

5.17 MARTHA MINERAL ZONE

5.17.1 ZONE PURPOSE

- (1) Martha Mine has been operating as an open pit gold and silver mine in Waihi since 1988. The original mine operates subject to the terms and conditions of Mining Licence 32 2388, issued under the Mining Act 1971, and various water rights granted under the Water and Soil Conservation Act 1967. The mining licence was granted in 1987.
- (2) The licence covers an area of approximately 400 hectares, comprising two main elements: an open pit and the processing and waste disposal area, linked by conveyor. The open pit is situated generally within the urban confines of Waihi township.
- (3) The Operative First Review Hauraki District Plan recognised that an extension to the then existing Martha Mine was likely within the planning period of that District Plan. The area subject to the Mining Licence was zoned “Martha Mineral Zone”, while the area in which an application to extend the Martha Mine was likely, retained the existing zoning, but was provided with an overlay of the “Extended Martha Mineral Area” (EMMA) within which resource consent applications to extend the Martha Mine could be considered. Resource consents to extend the Martha Mine were subsequently granted by both Hauraki District Council and the Waikato Regional Council and confirmed by the Environment Court in June 1999. Effect has been, and is being, given to those consents. In 2006, the “Stability Cutback” on the southern side of the pit was undertaken to enable compliance with the conditions of the Mining Licence that require that the pit faces be left in a stable and safe condition. The relocation of the Pumphouse was a consequential action of that work.
- (4) It is appropriate that this District Plan develops on the provisions of the previous First Review District Plan by recognising and providing for the Martha mining project as currently consented to and the results of the risk analysis. Therefore this District Plan contains a zone - the Martha Mineral Zone, the boundary of which generally equates to the June 1999 boundary of the consented project (EMMA). Within the consented project area of this zone, surface mining and ancillary activities are Permitted Activities, subject to meeting the relevant conditions set out in the Mining Licence and land use consent (refer to Rules P1 and P2). The conditions of Land Use Resource Consent 97/98-105, in conjunction with the conditions of the Mining Licence, the various Management Plans required under these documents and the Memorandum of Understanding entered into with Hauraki District Council are considered to be effective methods to manage the activities within the Martha Mine. In areas no longer required for rehabilitation of the Martha Mine, EMMA has been replaced with an appropriate zoning.
- (5) The risk analysis of the historic underground workings by GNS Science has been completed and has identified historic underground working areas having low, medium and high hazards for land use activities. The majority of these historic underground working areas are within land owned by Newmont Waihi Gold (NWG). The historic underground working areas that have been identified as having low, medium and high hazard have been incorporated into the Martha Mineral zone. Recent geotechnical information and analysis has identified that there are areas of instability at the eastern end of the Martha Mine and that re-contouring of the land will be the best manner in which to reduce the possibility of earth movements arising from historic underground workings. For those parts of the Martha Mineral Zone which now

extend over the hazard zones that lie outside of the consented project area, the provisions of the extended Martha Mineral Zone have provided for mining as a discretionary activity (refer to Rule D2).

5.17.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To provide for the utilisation of the mineral resource in a sustainable manner.

(a) Policies

Objective 1 will be achieved by the implementation of the following policies:

- (i)** Recognise the development of the mine and its processing areas, its ongoing rehabilitation and its longer term likely uses.
- (ii)** Provide for the social, economic and cultural well-being of the people of the District and for their health and safety.
- (iii)** Ensure that the amenity values of Waihi and the wider community are protected.
- (iv)** Recognise that the risks associated with the historic underground working areas require a mixture of approaches to avoid, remedy or mitigate those hazards and provide for appropriate longer term land use activities.

(b) Reasons

- (i)** The Martha Mine is an economically and environmentally significant development in the District. It is subject to a Mining Licence issued under the former Mining Act 1971 and resource consents granted under the Resource Management Act 1991. In addition, the Martha Mine Project was recognised at a policy level in the First Review of the Hauraki District Plan through the provision of objectives and policies and the “Extended Martha Mineral Area” applying to urban zones around Martha Mine. Given these circumstances, specific recognition of and provision for the activity is necessary in this District Plan. The special purpose zone for the Martha Mine is also included in recognition of the value of the Martha mineral resource and decisions already made to develop that resource.
- (ii)** Hazard zones associated with historic underground workings have been identified since the First Review of the Hauraki District Plan. The risks to land use activities arising from the hazards associated with the historic underground workings need to be managed in a variety of ways in order that those risks can be addressed and suitable longer term land uses established.

