

APPENDIX 1: Operative District Plan provisions

18 Minerals

18.1 Significant Issues

Mineral extraction can have adverse effects on the environment and can be constrained by conflicting land uses.

18.2 Overview

The management of mineral resources is divided between several pieces of legislation. Access to Crown-owned minerals is legislated under the Crown Minerals Act 1991, but the mining activity itself is managed under the Resource Management Act 1991.

Minerals are expressly excluded from 'sustainability' in section 5(2)(a) of the Resource Management Act 1991, in terms of sustaining the potential of natural and physical resources to meet the needs of future generations. However, by being included in section (2)(c), minerals are included in 'sustainability' as it applies 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 would be covered by the Resource Management Act 1991, and can therefore be addressed and regulated in District plans.

The Whangarei District contains mineral deposits that may be of considerable social and economic importance to the District, and the nation generally, but that could 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 heritage values, if not appropriately controlled.

18.3 Objectives

18.3.1

Exploration, extraction and processing of minerals occurs in a manner that avoids, remedies or mitigates any adverse effects on the environment and community, and on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga.

Explanation and Reasons: There is potential for the adverse effects of mineral extraction to impact on the well-being of people and communities, unless the effects are avoided, remedied or mitigated.

18.3.2

Subdivision, use and development of land should not compromise existing safe and efficient mineral extraction, or unduly constrain potential access to, and the development of, identified significant mineral resources.

Explanation and reasons: While the adverse effects of mineral extraction must be avoided, remedied or mitigated, it is also appropriate to ensure that activities that are sensitive to the effects of mineral extraction, such as housing, are not sited so as to prevent the managed extraction of mineral resources.

18.4 Policies

18.4.1 Adverse Effects

To avoid, remedy or mitigate to the extent practical, the adverse effects of mineral extraction on the ecological, landscape, heritage and amenity values of surrounding areas and on the amenity values of existing residential areas.

Explanation and Reasons: Possible effects of mining and exploration activities include noise, dust and air emissions, natural hazards, land subsidence, erosion and sedimentation, traffic, visual impact and hazardous substance storage. Some receiving environments, such as those in residential areas, are especially vulnerable to such effects. Conflicts with other land uses can be minimised by managing the effects of mineral extraction (for example, setting standards for noise and dust).

18.4.2 Incompatible Activities

To manage conflicts between the effects of 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 quarries or mines.

Explanation and Reasons: The previous policy provides for managing the effects of mineral extraction by performance standards. This policy provides for conflict prevention and management by keeping separated activities that are inherently incompatible, for example, residential activities and mineral extraction. It is recognised in this policy that mining must locate at the point that minerals occur, and therefore there is no location flexibility. Competing land use activities can have the effect of making a mineral resource unattainable.

18.4.3 Rehabilitation

To rehabilitate sites used for mineral exploration and extraction.

Explanation and Reasons: Rehabilitation of a site following exploration and mining activity helps to minimise potential adverse effects upon the environment (including ongoing visual effects) and to make the land available for other uses. To be most effective, it should occur sequentially with the mining operations. Rehabilitation can take numerous forms. The purpose is to restore the land to an alternative and useful purpose. For example, a former quarry could become a farm plantation or a recreational lake or indigenous wetland.

18.5 Methods

18.5.1 Regulatory Methods

- Environment rules relating to mineral extraction and effects of mining and exploration activities (Policies 18.4.1 to 18.4.3).

- Identification of Mineral Extraction Areas on the Planning Maps and the requirement to apply for a Plan Change to classify new areas of land as Mineral Extraction Areas (including extensions to existing Mineral Extraction Areas) (Policies 18.4.1 to 18.4.3).
- Resource area rules, within such Mineral Extraction Areas, including providing and operating in accordance with a Mineral Extraction Management Plan (Policies 18.4.1 to 18.4.3).
- Resource Area rules relating to earthworks (Policies 18.4.1 to 18.4.3).
- Resource consent conditions (Policies 18.4.1 to 18.4.3).
- Archaeological site surveys and/or an assessment of environmental effects by an appropriately qualified person, where activities may potentially lead to adverse effects on archaeological sites (Policies 18.4.1 to 18.4.3).

18.5.2 Other Plans and Legislation

- The Regional Policy Statement for Northland and Northland Regional Plans (Policies 18.4.1 to 18.4.3).
- The Historic Places Act 1993 (Policies 18.4.1 to 18.4.3).
- Iwi/Hapu Environmental Management Plans (Policies 18.4.1 to 18.4.3).

