

Statement on behalf of the Roy Wetini Whaanau Trust

Introduction

1. My full name is Teina Melissa Malone. My maiden name is Wetini and I am the daughter of Roy Wetini and one of the trustees for the Roy Wetini Whaanau Trust. I prepared the submission lodged on behalf of our whaanau.
2. I have a Bachelor of Social Sciences with honours in Resources and Environmental Planning and Postgraduate Diploma in Resources and Environmental Planning. I have approximately 17 years postgraduate experience which includes experience at territorial authorities within New Zealand as both a contractor and employee, Borough Councils in the United Kingdom and working as a planning consultant within the private sector in New Zealand.
3. While I have the qualifications and experience to present expert planning evidence, I am not appearing in the capacity of an expert witness at this hearing panel due to my personal connection as a trustee of the Roy Wetini Whaanau Trust and the real or perceived conflict of interest that I understand this may create.
4. My role at this hearing today is to provide a statement on behalf of the Roy Wetini Whaanau Trust.
5. I do not intend to repeat our full submission and instead intend to include:
 - a brief description of land administered by the Roy Wetini Whaanau Trust.
 - Comment on those parts of the S42A report that are relevant to our submission.
 - Comment on the submission and evidence presented by Taharoa Ironsands Limited as this is relevant to our further submission.
 - Our request to the commissioners.

Roy Wetini Whaanau Land

6. Wetini whaanau land is comprised of approximately 90 ha of land made up of 9 separate parcels all of which are classified as Maaori Land. At the time our submission was lodged in July 2023, Wetini whaanau land was in the name of Roy Wetini being my father who is here today. Since this time, the Roy Wetini Whaanau Trust was established. The Trust is now the administering body for this land.
7. All land parcels are located within the General Rural Zone under the Proposed Waitomo District Plan (**see figure 1**).

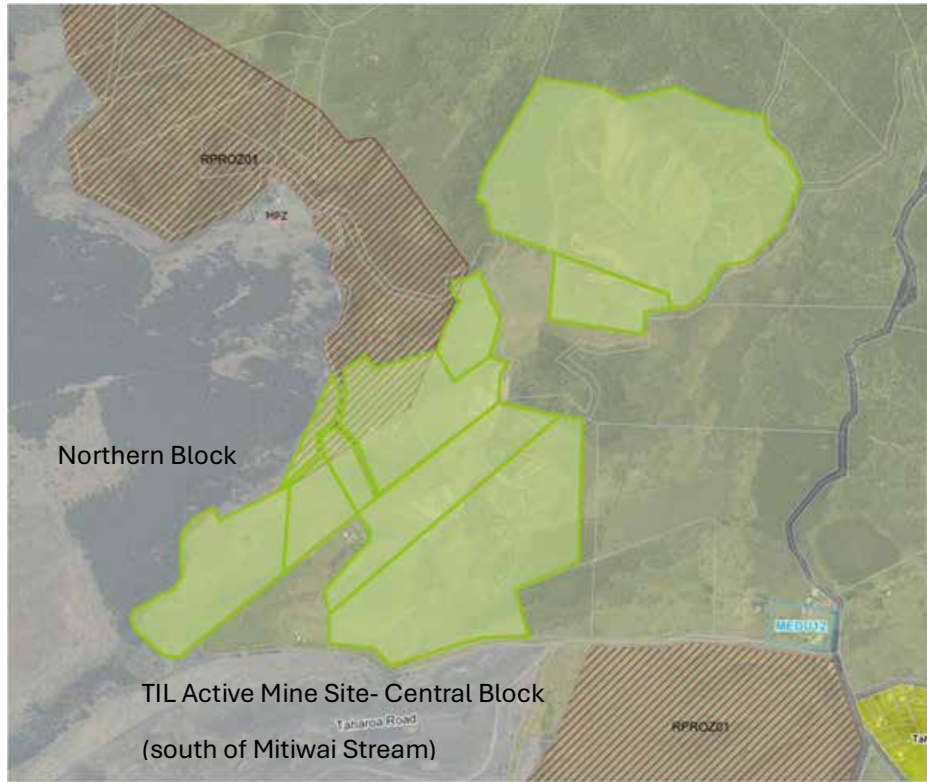


Figure 1: Wetini whaanau land (highlighted green)

