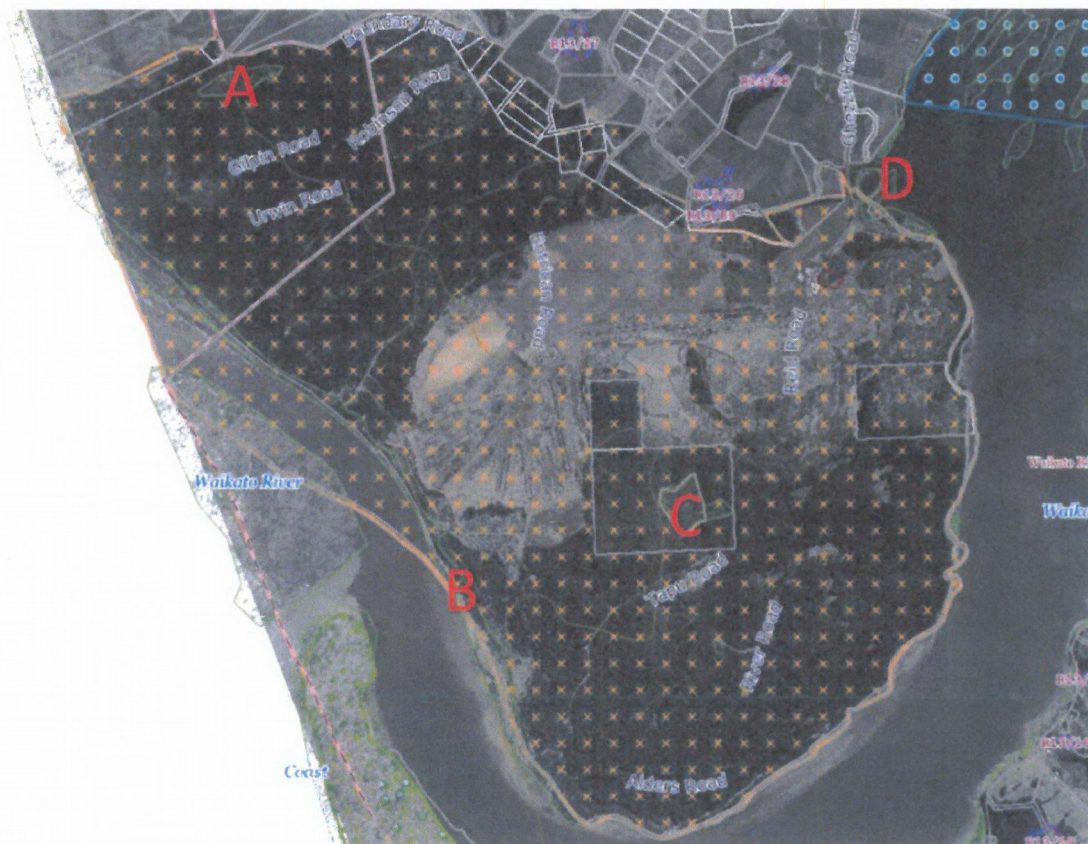


**Figure 2 – Map showing the Steel Mill water supply pipeline and the Mine Site slurry pipeline.**





**Figure 3** Aerial photo showing the PWDP overlays, with letters referencing the SNAs that NZS seeks to remove.





## Appendix B

### New Zealand Steel Limited – Proposed Waikato District Plan - Submission table

Without limiting the generality of New Zealand Steel's (NZS's) submission letter enclosing this Appendix, the below table sets out NZS's specific submission points on the Proposed Waikato District Plan (PWDP).

The relief sought by NZS in the below table includes requested changes to:

1. Provisions relating to the zoning and applicable objectives, policies and rules for the WNH site, which includes both:
  - a. NZS's strongly preferred relief: Specific recognition of the Waikato North Head (WNH) mine site through the creation of a specific 'Maoro Mining Zone';
  - b. NZS's alternative relief, being the application of the 'Rural Zone' to the WNH mine site, with specific objectives, policies and rules in Chapters 5 and 22;
2. Provisions related to reverse sensitivity;
3. Rural Environment provisions in Section A;
4. The application of the SNA Overlay and provisions to the WNH mine site;
5. PDP Maps;
6. Provisions related to infrastructure associated with the WNH mine site;
7. Other provisions including hazardous substances and general matters;
8. Amendments to the definitions, including replacing the definition of 'extractive industry' with a definition of 'extractive activity' and renaming the 'Aggregate Extraction Area' to become the 'Mineral Extraction Area'.

NB: for clarity, the existing definitions and terms used in the PDP, including 'Aggregate Extraction Area', are referred to throughout this table.