18.5.3 Information, Education and Advocacy

- Liaison with the Northland Regional Council (Policies 18.4.1 to 18.4.3).
- Liaison with other organisations involved in resource management, such as the Department of Conservation, the New Zealand Historic Places Trust and industry and interest groups (Policies 18.4.1 to 18.4.3).

18.6 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangarei District Council Monitoring Strategy.

- The efficient and safe extraction and processing of mineral resources for the economic benefit of the District.
- Adverse effects of mineral extraction and processing on natural, cultural and historic heritage are avoided, remedied or mitigated.
- Effects of mineral extraction and processing on surrounding amenity values are controlled to a level compatible with the characteristic amenity values of the surrounding Environment.
- The extraction and processing of mineral resources is not hindered by future land use and development, particularly in Mineral Extraction Areas.

COUNTRYSIDE AND COASTAL COUNTRYSIDE

38.3.3 Mineral Extraction

<p>Mineral extraction is a permitted activity in the Countryside Environment if:</p> <ol style="list-style-type: none"> Less than 500.0m³ of material on the site is disturbed or removed in any 12 month period; and No blasting takes place; and Where excavations and processing are undertaken within 200.0m of a road boundary or an existing residential unit, amenity planting is undertaken along that boundary and thereafter maintained to a minimum width of 5.0m and minimum height of 3.0m. <p>Mineral Extraction in the Coastal Countryside Environment is a controlled activity if:</p> <ol style="list-style-type: none"> Less than 500.0m³ of material on the site is disturbed or removed in any 12 month period; and No blasting takes place; and Where excavations and processing are undertaken within 200.0m of a road boundary or an existing residential unit, amenity planting is undertaken along that boundary and thereafter maintained to a minimum width of 5.0m and minimum height of 3.0m; and The extent of any excavation on any one site does not exceed 500.0m² as measured on the horizontal plane. <p>Control is reserved over:</p> <ol style="list-style-type: none"> Visual and landscape effects on the coastal environment; Effects on coastal land stability and natural coastal processes; Quality of storm water run off; The additional matters listed in Chapter 64.3. 	<p>Mineral extraction that does not comply with a condition for a permitted or controlled activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Effects of noise, dust and other nuisances; Methods and duration of excavation or processing, and trucking activities; Hours of operation of the activity; Effects on existing residences and reserves; Effects of road traffic on the amenity, health and safety in the locality; Effects of increased traffic on road safety, maintenance and efficiency; Effects on landscape and conservation values of the site and locality; Restoration and rehabilitation of the site; Effects of disturbance and stockpiling of topsoil, and measures to conserve and preserve topsoil; Effects of excavation, mineral extraction, transport and processing (including the effects of dust) on any water body or indigenous vegetation; Effects on coastal land stability and natural coastal processes; Quality of storm runoff; Effects of land use on heritage sites, buildings and areas; Effects of land use on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga; Effects of mineral extraction, processing and transport on the natural character of the coastal environment, wetlands, lakes and rivers.
<p>Provided always and notwithstanding the requirements in this Rule, if the activity under consideration is a mineral extraction activity and it is located within a Mineral Extraction Area then the requirements for that activity will be determined in accordance with the rules in Chapter 64.</p>	

