

64 Mineral Extraction Area Rules

64.1 Introduction

For the purposes of this Chapter:

'Active Area', in relation to a Mineral Extraction Area (MEA), is that part of the Mineral Extraction Area which is owned by or under the control of the quarry operator at the time the MEA is established or extended.

'Buffer Area', in relation to a Mineral Extraction Area, is that part of the MEA which is outside of the Active Area.

Mineral Extraction Areas are shown on the Resource Area Maps and indicate some of the commercial quarries operating within the District. The extent of the Mineral Extraction Area indicates the area within which the effects of mineral extraction activities will generally be contained, although some effects such as noise, vibration and visual impacts may be evident beyond the boundary of the Mineral Extraction Area.

The purposes of identifying mineral extraction areas are to minimise the encroachment of incompatible land uses, to define the area within which the effects of mineral extraction are contained as far as practical, and to facilitate the operation of commercial mineral extraction activities.

This Chapter contains rules which apply specifically to Mineral Extraction Areas and includes rules on mineral extraction, the contents of mineral extraction management plans, noise, vibration, traffic movements, building height and setbacks. The Chapter also contains cross references to other Chapters of the Plan that contain rules that relate to activities that may take place within Mineral Extraction Areas, namely residential units and subdivision rules.

It is important to realise that there are rules applying to the underlying Environment and other Resource Area rules tables that may apply to activities taking place within a Mineral Extraction Area, and these must be taken into account. For example, the Environment rules on hazardous substances, parking spaces, signs and lighting are particularly relevant.

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 Mineral Extraction Areas, are excluded from the rules applying to outdoor storage.

The rules within this Chapter **do not** apply to earthworks which are not an integral component of mineral extraction activities, as defined in Chapter 4.

In some cases, the Mineral Extraction Area includes a Buffer Area beyond the Active Area of the quarry. In these cases it may not be reasonable to require the quarry operator to comply with all permitted activity rules for mineral extraction, in relation to the Active Area. This approach was recognised by the Environment Court in Winstone Aggregates v Auckland Regional Council A49/2002, where it was held that effects such as noise and vibration could not reasonably and economically be contained within the site, and a reverse sensitivity buffer was imposed.

Any proposals for extensions to existing Mineral Extraction Areas, or new Mineral Extraction Areas, will require a Plan Change process to be undertaken.

This will provide an appropriate opportunity to consider the extent to which effects should be avoided, remedied or mitigated.

64.2 Rules Relating to Mineral Extraction Areas

- Rule 36.4.1 controls the establishment of Residential Units within Mineral Extraction Areas within the Living Environment.
- Rule 38.4.1 controls the establishment of Residential Units within Mineral Extraction Areas within the Countryside and Coastal Countryside Environments.
- Rule 71.3.19 controls subdivision within a Mineral Extraction Area in the Living 1, 2 and 3 Environments.
- Rule 72.3.18 controls subdivision within a Mineral Extraction Area in the Countryside and Coastal Countryside Environments.