PDP Reference	PDP Section	Support/ Oppose	Decision Requested	Reason for Decision Requested
Provisions relating to the WNH iron sand mine: Primary relief sought				
B.5 B.9 C.22 Map 5: Aka aka Map 11: Waikato Heads South	Chapter 5: Rural Environment Chapter 9: Specific Zones Chapter 22: Rural Zone Map 5: Aka aka Map 11: Waikato Heads South	Oppose	<p>NZS requests the removal of the Rural Zone from the WNH site, and requests the application of a specific 'Maoro Mining Zone' for the WNH Mine. NZS supports the retention of the Aggregate Extraction Area overlay over the site to ensure supporting provisions (e.g. regarding reverse sensitivity and building set back) continue to apply to the site.</p> <p>To implement the specific zoning, NZS requests:</p> <ol style="list-style-type: none"> <li>1. changes to the relevant planning maps to identify the area identified in Figure 1 in <b>Appendix A</b> as the Maoro Mining Zone; and</li> <li>2. the insertion of the following provisions into Section B Chapter 9 and a new Chapter X in Section C as below to create a fifth specific zone.</li> </ol> <p>Insert in Section B, Chapter 9:</p> <p><i>Maoro Mining Zone</i></p> <p><i>Objective</i></p> <p><i>(1) The ironsand resource at Waikato North Head is effectively and efficiently utilised.</i></p> <p><i>Policies</i></p> <p><i>(1) Provide for ironsand mining and associated activities at Waikato North Head.</i></p> <p><i>(2) Avoid, remedy or mitigate any significant adverse effects associated with activities that require resource consent under the Waikato District Plan.</i></p> <p>Insert in Section C new Chapter X:</p> <p><i>Chapter X: Maoro Mining Zone</i></p> <p><i>Land use - activities</i></p>	<p>NZS considers that the WNH mine site is sufficiently unique that it warrants specific treatment through the application of a mining zone. That approach recognises the long-standing existing nature of the WNH mine site. It is also consistent with the operative Waikato District Plan provisions, which identify the WNH mine site as "Maoro Mining Zone" and provide for specific permitted activities. NZS considers it essential that the District Plan contains objectives and policies that recognise and provide for the contribution that WNH mine makes to the social and economic wellbeing of the Waikato District and New Zealand as a whole.</p> <p>The Section 32 Report suggests that adopting the Maoro Mining Zone from the operative Waikato District Plan is "<i>not the most appropriate because it results in duplication and inefficiencies from administering multiple zones</i>".<sup>1</sup> To the contrary, a change from the existing well understood and established specific zoning of the WNH site represents an inefficient departure from a zoning which has operated at the site without issue and reflects the underlying land use which is expected to continue at the site for the duration of the PDP. The PDP already contains a number of other 'special zones' (e.g. Hampton Downs Motor Sport and Recreation Zone), so a special zone for the WNH mine site would not be inconsistent with the structure of the PDP. Further, there is little efficiency gained by addressing the WNH mine site within the Rural Zone because specific objectives, policies and rules for NZS's activities will still be required (i.e. the existing permitted activity standards are not appropriate for NZS's activities). In fact, such an approach may be less efficient because those specific objectives, policies and rules do not neatly fit into the Rural Zone framework.</p> <p>NZS therefore seeks a special zone with associated objectives, policies and rules (in a similar nature to the operative Maoro Mining Zone), that provides a comprehensive planning regime for the WNH mine site ('Maoro Mining Zone'). Figure 1 in <b>Appendix A</b> contains a map of the area to which NZS considers the Maoro Mining Zone should apply.</p>

<sup>1</sup> Section 32 Report Part 2 Rural Zone (July 2018), page 94.



