

BEFORE THE KAIPARA DISTRICT COUNCIL

Independent Hearing Commissioner

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a Proposed Kaipara District Plan,
Hearing 11 – Sites and Areas of
Significance to Māori.

STATEMENT OF EVIDENCE OF GEOFFREY TODD England

Senior Principal Planner

8 April 2026

1.0 QUALIFICATIONS AND EXPERTISE

- 1.1 My full name is Geoffrey Todd England, and I am a Senior Principal Planner at Boffa Miskell Limited (Boffa Miskell), a national firm of consulting planners, ecologists and landscape architects since 2021. I hold the qualifications of Bachelor of Environmental Management from Lincoln University. I have been a Full Member of the New Zealand Planning Institute since July 2017. I have been a planning consultant, currently based in Auckland, for over 18 years providing consultancy services for a range of clients around New Zealand.
- 1.2 Prior to joining Boffa Miskell I held the position of Senior Planner and National Group Leader (Environment) at Golder Associates (NZ) Limited. Previous to that role, I was employed by Winstone Aggregates, a division of Fletcher Concrete and Infrastructure in the role of Resource Management Planner providing inhouse planning services and planning advice. In addition to this, I sat on the Aggregate Quarry Association (AQA) Planning Committee between 2012 and 2015, advising on and preparing submissions on National and Regional Planning Documents relevant to the aggregate industry.
- 1.3 During my time with Winstone Aggregates, and in subsequent consulting positions, I have gained significant experience associated with quarrying activities, including site due diligence, submissions on notified planning documents, preparation of resource consent applications and management of reverse sensitivity effects.
- 1.4 In this matter, Boffa Miskell was engaged by Atlas Quarries Limited (**Atlas**), to provide planning advice on the implications of the Kaipara Proposed District Plan, including proposed provisions relating to Sites and Areas of Significance to Māori.
- 1.5 I was subsequently asked by Atlas to prepare and present this planning evidence.

2.0 CODE OF CONDUCT

2.1 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes. I agree to comply with the Code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

3.0 SCOPE OF EVIDENCE

3.1 This evidence relates to the submission and further submission lodged by Atlas, submission number 152, Further submission numbers FS29 and FS107.

3.2 This planning evidence focusses on responding to matters raised in the Section 42A Hearing Report: Sites and Areas of Significance to Māori.

3.3 My evidence addresses:

3.3.1 Submitter Atlas Quarries Limited operations and existing quarry sites.

3.3.2 Further submissions made regarding Sites and Areas of Significance to Māori (**SASM**).

3.3.3 The s42A report.

3.3.4 Relief sought

4.0 BACKGROUND

4.1 Atlas Quarries Limited and Hukatere Quarries Limited (Atlas) is a subsidiary Company of Atlas Resources Limited (Atlas). Atlas is a family run business, established in the 1950s as a supplier of transport and construction materials. Atlas currently employs approximately 280 people, operates over 120 concrete delivery

trucks and approximately 70 other specialist vehicles and handling equipment.

4.2 Within the Kaipara District, Atlas operates two quarries: Brynderwyn Quarry and Hukatere Quarry. Atlas also owns a subsidiary company, Mt Rex Limited (Mt Rex). Mt Rex holds a permit from Auckland Council authorising the dredging and removal of sand and to disturb the seabed for the purpose of sand extraction. Sand is taken, processed and supplied to the Auckland and Northland construction markets from their Helensville processing yard (outside of the Kaipara District). In addition to this, Atlas has a land holding adjacent to SH1, opposite Brynderwyn Quarry (Lot 4 DP 207528, Lot 1 DP 208321 and Section 1 SO 67448).

4.3 The location of these sites and activities are shown in Attachment 1, attached.

4.4 The primary issues and areas of specific relevance to Atlas include:

- Concerns as to the lack of identification and recognition (in particular, policy recognition) of quarry activities within the PKDP.
- The PKDP does not give effect to the provisions as they relate to mineral extraction activities within the Regional Policy Statement for the Northland Region, and Parts 2 and 3 of the RMA.
- Amendments to definitions as they relate to quarrying activities.
- Identification of Regionally Significant Mineral Resources within the PKDP Planning Maps (overlay or zone).
- Inclusion of a Minerals Chapter (within District Wide Provisions or as a specific Zone) which provides for all quarrying activities within a single chapter, overriding other provisions in respect of quarrying activities.

- The inclusion of adequate provisions to manage reverse sensitivity.
- Zoning of Atlas held land as Industrial and/or commercial.
- Atlas oppose the PKDP and Planning Maps in its entirety and seek adequate provisions for quarrying activities which provide for the quarrying operations.