64.3 Mineral Extraction

64.3.1 Mineral extraction

<p>1. Mineral extraction in a Mineral Extraction Area (MEA) is a permitted activity if less than 5,000m³ of material on the site is disturbed or removed in any 12-month period.</p> <p>2. Mineral extraction in an Active Area of a Mineral Extraction Area is a controlled activity if:</p> <p style="margin-left: 20px;">a) More than 5,000m³ of material on the site is disturbed or removed in any 12 month period, and</p> <p style="margin-left: 20px;">b) All activities are conducted in accordance with a Mineral Extraction Management Plan, accepted by Council, which contains the elements listed below under the heading Content of Management Plan.</p> <p>3. Mineral extraction in a Buffer Area of a Mineral Extraction Area is a restricted discretionary activity if:</p> <p style="margin-left: 20px;">a) More than 5,000m³ of material on the site is disturbed or removed in any 12-month period, and</p> <p style="margin-left: 20px;">b) All activities are conducted in accordance with a Mineral Extraction Management Plan, accepted by Council, which contains the elements listed below under the heading Content of Management Plan.</p> <p>Control and Discretion are reserved over:</p> <p style="margin-left: 20px;">i. The extent to which off-site effects (such as dust, odour and glare),</p>	<p>Any mineral extraction in an Active Area that does not comply with a standard or rule for a controlled activity is a restricted discretionary activity and discretion shall be restricted to those matters set out under the control and discretionary table following 64.3.1 (3.).</p> <p>Any mineral extraction activity that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p> <p>Definitions:</p> <p>'Active Area', in relation to a Mineral Extraction Area (MEA), is that part of the Mineral Extraction Area which is</p>
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<p>which are not managed by other rules in the Plan, adversely affect the amenity values of sites in the vicinity;</p> <ul style="list-style-type: none"> ii. The extent to which off-site effects, which are not managed by other rules in the Plan, will inhibit the use of surrounding land for the carrying out of other activities; iii. The extent of adverse visual impacts on significant landscapes, significant natural areas or natural features; iv. The extent of any adverse effects on land stability; v. The extent of any adverse effects on ecological values or water quality, arising from the land use; vi. The extent of any adverse effects on historic and cultural heritage; vii. The extent to which landscaping proposals protect the amenity of land adjoining the Mineral Extraction Area; viii. The extent to which any rehabilitation programme will enable the land to be returned to a state suitable for use by other activities. <p>Content of Management Plan:</p> <p>For the purposes of Mineral Extraction Areas, 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:</p> <ul style="list-style-type: none"> i. A plan showing the boundaries of the MEA including the Active Area and any Buffer Area; ii. A plan showing topography, drainage, natural watercourses, existing vegetation cover and any other significant landforms or features; iii. The design and location of buildings and any plant or machinery to be used in a fixed position; iv. The anticipated life span of operation, the estimated volume of material to be excavated, and any staging of works; v. The proposed location and dimensions of overburden storage and deposition areas and stockpiles of mineral material; vi. The proposed location and 	<p>owned by or under the control of the quarry operator at the time the MEA is established or extended.</p> <p>'Buffer Area', in relation to a Mineral Extraction Area, is that part of the MEA which is outside of the Active Area.</p>
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<p>dimension of areas of excavation, including pits and faces;</p> <p>vii. Any proposed setbacks, landscaping or screening measures;</p> <p>viii. Assessment of slope stability, including, where applicable, a slope stability analysis allowing for an appropriate surcharge;</p> <p>ix. Proposed access to the MEA, and internal circulation within it;</p> <p>x. The anticipated average daily number of vehicle movements to and from the site;</p> <p>xi. The number of people proposed to be employed, and parking spaces provided on-site;</p> <p>xii. A description of the proposed methods of overburden stripping and mineral extraction;</p> <p>xiii. A description of the excavation and blasting programme;</p> <p>xiv. 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;</p> <p>xv. A description of the methods for protecting and maintaining areas of significant landforms or features; and</p> <p>xvi. A description of any future objectives for the Active Area of the MEA and any proposed rehabilitation programme.</p> <p>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.</p>	
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64.3.2 Operating Noise *(Deleted – refer to Noise and Vibration Chapter)*

64.3.3 Vibration *(Deleted – refer to Noise and Vibration Chapter)*

64.3.4 Traffic Movements

<p>Mineral extraction in a Mineral Extraction Area is a permitted activity if:</p> <p>a) It does not cause the total traffic generation from the site to be more than 100 traffic movements in any 24-hour period; or</p> <p>b) It causes the total traffic generation from the site to be more than 100 traffic movements in any 24-hour period provided that the activity connects to a public road with a sealed carriageway at least 6.0 metres wide and all vehicle manoeuvring associated with the operation occurs entirely within the site; or</p> <p>c) It does not exceed the limit allowed by the traffic movements rules in the underlying environment, if that limit is greater than 100 movements in any 24-hour period.</p> <p>Note: Where access is gained to a Limited Access Section of State Highway, it may be necessary to liaise with Transit New Zealand.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> i. Manoeuvring requirements; ii. Need for acceleration and deceleration lanes; iii. Type, frequency and timing of traffic; iv. Safety of pedestrians; v. The availability of other roads for access for sites that lead onto arterial roads or state highways; vi. Effects on the amenity of the locality; vii. Effects on ecological values; viii. Effects of dust; ix. Need for forming or upgrading roads in the vicinity of the site; x. Need for traffic control, including signs, signals and traffic islands.
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64.3.5 Building Height

