



Plan Change 102: Minerals

Section 32 Evaluation Report

JUNE 2016

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1. Introduction

1.1 Overview and background

1. The proposed Minerals Plan Change (PC102) addresses the district plan framework for managing minerals and mineral extraction in the district. It also includes identification and management of nationally and regionally significant mineral resources, referred to in the Operative District Plan (WDP) as Mineral Extraction Areas (MEAs).
2. PC102 proposes to consolidate and update the existing objectives, policies and rules in the WDP, by combining Chapter 18 (policy) and Chapter 64 (provisions) within a single chapter in line with the new WDP structure. The contents of this chapter will also be reformatted to fit with the new WDP format that has been progressively adopted through Council's WDP rolling review.
3. There are no new nationally and regionally significant MEAs proposed by PC102.

1.2 The proposed plan change

4. PC102 proposes to amend the WDP by introducing an updated consolidated chapter entitled Minerals (Chapter MIN) and making consequential changes to the WDP including:
 - Delete: Chapter 18 Minerals, Chapter 64 Mineral Extraction Area Rules, and Appendix 14 Schedule of Existing Mineral Extraction Areas.
 - Amend: Chapter 4 Meaning of Words; Chapter 36 Living 1, 2 and 3 Environment Rules; Urban Transition Environment (UTE); Chapters 39, 40, 41, 42, 44, 45, 46 Business Environments; Chapter 46 Open Space Environment; Chapter 71 Living 1, 2 and 3 Subdivision Rules.
 - Amend: District Plan Resource Area Maps 7R, 11R, 12R, 15R, 18R, 28R, 36R, 45R, 50R.

2. Summary of the resource management issues for PC102

5. Chapter 18 of the WDP identifies the following significant issue with regards to minerals:

.1 Significant Issues

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

6. The partially operative Northland Regional Policy Statement (RPS) identifies issues such as reverse sensitivity and sterilisation of resources with regard to mineral resources:

Economic potential and social wellbeing

Northland has not effectively and sustainably managed its natural and physical resources to fully realise its economic potential and social wellbeing. Limiting factors include:

- (a) *Common natural resources not being used and allocated efficiently, particularly where there is significant demand;*
- (b) *Subdivision, use and development, particularly residential development, that compromise either:*
 - (i) *existing and future productive activities and use of land; or*
 - (ii) *regionally significant infrastructure;*
- (c) *Regionally significant infrastructure not available or sufficient to support development and community needs;*
- (d) *Poor security of energy supply;*
- (e) *Degraded state and availability of natural resources;*
- (f) *Regulation and compliance costs deterring investment; and*
- (g) *Unjustified and inconsistent application of the Resource Management Act 1991 in district and regional plans.*

The land is Northland's most significant economic asset and there is only so much of it. Subdivision, use and development, particularly residential, can have the effect of making it difficult for existing and future productive uses and infrastructure to operate (reverse sensitivity) or develop (sterilising the land). Productive activities include economic activities that use the soil and/or minerals in the ground (such as mining, farming and horticulture), those that use the space the land provides (like intensive farming, processing, manufacturing and oil refining) and other industrial and commercial uses.

...

Reverse sensitivity describes the effect that new use and development can have on existing activities in an area. It usually results from the people involved in a newly-established activity (such as residential development) complaining about the effects of existing activities (for example, noise, smells or agrichemical sprays from an established horticultural operator). This can have the effect of imposing economic burdens, or operational limitations, on the existing activities that can reduce their viability.

The sterilising of land for future productive uses from residential development occurs in two ways. Firstly, subdivision invariably increases the value of the land. Often this increases the value of the land to a point where it's uneconomical to use it in any other way, other than for residential purposes. Secondly, the more people living in an area, the more difficult it is to undertake new activities, especially where the effects are greater or different from the existing activity. Essentially, the more people live in an area, the less likely that the area can be used for any new productive purposes.

7. The NRC background report "Minerals and Land Management"¹ is also helpful in outlining the approach the RPS takes with regard to minerals.

¹ Minerals and Land Management – Background <http://www.nrc.govt.nz/resources/?url=%2FResource-Library-Summary%2FPlans-and-Policies%2FNew-Regional-Policy-Statement%2FNew-Regional-Policy-Statement--Background-Documents%2F>

8. The relevant objectives, policies and methods in the RPS relating to minerals are examined in more detail in section 6.2 of this report.
9. The issues covered by the RPS and the WDP will be addressed in the description and expectation section of PC102.

