



OCEANAGOLD (NEW ZEALAND) LIMITED

PROPOSED PLAN CHANGE TO THE HAURAKI DISTRICT PLAN

Planning Assessment

October 2023

Table of Contents

	Executive Summary	1
1.	Introduction	3
1.1	Synopsis of the Application	3
1.2	Matters to be Addressed in this Plan Change Application and Report Structure	3
1.3	Accepting the Plan Change Request	4
1.4	Report Structure	5
2.	The Area Subject to the Plan Change Request	7
2.1	Environmental Setting	7
2.2	Cultural Values	8
2.3	Zoning and Urban Form	9
2.4	Land Supply	10
2.5	The Mineral Resource and Authorised Mining Activities	11
2.6	Socio-Economic Context	17
2.7	Landscape and Natural Character	18
2.8	Transport Network	18
2.9	Noise	19
2.10	Vibration	21
2.11	Ecology	22
2.12	Heritage Values	23
2.13	Significant Trees	25
3.	Purpose and Reasons for the Plan Change Request	26
4.	Development of the Plan Change Request	28
4.1	Introduction	28
4.2	Assessing the Effects of Expanding the Martha Mineral Zone and the Suitability of the Provisions For Assessing the Appropriateness of Any New Activity in the Expanded Zone	28
4.3	Engagement with Mana Whenua	29
4.4	Section 32 Analysis	30
4.5	Other Consultation and Engagement	31
5.	Description of the Plan Change Request	33
6.	Assessment of Effects on the Environment	38
6.1	Cultural Matters	40
6.2	Land Supply	42
6.3	Economic Impacts	44
6.4	Urban Design	45
6.5	Landscape, Visual Effects And Natural Character	47
6.6	Transport Matters	48
6.7	Noise	49
6.8	Vibration	51
6.9	Ecology	52
6.10	Geotechnical Matters	53



6.11	Historic Heritage	54
6.12	Social Impacts	54
7.	Section 32 Analysis	56
7.1	Evaluation of the Objectives of the Proposal	57
7.2	The Reasonably Practicable Options for Achieving the Objectives	58
7.3	Summary	73
8.	Statutory Assessment	74
8.1	Introduction	74
8.2	Provisions That Must be Given Effect To	75
8.3	Provisions the Proposed Plan Change Must Not Be Inconsistent With	85
8.4	Matters the Proposed Plan Change Must Be Prepared In Accordance With	85
8.5	Provisions the Proposed Plan Change Shall Have Regard To	88
8.6	Matters the Proposed Plan Change Must Take into Account	88
8.7	Conclusion	90
9.	Conclusion	91

LIST OF FIGURES

Figure 1:	Proposed Plan Change Area	1
Figure 2:	Waihi Urban Area and the Martha Mine	7
Figure 3:	Current Zoning Map	9
Figure 4:	Overview of the Martha Vein System	12
Figure 5:	Overview of the Existing Mining Infrastructure at Waihi	13
Figure 6:	Current Extent of Martha Mine (including Project Martha)	15
Figure 7:	Current Rehabilitation and Closure Concept Plan for the Martha Mine	16
Figure 8:	Noise Control Boundaries for Rule 5.17.4.1.	20
Figure 9:	Proposed Expansion of the Martha Mineral Zone	34
Figure 10:	Potential Extent of the Martha Mine (Phase 5 Pit Crest)	39

LIST OF TABLES

Table 1:	Waihi Gold Mining Contribution to New Zealand Economic Metrics (2019)	17
Table 2:	Hauraki District Plan Noise Standards	20
Table 3:	Ecological Values in the Martha Mineral Zone Expansion Area	23

Table 4:	Heritage and Archaeological features identified within the proposed MMZ	24
Table 5:	Technical Assessments	29
Table 6:	Key Elements of Plan Change Application	34
Table 7:	Current and Future Zone Capacity in Waihi	42
Table 8:	Recommended Noise Limits – Martha Mineral Zone	50
Table 9:	Statutory Requirements of a Plan Change	74



LIST OF APPENDICES

- Appendix 1: Proposed changes to the Hauraki District Plan.
- Appendix 2: Compendium of Figures.
- Appendix 3: Records of Title.
- Appendix 4: Martha Mineral Zone Private Plan Change Urban Design Assessment. Prepared by Boffa Miskell Limited. April 2022.
- Appendix 5: Martha Mineral Zone Private Plan Change Land Supply Assessment. Prepared by RCG Ltd. April 2022.
- Appendix 6: Martha Mineral Zone Private Plan Change Economic Impacts Assessment. Prepared by Sense Partners. April 2022.
- Appendix 7: Martha Mineral Zone Private Plan Change Landscape, Natural Character and Visual Effects Assessment. Prepared by Boffa Miskell Limited. April 2022.
- Appendix 8: Martha Mineral Zone Private Plan Change Transportation Assessment. Prepared by Stantec. April 2022.
- Appendix 9: Martha Mineral Zone Private Plan Change Assessment of Noise Effects. Prepared by Marshall Day Acoustics. April 2022.
- Appendix 10: Martha Mineral Zone Private Plan Vibration Assessment. Prepared by Heilig & Partners Pty. Ltd. April 2022.
- Appendix 11: Martha Mineral Zone Private Plan Ecological Assessment. Prepared by Bioresearches. April 2022.
- Appendix 12: Martha Mineral Zone Private Plan Historic Heritage Assessment. Prepared by Clough & Associates Ltd. September 2021.
- Appendix 13: Martha Mineral Zone Private Plan Geotechnical Assessment. Prepared by PSM Consult Pty Limited. September 2021.
- Appendix 14: Martha Mineral Zone Private Plan Social Impact Assessment. Prepared by WSP Ltd. October 2023.
- Appendix 15: Engagement Summary: Proposed Change to the Martha Mineral Zone.



REPORT INFORMATION

Report Status	Revised for RFI Request
----------------------	-------------------------

Author	Adrian Low
---------------	------------

Review By	Richard Turner
------------------	----------------

Version Date	October 2023
---------------------	--------------

© Mitchell Daysh Limited (2023).



EXECUTIVE SUMMARY

This proposed plan change to the Hauraki District Plan seeks to rezone 47 properties owned by, or under the control of, OceanaGold (New Zealand) Limited to Martha Mineral Zone in the Hauraki District Plan. This would make any future resource consent application to expand the Martha Mine across all, or part, of these properties a discretionary activity under Rule 5.17.4.4(D2) of the Hauraki District Plan.

The proposed changes to the Hauraki District Plan are set out in full in **Appendix 1**.

The proposed change in zoning is shown in Figure 1 below.

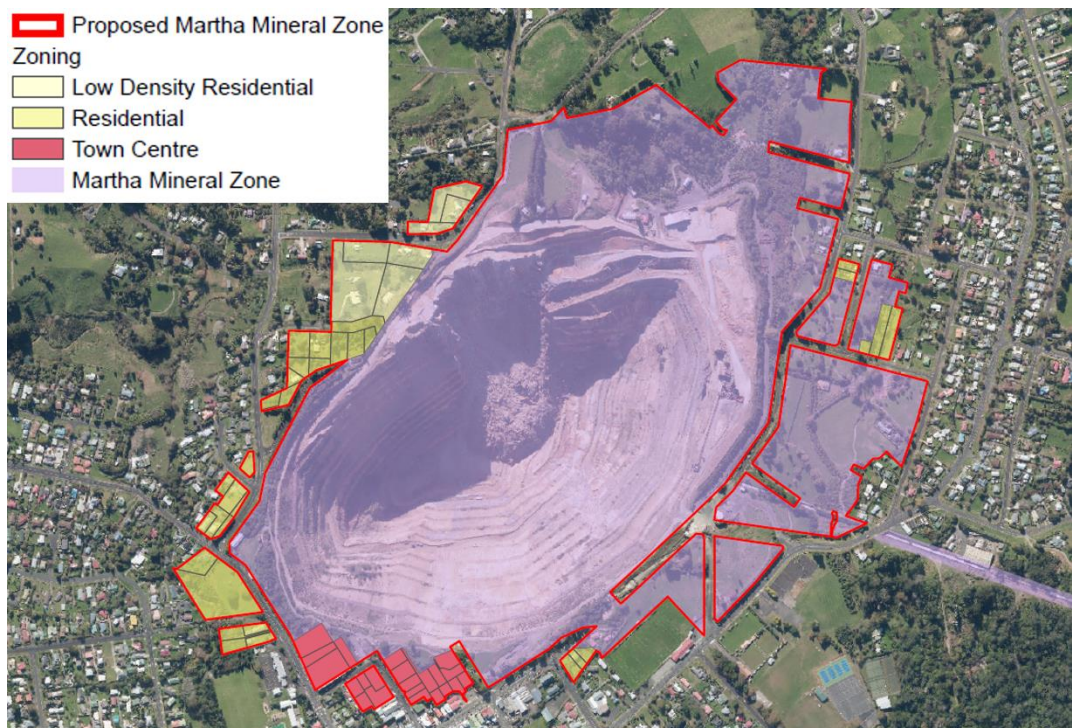


Figure 1: Proposed Plan Change Area

Other key elements of this proposed plan change are as follows:

- Amending the zone purpose for the Martha Mineral Zone to (i) reflect how the extent of the zone and development within it has occurred over time, (ii) acknowledge the relationship of mana whenua with Pukewa maunga (Martha Hill), and (iii) to explain the distinction between those provisions that apply across the Martha Mineral Zone and those exclusively associated with any expansion of the Martha Mine;
- Amending the sole objective of the Martha Mineral Zone to also provide for the rehabilitation of natural and physical resources that may be affected by mining activities in the Martha Mineral Zone, in addition to the provision for the utilisation of the mineral resource in a sustainable manner;

- The inclusion of new policies and assessment criteria specific to the potential expansion of the Martha Mine in the Martha Mineral Zone. This includes specific policy recognition of the relationship of mana whenua with Pukewa maunga and the need to ensure measures are implemented as part of any expansion of the Martha Mine that provide for the wairua or mauri of the maunga to be rehabilitated and / or enhanced;
- The inclusion of a new permitted activity rule for demolition or removal of buildings in the Martha Mineral Zone; and
- The insertion of new noise performance standards for permitted and restricted discretionary activities in the Martha Mineral Zone (via Chapter 8.3 of the Hauraki District Plan).

No changes are proposed to the objectives or policies of other chapters of the Hauraki District Plan.

The proposed changes to the provisions of the Hauraki District Plan have been assessed in accordance with section 32 of the Resource Management Act 1991. Other alternatives considered included:

Alternative Option 1: Maintaining the status quo (or the 'do nothing' option).

Alternative Option 2: Expanding the Martha Mineral Zone and not introducing any changes to the existing objectives, policies, or rules.

Alternative Option 3: Expanding the Martha Mineral Zone and including a comprehensive controlled activity rule framework that enables a defined expansion of the Martha Mine.

Alternative Option 4: Expanding the Martha Mineral Zone and including a restricted discretionary activity rule for new surface mining and mining operations within the zone.

Alternative Option 5: Expanding the Martha Mineral Zone and completely redrafting the objectives, policies and rules for the entire zone.

1. INTRODUCTION

1.1 SYNOPSIS OF THE APPLICATION

OceanaGold (New Zealand) Limited (“**OGNZL**”) is applying to the Hauraki District Council (“**HDC**”) for a private plan change to the Hauraki District Plan (“**District Plan**”).

The proposed plan change seeks to expand the boundaries of the Martha Mineral Zone (“**MMZ**”) around the Martha Mine in Waihi to incorporate additional land parcels owned by, or under the control of, OGNZL. This would make any future resource consent application to expand the Martha Mine across all, or part, of these properties a discretionary activity under Rule 5.17.4.4(D2) of the District Plan. New provisions are also proposed to provide direction on any potential expansion of the Martha Mine and its environmental effects, including with respect to the relationship of mana whenua with Pukewa maunga (Martha Hill).

The proposed changes to the Hauraki District Plan are set out in full in **Appendix 1**. A compendium of figures that are referenced in this proposed plan change, including the proposed rezoning map, are provided in **Appendix 2**.

An evaluation of the proposed plan change in accordance with section 32 of the Resource Management Act 1991 (“**RMA**” or “**Act**”) has been undertaken. It concludes that the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA, and that the proposed provisions are the most appropriate way to achieve the objectives.

Forty-seven properties¹ are proposed be rezoned to MMZ - which includes 15 properties in the Town Centre Zone, 25 properties in the Residential Zone and 7 properties in the Low Density Residential Zone. A table identifying these properties is provided in **Appendix 3**.

Records of title for these properties are also provided in **Appendix 3**.

1.2 MATTERS TO BE ADDRESSED IN THIS PLAN CHANGE APPLICATION AND REPORT STRUCTURE

Clause 22 of Schedule 1 of the RMA specifies the matters this proposed plan change request must include. It states:

22 Form of request

- (1) *A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation report prepared in accordance with section 32 for the proposed*

¹ Meaning all land held with the same valuation reference in accordance with the definition in the District Plan.

plan or change.

- (2) *Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.*

Each of these matters is included in this report, the structure of which is described below in Section 1.4.

1.3 ACCEPTING THE PLAN CHANGE REQUEST

The HDC has discretion to accept or reject a plan change request in accordance with Clause 25 of Schedule 1 of the RMA, subject to the matters set out in Clause 25(4)(a)-(e).

However, the HDC may only reject the request, in whole or in part, on the following grounds:

- The request, or part of the request, is frivolous or vexatious; or
- Within the last two years, the substance of the request or part of the request:
 - Has been considered and given effect to, or rejected by, the local authority or the Environment Court; or
 - Has been given effect to by regulations made under section 360A of the RMA; or
- The request, or part of the request, is not in accordance with sound resource management practice; or
- The request, or part of the request, would make the policy statement or plan inconsistent with Part 5; or
- In the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than two years.

It is assessed that none of these circumstances apply to this proposed plan change, noting in particular:

- The proposed plan change is supported by technical analysis, and a comprehensive section 32 evaluation is provided which demonstrates that the outcomes that are sought by the proposed plan change are appropriate;
- The proposed plan change is not vexatious or litigious;
- The District Plan has been operative for more than two years;
- No part of the request has been considered and given effect to, or rejected, by the HDC or the Environment Court, and section 360A of the RMA does not apply; and

- For the reasons set out, the request is in accordance with sound resource management practice and would not make the District Plan inconsistent with Part 5 of the RMA.

For completeness, it is noted that OGNZL is not seeking that the HDC adopt this proposed plan change in full, or in part, in accordance with Clause 25(2) of Schedule 1 of the RMA.

1.4 REPORT STRUCTURE

This report contains all the matters required of it by Clause 22 of Schedule 1 of the RMA, and is set out in nine sections as follows:

- Section 1:** Is this introduction.
- Section 2:** Describes the areas subject to the proposed plan change, including the presence of the mineral resource which has triggered the proposed plan change and the various environmental values on which effects need to be considered.
- Section 3:** Explains the purpose of, and reasons for, the proposed plan change in accordance with Clause 22(1).
- Section 4:** Describes how the proposed plan change has been developed.
- Section 5:** Describes the proposed plan change.
- Section 6:** Is an assessment of the effects anticipated as a result of the proposed plan change in accordance with Clause 22(2).
- Section 7:** Contains the section 32 analysis. This section describes why the objectives of the proposed plan change are the most appropriate way of achieving the purpose of the RMA, and the provisions of the proposed plan change are the most appropriate way of achieving the objectives.
- Section 8:** Is an assessment of how the amended plan provisions will be consistent with Part 5 of the RMA, and in particular the requirements of the District Plan under sections 72 – 77D of the Act.
- Section 9:** Is a conclusion.

A number of technical assessments have been prepared to inform the preparation of this proposed plan change. Copies of those assessments are appended to this report. They are described in more detail in section 4.2 and address the following topics:

- Urban design;
- Economics;
- Land supply;

- Historic heritage;
- Landscape, natural character and visual effects;
- Noise;
- Vibration;
- Transportation;
- Geotechnical matters;
- Ecology; and
- Social impacts

2. THE AREA SUBJECT TO THE PLAN CHANGE REQUEST

2.1 ENVIRONMENTAL SETTING

The proposed plan change relates to land on the periphery of the Martha Mine, located in Waihi (as noted in Figure 2 below).

Waihi is a service and mining town located in the Hauraki District. State Highways 2 and 25 position Waihi on the main route for those travelling between Tauranga and the Coromandel Peninsula, or Auckland. The Martha Mine, the base of which is approximately 220 m below the surrounding ground level and approximately 100 m below sea level, forms a distinctive topographic feature in Waihi.

Gold was first discovered in Waihi at Pukewa maunga in 1878. Between then, and the closure of the original Martha Mine in 1952, extensive surface and underground mining was undertaken. The original mine extended to a depth of approximately 620 m and extensively modified the natural landform in this area. Gold and silver mining recommenced in 1988 with the opening of the Martha Mine, and extensive surface and underground mining has occurred in the area around Waihi since that time.

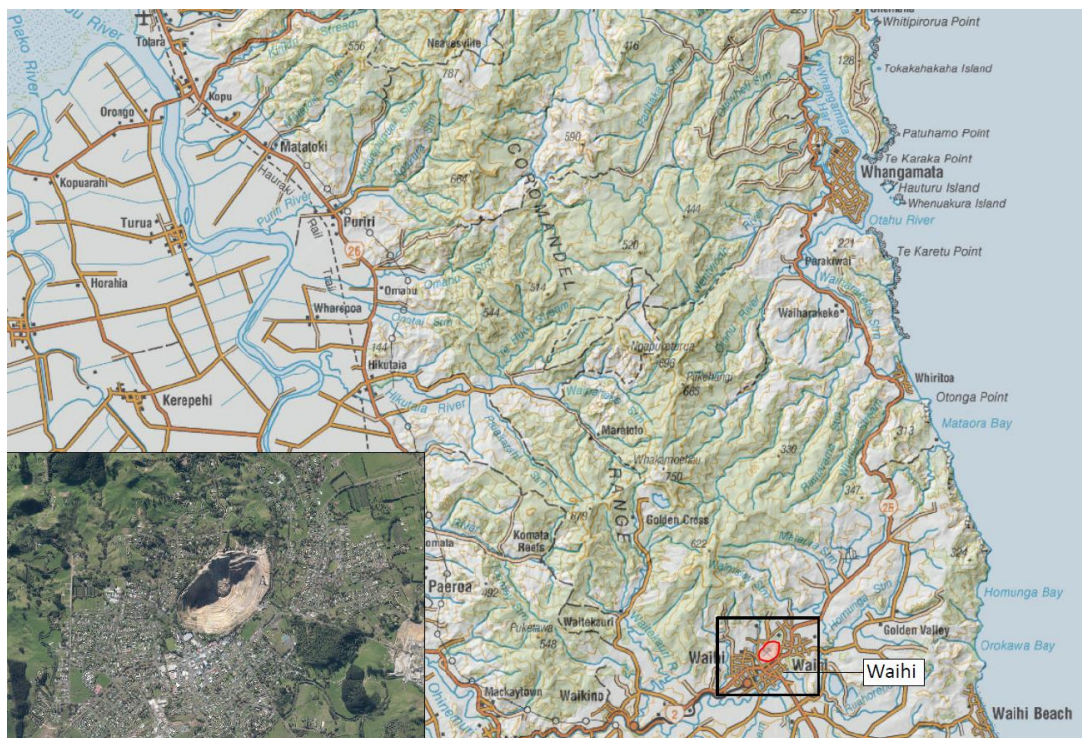


Figure 2: Waihi Urban Area and the Martha Mine

2.2 CULTURAL VALUES

OGNZL (and its predecessors) has engaged with mana whenua in relation to various mining proposals in, and around, Waihi over the last 30 years. The nature of this engagement has been wide ranging.

Mana whenua have not sought to undertake a cultural impact assessment as part of the preparation of the proposed plan change (and it is not for any party, including OGNZL, to require that such an assessment be prepared). While it is for mana whenua to describe any cultural or historical associations they may have with a subject site, OGNZL understands that mining activities at the Martha Mine are of interest to Ngāti Hako, Ngāti Tamaterā, Ngāti Maru, Ngāti Koi, Ngāti Tara Tokanui and Ngāti Porou ki Hauraki. In this regard, the Martha Mine has involved the mining of the ore body at Pukewa maunga – a previously prominent hill in Waihi that contained pa, kainga urupa and wāhi tapu related to its former occupation by mana whenua.

Ngāti Hako have advised through previous consent processes that Pukewa maunga is the source of great energy and power, and is the resting place of its ancestors.² It is acknowledged by OGNZL that the wairua or mauri of Pukewa maunga has been affected by the mining activities that have been undertaken historically and in modern times, and that mana whenua continue to have a significant relationship with Pukewa maunga. The Hauraki Iwi Environment Plan also acknowledges the loss of wāhi tapu associated with the mining activities at Pukewa maunga.³

The resource consents for the Correnso Underground Mine and Project Martha both include a requirement for the preparation for a Cultural Balance Plan specific to the mining operations at Waihi.⁴ As described in the resource consents for Project Martha, the purpose of the Cultural Balance Plan is to achieve the restoration and / or enhancement of the mauri of Pukewa and the surrounding landforms, as well as focus on tuna habitat and abundance in the Ohinemuri River Catchment.

The Cultural Balance Plan is intended to seek to achieve these objectives by providing a framework for a collaborative approach between OGNZL and mana whenua on shared understandings, build and ensure effective collaborative relationships and build support for kaitiaki capacity.

² Cultural Values Assessment for the Favona Underground Mining Application, Te Kupenga o Ngāti Hako Inc, 29 October 2003.

³ Hauraki Iwi Environment Plan, March 2004, Page 24.