38.4.1 Residential Units

<p>Construction of a residential unit in the Countryside Environment is a permitted activity if:</p> <ul style="list-style-type: none"> a) The residential unit, after completion, will be the only residential unit on the site; or b) The residential unit will be an additional residential unit on the site; and there is at least 20.0ha of net site area associated with each residential unit; and c) It is not within a Mineral Extraction Area as shown on the Planning Maps. d) It is not within 500m of a Mineral Extraction Area. <p>Construction of a residential unit within 500m of Mineral Extraction Area is a controlled activity.</p> <p>Control is reserved over:</p> <ul style="list-style-type: none"> i. The impact of mineral extraction on residential safety and amenity including noise, traffic, dust, vibration and visual effects. <p>Construction of residential units, not otherwise provided for as a permitted or controlled activity is a discretionary activity.</p>	<p>Construction of a residential unit in the Coastal Countryside Environment is a restricted discretionary activity if:</p> <ul style="list-style-type: none"> a) The residential unit, after completion, will be the only residential unit on the site; or b) The residential unit will be an additional residential unit on the site; and there is at least 20.0ha of net site area associated with each residential unit. c) It is not within a Mineral Extraction Area as shown on the Planning Maps. d) It is not within 500m of a Mineral Extraction Area. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> i. Extent of visual intrusion from the building; ii. Colour and design; iii. Landscaping; iv. Effects on landscape values; v. Size and shape of the site; vi. Alternative building locations; vii. Effects on the character of the coastal environment; viii. Location; ix. Visibility from road and public places; x. The effect on the appearance of skylines and ridgelines; xi. The impact of mineral extraction on residential safety and amenity including noise, traffic, dust, vibration and visual effects. <p>Construction of a residential unit, not otherwise provided for a restricted discretionary activity is a discretionary activity.</p> <p><i>Discretion includes, but is not limited to, the above assessment criteria for a restricted discretionary activity.</i></p>
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38.4.2 Minor Residential Units

<p>Construction of a minor residential unit is a permitted activity if:</p> <ul style="list-style-type: none"> a) In the Countryside Environment the minor residential unit, after completion, will be the only minor residential unit on the site and the minimum net site area of the allotment is 8000.0m²; or 	<p>Construction of a residential unit within 500m of Mineral Extraction Area is a controlled activity.</p> <p>Control is reserved over:</p> <ul style="list-style-type: none"> i. The impact of mineral extraction on residential safety and amenity including noise, traffic, dust, vibration and visual effects.
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<p>b) In the Coastal Countryside Environment, the minor residential unit, after completion, will be the only minor residential unit on the site and the minimum net site area of the allotment is 1.2 hectares; and</p> <p>c) It is not within a Mineral Extraction Area as shown on the Planning Maps.</p> <p>d) It is not within 500m of a Mineral Extraction Area.</p>	<p>Construction of additional residential units, not otherwise provided for as a permitted or controlled activity, is a discretionary activity.</p>
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73.3.18 Mineral Extraction Area

	<p>Subdivision is a discretionary activity within a Mineral Extraction Area as depicted on the Resource Area Planning Maps.</p>
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LIVING 1, 2 AND 3

36.3.1 Activities Generally

<p>Subject to Rules 62.5.2 and 62.6.1, an activity is a permitted activity if:</p> <p>a) It is not a commercial or industrial activity involving intensive livestock farming, mineral extraction, animal boarding, panel beating, metal working, spray painting, motor vehicle repairs, outdoor storage of motor vehicles, motor vehicle manufacturing or dismantling, fibre glassing or laminating, meat processing; and</p> <p>b) It does not involve food irradiation; and</p> <p>c) It involves any of the following being conducted for domestic purposes and associated with household use: bone boiling or crushing; collection and storage of used glass bottles; fish cleaning, curing and processing; flax pulping; flock manufacturing or teasing of textiles; refuse accumulation; sewage collection or disposal; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting; tanning; wood pulping; wool scouring; and</p> <p>d) It is not an activity that is classified as an offensive trade in the Health Act 1956; and</p> <p>e) Commercial or industrial activities do not operate or open for visitors, clients or deliveries before 0800 or after 1800 on any day, provided that this rule does not apply to residential activity and</p> <p>f) Places of assembly do not operate or open for visitors, clients or deliveries before 0800 or after 2000 within the</p>	<p>Any activity that does not comply with a condition for a permitted activity is discretionary if:</p> <p>a) It does not involve intensive Livestock farming; and</p> <p>b) It does not involve food irradiation; and</p> <p>c) It involves any of the following being conducted for purposes other than domestic use: bone boiling or crushing; collection and storage of used glass bottles; fish cleaning, curing and processing; flax pulping; flock manufacturing or teasing of textiles; refuse accumulation; sewage collection or disposal; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting; tanning; wood pulping; wool scouring; and</p> <p>d) It is not an activity that is classified as an offensive trade in the Health Act 1956.</p> <p>Any activity that does not comply with a standard for a discretionary activity is a non-complying activity.</p>
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<p>Air Noise Margin and 2200 elsewhere on any day; and</p> <p>g) Commercial or industrial activities are screened from view from roads and adjoining sites by fences, planting or buildings; and</p> <p>h) Commercial or industrial activities are carried out in conjunction with a residential activity on the site; or</p> <p>i) Religious observances outside the hours of operation permitted for a place of assembly in f) above, operate on no more than 4 days per year; or</p> <p>j) It does not incorporate a helicopter operating base or helicopter landing pad.</p>	
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36.4.1 Residential Units