PDP Reference	PDP Section	Support/ Oppose	Decision Requested	Reason for Decision Requested																																																
			<p>(1) Any activity within the Maoro Mining Zone is a permitted activity if it:</p> <p>(a) existed as at 18 July 2018; or</p> <p>(b) is enabled by the Mining Licence granted under the Iron and Steel Industry Act 1959, dated 3 June 1966 and expiring 3 June 2066, originally granted to New Zealand Steel Limited (and including successors).</p> <p>(2) Without limiting (1), the following activities are permitted activities:</p> <table><tr><th>Activity</th><th></th></tr><tr><td>P1</td><td>Extractive activities</td></tr><tr><td>P2</td><td>The prospecting, identifying, winning, separating and cleaning of ironsand</td></tr><tr><td>P3</td><td>Tailings and waste disposal</td></tr><tr><td>P4</td><td>Facilities for storage of ironsands</td></tr><tr><td>P5</td><td>Transportation systems, incidental structures and hard standing for vehicles, and helipads</td></tr><tr><td>P6</td><td>Water intake structures, pump houses and pipelines for water reticulation</td></tr><tr><td>P7</td><td>Water reservoirs, lakes and watercourses not naturally occurring</td></tr><tr><td>P8</td><td>Infrastructure associated with electricity generation</td></tr><tr><td>P9</td><td>Buildings for the housing of equipment and machinery</td></tr><tr><td>P10</td><td>Forestry</td></tr><tr><td>P11</td><td>Tree nurseries</td></tr><tr><td>P12</td><td>Ornamental or shelter planting</td></tr><tr><td>P13</td><td>Timber mills, sawmills and any activities ancillary to (P8 and P9), except timber treatment plants</td></tr><tr><td>P14</td><td>Recreational uses of forestry areas</td></tr><tr><td>P15</td><td>Soil conservation, river and erosion control works on land</td></tr><tr><td>P16</td><td>Workshops, laboratories and other buildings and structure for the maintenance repair of, or used in connection with, any plant, machinery, and equipment</td></tr><tr><td>P17</td><td>Administrative buildings and staff amenities</td></tr><tr><td>P18</td><td>Buildings to be occupied by staff required to live within the Maoro Mining Zone and any members of their household, provided that each building shall have a minimum land area of 1000m<sup>2</sup></td></tr><tr><td>P19</td><td>Accessory buildings</td></tr><tr><td>P20</td><td>Earthworks associated with permitted activities</td></tr></table> <p>Discretionary Activities</p> <p>(1) The activities listed below are Discretionary activities.</p> <table><tr><td>D1</td><td>Extractive industries not otherwise permitted</td></tr><tr><td>D2</td><td>Subdivision</td></tr><tr><td>D3</td><td>Any activity that is not listed as a permitted or discretionary activity.</td></tr></table> <p>For clarity, no other rules in this plan apply to activities in the Maoro Mining Zone.</p>	Activity		P1	Extractive activities	P2	The prospecting, identifying, winning, separating and cleaning of ironsand	P3	Tailings and waste disposal	P4	Facilities for storage of ironsands	P5	Transportation systems, incidental structures and hard standing for vehicles, and helipads	P6	Water intake structures, pump houses and pipelines for water reticulation	P7	Water reservoirs, lakes and watercourses not naturally occurring	P8	Infrastructure associated with electricity generation	P9	Buildings for the housing of equipment and machinery	P10	Forestry	P11	Tree nurseries	P12	Ornamental or shelter planting	P13	Timber mills, sawmills and any activities ancillary to (P8 and P9), except timber treatment plants	P14	Recreational uses of forestry areas	P15	Soil conservation, river and erosion control works on land	P16	Workshops, laboratories and other buildings and structure for the maintenance repair of, or used in connection with, any plant, machinery, and equipment	P17	Administrative buildings and staff amenities	P18	Buildings to be occupied by staff required to live within the Maoro Mining Zone and any members of their household, provided that each building shall have a minimum land area of 1000m <sup>2</sup>	P19	Accessory buildings	P20	Earthworks associated with permitted activities	D1	Extractive industries not otherwise permitted	D2	Subdivision	D3	Any activity that is not listed as a permitted or discretionary activity.	
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B.5 B.9 C.22 Map 5: Aka aka Map 11: Waikato Heads South	Chapter 5: Rural Environment Chapter 22: Rural Zone Map 5: Aka aka Map 11: Waikato Heads South	Oppose	<p>Alternatively, if Council is not minded to grant the relief set out above in relation to the application of a Maoro Mining Zone to the WNH site, NZS requests amendments to the Rural Zone objectives and policies as set out below and the addition of the following objectives, policies and rules to Chapters 5 and 22: Insert in Section B, Chapter 5:</p> <p><i>Objective</i></p> <p><i>(1) The ironsand resource at Waikato North Head is effectively and efficiently utilised.</i></p> <p><i>Policies</i></p> <p><i>(1) Provide for ironsand mining and associated activities at the Aggregate Extraction Area identified at Waikato North Head.</i></p> <p><i>(2) Avoid, remedy or mitigate any significant adverse effects associated with activities at the Aggregate Extraction Area identified at Waikato North Head that require resource consent under the Waikato District Plan.</i></p> <p>Insert in Section C, Chapter 22:</p> <p><i>Rules</i></p> <p><i>Land use - activities</i></p> <p><i>(1) Any activity within the Aggregate Extraction Area at Waikato North Head is a permitted activity if it:</i></p> <p><i>(a)       existed as at 18 July 2018; or</i></p> <p><i>(b)       is enabled by the Mining Licence granted under the Iron and Steel Industry Act 1959, dated 3 June 1966 and expiring 3 June 2066, originally granted to New Zealand Steel Limited (and including successors).</i></p> <p><i>(2) Without limiting (1), the following activities in the Aggregate Extraction Area at Waikato North Head are permitted activities:</i></p> <table><tr><th>Activity</th></tr><tr><td>P1</td><td>Extractive activities</td></tr><tr><td>P2</td><td>The prospecting, identifying, winning, separating and cleaning of ironsand</td></tr><tr><td>P3</td><td>Tailings and waste disposal</td></tr><tr><td>P4</td><td>Facilities for storage of ironsands</td></tr><tr><td>P5</td><td>Transportation systems, incidental structures , and hard standing for vehicles and helipads</td></tr><tr><td>P6</td><td>Water intake structures, pump houses and pipelines for water reticulation</td></tr><tr><td>P7</td><td>Water reservoirs, lakes and watercourses not naturally occurring</td></tr><tr><td>P8</td><td>Infrastructure associated with electricity generation</td></tr><tr><td>P9</td><td>Buildings for the housing of equipment and machinery</td></tr><tr><td>P10</td><td>Forestry</td></tr><tr><td>P11</td><td>Tree nurseries</td></tr><tr><td>P12</td><td>Ornamental or shelter planting</td></tr><tr><td>P13</td><td>Timber mills, sawmills and any activities ancillary to (P8 and P9), except timber treatment plants</td></tr></table>	Activity	P1	Extractive activities	P2	The prospecting, identifying, winning, separating and cleaning of ironsand	P3	Tailings and waste disposal	P4	Facilities for storage of ironsands	P5	Transportation systems, incidental structures , and hard standing for vehicles and helipads	P6	Water intake structures, pump houses and pipelines for water reticulation	P7	Water reservoirs, lakes and watercourses not naturally occurring	P8	Infrastructure associated with electricity generation	P9	Buildings for the housing of equipment and machinery	P10	Forestry	P11	Tree nurseries	P12	Ornamental or shelter planting	P13	Timber mills, sawmills and any activities ancillary to (P8 and P9), except timber treatment plants	<p>As noted above, NZS’s preference is for a specific Maoro Mining Zone to be applied to WNH. However, should Council not be minded to grant this relief, NZS considers the final alternative mechanism to appropriately achieve the purpose of the RMA, is to amend the applicable provisions in the existing Rural Zone.</p> <p>NZS considers that the Aggregate Extraction Area overlay may be amended to be made appropriate to the WNH site with updated provisions which recognise the existing activities and the extent of future authorised activities, along with providing for reverse sensitivity issues adjacent to the site. The PDP currently contains no specific rules which relate to mining activities within the Aggregate Extraction Area, and therefore it is unclear how the Rural Zone rules apply to the WNH site.</p> <p>Given the context of the site, NZS considers that the Rural Zone permitted activity conditions are inappropriate, including those relating to earthworks and building height and therefore specific rules relating to the Aggregate Extraction Area would be more appropriate (noting that NZS’s strong preference is for a specific Maoro Mining Zone).</p>
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Reverse sensitivity				
B.5.3.7	Policy - Reverse sensitivity effects	Support with modifications	<p>NZS seeks the below amendments to this policy to specifically include reference to reverse sensitivity issues adjoining the Aggregate Extraction Area: If Council is minded to grant NZS's relief in relation to the specific Maoro Mining Zone, NZS also seeks the inclusion of a comparable policy in those specific provisions.</p> <p><i>(a) Recognise the following features are typical of the rural environment and the effects are accepted and able to be managed:</i></p> <ul style="list-style-type: none"> <li><i>(i) Large numbers of animals being farmed, extensive areas of plants, vines or fruit crops, plantation forests and farm forests;</i></li> <li><i>(ii) Noise, odour, dust, traffic and visual effects associated with the use of land for farming, horticulture, forestry, farm quarries;</i></li> <li><i>(iii) Existing <del>m</del>Mineral extraction and processing activities;</i></li> <li><i>(iv) Minor dwellings;</i></li> <li><i>(v) Papakainga housing developments within Maaori Freehold land.</i></li> </ul> <p><i>(b) Avoid adverse effects outside the site and where those effects cannot be avoided, they are to be mitigated.</i></p> <p><i>(c) Mitigate the adverse effects of reverse sensitivity through the use of setbacks and the design of subdivisions and development.</i></p> <p><i>(cc) Avoid locating sensitive activities in a buffer area adjoining an Aggregate Extraction Area, unless those sensitive activities can avoid compromising existing and future mineral extraction.</i></p> <p><i>(d) The scale, intensity, timing and duration of activities are managed to ensure compatibility with the amenity and character of the rural environment.</i></p> <p><i>(e) Enable the use of artificial outdoor lighting for night time work.</i></p> <p><i>(f) Ensure glare and light spill from artificial lighting in the rural environment does not:</i></p> <ul style="list-style-type: none"> <li><i>(i) Compromise the safe operation of the road transport network; and</i></li> <li><i>(ii) Detract from the amenity of other sites within the surrounding environment.</i></li> </ul> <p><i>(g) Frost fans are located and operated to ensure adverse effects on the surrounding environment are minimised.</i></p> <p><i>(h) Provide for intensive farming activities, recognising the potential adverse effects that need to be managed, including noise, visual amenity, rural character or landscape effects, and odour.</i></p>	<p>NZS wishes to see provisions to effectively manage potential reverse sensitivity effects on the WNH mine site, which could constrain existing and future operations. As described above, NZS's activities are important to the social and economic wellbeing of the District and New Zealand, and it is therefore appropriate to manage reverse sensitivity effects on those activities. NZS considers the PDP should manage sensitive land uses within the vicinity of the WNH site, particularly in relation to dust, noise, light glare, traffic and other activities associated with sand mining operations. NZS agrees that the 200m buffer set out in relation to building sites (see below) is an appropriate buffer for the types of potential reverse sensitivity issues.</p> <p>NZS supports the inclusion of mineral extraction and processing activities in relation to reverse sensitivity, but opposes the use of the word 'existing'. Mineral extraction and processing activities may not be existing at the time of the PDP being notified, but may still pre-date the establishment of sensitive activities.</p> <p>NZS also seeks a new (cc) to specifically address sensitive land use in the buffer area adjacent to Aggregate Extraction Areas.</p> <p>As set out below, NZS seeks that 'Aggregate Extraction Area' is amended to 'Mineral Extraction Area'.</p>
C.16 C.22	Chapter 16, Residential Zone Chapter 22, Rural Zone	Oppose	<p>NZS seeks the addition of new subdivision rules to Parts 16.4 (Residential Zone) and 22.4 (Rural Zone) to ensure that any subdivision of properties within 200m of the Aggregate Extraction Area, is a discretionary activity:</p> <p><i>D1 Subdivision of land within 200m of an Aggregate Extraction Area</i></p>	<p>The intent of the Aggregate Extraction Area is to identify existing extractive industries, and manage reverse sensitivity issues (particularly noise and vibration as set out in Part 5.3.15). However, the subdivision rules apply only to the Aggregate Extraction Area, and not to the 200 m buffer area adjacent to that. Therefore, the application of the Aggregate Extraction Area is not consistent with its intent. Therefore, NZS seeks the same buffer area as that applied to the Building Setback for sensitive land use.</p>
C.22.3.7.2	Chapter 22, Rural Zone	Support	<p>NZS seeks the retention of the building setback for sensitive land uses in areas adjoining an Aggregate Extraction Area in Part 22.3.7.2.</p>	<p>NZS supports provisions that effectively manage potential reverse sensitivity effects on the WNH mine site, which could constrain existing and future operations. As described above, NZS's activities are important to the social and economic wellbeing of the District and New Zealand, and it is therefore appropriate to manage reverse sensitivity effects on those activities.</p> <p>NZS considers this rule appropriately manages the establishment of buildings for sensitive land uses in the vicinity of an Aggregate Extraction Area.</p>