5.17.3 ENVIRONMENTAL RESULTS

- (1) To provide for the social and economic well-being of the residents of Waihi and the wider District as a consequence of the utilisation of the Martha mineral resource in a manner that promotes the sustainable management of natural and physical resources.
- (2) To ensure that the rehabilitation of the area, once mining is completed, is such that the long term uses of the area within this zone provide an appropriate and sustainable environment for Waihi.
- (3) To ensure the residential amenity values and the natural environment are afforded appropriate protection.

5.17.4 ACTIVITY STATUS

Activities and their *accessory uses*, and *buildings* (unless otherwise stated) are *Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying or Prohibited* according to the Activity Status Table below:

5.17.4.1 PERMITTED ACTIVITIES

Those activities listed below are a *Permitted Activity* unless otherwise specified* and subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.17.5;
- Activity Specific Standards specified in Rule 5.17.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0**.

P1*	ANY ACTIVITY CONDUCTED IN ACCORDANCE WITH THE RELEVANT TERMS AND <i>CONDITIONS</i> OF, AND WITHIN THE AREA COVERED BY MINING LICENCE 32 2388 AFTER ITS EXPIRY DATE OF 16 JULY 2017
P2*	ANY ACTIVITY CONDUCTED IN ACCORDANCE WITH THE RELEVANT TERMS AND <i>CONDITIONS</i> OF, AND WITHIN THE AREA COVERED BY LAND USE RESOURCE CONSENT 97/98-105 AFTER ITS EXPIRY DATE OF 18 OCTOBER 2019
P3	ANY OF THE FOLLOWING RECREATION ACTIVITIES: (a) PEDESTRIAN WALKWAYS, CYCLEWAYS AND JOGGING TRACKS (INCLUDING BRIDGES); AND (b) PLANTED AREAS AND STANDS OF TREES; AND (c) ASSOCIATED MAINTENANCE ACTIVITIES
P4	<i>PASSIVE RECREATION ACTIVITIES</i> LOCATED OUTSIDE THE "MEDIUM" AND "HIGH" UNDERGROUND WORKINGS HAZARD (SHAFTS AND STOPES) ZONES AS SHOWN ON FIGURE 5 OF THE "WAIHI SUBSIDENCE REPORT, GNS SCIENCE CONSULTANCY REPORT 2006/235, OCTOBER 2008" INCLUDED IN SECTION 5.17.8
P5	<i>PROSPECTING AND EXPLORATION</i>

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P6	<i>FARMING AND ASSOCIATED ACCESSORY BUILDINGS</i>
P7	<i>TEMPORARY USES AND BUILDINGS MEETING PARTS (a) AND (c) OF THE DEFINITION</i>
P8	<i>TEMPORARY USES AND BUILDINGS MEETING PART (b) AND (d) OF THE DEFINITION LOCATED OUTSIDE THE “MEDIUM” AND “HIGH” UNDERGROUND WORKINGS HAZARD (SHAFTS AND STOPE) ZONES AS SHOWN ON FIGURE 5 OF THE “WAIHI SUBSIDENCE REPORT, GNS SCIENCE CONSULTANCY REPORT 2006/235, OCTOBER 2008” INCLUDED IN SECTION 5.17.8.</i>

NOTE *

Until Rules P1 and P2 come into effect after the dates specified, any activity conducted within the areas of the *zone* covered by, and within the terms and *conditions* of Mining Licence 32 2388 and/or Land Use Resource Consent 97/98 – 105 is not subject to the provisions of the Martha Mineral Zone.

NOTE **

Once Rules P1 and P2 come into effect after the dates specified, any activity conducted within the areas of the zone covered by, and within the terms and conditions of Mining Licence 32 2388 and/or Land Use Resource Consent 97/98 – 105 is not subject to the provisions of sections 8.2.5 and 8.3.2.

5.17.4.2 CONTROLLED ACTIVITIES

Those activities listed below are a *Controlled Activity* unless otherwise specified and subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.17.5;
- *Activity Specific Standards* specified in Rule 5.17.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

Conditions may be imposed in relation to the matters over which control has been reserved, as specified below.

THERE ARE NO <i>CONTROLLED ACTIVITIES</i>

5.17.4.3 RESTRICTED DISCRETIONARY ACTIVITIES

Those activities listed below are a *Restricted Discretionary Activity* subject to compliance with the:

- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

The matters over which the *Council* has restricted its discretion are specified for each *Restricted Discretionary Activity* listed below.