<p>Subject to Rules 62.5.2 and 62.6.1, construction or alteration of new or additional residential units is a permitted activity if:</p> <p>a) The residential unit, upon completion, will be the only residential unit on the site; or</p> <p>b) The net site area associated with each residential unit is at least 500.0m² in the Living 1 Environment, 350.0m² in the Living 2 Environment, 2000m² in the Living 3 Environment or 2000m² in any Living Environment not connected to a reticulated sewerage system; and</p> <p>c) There is a separation distance of at least 3.0m from any other detached residential unit; and</p> <p>d) There is a separation distance of at least 6.0m where there is an outdoor living court between the residential units; and</p> <p>e) It is not within a Mineral Extraction Area as shown on the Planning Maps; and</p> <p>f) It is not within a site or area of significance to tangata whenua or disturbs an archaeological site [sic].</p>	<p>Construction or alteration of a new or additional residential unit that does not comply with a condition for a permitted activity is a discretionary activity.</p>
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71.3.19 Mineral Extraction Area

	<p>Subdivision is a discretionary activity, within a Mineral Extraction Area, as depicted on the Resource Area Planning Maps.</p>
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BUSINESS 1

39.3.1 Activities Generally

<p>Any activity is a permitted activity if:</p> <p>a) It does not involve intensive livestock farming, mineral extraction, animal boarding, panel beating, metal working, spray painting, motor vehicle manufacturing or dismantling, fibreglassing or laminating; and</p> <p>b) It is not an activity involving any of the following on a commercial basis: bone boiling or crushing; collection and storage of used glass bottles; fish cleaning, curing and processing; flax pulping; flock manufacturing or teasing of textiles; refuse accumulation; sewage collection and disposal; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting; tanning; wood pulping; wool scouring; and</p> <p>c) It is not an activity that is classified as an offensive trade in the Health Act 1956</p>	<p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity if:</p> <p>a) It does not involve intensive livestock farming; and</p> <p>b) It is not an activity that involves food irradiation; and</p> <p>c) It is not an activity involving any of the following on a commercial basis:</p> <ol style="list-style-type: none"> i. bone boiling or crushing; ii. collection and storage of used glass bottles; iii. fish cleaning, curing and processing; iv. flax pulping; v. flock manufacturing or teasing of textiles; vi. refuse accumulation; vii. sewage collection and disposal; viii. storage, drying or preserving of bones, hides, hooves, or skins; ix. tallow melting; x. tanning; xi. wood pulping; xii. wool scouring; and <p>d) It is not an activity that is classified as an offensive trade in the Health Act 1956.</p> <p>Any activity that does not comply with a standard for a discretionary activity is a non-complying activity.</p>
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BUSINESS 2

40.3.1 Activities Generally

<p>Any activity is a permitted activity if:</p> <p>a) It does not involve intensive livestock farming, mineral extraction, food irradiation; and</p> <p>b) It is not an activity involving any of the following on a commercial basis: bone boiling or crushing; fish cleaning, curing and processing; flax pulping; flock manufacturing or teasing of textiles; refuse accumulation; disposal of sewage; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting, tanning; wood pulping; wool scouring; and</p> <p>c) Retailing and office accommodation</p>	<p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity if:</p> <p>a) It does not involve intensive livestock farming; and</p> <p>b) Retailing and office accommodation activities occupy a gross floor area of more than 300.0m²; and</p> <p>c) It is not an activity that involves food irradiation; and</p> <p>d) It is not an activity involving any of the following on a commercial basis: bone boiling or crushing; fish cleaning; curing and processing; flax pulping;</p>
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<p>activities do not occupy more than 300.0m² gross floor area; and</p> <p>d) It is not an activity that is classified as an offensive trade in the Health Act 1956.</p>	<p>flock manufacturing or teasing of textiles; refuse accumulation; disposal of sewage; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting; tanning; wood pulping; wool scouring; and</p> <p>e) It is not an activity that is classified as an offensive trade in the Health Act 1956.</p> <p>Any activity that does not comply with the standards for a discretionary activity is a non-complying activity.</p>
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BUSINESS 3