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Section A: Rural environment provisions				
1, including 1.4.3 and 1.12.8	Introduction, particularly The Rural Environment Strategic direction and objectives for the district	Support in part / Oppose in part	<p>NZS supports the references to mineral resources and extraction of them as a productive rural activity in Section 1.4.3, particularly in 1.4.3.1 Rural activities and 1.4.3.2 Protecting the rural environment.</p> <p>NZS considers that Section 1.5 should also include reference to the important role that mineral resources and their extraction play in the economic wellbeing of the district. Therefore NZS seeks the following additional provision at new section 1.5.8:</p> <p><u>Mineral extraction</u>  <u>Waikato District contains a number of established extractive industries, including sand mining and coal mining, along with areas where extraction of mineral resources may potentially occur in the future. These activities are important to the economic wellbeing of the district, and should be effectively and efficiently utilised in a sustainable manner. These activities are commonly located in rural areas where reverse sensitivity can be an issue for established extractive industries.</u></p> <p>However, NZS opposes the ‘overarching directions’ in Section 1.12.8, which fail to refer to activities located outside of the urban areas that contribute to the district’s economic, cultural and social wellbeing. NZS seeks the inclusion of a strategic objective that refers to the importance of mineral extraction activities. The cross-references in Section 1.12.8 also appear to be incorrect.</p> <p>NZS seeks the following amendments:</p> <p><i>(a) The matters set out in paragraphs 1.4.1.1 – 4.1.71.4.4 provide the overarching directions for the development of the objectives, policies and other provisions within the district plan.</i></p> <p><i>(b) In summary, the overarching directions include the following: ...</i></p> <p><i>(vii) Supporting productive rural activities, including mineral extraction...</i></p>	<p>The extraction of mineral resources is a productive rural activity, and existing extractive activities, including the WNH site, contribute to the economic wellbeing of the district. These activities cannot be located in an urban setting, and are vulnerable to reverse sensitivity issues (particularly when residential activities locate within a buffer zone). Productive rural activities, and mineral extraction in particular, need to be addressed in the strategic objectives and directions.</p> <p>Objective 5.1.1 (in Chapter 5) is identified as a strategic objective, but it is not reflected in Chapter 1 adequately.</p>
5.1.1	Objective – The rural environment	Oppose in part	<p>NZS seeks the following amendments:</p> <p><i>(a) Subdivision, use and development within the rural environment where:</i></p> <p><i>(i) high class soils are protected for productive rural activities;</i></p> <p><i>(ii) productive rural activities and other activities including mineral extraction are supported, while maintaining or enhancing the rural environment;</i></p> <p><i>(iii) urban subdivision, use and development in the rural environment is avoided.</i></p>	
5.3.1	Objective - Rural character and amenity	Support in part	Retain, subject to the amendments to Policy 5.3.2 sought below.	<p>The phrase ‘rural character and amenity’ could mean different things to different people. Policy 5.3.2 (subject to the amendments sought by NZS below) provides important clarification direction as to what this phrase means in the context of this district plan.</p>



