

Addendum Two

Otaika Quarry, Proposed Overburden Disposal Area - Application for Land Use Consent and Assessment of Environmental Effects (AEE), lodged by GBC Winstone, updated as at 13 March 2018

Amendments to the following sections of the AEE

- **Amendments to Section 5.13 – Effects on Cultural Values**
- **Amendments to Section 5.15 – Suggested consent conditions**
- **Amendments to Section 7.2 – Consultation, Tangata Whenua**

Assessment of relevant provisions in Proposed Plan Changes to the Whangarei District Plan (as at 13 March 2018)

Amendments to Section 5.13 – Effects on Cultural Values of the AEE

This text replaces Section 5.13 (Pages 33 – 34) of the Application for Land Use Consent and the Assessment of Environmental Effects, Otaika Quarry – Proposed Overburden Disposal Area, dated 1 June 2017.

Section 5.13 Effects on Cultural Values (updated 13 March 2018)

Through consultation, GBC Winstone have gained an understanding of the different hapu which have relationships with the Pegram block, Ruarangi block and the surrounding area. GBC Winstone understand that Te Parawhau ki Tai ('TPKT') hapu hold mana whenua over the Otaika quarry area and the Pegram block, and are represented by the Te Pouwhenua o Tiakiriri Kukupa Trust. The Ruarangi block which is located directly adjacent the Otaika quarry, and to the north west of the Pegram block is owned and managed by the Ruarangi Trust. GBC Winstone has sought to actively engage and consult with the trustees of both TPKT and the Ruarangi Trust.

GBC Winstone has undertaken extensive consultation in order to understand the actual and potential cultural effects of the proposal, including effects on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga. Through this consultation, GBC Winstone has sought to ensure any cultural effects identified by Te Pouwhenua o Tiakiriri Kukupa Trust and the Ruarangi Trust are managed and where appropriate mitigated.

Cultural Effects - Ruarangi Trust

It is understood from consultation with the Ruarangi Trust, that the Trust represents nine hapu that own and manage the Ruarangi block.

The Ruarangi block is a 15.5-hectare property that (as noted above) directly adjoins the north-western boundary of the Otaika quarry and is located to the north west of the Pegram block. The Ruarangi block is located within the Buffer Area of the Otaika Mineral Extraction Area (MEA5) in the Operative District Plan (and this is retained the Decisions on Plan Change 102 – Minerals, where the Ruarangi Block is retained in the Buffer Area of the Quarry Resource Area (QRA – Otaika). A Notable Landscape overlay extends over part of the Ruarangi Block as identified in the Operative District Plan and in the Council's Decisions (November 2017) on Proposed Plan Change 114.

The Ruarangi block is partially covered in dense vegetation and grassed. There are also a number of limestone features on the Ruarangi block. There are several buildings in poor condition on the block, that were developed for a former youth training facility. Access to the Ruarangi block is from an unsealed private road owned by GBC Winstone comes off Quarry Road and runs along the western boundary of the Pegram

block. GBC Winstone provide access to the Ruarangi block via this private road through an agreement with the Trust.

GBC Winstone has an existing Memorandum of Understanding with the Ruarangi Trust (2006) in relation the operation, management and development of the existing Otaika quarry. This Memorandum of Understanding governs the relationship between GBC Winstone and the Ruarangi Trust, but was prepared in the context of the consenting of Otaika Quarry in 2005/ 2006 and does not extend to the proposed use of the Pegram block.

GBC Winstone has consulted directly with representatives of the Ruarangi Trust on the proposed overburden disposal on the Pegram block. Details of this consultation is recorded in Section 7 – Consultation of the AEE (updated 13 March 2018).

GBC Winstone recognises the Ruarangi block has significant cultural values including waahi tapu areas and sites of cultural significance. It is understood burials of ancestors of the hapu have occurred on the Ruarangi block / 'The Ruarangi Burial Reserve'. Further GBC Winstone understands from consultation that burials have occurred in the network of limestone caves and other limestone features on the Ruarangi block. It is also understood that various parts of the land are tapu and culturally sacred.

Through consultation, some trustees of the Ruarangi Trust raised cultural concerns regarding the potential for the network of limestone caves and other limestone features on the Ruarangi block to extend into Pegram block, including within the footprint of the proposed overburden disposal area.

In response to these cultural concerns, GBC Winstone engaged Tonkin and Taylor to undertake further ground investigations of the proposed overburden disposal area on the Pegram block. These investigations were undertaken to provide additional confidence in the ground and groundwater models for the site. The findings of these investigation are reported in Otaika Quarry OBDA Geotechnical Addendum Report - Prepared by Tonkin and Taylor, dated March 2018, (Ref 1000785.v1.1). This report concludes "*These boreholes confirm our previous interpretation of the site and indicate that the cave forming Whangarei Limestone within the Pegram Block is limited to the exposed outcrops on the NW boundary beyond the OBDA (Overburden Disposal Area). We are of the opinion that limestone caves are not present beneath the proposed OBDA footprint*".

While GBC Winstone accepts the professional opinion of Tonkin and Taylor (which was later confirmed by Dr Brook, The University of Auckland, see below), the company wished to acknowledge the cultural concerns of the Ruarangi Trust, and has 'pulled back' the footprint of the overburden disposal area away from the north eastern corner of the site and accordingly slightly reduced the extent of the overburden footprint. (refer Appendix 4 - Concept Plans of Proposal (amended) and provided to Council – 31 March 2018). Further, GBC Winstone has also proposed a package of mitigation measures that has been presented to the Ruarangi Trust. At the time of preparing this statement, this package of mitigation measures was still being considered by the Ruarangi Trust.

At this time GBC Winstone understands the Ruarangi Trust will not be preparing a Cultural Impact Assessment for the project. Hauauru Trust who was initially engaged to prepare this assessment on behalf of the Ruarangi Trust, has now provided a Cultural Impact Assessment to Council assessing the Maori values of the proposal, on behalf of Te Parawhau Ki Tai (TPKT).

Cultural Effects - Te Parawhau Ki Tai

GBC Winstone has undertaken extensive consultation with the Te Parawhau ki Tai (TPKT) who are represented by the Trustees of Te Pouwhenua o Tiakiriri Kukupa Trust.

As stated above, GBC Winstone understands that Te Parawhau hapu and whanau are located at the southern boundary of Ngāpuhi and are tangata whenua who hold mana whenua ahi ka over the quarry area including the Pegram block ¹. Te Pouwhenua o Tiakiriri Kukupa Trust also known as Te Parawhau ki Tai was created to promote, advance and assist the interests and aspirations of those hapū that it represents. The Hauauru Trust is the environmental subsidiary of Te Pouwhenua o Tiakiriri Kukupa Trust. A report entitled “*Otaika Quarry – Proposed Overburden Disposal Area – Cultural Report, Assessment of Effects on Maori Values, dated 12 March 2018*” (‘Cultural Report’) has been prepared by the Hauauru Trust, and has been provided to GBC Winstone. For the purpose of this assessment, the Cultural Report prepared by Hauauru Trust is considered to be a Cultural Impact Assessment (‘CIA’) in terms of provisions under the RMA.

The purpose of this Cultural Report is stated as follows:

“Section 1.4

The purpose of this report is to provide information to help assist the applicant to recognise Te Parawhau cultural, heritage, traditional and spiritual connections and values associated with Otaika, Toetoe, Ruarangi, Raumanga and Maunu. The report determines appropriate ways to avoid, remedy or mitigate any potential adverse effects the proposal may have on the values of Te Pouwhenua o Tiakiriri Kukupa Trust.

The cultural impact assessment report provides a description of Te Parawhau interests in the area and the effects of the proposal on their relationships with their ancestral lands, heritage and connections.”

Part Two – Background, of the Cultural Report provides an overview of the cultural linkages of the people of Te Parawhau to the site and the wider cultural landscape. In particular, Section 2.5 of the Cultural Report sets out the relationship of the people of Te Parawhau with Otaika Quarry as follows:

“The people of Te Parawhau have a proud history, tradition, and culture. Their descendants, those who retain their tribal lands at Toe Toe, Otaika are the tangata whenua who hold mana whenua,

¹ Refer Section 2.5, Cultural Report, prepared by Hauauru Trust (March 2018)

ahi ka over the quarry area. The responsibilities include to perform 'kaitiakitanga roles in pursuit of ora, oranga tonutanga for [its people]'.

