

Minerals

Subsequent to the receipt of appeals, a 'marked up' version of the Proposed District Plan was prepared. The provisions of the Proposed Version of the Plan subject to an Environment Court appeal have been highlighted yellow and annotated with an appeal number. For a list of appeals, assigned numbers and any progress please visit the ['District Plan Appeals'](#) page on our website.

Please also note that the following terms which appear throughout the Plan are subject to appeal:

- *“Activities ancillary to farming, forestry or strategic rural industry” [000028]*
- *“Rural production activities” [000018]*
- *“Building” [000022]*
- *“Home occupation” [000022]*
- *“Rural Countryside Environment” [000025]*

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MIN.1.1 Description and Expectations

The management of mineral resources is addressed in several pieces of legislation; the main Acts being the Crown Minerals Act 1991 (CMA) and the Resource Management Act 1991 (RMA). Access to Crown-owned minerals is addressed in the CMA, while the mining activity itself, and its effects, is managed under the RMA.

Minerals are expressly excluded from 'sustainability' in section 5(2)(a) of the RMA in terms of sustaining the potential of natural and physical resources to meet the needs of future generations. However, minerals are included in 'sustainability' as it applies (in section (2)(c)) to avoiding, remedying or mitigating any adverse effects of activities on the environment. To this extent, the activity of exploration, quarrying, mining and any other disturbance of land is covered by the RMA and addressed and regulated in district plans.

The Whangarei District contains mineral deposits that are of considerable social and economic importance to the district, region and the nation, but in some cases can be constrained by conflicting land uses. Mineral development and associated land restoration can provide an opportunity to enhance the land resource and landscape, and has done so in the past. However, the development of mineral resources has the potential to have significant adverse effects upon soil, water and air resources, and landscape and historic heritage values if not appropriately controlled.

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The five iwi/hapu management plans for the Whangarei District identify as significant issues the following: the management of minerals within their rohe, the adverse effects from mining and the rehabilitation of sites. For example, Maunga are a particularly important feature of the historic and cultural landscape yet also a source of mineral deposits.

Significant mineral resources that are being extracted are identified on the district plan Resource Area Maps and provided for through district wide provisions (refer following section - Quarrying Resource Areas (QRA). This recognises the need for mineral (including aggregate) resources to be available for infrastructure and development. It also allows for the management of reverse sensitivity effects.

Mineral resources that are not currently being extracted are not identified on the district plan Resource Area Maps due to a lack of information on their significance. Smaller scale mineral extraction activities which are directly associated with rural production activities (farm quarries) are provided for and assessed in accordance with the relevant Environment provisions.

All other mineral extraction activities which involve exploration, extraction or processing of minerals are either managed under MIN.2 or where located in a QRA's they are managed under QRA provisions. District wide provisions may apply more restrictive rules to the consideration of both farm quarries and mineral extraction due to the presence of significant or sensitive features.

MIN.1.2 Objectives

1. Whāngārei'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.
2. Mineral extraction activities are enabled within identified Quarrying Resource Areas
3. Exploration, extraction and processing of minerals avoids, remedies or mitigates any adverse effects on the environment and community.
4. Exploration, extraction and processing of minerals avoids, remedies or mitigates any adverse effects on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga.
5. 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. [000018]

MIN.1.3 Policies

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.
2. To avoid, remedy or mitigate the adverse effects of exploration, extraction and processing of minerals on the ecological, landscape, historic heritage and amenity values of surrounding areas and on the amenity values of existing residential areas by applying Environment and district wide provisions.
3. To avoid, remedy or mitigate 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.