⁴ For example, Condition 4C of Schedule One to LUC 202.2018.00000857.001.

OGNZL is currently working with mana whenua representatives on the structure and content of the Cultural Balance Plan for the Correnso Underground Mine and Project Martha.

2.3 ZONING AND URBAN FORM

A detailed description of Waihi’s urban form, and the prominence of the Martha Mine within that urban form, is provided in the Urban Design Assessment by Boffa Miskell (Boffa Miskell – Urban Design (2022)) – which is attached as **Appendix 4**.

The urban area surrounding the Martha Mine is typically flat to gently undulating and consists of a mixture of residential, recreation and commercial land uses typical of a small town. The surrounding area is made of properties that are zoned Low Density Residential, Residential, Town Centre and Reserve (Active) (as well as a small section of Reserve (Passive) zone).

A summary of the existing zoning around the Martha Mine is shown in Figure 3 below.

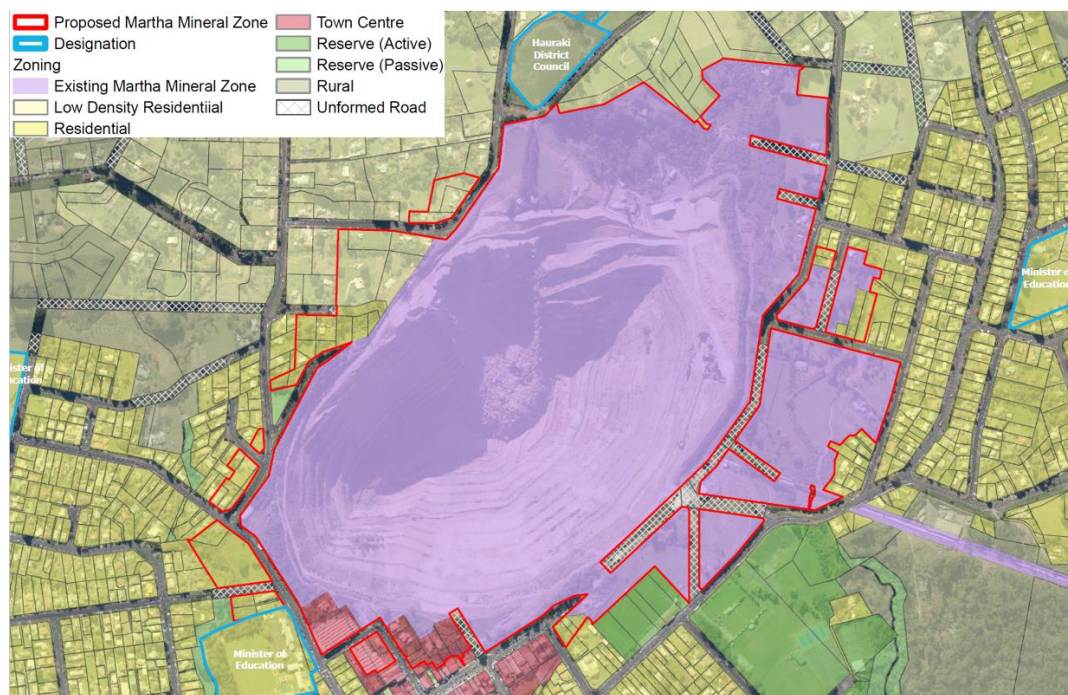


Figure 3: Current Zoning Map⁵

Land uses within the Town Centre Zone are varied. Waihi’s town centre is reasonably flat and walkable. The Ministry of Social Development office and the Gold Discovery Centre ‘bookend’ the retail strip of Seddon Street, with just over 400 m between them. Some

⁵ The red line in Figure 3 shows the proposed boundary of the Martha Mineral Zone for context.

retail activity also takes place along Rosemont Road (State Highway 2) and Haszard Street. There is parking along Seddon Street, as well as an open-air carpark off Silverton Road.

Outside of the walkable retail area centred around Seddon Street, there is a range of other uses within the Town Centre Zone - including community, retail, industrial and residential uses (approximately six dwellings). This includes auto servicing and repair services, farm supply outlets and electrical suppliers.

Waihi does not have much presence of a large format retail development, but the more land-intensive uses are located mainly on the fringe of the town centre (e.g. Mitre 10, New World, Super Value and several petrol stations). Most of these larger developments have direct frontage to State Highway 2.

Civic and community uses in the town centre include the Waihi Events Centre, Waihi Arts Centre and Museum, Waihi Library, the police station and District Court, as well as several churches.

Two of the properties proposed to be rezoned have industrial-style buildings on them - being the former PYE building (which includes the offices of OGNZL, the Health Plus Gym, Waihi Gold Foods training commercial kitchen and the Waihi Toy Library) and the Hub Building at 4 Martha Street (which is home to a range of smaller tenants).

2.4 LAND SUPPLY

An assessment of land supply around Waihi is provided in the Land Supply Assessment by RCG (RCG (2022)), which is attached as **Appendix 5**. This assessment includes a description of the existing residential, commercial and industrial land around Waihi, and projections for what additional land will be needed in the future.

RCG note that the population of Waihi was relatively flat from 1996 through to 2013. However, population growth has been consistent since then. The latest population estimates from Statistics New Zealand identify the urban area of Waihi as having a population of 5,740 as at June 2020, and for this population to have grown by 15.7% between 1996 and 2020 - compared with the New Zealand average of 36.2% over the same period.

Counts from the 2018 census showed Waihi as containing 2,460 dwellings.

As previously noted, the town centre of Waihi mostly comprises small independent retailers and buildings utilised as professional offices. Few vacancies exist, indicating a healthy town centre environment. Most of the vacancies are due to recent bank branch closures in the town centre.

RCG (2022) considers the provision of land and floor space zoned Town Centre in Waihi is more than sufficient, and it is unlikely additional land and floor space in this zone would be needed in future.

The Hauraki Growth Strategy 2050 looks at current growth capacity within existing zones. The HDC undertook this work in late 2017 and estimates that Waihi had residential-zoned capacity for 150 greenfield housing lots, as well as 546 infill lots. The strategy also identified that there was low density residential-zoned capacity for 50 greenfield housing lots, as well as 117 infill lots, and that there was capacity for 70 industrial lots and 67 commercial lots.

To accommodate projected growth, RCG (2022) considers that Waihi will require additional residential and industrial land into the future (over and above the existing zoned capacity) - irrespective of the current proposals by OGNZL. However, as outlined above, RCG (2022) consider the town has an adequate supply of commercial land (i.e. land zoned as Town Centre in the District Plan).

2.5 THE MINERAL RESOURCE AND AUTHORISED MINING ACTIVITIES

2.5.1 The Mineral Resource

OGNZL holds ten exploration permits⁶ and two mining permits⁷ within the area around Waihi. It also owns and operates the various mining facilities described in section 2.5.2 of this report. In light of this, OGNZL conducts detailed mineral exploration work on the potential ore resource in Waihi.

The major gold / silver deposits around Waihi are associated with north to northeast trending faults. Larger veins have characteristically developed in dilational sites in the steepened upper profile of extensional faults, with narrower splay veins developed in the hanging wall of major vein structures. Figure 4 below shows a plan illustrating the major vein locations.

⁶ EP 40598 Hauraki, EP 40813 Glamorgan, EP 51041 White Bluffs, EP 51630 Ohui, EP 51771 Waihi North, EP 52804 Twin Hills, EP 60148 Dome Field South, EP 60149 Dome Field North, EP 60528 Neavesville, EP 60644.01 Golden Cross.

⁷ MP 41808 Favona and MP 60541 WKP.

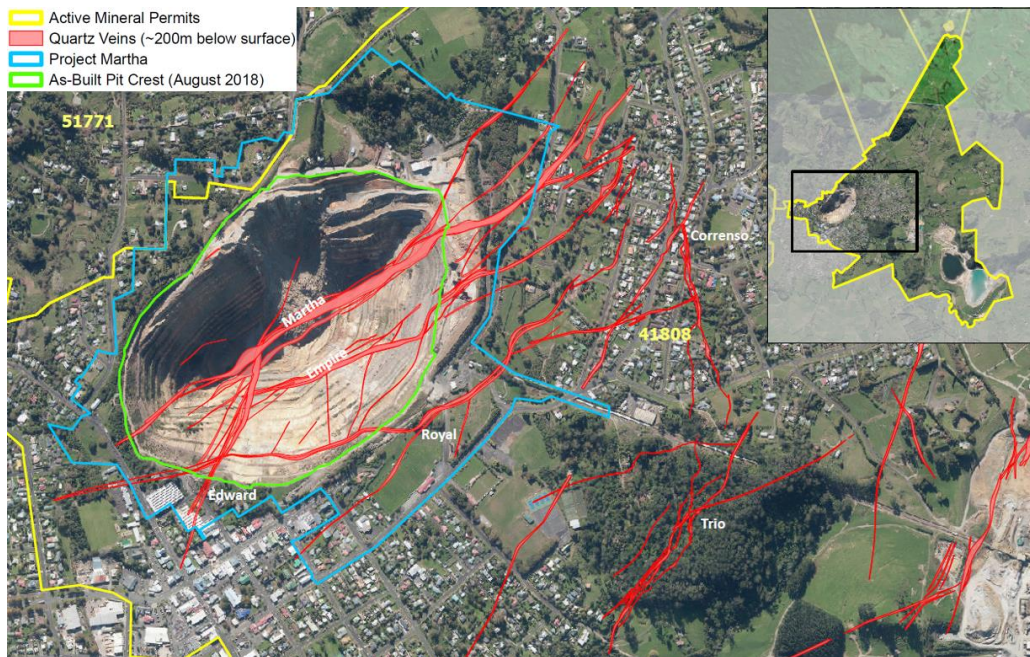


Figure 4: Overview of the Martha Vein System

Approximately 675,000 m of diamond drilling has been done around Waihi since 1980. Gold mostly occurs as electrum in the Waihi epithermal vein deposits and has a particle size less than 10 μm .

The nature of the ore in the Martha Mine is unique from the underlying Martha Underground Mine. In this regard, it has numerous narrow gold and silver bearing veins occurring in linking arrays immediately below and adjacent to the mine at a scale and geometry that is not amenable to the selective mining methods and high relative cost of underground mining.

2.5.2 Authorised Mining Activities

A variety of existing mining and mining-related activities have, and continue to be, undertaken by OGNZL in Waihi (see Figure 5 below). These activities and areas include:

- The Martha Mine;
- Various existing and consented underground mines;
- An ore processing plant;
- Various rock stockpiles;
- A conveyor connecting the Martha Mine to the processing plant and rock stockpiles;
- Two tailings storage facilities; and
- A water treatment plant and an extensive network of mine water management infrastructure.

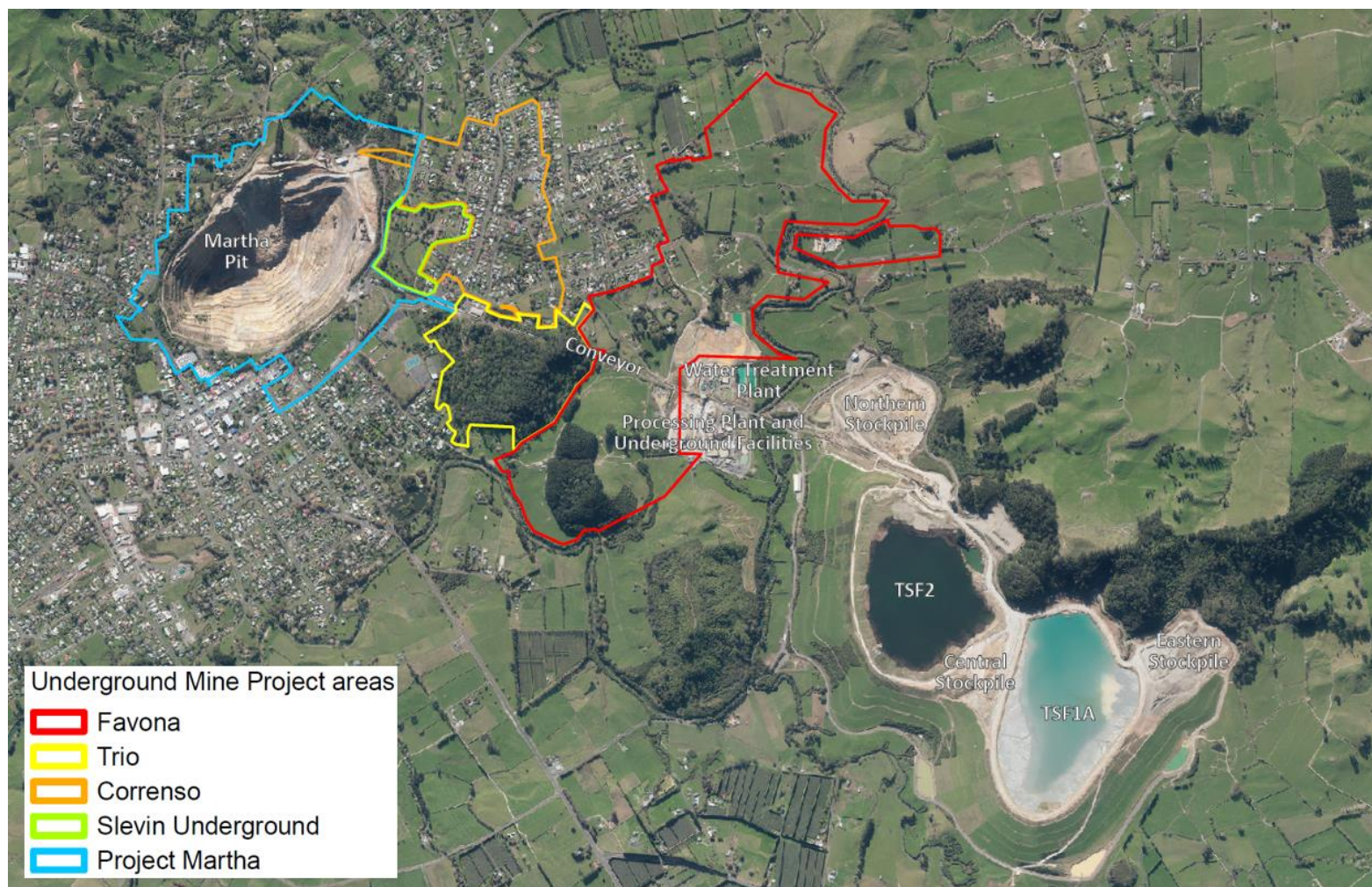


Figure 5: Overview of the Existing Mining Infrastructure at Waihi

The Martha Mine previously operated subject to the terms and conditions of Mining Licence 32 2388 issued under the Mining Act 1971, and various water rights granted under the Water and Soil Conservation Act 1967. Land use authorisations to extend the Martha Mine, including an Extended Martha Mine Area (“EMMA”), were confirmed by the Environment Court in June 1999. This included changes to ML 32 2388 and the grant of LUC 97/98-105. These authorisations expired in 2017 and 2019 respectively.

The area of the Martha Mine has been extended over time, including to provide for EMMA and the ‘stability cutback’ on the southern side of the Martha Mine in 2006 (which also required the relocation of the Martha Mine No.5 Shaft Pumphouse).

The Martha Mine now operates under Rules 5.17.4.1(P1) and (P2) of the District Plan - which authorise any activity conducted in accordance with the relevant terms and conditions of, and within the area covered by ML 32 2388 and LUC 97/98-105. These rules limit the scope and extent of activities at the Martha Mine to that which were previously authorised via ML 32 2388 and LUC 97/98-105. The terms and conditions of these authorisations include matters relating to (amongst other things):

- Construction noise limits;
- Operational noise limits;
- Blasting and vibration limits;
- Hours of work;
- The establishment of a peer review panel for the design and operation of the Martha Mine (and the preparation of a Pit Slope Management Plan);
- The preparation of a Dewatering and Settlement Monitoring Plan; and
- Lighting limits.

Resource consent was also granted for further mining activities in the Martha Mine as part of Project Martha in 2018 (along with further underground mining in Waihi).⁸ This consent provides for the remediation of the north wall of the Martha Mine, which collapsed in 2016. The consent conditions for Project Martha cover many of the same matters as listed above in relation to ML 32 2388 and LUC 97/98-105, but do also seek to manage overlapping mining activities in Waihi (e.g. blasting in the Martha Mine is not to occur concurrently with any underground blasts, other than for safety reasons).

The extent of the Martha Mine, including as authorised as part of Project Martha, is shown in Figure 6 below.

⁸ The land use consent for Project Martha has been given effect to, but the remediation of the north wall has not yet been undertaken.



Figure 6: Current Extent of Martha Mine (including Project Martha)

Rules 5.17.4.1(P1) and (P2) in the District Plan, as well as the resource consents for Project Martha, require the rehabilitation of the Martha Mine at closure in accordance with an approved rehabilitation and closure concept plan. The key feature of this concept plan is a pit lake and recreational open space.

The currently approved rehabilitation and closure concept plan for the Martha Mine is shown in Figure 7 below.



Figure 7: Current Rehabilitation and Closure Concept Plan for the Martha Mine

2.6 SOCIO-ECONOMIC CONTEXT

Mining has been a major part of the development of Waihi, with the town's fortunes closely tied to the fortunes of the generations of gold miners who worked the resource of the Hauraki Goldfields.

Sense Partners have completed an economic assessment of mining in Waihi (Sense Partners (2022)), a copy of which is attached as **Appendix 6**.

Mining in Waihi is a significant contributor to the local and regional economy. Mining is an exporter of a high value product as shown in Table 1. The average income of the mine employees is over \$100,000 per year, significantly greater than the national average of \$62,000 per year and the Waihi average of \$30,000 per year.

The Waihi mine (the operations of OGNZL in Waihi) gross value added (or economic value) was \$103m in 2019. This was the equivalent to 33.8% of the Waihi Ward's estimated GDP, 14.1% of Hauraki District's GDP, 0.36% of Waikato Region's GDP and 0.03% of New Zealand GDP.⁹

Table 1: Waihi Gold Mining Contribution to New Zealand Economic Metrics (2019)

Parameter	Contribution
Revenue	\$150 million
Employees	
> Direct	268
> Indirect	992
Total	1,260
Contribution to GDP (Gross Value Added)	\$103 million
Share of the Economy	
> Waihi Area	33.8%
> Hauraki District	14.1%
> Waikato Region	0.36%
> New Zealand	0.03%

⁹ Economic value created in a location, as noted elsewhere in the report, should not be equated to local economic effects, as production is exported and profits may flow to owners located elsewhere.

2.7 LANDSCAPE AND NATURAL CHARACTER

An assessment of the existing landscape and visual amenity values of Waihi is provided in the Landscape and Visual Assessment by Boffa Miskell (Boffa Miskell – Landscape (2022)), which is attached as **Appendix 7**.

The Martha Mine is established within the urban area of Waihi and there is a strong mining influence within the town. However, despite its close proximity, activities associated with the Martha Mine have not resulted in major visual impacts on adjoining areas due to the topography and vegetation which maintains an effective screen along the pit rim.

The wider landscape which contains the Martha Mine encompasses the foothills of the Coromandel Range. Pukewa, within which the Martha Mine is located, previously formed part of this broader foothills landform and now forms part of an established working landscape associated with Waihi.

The Martha Mine is not located in an area identified as either an outstanding natural landscape or outstanding natural feature in any statutory planning document, nor Boffa Miskell – Landscape (2022).

The proposed expansion of the MMZ overlays parts of both the Mangatoetoe and Eastern Streams, both of which form tributaries to the Ohinemuri River.

2.8 TRANSPORT NETWORK

An assessment of the existing road network around Martha Mine is provided in the Transportation Assessment by Stantec (Stantec (2022)). This assessment is attached as **Appendix 8**.

The Martha Mine is encircled by a street network comprising various road classifications including:

- State Highway 25 and State Highway 2 to the southeast;
- A loop around the north side of Martha Mine from State Highway 2 back to State Highway 25 formed by Moresby Avenue (an arterial road as far as Savage Road); and
- Various collector roads comprising Savage Road, Cambridge Road, Bulltown Road, William Street, Kent Crescent and Walmsley Road.

An alternative linkage is also available from William Street via Boundary Road, Grey Street and Dobson Street, which are also Collector Roads.

Most roads in the network surrounding the Martha Mine have a low traffic volume with less than 500 vehicles per day. Only State Highway 25, Moresby Avenue, and Seddon Street carry volumes greater than 1,000 vehicles per day.

In respect to access to the Martha Mine:

- Principal vehicular access is by way of a gated entrance located on State Highway 25 on the corner of Barry Road and Kenny Street; and
- The main vehicular access to the processing plant is a gated access at the eastern end of Baxter Road, approximately 1.2 km east of its intersection with State Highway 2.

2.9 NOISE

An assessment of the existing noise environment around the Martha Mine is provided in the Noise Assessment by Marshall Day (Marshall Day (2022)), which is attached as **Appendix 9**.

A comprehensive programme of noise monitoring has been undertaken in Waihi as part of assessing the various mining proposals in the past. This monitoring indicates that noise levels in Waihi are typical of a small rural town with a state highway passing through. The most significant contribution to daytime noise levels is local road traffic, and it is observed that background noise levels reduce markedly during the night, by approximately 5 to 15 decibels. Daytime ambient noise levels are 43 - 50 dB L_{Aeq} , depending on the proximity to local roads and the town centre.