Te Parawhau interest in the site is not focused on the archaeological remnants over the site area but is manifest in the place and locality as wahi tupuna and the effect on the importance of mana, tapu and mauri of those resources. In keeping with the kaitiakitanga responsibilities and cultural commitments for its people, Te Parawhau seek to restore, protect and enhance the mauri of taonga (whether that be a resource or species or place).²

Part Three - The Study, of the Cultural Report describes the study undertaken by Hauauru Trust to understand and assess the effects of concern to the people of Te Parawhau. In particular, Section 3.1 – Summary of Technical Reports of the Cultural Report states:

"Te Parawhau expressed particular interest in the archaeological, geotechnical and hydrological assessments provided as part of the consent application. As a result of this, further examinations were made into these reports and Hauauru Trust formally engaged professional services for the peer review of the geotechnical and hydrological assessments.³"

Independent technical reviews were undertaken by Dr Brook, The University of Auckland, and Dr Salmond, The University of Auckland for the Hauauru Trust, are appended to the Cultural Report.

The scope and purpose of the review by Dr Brook is described in the Cultural Report ⁴ as

"In order to better understand the potential geological and hydrological effects of the proposed overburden disposal, including the likelihood that limestone features may underlie the Pegram block and the proposed overburden disposal area, the Hauauru Trust engaged Dr Martin Brook of the University of Auckland to review the hydrological and geological assessments undertaken by Tonkin and Taylor for GBC Winstone, including their professional opinion that limestone does not extend under the proposed overburden disposal area":.

"The review by Dr Brook concluded that the series of investigations carried out by Tonkin and Taylor and their subcontractors appear to confirm that Whangarei Limestone is unlikely to be underlying the Pegram Block south of the ridgeline exposures seen at the north-west of the site. This is because the Whangarei Limestone is northwards -dipping. His review also agreed that while further ground investigations with more appropriate geophysical techniques may be useful, it is unknown as to whether this would improve what is already know about the site".

The Cultural Report concludes

"This review report and presentation by Dr Brook has now allayed all previous fears and concerns held by TPKT regarding the potential geological and hydrological effects of the proposal

² Refer Section 2.5 – Cultural Report, prepared by Hauauru Trust (March 2018)

³ Refer Page 25 - Cultural Report prepared by Hauauru Trust (March 2018)

⁴ Refer Page 27 - Cultural Report prepared by Hauauru Trust (March 2018)

particularly any concerns previously held by members about any potential presence of caves under the overburden disposal area.”

The scope and purpose of the technical review by Dr Salmond, was to review the material prepared by AECOM which assessed the air quality implications of developing a new site on Pegram block for disposing overburden material from the quarry.

Dr Salmond states:

“After careful review of the material that I have been provided with, and following a site visit, I concur with the conclusion that whilst the proposed development does have the potential to affect local air quality, there is “there is limited potential for adverse off-site effects of nuisance dust” providing the dust management is adhered to.”⁵

The Cultural Report states that Dr Salmond’s report and the presentation of her conclusions to the members of TPKT and her clarification of questions raised, has now allayed all previous fears and concerns with respect to air discharges (dust) held by TPKT.

Part Four – Consultation of the Cultural Report details the consultation undertaken by GBC Winstone with representatives of Ruarangi Trust and Te Parawhau ki Tai.

Part Five – Assessment of Effects of the Cultural Report sets out the cultural effects assessed by TPKT and mitigation to address identified cultural effects, including development and implementation of a mātauranga Maori Environmental Monitoring Plan. The identified cultural effects of concern, the response of TPKT and mitigation / mātauranga Maori Environmental Monitoring Plan are summarised in the Cultural Report in the following Table, reproduced below⁶.

Issue	Effects of concern	Response	Mitigation / mātauranga Maori Environmental Monitoring Plan
Air quality Dust	Adverse effects on health and nuisance effects	Technical Review undertaken by Dr Salmond - Auckland University for Hauauru Trust allayed earlier concerns about air quality raised by TPKT.	Te Parawhau ki Tai will work with GBC Winstone to develop mātauranga Maori Environmental Monitoring Plan including opportunities for TPKT to input into the Dust Management Plan and to undertake air quality monitoring.

⁵ Refer Paragraph 2, Memo, Otaika Quarry Peer Review of Air Quality Implications of the Development at Pegram block, prepared by Jennifer Salmond, PhD, Auckland Uniservices Ltd, The University of Auckland, 17 February 2018, contained in **Appendix 3** of Cultural Report prepared by Hauauru Trust (March 2018).

⁶ Refer pages 37 and 38, Cultural Report, prepared by Hauauru Trust, (March 2018).

Adverse ecological impacts	Depletion of local ecological resources, habitats, biodiversity, aquatic / fish species	Te Parawhau ki Tai consider low ecological values and effects will be minor.	Te Parawhau ki Tai to work with GBC Winstone to (i) develop opportunities for TPKT to input into Riparian Management Plan including riparian vegetation and stock exclusion measures and (ii) undertake Fish relocation measures.
Water quality and aquatic life	Effects on health and wellbeing of Te Parawhau is linked to water quality and protecting aquatic life / fish species.	Te Parawhau ki Tai consider concerns regarding water quality and aquatic life / fish been addressed.	Opportunities for Te Parawhau ki Tai to undertake water quality monitoring. Water quality of tributaries of Te Waiiti stream on Pegram block recorded 'before' and 'after' stream works and riparian enhancement implemented, and these records compared. Dye tracing to be considered in water quality monitoring programme.
Landscape	Highly modified landscape Effects of vegetation removal and soil disturbance.	Te Parawhau ki Tai consider low ecological values and landscape effects will be minor.	Te Parawhau ki Tai to work with GBC Winstone to input into the development, implementation and monitoring of Landscape Rehabilitation Plan. GBC Winstone to provide Te Parawhau ki Tai opportunity to observe all topsoil removal as part of cultural monitoring. Accidental discovery protocols will be adopted by GBC Winstone to ensure appropriate protocols that respect tikanga and mātauranga Maori are observed.
Geology / Hydrology	Potential effects on geology and any limestone caves under the overburden disposal area.	Technical Review undertaken by Dr Brook - Auckland University for Hauauru Trust has allayed earlier concerns about any limestone caves under the proposed overburden disposal area.	Te Parawhau ki Tai will work with GBC Winstone to develop mātauranga Maori Environmental Monitoring Plan. including dye tracing to better understand waterways and inform tikanga and traditional knowledge of Te Parawhau.
Noise	Potential levels of noise pollution.	Noise effect not considered a significant	Opportunities for Te Parawhau ki Tai to undertake noise monitoring.

		issue by Te Parawhau ki Tai.	
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Section 5.7 – Mitigation of the Cultural Report notes the discussions held between Te Parawhau ki Tai and GBC Winstone over the mana whenua relationship of Te Parawhau with the Otaika area and the cultural impacts of the proposed overburden disposal on this relationship. It is further stated:

Arising from these discussions a Partnership Agreement with GBC Winstone has been entered into. This agreement addresses opportunities for TPKT to work in partnership with GBC Winstone to address environmental/cultural values through the development of a mātauranga Maori Environmental Monitoring Plan.

Further, this Partnership Agreement sets out the support that GBC Winstone will provide for the social opportunity, economic development and cultural enhancement aspirations of Te Parawhau ki Tai. Te Parawhau ki Tai is now comfortable that the cultural effects of the proposal have been properly addressed.⁷

The development of a mātauranga Maori Environmental Monitoring Plan recognises the role of Te Parawhau ki Tai in resource management and the exercise of kaitiakitanga. The mātauranga Maori Environmental Monitoring Plan will provide active opportunities for Te Parawhau ki Tai to work in partnership with GBC Winstone in the resource management processes and environmental management of the proposed overburden disposal on the Pegram block. These opportunities for Te Parawhau ki Tai include (but are not limited to) partnering with GBC Winstone to:

- Input into the Dust Management Plan and to undertake air quality monitoring;
- Input into the development, implementation and monitoring of the Riparian Management Plan including riparian vegetation and stock exclusion measures and undertaking Fish relocation measures;
- Undertake water quality monitoring including dye tracing;
- Input into the development, implementation and monitoring of Landscape Rehabilitation Plan;
- Undertake cultural monitoring during topsoil removal, and
- Undertake noise monitoring.