4.5 The Atlas submission number 152 sought the seeking the application of a specific Quarry Zone or overlay, recognising its regionally significant quarry operations, giving effect to Policy 5.1.4 of the Northland Regional Policy Statement.

4.6 In summary, Atlas opposes the entirety of the PKDP provisions, as they relate to quarrying. The relief which Atlas seeks through its submissions, is for a specific quarry zone or overlay and Minerals Chapter, which recognises the existing quarrying activities and provides an efficient and effective policy and rule framework in which to consider effects of, and on, quarrying activities. Such provisions would recognise and provide for the expansion of existing quarries and enable the opening of new quarries. A Minerals Chapter with mapped overlays could also provide for quarrying activities that are not mapped or zoned and do not require a private plan change.

5.0 SUBMISSION IN RELATION TO SITES AND AREAS OF SIGNIFICANCE TO MAORI

5.1 Atlas' further submission FS107 responded to the submissions of Te Uri o Hau.

5.2 Te Uri o Hau's submission number S367¹ addresses the proposed provisions relating to Sites and Areas of Significance to Māori

¹ The submission point numbering in reference to Te Uri o Hau's submission S367 is not consistent within the submission table.

(SASM). Atlas further submission points FS107.17, FS107.18, and FS107.19 refer to SASM provisions.

5.3 The Atlas submission sought the following:

5.3.1 FS107.17: Response to S367.11 referencing SASM objectives 01 and 02. Atlas supported these objectives in part, noting that the sites of significance to mana whenua and mana whenua cultural values needed to be specified / identified within the District Plan in order that an assessment of effects can be undertaken by an applicant and considered by the decision making authority.

5.3.2 FS107.18: Response to S367.25 referencing SASM policy P4.

“Amend policy to include new wording:

SASM-P4. Avoiding locating activities within or immediately adjacent the scheduled sites unless there is a functional or operational need and no practicable alternative location;”

FS107.19: Response to S367.26 referencing SASM policy P7(3). *“Amend policy to include new wording:*

SASM-P7(3). The outcome of any consultation with tangata whenua and, if any cultural advice ~~is received~~, must be given regard in resource consenting processes with the proposal’s consistency with the recommendations identified;”

5.3.3 Atlas expressed support in part for the proposed policies SASM-P4 and SASM-P7(3) for the participation of iwi in resource consent process, however, full support is not offered to the proposed policy or suggested amendment put forward in the submission points S367.25 and S367.26 as the policy wording does not provide for the consideration of mineral extraction activities in line with the effects hierarchy set out by the RMA section 5(2)(c) and does not provide for any certainty for future mineral extraction activities.

- 5.3.4 Atlas' submission is that the provisions must provide for an assessment of effects to be undertaken and considered by the decision making authority.
- 5.3.5 In all further submission points Atlas refers to Part 2 of the RMA which recognises and provides for matters of national importance and other matters which includes:
- *Section (6)(e) the relationship of Māori and their culture and traditions with their ancestral lands, sites, waahi tapu, and other taonga;*
 - *Section (7)(b) the efficient use and development of natural and physical resources.*
- 5.3.6 The objectives and policies must provide for mineral extraction activities, in line with the effects hierarchy set out in RMA section 5(2)(c). The provisions must provide for an assessment of effects to be undertaken and considered by the decision making authority.
- 5.3.7 Atlas' submissions S152, FS29, and FS107 submits that the Kaipara Proposed District Plan should include a chapter specific to Mineral Extraction that is consistent with the Regional Policy Statement for the Northland Region (RPS), which recognises that Northlands land-based resources are a source of economic wellbeing, not just in terms of land use and the use of soil through primary production but also from extraction of minerals, including aggregates. Further, the RPS requires the identification and mapping of regionally significant mineral resources, which the Atlas quarry sites are.