Further context on the level of noise that could be expected in the areas immediately surrounding the Martha Mine is provided in the noise conditions associated with Rules 5.17.4.1(P1) and (P2) in the District Plan. Rule 5.17.4.1(P1) contains the following noise limits for the operation of Martha Mine which are to be met at, or within, the boundary of any residentially zoned site, or the notional boundary of any occupied rural dwelling not owned by or subject to an agreement with OGNZL:

<i>Monday – Friday</i>	<i>0700 – 2100</i>	<i>55 dB L_{Aeq}</i>
<i>Saturday</i>	<i>0700 – 1200</i>	<i>55 dB L_{Aeq}</i>
<i>All other times</i>		<i>40 dB L_{Aeq}</i>
	<i>2100 – 0700 (the following day)</i>	<i>70 dB L_{AFmax}</i>

Rule 5.17.4.1(P2) requires that the noise level at any point outside the 55 dB and 50 dB control boundaries shown in Figure 8 below to not exceed those limits from 0700 – 2100 Monday – Friday and 0700-1200 on Saturday. At all other times noise levels are not to exceed 40 dB L_{AEQ} .

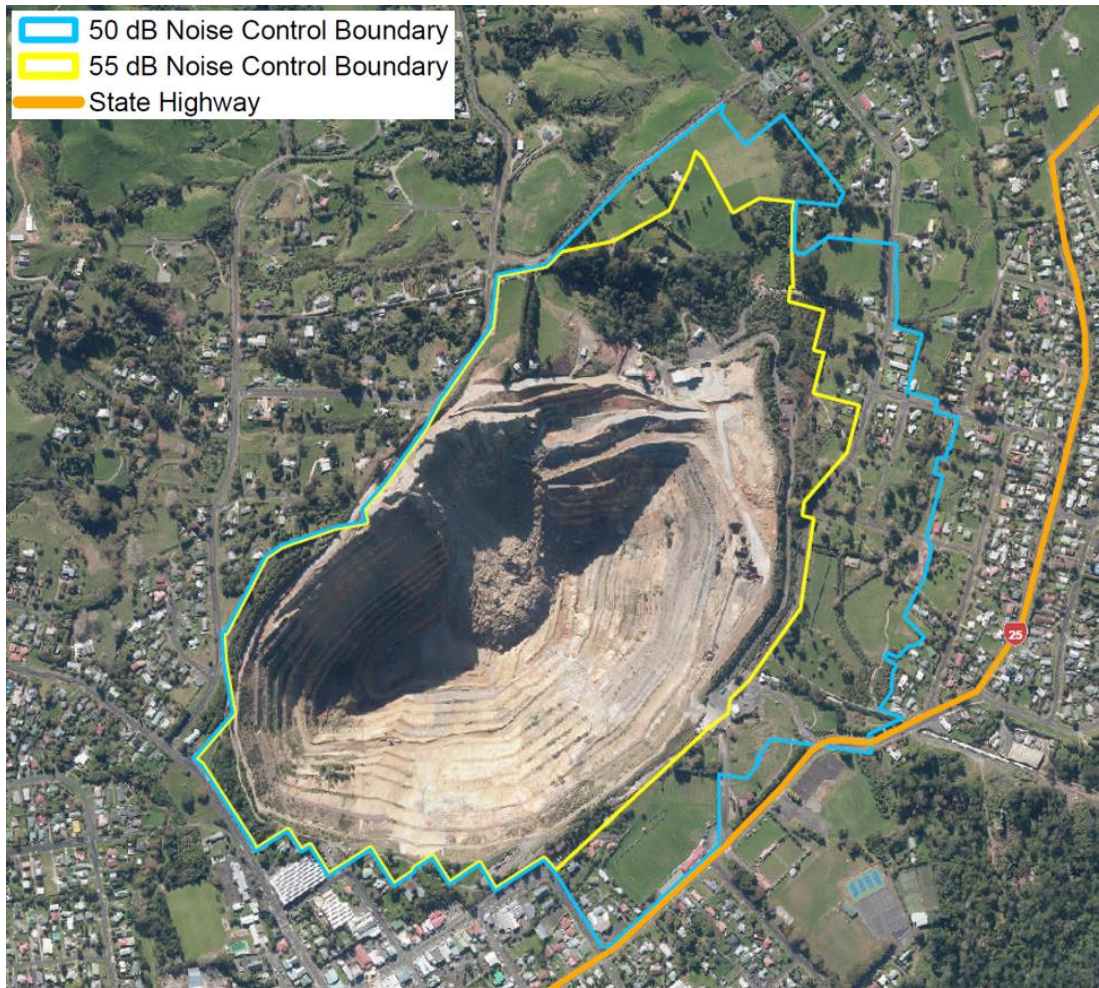


Figure 8: Noise Control Boundaries for Rule 5.17.4.1.

The relevant noise standards from the District Plan are set out in Table 2 below.

Table 2: Hauraki District Plan Noise Standards

Zone Experiencing Noise	Standard	7.00am – 10.00pm	10.00pm – 7.00am
Residential and Low Density Residential	All activities in each of the Residential and Low Density Residential Zones shall be conducted to ensure that the following noise levels shall not be exceeded within any other site contained within that zone.	50dB $L_{Aeq}(15min)$	40dB $L_{Aeq}(15min)$ 65dB L_{AFmax}
	All activities undertaken in the Industrial or Town Centre Zones shall be conducted to ensure that noise from the	Mon – Sat 50dB $L_{Aeq}(15min)$	40dB $L_{Aeq}(15min)$ 65dB L_{AFmax}

Zone Experiencing Noise	Standard	7.00am – 10.00pm	10.00pm – 7.00am
	site as measured within the zone boundary of a Residential or Low Density Residential Zone shall not exceed the following levels.	Sunday & Public Holidays 45dB $L_{Aeq}(15min)$	
Town Centre Zone	All activities in this zone shall be conducted to ensure that the following noise levels shall not be exceeded within any other site contained within this zone.	55dB $L_{Aeq}(15min)$	40dB $L_{Aeq}(15min)$ 65dB L_{AFmax}
	All activities undertaken in the Industrial Zone shall be conducted to ensure that noise from the site as measured within the zone boundary of the Town Centre Zone shall not exceed the following levels.	55dB $L_{Aeq}(15min)$	45dB $L_{Aeq}(15min)$ 65dB L_{AFmax}
Reserve (Active)	All activities undertaken in the Industrial Zone shall be conducted to ensure that noise from the site as measured within the zone boundary of the Reserve (Active) Zone shall not exceed the following levels.	55dB $L_{Aeq}(15min)$	45dB $L_{Aeq}(15min)$ 65dB L_{AFmax}
Reserve (Passive)	All activities undertaken in the Industrial Zone shall be conducted to ensure that noise from the site as measured within the zone boundary of the Reserve (Passive) Zone shall not exceed the following levels.	55dB $L_{Aeq}(15min)$	55dB $L_{Aeq}(15min)$

2.10 VIBRATION

An assessment of the existing vibration environment is provided in the Vibration Assessment by Heilig and Partners (Heilig (2022)), a copy of which is attached as **Appendix 10**.

Heilig (2022) identifies Waihi as being subject to intermittent vibration from both heavy vehicle movements, and existing and authorised mining activities. The latter is predominantly caused by blasting activities which are impulsive, occur within reasonably set time windows during the day and are controlled to achieve surface vibration levels

specified in resource consent conditions related to those activities to protect both residential amenity and property from damage.

2.11 ECOLOGY

An assessment of the existing ecological values within the properties potentially affected by the potential expansion of the Martha Mine is provided in the Ecological Assessment by Bioreserches (Bioreserches (2022)), a copy of which is attached as **Appendix 11**.

Vegetation cover around the Martha Mine is largely planted vegetation, dominated by common natives and exotic species. This vegetation provides only a minor contribution to the ecological value of the greater area because it is a very thin area, surrounded by highly modified land uses and has little habitat complexity.

With respect to the properties proposed to be rezoned to MMZ, the vegetation largely consists of planted assemblages, with some 'natural' and weedy regeneration occurring beneath. This vegetation generally forms narrow strips around the pit rim, also has low habitat complexity and is generally isolated by surrounding modified land uses, particularly those adjacent properties zoned 'Town Centre' and 'Residential'.

Approximately 125 m of the Mangatoetoe Stream flows through the area proposed to be zoned to MMZ. Its headwaters flow from steep farmland and scrub north of the Martha Mine, and it continues to flow in a predominantly southerly direction, through Waihi, before discharging to the Ohinemuri River. Over its length, it is subject to influence from the urban and rural environments such as stormwater and nutrient enrichment inputs.

Shortfin eel and common bully have been recorded in the Mangatoetoe Stream. Older surveys have also recorded Crans bully and longfin eels.

Approximately 100 m of the Eastern Stream flows through three residential sections on the eastern side of the MMZ, which are proposed to be incorporated into the new zone boundary. Eastern Stream flows through predominantly lifestyle and low density residential sections before reaching the MMZ – where it has been extensively planted.

Records from the New Zealand Freshwater Fish Database from the lower reaches of the Eastern Stream show common bully, shortfin eel and black mudfish have been recorded in the stream. The black mudfish record was from 1958 and they were not recorded during a 2006 survey.

The bird species recorded using habitats during field visits at the Martha Mine and surrounding environments include 10 native and 16 introduced species - with no threatened or at risk species recorded. The avifauna was dominated (in terms of abundance and frequency of presence) by introduced species. It is also likely that the avifauna around the MMZ (current and proposed areas) are influenced by domestic cats.

A 2019 survey of parts of the Martha Mine did not record any lizards and the habitat values were considered to be low and Biosearches (2022) consider it unlikely that the area supports any significant lizard populations. However, because copper skink (a high value species) has been recorded in planted and weedy vegetation in the wider landscape, Biosearches (2022) consider they do have the potential to be present within the proposed extension of the MMZ in vegetation features.

Biosearches (2022) also identify very limited habitat that could potentially support Long Tailed Bat habitat in the proposed extension of the MMZ. In that regard, surveys of OGNZL land were undertaken in 2011, 2017 and 2022, and despite over 620 useable bat monitoring nights (i.e. when weather conditions were suitable for bats to be moving around), the presence of bats was not recorded within the area.

Biosearches (2022) consider that native frog habitat within the existing or proposed MMZ is of negligible value.

The ecological value of vegetation, birds and lizard species in, and around, the MMZ is summarised in Table 3 below.

Table 3: Ecological Values in the Martha Mineral Zone Expansion Area

Martha Street	Ecological Value	Comments
Vegetation	Low to Negligible	Vegetation consists of common indigenous and exotic species within gardens and small areas of establishing indigenous vegetation
Birds	Low to Negligible	Birds present in the area are common native and exotic species. Vegetation does not provide habitat of any significant quality.
Lizards	Moderate	Lizard habitat is limited due to the quality of the vegetation. Potential for At Risk copper skink to be present in vegetation in the current and proposed MMZ.
Streams	Moderate	Degraded habitat typical of urban and rural catchment, however possibility At Risk – Declining longfin eels and black mudfish may still be present.
Frogs	Negligible	Indigenous frog habitat is not present within the current and proposed MMZ boundaries.

2.12 HERITAGE VALUES

Waihi has a strong historical association with mining activity, which dates back to the 1800s. This includes the Martha Mine No 5. Pumphouse, which is identified in the District Plan as a Category A heritage feature.

The heritage values within the properties proposed to be rezoned as MMZ are described in the Heritage Assessment by Clough & Associates (Clough (2021)), a copy of which is attached as **Appendix 12**.

Clough (2021) identifies the PYE Factory as being the only Category B heritage feature within the properties proposed to be rezoned, with other features being either being Category C heritage features or potential archaeological sites. These are summarised in Table 4 below.

Table 4: Heritage and Archaeological features identified within the proposed MMZ

Description	Location
Scheduled Sites	
The PYE Factory (HAU091, Category B)	43 Moresby Avenue
Former scheduled miner's cottage (HAU123, Category C)	3 Haszard Street
The former location of c.1890s Miners Cottage (HAU272, Category C)	7 Haszard Street
The former location of the c.1900 Forester's Hall (HAU094, Category C)	9 Haszard Street
NZAA recorded archaeological sites	
Possible historical 19th century workings (NZAA ref T13/926)	Martha Mine and vicinity
Other potential heritage and archaeological sites	
Grand Junction A & B Mine Shafts	Moresby Avenue
Pre-1900 dwelling	12 Cambridge Road
Pre-1900 dwelling	35 Moresby Avenue
Two early 20th century dwellings	31 Moresby Avenue and 48 Moresby Avenue
The former location of a 1899 dwelling	17 Slevin Street
The former location of a 1885 boarding house	Corner of Moresby Ave and Martha Street

Description	Location
Possible pre-1900 subsurface archaeological remains	Within the Hazienda Street – Seddon Street block, and at 77 Bulltown Road

2.13 SIGNIFICANT TREES

The District Plan identifies several significant trees as being located in close proximity to the Martha Mine.¹⁰ However, no significant trees are located within the properties proposed to be rezoned as MMZ.

¹⁰ These include site 028 (One Kauri Tree), 029 (One Rhododendron Tree), 030 (Five Liquidambar Trees and One Oak Tree), 031 (One Totara Tree), 125 (One Kauri Tree).

3. PURPOSE AND REASONS FOR THE PLAN CHANGE REQUEST

As already noted, OGNZL holds 10 exploration permits and two mining permits within the Waihi area. The company, and its predecessors, have also operated the Martha Mine in Waihi since 1988.

Against this context, OGNZL has completed detailed mineral exploration investigations on the ore resource in Waihi. These investigations have identified additional ore resources under, and within the vicinity of, the Martha Mine. Some of those resources can be economically retrieved by underground mining and OGNZL obtained resource consents from the HDC and Waikato Regional Council to undertake further underground mining in Waihi in 2018 - as part of Project Martha.

The exploration investigations have also identified a substantial body of additional ore resources which can only be economically and practically retrieved through a further cutback of the Martha Mine. Mining this resource is estimated to add six years to the life of mining at the Martha Mine, allowing access to over \$1.2 billion in additional ore reserves and making a direct economic contribution of approximately \$741M.¹¹

OGNZL consider that the cutback of the Martha Mine to access these ore reserves can be contained within land owned by (or under the control of) OGNZL. However, many of the necessary properties are currently zoned Low Density Residential, Residential or Town Centre in the District Plan. The existing rules in the District Plan classify surface mining activities in each of these zones as a prohibited activity, meaning OGNZL cannot currently apply for a resource consent application to expand the Martha Mine into these zones.

The prohibited activity rule for these zones was deliberately inserted into the District Plan, alongside direction that any future expansion of the Martha Mine would need to be progressed via a private plan change. Chapter 3.6.1 of the District Plan states the following in that respect:

In the urban zones, surface mining has been given a prohibited activity status. This is an option available under the Resource Management Act 1991 which prevents resource consent applications being made for the activity so prohibited. However the allocation of prohibited activity status does not mean that surface mining will be prevented from taking place in these zones if a privately initiated plan change is upheld. In effect, the Council has adopted a policy direction that any surface mining proposal in the urban zones is to be processed and assessed by means of a private request for a plan change.¹²

In response to the above, the purpose of this privately initiated plan change application is to expand the boundaries of the MMZ so as to potentially enable a resource consent

¹¹ Sense Partners (2022).

¹² District Plan Chapter 3.6.1(8).

application to be made for a further cutback of the Martha Mine. It does this by proposing the expansion of the MMZ around the Martha Mine to include those additional properties which could potentially support a further cutback or ancillary activities. The proposed plan change would remove the current prohibited activity status that applies to surface mining on these specific properties by rezoning them to MMZ, and would make an application to expand the Martha Mine on these properties a discretionary activity under Rule 5.17.4.4(D2) (surface mining).

A defined pit crest for the potential expansion of the Martha Mine is not being proposed by OGNZL as part of the proposed plan change. The boundaries of any future expansion of the Martha Mine, as well as the location of associated ancillary activities, would be defined at the time of a resource consent application and would be based on a number of relevant technical factors in the first instance. These include the results of the ongoing drilling / investigation programme undertaken by OGNZL, geotechnical and pit stability matters and project economics. That said, an indicative extension to the Martha Mine has informed the technical assessments that accompany this planning assessment (refer to section 6).

The proposed plan change also includes new provisions that are intended to provide additional guidance on the appropriateness of any potential expansion of Martha Mine and its effects, including in respect of the relationship of mana whenua with Pukewa maunga (beyond the guidance already provided in the provisions of the MMZ).

4. DEVELOPMENT OF THE PLAN CHANGE REQUEST

4.1 INTRODUCTION

Section 3 outlines the planning issue which has resulted in this proposed plan change being necessary.

The process of developing a planning solution to address this planning issue has involved four interrelated work programmes:

They are:

- Assessing the potential effects of expanding the MMZ to incorporate the specified properties, and the suitability of the existing provisions in the District Plan for considering the appropriateness of any potential resource consent application for the expansion of the Martha Mine;
- Engaging with mana whenua on the potential expansion of mining activities in Pukewa maunga and the management of their relationship with the maunga as part of any future resource consent application;
- Developing the plan change provisions, including conducting the requisite section 32 analysis; and
- Consultation with key stakeholders.

Each aspect is described below.

4.2 ASSESSING THE EFFECTS OF EXPANDING THE MARTHA MINERAL ZONE AND THE SUITABILITY OF THE PROVISIONS FOR ASSESSING THE APPROPRIATENESS OF ANY NEW ACTIVITY IN THE EXPANDED ZONE

The Martha Mine has been operating for approximately 30 years. As a result, the environment in which it sits, and its various existing effects on the environment, are well understood.

To inform the development of this proposed plan change, OGNZL engaged several experts (see Table 5 below) to provide an assessment of the potential effects of expanding the MMZ – in order to potentially enable an increase in the size of the Martha Mine. The outputs of these assessments are the reports referenced in Table 5 below and included in the appendices to this report.

These assessments assess the effects of permitted activities occurring in the expanded MMZ, and also examine the potential effects of an expansion of Martha Mine at a conceptual level. This assessment has further guided the need for additional provisions to be added to the text of the MMZ.

Table 5: Technical Assessments

Topic	Author	Report Location
Urban Design	Boffa Miskell	Appendix 4
Land Supply	RCG	Appendix 5
Economics	Sense Partners	Appendix 6
Landscape, Natural Character and Visual Effects	Boffa Miskell	Appendix 7
Transportation	Stantec	Appendix 8
Noise	Marshall Day	Appendix 9
Vibration	Heilig Partners Ltd	Appendix 10
Ecology	Bioresearches	Appendix 11
Historic Heritage	Clough & Associates Ltd	Appendix 12
Geotechnical	PSM	Appendix 13
Social Impacts	WSP	Appendix 14
Engagement Summary	OGNZL	Appendix 15

4.3 ENGAGEMENT WITH MANA WHENUA

The cultural significance of Pukewa maunga to mana whenua has been articulated and recognised through a number of previous resource consent applications for mining in, and around, Waihi. The consenting of Project Martha in 2018 highlighted the unique situation whereby an active mining zone sits over an area that is of cultural significance to mana whenua.¹³

OGNZL and mana whenua are currently preparing a Cultural Balance Plan in accordance with the resource consent conditions for the Correnso Underground Mine and Project Martha. The purpose of the Cultural Balance Plan is:¹⁴

¹³ Decisions Report of the Project Martha Hearings Panel, 12 December 2019, Paragraph 130 onwards.

¹⁴ Condition 4C - Project Martha Schedule One Common conditions for Hauraki District Council and Waikato Regional Council.

To achieve the restoration and / or enhancement of the mauri of Pukewa and the surrounding land forms, as well as focus on Tuna habitat and abundance in the Ohinemuri River Catchment.

To inform this proposed plan change, OGNZL has consulted with mana whenua who have an interest in mining activities at the Martha Mine over how the potential expansion of the MMZ could occur in conjunction with providing a framework that provides for their relationship with Pukewa maunga. This has included consultation between OGNZL and Ngāti Hako, Ngāti Tamaterā, Ngāti Maru, Ngāti Koi, Ngāti Tara Tokanui and Ngāti Porou ki Hauraki over the potential scope of provisions to include in a plan change, and how such provisions should be framed. A summary of this engagement included as **Appendix 15**.

Mana whenua have not sought to undertake a cultural impact assessment as part of the preparation of the proposed plan change to date, with some iwi noting that they already assessed their associations with Pukewa maunga as part of previous mining proposals by OGNZL (and its predecessors). Notwithstanding this, OGNZL have consulted mana whenua with respect to the specific drafting of the provisions in this proposed plan change regarding the management of Pukewa maunga.

A particular focus of the consultation has been in relation to the values that the proposed plan change should be seeking to have rehabilitated or enhanced, with iwi initially having different views on the values that should be expressed in the provisions. Examples from other statutory and non-statutory documents were referenced for guidance. However, ultimately it was agreed with mana whenua that the provisions in the proposed plan change should reference the wairua or mauri of Pukewa maunga being rehabilitated and / or enhanced – in recognition of the different views of each iwi in relation to these values.

OGNZL will be continuing to engage with mana whenua once this proposed plan change has been lodged and, therefore, further feedback from mana whenua may be forthcoming. Any such feedback may also be articulated through submissions on this proposed plan change.

4.4 SECTION 32 ANALYSIS

A section 32 evaluation process was completed alongside the preparation of the technical assessments and consultation undertaken.

The section 32 evaluation is part of ensuring clear and robust decision making in the context of plan preparation and plan changes. It provides a process for evaluating a proposal, and a transparent way to assess the risks, cost and benefits of new and amended planning provisions (as well as the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions).

Through the section 32 evaluation process different options for amending the District Plan to allow the potential utilisation of the mineral resource at Martha Mine were identified and

assessed. This included various options to expand the MMZ around the periphery of Martha Mine, and the option of retaining the status quo whereby an expansion of Martha Mine beyond the current zone boundary would be a prohibited activity.

A section 32 assessment is an iterative process and the evaluation of provision will evolve as more information is obtained through the process outlined under Schedule 1 of the RMA, as well as through engagement with HDC, mana whenua, key stakeholders and other members of the public.