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4. To avoid adverse effects on significant areas by avoiding mineral extraction within identified Sites of Significance to Māori.
5. To manage conflicts between mineral extraction activities and other land uses by ensuring that activities that are incompatible with the effects of mineral extraction activities are not established close to existing quarry or mining activities.
6. To rehabilitate sites used for mineral exploration and extraction to enable the land to be used for other activities.
7. To enable rural production activities to utilise aggregate resources by providing for farm quarries where they are limited in scale and operation and are not located within areas with significant or sensitive features, or in Environments intended to accommodate sensitive activities.
8. Within the Coastal Area avoid adverse effects, other than those which are transitory, from mineral extraction activities on the characteristics and qualities of Outstanding Natural Features, Outstanding Natural Landscapes and in areas of Outstanding Natural Character. [000022] & [000032]
9. To avoid [000022] significant adverse effects, other than those which are transitory, from mineral extraction activities on the characteristics and qualities of High Natural Character Areas, and on the characteristics and qualities of Outstanding Natural Features and Outstanding Natural Landscapes which are outside the Coastal Area.
10. To require proposals for new mineral extraction activities to provide adequate information on the establishment and operation of the activity including:
 - (a) The size and scale of exploration, extraction or processing activities and the expected length of operations of the extraction site;
 - (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 the 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 land scape 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. [000018]

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MIN.1.4 Guidance Note

1. The following shall form the basis for resource consent applications for mineral extraction activities (including exploration, extraction and processing):
 - a. The objectives, policies and provisions for MIN and other Resource Areas in the District Plan.
 - b. The objectives, policies and provisions for Environments in the District Plan.
 - c. The objectives, policies and provisions for the Rural Area in the District Plan.
 - d. The district wide objectives, policies and provisions in the District Plan.

Rules for 'farm quarries' are located in the Environment sections of the District Plan.

MIN.1.5 Land Use Application Information Requirements

1. All applications for resource consent for mineral extraction activities, including applications for farm quarrying where resource consent is required for the extraction of more than the permitted volume of material in any 12 month period, shall include a cultural impact assessment.
2. Where no Sites of Significance to Māori (SSM) are shown on the district plan maps applicants should check with Council to determine if further information on areas or SSM is held in relation to their proposed mineral extraction activity.
 - a. If Council holds information indicating that there are areas or SSM within the proposed mineral extraction area a CIA is required to address these areas/ sites; and
 - b. The CIA shall address if there are adverse effects on natural and physical resources having historical, spiritual or cultural value

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MIN.2.1 Eligibility Rules

1. Mineral extraction activities within specified resource areas may be subject to more stringent controls.
2. Mineral extraction activities not provided for as a permitted, controlled, discretionary, non-complying or prohibited activity will be considered as a discretionary activity.
3. Mineral prospecting as defined in the Crown Minerals Act 1991 is a permitted activity where no disturbance of land occurs.

Insert new rule. [000018]

MIN.2.2 Discretionary Activities

1. Mineral extraction activities in the Rural Countryside Environment (RCE).
2. Mineral extraction activities in the Living 1, 2 and 3 Environments, Open Space Environment, Business 1, 2, 3 and 4 Environments, Town Basin Environment, Airport Environment, Marsden Point Port and Port Nikau Environment.
3. Mineral extraction activities in the Urban Transition Environment (UTE), Kamo Walkability Environment (KWE), Marsden Primary Centre – Town Centre South Environment, Ruakaka Equine Environment (REE).

MIN.2.2.1 Assessment of Discretionary Activities

1. When assessing resource consent applications for discretionary activities the assessment shall include (but is not limited to) the following matters (where relevant):
 - a. The size and scale of extraction activities and the expected length of operation of the extraction site;
 - b. The design and layout of the site, access roads and supporting facilities;
 - c. The measures proposed to manage:
 - i. Noise, vibration, dust and illumination to maintain amenity values of the surrounding land uses, particularly at night-time;
 - ii. Adverse effects of traffic generation and maintain safety to all road users, particularly measures to manage heavy vehicles entering or exiting the site;
 - iii. Adverse effects on soil and water, including impacts on watercourses within the extraction site and the effects on the neighbouring environment including fauna and flora;
 - iv. Effects on or exacerbation of natural hazards including land stability;
 - v. Significant adverse effects on visual and landscape values;
 - vi. The values of identified historic heritage or archaeological sites, buildings, places or areas; [000032]
 - d. Effects on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga;
 - e. 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;

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- f. The benefits likely to be derived from the mineral extraction activities;
- g. Any positive transport effects from having a mineral extraction site closer to the area of demand;
- h. The extent to which significant adverse effects can be avoided; and the extent to which adverse effects can be remedied, mitigated or, where not mitigated, can be offset.