6.0 Section 42A REPORT

Policy P4 Managing effects on scheduled sites

- 6.1 Paragraphs 180 to 192 of the s42A report discuss amendments to the wording of Policy SASM-P4. Te Uri o Hau [367.25] sought the addition of works ‘*immediately adjacent*’ to Policy P4.1.
- 6.2 In paragraph 188 the Planner recommends accepting this amendment noting
- “The Te Uri o Hau Claims Settlement (Resource Consent Notification) Regulations 2003 require notification of consent applications for activities “within, adjacent to, or that directly affect” statutory areas. Extending SASM-P4.1 to activities within ‘or immediately adjacent’ to scheduled sites would align with this notification obligation and ensure that activities on the margins of SASM sites are also assessed for their effects on cultural values.”*
- 6.3 The planner’s discussion in paragraph 185 appears to misinterpret Atlas Quarries Limited further submission [FS108.18] suggesting Atlas’ complete support of TUOH submission point S367.25.
- 6.4 Atlas’ submitted support- in-part to S367.25. The support is subject to the SASM and cultural values being identified, mapped and defined so a full and proper assessment of effects can be undertaken for future activities where these apply.
- 6.5 In addition to this, being ‘immediately adjacent to’ a SASM may not always require an assessment of effects where the activity within a site and/or a modified landscape will have no effect. Additionally, where there is an effect on an adjacent site and assessment on those effects would occur. Specifically, in relation to quarry sites which cover large areas of land, it may be that the quarry site is immediately adjacent to an SASM but the specific activity is not.

Policy P7 Considerations of effects on scheduled sites or areas of significance to Māori.

- 6.6 Paragraphs 215 to 229 of the s42A report discuss amendments to the wording of Policy SASM-P7. Atlas' submission FS107.19 was in response to TUOH submission [S367.26] which sought to add the words "*must be given regard in resource consenting processes*" to policy SASM-P7(3).
- 6.7 In paragraphs 223 and 226 the reporting planner notes that the proposed policy framework of SASM-P7 requires consideration of cultural effects and consultation with tangata whenua as part of the consent assessment and that consultation and cultural advice be given regard. The reporting planner does not recommend a blanket CIA requirement as "*the appropriate weight to be given to cultural assessments is addressed through the RMA's consent assessment framework.*" In summary, the reporting planner accepts in part TUOH's submission and recommends inserting the words "have regard to" within policy SASM-P7(3).
- 6.8 Atlas agrees with the conclusion and recommendation of the reporting planner. The recommended wording "*have regard to*" is considered appropriate.

Regionally Significant Infrastructure

- 6.9 In paragraphs 279 to 282 the planner notes a number of submissions, including from Atlas, that discuss the effects based consideration of infrastructure near SASM sites and the functional and operational need framing. The Council planner accepts these submissions in part.
- 6.10 Northpower Limited and Northpower Fibre Limited (**Northpower**) in their submission S283 has requested new objectives, policies and rules for infrastructure matters that should be addressed within the SASM chapter. These are copied in paragraph 282 of the s42A report.
- 6.11 The Council planner supports the suggested additional provisions subject to receiving evidence from other parties.

6.12 While the s42A report notes Atlas' supports effects based considerations of infrastructure near SASM sites and the need to the functional/operational framing, it does not specifically address the relief sought for a new and separate chapter of the Kaipara Proposed District Plan relating to Mineral Extraction. That said, the approach of objectives, policies and rules proposed by Northpower would go some way to meet the concerns of Atlas in relation to providing for regionally significant infrastructure and resources.

6.13 However, quarries and mineral extraction do not come within the definition of 'Infrastructure' within the KPDP which has the same meaning as Section 2 of the RMA as set out below:

- a. *pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy;*
- b. *a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001;*
- c. *a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989;*
- d. *facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—*
 - i. *uses them in connection with the generation of electricity for the person's use; and*
 - ii. *does not use them to generate any electricity for supply to any other person;*
- e. *a water supply distribution system, including a system for irrigation;*
- f. *a drainage or sewerage system;*
- g. *structures for transport on land by cycleways, rail, roads, walkways, or any other means;*
- h. *facilities for the loading or unloading of cargo or passengers transported on land by any means;*
- i. *an airport as defined in section 2 of the Airport Authorities Act 1966;*
- j. *a navigation installation as defined in section 2 of the Civil Aviation Act 1990;*
- k. *facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;*
- l. *anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.*

6.14 The National Policy Statement for Infrastructure 2025 (**NPS-I**) applies to all infrastructure activities and infrastructure supporting activities. Infrastructure supporting activities means

“activities that are not ancillary infrastructure activities but that are needed to directly support infrastructure activities, and may include quarrying activities supporting activities.”

6.15 Policy 5 of the NPS-I seeks to recognise and provide for infrastructure supporting activities. It directs decision-makers to recognise and provide for the role of infrastructure supporting activities, including by:

6.15.1 recognising the importance of infrastructure supporting activities to enable the benefits of infrastructure activities to be realised;

6.15.2 recognising the operational need or functional need of some infrastructure supporting activities, including supporting quarrying activities to operate in, be located in, or traverse particular environments and locations; and

6.15.3 enabling the timely delivery of infrastructure supporting activities.