4.5 OTHER CONSULTATION AND ENGAGEMENT

In addition to consultation with mana whenua, OGNZL has consulted with the following parties in respect of the proposed plan change between June 2021 and May 2023:

- Landowners and occupiers in Waihi, particularly those in the immediate vicinity of the Martha Mine (noting that all of the land to be rezoned is owned by, or under the control of, OGNZL);
- Waihi Central School (via the Board of Trustees and the Principal); and
- Businesses and retailers in the immediate vicinity of Seddon Street, Waihi.

A summary of this engagement, along with examples of the collateral that was shared, is included as **Appendix 15**.

Consultation with these stakeholders has taken the form of private meetings, home visits, letterbox drops of engagement collateral, local media articles, local radio advertorials and drop-in sessions at OGNZL's project information office. The level of consultation effort has been commensurate with other resource consent processes undertaken by OGNZL in the past – and accounting for COVID-19 restrictions.

A draft copy of the proposed plan change was also provided to the Waikato Regional Council.

The feedback received through consultation on the proposed plan change confirmed that stakeholders generally understand the benefits of further mining in Waihi. Their main concerns with respect to the proposed plan change were the potential effects associated with the possible expansion of the Martha Mine, including:

- The potential extent of the crest of the Martha Mine relative to the MMZ;
- Amenity effects (i.e. noise and vibration effects); and
- Pit stability effects (particularly in light of the north wall collapse in 2016).

It was reiterated to stakeholders that a change to the boundaries of the MMZ doesn't mean any new mining could be undertaken beyond what is already authorised, and that

any further expansion of the Martha Mine would require resource consent via a process akin to Project Martha.

It was also noted during consultation that the proposed plan change intends to provide direction on the management of amenity and pit stability effects through the addition of new policies and assessment criteria in the MMZ.

Most stakeholders identified that they are open to working with OGNZL on addressing any issues as part of the preparation of a resource consent for the future expansion of the Martha Mine.

5. DESCRIPTION OF THE PLAN CHANGE REQUEST

As previously noted, the proposed changes to the District Plan are set out in full in **Appendix 1**.

As already noted, the proposed plan change to the District Plan seeks to enable the potential expansion of the Martha Mine by rezoning a number of properties owned by, or under the control of, OGNZL to MMZ. This would mean the potential future expansion of the Martha Mine would be a discretionary activity under Rule 5.17.4.4(D2) of the District Plan – being the same rule and activity status that applies to any expansion of the mine under the existing provisions of the District Plan.

The proposed change in zoning is shown in Figure 9 below. The proposed rezoning does not encapsulate any public roads, as standard convention for this District Plan is that the zoning attributed to those roads be determined in accordance with section 2.1.5.1 of the document. That is, where the zoning is the same on both sides of the road, the road has that zoning also; and where the zoning is not the same on both sides of the road, the zoning shall be the more intensive of whichever zonings apply to the adjacent land. Where a road borders the Martha Mineral Zone, this means that with the exception of where the other side of the road borders Town Centre Zone, the road will also be attributed Martha Mineral Zoning. Where the road borders the Martha Mineral Zone and Town Centre Zone, the road would be attributed Town Centre Zoning.

The proposed boundary for the expanded Martha Mineral Zone was primarily determined based on;

- OGNZL’s understanding of where the remaining mineral resource is located noting that Waihi has a significant history of mining and OGNZL have an extensive database of the mineral resource in this area;
- The need for any future pit expansion to include a safe, structurally sound pit slope; and
- Applying the zoning only to land which is owned and / or controlled by the company.

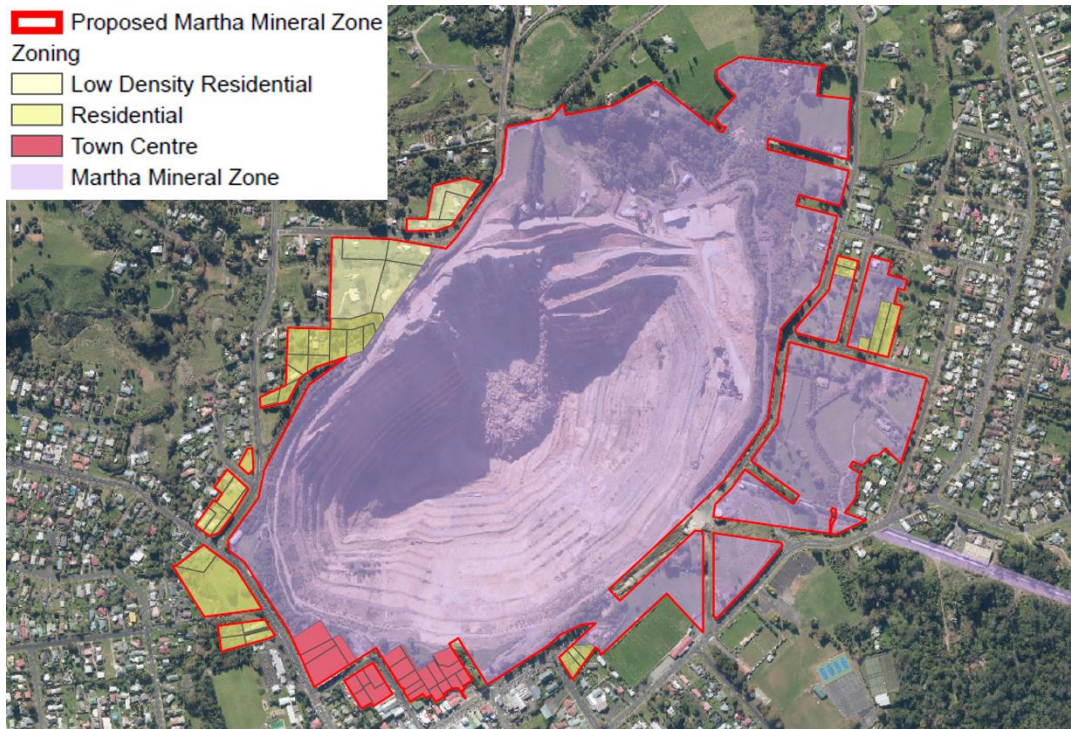


Figure 9: Proposed Expansion of the Martha Mineral Zone

Other key elements of the plan change application are as follows below in Table 6.

Table 6: Key Elements of Plan Change Application

Chapter 5.17 Martha Mineral Zone	
Chapter 5.17.1 Zone Purpose	Various amendments to the zone purpose are proposed to reflect how the extent of the MMZ and development within it has occurred over time, to explain the associations of mana whenua with Pukewa maunga, and to explain the distinction between the status of consented / authorised mining activities in the MMZ and any expansion of mining in the zone.
Chapter 5.17.2(1) Zone Objective	Amendments to the objective are proposed to so it provides for the rehabilitation of natural / physical resources affected by mining activities in the MMZ, as well as the utilisation of the mineral resource (noting rehabilitation is not explicitly referenced in the existing objective).
Chapter 5.17.2(1) Zone Policies	Two new section headings are proposed to distinguish between (i) those policies which apply to any proposal across the entire MMZ; and (ii) and those that apply exclusively to the consideration of the potential expansion of the Martha Mine. Clarification of what might constitute an expansion of the Martha Mine is also provided.

Chapter 5.17 Martha Mineral Zone

No changes are proposed to the policies which apply to any proposal across the entire MMZ.

With respect to the new suite of policies that apply exclusively to the potential expansion of the Martha Mine, they seek to:

- › Ensure measures are implemented that provide for the wairua or mauri of Pukewa maunga to be rehabilitated and / or enhanced in order to give effect to the relationship of mana whenua with Pukewa maunga;
- › Ensure measures are implemented to manage the risk to ground stability in adjacent zones to not exceed acceptable levels;
- › Ensure that the actual and potential adverse visual effects of any expansion of the Martha Mine are avoided or mitigated;
- › Ensure the character and amenity of the urban area of Waihi is maintained or enhanced during the operation, and at the completion, of mining activities, including through an appropriate interface of the Martha Mine with adjacent residential, commercial and open space areas;
- › Ensure that pedestrian access around the perimeter of the Martha Mine is maintained;
- › Ensure the rehabilitation of natural and physical resources during, and following the completion of, mining activities;
- › Ensure the natural character of the margins of waterbodies are maintained or enhanced; and
- › Ensure the activities are managed to maintain the safe and efficient operation of the transport network.

Chapter 5.17.2(1)(c)
Reasons for the Zone
Objective and Policies

Various consequential amendments to the text in this section are proposed because of the changes to the overarching objective and policies in section 5.17.2(1) (as described above).

Chapter 5.17.3
Environmental Results

A new environmental result has been added which seeks *“The wairua or mauri of Pukewa maunga is rehabilitated and / or enhanced in a manner that reflects its significance to mana whenua and is supported by a Cultural Balance Plan for Pukewa maunga”* (noting the existing environmental results specify no environmental outcome for Pukewa).

Chapter 5.17.4 Zone
Rules / Chapter 5.17.5
Zone Development
Standards

A new permitted activity rule has been added for the demolition and removal of buildings. A similar rule is included in other zones in the District Plan and this rule brings the MMZ into alignment (otherwise the removal of buildings would continue to be a discretionary or non-complying activity – depending on the purpose of the removal).

Chapter 5.17 Martha Mineral Zone

No other changes to the zone rules are proposed.

The two notes following the permitted activity rules are also proposed to be amended to reflect that Rules P1 and P2 now have legal effect.

Chapter 5.17.7.1 General Assessment Criteria

Some amendments to the existing assessment criteria regarding landscaping and rehabilitation are proposed to provide greater clarity regarding the management of landscaping / rehabilitation measures during, and following, mining.

Chapter 5.17.7.2 Assessment Criteria – Potential Expansion of Martha Mine.

A new suite of assessment criteria are included which will specifically apply to the consideration of any resource consent application for the expansion of Martha Mine. While the HDC will still be able to consider any matter it considers appropriate (as is the case with the current structure of the District Plan and the approach applied for Project Martha), the assessment criteria will require the HDC to have regard to:

- › The scope of measures that are proposed to provide for the rehabilitation and / or enhancement of the wairua or mauri of Pukewa maunga in a Cultural Balance Plan, and the views of mana whenua as to the appropriateness of these measures in order to give effect to their relationship with the maunga;
- › Whether any expansion of the Martha Mine integrates with, and creates an interface which maintains or enhances the quality and character of adjacent residential, commercial and open space areas of Waihi during and at the completion of mining activities;
- › The timing and sequencing of any proposed (including temporary) mitigation or rehabilitation measures, and the manner in which they are integrated with the rehabilitation of natural and physical resources affected by already authorised mining activities in the zone;
- › The timing and sequencing of any proposed (including temporary) mitigation or rehabilitation measures, and the manner in which they are integrated with the rehabilitation of natural and physical resources affected by already authorised mining activities in the zone;
- › Whether any expansion of the Martha Mine maintains the continuity, functioning and quality of pedestrian access around the perimeter of the pit, and the degree to which provision is made for a range of recreation and destination experiences;
- › The consideration of Crime Prevention Through Environmental Design and Universal Design (i.e. accessibility by all people) in the design of any mitigation or rehabilitation measures that are proposed, including for any road realignments and closures;

Chapter 5.17 Martha Mineral Zone

- › Whether the natural character of the margins of waterbodies are maintained or enhanced;
- › Whether the hours of construction and operation are appropriate having regard to those persons likely to be affected by mining and mining operations;
- › Whether construction and operational noise, and construction and operational vibration, controls are proposed in order to suitably protect the amenity of Waihi and the wider community;
- › Whether adequate measures, controls or strategies are in place with respect to the provision of social infrastructure and services to the community during the operation and future closure of the Martha Mine, including consideration of other permitted or consented mining and mining operations in Waihi;
- › Whether suitable controls are proposed to manage any actual or potential adverse effects occurring concurrently with other permitted or consented mining and mining operations in Waihi;
- › Whether adequate measures are proposed to manage the risk of any ground instability adjacent to the Martha Mine to not exceed acceptable levels;
- › Whether any expansion of the Martha Mine will require the realignment or closure of any public road;
- › Whether suitable controls are proposed to avoid, remedy or mitigate the adverse effects of activities on the safe and efficient operation of the road network;
- › Whether any expansion of the Martha Mine will ensure that road safety, access, sightlines and parking standards are provided; and
- › Whether adequate measures are proposed to mitigate the effects of fume and flyrock having regard to those persons likely to be affected by mining and mining operations.

District Wide Performance Standards for Development and Subdivision

8.3.1.3 Standards (Noise)	Specific noise standards for permitted and restricted discretionary activities in the MMZ (excluding those activities covered by Rules P1 and P2).
---------------------------	--

6. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

In accordance with Clause 22(2), Schedule 1 of the RMA, a comprehensive assessment has been completed of the environmental effects that are anticipated from the implementation of the proposed plan change. This includes technical assessments by a suite of technical experts. Their reports are appended and referenced as appropriate in this section.

The various technical assessments consider the potential effects of:

- The rezoning of 15 properties in the Town Centre Zone, 25 properties in the Residential Zone and 7 properties in the Low Density Residential Zone (all of which are owned or under the control of OGNZL);
- The new activities which would be permitted on those properties due to the rezoning, which include:¹⁵
 - Various recreation activities;
 - Prospecting and exploration;
 - Farming and associated accessory buildings; and
 - Certain temporary uses and buildings; and
- A new permitted activity rule which facilitates the demolition and removal of buildings in the MMZ.

All other activities will need to be authorised by a resource consent, with either a restricted discretionary, discretionary or non-complying activity status. This would include any new surface mining or mining operations as a discretionary activity under Rule 5.17.4.4. (D2). The actual and potential adverse effects associated with any new specific mining proposal would continue to require an assessment through a resource consent process.

Given, however, that the main reason for the proposed plan change is to enable a resource consent application to be made for the potential expansion of the Martha Mine, the technical assessments have considered the potential effects of a possible expansion of the mine for the purpose of assessing the appropriateness of the provisions of the MMZ which would apply to any future application. An indicative overview of the possible extent of the pit crest of the Martha Mine is provided in Figure 10 below.

¹⁵ Noting that while Rules P1 and P2 grandparent already authorised mining activities into the District Plan as a permitted activity, the conditions which apply to those rules mean they are fixed in location.

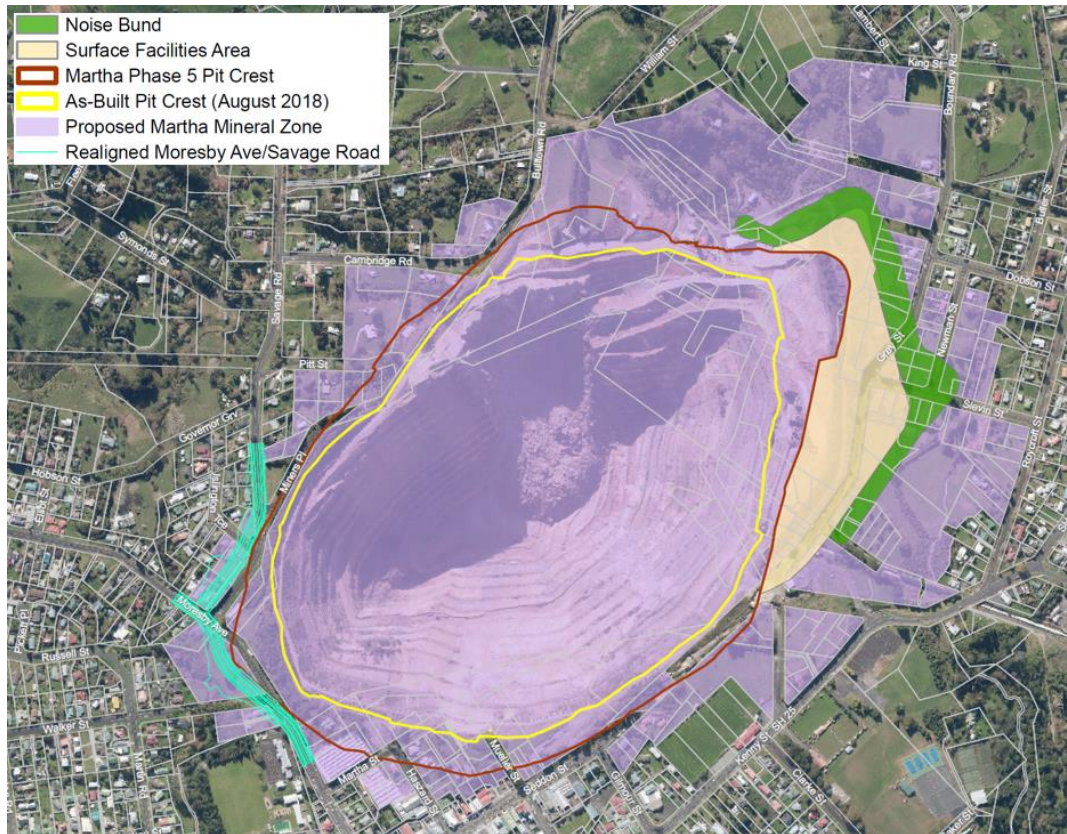


Figure 10: Potential Extent of the Martha Mine (Phase 5 Pit Crest)

The implementation of the proposed plan change will not change the activity status of underground mining within the expanded MMZ area as it is a discretionary activity under both the existing urban zoning (Residential, Low-Density Residential, and Town Centre Zones) and proposed MMZ zoning of the area. The objectives, policies and assessment criteria which apply to applications for underground mining within the expanded MMZ area will change insofar as the MMZ provisions will now become relevant. However, of itself, this is not expected to cause an adverse effect. The MMZ provisions have proven successful in providing suitable planning guidance for managing the effects of underground mining within the MMZ, including in managing effects on properties within adjacent urban zones. In that regard, the provisions include stringent and clear policy direction on public safety and amenity matters¹⁶ and the restrictions imposed on existing underground mining to manage effects on these values have not been different for

¹⁶ Policy 5.17.2(1)(a)(II) and (III).

underground mining proposed beneath the MMZ or urban zones (i.e. the zone beneath which the activity is occurring, provisions have not directed a different outcome).¹⁷

As such, the effects of underground mining are not addressed further in this section of this report.

6.1 CULTURAL MATTERS

As previously noted, mana whenua have not sought to undertake a cultural impact assessment as part of the preparation of the proposed plan change. That said, OGNZL understands that mining activities at the Martha Mine are of interest to Ngāti Hako, Ngāti Tamaterā, Ngāti Maru, Ngāti Koi, Ngāti Tara Tokanui and Ngāti Porou ki Hauraki due to their associations with Pukewa maunga.

Whether the cultural effects of any potential future expansion of Martha Mine could be managed in a manner which gives effect to the relationships of mana whenua with Pukewa maunga will need to be assessed as part of a future resource consent application. This will require the provision of a Cultural Balance Plan detailing the measures proposed to provide for the rehabilitation and / or enhancement of the wairua or mauri of the maunga. However, to inform that assessment, and provide certainty on what any future application would need to achieve, a suite of new provisions for new mining activities in the MMZ have been developed in consultation with mana whenua. This includes:

- Explicit acknowledgment of the relationship of mana whenua with Pukewa maunga in the zone purpose of the MMZ through inclusion of the following text:

(1) *The Martha Mine sits within Pukewa, which was a prominent maunga located in the centre of what is now Waihi. Pukewa maunga was a site of occupation for a number of mana whenua, and contained pa, kainga urupa and wahi tapu. Pukewa maunga remains a site of cultural significance to mana whenua. Surface and underground mining were first undertaken in and around Pukewa maunga in the late 1800's, and mining in the area now includes the Martha Mine, and modern underground mining..*

..

(7) *The provisions that relate to the potential expansion of Martha Mine are*

¹⁷ For completeness it is noted that the urban zone chapters contain the following two assessment criteria which are not contained in the MMZ provisions:

5.7.7.2 UNDERGROUND MINING AND EXPLORATION

- (1) Whether public safety is adequately provided for and adverse effects of vibration in the ground can be adequately mitigated.
- (2) Whether acceptable plans for the rehabilitation of all disturbed areas have been provided, including implementation programmes.

All the matters highlighted in these assessment criteria are subject to clear direction in the MMZ objective and policies contained in the proposed Plan Change.

concerned with ensuring that the actual and potential effects of its expansion on the environment are appropriately managed, including the potential effects of mitigation and rehabilitation measures (including temporary measures). It is also intended that any potential expansion of mining activities at the Martha Mine be undertaken in a way which recognises the cultural and whakapapa relationships of mana whenua with Pukewa maunga. In this regard, the specific policies in this chapter are intended to provide more specific direction regarding the relationship between mining activities at the Martha Mine and the associations of mana whenua with Pukewa maunga relative to what is contained in Section 6 of the District Plan. While it is recognised that the physical associations of mana whenua with those parts of Pukewa maunga that have been mined cannot be restored or rehabilitated, the policies identify that, as part of any proposal for the potential expansion of the Martha Mine, there will be a need to identify and implement measures to rehabilitate and / or enhance the wairua or mauri of Pukewa maunga. Any rehabilitation and / or enhancement measures will need to be supported by a Cultural Balance Plan for Pukewa maunga..

...