3. WDP provisions

10. Minerals and mineral extraction are currently managed in the WDP through a policy chapter, Environment rules (land use), Subdivision rules and Resource Area rules.
11. Chapter 18 of the WDP contains policy for minerals and applies throughout the Whangarei District (*refer Appendix 1 – Chapter 18 Minerals*).
12. WDP rules for mineral extraction vary according to Environment:
 - Mineral extraction in Countryside (CE) and Coastal Countryside Environments (CCE) is a discretionary activity if certain conditions relating to area, volume, planting and blasting are exceeded (*refer Appendix 1 – Rule 38.3.3*)
 - Any mineral extraction in Living, Business 1, 2, 3, Open Space and Port Nikau Environments is a discretionary activity (*refer Appendix 1 - Rule 36.3.1, 39.3.1, 40.3.1, 41.3.1, 46.3.1, 50.7.2*).
 - Construction or alteration of residential units and minor residential units within MEAs is a discretionary activity in Living Environments, CE and CCE (*refer Appendix 1 - Rule 36.4.1, 38.4.1, 38.4.2*).
 - Construction or alteration of residential units within 500 metres of MEAs is a controlled activity in CE (*refer Appendix 1 - Rules 38.4.1*).
 - Construction or alteration of residential units within 500 metres of MEAs is a discretionary consent in CCE (*refer Appendix 1 - Rules 38.4.1*).
 - Construction or alteration of minor residential units within 500 metres of MEAs is a controlled activity in CE and CCE (*refer Appendix 1 – Rule 38.4.2*).
 - Habitable buildings within 500 metres of a MEA are a discretionary activity in the UTE (*refer Appendix 1 - UTE2.11*).
 - Subdivision within MEAs is a discretionary activity in the CE, CCE and Living Environments (*refer Appendix 1 – Rules 71.3.19, 73.3.18*).
13. The WDP currently identifies nine MEAs on the Resource Maps (*refer Appendix 2*):
 - ME1 GBC Winstone - Portland Quarry
 - ME2 GBC Winstone - Wilsonville Quarry
 - ME3 GBC Winstone - Otaika Quarry and accessway

ME4 McBreen Jenkins - Takahiwai Quarry
ME5 United Carriers - Woods Road Quarry
ME6 Balance Agriculture - Mata Quarry
ME7 Mountfield Rd Quarry
ME8 Dicksons Transport – Dicksons Road Quarry
ME9 J Pullman - Robson's Quarry Otaika.

14. Resource Areas in the WDP operate as an overlay which sits over an underlying Environment (e.g. CE) and generally applies further controls to the identified areas. (For example flood susceptible Resource Areas apply more restrictive provisions to land development than those in underlying Environments.)
15. The MEA Resource Area (*Chapter 64, Appendix 1*) operates slightly differently to other Resource Areas as it generally allows a more permissive regime than that in the underlying Environment (e.g. mineral extraction is a controlled activity in a MEA rather than a discretionary activity in the CE). Clarification in the underlying provisions that where the activity is mineral extraction in a MEA the rules in the MEA Resource Area solely apply. This exemption is necessary as the convention in applying planning rules is generally that the most restrictive provision applies.
16. Currently most of the nine MEAs have an underlying environment of CE. The exceptions are ME1 – Portland Quarry which also has Business 4 as an underlying Environment, and ME3 – Otaika Quarry which also has Open Space, Living 1 and Living 3 as underlying Environments.
17. As part of the rural Plan Changes package being undertaken at the same time as PC102, PC85A proposes to change the underlying zoning of most MEA from CE and CCE to Rural Production Environment (RPE), and PC85B proposes to change the Business 4 Environment zoning of ME1 to Strategic Rural Industry Environment (SRIE).
18. Within MEAs there are Active Areas and Buffer Areas. These are defined in the WDP as follows:

'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.

19. The nine MEAs all have Active Areas. Six of the MEAs also have Buffer Areas – these are areas of land generally in different ownership to the quarry owner/operator, which are included in the MEA where it is recognised that the effects of mineral extraction (such as noise and vibration) cannot reasonably and economically be contained within the Active Area. The identified Buffer Area in these instances is considered a reverse sensitivity buffer.

20. The identified MEAs and the noise limits applicable to each are listed in WDP Appendix 14 – Schedule of Existing Mineral Extraction Areas (*refer Appendix 1*).
21. PC110 NAV Noise and Vibration (operative 24 May 2016) recently updated the noise and vibration limits applying to each Environment with the latest standards, and moved all noise and vibration provisions (including those applying to MEAs) in to a single Noise and Vibration (NAV) chapter. PC110 (operative 24 May 2016) updated the noise limits in WDP Appendix 14 in accordance with the latest noise standards.
22. Chapter 64 Mineral Extraction Area Rules (*refer Appendix 1*) contains rules relating to the MEAs. These include mineral extraction (64.3.1), vibration (64.3.3), traffic movements (64.3.4), building height (64.3.5) and setbacks (64.3.6).
23. Chapter 64 also includes reference to other rules applying to MEAs, namely the establishment of residential units and subdivision within MEAs in Living Environments, CE and CCE.