MIN.2.3 Non-Complying Activities

1. Mineral extraction activities in the Rural Living Environment (RLE).

MIN.2.4 Prohibited Activities

1. Mineral extraction activities in the Rural Village Environment (RVE) and Rural Urban Expansion Environment (RUEE). [000022]

QRA.1

Quarrying Resource Areas

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QRA Appendix 1 Schedule of Existing Quarrying Resource Areas

QRA.1.1 Description & Expectations

Nine Quarrying Resource Areas (QRAs) are shown on the district plan Resource Area Maps. The purpose of identifying QRAs is to facilitate the operation of commercial extraction activities.

The QRAs identify established mineral extraction activities primarily aggregates, which are, at a volume, among other factors, that qualify these as nationally and/or regionally significant mineral resources (refer QRA Appendix 1). Currently the mapped QRAs contain quarrying activities involving extraction and processing mineral resources.

The extent of the QRA shows the area of mineral extraction where the effects of the activities will generally be contained. However, some effects such as noise, vibration and visual effects may be evident beyond the boundary of the QRA.

Within each QRA there is a Mining Area where the full range of mineral extraction activities may be undertaken. In some cases, the QRA also contains a Buffer Area beyond the Mining Area where effects such as noise and vibration cannot reasonably and economically be contained within the Mining Area.

Beyond the mapped QRA area, a Setback Area is also identified. This Setback Area has rules associated with it and are contained within the underlying Environment adjacent to the mapped QRA.

It is important to note that there are rules applying to the underlying Environment and other district wide rules that must also be taken into account.

Specific exemptions from rules within the underlying Environment are provided for some components of mineral extraction activities. For example, stockpiles for mineral extraction purposes in QRAs are excluded from the rules applying to outdoor storage in the Rural Area. In some instances where the underlying Environment allows for a greater level of development, the activity will be exempt from the QRA provisions and assessed in accordance with the provisions in the underlying Environment.

QRA.1

Quarrying Resource Areas

QRA.1.2 Objectives

1. Mineral extraction activities including the processing in the QRAs are enabled.
2. The adverse effects of mineral extraction activities in the QRAs are avoided, remedied or mitigated.
3. New subdivision, use and development of land does not compromise or unduly constrain access to, development and operation of established mineral extraction activities in the QRAs. [000018]

QRA.1.3 Policies

1. To provide for the continued mineral extraction in the QRA Mining Area and Buffer Area.
2. To avoid conflicts between the effects of mineral extraction activities and other land uses by ensuring that sensitive activities are not established close to QRA through the identification of QRA Setback Areas.
3. To identify a Buffer Area within a QRA to:
 - a. Ensure that reverse sensitivity effects are avoided on the Mining Area.
 - b. Ensure noise effects associated with the Mining Area of the QRA do not create adverse effects beyond the Buffer Area.
 - c. 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. [000018]
4. To identify Mining Area within the QRA to enable mineral extraction activities within this area having particular regard to policies QRA.1.3.5-9.
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.
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.
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.
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.
9. To provide for the efficient provision of infrastructure by ensuring all relevant matters relating to infrastructure and engineering are designed in accordance with Council's Environmental Engineering Standards 2010.

QRA.1.4 Guidance Note

QRA.1

Quarrying Resource Areas

1. The following shall form the basis for resource consent applications for landuse and subdivision in QRAs:
 - a) The objectives, policies and provisions for QRAs and other Resource Areas in the District Plan.
 - b) The objectives, policies and provisions for Environments in the District Plan.
 - c) The district wide objectives, policies and provisions in the District Plan.

Note: Rules requiring a 500 metre setback from a Mining Area, for sensitive activities, are found in the relevant Environment chapters: RUEE.2.3.1, RCE.2.3.1, RLE.2.3.1 and UTE.2.1.1.

Landuse

QRA.2.1 Eligibility Rules

1. Mineral extraction activities within the Strategic Rural Industries Environment are exempt from QRA.2.5.1, QRA.2.5.3, QRA.2.5.4 and QRA.2.5.7 and will be assessed by applying the Strategic Rural Industries Environment provisions.
2. Activities that are not controlled activities or discretionary activities are permitted activities.
3. Proposals for extensions or changes to existing QRAs, or for new QRAs will require a plan change.
4. The QRA rules do not apply to earthworks which are not associated with mineral extraction activities as defined in Chapter 4.