6.16 Policy 6 of the NPSI seeks to recognise and provide for Māori interests in relation to infrastructure activities and infrastructure supporting activities. It does this by directing decision-makers to:

6.16.1 (a) taking into account the outcome of any engagement with tangata whenua on any relevant resource consent, notice of requirement, or request for a private plan change;

6.16.2 (b) recognising the opportunities tangata whenua may have in developing and operating their own infrastructure at any scale or in partnership; and

6.16.3 (c) local authorities:

(i) providing opportunities for tangata whenua involvement where infrastructure and infrastructure supporting activities may affect a site of significance or issue of cultural significance to Māori; and

- (ii) *operating in a way that is consistent with any relevant iwi participation legislation or Mana Whakahono ā Rohe.*

6.17 Atlas supports the approach of suggested objectives, policies and rules proposed by Northpower on the basis of the *infrastructure definition* being amended to include 'and infrastructure supporting activities'; and the inclusion of 'infrastructure supporting activities' in the proposed Objectives, policies and rules, consistent with the policies of the NPS-I.

6.18 Additionally, the Northland Regional Policy Statement (May 2016) (**NRPS**) directs that regionally significant mineral resources be identified and mapped and managed by District Councils. In order to give effect to the NRPS, they must be identified, with a specific minerals chapter. Such a Minerals Chapter should include Objectives and Polices outlining functional and operational need for quarries to locate where the resource exists.

7.0 Alternative Relief Sought

Definitions

7.1 Amend the definition for Regionally Significant Infrastructure to include the following:

- j) infrastructure supporting activities that are not ancillary infrastructure activities but that are needed to directly support infrastructure activities, and may include quarrying activities.*

SASM P1, Identification and protection of sites and areas of significance to Māori

7.2 Atlas seek to retain SASM P1, the identification and protection of sites and areas of significance to Māori, which seeks to Identify and schedule sites and areas of significance to Māori in consultation and collaboration with Tangata Whenua/Mana Whenua and all silent files must also be mapped. This provides certainty when making decisions on development and removes the requirement for

Iwi to decide when the relevant objectives, policies and rules must apply as a third party to the role of Council.

SASM Policy P4 Managing effects on scheduled sites

7.3 Atlas seeks that the words 'immediately adjacent' be removed from Policy P4.1.

Regionally Significant Infrastructure.

7.4 Given quarrying is identified as an infrastructure supporting activity within the **NPS-I**, and on the basis of the definition adopting that, Atlas seeks the implementation of the following Objective, Policy and Rules with the following amendments:

New Objective SASM-OX

Manage the adverse effects of the development of new Regionally Significant Infrastructure within Sites and Areas of Significance to Māori.

New Objective SASM-OX

Enable the safe and efficient use, operation, maintenance, upgrading and repair of existing Regionally Significant Infrastructure within Sites and Areas of Significance to Māori.

New Objective SASM-OX

Enable the safe and efficient use, operation, maintenance, upgrading and repair of existing Regionally Significant infrastructure within Sites and Areas of Significance to Māori.

New Policy SASM-PX

Provide for the establishment of new Regionally Significant Infrastructure within Sites and Areas of Significance to Māori, where the following apply:

- a. *There is a functional need or operational need for its establishment;*
- b. *There is no practicable alternative; and*
- c. *The significant adverse effects are avoided, and any other adverse effects are avoided, remedied or mitigated on the cultural values of the Site and Area of Significance to Māori.*

New Policy SASM-PX

Provide for the operation, maintenance, upgrading and repair of existing Regionally Significant Infrastructure within Sites and Areas of Significance to Māori in a manner that avoids, remedies or mitigates adverse effects on the cultural values of these sites and areas.

New Permitted Activity Rule – SASM-RX

Operation, maintenance, upgrading and repair of existing Regionally Significant infrastructure within scheduled sites or areas

1. Activity status: Permitted

Where:

a. The activity is undertaken by a network utility provider for the operation, maintenance, upgrading or repair of existing infrastructure.

New Restricted Discretionary Rule – SASM-RX

The development of new Regionally Significant Infrastructure within scheduled sites or areas.

1. Activity status: Restricted Discretionary

2. Matters over which discretion is restricted:

- i. The operational or functional need of the infrastructure to be located within the schedule site or area;*
- ii. The extent of effects on cultural and historical values;*

- iii. Location, scale, design of the proposed infrastructure;*
- iv. The requirements of any applicable statutory acknowledgment area or Treaty settlement*
- v. Any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided);
and*
- vi. Any consultation with Heritage New Zealand Pouhere Taonga and tangata whenua (where provided).*

Geoffrey England

13 April 2026

Attachment 1 Map of Atlas Interests