- (10) A discretionary activity classification for the expansion of the Martha Mine is also considered appropriate in order to enable full consideration of the potential effects on the relationships of mana whenua with Pukewa maunga, and what (if any) measures and mechanisms are available to provide for the rehabilitation and / or enhancement of its wairua or mauri. Any rehabilitation and / or enhancement measures will need to be supported by a Cultural Balance Plan for Pukewa maunga.
- A new policy which would apply to any potential expansion of the Martha Mine and states:
 - (i) Ensure measures are implemented that provide for the wairua or mauri of Pukewa maunga to be rehabilitated and / or enhanced in order to give effect to the relationship of mana whenua with Pukewa maunga..
 - Additional text in the reasons for this new policy which states:
 - (iii) Pukewa maunga is a taonga and area of cultural significance to mana whenua. Any resource consent application for the expansion of the Martha Mine will require engagement with mana whenua to consider whether appropriate measures can be implemented to ensure the rehabilitation and / or enhancement of the wairua or mauri of Pukewa maunga into the future so as to provide for cultural and whakapapa associations of mana whenua.
 - A new environmental result for the MMZ which states:
 - (5) The wairua or mauri of Pukewa maunga is rehabilitated and / or enhanced in a manner that reflects its significance to mana whenua and is supported by a Cultural Balance Plan for Pukewa maunga.

- A new assessment criterion which states:

In addition to the general assessment criteria set out in Section 5.17.7.1 above, Council shall also have regard to the following assessment criteria when considering any resource consent application for surface mining and mining operations which seek to expand the Martha Mine in accordance with Rule 5.17.4.4(D2):

- (1) *The scope of measures that are proposed to provide for the rehabilitation and / or enhancement of the wairua or mauri of Pukewa maunga in a Cultural Balance Plan, and the views of mana whenua as to the appropriateness of these measures in order to give effect to their relationship with the maunga.*

Mana whenua may provide further feedback on the potential cultural effects of the proposed plan change during the Schedule 1 process, and as such the section 32 assessment for the plan change will need to be updated at appropriate times through the process.

6.2 LAND SUPPLY

An assessment of potential land supply affects as a result of the proposed plan change is provided in RCG (2022).

RCG (2022) identifies that many of the properties affected by the proposed plan change are underdeveloped at present, and some of them are completely vacant. A total of approximately 99,700 m² of land is affected by the proposed plan change, of which 24 are dwellings (some of which are quite dated and can't currently be rented out under Healthy Homes standards) and two commercial / industrial buildings totalling 7,200 m² of floor space.

RCG (2022) states that the significance of the potential loss of these properties due to the proposed rezoning can be assessed by examining the currently zoned capacity for each land use type in Waihi, and the future potential capacity of Waihi for each land use type if the Hauraki Growth Strategy 2050 is implemented. This is summarised in Table 7 below.

Table 7: Current and Future Zone Capacity in Waihi

	Residential land use	Low Density Residential land use	Industrial land use	Commercial land use
Current Zoned Capacity in Waihi				
Greenfield (lots)	150	50	70	67
Infill (lots)	546	117	-	-

	Residential land use	Low Density Residential land use	Industrial land use	Commercial land use
Future potential capacity in Waihi				
Green field (lots)	150	50	70	67
New growth area (lots)	1,307	70	410	0

As shown in Table 7, there is also currently plenty of capacity in the residentially zoned areas of Waihi for new residential development on greenfield or infill lots, and in turn the potential loss of residential properties would not create an urgent residential supply issue for this land type. The Hauraki Growth Strategy 2050 estimates that ongoing population growth in Waihi will result in a shortfall in residential zoned land occurring around 2028 (irrespective of whether the proposed plan change occurs), and the potential loss due to the proposed plan change would potentially expedite that shortfall.¹⁸

To deal with the already identified shortfall in Waihi's long term residential capacity the Hauraki Growth Strategy 2050 identifies various future growth areas within and on the periphery of Waihi, and it is expected that HDC will make changes to the District Plan in the coming years to rezone these areas and unlock this land for new residential development. The potential loss of the Residential and Low Density Residential Zone land due to the proposed plan change can be readily accommodated within the identified growth areas and can be easily incorporated into HDC's long term planning for residential land in Waihi.

With respect to the land in the Town Centre Zone which would be rezoned MMZ, RCG (2022) assesses Waihi's current provision of commercial land and floor space to be more than sufficient. It identifies the Town Centre Zone properties which are affected by this plan change are away from Waihi's main shopping strip/ pedestrian axis. They are 'fringe' properties in terms of:

- Their locations (off the main streets/ highways and with limited profile except for the former Pye Building); and
- How they are developed (without strong pedestrian-generating activities, and most buildings not open to the public).

¹⁸ When compared to the 2018 census and Infometrics projections in relation to the existing housing supply in Waihi, the potential loss of existing dwellings due to the proposed rezoning would amount to less than 1% of Waihi's existing housing, or approximately one year's worth of growth.

RCG (2022) considers the loss of these properties is very unlikely to have consequential effects on the town centre's form and function. Seddon Street is the key axis, with highway traffic also an important contributor to the town centre. Many properties in the Town Centre Zone are not intensively developed, and could be redeveloped with more floor space if it is economically viable to do so.

If an expansion of Martha Mine were to occur this could result in the (partial) loss of two relatively large industrial buildings (43 Moresby Avenue and 4 Martha Street) which contain a mixture of commercial and light industrial land use. However, RCG (2022) consider it is highly likely that the occupants could be accommodated elsewhere, either in the Town Centre Zone or in Industrial Zones.

6.3 ECONOMIC IMPACTS

An assessment of the economic effects of the proposed plan change is provided in Sense Partners (2022).

When considering economic impacts, the key aspects of the proposed plan change are:

- The economic benefits which would be realised if resource consent for a future expansion of the Martha Mine were ultimately granted under the revised planning provisions inserted via the proposed plan change; and
- The economic impacts of rezoning a series of properties around Waihi from Residential, Low Density Residential and Town Centre to MMZ, thereby removing this land from its existing and planned use.

With respect to the first matter, the most significant economic benefits from implementing the proposed plan change are those which would be realised if a resource consent were able to be sought and obtained for an expansion of the Martha Mine. They include:

- \$96M a year to exports (\$1.2B over life of project);
- \$62M a year to Gross Domestic Product; and
- 101 jobs a year directly and 476 including indirect jobs supported.

In addition, local expenditure is estimated to average \$23M a year between 2025 and 2036 in the event that a resource consent were able to be obtained for an expansion of the Martha Mine.

With respect to economic impacts of rezoning existing properties around the Martha Mine, it is noted that some residentially zoned and commercially zoned land will be lost. However, the Hauraki Growth Strategy 2050 found Waihi has residential development capacity of 863 lots and industrial capacity of 70 lots. The rezoned land is a small proportion of this capacity. Consequently, Sense Partners (2022) concludes the rezoning

of these selected properties will not have a detrimental economic impact by materially reducing supply.

Sense Partners (2022) does, however, note that the loss of commercial space would be significant enough to warrant replacement to meet expected future demand. This is because limited new commercial space has been provided in Waihi in recent years, therefore, any loss would likely mean additional construction to cater for the loss of this space that would otherwise not occur. There is, however, ample zoned land to construct any commercial space lost as a result of any potential future expansion of the Martha Mine.

6.4 URBAN DESIGN

An assessment of potential urban design effects associated with a future expansion of the Martha Mine has been prepared by Boffa Miskell – Urban Design (2022). The potential urban design related effects from the rezoning and activities in the MMZ as being:

- Potential amenity effects considered from an urban design perspective, including effects related to:
 - Urban character;
 - Visual dominance and interest;
 - Loss of sunlight / shading; and
 - Privacy; and
- Potential urban function / quality of the environment effects relevant to urban design, including effects relating to:
 - Urban form;
 - Access to and provision of publicly accessible open space;
 - Legibility and orientation;
 - Community safety and crime prevention through environmental design (“**CPTED**”); and
 - Comprehensive development.

With respect to the effects of the proposed permitted activities in the expanded MMZ, the existing rules focus on managing impacts at the interface with other zones. This includes various restrictions to manage basic urban design related amenity effects, including visual dominance, shading and privacy. To be a permitted activity, new buildings / structures are required to meet zone development standards which require they comply with:

- A building height limit of 4 m;
- A daylight control of 2 m at the zone boundary + 45-degree recession plane;
- A maximum site coverage standard of no greater than 1% or 250 m²; and

- A yard setback standard of 5 m at the front yard zone boundary or 3 m at sensitive zone boundaries.

Boffa Miskell – Urban Design (2022) assess these standards to be comparable with adjacent zones and likely to push activities with potential for adverse urban design effects into at least a restricted discretionary activity status (where any potential effects can be managed).

With respect to the proposed rezoning and a potential expansion of Martha Mine, Boffa Miskell – Urban Design (2022) consider the potential for adverse urban design effects to be more moderate than might be expected for a plan change of this nature and scale, and that there is considerable potential for it to realise positive effects relative to the status quo. Overall, Boffa Miskell – Urban Design (2022) assesses the potential for urban design effects related effects to be either ‘Low-Moderate’, ‘Low’ or ‘Very Low’, and able to be sufficiently mitigated by incorporating best practice urban design measures into any future development.

It is in the short term (i.e. at the commencement of any new surface mining close to the town centre of Waihi), that Boffa Miskell – Urban Design (2022) assess urban design effects would likely to have most impact. However, these effects can be readily mitigated and will likely reduce over time. Important existing elements (such as the Martha Mine No.5 Shaft Pumphouse) have an ability to be retained or relocated and remain sympathetic to their existing setting, and other mitigation measures (e.g. construction of noise walls and vegetative screening) are available to address key effects.

In the medium to longer term, Boffa Miskell – Urban Design (2022) considers the expanded MMZ will provide the ability to rehabilitate any resultant mine expansion and achieve positive urban design outcomes for Waihi following closure of the mine. Several opportunities for enhanced urban design outcomes relative to those provided by the existing zoning have also been identified, including:

- The expansion of the Martha Mine at Haszard and Martha Streets having potential longer-term benefits in terms of enabling the development of an enhanced open space setting and northern aspect in this location associated with future access into a rehabilitated inland recreational lake;
- The potential for progressive rehabilitation measures to increase the length of pit rim walkway and associated publicly accessible open spaces, including the potential for enhanced quality; and
- The potential relocation and re-establishment of mining artifacts along the pit rim walkway in an enhanced setting.

Boffa Miskell – Urban Design (2022) identifies the discretionary activity status afforded any future expansion of Martha Mine provides an opportunity for a holistic, qualitative urban

design assessment of effects where contextual / site specific responses can be devised in response to the qualities of each zone and their interfaces to manage any potential adverse effects and to enhance the amenity, function and overall quality of the environment. Several recommendations for additional urban design related policy and assessment matters have been proposed to provide direction on the appropriateness of any proposed expansion of Martha Mine. These recommendations have been implemented in the proposed plan change via the proposed revisions to the policies and assessment criteria of the MMZ described in section 5 of this report.

6.5 LANDSCAPE, VISUAL EFFECTS AND NATURAL CHARACTER

An assessment of the potential landscape, natural character, and visual effects of implementing the proposed plan change is provided in Boffa Miskell - Landscape (2022). The potential effects of implementing the proposed plan change in this context as being:

- Landscape effects:
 - Changes in the physical landscape, which may change its character or values.
- Natural character effects:
 - Changes in characteristics or qualities (including level of modification) of lakes, rivers, wetlands and their margins.
- Visual effects:
 - Change to specific views which may change the visual amenity experienced by people.

With respect to the proposed rezoning of properties and the permitted activities that could be undertaken on those properties as a result, the potential for adverse effects on landscape and visual amenity is limited by the nature of those permitted activities, and the various zone development standards for buildings / structures which significantly restrict their scale and location (as discussed above in respect of urban design matters).

With respect to natural character, the proposed expansion of the MMZ includes localised sections of both the Mangatoetoe Stream (approximately 180 m) and Eastern Stream (approximately 100 m). However, any diversion or works adjacent to those waterbodies are currently controlled by rules in the Waikato Regional Plan and that will not change as a result of the proposed plan change. Those rules will trigger resource consent for activities which could have potential adverse effects on natural character values which require further assessment through a resource consent process.

HDC has queried whether the localised sections of the Mangatoetoe Stream and Eastern Stream should be zoned as Reserve (Passive) Zone. However, these sections are likely to be required for mining related activities in the future. In this regard, the existing consented

outfall from the proposed pit lake to the Mangatoetoe Stream is to be located in this area and it is not a structure that aligns with the purpose of the Reserve (Passive) Zone.

With respect to any future expansion of the Martha Mine within an expanded MMZ, Boffa Miskell – Landscape (2022) identifies the potential for landscape and visual effects to be modest given the urban context of the MMZ. Primarily this is due to the existing situation and established mining context combined with the retention of intervening topography and landcover in response to sensitive views. Where necessary, important elements have an ability to be retained (in whole or in part) or relocated and remain sympathetic to their existing setting.

During the operation of any expansion of the Martha Mine – Landscape (2022), Boffa Miskell have assessed views of the expanded mining activity would likely be limited. Notwithstanding this, it is identified that the removal of buffer areas and addition of necessary noise mitigation will introduce potential landscape and visual effects which will need to be carefully considered as part of any future resource consent application. Boffa Miskell – Landscape (2022) also assess that effective landscape mitigation can ensure that any future development remains well integrated within its local landscape setting and facilitates positive outcomes during ongoing mining operations and in the longer term.

In the longer term, Boffa Miskell – Landscape (2022) conclude the proposed expansion of the MMZ retains the ability to rehabilitate any resultant mine expansion to maintain a contained and more integrated part of the established town and promote positive landscape outcomes for Waihi's future following closure of the mine.

In the above context, Boffa Miskell – Landscape (2022) considers the discretionary activity status afforded to any future expansion of Martha Mine is suitable insofar as it will enable case by case consideration of landscape and visual amenity issues and effects and potential mitigation opportunities. Several recommendations for additional landscape and visual amenity related policies and assessment matters have been provided to guide the appropriateness of any proposed expansion of the Martha Mine. These recommendations have been implemented in the proposed plan change via the proposed revisions to the policies and assessment criteria of the MMZ described in section 5 of this report.

6.6 TRANSPORT MATTERS

An assessment of the potential effects of implementing the proposed plan change on the surrounding roading and traffic network is provided in Stantec (2022).

Stantec (2022) has assessed that various activities which would be permitted on the properties to be rezoned will generate less traffic than could be generated by the activities which are permitted under the current zoning.

Stantec (2022) also considers the district wide performance standards in Chapter 8 of the District Plan (which include standards for vehicle parking, loading and access (Chapter

8.4)) to appropriately manage the effects of any new activity on those matters with the rezoned land. In turn, Stantec (2022) has assessed the potential adverse effects on the operation and safety of the wider transport network due to the proposed rezoning of properties and the permitted activities that could be undertaken on those properties as a result to be negligible.

With respect to any afforded any future expansion of Martha Mine, including any new access, Stantec (2022) considers the proposed discretionary activity status, in combination with the various transport related provisions already contained in the District Plan, will enable a full assessment of traffic related effects to be undertaken and considered.

Notwithstanding the above, Stantec (2022) note that it is likely and expected that any future expansion of the Martha Mine would make use of the existing principal access on Kenny Street (as this access is already positioned with respect to the internal mine roads and infrastructure). The access off Kenny Street has been formed with a right turn bay, with adequate sightlines and is understood to have performed adequately in previous periods of mining that utilised this access.

Stantec (2022) has also given consideration to the potential closure of roads as part of the potential future expansion of the Martha Mine, notwithstanding that any closures will occur outside of the RMA process. Their preliminary assessment suggests the effect of traffic redistribution on the roundabout and associated approaches around Martha Street / Hazard Street / Seddon Street to be minimal. Furthermore, the traffic route involving Moresby Avenue and Seddon Street is the most appropriate route for traffic as this is an arterial route - rather than 'rat-running' through the local road network.

Stantec (2022) includes recommendations for additional transportation-related assessment matters to guide the consideration of any future resource consent application to expand the Martha Mine. These have been included in the proposed plan change, noting also that Chapter 7.9 of the District Plan also includes specific objectives and policies regarding the management of the roading network.

6.7 NOISE

An assessment of the potential noise effects of implementing the proposed plan change has been undertaken by Marshall Day (2022).

There are no specific noise limits for the MMZ in the District Plan. Noise limits for the various mining activities currently authorised in the MMZ are instead set in the conditions which apply to permitted activity Rules 5.17.4.1(P1) and (P2). Specific noise limits for other activities in the MMZ are contained on the various land use consents issued for activities not covered by permitted activity Rules 5.17.4.1(P1) and (P2), including for Project Martha and the raising of the crest at TSF2.

As has occurred for recently proposed and authorised mining activities in the MMZ (e.g. Project Martha), the resource consent required for any new surface mining or mining operations activities in the rezoned area would provide the opportunity for appropriate noise limits to be imposed in the form of conditions. However, the lack of noise limits in Chapter 8 means the District Plan is not as clear as it could be in providing direction on what those appropriate noise limits should be.

Whist Rules 5.17.4.1(P1) and (P2) contain noise standards by virtue of those activities having to comply with the standards and terms of expired ML 32 2388 and expired LUC 97/98-105, there are no noise standards for the other activities currently attributed permitted or restricted discretionary activity status in the MMZ (including exploration and prospecting).

Based on analysis of existing noise conditions applicable to mining operations in Waihi, and through noise monitoring of the receiving environment (as it relates to the Martha Mine), Marshall Day (2022) have identified the operational noise performance standards contained in Table 8 below would be an appropriate noise standard for permitted and restricted discretionary activities in the MMZ (excluding Rules 5.17.4.1(P1) and (P2)) to ensure the amenity values of Waihi and the wider community are protected.

Table 8: Recommended Noise Limits – Martha Mineral Zone

Receiving Zone	Assessment Point (at or within)	Time Period	Noise Limit	
			dB LAeq (15 min)	dB LAfmax
Residential / Low Density Residential AND	Site boundary	0700 – 2200 hrs Monday to Saturday	50	-
Rural	Notional Boundary	Sundays and Public Holidays	45	-
		2200 – 0700 hrs, all days	40	70
Town Centre, Reserve (Active), Reserve (Passive)	Site boundary	0700 – 2200 hrs, on all days	55	-
		2200 – 0700 hrs, on all nights	45	75

The proposed plan change includes changes to Chapter 8 of the District Plan to incorporate these noise standards for the MMZ. Doing this will mean the District Plan includes appropriate noise standards for permitted and restricted discretionary activities in the MMZ, and will provide guidance to any future application for a discretionary activity on the noise effects anticipated for activities in the MMZ.

Marshall Day (2022) also notes that the proposed noise performance standards would mean that the permitted activities in the MMZ are subject to different noise standards. However, the activities covered by Rules 5.17.4.1(P1) and (P2) are effectively akin to a resource consent and it is not unusual for there to be differing noise standards between permitted activities and activities subject to resource consents within the same zone. In this instance, Marshall Day (2022) consider that the only activity with the potential to cause uncertainty regarding its status under the permitted activity rules is prospecting and exploration (Rule 5.17.4.1 (P5)), which may be mistaken as being a part of the activities captured by Rules 5.17.4.1 (P1) and (P2). This is unlikely to be problematic in practice, given the good communication between OGNZL and HDC with respect to the drilling programme undertaken in Waihi.

6.8 VIBRATION

An assessment of the potential vibration effects of implementing the proposed plan change has been undertaken by Heilig (2022).

Section 8.3.2.1 of the District Plan addresses vibration effects. It provides commentary on the effects of ground vibration, how it may affect structures or amenity, and includes series of permitted activity standards levels for continuous vibration, transient vibration (which includes vibration associated with blasting), overpressure, and vibration from heavy vehicles.

Heilig (2022) considers these existing limits in the District Plan to be appropriate for permitted or restricted discretionary activities in the MMZ.

With respect to the potential vibration impacts resulting from a prospective expansion of the Martha Mine, and to assess whether the existing provisions of the District Plan relating to the management of vibration impacts are appropriate, Heilig (2022) completed a comprehensive analysis of:

- The vibration conditions contained within existing resource consents held by OGNZL for mining activity within Waihi;
- The existing provisions of the District Plan related to vibration; and
- Various international guidelines, including those from Australia, Britain, Germany and the International Standards Organisation.

Heilig (2022) concludes the following based on that assessment;

- The vibration conditions attached to existing resource consents held by OGNZL for Waihi mining activities are proven to be protective of amenity and necessarily protective of the integrity of buildings and residential houses, and reflect world's best practice;
- While blasting within the expanded MMZ could potentially occur nearer to neighbouring properties, there are effective measures available to undertake that blasting in a manner which will continue protect the amenity of Waihi and adjacent property in accordance with current practices (e.g. reducing the scale of blasting to achieve vibration criteria at sensitive receptors);
- As has occurred previously the resource consent process would provide a fit for purpose mechanism for ensuring any blasting in the expanded MMZ is managed in an appropriate manner; and
- The proposed plan change does not need to include any additional provisions to provide direction on the appropriateness of any proposed expansion of Martha Mine and its effects on vibration.

Based on this assessment, no specific changes are included in the proposed plan change to address potential vibration effects.

6.9 ECOLOGY

An assessment of the potential effects on ecology of implementing the proposed plan change has been undertaken is provided by Bioresearches (2022).

As previously noted in this report, the overall value of the ecology in the MMZ has been assessed by Bioresearches (2022) as 'low' to 'negligible' – with the only exceptions being the sections of the Mangatoetoe Stream and Eastern Stream which are assessed as having 'moderate' ecological value (due to the potential presence of long fin eel and Crans bully), and the 'moderate' ecological value of Lizard habitat, which although limited due to the quality of the vegetation, could potentially contain At Risk copper skink.

Bioresearches (2022) notes that the actual and potential adverse effects on ecological values associated with the future expansion of the Martha Mine cannot be assessed without a confirmed footprint. However, they consider it is likely that any such proposal could include the removal of much of the existing planted vegetation around the Martha Mine.