8. Four of these land parcels are located within the Indicative Rural Production Overlay of the Proposed Waitomo District Plan as identified in our submission (Taharoa A1C7C Blk, A1C16J2, Taharoa A1C15A Blk XVI Albatross SD and A1C12 Blk XVI Albatross SD- see figure 1).
9. The land is currently utilised for dry stock farming and contains wetland areas and native bush. The Mitiwai Stream runs to the north of and in some parts within the boundaries and down towards the southern part of Taharoa A1C7C before heading to the west towards the coast.
10. Our house is located within land legally described as Taharoa A1C7A which is sited in close proximity to the urupaa contained within a separate legal parcel (see **figure 2**). A dwelling occupied by our whaanau members was located at this site prior to the establishment of the mining operations in Tahaaroa.



Figure 2: Location of existing dwelling and urupaa

11. Land administered by the Roy Wetini Whanau Trust adjoins Taharoa C Block to the south, west and north. This land is leased by Taharoa Ironsands Limited for the purpose of mineral extraction operations. Land to the south adjoins the Central Block which is subject to an existing (expired) consent which is currently going through the resource consent process and that to the west and north is known as the Northern Block which TIL does not hold existing consents for although as noted in Mr Eccles evidence TIL has lodged a consent to mine Pit-1 and intends to apply for consents to mine the wider block also.
12. Taharoa C Block is located in the Rural Productive Zone within the Proposed Waitomo District Plan.

Indicative Rural Production Area Notation

11. Paragraph 38 of the S42A report prepared by Ms O'Callaghan sets out the pre-conditions for identifying land to be included within the Indicative Rural Production Area.
12. These pre-conditions include:
 - *Indicative zoning only applies to extensions of quarries that are currently being worked and you must demonstrate you own the land or have an agreed lease in place.*
 - *There must be plans to work the indicative area over the lifetime of the district plan (10-15 years).*
12. We can confirm that the area of Wetini whaanau land identified as being within the indicative rural production area (see **figure 1**) does not meet these pre-conditions.

13. This land is in the name of the Roy Wetini Whaanau Trust and is not owned or leased by Taharoa Ironsands Limited. We can confirm that there are no plans to work this area within the next 10-15 years.
14. As expressed in our submission, we were never consulted in regard to the inclusion of this land within the indicative rural production area and we are opposed to the inclusion of this land within the notation.
15. We request that the indicative rural production area is removed from these four parcels of land.
16. In addition, given the recommendations within the 42A report, we consider it would be appropriate that the indicative rural production area notation is removed from all other land parcels where it has not demonstrated that the pre-conditions will be met and where evidence of consultation with affected parties has not been provided.