It is considered that the partnership developed between Te Parawhau ki Tai and GBC Winstone, and the development of a mātauranga Maori Environmental Monitoring Plan is consistent with the objective and policy directives in the relevant statutory planning documents discussed further below, particularly the relevant objectives and policies in the Regional Policy Statement for Northland and the Operative Whangarei District Plan which recognise the need to provide for mātauranga Maori.

⁷ Refer Section 5.7 – Mitigation, Cultural Report prepared by Hauauru Trust (March 2018).

Consent Conditions - Te Parawhau Ki Tai

In addition to the matters above, Te Parawhau ki Tai and GBC Winstone have worked together on a set of draft proposed consent conditions which give effect to the RMA matters and the RMA mitigation discussed in the *Assessment of Effects on Tangata Whenua*. The Cultural Report also states:

“Te Parawhau ki Tai and GBC Winstone have also discussed how some of the agreed mitigation measures can be incorporated as consent conditions to be included in any land use consent granted by the Council. Conditions of consent that have been agreed between TPKT and GBC Winstone are set out in Appendix 4”.⁸

The conditions of consent that have been agreed between TPKT and GBC Winstone, as set out in Appendix 4 of the CIA, have also been reproduced in the suggested consent conditions (updated at 13 March 2018) provided to Council, as part this Addendum 2.

Conclusion and Recommendation of Te Parawhau Ki Tai

Part Six of the Cultural Report concludes by stating:

“The proposal by GBC Winstone to gradually expand westwards and require resource consent for earthworks and stream works for the disposal of overburden is generally supported by Te Parawhau. In conclusion, subject to the proposed mitigation and additional consent conditions the cultural effects have been mitigated to an acceptable level”.

Further the Recommendation of the CIA is to support *“the proposal subject to the agreed mitigation measures being adopted throughout the consent”.*

Maori Values - Assessment of Objectives and Policies

In assessing the cultural effects of the proposal, including effects on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga, and in seeking to ensure cultural effects identified by Te Pouwhenua o Tiakiriri Kukupa Trust and the Ruarangi Trust are managed and where appropriate mitigated, GBC Winstone has had regard to the relevant provisions in Part 2 of the RMA (particularly sections 6(e), 7(a) and 8) and the relevant statutory planning documents. These have included the Regional Policy Statement for Northland particularly objective 3.12, and policies 8.1.1 to 8.1.5), the operative Whangarei District Plan (particularly objectives 7.3.1 and 7.3.2, policies 7.4.2 – 7.4.4, objective 11.3.5, policy 12.4.1, objective 16.3.4, policy 16.4.12, policy 17.4.4 and objective 18.3.1) and the relevant provisions in the currently proposed plan changes to the Whangarei District Plan (Hearings Panel Recommendation Text – November 2017) (in particular Plan Change 102– Minerals⁹ , including MIN objective 1.2.4, policies MIN 1.3.3 and MIN 1.3.10). These provisions are considered in more detail below.

⁸ Refer Page 43, Cultural Report prepared by Hauauru Trust (March 2018).

⁹ It is noted that at the time of preparing this assessment, the period within which to lodge appeals on the Council's Decision on Plan Change 102 had only recently closed and information confirming all appeals lodged was not

Part 2 of the RMA

With respect to Part 2 of the RMA, particularly section 6 (e), *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*, GBC Winstone considers that the company has undertaken meaningful consultation with the trustees of Ruarangi Trust and Te Parawhau Ki Tai, in order to understand the actual and potential cultural effects of the proposal, including effects on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga. Further, through this consultation, GBC Winstone sought to ensure that cultural effects and concerns identified by Te Pouwhenua o Tiakiriri Kukupa Trust and the Ruarangi Trust on their ancestral lands and the wider cultural landscape are appropriately managed and mitigated. As stated above, GBC Winstone has sought to recognise the cultural relationship of the Ruarangi Trust with the Pegram block, by 'pulling back' the footprint of the proposed overburden area from the north western boundary of the site to (despite professional technical opinion that limestone caves are not present beneath the proposed OBDA footprint) and presenting a package of mitigation measures, that is currently being considered by the trustees of the Ruarangi Block. GBC Winstone has sought to recognise the mana whenua status of people of Te Parawhau over the site and their ancestral lands and appropriately mitigate cultural effects identified. This has included the development of mātauranga Maori Environmental Monitoring Plan, to address environmental effects managed under the RMA, as part of a wider Partnership Agreement with GBC Winstone.

With respect to section 7 of the RMA, particular regard has been had to providing for the expression on kaitiakitanga, as part of the mitigation measures developed, particularly the opportunities through the development and implementation of a mātauranga Maori Environmental Monitoring Plan.

With respect to section 8, GBC Winstone has recognised and provided for the principles of 'Te Tiriti o Waitangi', in both the consultation and engagement undertaken and in the measures proposed to address concerns raised by Tangata Whenua.

National Policy Statement for Freshwater ('NPSF')

In summary, Objective B1 and Policy D1 of the NPSF seeks to provide for the involvement of iwi and hapu in the management of freshwater including freshwater ecosystems. GBC Winstone has provided opportunities for Te Parawhau ki Tai as tangata whenua to express kaitiakitanga through the proposed mātauranga Maori Environmental Monitoring Plan. This includes opportunities to input into the development, implementation and monitoring of the Riparian Management Plan including riparian planting programmes, stock exclusion measures and fish relocation measures, as well as water quality monitoring including dye tracing. It is considered that these initiatives that now form part of the proposal are consistent with the directives in Objective B1 and Policy D1 of the NPSF. It is noted that GBC Winstone has also offered similar opportunities to the Ruarangi Trust.

Regional Policy Statement for Northland ('RPSN')

available. Therefore, it is not possible to confirm the provisions which have been appealed, and accordingly, confirm the 'weighting' to be given to this objective and policy provisions in Plan Change 102, at this time.

In summary, objective 3.12, and policies 8.1.1 to 8.1.5 of the RPSN seek to provide opportunities for the exercise of kaitiakitanga, through the expression of mātauranga Maori in the region. As already stated above, GBC Winstone has provided opportunities for Te Parawhau ki Tai to express kaitiakitanga through the proposed mātauranga Maori Environmental Monitoring Plan including providing opportunities to input into the development of, and partner in the implementation of the Dust Management Plan, Riparian Management Plan and Landscape Rehabilitation Plan. Opportunities have also been offered to the Ruarangi Trust. Again, GBC Winstone has also offered similar opportunities to the Ruarangi Trust. It is considered that these initiatives are consistent with the policy directives in objective 3.12, and policies 8.1.1 to 8.1.5 of the RPSN.

Operative Whangarei District Plan

As stated above, arising from consultation, GBC Winstone has expressly provided opportunities for Te Parawhau ki Tai as tangata whenua over the site, to express kaitiakitanga through the proposed mātauranga Maori Environmental Monitoring Plan and other initiatives in a manner consistent with Objectives 7.3.1 and 7.3.2 of the District Plan.

GBC Winstone has also sought to undertake effective and meaningful consultation with the Ruarangi Trust and Te Parawhau ki Tai as tangata whenua including seeking to foster partnerships and relationships as appropriate to recognise the enduring nature of the relationship between the local iwi and GBC Winstone, allowing tangata whenua sufficient time to undertake informed assessments of the proposal, and acknowledging and respecting tikanga Maori in a manner consistent with Policy 7.4.4 of the District Plan.

As stated above, GBC Winstone has provided opportunities for Te Parawhau ki Tai as tangata whenua to express kaitiakitanga through the proposed mātauranga Maori Environmental Monitoring Plan including providing opportunities to input into the development, implementation and monitoring of the Riparian Management Plan, as well as undertaking water quality monitoring of the waterbodies on the site. Further the CIA prepared by Hauauru Trust states *“As a result of these measures to address water quality being considered as part of the mātauranga Maori Environmental Monitoring Plan, the concerns of Te Parawhau ki Tai regarding water quality have been addressed.”* It is considered that this demonstrates consistency with Policy 7.4.3 of the District Plan. GBC Winstone has also offered similar opportunities to the Ruarangi Trust.