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5.3.2	Policy - Productive rural activities	Oppose in part	<p>NZS seeks the following amendments to acknowledge activities such as mineral extraction are located within the rural environment:</p> <p><i>(a) Recognise and protect the continued operation of the rural environment as a productive working environment by:</i></p> <p><i>(i) Recognising that buildings and structures associated with farming and forestry and other operational structures for productive rural activities contribute to rural character and amenity values;</i></p> <p><i>(ii) Ensuring productive rural activities are supported by appropriate rural industries and services;</i></p> <p><i>(iii) Providing for lawfully-established rural activities and protecting them from sensitive land uses.</i></p> <p><i><u>(iv) Recognising other productive activities that are located in the rural environment, including mineral extraction activities.</u></i></p>	The extraction of mineral resources is a productive rural activity, and extractive activities, including the WNH site, contribute to the economic wellbeing of the district. These activities should be specifically acknowledged and provided for as part of the character of the rural environment.
5.3.3	Policy – Industrial and commercial activities	Oppose in part	<p>NZS seeks the following amendments:</p> <p><i>(a) Rural industries and services are managed to ensure they are in keeping with the character of the Rural Zone.</i></p> <p><i>(b) Avoid locating industrial and commercial activities in rural areas that do not have a genuine functional connection with the rural land or soil resource <u>or other resources (such as minerals).</u></i></p>	NZS supports the ability to locate industrial and commercial activities in rural areas where there is a genuine functional requirement to do so. This policy should recognise other resources that create a locational requirement, such as mineral resources.
5.3.5	Policy – Earthworks activities	Oppose in part	<p>NZS seeks the following amendments:</p> <p><i>(a) Provide for earthworks where they support rural activities including:</i></p> <p><i>(i) Ancillary rural earthworks and farm quarries;</i></p> <p><i>(ii) The importation of fill material to a site;</i></p> <p><i>(iii) Use of cleanfill where it assists the rehabilitation of quarries.</i></p> <p><i><u>(iv) Earthworks associated with mineral extraction activities.</u></i></p> <p><i>(b) Manage the effects of earthworks to ensure that:</i></p> <p><i>(i) Erosion and sediment loss is avoided or mitigated;</i></p> <p><i>(ii) The ground is geotechnically sound and remains safe and stable for the duration of the intended land use;</i></p> <p><i>(iii) Changes to natural water flows and established drainage paths are avoided or mitigated;</i></p> <p><i>(iv) Adjoining properties and public services are protected.</i></p>	The extraction of mineral resources is a productive rural activity, and there is a need to provide for earthworks associated with those extraction activities within the rural environment.
5.3.9	Policy - Non-rural activities	Oppose	Delete this policy.	The strategic direction contained in 1.4.3.1 refers to productive rural activities including horse breeding/training, mining, and forestry, however this provision suggest that its listed activities (e.g. equestrian centres, horse training centres, forestry and rural industries) are not rural activities. There are a wide range of rural activities with varying effects. The district plan should be consistent in its recognition that all such activities are part of the character of the rural environment.
5.3.15	Policy – Noise and vibration	Support	Retain as drafted.	NZS supports the policy direction to minimise the adverse effects of noise and vibration through maintaining buffers (iii) and managing the location of sensitive land uses (v). This policy is consistent with the Aggregate Extraction Area Overlay provisions.