Given the generally low ecological values in the areas to be rezoned as MMZ, and the fact that the District Plan already contains a suite of existing provisions in Chapter 6.2 which address the maintenance and enhancement of the life supporting capacity of ecosystems, the mauri of natural resources and the extent and representativeness of the District's

indigenous biological diversity, Bioreserches (2022) do not consider that the proposed plan change requires any additional provisions to manage potential ecological effects that may result from the expansion of the MMZ and any future expansion of the Martha Mine.

6.10 GEOTECHNICAL MATTERS

An assessment of the potential geotechnical effects of implementing the proposed plan change has been undertaken by PSM (2021). A copy of this assessment is attached as **Appendix 13**.

The various activities which would be permitted in the expanded MMZ because of the proposed plan change do not create any new adverse geotechnical effects of concern. However, geotechnical matters will be an important consideration when any future resource consent application to expand the Martha Mine within the rezoned area is being assessed.

PSM (2021) identify the various matters that apply to managing pit stability in Waihi, including the presence of historic underground mine workings, the pit's proximity to the town, and the pit being a temporary land use which must be designed such that it can be remediated to form a lake. PSM (2021) describes how these issues and pit wall stability have been routinely managed during the four pits previously excavated in this location, all of which entailed cutting back all or large segments of the previously existing pit walls.

Central to successfully managing pit stability has been:

- Initial pit designs and resource consent applications which are informed by detailed engineering and design studies, which are reviewed by independent, international, mine geotechnical specialists on behalf of the HDC; and
- Ongoing management of pit stability with a multi-layered hierarchical set of controls as part of the Pit Slope Management Plan.

With respect to the latter, the existing consents include an Annual Peer Review process, which comprises international experts in mining geotechnics and groundwater. These experts meet annually, review the pit performance, review all data and information collected over the previous year and provide written reports on the outcomes of the Annual Peer Review. The outcomes from the Annual Peer Review are then implemented by OGNZL.

PSM (2021) describe how the geotechnical issues which apply to any future mining activities being undertaken in the expanded MMZ should be able to be identified, considered and managed through the same processes as have been proven successful in the past.

The discretionary activity status afforded new surface mining in the MMZ will provide a mechanism for the above assessment to occur, and additional provisions are included in

the proposed plan change to provide direction on the appropriateness of any proposed expansion of Martha Mine and its effects on land stability (noting that the existing provisions in the MMZ have not precluded the full consideration of geotechnical matters for applications such as Project Martha).

6.11 HISTORIC HERITAGE

An assessment of the heritage effects of implementing the proposed plan change has been undertaken by Clough (2021).

The District Plan provisions, including rules, relating to historic heritage, are contained in Chapter 6.1. The proposed plan change does not alter how those provisions apply to the properties it would rezone as MMZ. In this respect, implementing the proposed plan change will not have any direct effect on historic heritage.

The existing provisions in Chapter 6.1 of the District Plan would also apply to any future application for an expansion of the Martha Mine which is facilitated by the proposed rezoning. Impacts to archaeological items would also continue to be managed under the Heritage New Zealand Pouhere Taonga Act 2014 ('**HNZPTA**').

Based on the assessment in Clough (2021) it is considered this existing combination of District Plan provisions and the HNZPTA provides an appropriate framework for assessing any heritage effects associated with this activity and no specific changes need to be included in the proposed plan change.

Clough (2021) concludes that with the exception of potential effects on the former PYE Factory, the majority of potential effects on historic heritage on the rezoned properties as a result of a future expansion of the Martha Mine are likely to be of a minor nature and able to be appropriately managed.

If the future expansion of Martha Mine would require the demolition or partial demolition of the former PYE Factory (a Category B heritage building), Clough (2021) considers this could result in significant adverse effects on historic heritage and has identified potential options for suitably mitigating this effect. The appropriateness of these effects and any proposed mitigation would be assessed when any resource consent application to demolish the building is being considered.

6.12 SOCIAL IMPACTS

An assessment of the social impacts of implementing the proposed plan change has been undertaken by WSP (2023). A copy of this assessment is attached as **Appendix 14**.

The WSP social assessment has applied the International Association for Impact Assessment (IAIA) framework.

WSP identify low level effects due to the potential loss of business premises and residential properties due to the rezoning, and due to the stress that some people may experience as a result of an expansion of Martha Mine being a possibility.

WSP identified that if a resource consent were able to be sought and obtained for an expansion of the Martha Mine it could have positive effects of a high or extreme significance in respect of:

- job security and sustained livelihoods; and
- continued local community stability were rated as extreme and high positive significance respectively.

However, the WSP assessment also identifies that an expansion of Martha Mine could potentially have low level negative social effects in respect of:

- Impacts on daily movements and behaviours;
- Loss of, and impact on, community facilities and infrastructure;
- Reduced quality of the environment; and
- Reduced wellbeing due to anxiety and / or change in the quality of the environment.

WSP also identify that an expansion of Martha Mine could potentially have a moderate level of cumulative impacts with other mining activities in Waihi in relation to housing demand and pressure on social infrastructure should the expansion of Martha Mine require a significant increase in the local mining workforce.

WSP have assessed the adequacy of the objectives, policies, and assessment criteria within the proposed plan change provisions to avoid, remedy or mitigate the potential social impacts associated with the expansion of the MMZ. They consider the existing provisions largely address the social impacts, noting that social impacts have been a key consideration for previous Waihi mining applications assessed under the MMZ provisions and relatively fulsome management measures have been included as an outcome of those processes. However, WSP recommend that the following additional assessment criteria be added so it is clear that consideration and management of social impacts is an important part of any future proposal for a further cutback of the Martha Mine:

Whether adequate measures, controls or strategies are in place with respect to the provision of social infrastructure and services to the community during the operation and future closure of the Martha Mine, including consideration of other permitted or consented mining and mining operations in Waihi.

7. SECTION 32 ANALYSIS

The section 32 evaluation is part of ensuring clear and robust decision making in the context of plan preparation and plan changes. It provides a process for evaluating the proposal, and a transparent way to assess the risks, costs and benefits of new and amended planning provisions. The relevant parts of section 32 state:

32 Requirements for preparing and publishing evaluation reports

- (1) *An evaluation report required under this Act must—*
 - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
 - (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) *If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
 - (a) *the provisions and objectives of the amending proposal; and*
 - (b) *the objectives of the existing proposal to the extent that those objectives—*
 - (i) *are relevant to the objectives of the amending proposal; and*

(ii) would remain if the amending proposal were to take effect.

...

(6) In this section,—

objectives means,

(a) for a proposal that contains or states objectives, those objectives:

(b) for all other proposals, the purpose of the proposal

proposal means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act

provisions means,

(a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:

(b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

7.1 EVALUATION OF THE OBJECTIVES OF THE PROPOSAL

Section 32(1)(a) requires an examination of the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA.

The objective of the proposal in this case is Objective 1 in Section 5.17.2 of the District Plan which, with the proposed amendments, states:

OBJECTIVE 1

To provide for the utilisation of the mineral resource, and the rehabilitation of natural and physical resources affected by mining activity, in a sustainable manner.

The only change proposed to the operative objective is additional text which seeks to provide for the rehabilitation of natural and physical resources in the MMZ, in addition to utilisation of the mineral resource. Rehabilitation of natural and physical resources during, and following mining, is central to the long term sustainable management of the resources in the MMZ. It is appropriate that this be acknowledged in the objective for land use in the zone. Rehabilitation is not proposed as a standalone objective because it is an integral and integrated part of the mining activity alongside utilisation of the mineral resource. In accordance with the approach taken in the existing Martha Mineral Zone objective and policies it is proposed that both use of the resource and rehabilitation be addressed under a single integrated objective and suite of policies.

Other than adding explicit reference to rehabilitation, the existing objective, when considered alongside the other objectives in the District Plan which apply to land use activities in, and around, the Martha Mine, is considered suitable in achieving the purpose

of the RMA. Adding reference to rehabilitation in the objective is considered more appropriate than retaining the status quo, noting in particular that:

- The objective itself does not present a barrier to the utilisation of the mineral resource in the Martha Mine where that can be done in a sustainable manner;
- The objective directs the utilisation of the mineral resource, and rehabilitation, be provided for in a 'sustainable manner', which means those activities are to be undertaken in a manner which provides for the other aspects of sustainable management, including:
 - The extent to which the town centre of Waihi, residential areas and mining activities contribute to, and underpin, the social and economic wellbeing of Waihi;
 - The various cultural elements of sustainable management, including recognising and providing for the relationship of mana whenua with Pukewa maunga;
 - Maintaining and enhancing amenity values; and
 - The efficient use and development of the mineral resource.
- There are other objectives in the District Plan which specify desired outcomes for other key values which need to be achieved for the purpose of sustainable management, including:
 - The various objectives in Chapter 5.6.3, 5.6.4, 5.7, 5.8 and 5.11 relating to the form, function and amenity of urban areas in Waihi;
 - The objectives in Chapter 6.1 which address heritage values; and
 - The objectives in Chapter 6.4 which address significant trees.

7.2 THE REASONABLY PRACTICABLE OPTIONS FOR ACHIEVING THE OBJECTIVES

7.2.1 Introduction

Section 32(1)(b) of the RMA, requires this report, examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by:

- (1)** (i) *identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provision*

Section 32(3) requires that as this proposal will amend an existing plan the examination under section 32(1)(b) must relate to:

- (a) *the provisions and objectives of the amending proposal; and*

- (b) *the objectives of the existing proposal to the extent that those objectives—*
- (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect*

The reasonably practicable options which have been identified for achieving the objectives are:

The Preferred Option: Which is described in detail in section 5 of this report and includes rezoning additional properties as MMZ, various changes to the policies, environmental outcomes and assessment criteria for the MMZ, and the insertion of noise standards for the MMZ into Chapter 8.3.

Alternative Option 1: Maintaining the status quo (or the ‘do nothing’ option).

Alternative Option 2: Expanding the boundaries of the MMZ only and make no other changes to the existing provisions for the zone.

Alternative Option 3: Expanding the boundaries of the MMZ and including a comprehensive controlled activity rule framework for enabling a defined expansion of the Martha Mine.

Alternative Option 4: Expanding the boundaries of the MMZ and including a restricted discretionary activity rule for new surface mining and mining operations within the zone.

Alternative Option 5: Expanding the Martha Mineral Zone and completely redrafting the objectives, policies and rules for the entire zone.

Some initial consideration was given to retaining alternative zoning around the margins of the Martha Mine in recognition of how this land be used in the future at the conclusion of mining. However, given the consented rehabilitation and closure plan that exists for the Martha Mine and given that no detailed design has been undertaken for the future rehabilitation of an expanded mine the option of retaining alternative zones on the margins was not considered feasible. This is not to say that land around the margins of the Martha Mine may not be suitable for rezoning in the future – once there is greater certainty on how rehabilitation and closure is to occur. An explanation on how the proposed zone boundary was determined is included in section 5, above.

This section has been drafted based on feedback provided thus far on the proposed plan change by mana whenua and the community. The section 32 assessment will need to be updated as necessary throughout the Schedule 1 process to incorporate any additional feedback provided by mana whenua and the community during this process.

7.2.2 The Relevant Objectives

As per section 32(3) of the RMA, the relevant objectives against which the reasonably practicable options are to be assessed are:

- The objective for the MMZ as amended by the proposal, which states:

(1) (1) OBJECTIVE 1

To provide for the utilisation of the mineral resource, and the rehabilitation of natural and physical resources affected by mining activity, in a sustainable manner

- The following objectives in section 5.6.3 of the District Plan which address the urban areas of all towns and townships in the District:

(1) (1) OBJECTIVE 1

To manage the development of urban areas in a way that maintains and enhances the physical infrastructure resource, encourages alternative modes of transport and uses the least amount of natural and physical resources (including land and energy resources).

(2) OBJECTIVE 2

To achieve an urban form for each urban area that maintains and enhances existing character and identity, minimises reliance on fossil fuel use, protects areas with significant natural quality, ecological, heritage and cultural values and does not create or increase natural hazard risks.

(3) OBJECTIVE 3

Urban areas and towns recognised and maintained as hubs for community, cultural, economic and education purposes and continue to be a desirable place to 'live, work and play'.

- The following objectives in section 5.6.4 of the District Plan which address the urban form of Waihi:

(1) (1) OBJECTIVE 1

To enable the people and community of Waihi to provide for its service town role to the surrounding rural area, as well as its role in the mining and tourist industries, at the same time as maintaining an attractive residential environment.

(2) OBJECTIVE 2

To enable and encourage development that responds to and enhances the distinctive natural and built character of Waihi.

- The following objectives in section 5.7 of the District Plan which address the Residential Zone, noting that the land subject to this proposed plan change is currently located within and adjacent to this zone:

(1) (1) OBJECTIVE 1

To provide for residential development that maintains and enhances neighbourhood amenities and qualities consistent with the aspirations of the individual communities within those areas.

(2) OBJECTIVE 2

To develop residential areas free from the effects of hazards.

(3) OBJECTIVE 3

To avoid, remedy or mitigate any adverse effect of residential and non-residential developments on the environment and character of the locality.

- The following objectives in section 5.8 of the District Plan which address the Low Density Residential, noting that the land subject to this proposed plan change is currently located within and adjacent to this zone:

(1) (1) OBJECTIVE 1

To retain land of high productive capability for existing and future rural production activities.

(2) OBJECTIVE 2

To provide areas that are attractive for low density residential development and can be serviced to appropriate standards, and which minimise reverse sensitivity effects on existing lawfully established rural based activities.

(3) OBJECTIVE 3

To ensure that low density residential development does not detrimentally affect the environment.

(4) OBJECTIVE 4

To sustain the existing urban areas

- The following objectives in section 5.11.2 which address the Town Centre Zone, noting that the land subject to this proposed plan change is currently located within and adjacent to this zone:

(1) (1) OBJECTIVE 1

To ensure the development of business, retail and community activities and associated transport networks do not create a detrimental effect on the amenities of adjoining areas or lead to wasteful use of resources (especially land and infrastructure).

(2) OBJECTIVE 2

To provide for a safe, convenient, pleasant and environmentally friendly environment for business, shopping and community activities.

(3) OBJECTIVE 3

To enable a range of business activities, without generating adverse effects on the function of the town centres as community focal points.

(4) OBJECTIVE 4

To maintain and enhance the historical style and scale of buildings which contribute to the attractive character of the town centres of Paeroa and Waihi.

- The following objectives in section 6.1 of the District Plan which address historic heritage, noting that this proposed plan change will affect historic heritage values:

(1) (1) OBJECTIVE 1

To protect a range of heritage items that reflect the past history of the Hauraki District from the adverse environmental effects of other activities.

(2) OBJECTIVE 2

To protect significant archaeological sites which contribute to the District's heritage, knowledge and appreciation of the past.

(3) OBJECTIVE 3

To recognise and protect sites of significance to Maori.

(5) OBJECTIVE 5

Sustainable management of the built heritage resource by encouraging and promoting adaptive reuse of the built heritage features resource.

- The following objectives in section 6.4.3 of the District Plan which address significant trees, noting that several significant trees are located within the MMZ:

(1) (1) OBJECTIVE 1

To maintain and improve the significant trees resource for the purpose of preserving their intrinsic, historical, cultural and amenity values for the benefit and enjoyment of future generations.

7.2.3 The Preferred Option

Set out below is an assessment of how 'effective' and 'efficient' the preferred option is in achieving the objectives set out in section 7.2.2 above. Neither term is defined in the RMA. However, the Ministry for the Environment's guide to section 32 of the RMA, provides the following guidance on the matter:

Effectiveness assesses the contribution new provisions make towards achieving the objective, and how successful they are likely to be in solving the problem they were designed to address.

Efficiency measures whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of society. The assessment of efficiency under the RMA involves the inclusion of a broad range of costs and benefits, many intangible and non-monetary.

It is in this context that this assessment has been prepared.

In accordance with the direction in sections 32(2)(a) and (b) of the RMA, when assessing the costs and benefits of the preferred option, and in turn its efficiency, the assessment:

- Identifies and assesses the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
 - Economic growth that are anticipated to be provided or reduced; and
 - Employment that is anticipated to be provided or reduced; and
- Where practicable, it quantifies the benefits and costs.

7.2.3.1 Effective in Achieving the Objectives of the Hauraki District Plan

The preferred option will be effective in achieving the objective for the MMZ for the following reasons:

- The preferred option will remove the barrier in the existing provisions of the District Plan which prevents a resource consent application being made to expand Martha Mine outside the MMZ and utilise this significant mineral resource in the underlying area;
- The existing rules for the MMZ will be retained which means any expansion of the Martha Mine (beyond that already authorised by the permitted activity rules and Project Martha) would need to be authorised by a resource consent as a discretionary activity. This would enable the effects of any proposed expansion and its ability to be undertaken in a sustainable manner to be assessed, and the HDC would have the ability to impose any consent conditions necessary to ensure adverse effects are appropriately managed, or to decline consent if the appropriate management of effects is not possible;
- The preferred option will allow the acceptability of the expansion of the Martha Mine on the relationship of mana whenua with Pukewa maunga to be assessed during a resource consent process. The additional policy direction and assessment criteria have been developed in consultation with mana whenua, and will provide clear direction to all parties involved in that resource consent process, including the decision maker, that any proposed activity is to provide for the wairua or mauri of Pukewa maunga to be rehabilitated and / or enhanced in order to give effect to the relationship of mana whenua with the maunga; and
- For the reasons set out in section 6 of this report, the preferred option, including its additional provisions, provides clear and sufficient direction on how other key potential effects associated with an expansion of the Martha Mine will need to be managed to achieve sustainable management, including the introduction of new noise provisions specific to the MMZ. The additional provisions are complementary to the existing provisions that apply in the MMZ, and which have proven to be effective in

the assessment of other mining proposals in the zone in the past. The assessment matters do not seek to provide a checklist of all potentially relevant matters when assessing a discretionary activity – rather, they are intended to provide a guide on some of the key matters that may be relevant when considering a future resource consent application.

The preferred option will be effective in achieving the various objectives in Chapters 5.6.3, 5.6.4, 5.7, 5.8 and 5.11 of the District Plan which address urban form in Waihi, and the Residential, Low Density Residential and Town Centre Zones for the following reasons:

- The assessment by RCG (2022) demonstrates that following the proposed rezoning of land parcels as MMZ there would remain sufficient residential, low density residential and town centre zoned properties in Waihi to meet short term land use demand, and that the existing predicted long term shortfalls in residential and industrial land would still be able to be addressed via implementation of the Hauraki Growth Strategy 2050;
- The assessment by Marshall Day (2022) that the recommended noise provisions to apply to the MMZ are appropriate for ensuring the amenity of these adjacent zones remains protected.
- The existing rules for the MMZ will be retained which means any new expansion of the Martha Mine would need to be authorised by a resource consent (as a discretionary activity) where its effects and ability to be undertaken in a manner which achieves these objectives would be tested, and where HDC would have the ability to impose any consent conditions necessary to ensure adverse effects are appropriately managed, or to decline consent if the appropriate management of effects is not possible; and
- For the reasons set out in section 6 of this report, the preferred option, including its additional provisions, provides clear and sufficient direction on how other key effects of new mining activities in the expanded MMZ need to be managed to achieve these objectives.

The preferred option will be effective in achieving the various objectives which address historic heritage in Chapter 6.1 of the District Plan insofar as they relate to the heritage items contained within the rezoned area for the following reasons:

- The existing rules in Chapter 6.1 of the District Plan which determine when a resource consent is required for works involving Category A, B or C heritage items will be retained and would apply to any activity within the expanded MMZ which would affect a heritage item attributed this status;
- The existing objectives and policies in Chapter 5.6.5 regarding the built character of Waihi will be retained, and will potentially be applicable when considering any resource consent application for the expansion of the MMZ as a discretionary activity;

- The existing objectives and policies in Chapter 6.1 which provide direction on how effects on those heritage items are to be managed will also be retained, although the proposed policy in the MMZ regarding Pukewa maunga will provide specific direction regarding its management (as opposed to the provisions in Chapter 6.1 which generally relate to undefined sites of significance to Māori); and
- Clough (2021) confirms no additional safeguards are required in the District Plan to address potential adverse effects on historic heritage within the expanded MMZ.

The preferred option will be effective in achieving Objective 3 in Chapter 6.1, which seeks to recognise and protect sites of significance to Māori, by:

- Retaining the existing rules for the MMZ, which means any expansion of the Martha Mine would need to be authorised by a resource consent (as a discretionary activity) and any potential effects on the wairua or mauri of Pukewa maunga would be able to be considered; and
- Including specific policies and assessment criteria in the MMZ which have been developed in consultation with mana whenua to provide clear direction to all parties involved in that resource consent process, including the decision maker, on how any potential expansion of the Martha Mine is to provide for the wairua or mauri of Pukewa maunga to be rehabilitated and / or enhanced.

The preferred option will be effective in achieving the objective for significant trees in Chapter 6.4.3 by retaining the existing rules in that chapter which trigger a resource consent application for activities which affect those trees and the existing policies which provide direction on how the objective is to be achieved.

7.2.3.2 Efficient in Achieving the Objectives

The preferred option would not, of itself, authorise new mining activities. However, it would enable a resource consent application to be made and considered on its merits. If that application were ultimately granted it would realise a number of significant economic benefits that are not available under the status quo. These are described in detail in section 6.3 of this report and include:

- A continuation of the well documented benefits of the Martha Mine for an additional six years;
- Significant increases in revenue, exports and GDP;
- Significant additional capital expenditure and purchases from suppliers, a majority of which come from local and national providers;
- A substantial direct contribution to local employment through the provision of well-paying jobs; and

- A substantial indirect contribution to employment associated with the purchase of goods and services by the mining operation.