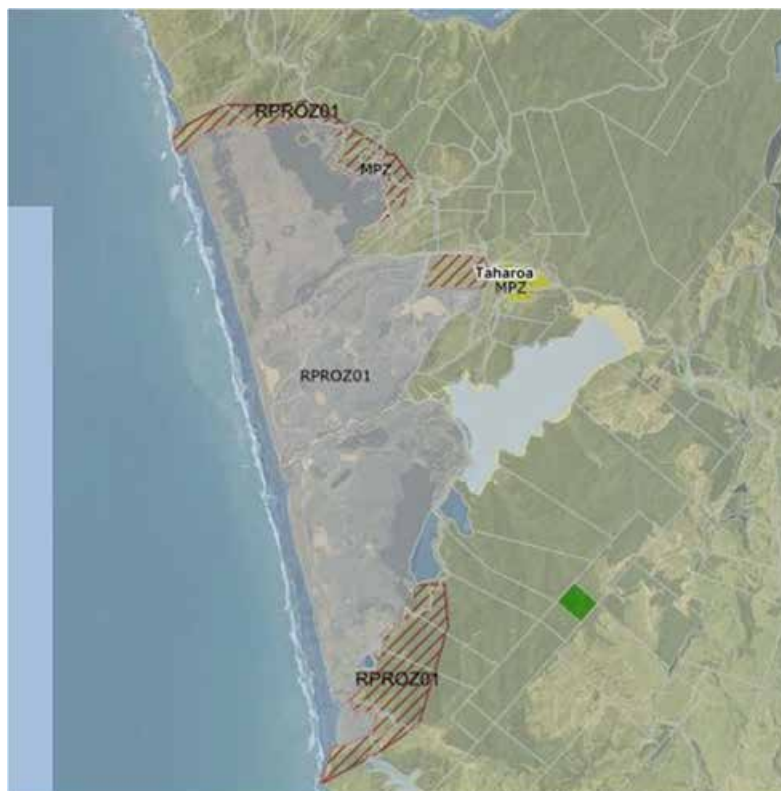


Figure 3: Proposed Indicative Rural Production Area Notation

17. Mr Eccles has requested in his further evidence that objective RPROZ-02 is amended to have regard to the intent of the indicative rural production area notation when considering resource consent applications on land affected by that location.
18. As already expressed, we are opposed to the inclusion of the indicative rural productive overlay except where consultation has been undertaken with affected parties inclusive of mana whenua and evidence has been provided by TIL to confirm the pre-conditions listed in the S42 report will be met. We understand from reading the 42A report that the notation does not pre-empt any decision on a resource consent application or Plan change. This seems appropriate given no assessment of effects has been undertaken in regard to a change of land use within these areas. As

we have noted in our submission, we are opposed to provide greater weight to the indicative rural production area notation particularly where consultation has not been undertaken with affected parties and evidence of meeting pre-conditions has not been provided.

Rezoning of Te Mania Block

19. Part Taharoa A7J2 was included within the Rural Zone and Indicative Rural Productive Overlay in the Proposed Plan as notified.
20. TIL have requested to rezone this parcel of land from General Rural to Rural Productive (see extent of Te Mania Block in figure 5 below).

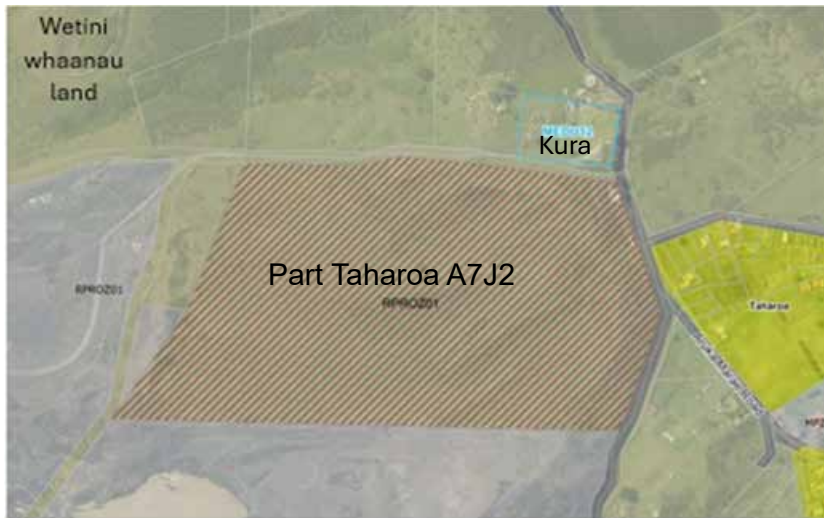


Figure 4: Extent of Te Mania Block which TIL is seeking to rezone from General Rural to Rural Productive

21. While the site is subject to an existing resource consent, as outlined in our submission and confirmed in the evidence of Mr Eccles, this covers only a portion of the site located within the south-west corner (see figure 5).