PDP Reference	PDP Section	Support/ Oppose	Decision Requested	Reason for Decision Requested
5.4.1	Objective – Minerals and extractive industries	Support in part	NZS seeks the following amendments:  <i>(a) Mineral resource use provides economic <u>and</u> social <del>and environmental</del> benefits to the district.</i>	NZS supports acknowledgement of the benefits of mineral use to the district, however it is unclear how mineral resource use can be required to provide environmental benefits (as opposed to managing environmental effects).  Furthermore, the use of 'environmental benefits' (as distinct from economic and social benefits) incorrectly implies that the environment is limited to the natural environment and does not include social and economic elements. Such an implication is not consistent with the broad RMA definition of the environment.
5.4.2	Policy – Access to minerals and extractive industries	Oppose in part	NZS seeks the following amendments:  <i>(aa) Provide for existing extractive industries.</i> <i>(a) Enable <u>new</u> extractive industries provided that adverse effects are avoided, remedied or mitigated.</i> <i>(b) Protect access to, and extraction of, mineral resources by:</i> <i>(i) Identifying lawfully established extractive industries in Aggregate Extraction Areas and Coal Mining Areas on planning maps;</i> <i>(ii) Identifying the site of a potential extractive industry within an Aggregate Resource Area on planning maps;</i> <i>(c) Ensure that lawfully established extractive industries are not compromised by new subdivision, use or development;</i> <i>(d) Avoid the location of any sensitive land use within specified buffer areas <u>adjoining existing extractive industries</u>, which otherwise risks the effective operation of a lawfully established extractive industry.</i>	NZS seeks amendments to this policy to specifically recognise existing extractive industries, such as the WNH site, and to clarify the meaning of 'specified buffer area'.
Application of SNA overlay to the WNH site				
3.2	Significant Natural Areas	Support in part / Oppose in part	See below.	NZS does not oppose Section 3.2 provided that the amendments are made to Policy 3.2.6 as set out below to recognise the ironsand mining operations at WNH.
3.2.6	Policy – Providing for vegetation clearance	Oppose	NZS seeks amendments to this policy as follows:  <i>(a) Provide for the clearance of indigenous vegetation in Significant Natural Areas when:</i> <i>(i) maintaining tracks, fences and farm drains</i> <i>(ii) avoiding loss of life injury or damage to property</i> <i>(iii) collecting material to maintain traditional Maaori cultural practices</i> <i>(iv) collecting firewood for domestic use</i> <i>(v) <u>located in the Aggregate Extraction Area at Waikato North Head.</u></i>	The Mining Licence authorises all land use activities associated with ironsand mining operations at WNH. No further authorisations are required under the Resource Management Act 1991, including for vegetation clearance. Accordingly, Policies 3.2.2 to 3.2.5 and 3.2.7 should not apply to the WNH site and an exception should be included in Policy 3.2.6.
22.2.7	Indigenous vegetation clearance inside a Significant Natural Area	Oppose	Subject to the relief sought in relation to the mapping of SNAs below, NZS seeks the following amendments:  <i>P1 (a) Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes:</i> <i>(ia) <u>Removing vegetation within the Aggregate Extraction Area at Waikato North Head;</u></i> <i>(i) Removing vegetation that endangers human life or existing buildings or structures;</i> <i>(ii) Conservation fencing to exclude stock or pests;</i> <i>(iii) Maintaining existing farm drains;</i>	The Mining Licence authorises all land use activities associated with ironsand mining operations at WNH. No further authorisations are required under the Resource Management Act 1991, including for vegetation clearance. Accordingly, an exception should be included in Rule 22.2.7.P1.



PDP Reference	PDP Section	Support/ Oppose	Decision Requested	Reason for Decision Requested
			<p>(iv) Maintaining existing tracks and fences; or</p> <p>(v) Gathering plants in accordance with Maaori customs and values.</p>	
Map 5: Aka aka Map 11: Waikato Heads South	Map 5: Aka aka Map 11: Waikato Heads South	Oppose	<p>NZS seeks the removal of all SNAs on the WNH site as shown in Appendix A, Figure 3, including:</p> <p>A. The SNA on the northern side of the WNH site, near Boundary Road.</p> <p>B. The SNA running north-south along the western coastal edge of the WNH site.</p> <p>C. The SNA in the middle of the WNH site.</p> <p>D. The SNA which surrounds the lagoon.</p>	<p>With particular reference to the Mining Licence area, the SNAs have been applied in this instance to a highly modified area, which will continue to be mined. There do not appear to have been any site visits to the mine area in association with the identification of the SNAs shown on these overlays. NZS seeks clarification on how these sites were identified as this is potentially misleading and raises unrealistic expectations as these areas could be mined under the mining licence.</p> <p>Regardless of whether the SNAs have been correctly identified, the Mining Licence authorises all land uses in relation to the WNH mining site and therefore the PDP should recognise that the SNA protections do not apply. To recognise SNAs in the WNH mine site would inappropriately set an expectation that such areas are subject to protections that are neither consistent with the nature of operations at the site nor compatible with the rights conferred by the Mining Licence.</p>
PDP maps				
12.1(i) Map 5: Aka aka Map 11: Waikato Heads South	Introduction to rules Map 5: Aka aka Map 11: Waikato Heads South	Oppose in part	Ensure the boundaries of the Aggregate Extraction Area at WNH (and the Maioro Mining Zone, if NZS's primary relief is accepted) include(s) the entire WNH site, including Sec 1 SO 65729, Sec 1 SO 40757, Allot 98 Parish of Waiuku West and Sec 2 SO 40757, the recycle ponds and area adjacent and the water intake lagoon, as shown in Appendix A, Figure 1.	<p>All parts of the WNH mine site should be subject to the same zone, overlay and rules framework to ensure they are addressed in a consistent manner that reflects the on-the-ground reality.</p> <p>There are some areas that are part of the WNH mine activity (the water intake lagoon) that are located outside of the Mining Licence area but nevertheless form a core part of the WNH mine activity. The lagoon is a manmade structure constructed in the 1960s. The maps appear to show the lagoon as part of adjoining river, and it does not appear to be formally zoned. The area around the lagoon is dry land i.e. above Mean High Water Springs and not inundated by the river (noting that the coastal marine area boundary is upstream of the lagoon area in this location).</p>
Map 5: Aka aka Map 11: Waikato Heads South	Map 5: Aka aka Map 11: Waikato Heads South	Oppose in part	NZS does not oppose the 'Coastal Environment' overlay, however it requests that the rules relating to this overlay be amended so that they do not apply to the WNH site, as set out in NZS's primary relief.	NZS considers that part of the Mining Licence area is within the coastal environment. However as set out above, NZS considers that the WNH mine site is sufficiently unique that it warrants specific treatment through the application of a mining zone, and seeks the insertion of a specific zone with associated rules into the plan. These would override any rules associated with the coastal environment overlay. That approach is justified given the status of the Mining Licence.
Map 5: Aka aka Map 11: Waikato Heads South	Map 5: Aka aka Map 11: Waikato Heads South	Support	NZS supports the retention of the 'Aggregate Extraction Area' overlay (or 'Mineral Extraction Area' overlay).	NZS supports the retention of the overlay as a tool to manage reverse sensitivity issues, as described in relation to C.16 and C.22 above.
Infrastructure associated with the WNH site				
3.4 Map 5: Aka aka Map 11: Waikato Heads South	Significant amenity	Support	Retain the significant amenity landscape mapping in relation to the WNH site.	There are no significant amenity landscapes identified on the WNH site.
3.5 Map 5: Aka aka Map 11: Waikato Heads South	Natural character	Support	<p>Retain the natural character mapping in relation to the WNH site.</p> <p>Amend the provisions to clarify that the natural character mapping includes both high and outstanding natural character areas.</p>	There are no high or outstanding natural character areas identified on the WNH site.
6.1.1	Objective – Development, operation and	Support	Retain as drafted.	NZS supports the inclusion of specific provisions that provide for, recognise and enable infrastructure, which it considers covers the water supply system for the WNH site and the pump