Proposed Plan Change 102 – Minerals to the Whangarei District Plan¹⁰

For completeness, regard has been also had to MIN objective 1.2.4 and policies MIN 1.3.3 and MIN 1.3.10 of proposed plan change 102 – Minerals to the District Plan. MIN 1.2.4 addresses exploration, extraction and processing of minerals, where it could be considered that overburden placement is neither

¹⁰ It is noted that at the time of preparing this assessment, the period within which to lodge appeals on the Council's Decision on Plan Change 102 had only recently closed and information confirming all appeals lodged was not available. Therefore, it is not possible to confirm the provisions which have been appealed, and accordingly, confirm the 'weighting' to be given to this objective and policy provisions in Plan Change 102, at this time.

exploration, extraction and processing of minerals. However, Te Parawhau ki Tai as tangata whenua over the Pegram block, have concluded that “*subject to the proposed mitigation and additional consent conditions the cultural effects have been mitigated to an acceptable level*”.¹¹ and it is therefore considered that subject to this proposed mitigation, that the proposal is consistent with MIN Objective 1.2.4.

Policies MIN 1.3.3 and 1.3.10 refer to the provision of information including a ‘Cultural Impact Assessment’ (CIA) to assess the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga. Te Parawhau ki Tai as tangata whenua over the Pegram block have provided a Cultural Report, prepared by Hauauru Trust (March 2018) which is considered to satisfy the information requirements relating to assessing effects on tangata whenua in Policies MIN 1.3.3 and 1.3.10.

Conclusion

Overall GBC Winstone has sought to undertake meaningful consultation and engagement with Te Pouwhenua o Tiakiriri Kukupa Trust and the Ruarangi Trust in order to understand the cultural effects of concern and where appropriate provide for the mitigation of identified effects. Te Parawhau ki Tai as tangata whenua, holding mana whenua over the Pegram block have advised the disposal of overburden is generally supported by Te Parawhau, and that subject to proposed mitigation and additional consent conditions, and that they consider the cultural effects have been mitigated to an acceptable level. It is also considered that the consultation process that GBC Winstone has undertaken, the information now provided on effects on tangata whenua and the revised proposal including these mitigation measures discussed above, are consistent with Part 2 of the RMA and the relevant objectives and policies in the statutory planning documents assessed above.

¹¹ Refer Part Six of the Cultural Report prepared by Hauauru Trust, (March 2018).

Amendments to Section 5.15 – Suggested consent conditions of the AEE

This text replaces Section 5.15 (pages 35 to 41) of the Application for Land Use Consent and the Assessment of Environmental Effects, Otaika Quarry – Proposed Overburden Disposal Area, dated 1 June 2017.

Section 5.15 Suggested consent conditions (updated 13 March 2018)

Section 104C of the RMA states that, where considering an application for a restricted discretionary activity, the consent authority may grant or refuse the application. If the activity is granted, the consent authority may impose conditions pursuant to Section 108.

The following draft consent conditions are suggested by GBC Winstone at this time, for the consideration by the District Council in determining the land use consent being sought for this proposed overburden disposal activity.

It should be noted that some effects are managed by the Regional Land and Water Plan for Northland and the Regional Air Quality Plan for Northland. Further that a resource consent with conditions of consent has been granted for the activities within the Northland Regional Council's jurisdiction and is contained in **Appendix 13**.

General conditions.

1. The overburden disposal activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number(s) [insert council references]
 - Otaika Quarry – Proposed Overburden Disposal Area, Application Form for Land Use Consent, and Assessment of Environmental Effects, lodged by GBC Winstones dated 1 June 2017;
 - Addendum One to the Assessment of Effects prepared by GBC Winstone dated 1 June 2017;
 - Addendum Two to the Assessment of Effects lodged by GBC Winstones dated 13 March 2018
 - Cultural Report, Assessment of Effects on Maori Values, Prepared by Marina Fletcher, Hauauru Trust, for GBC Winstone (12 March 2018);
 - Memorandum from Andrew Curtis AECOM, to Ian Wallace, GBC Winstone regarding Assessment of Off-site Effects associated with Overburden placement on the Pegram block, dated 25 September 2017;
 - Otaika Quarry OBDA Geotechnical Addendum Report -Prepared by Tonkin and Taylor, dated March 2018, (Ref 1000785.v1.1);
 - Appendix 4 – Concept Plans of Proposal, Otaika Quarry – Proposed Overburden Disposal Area, Assessment of Environmental Effects lodged by GBC Winstone, Updated 12 March 2018;
 - Memorandum from Boyden Evans, Boffa Miskell, to Ian Wallace, GBC Winstone regarding landscape and visual impact assessment on Ruarangi block, dated 9 March 2018;

- Correspondence from GBC Winstone to the Whangarei District Council regarding Pegram Overburden Disposal Area: Overview of Other Options Considered for Disposal of Overburden at Otaika Quarry, dated March 2018;
- Economic Assessment of Overburden Disposal On Pegram Block, prepared by Mike Copeland, Brown, Copeland & Co Ltd dated 12 March 2018

Overburden Management Plan

2. Prior to the commencement of the enabling works, the consent holder shall prepare and submit an Overburden Management Plan to the Whangarei District Council for certification.

The objective of the Overburden Management Plan shall be to set out the practises and procedures to be adopted by the consent holder to ensure compliance with the conditions of this consent number(s) [insert council references].

The Overburden Management Plan shall include the following information:

- A plan showing the boundaries of the overburden placement area with the Mineral Extraction Area (ME3 - Winstone Aggregates – Otaika Quarry and access way) and Countryside Living Zone as defined in the Operative District Plan, at the time of the approval of this land use consent;
- A plan showing topography, drainage, natural watercourses, existing vegetation cover and any other significant landforms or features within the Overburden Disposal Area;
- The anticipated life span of Overburden Disposal operation;
- The estimated volume of overburden material to be placed within the Overburden Disposal Area;
- The location and dimensions of the enabling works, including indicative haul roads and internal circulation routes, shear key and toe bunds, toe buttress and placement of any matted foundation material, filling of gully systems and watercourses and creation of new stream channels;
- The location, dimensions including the heights and volumes of overburden material to be placed in the general works phase, including details of overburden material to be placed within the Overburden Disposal Area, including any staging of the overburden disposal operation;
- Details of proposed setbacks of any enabling works and overburden disposal operations from site boundaries, and landscaping and screening measures;
- The number of people proposed to be employed, and parking spaces provided on-site;
- A description of the proposed methods of any enabling works or overburden disposal operations including stripping and placement of material;
- A description of the methods by which the environmental effects of the operation will be managed and controlled, to comply with the conditions of consent of this consent number(s) [insert council references];
- A description of any future proposed rehabilitation programme.

The Overburden Management Plan may also include the following specific management plans as required in the exercise of this consent number(s) [insert council references]:

- Riparian Management Plan
- Landscape and rehabilitation plan including details of mitigation planting to occur over the life of the consent.

- Dust Management plan

At least 10 working days prior to commencement of any enabling works or overburden disposal, the certified Overburden Management Plan will, if required, be updated by the Consent Holder and the updated Overburden Management Plan provided to the Whangarei District Council.

Stabilisation

4. The site shall be progressively stabilised against erosion at the end of each season and shall be sequenced to minimise discharges of nuisance dust.

Notification prior to the commencement of works

5. The Whangarei District Council shall be notified at least five (5) working days prior to overburden placement activities commencing on the subject site.

Limitation on type of fill

6. Material imported onto the site shall be restricted to overburden material which has been removed from the adjoining Otaika Quarry, except any topsoil that may be required for site rehabilitation purposes and be brought on to the site.

Riparian Management Plan

7. Prior to the commencement of any enabling works or an overburden campaign, the consent holder shall prepare a Riparian Management Plan and submit this to the Whangarei District Council.

At least 30 working days prior to the commencement of any enabling works or an overburden campaign, the consent holder shall invite the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors ('the Trust') to provide input into the development and implementation of the Riparian Management Plan.

If, 30 working days has elapsed from the date which the consent holder invites the Trust to provide input in to this Management Plan, and no input has been provided by the Trust, it shall be considered that the Trust does not wish to provide any input, and the Riparian Management Plan can be submitted to the Whangarei District Council.

The objective of the Riparian Management Plan shall be to ensure the riparian mitigation measures are implemented and maintained through the life of the consent.