RD1 *PERMITTED ACTIVITIES P3 & P4 THAT DO NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.17.5 FOR A PERMITTED ACTIVITY AND DO NOT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.17.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY.*

Matters over which the *Council* has restricted its discretion are:

The *Council* will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the *Zone Development Standards* in Rule 5.17.5 for which compliance is not met and the following relevant assessment criteria:

(1) *Height and Daylighting*

- (a)** The extent that topographical and *site* conditions (including easements) restrict the area or shape of the *site* that is suitable and available for building.
- (b)** The desirability of maintaining consistency in design and appearance with existing *buildings* on the *site*.
- (c)** The need to preserve existing trees, vegetation or important physical characteristics of the *site*.
- (d)** Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual *amenity*.
- (e)** Whether the property adjoining the *site* is sufficiently higher and therefore the adjoining property will not be detrimentally affected.
- (f)** Where the standard(s) is/are not met due to penetration by a dormer window, gable or similar roof feature, whether that will have a minor effect on the *amenities* of the neighbouring site.
- (g)** The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
- (h)** The degree to which *amenity* value and privacy of adjoining properties is affected by matters such as shading and loss of daylight.
- (i)** The extent to which the *building* visually intrudes on any significant ridgeline or skyline or significant landscape and what measures are proposed to reduce the visual effects of that intrusion.
- (j)** Whether the *building* will detract from any view or vista, which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it

	completely.
(2)	Yards
(a)	The extent that topographical and <i>site</i> conditions restrict the area or shape of the <i>site</i> that is available and suitable for building.
(b)	The degree to which the functioning of the <i>site</i> and/or the activity can be improved by not meeting the standard.
(c)	Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the <i>site</i> .
(d)	The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected.
(e)	The extent to which the safe and efficient functioning of the street or <i>road</i> will be significantly compromised.
(f)	Whether the detrimental effects of building in the <i>yard</i> can be reduced or avoided.
(g)	Whether the <i>yard</i> functions (including separation, <i>landscaping</i> and service provision) will be provided on the <i>site</i> by other means, or are they unnecessary.
(3)	Zone coverage
(a)	The degree to which negative effects, in terms of changing the character or visual <i>amenity</i> of the area, can be mitigated or removed through the use of such techniques as <i>landscaping</i> , building design, exterior finish, set back from boundaries or reduced <i>height</i> .
(b)	The extent to which open space within the <i>site</i> and/or in the near vicinity can reduce the impact of the <i>building(s)</i> in terms of character or visual <i>amenity</i> .
RD 2	<p>ANY OF THE RECREATION ACTIVITIES LISTED IN <i>PERMITTED ACTIVITY</i> P4 THAT ARE LOCATED IN EITHER THE “HIGH” OR “MEDIUM” UNDERGROUND WORKINGS HAZARD (SHAFTS AND STOPES) ZONES SHOWN ON FIGURE 5 OF THE “WAIHI SUBSIDENCE REPORT, GNS SCIENCE CONSULTANCY REPORT 2006/235, OCTOBER 2008” INCLUDED IN SECTION 5.17.8.</p> <p>Matters over which the Council has restricted its discretion are:</p> <p>(1) The matters specified for Rule 5.17.4.3 - RD1.</p> <p>(2) Whether the recreation activity is compatible with either the ongoing <i>mining</i> activities or proposed rehabilitation.</p> <p>(3) Whether adequate investigations have been undertaken and/or whether the design of the recreation activity incorporates sufficient safety provisions to ensure that any risks arising from the hazard are reduced to an acceptable level.</p>

5.17.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.17.7.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the *Discretionary Activity* status for the activities specified below or require additional resource consents.

D1	<i>PERMITTED ACTIVITIES P3 & P4 THAT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.17.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY.</i>
D2	<i>UNDERGROUND AND SURFACE MINING AND MINING OPERATIONS NOT OTHERWISE PROVIDED FOR AS A PERMITTED ACTIVITY.</i>

5.17.4.5 NON COMPLYING ACTIVITIES

Those activities listed below are a *Non Complying Activity*.

NC1	<i>ANY ACTIVITY NOT PROVIDED AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY OR DISCRETIONARY ACTIVITY.</i>
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5.17.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

THERE ARE NO <i>PROHIBITED ACTIVITIES</i>

5.17.5 ZONE DEVELOPMENT STANDARDS

- (1) The *Zone Development Standards* for *Permitted Activities* P1 and P2 carried out in the Martha Mineral Zone will be the *conditions* applying to Mining Licence 32 2388 and/or Land Use Resource Consent 97/98-105 as at the date of their respective expiries.
- (2) The following *Zone Development Standards* shall apply to *Permitted Activities* P3 and P4 and *Restricted Discretionary Activities* RD1 and RD2 and shall be used as a guide in assessing any *Discretionary* or *Non Complying Activities*.