PDP Reference	PDP Section	Support/ Oppose	Decision Requested	Reason for Decision Requested
	maintenance of infrastructure			station at Allcock Road and which should include the slurry pipeline infrastructure (see relief requested below).
6.1.2	Policy - Development, operation and maintenance	Support	Retain as drafted.	
6.1.3	Policy - Technological advances	Support	Retain as drafted.	
6.1.4	Policy – Infrastructure benefits	Support	Retain as drafted.	
6.1.15	Policy – Natural hazards and climate change	Support	Retain as drafted.	
6.1.6	Objective – Reverse sensitivity	Support	Retain as drafted.	
6.1.7	Policy – Reverse sensitivity and infrastructure	Support	Retain as drafted.	
6.1.8	Objective – Infrastructure in the community and identified areas	Support	Retain as drafted:	
6.1.9	Policy – Environmental effects, community health, safety and amenity	Support in part	NZS seeks the following amendments to recognise operation, maintenance, repair, replacement and upgrading, which have more limited effects compared to development.  <i>Require the development, operation, maintenance, repair, replacement, upgrading and removal of infrastructure and its associated structures to avoid, remedy or mitigate adverse effects on the environment, community health, safety and amenity in a manner that corresponds to the scale and significance of effects.</i>	
6.1.10	Policy – Infrastructure in identified areas	Support	Retain as drafted.	
14.2 14.3 14.11	Rules applying to all infrastructure General infrastructure Water, wastewater and stormwater	Support in part	Amend the provisions for maintenance, repair, replacement, upgrading or removal of existing infrastructure to clarify that it is a permitted activity, by moving the permitted activity contained in 'General Infrastructure' (Rule 14.3.1 P1: The operation, maintenance, repair and removal of existing infrastructure) to 'Rules applying to all infrastructure'.	NZS considers the rules in Section 14 are generally appropriate however, amendments are required to provide certainty for existing infrastructure, particularly infrastructure that is subject to identified areas. The provisions for maintenance, repair, replacement, upgrading or removal of existing infrastructure are duplicated and should be streamlined for clarity.
Other matters relevant to the WNH site				
10.1.1	Objective – Effects of	Support	Retain as drafted.	NZS supports these provisions.



PDP Reference	PDP Section	Support/ Oppose	Decision Requested	Reason for Decision Requested
	hazardous substances			
10.1.2	Policy – Location of new hazardous facilities	Support	Retain as drafted.	
10.1.3	Policy – Residual risks of hazardous substances	Support	Retain as drafted.	
10.1.4	Policy – Reverse sensitivity effects	Support	Retain as drafted.	
12.3	Additional Matters of Control, Matters of Discretion and Matters for Discretionary and Non-Complying Activities	Oppose	Delete this provision.	The additional matters of control or discretion are extremely broad, many of them are unnecessary as they duplicate Council's powers under the RMA and some effectively extend Council's control or discretion to a level anticipated as part of a discretionary or non-complying activity.
13	Definitions	Oppose	<p>NZS seeks to ensure that the permitted activities in Section 14 apply to all of its pipelines and pumpstations, including conveyance of material slurry. Therefore, NZS requests the following modification to the infrastructure definition:</p> <p>Means:</p> <ul style="list-style-type: none"> <li><i>a pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel or geothermal energy;</i></li> <li><i>b a network for the purpose of telecommunication, as defined in section 5 of the Telecommunications Act 2001;</i></li> <li><i>c a network for the purpose of radiocommunication, as defined in section 2(1) of the Radiocommunications Act 1989;</i></li> <li><i>d facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person:</i> <ul style="list-style-type: none"> <li><i>(i) uses them in connection with the generation of electricity for the person's use; and</i></li> <li><i>(ii) does not use them to generate any electricity for supply to any other person;</i></li> </ul> </li> <li><i>e a water supply distribution system, including a system for irrigation;</i></li> <li><i>f a drainage or sewerage system;</i></li> <li><i>g structures for transport on, under or over land by cycle ways, rail, roads, walkways, or any other means;</i></li> <li><i>h facilities for the loading or unloading of cargo or passengers transported on land by any means;</i></li> <li><i>i an airport as defined in section 2 of the Airport Authorities Act 1966;</i></li> <li><i>j a navigation installation as defined in section 2 of the Civil Aviation Act 1990;</i></li> <li><i>k facilities for the loading or unloading of cargo or passengers carried by sea, including a port-related commercial undertaking, as defined in section 2(1) of the Port Companies Act 1988; or</i></li> </ul>	<p>NZS considers the district-wide rules relating to infrastructure should also apply to its "material slurry pipeline" (and associated intake ponds and booster pumps) between the WNH mine site and the Glenbrook Steel Mill, along with the Storey Road pump station. The slurry pipeline and slurry pump station are similar in nature to other infrastructure (e.g. the pipeline is linear in nature crossing various zones and both facilities have an important social and economic function). NZS considers the slurry pipeline and slurry pump station fit within the scope of "any other means" within paragraph (g) of the definition. For the purposes of certainty, NZS requests that the definition of infrastructure is amended to ensure that the district-wide infrastructure rules explicitly capture the material slurry pipeline and Storey Road pump station.</p> <p>We note that the approach of specifically recognising important regional infrastructure within the definition of infrastructure (over and above the RMA definition) has been taken by a number of other councils (eg Auckland Unitary Plan) in order to meet objectives and policies relating to such infrastructure.</p>