The Riparian Management Plan required by this condition shall include:

- a. Details of riparian planting including location, species mix and plant densities.
- b. Details showing a minimum of 10 metres riparian planting set back from the edge of the stream bank and / or the riparian wetlands.
- c. Identification of areas where stock proof fencing will be erected to protect planting and details of such fencing.
- d. Implementation timeframes for riparian mitigation measures.
- e. A record of consultation undertaken by the consent holder with the Trust on the development and implementation of the Riparian Management Plan.

The Riparian Management plan shall be developed in general accordance with the recommendations in the Assessment of Ecological Effects Report by Boffa Miskell Limited submitted to the Council within the application and AEE –May 2017 (insert council reference).

The consent holder shall implement the Riparian Management Plan required by this condition of consent.

Landscape rehabilitation plan

8. Prior to the commencement of any enabling works or an overburden campaign, the consent holder shall prepare a finalised Landscape Rehabilitation Plan and submit this to the Whangarei District Plan.

At least 30 working days prior to the commencement of any enabling works or an overburden campaign, the consent holder shall invite the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors ('the Trust') to provide input into the development and implementation of the Landscape Rehabilitation Plan.

If, 30 working days has lapsed from the date which the consent holder invites the Trust to provide input in to this Management Plan, and no input has been provided by the Trust, it shall be considered that the Trust does not wish to provide any input, and the Landscape Rehabilitation Plan can be submitted to the Whangarei District Council.

The Landscape Rehabilitation Plan shall detail:

- a. Configuration of the Overburden Disposal Area footprint and its overall shape and form.
- b. Tree planting along the boundary of the Pegram Block with Acacia Park to be undertaken at the outset and prior to the commencement of any earthworks.
- c. The location of tree planting carried out on the overburden slopes commencing at the completion of the enabling works phase and continuing through the general works phase.
- d. A record of consultation undertaken by the consent holder with the Trust on the development and implementation of the Landscape Rehabilitation Plan.

The Landscape Rehabilitation Plan shall be developed in general accordance with the recommendations in the Landscape and Visual Effects Assessment Report by Boffa Miskell Limited submitted to the Council within the application and AEE, May 2017 (insert council reference).

The consent holder shall implement the Landscape management plan required by this condition of consent.

Dust Management Plan

9. Prior to the commencement of any enabling works or an overburden campaign, the consent holder shall prepare a Dust Management Plan and submit this Plan to the Whangarei District Council.

At least 30 working days prior to the commencement of any enabling works or an overburden campaign, the consent holder shall invite the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors, ('the Trust') to provide input into the development and implementation of the Dust Management Plan.

If, 30 working days has elapsed from the date which the consent holder invites the Trust to provide input in to this Management Plan, and no input has been provided by the Trust, it shall be considered that the Trust does not wish to provide any input, and the Landscape Rehabilitation Plan can be submitted to the Whangarei District Council.

The objective of the Dust Management Plan shall be to manage the overburden placement activity so as to ensure there is no dust nuisance beyond the subject site.

The Dust Management Plan required by this condition shall include:

- a. Description of the methods of mitigation and operating procedures including monitoring equipment and procedures;
- b. Procedures for responding to accidental dust nuisance discharges;
- c. Procedures for the use of water suppression to minimise dust emissions;
- d. Procedures for the operation, maintenance and calibration of any meteorological monitor including any meteorological exceedance alert thresholds and contingency measures;
- e. Procedures for the operation, maintenance and calibration of any Total Suspended Particulate (TSP) trigger levels including any TSP exceedance alert thresholds and contingency measures; and
- f. Records of any complaints recorded and investigated during any previous overburden placement campaign.
- g. A record of consultation undertaken by the consent holder with the Trust on the development and implementation of the Dust Management Plan.

The Dust Management Plan shall be developed in general accordance with the recommendations in the Air Quality Assessment Report by AECOM submitted to the Council within the application and AEE – May 2017 (insert council reference).

Noise Management

10. The site shall only operate as follows:

- a. Enabling Works: Monday – Friday 7.30 am – 6pm
Saturdays 7.30 am – 2.00 pm.
No works Sundays and public holidays.
- b. General Works: Monday – Friday 7.00 am – 6pm
Saturdays 7.00 am – 2.30 pm.
No works Sundays and public holidays.

11. Noise from Enabling Works on Pegram Block shall comply with noise limits provided in NZS6803:1999 for "long term" work.

Enabling works – 70dB LAeq and 85dB LAmax between 7.30am to 6pm Monday to Friday and 7.30am to 2.00 pm Saturday and measured and assessed in accordance with NZS6803:1999.

12. Noise from the General Works on Pegram Block shall comply with Whangarei District Plan noise limits (except at any properties that have given written approval to exceed those noise limits).

General Works within ME3 Overlay – 55dB LAeq between 7.00am to 6.00pm Monday to Friday and 7.00 am to 2.30pm Saturday and measured and assessed in accordance with NZS6801 and 6802:2008.

General Works outside ME3 Overlay – 50dB L_{Aeq} between 7.00am to 6.00pm Monday to Friday and 7.00 am to 2.30pm Saturday and measured and assessed in accordance with NZS6801 and 6802:2008.

13. All vehicles including trucks operating within 200 metres of the site boundary adjoining properties in the Acacia Park, shall limit their speed to 20 km/hr or less.
14. Reversing alarms on all vehicles on Pegram Block shall be the broad band “hissing” type and not the high pitched pip unless the safety case precludes this substitution of devices.
15. All residents within 250 m of the Pegram Block shall be given notice at least 1 month prior to works commencing and shall be provided with the following minimum details:
 - a. Start and completion dates of the works;
 - b. The nature of the works;
 - c. Contact name for any queries or concerns regarding operations. The contact details shall also include a phone number and email address.
16. That noise monitoring be undertaken by the consent holder at a time within the first 6 weeks of the commencement of the Enabling or the General Works phase, and then at 3 monthly intervals for the duration of the Enabling Works or for an overburden campaign in the General Works phase.

Stockpiles of material

17. All stockpiles of topsoil material shall not exceed 3 metres in height and shall be setback at least 5 metres from any side boundary and shall be set back at least 20 metres from any watercourse.

Pre-start meetings

18. Prior to the commencement of any enabling works or an overburden campaign, the consent holder shall hold a pre-start meeting to facilitate the implementation of management plans. The meeting(s) shall:
 - a. Be located on the subject site;
 - b. Be scheduled not less than five working days before the anticipated commencement of any overburden placement works including any enabling works and stream works activity;
 - c. includes an invitation to Whangarei District Council officer[s];
 - d. includes representation from the contractors (if appropriate) who will undertake the works.

The meeting shall discuss measures and methodologies to be implemented to ensure compliance with the conditions of this consent and shall ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

The following information shall be made available by the Consent Holder at the pre-start meeting, as appropriate:

- Timeframes for key stages of any enabling works or an overburden campaign authorised under this consent number(s) [insert council references;]
- Overburden Management Plan;
- Dust Management Plan;

- Riparian Management Plan;
- Landscape Rehabilitation Plan.

Authority under S. 44(a) of Heritage New Zealand Pouhere Taonga Act 2014

19. Prior to the commencement of the overburden disposal works (including any enabling works and general works) an Authority must be applied for under Section 44(a) of the Heritage New Zealand Pouhere Taonga Act 2014 ('HNZPTA') and granted by Heritage NZ. The Authority should cover all proposed works in case additional unidentified subsurface remains are exposed during preparation works for overburden disposal works.
20. In the event of koiwi tangata (human remains) being uncovered, work should cease immediately in the vicinity of the remains and ~~tangata whenua~~, the Ruarangi Trust Board and the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors, Heritage NZ and the NZ Police should be contacted so that appropriate arrangements can be made.

Accidental discovery protocol

21. If any urupa, traditional sites, taonga (significant artefacts), koiwi (human remains) or other artefact material is discovered during vegetation clearance, overburden removal, or quarry activities, the consent holder shall adopt the following procedure:
 - a. work in the immediate vicinity of the sites that has been exposed shall cease;
 - b. the site supervisor shall immediately secure the site in a way that ensures that any remains or artefacts are untouched;
 - c. the site supervisor shall notify iwi representatives of the Ruarangi Trust Board and the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors, Heritage New Zealand, Northland Regional Council and Whangarei District Council.

The notification in (c) above shall allow the notified persons a reasonable time to record and, if necessary, recover archaeological or cultural features discovered before excavation work may recommence at the exposed site.