4. PC102

24. The proposed consolidated Minerals chapter (MIN), proposed amended WDP Resource Area Maps and proposed WDP consequential amendments are attached (*refer Appendix 3*).
25. The current introduction sections of Chapter 18 and Chapter 64 are proposed to be changed to a description and expectations which is the new format of the WDP (MIN 1.1, MEA1.1). The wording also is proposed to be amended to reflect the new consolidated format of the chapter, and to emphasise that MEA are identified nationally and regionally significant mineral resources. This gives effect to the RPS which specifies protection of the use and development of regionally significant mineral resources from reverse sensitivity and sterilisation (RPS Issue 2.3, RPS Objective 3.6, RPS Policy 5.1.3, 5.1.4, RPS Methods 5.1.5(1e), 5.1.5(2a), 5.1.6 (*refer Appendix 4*)).
26. PC102 adds information requirements for providing Cultural Impact Assessments (MIN.1.4) for mineral extraction activities within Sites of Significance to Maori (SSM) that are identified on the district plan Resource Area maps and in instances where there are areas or SSM that Council holds information on but have not been mapped. Council is developing a plan change for SSM (PC100) to update SSM rules and mapping.
27. PC102 re-maps the existing Active Area (proposed to be renamed as Mining Area) and any Buffer Area within MEAs. It is considered that the title “Mining Area” better reflects the activities to be undertaken.
28. The proposed objectives (MIN1.2) are the same as currently in the WDP, though they have been split to address one issue per objective. The proposed policies (MIN.1.3) are also the same as currently in the WDP, though the reasons for each policy have been removed (now reflected in the description and expectations) and two additional policies have been added (MIN1.3, 1.6).

29. New objectives and policies are proposed for the MEA section of the MIN chapter (MEA.1.2, 1.3). These are targeted to nationally and regionally significant mineral resources in accordance with the RPS, and reflect the new policy led format of the WDP.
30. Eligibility rules (MEA.2.1, 3.1) and notification rules (MEA.2.2, 3.2) are proposed, again reflecting the new WDP format. Eligibility Rule MEA.2.1.1 is proposed to apply where the proposed SRIE is the underlying Environment of the MEA as the SRIE provides in some instances (e.g. building height and traffic movements) more permissive standards than the proposed MEA rules, which necessitates an exemption from the MEA rules for those activities.
31. The proposed rules have been split to apply to the different parts of a MEA – Mining Area (was Active Area) and Buffer Area. For example mineral extraction in a Mining Area of a MEA is proposed as a controlled activity.
32. PC102 proposes to relocate definitions of Mining Area and Buffer Area (which were in Chapter 64), and proposes new definitions of Overburden to Chapter 4 Meaning of Words. The definition of Mineral Extraction is also proposed to be amended to refer specifically to overburden placement.
33. PC102 proposes to retain the WDP controlled activity status for mineral extraction within the Mining Area of a MEA (MEA.2.3) with the same matters of control (MEA.2.4). The WDP restricted discretionary activities are proposed to be changed to discretionary activities (MEA.2.5, 2.6). This meets the WDP rolling review aim of streamlining and simplifying the WDP. Many of the matters discretion was restricted to in the WDP are proposed to now be included in the assessment criteria for discretionary activities (MEA.2.8).
34. Construction of a residential unit or minor residential unit within all areas (Mining Area and Buffer Area) of a MEA is proposed to be retained as a discretionary activity (MEA.2.5.7, 2.6.1) but amending “residential unit” and “minor residential unit” to “sensitive activity”. It is considered that “sensitive activity” (which is defined in the WDP, with the definition proposed to be amended through PC85) better reflects the range of activities (e.g. schools, rest homes) which could be adversely affected by mineral extraction.
35. PC102 proposes that the current CE, CCE and UTE rules requiring residential unit, minor residential unit and habitable buildings to be set back 500 metres be amended so that “sensitive activities” are set back 500 metres from the Mining Area of the MEA. This proposed amendment maintains consistency with the “sensitive activity” amendment within a MEA and recognises that the Buffer Area already provides the quarry operator an opportunity to externalise effects. It is therefore considered that a Buffer Area should be included within any reverse sensitivity setback, rather than in addition to it. This proposed amendment requires consequential amendment to the UTE rules (*refer Appendix 3*) and will be notified in the RPE, Rural Living Environment and Rural (Urban Expansion) Environment proposed plan changes. This setback does not currently apply to the Living Environments in the WDP, and PC102 proposes to retain this distinction.