QRA.2.2 Notification Rules

1. All mineral extraction activities are subject to the notification tests of the RMA.

QRA.2.3 Controlled Activities

1. The disturbance or removal of more than 5,000m³ of material within the Mining Area of the QRA in any 12 month period where a Mineral Extraction Management Plan is submitted to Council and which addresses the relevant matters identified in QRA.2.6.

QRA.2.4 Control is Reserved Over:

When assessing controlled activity landuse control is reserved over the following matters:

1. The extent to which off-site effects (such as dust, odour and glare) adversely affect the amenity values of sites in the vicinity.
2. The extent of any adverse effects on land stability.
3. The extent of any adverse effects on ecological values or water quality.
4. The extent to which landscape proposals (including the height, shape and form of topography and screening) and the provision of setbacks mitigate potential adverse effects on the amenity of land adjoining the QRA.
5. The extent to which any rehabilitation programme will enable the land to be returned to a state suitable for use for other activities.

QRA.2.5 Discretionary Activities

1. Traffic generation from the QRA which exceeds:
 - a. 100 traffic movements in any 24-hour period; where the site does not directly connect to a public road with a sealed carriageway of at least 6 metres wide or where all vehicle manoeuvring associated with the activity does not occur within the site; or
 - b. Exceeds the limit allowed by the traffic movements rules in the underlying Environment where that limit is greater than 100 movements in any 24-hour period.
2. Establishment of any access, road or parking space or associated facility which does not comply with the Environmental Engineering Standards 2010.
3. Construction or alteration of any building used for mineral extraction purposes which is located within the Mining Area and:

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- a. Exceeds 15 metres in height.
 - b. Is located less than 10 metres from the boundary of the Mining Area.
 - c. Is located more than 10 meters and less than 20 metres from the boundary of the Mining Area and is greater than 10 meters in height.
4. Construction or alteration of any building used for mineral extraction purposes which is located within the Buffer Area and:
- a. Exceeds 15 meters in height or the limit allowed by the building height rules in the underlying Environment, whichever is the greater.
5. Any stockpile set back less than 10 metres from the boundary of the Mining Area.
6. Excavation of a quarry face setback less than 20 metres from the boundary of the Mining Area.
7. Establishment of sensitive activities or the construction of or alteration to any building containing a sensitive activity within the Mining Area or Buffer Area of a QRA. [000018]
8. Mineral extraction activities within the Mining Area of the QRA which do not meet the requirements for a controlled activity under QRA.2.3.
9. Mineral extraction activities within the Buffer Area of QRA.
- Insert new rule. [000018]

QRA.2.6. Landuse Application Information Requirements

1. All applications for mineral extraction activities shall include a Mineral Extraction Management Plan.
2. A Mineral Extraction Management Plan shall include a description of the extent of the mineral extraction to be undertaken, and the means by which the Consent Holder will comply with the relevant rules in the Plan and the conditions of the consent. In particular it shall include:
 - a. A plan showing the boundaries of the QRA including the Mining Area and any Buffer Area.
 - b. A plan showing topography, drainage, natural watercourses, existing vegetation cover and any other significant landforms or features.
 - c. The design and location of buildings and any plant or machinery to be used in a fixed position.
 - d. The anticipated life span of operation, the estimated volume of material to be excavated and any staging of works.
 - e. The proposed location and dimensions of overburden storage and deposition areas and stockpiles of mineral material.
 - f. The proposed location and dimension of areas of excavation, including pits and faces.
 - g. Any proposed setbacks, landscaping or screening measures.
 - h. Assessment of slope stability including, where applicable, a slope stability analysis allowing for an appropriate surcharge.