Accidental discovery protocol briefing

22. Prior to disturbance of vegetation or soil disturbance in new areas, the consent holder shall ensure that all site managers, operators, contractors and other relevant personnel receive a briefing and detailed explanation of the consent holder's obligations under the Accidental Discovery Protocols referred to in condition 30.

Pre-works notification of Ruarangi Trust Board

23. Prior to disturbance of vegetation or soil disturbance in new areas, the consent holder will notify iwi representatives of Ruarangi Trust Board of plans to commence disturbance of vegetation or soil disturbance in areas previously undisturbed by quarrying activities. Representatives will be invited for a site walkover prior to works commencing and will be provided with the opportunity to observe the removal of topsoil prior to the placement of overburden material.

Pre-works notification of Te Pouwhenua o Tiakiriri Kukupa Trust

24. a) Prior to the disturbance of vegetation or soil disturbance as part of any enabling works or in new areas of proposed overburden disposal on the site, the consent holder will notify

the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors, ('the Trust'), of the plans to commence disturbance of vegetation or soil disturbance in previously undisturbed areas.

- b) Prior to the removal of any topsoil required for the placement of overburden material, representatives of the Trust acting as cultural monitors in accordance with mātauranga Maori, shall be provided with the opportunity to attend a walk over of the site, and shall be provided with access to the site in order to observe the removal of all topsoil in order to undertake cultural monitoring.

Engagement and commitments to the Te Pouwhenua o Tiakiriri Kukupa Trust

25. At least annually, the consent holder shall extend an invitation to the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors, ('the Trust') to meet to discuss the works and activities authorised by this consent.

The consent holder shall extend an invitation to meet to the Trust, no less than 20 working days prior to the commencement of any intended commencement date of any enabling works or an overburden campaign authorised by this land use consent.

When these meetings take place, the consent holder shall take minutes of each meeting and distribute these minutes to the meeting attendees within 10 working days of the meeting. These minutes should be provided to the Whangarei District Council, upon a request from the Council.

26. The consent holder shall invite the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors, ('the Trust') to engage on the development and implementation of a 'monitoring programme based on mātauranga Maori.

The objective of the mātauranga Maori Monitoring programme is to provide for the monitoring of customary needs and values of the Trust, and shall as a minimum, seek to include:

- (i) Identification of key matters that the monitoring programme shall address in terms of mātauranga Maori;
- (ii) Identification of the role of the Trust in the implementation of the monitoring programme;
- (iii) The methodology, locations and frequency of the monitoring programme. The methodology may include the development of 'cultural indicators' and 'cultural health indices' for this monitoring programme;
- (iv) Reporting requirements to the Trust.

The consent holder shall provide opportunities for representatives of the Trust to implement the mātauranga Maori Monitoring programme, including through the implementation of the Riparian Management Plan (required by Condition x above), the Landscape Rehabilitation Plan (required by Condition x above) and the Dust Management Plan (required by Condition x) above.

Complaints register

27. The consent holder shall maintain and keep a complaints register for complaints regarding all aspects of the overburden disposal operations at the site related to the exercise of this consent received by the consent holder. The register shall record;

- The date time and duration of the event / incident that has resulted in a complaint;
- The location of the complainant when the event/ incident was detected (if possible specify the nature of the incident e.g. noise)
- The possible cause of the event/incident
- The weather conditions and wind direction at the site when the event/ incident allegedly occurred
- Any correction action undertaken by the consent holder in response to the complaint
- Any other relevant information.

The register shall be available to Whangarei District Council at all reasonable times.

Amendments to Section 7.2 – Tangata Whenua of AEE

This text replaces Section 7.2 Tangata Whenua (pages 56 to 57) of the Application for Land Use Consent and the Assessment of Environmental Effects, Otaika Quarry – Proposed Overburden Disposal Area, dated 1 June 2017.

Section 7.0 Consultation

Section 7.2 Tangata Whenua (updated 13 March 2017)

The proposal has been developed in consultation with the Ruarangi Trust Board and Te Pouwhenua o Tiakiriri Kukupa Trust / Te Parawhau ki Tai. Consultation commenced in May 2016 with a large number of meetings and site visits undertaken between various members of both trusts, Parawhau ki Tai and GBC Winstone representatives since this date.

Table 2 below summaries the key matters discussed at those meetings to date.

Date / Members of the Ruarangi Trust Board and/or Te Parawhau in attendance	Discussion points
19 May 2016 Marina Fletcher, Mira Norris, Benjamin Pittman, and Pari Walker	<ul style="list-style-type: none"> • Project overview proposal to place overburden in the Pegram block and the current planning framework • Discussion about the Ruarangi block and overview of its history • Discussion around the current zoning of the quarry and Ruarangi block
10 June 2016 Mira Norris, Selwyn Norris, Benjamin Pittman, Taipari Munro, Tony Munro, Opania George,	<ul style="list-style-type: none"> • Project update and discussion about council process • Update on the Pegram block proposal, planning and Ruarangi block • Ruarangi site visit: <ul style="list-style-type: none"> – Discussion about levelling and infilling of area in front of buildings (eastern side) Ruarangi trustees to meet and discuss proposed works
22 July 2016 Benjamin Pittman, Taipari Munro, Marina Fletcher,	<ul style="list-style-type: none"> • Brief discussion about Pegram block proposal, planning and Ruarangi block. –
28 October 2016	<ul style="list-style-type: none"> • Project update – discussed proposal to apply for resource consent under operative District Plan Rules

Mira Norris, Selwyn Norris, Benjamin Pittman, Taipari Munro, Tony Munro, Opania George	<ul style="list-style-type: none"> Presented draft landscape staging plans and visual simulations Discussed history around limestone caves in the area and cultural significance of these
17 November 2016 Benjamin Pittman, Taipari Munro, Marina Fletcher	<ul style="list-style-type: none"> Site walkover proceeding from north western corner, along northern boundary, finishing on the southern boundary by the farm sheds explained our understanding to date regarding the underlying geology and technical studies underway to confirm this
10 February 2017 Benjamin Pittman, Mira Norris, Selwyn Norris, Marina Fletcher	<ul style="list-style-type: none"> Engineering Geologist provided an overview of the project description, explaining how each phase will be developed and built; Presentation of the visual simulations and plan to show what the proposal will look like from different locations overtime; Engineering Geologist ran through the geotech, hydrology and ground water tech reports – explaining our understanding of why the limestone caves to the north do not extend under the Pegram block. Presentation of the remaining tech reports (ecology, noise and air quality)
27 February 2017 Marina Fletcher	<ul style="list-style-type: none"> Discussed the preparation of Management of Plan for the Ruarangi block, Discussed potential consent conditions & CIA
27 July 2017 Mira Norris & Selwyn Norris	<ul style="list-style-type: none"> Project update, council process, timing and design changes to the proposal
30 August 2017 Pari Walker, Selwyn Norris, Mira Norris, Opania George, Jonah Nathan, Taipari Munro, Tony Munro	<ul style="list-style-type: none"> Review of technical reports Sarah Pear from Clough Associates presented the archaeology assessment Cameron Line from Tonkin and Taylor presented the geotech & hydrology assessments
31 October 2017 Pari Walker, Selwyn Norris, Mira Norris, Taipari Munro, Tony Munro, Marina Fletcher	<ul style="list-style-type: none"> Reviewed existing MoU between Ruarangi Trust & GBC Winstone Discussed drafting of a new Relationship Agreement to replace existing MoU
1 December 2017 Benjamin Pittman, Pari Walker, Selwyn Norris, Mira Norris, Opania George, Jonah Nathan, Margi Kay, Tapa George, Marina Fletcher	<ul style="list-style-type: none"> Company overview Otaika Quarry & Pegram block proposal Drafting of a new Relationship Agreement between Te Pouwhenua o Tiakiriri Kukupa Trust & GBC Winstone
12 December 2017 Taipari Munro	<ul style="list-style-type: none"> Hui with Taipari Munro (in capacity of Chairman) to further explore proposed Relationship Agreement between Ruarangi Trust and GBC Winstone (replacing the existing MoU). GBC Winstone's proposed Relationship Agreement tabled.