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum Height	4.0 metres	6.0 metres	To ensure that the <i>height</i> of <i>buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, <i>amenity</i> and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> .
<i>Daylight Control</i> (refer to definition for explanatory diagram)	No <i>building</i> shall project above 2.0 metres in <i>height</i> at the <i>zone</i> boundaries and not project above a 45° plane into the <i>zone</i> up to the	No Restriction	To ensure no <i>building</i> unreasonably overshadows any neighbouring property, thereby restricting daylight and ventilation between <i>buildings</i> .

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	maximum <i>height</i> .		
Minimum Yards	<i>Front Yard</i> : 5.0 metres at the <i>zone</i> boundary, except public toilets which may be sited up to the <i>road</i> boundary where this coincides with the <i>zone</i> boundary.	<i>Front Yard</i> : 5.0 metres, at the <i>zone</i> boundary, except public toilets which may be sited up to the <i>road</i> boundary where this coincides with the <i>zone</i> boundary.	To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the <i>zone</i> and adjoining residential or reserve sites.
	<i>Other Yards</i> : 3.0 metres at <i>sensitive zone</i> boundaries, otherwise nil.	<i>Other Yards</i> : Nil	
<i>Zone Coverage</i>	Total <i>building</i> coverage shall not exceed 1% or 250m ² <i>gross floor area</i> , whichever is the greater.	Total <i>building</i> coverage shall not exceed 2% or 400m ² <i>gross floor area</i> , whichever is the greater	To prevent large <i>buildings</i> detracting from the open space and <i>amenity</i> character of the <i>zone</i> .

*These *Zone Development Standards* shall not apply to “*Temporary Uses and Buildings*” covered by clause (b) of the definition in Section 4 for “*Temporary Uses and Buildings*” and to “*Prospecting*” and “*Exploration*”.

5.17.6 ACTIVITY SPECIFIC STANDARDS

- (1) There are no Activity Specific Standards for this *zone*.

5.17.7 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a *Discretionary Activity*, *Council* shall have regard to the relevant *development standards*, environmental results and assessment criteria for *Permitted* and *Restricted Discretionary Activities* in Rules 5.17.4 to 5.17.6, and the relevant assessment criteria below, and any other matters it considers appropriate.

5.17.7.1 GENERAL ASSESSMENT CRITERIA

- (1) With respect to the *zone development standards*, *Council* will have regard to them for assessment purposes, in particular where either the activity or the adverse effects of the activity are in close proximity to the boundary between the Martha Mineral Zone and any other adjoining or adjacent *zone* boundary. However, *Council* recognises that because of the nature of the *mining* activities and the existing mining licence and/or resource consent *conditions*, the *zone development standards* may not always be relevant or appropriate.
- (2) Whether *landscaping* can avoid, remedy or mitigate the adverse effects of *mining operations* and *mining*. In particular, whether the *landscaping* provides a visual buffer with respect to:
- screening unsightly and disturbed areas from other land beyond the Martha Mineral Zone
 - providing a visually attractive outlook without blocking intermediate and distant views

- (c) softening any hard or bleak surfaces.
- (3) Whether adequate public safety measures (eg fencing and bunds) have been provided, particularly with respect to any open pit.
- (4) Whether the methods proposed to avoid, remedy or mitigate the adverse effects of the activities are practical and effective.
- (5) Whether the proposed rehabilitation of the *site* and adjacent areas during and following the cessation of *mining* activities (including open pit, conveyor, waste disposal areas and surface infrastructure such as *roads*, plant and equipment) is undertaken and results in a landscape, features and facilities that are appropriate within the context of the *environment* they are located within.

With respect to proposed post-*mining* landscapes and features (lakes, reserves, recreation areas), their appropriateness within the *environment* they are located in, will be considered in relation to such matters as:

- (a) The visual appearance of rehabilitated areas.
- (b) Public access and safety.
- (c) Structural engineering and environmental integrity.
- (d) The provision of *community* and/or recreational *facilities*.

5.17.8 DIAGRAM OF HISTORIC UNDERGROUND WORKINGS RISK ANALYSIS

Figure 5 of the Waihi Subsidence Report, GNS Science Consultancy Report 2006/235, October 2008



Figure 5: Aerial photo of Waihi showing collapse areas, the open pit and probabilistic hazard zones – circles around shafts, elongated areas above lodes (from the August 2002 GNS Report). The Edward South hazard zones were changed in the 2003 GNS report and 'Martha' stopes have been added - this report.

Cracking
 ● Monitoring prisms in 2007
 — Movement and direction