The expansion of the MMZ will also provide opportunities for the rehabilitation and closure plan to deliver additional outcomes for the community. The centre piece of the concept rehabilitation and closure plan is a pit lake and surrounding parkland facility for recreation use. Full public access around the pit rim will be retained. The closure plan involves the substantial planting of native plants around the pit lake, and restoration of land formerly occupied for Martha Pit use in a manner that will protect water quality and avoid soil erosion of the pit rim. This will result in substantial benefits for the community post mining and will support Waihi's transition into a post mining era.

The costs to the community of the preferred option would include:

- The loss of land zoned Town Centre, Residential and Low Density Residential – noting that there would remain sufficient residential, low density residential and town centre zoned properties in Waihi to meet short term land use demand, and that the existing predicted long term shortfalls in residential and industrial land would still be able to be addressed via implementation of the Hauraki Growth Strategy 2050;
- The costs associated with the processing of the resource consent application which could be made for the expansion of the Martha Mine because of the proposed plan change, including the costs associated with the full public submissions and hearing process which will inevitably be required. Most of these costs would be incurred by an applicant, including the costs of HDC processing the resource consent process and administering the hearing. These costs are likely to be significant given the nature the activity and the full discretionary activity status attributed to the application. Some costs would also be borne by members of the community should they choose to participate in the public submissions and hearing process; and
- The costs associated with the adverse effects of an expansion of the Martha Mine on the environment in the event an application was ultimately granted.

With respect to the latter, the potential adverse effects which could occur if an application for consent were ultimately granted are discussed in section 6 of this report. Those effects assessments have informed the development of the preferred option and its provisions. The approach to developing those provisions has been deliberate in setting up a framework which will ensure all these potential costs are addressed and properly satisfied by any application for the expansion of the Martha Mine, or consent would not be granted. The provisions include a number of safeguards to ensure that these costs don't come to fruition in a manner which does not achieve the objectives set out in Section 7.2.2 above and which does not accord with sustainable management.

7.2.4 Alternative Option 1 – Retain Current Provisions

This is the 'do nothing' option. The existing plan provisions are retained. Including the current zoning and rules which make any lateral expansion of the Martha Mine outside the existing boundaries of the MMZ a prohibited activity.

Because no application could be made for a future expansion of Martha Mine outside the MMZ, this option would not provide for the utilisation of the significant mineral resource known to be located below and immediately adjacent to the existing pit shell, even where this could be done in a sustainable manner. It would, therefore, not be as effective as the preferred option in achieving the objective for the MMZ set out in section 7.2.2.

Alternative Option 1 would be effective in achieving some of the other relevant objectives listed in section 7.2.2.

Because this option would not enable an application to be made and considered on its merits, it would prevent the significant economic growth and employment outlined above by prohibiting the known mineral resource from being accessed. This is the major cost of this option.

This option would avoid the loss of land for residential and commercial purposes. However, as outlined above there is sufficient supply of these land types in Waihi and its use for mining and ultimately community use as part of any rehabilitation proposal would be a more efficient use of this land in that context. In this respect, the economic benefits described in section 6.2 that could occur due to the proposed rezoning far exceed the economic costs identified in section 6.2 due to the potential of this Town Centre, Residential and Low Density Residential zoned land.

This option would avoid the costs associated with the public submissions and hearing process that would inevitably occur as a result of a resource consent application being made. Most of these costs (including those incurred by the HDC) would be borne by the applicant. However, it would mean additional costs (both financial and time) for members of the community who choose to participate in the process.

This option would also avoid the community incurring the costs associated with the adverse effects of an expansion of the Martha Mine on the environment in the event an application was ultimately granted under the preferred option. However, for the reasons set out in section 7.2.3.2 above, those costs would be limited in nature and magnitude by safeguards included in the preferred option to ensure that these costs don't come to fruition in a manner which does not achieve the objectives set out in section 7.2.2 above and which does not accord with sustainable management.

In summary, Alternative Option 1 would not be as effective and efficient as the Preferred Option in achieving the objectives set out in section 7.2.2 because:

- It would prevent an application from being made for the expansion of Martha Mine and would not provide for the utilisation of the significant mineral resource known to be located below and immediately adjacent to the existing pit shell where this could be done in a sustainable manner;
- It would prevent the significant economic growth and employment associated with a mine expansion from being realised;
- The added costs incurred by the community who choose to participate in the resource consent process that will inevitably be required for the preferred option are small in comparison with those significant economic growth and employment benefits; and
- The costs associated with the adverse effects of an expansion of the Martha Mine on the environment would also be limited in nature and magnitude by safeguards included in the Preferred Option.

7.2.5 Alternative Option 2 – Rezone Only

Under this option re-zoning of land to accommodate an expansion of the MMZ would occur as per the preferred option. However, no other changes to the provisions of the District Plan would be made.

This would mean an application for expansion of the Martha Mine could be made and the assessment of the application would be guided by the existing policies, environmental results and assessment criteria in the District Plan, particularly those for the MMZ.

This option would not be as effective in achieving the objectives.

Because this option would not include the additional provisions which provide clear direction for any future resource consent application that the wairua or mauri of Pukewa maunga is to be rehabilitated and / or enhanced, there is less certainty for mana whenua on how effects on the maunga will be addressed: This option would, therefore, not be as effective as the preferred option in achieving:

- The cultural element of sustainable management included in Objective 1 for the MMZ;
- The cultural elements of the various objectives in Chapters 5.6.3, 5.6.4, 5.7, 5.8 and 5.11; and
- Objective 3 in Section 6.1 which seeks to recognise and protect sites of significance to Māori.

Because this option would not include the additional provisions which provide clearer direction on how effects on the amenity values of Waihi are to be protected, there is also less certainty for the community on how these effects will be managed. This includes there being no noise standards which would be applicable to activities across all parts of the MMZ. This option would therefore not be as effective as the Preferred Option in achieving:

- The amenity and urban design elements of sustainable management included in Objective 1 for the MMZ; and
- The various objectives in Chapters 5.6.3, 5.6.4, 5.7, 5.8 and 5.11 relating to the form, function and amenity of Waihi's urban areas.

The absence of the additional provisions included in the preferred option also means there is a higher likelihood that the community would incur greater costs by including this option in the District Plan. It includes less direction on how key issues are to be recognised and provided for by future activities in the MMZ and in turn could lead to:

- A less focussed consent process than the preferred option;
- Suboptimal environmental outcomes for mana whenua on how the wairua or mauri of Pukewa maunga is to be rehabilitated and / or enhanced; and
- Suboptimal environmental outcomes for other members of the Waihi community on how other key matters are to be addressed, particularly the interface between the MMZ and urban areas of Waihi.

In summary, this option would be less effective and efficient at achieving the objectives than the preferred option due to it providing less direction to all parties on how key environmental effects of any future expansion of the Martha Mine are to be managed.

7.2.6 Alternative Option 3 – Rezone Land as MMZ and include a Comprehensive Controlled Activity Framework for Enabling the Martha Mine Expansion

This option would rezone the boundaries of the MMZ as per the preferred option, and, in effect, authorise a future cutback of Martha Mine within that expanded zone via this plan change application, including the location of the cutback and the details for how all key effects are to be managed.

It would include the following key elements:

- Expansion of the boundaries of the MMZ and changes to the objective, policies and assessment criteria in a manner similar to the preferred option;
- Insertion of an outline development plan (or similar) which shows the location of the expansion of the Martha Mine and all key ancillary activities (e.g. surface facilities / crusher, etc);
- A controlled activity rule for the use of land for those key project elements where they are located in accordance with the outline development plan, and which specifies detailed conditions that are to be included on any resource consent issued under that rule;
- A restricted discretionary activity rule for activities which will not comply with certain discrete conditions of the controlled activity rule; and

- A discretionary activity rule for all other surface mining, underground mining and mining operations in the MMZ.

A resource consent application for the expansion of the Martha Mine would still be required from HDC post the approval of the plan change. However, because of the structure of the plan change, this resource consent application would be for a controlled activity (which must be granted), and will be limited in scope in terms of the matters that could be considered in light of the mining activities at the Martha Mine having been considered in detail within a public forum via the plan change process.

With the exception of the important cultural aspects of the objectives set out in section 7.2.2 of this report, this option would be as or more efficient and effective than the preferred option in achieving of those objectives insofar as:

- It would remove the barrier in the existing provisions which prevents an application from being made to expand Martha Mine and utilise this significant mineral resource;
- For the reasons set out in section 6, the technical advice is that a specified pit expansion could be undertaken in a manner which would achieve the various objectives in section 7.2.2 of this report; and
- The controlled activity rule framework (including the outline development plan and detailed compulsory conditions) would provide all stakeholders certainty on the likely extent of the expansion of the Martha Mine and how all key effects would be managed.

However, it is not yet certain whether the potential cultural effects of a future expansion of the Martha Mine can be appropriately managed. Therefore, there is currently no controlled activity rule framework which can be included in the District Plan which will be effective and efficient in achieving the cultural aspects of the objectives set out in section 7.2.2 of this report.

It is, therefore, assessed that the preferred option is more effective and efficient than Option 3 in achieving the objectives in section 7.2.2 of this report, insofar as it will allow the acceptability of the cultural effects of a future expansion of the Martha Mine to be assessed during a subsequent resource consent process. It also includes additional policies and assessment criteria which have been developed in consultation with mana whenua which would provide clear direction to all parties involved in that resource consent process, including the decision maker, that any proposed activity is to ensure measures are implemented that provide for the wairua or mauri of Pukewa maunga to be rehabilitated and / or enhanced.

7.2.7 Alternative Option 4 – Rezone Land as MMZ and include a Restricted Discretionary Activity Framework for Enabling the Martha Mine Expansion

This option would rezone the boundaries of the MMZ and include the various other changes to the MMZ provisions which are included in the preferred option. However, an expansion of the Martha Mine would be subject to a new restricted discretionary activity rule (which covers new surface mining and mining operations within the MMZ), rather than it being a discretionary activity.

Like the discretionary activity rule included in the preferred option, the HDC could exercise discretion as to whether or not to grant consent for an expansion of the Martha Mine under a new restricted discretionary activity rule, and to impose conditions on any consent it did grant. However, it could only do so in respect of those matters over which it has restricted its discretion in the new rule.

The advantage of a restricted discretionary activity rule is, in some circumstances (but not all), it can provide for a more efficient resource consent process by narrowing the scope of relevant matters. However, care needs to be taken in specifying the matters over which discretion is restricted. If the restriction is too narrow, then the HDC may not be able to consider all relevant matters or set conditions on consents that avoid or mitigate relevant all relevant adverse effects.

The long-standing operation of Martha Mine and the consenting processes which have occurred to date in relation to its initial establishment and subsequent expansions, means there is a good understanding of the matters over which HDC would want to retain discretion when considering an application for any future expansion of the mine. They are particularly broad and include effects relating to:

- Cultural matters;
- Economic matters;
- Social impacts;
- Urban design;
- Landscape, visual amenity and natural character;
- Geotechnical matters, structural integrity and land stability;
- Amenity values, including noise, blasting and vibration and dust effects;
- Terrestrial ecology;
- Historic heritage;
- Public access and recreation;
- Traffic and transport matters; and

➤ Rehabilitation.

Capturing all of these matters would mean making the matters over which discretion is restricted so wide as to make the restrictions potentially meaningless, and to negate any benefits that this type of rule can yield in terms of streamlining the consent process.

It is therefore considered that the (unrestricted) 'discretionary' activity status afforded the activity in the preferred option is more appropriate, with carefully drafted policies and assessment criteria being used to focus the consent process on the key issues which need to be addressed.

7.2.8 Alternative Option 5 - Expanding the MMZ and completely redrafting the objectives, policies and rules for the entire zone

This option would rezone the boundaries of the MMZ to provide for the potential expansion of the Martha Mine, but would also provide a whole new suite of objectives, policies, rules and assessment criteria that apply to all activities across the zone. The proposed expansion of the Martha Mine would likely be a discretionary activity under this option.

The advantage of this option is that it could introduce new provisions that apply consistently across the MMZ, or provisions that apply to existing or potential future operations with the zone. However, this outcome can also be achieved by the preferred option.

This option would go beyond addressing the purpose of the proposed plan change - in that it would introduce new policies and rules for parts of the MMZ, and / or activities, where there is no identified planning issue that needs to be addressed (i.e. the processing plant and waste disposal areas and / or underground mining activities). In this regard, there are no planning constraints with respect to accessing the identified mineral resource in those parts of the MMZ that are located to the east of Waihi. Further, there is no identified existing issues with how the existing provisions for the MMZ function when considering resource consent applications. For the reasons set out in Section 6 this includes underground mining, for which the MMZ provisions have proven successful in providing suitable planning guidance for managing the effects of underground mining within the MMZ, including in managing effects on properties within adjacent urban zones.

This option would also potentially alter the permitted operations and rehabilitation activities at the Martha Mine, creating uncertainty as to how these activities will occur into the future.

It is, therefore, assessed that the preferred option is more effective and efficient than Option 5 in achieving the objectives in section 7.2.2 of this report, insofar that it addresses the identified planning issue from this report but without unnecessarily altering the existing provisions and rules that apply to existing activities in the MMZ.

7.2.9 The Risks of Acting or Not Acting if there is Uncertain or Insufficient Information

Section 32(2)(c) of the RMA requires the assessment of whether the provisions of the proposal are the most appropriate way to achieve the objectives to include an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

In this case, the nature of the activities for which the proposal would enable a resource consent application to be made are well understood, as are the key potential effects of the activity. For this reason, an assessment of the risk of acting or not acting is not required.

7.3 SUMMARY

The above sections demonstrate that the preferred option is the most effective and efficient option in achieving the objectives of the plan change, as described in section 7.2.2 of this report.

A discretionary activity status is the most appropriate option to ensure that all potential adverse effects of any future expansion of the Martha Mine within the MMZ can be assessed and addressed through a resource consent process. This process is provided with clear and sufficient direction through the inclusion of provisions, which for the reasons set out in section 6 of this report, ensure that mining activities within the expanded zone can be managed to achieve sustainable management.

8. STATUTORY ASSESSMENT

8.1 INTRODUCTION

The relevant considerations for the contents of, and changes to, a district plan are set out in sections 74 and 75 of the RMA. The specific requirements of these sections insofar as they apply to the District Plan and this plan change are set out in Table 9 below.

An assessment of the District Plan as amended by the proposed plan change against the relevant documents is provided below.

For completeness, it is noted that the National Policy Statement on Urban Development 2020 (“NPSUD”) does not apply to planning decisions by the HDC that affect Waihi, as it is not an ‘urban environment’ as per the definition of that term in the document.¹⁹ Nor does the National Policy Statement for Highly Productive Land 2022 apply because none of the land covered by this plan change is termed ‘highly productive land’ under that document as it is currently attributed urban zoning.

Table 9: Statutory Requirements of a Plan Change

Requirement	Statutory Document	Relevant RMA Section
“must give effect to”	National Policy Statement on Freshwater Management	Section 75(3)
	National Policy Statement on Indigenous Biodiversity	
	Waikato Regional Policy Statement	
	National Planning Standards November 2019	
“must not be inconsistent with”	Waikato Regional Plan	Section 75(4)(a) Section 75(4)(b)
	Its functions under section 31 The provisions of Part 2 Its obligations to prepare an evaluation report in accordance with section 32	Section 74(1)
“shall have regard to”	Hauraki Growth Strategy 2050	Section 74(2)(a)

¹⁹ Urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people.

Requirement	Statutory Document	Relevant RMA Section
	Historic Places Trust register	Section 74(2)(b) Section 74(2)(c)
“take into account”	Hauraki Iwi Environment Plan 2004	Section 74(2A)(a)

8.2 PROVISIONS THAT MUST BE GIVEN EFFECT TO

8.2.1 National Policy Statement on Freshwater Management

The responsibility for implementing the National Policy Statement on Freshwater Management largely lies with the Waikato Regional Council, via its regional policy statement and regional plans.

However, the HDC and the District Plan may have a role to play insofar as Te Mana o te Wai requires the local authorities to adopt an integrated approach and manage freshwater, land use and development in catchments in an integrated and sustainable way.

The proposed plan change will not impact on the ability of the HDC to make any necessary changes to the District Plan in the future. It is noted, in particular, that managing effects on freshwater quantity and quality is an essential part of the mining activities at Waihi and any future mining activity would need to justify its effects on freshwater in the context of the regional freshwater management framework which applies at the time it is proposed.

8.2.2 National Policy Statement on Indigenous Biodiversity

The National Policy Statement on Indigenous Biodiversity (“**NPSIB**”) came into force on 4 August 2023. It:

- Provides direction to councils on how to identify significant natural areas and manage the adverse effects of new activities on them;
- Requires councils to work in partnership with tangata whenua;
- Provides for activities that are important for social, economic and cultural wellbeing;
- Provides for established activities to continue at the same level;
- Provides for new important or locationally constrained activities;
- Requires councils to promote the restoration of indigenous biodiversity and indigenous vegetation cover;
- Requires all regional councils to have a regional biodiversity strategy setting out their native biodiversity priorities; and

- Requires councils to monitor our native species.

For the reasons set out in Sections 2.11 and 6.9 of this report the land subject to this private plan change does not contain any significant indigenous biodiversity values and it is not a significant natural area.

With respect to the limited biodiversity values which are present in the area, key policy direction in the NPSIB directs:

- That indigenous biodiversity is managed in a way that gives effect to the decision making principles and takes into account the principles of the Treaty of Waitangi;
- That tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe;
- The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for;
- Restoration of indigenous biodiversity is promoted and provided for; and
- Increased indigenous vegetation cover is promoted in both urban and non-urban environments.

The proposed plan change will assist the District Plan in giving effect to these provisions insofar as it includes:

- additional direction on the need for input from tangata whenua and that as part of any proposal for the potential expansion of the Martha Mine, there will be a need to identify and implement measures to rehabilitate and / or enhance the wairua or mauri of Pukewa maunga; and
- additional direction that the rehabilitation of natural and physical resources is to occur during, and following the completion of, mining activities.

Any future mining activity would need to justify its effects on those values in the context of these provisions and those contained in the NPSIB.

Overall, it is considered the proposed plan change will assist and not compromise the ability of the District Plan to give effect to the NPSIB and it is not considered that the proposed plan change requires any additional provisions to manage any potential effects that may result from the expansion of the MMZ to give effect to the RPS provisions.

8.2.3 Waikato Regional Policy Statement

The Waikato Regional Policy Statement (“**RPS**”) provides an overview of the resource management issues for the Waikato Region, and sets out objectives, policies and methods intended to achieve the integrated management of natural and physical resources. This includes a number of implementation methods which provide direction to territorial authorities in developing their district plans.

The topics addressed by the RPS which are of most relevance to the proposed plan change are those which address:

- The use and development of resources – including minerals;
- The built environment;
- Relationship of tangata whenua with the environment;
- Historic heritage;
- Indigenous biodiversity and ecosystem services; and
- Landscape and natural character.

Each is addressed below.

8.2.3.1 Use and Development of Resources

There is a broad suite of provisions in the RPS which seeks to recognise and provide for sustainable resource use and development in the Waikato Region, and access to its significant mineral resources. This includes Objective 3.2, which seeks that this be done by maintaining, and where appropriate, enhancing:

- Access to natural and physical resources to provide for regionally significant industries; and
- Access to the region's significant mineral resources.
 - Related to this objective is Policy 4.4 of the RPS which specifies that the management of natural and physical resources should provide for the continued operation and development of regionally significant industries by:
- Recognising the value and long-term benefits of regionally significant industry to wellbeing;
- Ensuring that the adverse effects of regionally significant industry are avoided, remedied or mitigated;
- Maintaining and, where appropriate, enhancing access to natural and physical resources, while balancing the competing demand for these resources; and
- Promoting positive environmental outcomes.

Method 4.4.1 directs that District Plans should provide for regionally significant industry by:

- Identifying appropriate provisions, including zones, to enable the operation and development of regionally significant industry, for which new development is consistent with Policy 6.14 and Table 6-2; and
- Ensuring the adverse effects of regionally significant industry are avoided, remedied or mitigated.

The mining activity at Waihi is considered to fall under the definition of regionally significant industry,²⁰ and for the reasons set out in section 9.2.2.3 below the proposed plan change would be consistent with Policy 6.14 (Table 6-2 is not relevant to this location).

The proposed plan change will assist the District Plan in giving effect to these provisions by providing appropriate provisions to enable the operation and development of the mineral extraction activity where the effects of the activity can be avoided, remedied or mitigated.

Policy 6.8 and its associated methods speak directly to the interrelationship between developing mineral resources and land use development and are relevant when considering the proposed plan change. Policy 6.8 directs that the management of development of the built environment appropriately recognises:

- The potential for impacts of subdivision, use and development on access to mineral resources;
- The potential benefits of further development of the region's minerals and providing for the continued operation of existing lawfully established mineral extraction activities;
- The need to manage the adverse effects of extraction, which may include avoiding mineral extraction, or certain types of mineral extraction, in some areas; and
- The potential for land use development that is inconsistent with nearby mineral extraction activities.

The associated implementation methods direct that:

- The local authorities collate information and map the location of regionally significant mineral resources; and
- District Plans:
 - Shall include provisions to protect, as appropriate, access to significant mineral resources identified pursuant the method above;
 - May identify areas where new mineral extraction activities are appropriate and areas where new mineral extraction activities should be avoided; and
 - Shall manage the reverse sensitivity effects of development on identified significant mineral resources and mineral extraction activities by discouraging

²⁰ Regionally significant industry - means an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic, or cultural benefits.

new sensitive activities from locating near identified significant mineral resources and mineral extraction activities.