	<ul style="list-style-type: none"> • Discussion of significance of the Ruarangi block and surrounding lands. and concerns regarding proposal – landscape change, geology, hydrology and air quality. • Further project based discussion: • Process (application currently on-hold); • Hydrology, geotech & air quality concerns;
17 January 2017 Taipari Munro	<ul style="list-style-type: none"> • Overview of GBC Winstone business activities (Ian Jones – General Manager GBC Winstone); • Otaika Quarry – Pegram Proposal; • GBC Winstone/Ruarangi Trust draft relationship agreement; • General Business
19 January 2017 Benjamin Pittman, Pari Walker, Selwyn Norris, Mira Norris, Opania George, Margi Kay, Tapa George, Marina Fletcher, Joy Panoho, Peter Anderson	<ul style="list-style-type: none"> • Final review and discussion re new Relationship Agreement between Te Pouwhenua o Tiakiriri Kukupa Trust & GBC Winstone.
19 February Benjamin Pittman, Pari Walker, Selwyn Norris, Mira Norris, Opania George, Tapa George, Marina Fletcher, Peter Anderson	<ul style="list-style-type: none"> • New Relationship Agreement between Te Pouwhenua o Tiakiriri kukupa Trust and GBC Winstone - Formal signing ceremony
28 February Taipari Munro	<ul style="list-style-type: none"> • Hui with Taipari (in capacity of Chairman) to further explore proposed Relationship & Partnership Agreements. • Project update
28 February Benjamin Pittman, Pari Walker, Selwyn Norris, Mira Norris,	<ul style="list-style-type: none"> • Meeting to discuss proposed partnership agreement and Management Plan

Discussions with Ruarangi Trust Board are ongoing. GBC Winstone has recently tabled a Draft Relationship and Partnership Agreement with the Trust for their consideration. GBC Winstone will seek to continue to engage with the Trust.

The Company has entered into a Partnership Agreement with Te Pouwhenua o Tiakiriri Kukupa Trust & GBC Winstone. Hauauru Trust have prepared a Cultural Impact Assessment on behalf of Parawhau ki Tai (see appended – Otaika Quarry, Proposed Overburden Disposal Area, - Cultural Report, Assessment of Effects on Maori Values, Prepared by Marina Fletcher, Hauauru Trust, 12 March 2018).

Assessment of relevant provisions in Proposed Plan Changes to the Whangarei District Plan (as at 13 March 2018)

The relevant provisions in the Proposed Plan Changes to the Whangarei District Plan (Council's Decisions, January 2018) are set out below. At the time of the preparing this document, the period for the lodgement of appeals had closed and the notices of appeal had recently been posted on the Whangarei District Council website. An assessment of the provisions that had been appealed has been undertaken, based on the information available.

Based on information available at this time, the provisions known to be appealed are identified in 'Italics' below. It is considered the appealed objectives and policies should be given no weight in any s.104 assessment of the application, and therefore these provisions have not been assessed.

Proposed Plan Change 102 – MINERALS (Council Decisions Version January 2018, Hearings Panel Recommended PC102 WDP Text – 23 November 2017)		
Chapter MIN 1	Minerals	
MIN 1.2 Objective 1	Whangarei's mineral resources are efficiently and effectively managed recognising the social and economic benefits of such resources, while ensuring adverse effects are associated with mineral extraction are avoided, remedied or mitigated.	<p>The proposed overburden disposal on the Pegram block will provide for the social and economic benefits of the Whangarei district. This is supported by the economic assessment provided by Mike Copeland, Economic Assessment of Overburden Disposal on Pegram Block, Brown, Copeland & Co Ltd dated 12 March 2018.</p> <p>GBC Winstone has undertaken a range of technical assessments and has been provided with an assessment of Maori Values prepared by Hauauru Trust. It is considered that measures have been put in place, to ensure adverse effects arising from the overburden placement will be avoided, managed or mitigated.</p>
MIN 1.2 Objective 2	Mineral extraction activities are enabled within identified Quarry Resource Areas;	<p>The proposed placement of overburden on the Pegram block is encompassed within the definition of 'mineral extraction activities' under the Plan. A part of the overburden disposal is within an identified Quarry Resource Area, where mineral extraction activities are to be enabled.</p>
MIN 1.2 Objective 3	Exploration, extraction and processing of minerals avoids, remedies or mitigates any adverse effects on the environment and community.	<p>It could be considered that the proposed placement of overburden on the Pegram block, is neither exploration, extraction or processing. GBC Winstone has undertaken a range of technical assessments and has been provided with an Assessment of Maori Values prepared by Hauauru Trust. It is considered that measures have been put in place, to ensure adverse effects on the environment and community from the overburden placement will be avoided, managed or mitigated.</p>

MIN 1.2 Objective 4	Exploration, extraction and processing of minerals avoids, remedies or mitigates any adverse effect on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu, and other taonga.	It could be considered that the proposed placement of overburden on the Pegram block, is neither exploration, extraction or processing. However, identified adverse effects on the relationship of the tangata whenua holding mana whenua over the site their ancestral lands, sites, water, waahi tapu, and other taonga, has been mitigated such that Te Pouwhenua o Tiakiriri Kukupa Trust are satisfied any cultural effects are appropriately mitigated as reported in the Cultural Report – Assessment of Maori Values prepared by Hauauru Trust. Further GBC Winstone has consulted with the Ruarangi Trust and sought to mitigate cultural concerns raised.
<i>MIN 1.2 Objective 5</i>	<i>New subdivision, use and development of land does not compromise existing safe and efficient mineral extraction and does not unduly constrain potential access to and development of, nationally and regionally significant mineral resources.</i>	Provision appealed.
MIN 1.3 Policy 1	To identify and provide for nationally and regionally significant mineral resources (where extraction rates are known) by mapping Quarrying Resource Areas and applying provisions to facilitate mineral extraction activities.	The Otaika quarry aggregate resource satisfies the criteria to be recognised as a regionally significant mineral resource (as set out in Policy 5.1.4 of the Regional Policy Statement for Northland. Part of the footprint of the proposed overburden disposal area is located within a Quarry Resource Area identified in Plan Change 102.
MIN 1.3 Policy 3	To avoid, remedy or mitigate the adverse effects of exploration, extraction and processing of minerals on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga by requiring a cultural impact assessment, for all resource consent applications for mineral extraction.	A cultural impact assessment entitled Cultural Report – Assessment of Effects on Maori Values has been prepared by the Hauauru Trust (March 2018) and submitted to Council. The report determines appropriate ways to avoid, remedy or mitigate any potential adverse effects the proposal may have on the values of Te Pouwhenua o Tiakiriri Kukupa Trust.
MIN 1.3 Policy 4	To avoid adverse effects on significant areas by avoiding mineral extraction within identified Sites of Significance to Maori.	No Sites of Significance to Maori as identified in the District Plan are located on the Pegram block.
MIN 1.3 Policy 6	To rehabilitate sites used for mineral exploration and extraction to enable the land to be used for other activities.	GBC Winstone proposes to progressively rehabilitate the site after successive campaigns of overburden disposal and progressively restore the land for pastoral grazing.
MIN 1.3 Policy 9	To avoid significant adverse effects, other than those which are transitory, from mineral extraction activities on the characteristics and qualities of Outstanding Natural Features and Outstanding Natural Landscapes which are outside the Coastal Area.	There are no Outstanding Natural Features and Outstanding Natural Landscapes identified in the Plan including within Plan Change 114 – Landscapes on the site or in close proximity to the proposed placement of overburden on the Pegram block.
<i>MIN 1.3 Policy 10</i>	<i>To require proposals for new mineral extraction activities to provide adequate information on the establishment and operation of the activity, including:</i> <i>a) the size and scale of exploration, extraction or processing activities and the expected length of operations of the extraction site;</i>	Provision appealed.