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- i. Proposed access to the QRA and internal circulation within it.
- j. The anticipated average daily number of vehicle movements to and from the QRA.
- k. The number of people proposed to be employed, and parking spaces provided onsite.
- l. A description of the proposed methods of overburden stripping and mineral extraction.
- m. A description of the proposed excavation and blasting programme.
- n. A description of the methods by which the environmental effects of the operation will be managed and controlled to comply with all relevant rules of the Plan and the conditions of consent and to avoid, remedy or mitigate any adverse effects in regard to those matters which are relevant to the Council's assessment.
- o. A description of the methods for protecting and maintaining areas of significant landforms or features.
- p. A description of any future objectives for the Mining Area of the QRA and any proposed rehabilitation programme.

Note: The Mineral Extraction Management Plan may be reviewed and updated by the Consent Holder and the updated version of the Mineral Extraction Management Plan provided to the Council as a new application for resource consent or as a s127 application to amend the conditions of consent dependant on the scale and character of the changes proposed. [000018]

QRA.2.8 Assessment Criteria for Discretionary Activities

When assessing resource consent applications for discretionary activities the assessment shall include (but is not limited to) the matters in QRA.2.4 and the following matters (where relevant):

1. Reverse sensitivity effects from new sensitive activities establishing in close proximity to existing mineral extraction activities.
2. Hours of operation of the activity.
3. The outlook, privacy, health, safety and amenity of adjoining and adjacent neighbours.
4. Effects on river maintenance and hazards.
5. Effects on the natural functioning of ecosystems.
6. Type, frequency and timing of traffic.
7. Effects of increased traffic on road safety, maintenance and efficiency.
8. Need for forming or upgrading roads in the vicinity of the site.
9. Need for traffic control, including signs, signals and traffic islands.
10. The scale and bulk of any building in relation to the site.
11. The extent to which the effects of height can be mitigated by setbacks, planting, design or the topography of the site.

QRA.3

Subdivision

QRA.3.1 Eligibility Rules

1. All subdivision within a QRA is a discretionary activity.

QRA.3.2 Notification Rules

1. All subdivision activities are subject to the notification tests of the RMA.

QRA.3.3 Assessment of Discretionary Activities

1. When considering subdivision within QRAs, the potential for subdivision to compromise mineral extraction activities needs to be recognised. Any subdivision should only occur if it avoids, remedies or mitigates adverse effects on mineral extraction activities.

Note: Where the underlying Environment of the QRA is within the Rural Area also refer to RA.4.2 for Assessment of Discretionary Activities.

QRA.4

MEA8 (Dickson's Quarry) Urban Expansion Setback Area

QRA.4.1 Discretionary Activities

1. The establishment of any sensitive activity in the Living 1 or 3 Environment within 500m of the Mining Area of the QRA8 is a discretionary activity.
2. All subdivision in the Living 1 or 3 Environment within 500 of the Mining Area of QRA8 is a discretionary activity.

MEA Appendix 1

Schedule of Existing Quarrying Resource Areas

Quarry Name	Mineral Extraction Area	Planning Map Number	Noise Limit
GBC Winstone – Portland Quarry	MEA1	15, 50	Daily, between the hours of 0630 and 2130 - 55dB LAeq; and Daily, between the hours of 2130 and 0630 - 45dB LAeq; and 70dB LAFmax.
GBC Winstone - Wilsonville Quarry	MEA2	7, 28	The noise limit imposed by Land Use Consent LU 00/573
GBC Winstone – Otaika Quarry and access way	MEA3	12, 45	Daily, between the hours of 0630 and 2130 - 55dB LAeq; and Daily, between the hours of 2130 and 0630 - 45dB LAeq; and 70dB LAFmax; and Subject to any restrictions on night time operation of the access way contained in LUC RC38907, as may be amended from time to time.
McBreen Jenkins – Takahiwai Quarry	MEA4	15	Daily, between the hours of 0630 and 2130 - 50dB LAeq; and Daily, between the hours of 2130 and 0630 - 40dB LAeq; and 65dB LAFmax
United Carriers – Woods Road Quarry	MEA5	11	
Balance Agriculture – Mata Quarry	MEA6	15	
Mountfield Rd Quarry	MEA7	18	
Dicksons Transport – Dicksons Road Quarry	MEA8	12, 36	The noise limit imposed by Land Use Consent RC 37434
J Pullman – Robsons Quarry, Otaika	MEA9	45	The noise limit imposed by Land Use Consent LU 98/904