Figure 5: Extent of Existing Resource Consent

22. The consent is subject to a number of conditions designed to mitigate the range of effects from mineral extraction works including that the site is to be rehabilitated back to a state that facilitates pastoral farming of the site. The long-term land use anticipated within the site is currently rural.
23. Te Mania Block is located in close proximity to a number of sensitive activities including Tahaaroa village to the east and the kura to the north. By limiting the activity to within the south-western corner of the site this creates a setback of approximately 250m from activities to the north and 370m to the east (see **figure 5**).
24. A change to the zone of the wider site from Rural to Rural Productive would be a change to the long-term anticipated use of the wider site the majority of which is not subject to an existing consent to provide for mineral extraction activities.
25. The assessment of effects prepared to support the consent for Te Mania extension addressed only those effects anticipated from mining within that area indicated in **figure 5** above. Supporting assessments i.e. acoustic report, air quality report assessed the effects of works within this defined area only.
26. The consent did not address the effects of a long-term change in the use of land from rural to rural productive within the defined area or the wider site.
27. While it is acknowledged that resource consent would still be required from the Waikato Regional Council to undertake land disturbance activities within Te Mania Block (or a change to conditions to extend the area), matters considered would be limited to those relevant for consideration by a regional council and would not encompass those effects considered by a territorial authority including noise, lighting and visual amenity.
28. In addition to increased effects on sensitive activities surrounding Te Mania Block, rezoning from Rural to Rural Productive would impose significant restrictions on the use and development of adjoining land within the Rural Zone as Rule GRUZ-42 would become applicable and a 250-metre setback would be required for all new dwellings from the boundary of the Rural Productive boundary.
29. This would affect land parcels to the north, east and west of the site. Wetini whaanau land would be impacted on albeit to a lesser degree than those immediately adjoining and across the road from Te Mania Block (Taharoa A1C7A). The majority of this land is classified as Maaori land (see **figure 5**).
30. No evidence of consultation inclusive with affected parties/ mana whenua has been provided by TIL to support the rezoning of Te Mania Block. While within 250 metres of Te Mania Block, we can confirm that we were not consulted in regard to the proposed rezoning of this land.
31. Overall, we remain opposed to the rezoning of Te Mania from Rural to Rural Productive and we consider there is significant risk in acting to apply the RPROZ zoning to Te Mania Block. The evidence provided by TIL does not contain a sufficient level of detail that corresponds to the scale and significance of the environmental or social effects that are anticipated from the rezoning. The evidence provided by TIL does not address cultural effects in any level of detail. No evidence of consultation with affected parties or mana whenua has been provided to support the rezoning of Te Mania Block.

32. We request that instead the indicative rural production area notation is applied to that part of Te Mania Block where evidence has been provided that the pre-conditions as outlined in the 42A report can be met.

Rezoning of Pihopa Block

33. We are supportive of the conclusions and recommendations made within the 42A report in regard to the Pihopa Block.
34. Based on the evidence of Mr Eccles we understand that TIL no longer wishes to pursue its submission point in terms of rezoning of the Pihopa Block from Rural to RPROZ so we will provide no further comment in regard to the Pihopa Block.

Rezoning of Eastern Block

35. As noted in our submission, the Waitomo District Council proposes to rezone the Eastern Block from Rural to Rural Productive. We remain opposed to the rezoning of these two land parcels.
36. As is the case for all rezoning we agree with the stance that Ms O'Callaghan has taken in the 42A report that it would be contrary to the principles of natural justice to rezone significant areas of land without detailed information about the site and recourse of the views of neighbouring landowners regarding that information. This should apply whether it is the Waitomo District Council or another party proposing to rezone land.
37. We have requested confirmation from the Waitomo District Council as to whether a S32 analysis was undertaken in regard to the rezoning of the Eastern Block. We have not received a response, and this is not addressed within the S42A report prepared by Ms O'Callaghan. Based on paragraph 40 of Mr Eccle's statement it seems that as mining on the Eastern Block was underway when the PWDP was notified, the Waitomo District Council included the Eastern Block within the Rural Production Zone.
38. As mentioned, a change of zoning from Rural to Rural Productive impacts directly on the ability of landowners/ kaitiaki of adjoining parcels of land as Rule GRUZ-R42 becomes applicable and dwellings within these parcels would be required to comply with a minimum setback of 250m from the Eastern Block. As some of the adjoining land parcels have a width of less than 250 metres, it would not be possible to build a dwelling on these parcels without resource consent. Matters of discretion under this rule are limited to reverse sensitivity issues which consider only the impacts of granting the consent on the mining operations.
39. As can be seen in **figure 5**, the Eastern Block adjoins Maaori land to the east and south. The Waitomo District Council has not provided any evidence of consultation with affected parties inclusive of mana whenua in regard to the rezoning of these two parcels of land.
40. In addition to introducing onerous restrictions on the use and development of adjoining rural parcels, a change of zoning indicates the long term anticipated land use for the site. It would only be necessary to rezone should it be anticipated that mining operations are to continue within these land parcels throughout the life of the Proposed Waitomo District Plan.