- b) *the design and layout of the site, access roads, and supporting facilities;*
- c) *that adequate measures will be used to:*
 - (I) *Manage noise vibration, dust and lighting to maintain amenity values of the surrounding land uses particularly after daylight hours,*
 - (II) *Manage adverse effects on the surrounding road network and maintain safety to all road users particularly measures relating to heavy vehicles entering or exiting the site;*
 - (III) *Avoid remedy or mitigate adverse effects on the natural environment including watercourses within extraction site and the effects from the site into the neighbouring environment*
 - (IV) *Maintain land stability and prevent the exacerbation of existing natural hazards;*
 - (V) *Mitigate adverse effects on visual and landscape values and*
 - (VI) *Protect the values of identified historic heritage; and*
 - (VII) *Maintain the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga.*
- d) *Options anticipated for the rehabilitation of the site either by a staged process or at the end of the economic life of the quarry having regard to the expected life of the mineral extraction site.*

QRA	Quarry Extraction Areas	
QRA-1.2 Objective 1	Mineral extraction activities including the processing in the QRAs are enabled.	<p>The placement of overburden is encompassed within the definition of 'mineral extraction activities' in the Plan.</p> <p>Part of the footprint of the proposed placement of overburden is within a Quarry Resource Area identified in Plan Change 102</p>
QRA 1.2 Objective 2	The adverse effects of mineral extraction activities in the QRAs are avoided, remedied or mitigated.	<p>GBC Winstone has undertaken a range of technical assessments and has been provided with an Assessment of Maori Values prepared by Hauauru Trust. It is considered that measures have been put in place, to ensure adverse effects on the environment, the community and tangata whenua from the proposed overburden placement (including within the QRA) will be avoided, managed or mitigated.</p>

QRA-1.3 Policy 1	To provide for the continued mineral extraction in the QRA Mining Area and Buffer Area.	The proposed placement of overburden is encompassed within the definition of 'mineral extraction activities' in the Plan – and in part is proposed to be located within the Buffer Area of a QRA (Quarry Resource Area) identified in Plan Change 102.
QRA-1.3 Policy 3	<i>To identify a Buffer Area within a QRA</i> a) <i>Ensure that reverse sensitivity effects are avoided on the Mining Area;</i> b) <i>Ensure that noise effects associated with the Mining Area of the QRA do not create adverse effects beyond the Buffer Area</i> c) <i>Maintain a separation between incompatible land uses by limiting mineral extraction in the buffer area to ensure that adverse effects on adjoining land uses, particularly existing sensitive land uses are first avoided, and otherwise remedied or mitigated.</i>	Provision appealed
QRA-1.3 Policy 5	To avoid, remedy or mitigate the adverse effects of mineral extraction within QRAs, on the ecological, landscape, historic heritage and amenity values of surrounding areas.	The footprint of the proposed placement of overburden is located in part, within the Buffer Area of a Quarry Resource Area in Plan Change 102. Any identified adverse effects on ecological, landscape, historic heritage and amenity values of surrounding areas are either avoided or minimised, such that expert technical assessments and the assessment of Maori Values have confirmed that no significant adverse effects will occur on any adjoining residential land uses.
QRA-1.3 Policy 6	To avoid, remedy or mitigate adverse visual impacts from QRAs on significant landscapes, significant natural areas and significant natural features by applying the district wide provisions.	There are no significant landscapes, significant natural areas and significant natural features identified in the Plan including within Proposed Plan Change 114 – Landscapes on the site. Further the assessment of effects on landscape and visual amenity undertaken by Boffa Miskell (contained in Appendix 8 of the AEE, and the Memorandum from Boyden Evans, Boffa Miskell, to Ian Wallace, GBC Winstone regarding landscape and visual impact assessment on Ruarangi block, dated 9 March 2018) consider that there will be no adverse effects on the values of the Notable Landscapes identified on land in wider proximity to the site.
QRA-1.3 Policy 7	To provide for the height requirements of mineral extraction activities, such as overburden placement and buildings such as silos, while mitigating the potential adverse effects by requiring setbacks and considering screening and topography in site design.	Setbacks, screening and topography in site design are all measures that have been adopted as part of the design phase of the proposed overburden placement on the Pegram block, in order to mitigate landscape and visual amenity effects. These measures are discussed in the assessment of effects on landscape and visual amenity undertaken by Boffa Miskell (contained in Appendix 8 of the AEE.
QRA-1.3 Policy 8	To avoid compromising the safety and efficiency of the roading network by limiting traffic movements on minor roads associated with QRAs and by providing for traffic controls and forming or upgrading roads in the vicinity of the QRA where necessary.	All access will be on internal quarry roads, and the proposal will not compromise the safety and efficiency of the public roading network.

Proposed Plan Change 85– RURAL**(Council Decisions Version January 2018, Hearings Panel Recommended PC102 WDP Text – 23 November 2017)**

RA 1.2 Objective 1	<i>Provide for the differing rural character and amenity values by having a range of rural Environments with differing expectations.</i>	Provision appealed
RA 1.2 Objective 2	<i>Protect the long term viability of the productive functions of rural land in a manner that delivers economic benefit and sustains the environment.</i>	Provision appealed
RA 1.2 Objective 3	<i>Provide for the protection of significant ecological and biodiversity values such as indigenous vegetation.</i>	Provision appealed
RA 1.2 Objective 4	<i>Provide for a range of appropriate land uses in the Rural Area including rural protection activities, residential, rural residential, rural lifestyle, commercial, industrial and mineral extraction activities in appropriate areas.</i>	Provision appealed
RA 1.2 Objective 7	<i>Avoid development in hazard prone areas and consider remediation or mitigation if proposals have production or other recognised benefits</i>	Provision appealed
RA 1.2 Objective 8	<i>Protect the range of amenity values and characteristics in the Rural Area.</i>	Provision appealed
RA 1.3 Policy 1	<i>To manage effects on rural character and amenity values, by providing for a range of rural Environments with differing expectations.</i>	Provision appealed
RA 1.3 Policy 2	<i>To protect highly versatile soils from activities which would materially reduce the potential for soil-based rural production activities.</i>	Provision appealed
RA 1.3 Policy 3	<i>To identify areas as RCE to provide for, the protection of productive rural land resources to enable a diverse range of rural production activities, activities that support rural production activities and rural communities and to maintain biodiversity and rural character where:</i> <ul style="list-style-type: none"> a) <i>There is a prevalence of</i> <ul style="list-style-type: none"> i) <i>Existing production land uses;</i> ii) <i>Significant ecological and biodiversity values such as indigenous bush and wetlands;</i> b) <i>Larger parcels are prevalent and the area is not compromised by significant clusters of rural living development;</i> c) <i>An area is not:</i> <ul style="list-style-type: none"> i) <i>Located on the fringe of Whangarei City between</i> 	Provision appealed

	<p>the urban and rural environments;</p> <p>ii) Suitable to provide for the future reticulated expansion of the Whangarei City Living Environments.</p> <p>d) The criteria for the RUEE and the RLE are not met.</p>	
RA 1.3 Policy 9	To ensure that the scale and nature of new land use activities in the Rural Area is consistent with the existing level of amenity of the relevant Environment.	Provision appealed
RA 1.3 Policy 10	To consider the extent to which proposed land use and subdivision activities in the Rural Area achieve the stated Expectations for the relevant Environment	Provision appealed
RA 1.3 Policy 11	To manage the establishment and location of new-activities in the Rural Area to avoid conflicts between incompatible land uses	Provision appealed
RA 1.3 Policy 12	To avoid adverse effects on the sustainable provision of infrastructure by ensuring that all subdivision and land use designs and necessary physical works in the Rural Area are undertaken in accordance with Whangarei District Council's Environmental Engineering Standards 2010	Provision appealed
RA 1.3 Policy 13	To manage the effects of stormwater runoff by utilising the principles of low impact design and ensuring that additional stormwater flows arising from the proposed development in the Rural Area are managed so that they will not result in any increase in peak discharge rates.	Provision appealed

**Proposed Plan Change 85A– RURAL COUNTRYSIDE ENVIRONMENT
(Council Decisions Version January 2018, Hearings Panel Recommended PC102 WDP Text – 23 November 2017)**

RCE 1.2 Objective 1	Identify and protect productive rural land resources for a diverse range of rural production activities.	Provision appealed
RCE 1.2 Objective 2	Enable a wide range of rural production activities and provide for commercial and industrial activities that support rural production activities and/or rural communities including recreation and tourist based activities to establish and operate in the RCE to contribute to the District's economy.	Provision appealed

RCE 1.2 Objective 3	<i>Recognise, maintain and where appropriate protect the rural character and amenity of the RCE.</i>	Provision appealed
RCE 1.3 Policy 5	<i>To maintain rural amenity and character by ensuring that all new buildings and rural land uses</i> <ul style="list-style-type: none">a) <i>Are of a scale and character appropriate to the RCE;</i>b) <i>Are sited in a location sufficiently setback from site boundaries to enable privacy, the retention of openness and access to sunlight and</i>c) <i>Avoid ribbon development.</i>	Provision appealed