41.3.1 Activities Generally

<p>Any activity is a permitted activity if:</p> <p>a) It does not involve intensive livestock farming, mineral extraction, animal boarding, metal working, motor vehicle manufacturing or dismantling, fibre glassing or laminating; food irradiation; and</p> <p>b) The premises only operate, or open for visitors, clients or deliveries between the hours of 0600 and 2200 if the activity is located within 50.0m of a Living Environment boundary; and</p> <p>c) Religious observances outside the above hours of operation operate on no more than 4 days per year; and</p> <p>d) It is not an activity involving any of the following on a commercial basis: bone boiling or crushing; fish cleaning, curing and processing; flax pulping; flock manufacturing or teasing of textiles; refuse accumulation; disposal of sewage; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting; tanning; wood pulping; wool scouring; and</p> <p>e) It is not an activity that is classified as an offensive trade in the Health Act 1956.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity if:</p> <p>a) It does not involve intensive livestock farming; and</p> <p>b) It is not an activity involving any of the following on a commercial basis: bone boiling or crushing; fish cleaning, curing and processing; flax pulping; flock manufacturing or teasing of textiles; refuse accumulation; disposal of sewage; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting; tanning; wood pulping; wool scouring; and</p> <p>c) It is not an activity that involves food irradiation; and</p> <p>d) It is not an activity that is classified as an offensive trade in the Health Act 1956.</p> <p>Any activity that does not comply with a standard for a discretionary activity is a non-complying activity.</p>
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OPEN SPACE

46.3.1 Activities Generally

<p>Subject to Rules 62.5.2 and 62.6.1 an activity is a permitted activity if:</p> <p>a) It is not a residential, commercial or industrial activity, unless it is in accordance with a Reserve Management Plan, under the Reserves Act 1977, or a Conservation Management Strategy, under the Conservation Act 1987, applicable to the land; and</p>	<p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>
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<ul style="list-style-type: none"> b) Places of assembly do not operate or open for visitors, clients or deliveries before 0800 or after 2000 on any day; and c) It does not involve mineral extraction. d) It is the continued function of the landfill operations, including recycling and composting on William Fraser Memorial Park. 	
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PORT NIKAU

50.7.2 Activities Generally

<p>Notwithstanding the rules below, any activity involving</p> <ul style="list-style-type: none"> a) Residential Activities; b) Activities involving the care of elderly or sick people, or the education or care children; c) A provision of outdoor eating, dining or reception areas associated with any retail activities or commercial activities (for the avoidance of doubt, it is acknowledged that retail activities and commercial activities without outdoor eating, dining or reception areas are permitted); and d) Visitor accommodation <p>is a Prohibited Activity in the Buffer Area (defined in Appendix 1) of the Port Nikau Environment; and</p> <p>Any activity involving:</p> <ul style="list-style-type: none"> a) Residential Activities. <p>is a Non-Complying Activity in the Transitional Area (defined in Appendix 1) of the Port Nikau Environment</p> <p>Taking into account the rules above, any activity in the Port Nikau Environment is a permitted activity if:</p> <ul style="list-style-type: none"> a) It does not involve intensive livestock farming, mineral extraction, food irradiation; and b) It is not an activity involving any of the following on a commercial basis: bone boiling or crushing; fish cleaning, curing and processing; flax pulping; flock manufacturing or teasing of textiles; refuse accumulation; disposal of sewage; 	<p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity if:</p> <ul style="list-style-type: none"> a) It does not involve intensive livestock farming; and b) It is not an activity that involves food irradiation; and c) It is not an activity involving any of the following on a commercial basis: bone boiling or crushing; fish cleaning; curing and processing; flax pulping; flock manufacturing or teasing of textiles; refuse accumulation; disposal of sewage; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting; tanning; wood pulping; wool scouring; and d) It is not an activity that is classified as an offensive trade in the Health Act 1956. <p>Any activity that does not comply with the standards for a discretionary activity is a non-complying activity.</p>
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<p>storage, drying or preserving of bones, hides, hooves, or skins; tallow melting, tanning; wood pulping; wool scouring; and</p> <p>c) It is not an activity that is classified as an offensive trade in the Health Act 1956</p>	
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URBAN TRANSITIONAL ENVIRONMENT