36. The contents of quarry management plan (MEA.2.7) are proposed to be the same as the WDP Chapter 64.
37. A subdivision section (MEA.3) is proposed in MIN requiring a discretionary consent for all subdivision within a MEA. This is consistent with existing WDP provisions 71.3.19 (Living Environments) and 73.3.18 (CE and CCE). It is considered more appropriate to have subdivision rules within the proposed consolidated MEA chapter, in accordance with the new WDP format.
38. In summary the proposed consequential amendments to the WDP (*refer Appendix 3*) are :
 - Chapter 4 – Add 3 definitions, amend 1 definition.
 - Chapter 18 – Delete chapter.
 - Chapter 64 – Delete chapter.
 - Living Environments – Amend chapters 36, 71.
 - UTE – Amend chapter.
 - Business Environments – Amend chapters 39, 40, 41, 42, 44, 45.
 - Open Space Environment – Amend chapter 64.
 - Appendix 14 – Delete appendix.
 - District Plan Resource Area Maps – Amend maps.

5. Consultation

39. In March 2015 a letter was sent to the operators of the nine MEA, advising of the review of the MEA chapter and asking for feedback on the current regime. A letter was also sent to an interested party who had commented on the draft rural Plan Changes and asked to be kept informed of any plan changes relating to MEAs.
40. Feedback was received from Winstone Aggregates and Golden Bay Cement (who subsequently amalgamated to form GBC Winstone). They both requested that the reviews of the rural and the MEA provisions take place at the same time. The rural Plan Changes and PC102 have been concurrently prepared and will be notified together.
41. A request was made by GBC Winstone to extend their MEA at Otaika to include an adjacent area of land for overburden disposal. Several meetings and a site visit to Portland and Otaika Quarry took place in 2015 and 2016. Technical reports were prepared by GBC Winstone on the overburden proposal and peer reviewed by Council. Pre-notification consultation was undertaken on the proposal.

42. Council considered the request at its meeting on 8 June 2016 (*refer Agenda Item 4 WDC Planning Committee, Appendix 5*).
43. Council resolved: *“That the Planning Committee declines to include the extension to Otaika Quarry, for overburden, in the notification of the proposed minerals plan change (PC102).”*
44. A request was made by Avoca, through a comment on the draft rural Plan Changes, to be included as a MEA. Council sought further details on the quarry operation to assess whether its significance warranted its inclusion as a MEA. Limited information was received, and it has been assessed as not being a regionally significant mineral resource and is therefore not proposed as a MEA in PC102.
45. A request was made by neighbours of Mountfield Road Quarry requesting a reduction in the MEA so that their property would not be within 500 metres of the MEA. A letter was sent to the quarry, and the quarry operator advised that they wished to retain their MEA but would be open to further discussions.
46. Draft PC102 was sent to iwi and key stakeholders on 29 April 2016 for comment. A letter was mailed to those ratepayers/landowners potentially affected by the GBC Winstone’s proposal to add an Overburden Area to ME3 at Otaika. An information evening was held on 12 May 2016 and attended by approximately 20 residents/landowners. GBC Winstone also attended a meeting of the Acacia Grove Committee, held a drop in day at the quarry and attended a meeting of the Ruarangi Trustees.
47. Eight comments were received on draft PC102. Of those, four had comments on the plan change in general and six were primarily comments on GBC Winstone proposal.
48. A presentation on draft PC102 was made to Te Huinga on 16 May 2016 and feedback sought.

6. Section 32 analysis

6.1 Appropriateness in terms of purpose of the RMA

49. Council must evaluate in accordance with section 32 of the RMA the extent to which each objective proposed in PC102 is the most appropriate way to achieve the purpose of the RMA. To confirm the appropriateness of the proposed objectives, they are evaluated for consistency with the purpose of the RMA and with existing and proposed higher order provisions of the WDP. The assessment is considered to be at a level of detail appropriate to the scale and significance of the issues concerned.
50. PC102 proposes the following objectives (MIN.1.2.1, 1.2.2, 1.2.3, 1.2.4 from Chapter 18 of the WDP, MEA.1.2.1, MEA.1.2.2 new objectives):