41. As indicated within the map contained within Mr Eccles evidence, the mining phase of work within the Eastern Block has been completed and the land is currently being rehabilitated (see **figure 6** below). Given this, we fail to see the justification behind rezoning the Eastern Block from Rural to Rural Productive particularly given the onerous restrictions the rezoning would place on those adjoining the site.

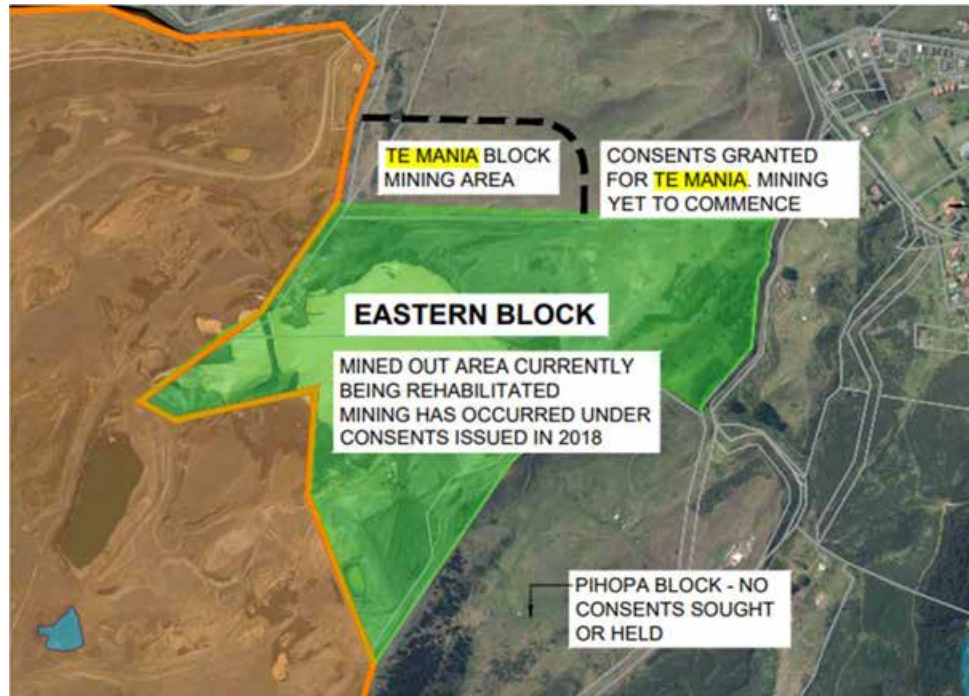


Figure 6: Eastern Block- area within which mining is complete

Impact of the Proposed District Plan (objectives, policies and rules) on our ability to connect to our ancestral lands

42. We have expressed our concern in our submission in regard to the Waitomo District Plan prioritising Regionally Significant Industry above the needs of mana whenua.
43. The Plan identifies areas of land within the Maaori Purpose Zone to provide for the social, cultural, environmental and economic needs of mana whenua and seeks to enable reconnection with sites of ancestral importance to mana whenua. Within Tahaaroa the MPZ includes Te Kooraha (approx. 1.9ha) and Aaruka Marae (approx. 1h).
44. The Plan fails to recognise that there are significant areas of Maaori land within other zones of the Plan including the Rural Zone (see **figure 7**).