UTE.2.1 Discretionary Activities

- a. Any activity that generates more than 30 daily traffic movements.
- b. Buildings where the cumulative footprint exceeds 500m² on any site.
- c. Any activity that exceeds the noise levels set out in the Living 3 Environment.
- d. The creation of impermeable surfaces where the cumulative impermeable area (including buildings) exceeds 1,000m².
- e. Any signage that does not relate to activities onsite or is in excess of 2m² per site.
- f. Earthworks undertaken within a 12 month period resulting in more than 2,000m² of exposed soil at any one time, or a maximum cut or fill height of 2m.
- g. The destruction of any indigenous wetland or the destruction or clearance of an area exceeding 500m² of predominantly indigenous vegetation that forms a contiguous area of 1.0ha or more.
- h. Any activity that will damage, modify, or remove any heritage building, site or object, stone wall or cultural Site of Significance identified in the District Plan.
- i. Any artificial lighting that exceeds 10 lux when measured from the boundaries of the site.
- j. The disturbance of an area exceeding 500m² of significant habitats identified in the District Plan Maps.
- k. Any activity that does not meet the conditions for permitted activities in Appendix 8 Hazardous Substances.
- l. Habitable buildings within 500m of a Mineral Extraction Area or the Business 4 Environment.
- m. Construction or alteration of a building that exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and the site boundary.
- n. Establishment of any access, roading and/or parking spaces or associated facility which fails to comply with the Environmental Engineering Standards 2010.
- o. The construction of any building or structure that is located within 20m of the boundary of a road shown on the planning maps.
- p. The construction of any building that is located further than 50m from an existing building or approved building platform within the Urban Transition Environment.
- q. The construction or location of any habitable building within 30m of the Countryside Environment.
- r. The construction or location of any residential unit where the total residential density will exceed one residential unit per 5000m².

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

<ol style="list-style-type: none"> 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. 2. Mineral extraction in an Active Area of a Mineral Extraction Area is a controlled activity if: <ol style="list-style-type: none"> a) More than 5,000m³ of material on the site is disturbed or removed in any 12 month period, and 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. 3. Mineral extraction in a Buffer Area of a Mineral Extraction Area is a restricted discretionary activity if: <ol style="list-style-type: none"> a) More than 5,000m³ of material on the site is disturbed or removed in any 12-month period, and 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>Control and Discretion are reserved over:</p> <ol style="list-style-type: none"> i. The extent to which off-site effects (such as dust, odour and 	<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>glare), 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> <ul 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> <ul 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

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Appendix 14 - Schedule Of Existing Mineral Extraction Areas

Quarry Name	Mineral Extraction Area	Planning Map Number	Noise Limit
Golden Bay Cement – Portland Quarry	ME1	15, 50	Daily, between the hours of 0630 and 2130 - 55dB L _{Aeq} ; and Daily, between the hours of 2130 and 0630 - 45dB L _{Aeq} ; and 70dB L _{AFmax} .
Winstone Aggregates – Otaika Quarry and access way	ME3	12, 45	Daily, between the hours of 0630 and 2130 - 55dB L _{Aeq} ; and Daily, between the hours of 2130 and 0630 - 45dBA L _{Aeq} ; and 70dBA L _{AFmax} ; 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	ME4	15	Daily, between the hours of 0630 and 2130 - 50dB L _{Aeq} ; and
Balance Agriculture – Mata Quarry	ME6	15	Daily, between the hours of 2130 and 0630 - 40dB L _{Aeq} ; and 65dB L _{AFmax}
United Carriers – Woods Road Quarry	ME5	11	
Mountfield Rd Quarry	ME7	18	
Dicksons Transport – Dicksons Road Quarry	ME8	12, 36	The noise limit imposed by Land Use Consent RC 37434
Golden Bay Cement – Wilsonville Quarry	ME2	7, 28	The noise limit imposed by Land Use Consent LU 00/573
J Pullman – Robsons Quarry, Otaika	ME9	45	The noise limit imposed by Land Use Consent LU 98/904

Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
2 October 2007	FP	Dickson's quarry noise limit	Plan Change 38 as per Council Decision at ES meeting.	20 September 2007	PW
15 July 2009	FP	ME 3 - Winstone Aggregates	Plan Change 59 amendment of noise limit condition	As per Consent Memo from Environment Court dated 19 June 2009 ref. 09/61032	PW
11 May 2016	TB	Whole Chapter	Noise terminology amended to meet best practice.	Operative Date 24 May 2016 TRIM 16/52692	MM

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