

Minerals

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MIN.1.1 Description and Expectations

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 (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 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, 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.

The four iwi/hapu management plans for the Whangarei District identify the lack of control of minerals within their rohe, the adverse effects from mining and the rehabilitation of sites as significant issues.

Nationally and regionally 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 MEA). This recognises the need for aggregate resources to be available for

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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 information on their significance not being available.

Smaller scale mineral extraction activities are provided for and assessed in accordance with the relevant Environment provisions. District wide provisions may apply more restrictive rules due to the presence of significant or sensitive features.

MIN.1.2 Objectives

1. Exploration, extraction and processing of minerals avoids, remedies or mitigates any adverse effects on the environment and community.
2. 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.
3. New subdivision, use and development of land does not compromise existing safe and efficient mineral extraction.
4. New subdivision, use and development does not unduly constrain potential access to and development of, nationally and regionally significant mineral resources.

MIN.1.3 Policies

1. To avoid, remedy or mitigate the adverse effects of exploration, extraction and processing of minerals on the ecological, landscape, heritage and amenity values of surrounding areas and on the amenity values of existing residential areas by applying Environment and district wide provisions.
2. 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 written by the relevant tangata whenua and kaitiaki for all resource consent applications for mineral extraction.
3. To avoid adverse effects on significant areas by avoiding mineral extraction within identified Sites of Significance to Maori.
4. 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 existing quarries or mines
5. To rehabilitate sites historically used for mineral exploration and extraction to enable the land to be used by other activities.
6. To identify and provide for nationally and regionally significant mineral resources (where extraction rates are known) by mapping as Mineral Extraction Areas and applying provisions.

MIN.1.4 Land Use Application Information Requirements

1. All applications for mineral extraction activities within Sites of Significance to Maori (SSM) identified on the district plan Resource Area Maps shall include a cultural impact assessment prepared by the relevant tangata whenua and kaitiaki for the area.

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2. Council is undertaking background work on a plan change to update information on areas and SSM. Where no SSM is 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 is areas or SSM within the proposed mineral extraction area a CIA is required.
 - b. If Council holds no information in relation to the proposed mineral extraction area a CIA is not automatically required.
 - c. A CIA may be required to determine if there are adverse effects on natural and physical resources having historical, spiritual or cultural values.

Mineral Extraction Areas

MEA.1.1 Description & Expectations

The nine Mineral Extraction Areas (MEAs) shown on the district plan Resource Area Maps identify quarries extracting nationally and regionally significant mineral resources (refer MEA Appendix 1). The extent of the MEA 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 MEA.

Each MEA has a Mining Area within which the full range of mineral extraction activities may be undertaken. In some cases the MEA has a Buffer Area beyond the Mining Area. Where it is recognised that effects such as noise and vibration cannot reasonably and economically be contained within the Mining Area.

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

It is important to note that there are rules applying to the underlying Environment and other district wide rules that must be taken into account. For example, the Rural Area rules on hazardous substances, 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 MEAs 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 MEA provisions and assessed in accordance with the provisions in the underlying Environment.

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

Any proposals for extensions or changes to existing MEAs, or for new MEAs, will require a plan change. This will provide an appropriate opportunity to consider the extent to which effects should be avoided, remedied or mitigated.

MEA.1.2 Objectives

1. The extraction and processing of identified nationally and regionally significant mineral resources is provided for while ensuring that the adverse effects associated with these activities are avoided, remedied or mitigated.
2. New subdivision, use and development of land does not compromise or unduly constrain the operation and development of identified nationally and regionally significant mineral resources.

MEA.1.3 Policies

1. To provide for the continued extraction and processing of nationally and regionally significant mineral resources by identification as MEA Mining Area and Buffer Area.
2. To manage conflicts between the effects of mineral extraction activities and other land uses by ensuring that sensitive activities are not established close to MEAs.
3. To avoid, remedy or mitigate the adverse effects of mineral extraction within MEAs, on the ecological, landscape, heritage and amenity values of surrounding areas and on the amenity values of existing residential areas.