<p>Construction or alteration of a building for mineral extraction purposes, in a Mineral Extraction Area, is a permitted activity if the building does not exceed:</p> <p>a) 15.0m in height; or</p> <p>b) The limit allowed by the building height rules in the underlying environment; whichever is the greater.</p> <p>Note: Stockpiles for mineral extraction purposes in Mineral Extraction Areas are not considered buildings and are excluded from this rule.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> i. The scale and bulk of the building in relation to the site; ii. The built characteristic of the locality; iii. The extent to which the effects of the height can be mitigated by setbacks, planting, design or the topography of the site; iv. The effects on landscape and amenity values.
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64.3.6 Setbacks

<p>The following activities are a permitted activity in a Mineral Extraction Area:</p> <ol style="list-style-type: none"> 1. Excavation in relation to a quarry face which is setback at least 20 metres from the boundaries of the Active Area of the Mineral Extraction Area where: <ol style="list-style-type: none"> a) A Mineral Extraction Management Plan has not been submitted to Council in accordance with Rule 64.3; or b) A Mineral Extraction Management Plan has been submitted to, and accepted by Council, in accordance with Rule 64.3 but does not include a slope stability analysis. 2. The construction or alteration of a building for mineral extraction purposes which does not exceed 10.0 metres in height and is setback at least 10.0 metres from the boundaries of the Active Area of the Mineral Extraction Area. 3. The construction or alteration of a building for mineral extraction purposes which exceeds 10.0 metres in height and is setback at least 20.0 metres from the boundaries of the Active Area of the Mineral Extraction Area. 4. Stockpiles which are setback at least 10.0 metres from the boundaries of the Active Area of the Mineral Extraction Area. 	<p>The construction of any fence or earth bund for the purpose of visual screening and/or noise attenuation that does not comply with a condition for a permitted activity is a controlled activity.</p> <p>Any other activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Control and discretion are reserved over:</p> <ol style="list-style-type: none"> i. Protection of the Environment from road frontage domination; ii. The outlook and privacy of adjoining and adjacent neighbours; iii. The continued availability of land in Esplanade Priority Areas; iv. Effects on river maintenance and hazards; v. Effects on land stability; vi. Effects on motor vehicle driver sight-lines and traffic safety; vii. Effects on the natural functioning of ecosystems; viii. Effects on landscape and heritage values.
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64.4 Principal Reasons for Rules / Explanations

Mineral Extraction

The requirement for a Mineral Extraction Management Plan recognises that each site and mineral extraction activity is different and therefore may require different controls to ensure that best practice methods are employed to control effects, particularly where the effects cannot be internalised.

Traffic Movements

Mineral extraction activities can generate high traffic levels of heavy vehicles, which can result in adverse effects due to loss of amenity, noise, pedestrian safety, road safety and efficiency, dust, odour and parking. This rule seeks to control the effects of traffic movements by setting a maximum level of traffic movements or road and safety specifications. In some cases, the traffic movements rule in the underlying environment may permit higher levels of traffic movements, in these cases, the rule from the underlying environment will apply.

Building Height

To provide for the height requirements of mineral extraction activities such as silos, the height limit for Mineral Extraction Areas allows structures necessary for mineral extraction activities to be up to 15 metres high. In some cases the building height rule in the underlying environment may permit higher building heights, in these cases, the rule from the underlying environment will apply.

Setbacks

The provision of a minimum setback distance allows possible adverse effects on amenity to be minimised by distancing activities from the property boundary. This rule applies setbacks to mineral extraction activities and buildings for mineral extraction purposes, within Mineral Extraction Areas. The setbacks are applied from the boundary of the Active Area.

Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
5 October 2009	FP	64.3.5	Title typo correction	5 October 2009	PW
21 September 2010	FP	Reference to Chapter 2.3.3	Plan Change 106 consequential changes, this provision no longer exist.	Record 10/96471	PW
11 May 2016	TB	64.3.2 64.3.3	Deletion as a result of Plan Change 110 becoming operative.	Operative Date 24 May 2016 TRIM 16/52692	MM

Editor **France Prévost (FP)**
Taya Baxter (TB)

Editor Position Team Administrator Policy Division

Approved By **Paul Waanders (PW)**
Melissa McGrath (MM)

Approver Position Policy and Monitoring Manager (PW)
District Plan Team Leader (MM)