PDP Reference	PDP Section	Support/ Oppose	Decision Requested	Reason for Decision Requested
			<p><i>l anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166 of the Resource Management Act 1991.</i></p> <p><i>m <u>Material slurry pipelines and associated facilities including pump stations, are considered to be infrastructure.</u></i></p>	
13	Definitions	Oppose	<p>NZS seeks amendments to the definitions to reduce duplication and inconsistency, particularly in relation to the definitions of 'Aggregate Extraction Activities', 'Extractive Industry' and 'Mineral Extraction and Processing'.</p> <p>NZS seeks the following relief:</p> <ul style="list-style-type: none"> <li>• Delete the definition of 'Aggregate Extraction Activities', and replace references in the PDP to that terms with 'Extractive Activity'.</li> <li>• Delete the definition of 'Mineral Extraction and Processing', and replace references in the PDP to that term with 'Extractive Activity'.</li> <li>• Delete the definitions of 'Mineral Extraction Area' and 'Aggregate Extraction Area'.</li> <li>• Rename the 'Aggregate Extraction Area' to become the 'Mineral Extraction Area'.</li> <li>• Amend the definition of 'mineral' to cross-refer to the Crown Minerals Act 1991.</li> <li>• Replace the definition of 'Extractive Industry' with a definition of 'Extractive Activity' (as set out below), with consequential amendments to provisions throughout the PDP:</li> </ul> <p><u>Extractive Activity:</u></p> <p><u>Means taking, winning or extracting by whatever means, the naturally-occurring minerals (including but not limited to coal, rock, sand, and gravel) and peat from under or on the land surface. The term includes:</u></p> <ul style="list-style-type: none"> <li>• <u>processing by such means as screening, crushing, or chemical separation of minerals at or near the site where the minerals have been taken, won or excavated.</u></li> <li>• <u>removal, stockpiling and filling of overburden sourced from the same site.</u></li> <li>• <u>all activities and structures associated with underground coal gasification, including pilot and commercial plants and the distribution of gas.</u></li> <li>• <u>excavation, blasting, processing (crushing, screening, washing and blending).</u></li> <li>• <u>ancillary earthworks.</u></li> <li>• <u>storage, management and disposal of tailings.</u></li> <li>• <u>the storage, distribution and sale of aggregates by wholesale to industry or by retail.</u></li> <li>• <u>the storage, distribution and sale of mineral products.</u></li> <li>• <u>treatment of stormwater and wastewater.</u></li> <li>• <u>landscaping and rehabilitation works including cleanfilling.</u></li> <li>• <u>ancillary buildings and structures.</u></li> <li>• <u>residential accommodation necessary for security purposes.</u></li> </ul> <p><u>The term excludes prospecting and exploration activities.</u></p>	<p>"Mineral extraction and processing", "aggregate extraction activities" and "extractive industry" are all defined terms in the PDP. There is overlap between the terms, creating the potential for confusion and inconsistency.</p> <p>Therefore, NZS proposes that the definitions are streamlined. In particular, NZS proposes to delete the definition of 'aggregate extraction activities', as this term is generally not used in the PDP and it would commonly apply only to a narrow sub-set of 'mineral extraction' (aggregate is generally used to refer to crushed rock or gravel). NZS also proposes to delete the definition of 'mineral extraction and processing' as this term is similarly hardly used in the PDP. There is no clear reason for distinguishing between aggregate and mineral extraction activities in the PDP and the nature of effects of those activities are the same or similar. NZS considers that it is more efficient for the PDP to regulate and assess those activities jointly under the defined term 'extractive activity'. Consequently, NZS proposes that the definition of 'extractive industry' (which is used in a number of policies, objectives and rules) is retained, but that it is renamed to 'extractive activity' and broadened to cover sand mining, quarrying, coal mining and other extractive-type activities, as well as key associated activities.</p> <p>Consequential deletions or amendments will be needed to reflect the changes to the definitions. NZS also proposes to rename the 'Aggregate Extraction Area' to 'Mineral Extraction Area', for consistency and clarity.</p> <p>In addition, we note that Coal Mining Area is separately defined and includes reference to the Crown Minerals Act 1991, although the other definitions do not. This approach is supported and therefore it is proposed that the definition of minerals simply cross references to the definition in the Crown Minerals Act 1991. Such an approach would be clearer and will ensure alignment if the definition in the main Act changes for any reason.</p>
13	Definitions	Oppose	Deletion of definitions of overlays in the plans.	Overlays are contained in the maps and their purpose should be described in the body of plan. The definitions are therefore self-explanatory and do not need to be included in the definitions.