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4. To avoid, remedy or mitigate adverse visual impacts from MEAs on significant landscapes, significant natural areas and significant natural features by applying district wide provisions.
5. 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.
6. To avoid compromising the safety and efficiency of the roading network by limiting traffic movements on minor roads associated with MEAs and by providing for traffic controls and forming or upgrading roads in the vicinity of the MEA, where necessary.
7. 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.

MEA.1.4 Guidance Note

The following shall form the basis for resource consent applications for landuse and subdivision in MEAs:

1. The objectives, policies and provisions for MEAs and other Resource Areas in the District Plan.
2. The objectives, policies and provisions for Environments in the District Plan.
3. The district wide objectives, policies and provisions in the District Plan.

Rules requiring a 500 metre setback from a Mining Area, for sensitive activities (excluding non habitable buildings), are found in the relevant Environment chapters: RUEE.2.3.1, RPE.2.3.1, RLE.2.3.1.

Landuse

MEA.2.1 Eligibility Rules

1. Mineral extraction activities within the Strategic Rural Industries Environment are exempt from MEA.2.5.1 and MEA.2.5.3 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.

MEA.2.2 Notification Rules

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

MEA.2.3 Controlled Activities

1. The disturbance or removal of more than 5,000m³ of material within the Mining Area in any 12 month period.

MEA.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 to which off-site effects, which are not managed by other rules in the Plan will inhibit the use of surrounding land for other activities.
3. The extent of any adverse visual effects on significant landscapes, significant natural areas or significant natural features.
4. The extent of any adverse effects on land stability.
5. The extent of any adverse effects on ecological values or water quality.
6. The extent of any adverse effects on historic and cultural heritage.
7. The extent to which landscaping 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 MEA.
8. The extent to which any rehabilitation programme will enable the land to be returned to a state suitable for use for other activities.

MEA.2.5 Discretionary Activities in the Mining Area

1. Traffic generation from the MEA in any 24-hour period exceeding 100 traffic movements:
 - a. Where the site does not directly connect to a public road with a sealed carriageway of at least 6 metres wide.
 - b. Where any vehicle manoeuvring does not occur within the site.
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 that:
 - a. Exceeds 15 metres in height.

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- b. Is set back less than 10 metres (if the building is 10 metres or less in height) from the boundary of the Mining Area.
- c. Is set back less than 20 metres (if the building is greater than 10 metres in height) from the boundary of the Mining Area.
- 4. Any stockpile set back less than 10 metres from the boundary of the Mining Area.
- 5. Excavation of a quarry face less than 20 metres from the boundary of the Mining Area.
- 6. Establishment, construction or alteration of a sensitive activity (excluding non-habitable buildings).

MEA.2.6 Discretionary Activities in the Buffer Area

- 1. Establishment, construction or alteration of a sensitive activity (excluding non-habitable buildings).

MEA.2.7 Landuse Application Information Requirements

- 1. All applications for mineral extraction land use 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 MEA 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.
 - i. Proposed access to the MEA and internal circulation within it.
 - j. The anticipated average daily number of vehicle movements to and from the MEA.
 - 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.

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- 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 MEA and any proposed rehabilitation programme.
3. 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.

MEA.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 MEA.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.

MEA.3

Subdivision

MEA.3.1 Eligibility Rules

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

MEA.3.2 Notification Rules

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

MEA.3.3 Assessment of Discretionary Activities

1. When considering subdivision within MEAs, 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 MEA is within the Rural Area also refer to RA.4.2 for Assessment of Discretionary Activities.

MEA Appendix 1

Schedule of Existing Mineral Extraction 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 L _{Aeq} ; and Daily, between the hours of 2130 and 0630 - 45dB L _{Aeq} ; and 70dB L _{AFmax} . |
| 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 L _{Aeq} ; and Daily, between the hours of 2130 and 0630 - 45dB L _{Aeq} ; and 70dB 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 | MEA4 | 15 | Daily, between the hours of 0630 and 2130 - 50dB L _{Aeq} ; and Daily, between the hours of 2130 and 0630 - 40dB L _{Aeq} ; and 65dB L _{AFmax} |
| 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 |

Revision and Sign-off Sheet

| Date Approved | Editor | Paragraph | Change Reference | Decision Date | Approved By |
|---------------|--------|-----------|------------------|---------------|-------------|
| | | | | | |

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