The proposed plan change will assist with giving effect to these provisions insofar as it will enable the use of a regionally significant mineral resource where the adverse effects of the activity can be appropriately managed.

8.2.3.2 The Built Environment

Objective 3.12 of the RPS seeks that development of the built environment (including transport and other infrastructure) occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes. It seeks to achieve this outcome in a range of ways, including:

- Protecting access to identified significant mineral resources;
- Minimising land use conflicts, including minimising potential for reverse sensitivity;
- Promoting a network of sub-regional and town centres; and
- Providing for a range of commercial development to support the social and economic wellbeing of the region.

Policies 6.1 and 6.8 (discussed above) provide the most relevant direction to the proposed plan change on how Objective 3.12 should be implemented.

Policy 6.1 directs that subdivision, use and development of the built environment occur in a planned and coordinated manner, and its methods specify that local authorities should have regard to the principles in Section 6A of the RPS when changing their plans and developing planning methods. Regard has been given to the relevant principles in Section 6A of the RPS when developing the proposed plan change and it is considered that the proposed plan change broadly aligns with the relevant matters. In particular:

- The proposed plan change will not displace urban land use in a manner which results in the need for further urban development of greenfield areas beyond what is already required as part of the Hauraki Growth Strategy 2050, and the existing delineation between urban and rural areas within Waihi will not be affected;
- The proposed plan change will provide for the protection of historic heritage by retaining the existing provisions in the District Plan which seek to protect historic heritage;
- A key matter which has informed the development of the proposed plan change is managing the interface between the expanded MMZ and land zoned for residential, town centre or recreational purposes. A range of provisions are included in the proposed plan change to provide safeguards to ensure these effects are appropriately managed;

- The effects on the relationships, values, aspirations, roles and responsibilities of mana whenua with respect to the area, and opportunities to recognise mana whenua connections with the area, are a key matter addressed by the proposed plan change;
- Any existing transport and municipal infrastructure affected by a proposal seeking resource consent under the new provisions inserted into the District Plan by the proposed plan change will be readily able to be relocated and reinstated to the standards specified by the HDC such that its safe, efficient and effective operation and use is sustained; and
- The proposed plan change will not impact on the protection of any significant indigenous vegetation or significant habitats of indigenous fauna.

8.2.3.3 The Relationship of Tangata Whenua with the Environment

Objective 3.9 of the RPS seeks that the relationship of tangata whenua with the environment is recognised and provided for, including:

- The use and enjoyment of natural and physical resources in accordance with tikanga Māori, including Mātauranga Māori; and
- The role of tangata whenua as kaitiaki.

The associated policies in the RPS on this matter direct the following:

- Tangata whenua are to be provided appropriate opportunities to express, maintain and enhance the relationship with their rohe through resource management and other local authority processes;²¹
- Provide for the collaborative, consistent and integrated management of historic and cultural heritage resources;²² and
- Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.²³

Implementation methods of relevance direct:

- Local authorities should ensure that tangata whenua have appropriate opportunities to be involved in relevant resource management processes;²⁴
- Local authorities to work with tangata whenua to identify opportunities to maintain or enhance their relationship with their rohe through recognition, protection,

²¹ Policy 4.3.

²² Policy 10.1.

²³ Policy 10.2.

²⁴ Implementation Method 4.3.2.

maintenance or enhancement of Māori cultural landscapes and should provide for these within regional and district plans;²⁵ and

- District plans to provide for the protection of historic and cultural heritage from inappropriate subdivision, use and development.²⁶

Provision for appropriate consideration of the relationships of mana whenua with Pukewa maunga as part of any future expansion of the Martha Mine is a central tenet of the proposed plan change. The relevant provisions have been drafted in consultation with mana whenua, the resource consent process for any new expansion of the Martha Mine would provide mana whenua with the opportunity to be involved in that resource consent process, and the proposed new provisions acknowledge the need to provide appropriate measures that ensure the rehabilitation and / or enhancement of the wairua or mauri of Pukewa maunga into the future.

The District Plan, as amended by the proposed plan change, will give effect to these provisions.

8.2.3.4 Heritage

Objective 3.18 of the RPS specifies that sites, structures, landscapes, areas or places of historic and cultural heritage are to be protected, maintained or enhanced in order to retain the identity and integrity of the Waikato Region and New Zealand's history and culture. The policies which seek to achieve this objective direct that:

- Tangata whenua are to be provided appropriate opportunities to express, maintain and enhance the relationship with their rohe through resource management and other local authority processes;²⁷
- Provision should be made for the collaborative, consistent and integrated management of historic and cultural heritage resources;²⁸ and
- Development should be managed to give recognition to historic and cultural heritage and to integrate it with development where appropriate.²⁹

The provisions of the RPS regarding the relationship of tangata whenua with their cultural heritage are addressed in section 8.2.2.3 above.

²⁵ Implementation Method 10.2.3.

²⁶ Implementation Method 10.3.1.

²⁷ Policy 4.3.

²⁸ Policy 10.1.

²⁹ Policy 10.3.

With respect to historic heritage, the District Plan contains a fulsome suite of planning provisions in Chapter 6.1. They are not being altered by the proposed plan change and they would continue to apply to activities in the MMZ.

Given the above, the proposed plan change gives effect to these provisions of the RPS.

8.2.3.5 Indigenous Biodiversity and Ecosystem Services

Objective 3.8 of the RPS seeks that the range of ecosystem services associated with natural resources are maintained or enhanced to enable their ongoing contribution to regional wellbeing. Further, Objective 3.19 seeks that the full range of ecosystem types, their extent, and the indigenous biodiversity that those ecosystems can support exists in a healthy and functional state.

The key policies that seek to implement Objectives 3.8 and 3.19, are Policies 11.1 and 11.2. They direct the following:

- Promote positive indigenous biodiversity outcomes to maintain the full range of ecosystem types and maintain or enhance their spatial extent as necessary to achieve healthy ecological functioning of ecosystems - with a particular focus on working towards achieving no net loss; and
- Significant indigenous vegetation and the significant habitats of indigenous fauna should be protected by ensuring the characteristics that contribute to their significance are not adversely affected to the extent that the significance of the vegetation or habitat is reduced.

The associated implementation methods contain various directions on how district plans should manage biodiversity.

The new areas that would be rezoned MMZ have been assessed to have low to negligible ecological value. Likewise, the existing vegetation in the MMZ only provides a minor contribution to the ecological value of the greater area because it is a very thin, surrounded by highly modified land uses and has little habitat complexity. The Mangatoetoe Stream and Eastern Stream are identified as degraded habitat typical of urban and rural catchment, however there is the possibility of longfin eels and black mudfish being present in these catchments.

The proposed plan change would require a resource consent be obtained for new surface mining and mining operations in these areas. This would provide an opportunity for effects on these values to be considered and appropriately managed.

It is not considered that the proposed plan change requires any additional provisions to managing potential ecological effects that may result from the expansion of the MMZ to give effect to these RPS provisions. In this regard, Chapter 6.2 of the District Plan already

includes provisions seeking to manage indigenous biodiversity across all zones in the Hauraki District (including activities in the MMZ).

8.2.3.6 Landscape and Natural Character

Objectives 3.20, 3.21 and 3.22 of the RPS relate to the management outcomes expected for landscapes, natural character, and amenity respectively. They seek:

- That the values of outstanding natural features and landscapes are identified and protected from inappropriate development;
- The protection of the natural character of wetlands, lakes and rivers and their margins from the adverse effects of inappropriate development; and
- The maintenance and enhancement of the qualities and characteristics of areas and features valued for their contribution to amenity.

The associated policies and methods direct that regional and district plans should identify outstanding natural features and landscape, and areas of amenity value, and that effects on those values be managed accordingly.³⁰

It is noted that the proposed plan change area is not located near any identified landscapes, features or amenity areas in the RPS, Waikato Regional Plan or the District Plan. Furthermore, Boffa Miskell - Landscape (2022) does not identify any outstanding natural features / landscapes or amenity landscapes within the proposed plan change area as part of their landscape and visual assessment.

The proposed plan change would require a resource consent be obtained for any expansion of the Martha Mine. This would provide an opportunity for effects on the landscape, natural character and visual amenity values to be considered and appropriately managed. The new policies and assessment criteria which would be inserted by the proposed plan change will also assist in ensuring these effects are appropriately managed.

It is not considered that the proposed plan change requires any additional provisions to manage potential effects that may result from the expansion of the MMZ to give effect to these RPS provisions.

8.2.3.7 Conclusion

The proposed plan change will assist the District Plan to give effect to the RPS provisions which address regionally significant industry and significant mineral resources and it aligns comfortably with the RPS provisions which address the built environment and urban form.

³⁰ Policy 12.3 and Implementation Method 12.3.1.

Appropriate provision for the involvement of mana whenua in any future expansion of the Martha Mine is a central tenet of the proposed plan change and it sits comfortably with the RPS direction on how the relationship of tangata whenua with the environment is to be recognised and provided for.

Overall, it is considered the proposed plan change will assist and not compromise the ability of the District Plan to give effect to the RPS and it is not considered that the proposed plan change requires any additional provisions to manage any potential effects that may result from the expansion of the MMZ to give effect to the RPS provisions.

8.2.4 The National Planning Standards

The National Planning Standards are a new form of national direction introduced through the amendments to the RMA in 2017.

The purpose of the National Planning Standards is to improve the efficiency and effectiveness of the planning system by providing nationally consistent:

- Structure;
- Format;
- Definitions;
- Noise and vibration metrics; and
- Electronic functionality and accessibility;

for regional policy statements, regional plans, district plans and combined plans under the RMA. The planning standards do not alter the effect or outcomes of policy statements or plans.

The HDC is required to make the necessary changes to the District Plan to make it compliant with the National Planning Standards within five years of the standards taking effect. It is expected this will occur on a 'whole of plan' basis and in an integrated manner, and which includes, as appropriate, the provisions of the MMZ.

It is not required, or appropriate, to attempt to foreshadow that process insofar as it applies to the MMZ now through this proposed plan change. It is only if the HDC undertakes a full plan review within the five year implementation timeframes that the new plan must meet the National Planning Standards when it is notified for submissions.

8.3 PROVISIONS THE PROPOSED PLAN CHANGE MUST NOT BE INCONSISTENT WITH

8.3.1 The Waikato Regional Plan

The Waikato Regional Plan contains objectives, policies, methods and rules relating to the management of natural and physical resources of the Waikato Region.

The Waikato Regional Plan contains objectives and policies which address the following topics of relevance to any future development of the plan change area for new mining activities, including expansion of the Martha Mine:

- Tangata whenua relationships with natural and physical resources;
- Water – including provisions which address water takes, efficient use, discharges to water, and the damming and diversion of water;
- Lake and river beds – including provisions relating to the erection and use of structures;
- Land and soil – including provisions which address works in high risk erosion areas, and discharges onto or into land; and
- Air – including the management of dust and other discharges of contaminants to air.

The Waikato Regional Plan contains a comprehensive suite of objectives, policies and rules which trigger resource consents for activities which affect these resources and guide how effects are to be managed. As has occurred in the past for OGNZL’s mining activities, the company would need to obtain the relevant resource consents under those provisions.

The proposed plan change does not include any provisions which would cut across those requirements or create inconsistency with those provisions.

8.4 MATTERS THE PROPOSED PLAN CHANGE MUST BE PREPARED IN ACCORDANCE WITH

Section 74(1) of the RMA requires the District Council change the District Plan in accordance with:

- Its functions under section 31;
- The provisions of Part 2; and
- Its obligations to prepare an evaluation report in accordance with section 32.

The first two matters are addressed below. The way in which the proposed plan change satisfies the section 32 obligations is described in section 7 of this report.

8.4.1 Section 31 of the RMA

Section 74(1) requires that the proposed plan change be 'in accordance with' the functions of territorial authority under section 31 of the RMA. The proposed plan change provides a range of planning provisions to control the effects of use and development of land. The Plan Change fits within the existing framework of objectives, policies and methods of the district plan. This report establishes that the Plan Change will enable the territorial authority to be in accordance with these functions.

8.4.2 Part 2 of the RMA

Sections 5, 6, 7 and 8 of the RMA prescribe its purpose and principles.

The purpose of the RMA, as set out in section 5 states:

Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The proposed plan change would enable an application to be made and considered on its merits. If that application were ultimately granted it would realise a number of significant benefits for the social and economic wellbeing of Waihi and the Hauraki District through provision of additional and continued employment, and the generation of significant benefits to the local, regional and national economy. These are described in section 6.1.

As noted in the analysis above concerning the RPS, Waikato Regional Plan and the proposed plan change will not change the planning framework which applies to the affected area in a manner which will alter how it safeguards the life-supporting capacity of air, water, soil and ecosystems.

The avoidance, remediation or mitigation of adverse effects does not require that there be no residual effects on the environment. Instead, section 5(2)(c) of the RMA contemplates adverse effects, the acceptability of which depends on the circumstances of the particular

case and is a question of fact and degree. The proposed plan change will allow this determination to be made on a case by case basis.

With respect to the key matters in sections 6, 7 and 8 of the RMA the following points are pertinent:

- In the context of section 7(b) the proposed plan change would enable the efficient use and development of the mineral resource contained in Waihi, while still enabling sufficient land to be available for future residential, commercial and industrial use in Waihi, including provision for expected growth;
- In the context of section 6(e), section 7(a), section 7(aa) and section 8 the relationship of mana whenua with Pukewa and provision for kaitiakitanga are key matters which informed the proposed plan change and changes to the policies and assessment criteria are included to assist with better recognising and providing for these matters than the status quo;
- In the context of section 7(c) maintaining amenity values in Waihi was a key matter which informed the proposed plan change and changes to the policies and assessment criteria are included to assist with achieving this outcome; and
- The proposed plan includes additional direction on how impacts on natural character of streams within the area are to be managed (section 6(a)).

For completeness, it is noted that:

- The proposed plan change is not located within an outstanding natural feature or landscape (section 6(b));
- The proposed plan change does not impact on any identified area of significant indigenous vegetation or habitat of indigenous fauna (section 6(c));
- The proposed plan change will not impact on public access to any waterbody (section 6(d));
- The proposed plan change will not change the District Plan provisions which protect historic heritage (section 6(f)); and
- The proposed plan change will not change how the planning framework manages the significant risks from natural hazards in this area (section 6(h)).

Overall, it is considered the proposed plan change is in accordance with Part 2 of the RMA.

8.5 PROVISIONS THE PROPOSED PLAN CHANGE SHALL HAVE REGARD TO

8.5.1 The Hauraki Growth Strategy 2050

The Hauraki Growth Strategy 2050 has been produced by the HDC. It addresses the opportunities and challenges of managing growth in a sustainable way that provides a level of certainty to the community and the market. It delivers a framework for guiding future growth decisions by identifying future areas for development within the district and ensuring the provision of sufficient infrastructure to meet the needs of our growing communities.

The overall strategic direction for growth in the Hauraki District is to provide for the managed expansion of Waihi, Paeroa and Ngatea, to ensure these towns continue to provide commerce, industry, residential, community, cultural and civic activities and opportunities.

The Hauraki Growth Strategy 2050 shows that, in Waihi, there is significant future (potential) capacity for both residential and industrial lots, with HDC not anticipating zoning of any new commercial lots as being needed. As Waihi's population increases, this identified land will need to be 'live zoned' to provide for these land uses, and the Hauraki Growth Strategy 2050 provides clear direction on how this will occur.

The proposed plan change does not cut across that direction. As noted by RCG (2022), Hauraki Growth Strategy 2050 finds that there is a *"a shortfall in [live residential-zoned] land available for development by 2028"* and that more land will need to be rezoned - with or without the proposed plan change. RCG (2022) notes that the shortfall is likely to occur earlier than anticipated by the strategy, since more recent projections show a higher rate of growth than was used in 2019.

8.5.2 Historic Places Trust Register

The heritage items within the proposed plan change area which are included on the Historic Places Trust Register are set out in section 2.12 of this report.

The proposed plan change does not change how the District Plan manages activities which affect those sites.

8.6 MATTERS THE PROPOSED PLAN CHANGE MUST TAKE INTO ACCOUNT

8.6.1 The Hauraki Iwi Environment Plan 2004

The Hauraki Iwi Environmental Plan provides a strategy for collective action by Hauraki whānui to sustain the mauri of the natural environment and cultural heritage of the Hauraki rohe over the next 50 years.

The Hauraki Iwi Environment Plan notes that the extraction of gold, silver and other mineral resources has left long-standing environmental problems in the Hauraki rohe.

Of particular relevance to the proposed plan change and enabling an application for additional mining activity to be undertaken in the plan change area are the following provisions:

Objectives (Papatūānuku)

...

- (e) *the environmental risks of new, existing and closed mines, quarries, and landfills and contaminated sites are significantly reduced.*

Outcomes (Papatūānuku)

...

- (f) *Reduced environmental risk from mining and quarrying industries, landfills and contaminated sites in the Hauraki tribal region.*

Objectives (Rongomatāne)

- (a) *Waihi tapu and cultural heritage sites are being protected from use and development in the Hauraki tribal region.*
- (b) *The relevant statutory agencies and resource developers and users are working with Hauraki Whānui to protect wāhi tapu and cultural heritage sites.*
- (c) *Hauraki Whānui have the lead responsibility for managing the protection, preservation and use of wāhi tapu and cultural heritage sites, places and landscapes of importance to Hauraki Whānui.*
- (d) *Traditional knowledge and practice associated to wāhi tapu, cultural heritage sites, features, places and landscapes are being maintained, built on and protected.*

....

Outcomes (Rongomatāne)

- (a) *Heritage landscapes, heritage sites, features, places and wāhi tapu are protected.*
- (b) *Cultural resources are used, enhanced and sustained.*
- (c) *Greater community and agency awareness of the importance of Hauraki cultural heritage*

...

- (e) *Traditional knowledge is valued and being passed on to the next generation.*

...

- (g) *Hauraki Whānui are exercising their kaitiaki responsibilities.*

The relationship of mana whenua with Pukewa and provision for kaitiakitanga are key matters which informed the development of the proposed plan change, and changes to the policies and assessment criteria have been developed in consultation with mana whenua to assist with recognising and providing for these matters.

8.7 CONCLUSION

The District Plan, as amended by the proposed plan change, would be in accordance with the requirements of Part 5 of the RMA, including the relevant considerations for the contents of, and changes to, a district plan are set out in sections 74 and 75 of the RMA.

9. CONCLUSION

This report has been prepared in support of a proposed plan change by OGNZL to the provisions of the District Plan to expand the extent of the MMZ around the Martha Mine, and, therefore, enable any future resource consent application for surface mining and mining operations not otherwise provided for as a permitted activity on the land within the extended zone area to be sought as a discretionary activity. New provisions are also proposed for the MMZ to provide direction on the appropriateness of any proposed expansion of Martha Mine and its effects, including in respect of the relationship of mana whenua with Pukewa maunga.

The request has been made in accordance with the provisions of Schedule 1 and section 32 of the RMA.

For the reasons set out in this report, the direct effects (both positive and adverse) due to the implementation of the proposed plan change will be minimal as the range of permitted activities that could occur on the rezoned land are very limited in type and scale. The most significant implication of the proposed plan change is a resource consent application could be lodged (as a discretionary activity) for an expansion of Martha Mine within the rezoned properties.

Significant economic benefits would be realised if resource consent for a future expansion of the Martha Mine were ultimately granted under the revised planning provisions inserted via the proposed plan change. These are described in section 6.3 of this report.

Whether the cultural effects of any future expansion of Martha Mine can be managed in a manner which is acceptable to mana whenua (given their relationship with Pukewa maunga) would need to be assessed as part of any future resource consent application. However, to inform that assessment, and to provide guidance for decision-makers on what any future application would need to achieve, a suite of new provisions for the expansion of the Martha Mine in the MMZ have been prepared in consultation with mana whenua.

A suite of technical assessments have also been commissioned to assess the potential effects of the proposed plan change, and these assessments identify that there are means available for suitably managing the other effects of a potential expansion of the Martha Mine. Some of these expert assessments have made recommendations for additional policy and assessment matters to provide better direction on the appropriateness of any proposed expansion of Martha Mine and its effects. These recommendations have been implemented in the proposed plan change via the proposed revisions to the policies and assessment criteria of the MMZ described in section 5 of this report.

An assessment against the provisions of section 32 of the RMA is provided in section 7 of the report. This includes an analysis with respect to the extent to which the objectives of the plan change are the most appropriate to achieve the purpose of the RMA, and an

examination of whether the provisions of the plan change are the most appropriate way to achieve the objectives.

For the above reasons, it is considered that the proposed plan change accords with the sustainable management principles outlined in Part 2 of the RMA and should be accepted and approved.



Proposed changes to the Hauraki
District Plan



Compendium of Figures



3

Records of Title





Urban Design Assessment
Prepared by Boffa Miskell Limited
April 2022



Land Supply Assessment
Prepared by RCG Ltd
April 2022



Economic Impacts Assessment
Prepared by Sense Partners
April 2022



Landscape, Natural Character and
Visual Effects Assessment
Prepared by Boffa Miskell Limited
April 2022



Transportation Assessment
Prepared by Stantec
April 2022



Assessment of Noise Effects
Prepared by Marshall Day Acoustics
April 2022



10



Vibration Assessment
Prepared by Heilig & Partners Pty. Ltd
April 2022



Ecological Assessment
Prepared by Bioresearches
April 2022



12



Historic Heritage Assessment
Prepared by Clough & Associates Ltd
September 2021



13



Geotechnical Assessment
Prepared by PSM Consult Pty Ltd
September 2021



14



Social Impact Assessment
Prepared by WSP Ltd
October 2023



15



Engagement Summary – Proposed
Plan Change to the Martha Mineral
Zone