Figure 7: Taharoa C Block and surrounding Maori land

45. The Proposed Plan not only fails to provide for the social, cultural, environmental and economic needs of mana whenua in terms of enabling uses on Maaori land that would meet these needs, but the Plan imposes onerous restrictions on the use and development of this land where this adjoins the Rural Productive Zone. This is an example of how the Proposed Plan in its current form prioritises Regionally Significant Infrastructure above the needs of mana whenua.
46. As has been highlighted in the S42A report, Rule GRUZ-R42 would require a minimum setback of 250m from the Rural Productive Zone for a building housing a residential activity. No such restriction exists within the Operative Waitomo District Plan.
47. Under this rule all matters of discretion relate to reverse sensitivity issues. No consideration is given to the ability for mana whenua to continue to connect to our ancestral land.
48. This setback applies to all land adjoining Taharoa C Block and as already addressed, land adjoining the Eastern Block.
49. In terms of the specific effects on the Roy Wetini Whaanau Trust, the inclusion of this rule will impact significantly on our ability to use and develop the land that we are kaitiaki for.
50. **Figure 8** below, shows the approximate area of Wetini whaanau land within 250 metres of the Rural Productive Zone. This affects eight parcels of land (in 7 titles) and covers an area of approximately 29 ha. The effect of this proposed rule is that we will not be able to locate any future dwellings within this area.



Figure 8: Wetini whaanau land within 250m setback from Rural Production Zone

51. As indicated in **figure 1**, the existing dwelling is located within Taharoa A1C7A in close proximity to the urupaa which we are the caretakers/ kaitiaki for. Were any future dwellings to be erected this would be for the purpose of bringing whaanau back to their turangawaewae and any dwelling would be located within close proximity to the existing dwelling.
52. This rule would impact on this entire parcel of land meaning under the Proposed Plan we could no longer build a dwelling within this area.
53. Despite the onerous restrictions that Rule GRUZ-R42 will impose on us, as confirmed within our submission, the only notification letter sent to us (but not received) was generic and contained no details in regard to the significant impact the introduction of this rule would have on us.
54. In terms of the wider impacts on mana whenua adjoining the mine site, due to the large area of land within the Rural Production Zone which encompasses the whole of Tahaaroa C Block and the Eastern Block, numerous land parcels are affected by this rule (see **figure 9 below**) the majority of which is Maaori freehold (see **figure 7**).

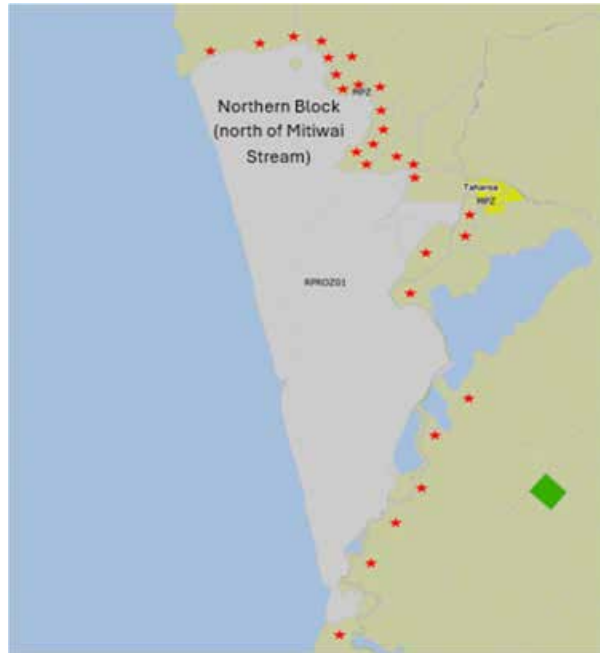


Figure 9: Land parcels within 250m setback of Rural Production Zone

55. Some of these adjoining land parcels are less than 250m in width and therefore mana whenua will no longer be able to place a dwelling on these land parcels without first obtaining resource consent. As mentioned, should they choose to apply for resource consent, matters of discretion are limited to reverse sensitivity issues and no consideration is given to the ability for mana whenua to continue to connect to their ancestral lands.
56. Given the significant restrictions this rule will place on those adjoining the mine site and numerous parcels of land affected by this rule, the Waitomo District Council should have consulted with all affected parties.
57. This rule has been included within the Proposed Plan to protect existing lawfully established activities from reverse sensitivity effects. As outlined in the evidence of Mr Eccles, Taharoa Ironsands Limited does not hold resource consent to mine the Northern Block. Given this activity is not lawfully established on this land and no consents are currently held for the mining of this land, those onerous limitations under Rule GRUZ-R42 should not be applicable for adjoining land. There is currently no lawfully established mining operation within the Northern Block to protect.
58. Members of our whaanau occupied this site prior to the mining being established in Tahaaroa in the 1970s. If it is anticipated that a setback of 250 metres is required between sensitive activities and the mining operations, it should be a setback that is placed on Taharoa C Block land rather than the adjoining ancestral lands of mana whenua. The inclusion of this rule is an example of how the Plan as Proposed has prioritised regionally significant infrastructure above the needs of mana whenua.
59. While we did not lodge a submission in relation to Rule GRUZ-R42, we can confirm that this is not due to lack of concern but because we were not consulted and as such we were unaware of the implications the Proposed Plan would have on us.

60. We are opposed to Rule GRUZ-R42 being imposed on Maaori land due to the unfair and unnecessary restrictions this rule would place on us and our ability to connect to our ancestral lands. Furthermore, given the significant impact this rule will have on the ability for mana whenua to use and develop our ancestral land, affected parties inclusive of mana whenua should have been consulted. A sufficient level of detail should have been included so that affected parties would understand the direct impact this rule would have on our ability to develop land within 250 metres of the Rural Production Zone being the extent of the mine lease area.

Conclusion

61. While we have not touched on all aspects of our original submission today, we stand by those views put forward in this submission and requested changes to the Plan as contained within the attached table and any additional changes to address those concerns.
62. While we recognise the need for the Waitomo District Council to provide for Regionally Significant Infrastructure, the Council also has a responsibility under Sections 6(e), 7 and 8 of the RMA to recognise and provide for the ability of mana whenua to connect to our ancestral lands including a need to fulfil their obligations under te Tiriti o Waitangi.
63. In its current form the Proposed Plan is unbalanced, heavily weighted in favour of regionally significant industry and does not recognise or provide for the needs of mana whenua adjoining the mine site. With the exception of that small area of land contained within the Maaori Purpose Zone, the Proposed Waitomo District Plan does not include adequate objectives, policies or rules to fulfil these obligations to mana whenua.
64. The Plan places unreasonable and unacceptable restrictions on the use and development of Maaori land within the Rural Zone adjoining the Rural Productive Zone and introduces an Indicative Rural Productive Overlay over Maaori land without having consulted with affected parties.
65. We remain opposed to the rezoning of the Eastern Block as proposed by the Waitomo District Council due to an absence of a S32 analysis to address the effects of a long-term change in the use of the site, absence of evidence of consultation with affected parties inclusive of mana whenua and due to the significant restrictions that this rezoning would place in regard to the development of adjoining rural land. Furthermore, we question the need for rezoning of this parcel of land given mining operations at the site are complete and it is only rehabilitation works that remain.
66. In regard to the further submission and evidence from TIL, we remain opposed to the rezoning of Te Mania Block due to the absence of sufficient evidence to address the effects on sensitive activities within the vicinity, wider effects on te taiao, absence of evidence of consultation with affected parties inclusive of mana whenua and due to the significant restrictions that this rezoning would place in regard to the development of adjoining rural land.
67. We oppose the inclusion of the Rural Productive Overlay where evidence has not been provided that pre-conditions will be met and where consultation has not been undertaken with affected parties. We request that this overlay is removed from the four parcels of Wetini whaanau land affected and any other land parcels where such evidence has not been provided.

68. We seek those changes to the Proposed Plan as sought within our original submission and any further changes required to address our concerns raised today.