TABLE 1: REASON FOR PROPOSED OBJECTIVES		
WDP Objective	Proposed MIN Objective	Reason/Issue
18.3.1	MIN 1.2.1 Exploration, extraction and processing of minerals avoids, remedies or mitigates any adverse effects on the environment and community.	This objective has particular regard to the sustainable management purpose of the RMA.
18.3.1	MIN 1.2.2 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.	This objective has regard to sustainable management while recognising tangata whenua relationships with ancestral land, sites, water, waahi tapu and other taonga are a matter of national importance.
18.3.2	MIN 1.2.3 New subdivision, use and development of land does not compromise existing safe and efficient mineral extraction.	This objective has particular regard to the efficient use and development of natural and physical resources as it seeks to avoid compromising existing mineral extraction activities (reverse sensitivity).
18.3.2	MIN 1.2.4 New subdivision, use and development does not unduly constrain potential access to and development of, nationally and regionally significant mineral resources.	This objective has particular regard to the efficient use and development of natural and physical resources as it seeks to avoid compromising the potential for regionally significant mineral resources to be developed (sterilisation of land).
(New)	MEA 1.2.1 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.	This objective seeks to address the sustainable management purpose of the RMA in relation to regionally significant mineral resources.
(New)	MEA 1.2.2 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.	This objective has particular regard to the efficient use and development of natural and physical resources as it seeks to avoid compromising existing regionally significant mineral extraction activities.

51. The following table assesses the appropriateness of the proposed objectives in achieving the purpose of the RMA.

		TABLE 2: EVALUATION OF PROPOSED OBJECTIVES AGAINST PART 2 OF THE RMA					
		Proposed Mineral Extraction Areas Objectives					
		MIN.1.2.1	MIN1.2.2	MIN 1.2.3	MIN 1.2.4	MEA 1.2.1	MEA 1.2.2
Resource Management Act Part 2 Sections	5(2)(c)	√		√		√	√
	6(e)		√				
	7(b)			√	√	√	√
	7(c)	√				√	
	7(f)	√				√	
	7(g)				√		√

52. Having assessed the proposed objectives against Part 2 of the RMA it is considered that they achieve the purpose of the RMA. It is noted that minerals are specifically exempt from sustainable management considerations of providing for future generations (5(2)(a)) as they are a finite resource.

6.2 Appropriateness in relation to higher order documents

53. The objectives proposed by PC102 have not changed materially from those in the WDP, so it is considered that they have had regard to higher order documents existing at the WDP operative date 3 May 2007.
54. Of particular relevance are any higher order documents prepared after that date including Iwi and Hapu Management Plans, RPS, Long Term Plan 2015 – 2025 (LTP), Whangarei District Growth Strategy Sustainable Futures 30/50 2010 (30/50), Rural Development Strategy 2013 (RDS).

Iwi and Hapu Management Plans

55. Four iwi and hapu management plans have been accepted by the Whangarei District Council, all of which have relevance to minerals and aggregates (*refer extracts in Appendix 6*).
56. PC102 has taken into account the objectives, policies and methods identified in these plans, while acknowledging that some of the actions are not under Council's legislative control.
57. In particular the requirements to provide cultural impact assessment for mineral extraction activities (MIN.1.4) have been proposed by PC102 to take into account iwi and hapu management plans.
58. The iwi and hapu management plans identify the protection of areas of significance to tangata whenua from mining as an issue. The WDP currently has a Resource Area overlay applying to Sites of Significance to Maori (SSM). Any physical disturbance of land within SSM requires resource consent (Rule 60.1.1a).
59. Council is reviewing the SSM chapter as part of the WDP rolling review and will undertake a plan change. Policy MIN.1.3.3 (avoiding mineral extraction in SSMs) has been added to PC102 to take into account iwi and hapu management plans and to provide direction to the subsequent SSM Plan Change.

RPS

60. Issue 2.3, objective 3.6, policy 5.1.3, 5.1.4, method 5.1.5(1e), 5.1.5(2a), and 5.1.6 of the RPS relate to minerals. Council is required to give effect to the RPS under section 73(4) of the RMA.
61. As regionally significant mineral resources have not yet been mapped by NRC, analysis of resource consents for mining has been undertaken and those quarries where average annual aggregate extraction rates are 50,000 cubic metres or greater are proposed to be identified as nationally and regionally significant (*refer Appendix 4 - RPS policy 5.1.4 and Appendix 7 -*

resource consents and volumes). These correspond with the nine existing MEA already identified in the WDP.

62. PC102 gives effect to the RPS by: identifying on the WDP Resource Area Maps nationally and regionally significant mineral resources (currently being extracted); and by including provisions controlling the development of sensitive activities both within an MEA and within 500 metres of the Mining Area of a MEA.

Whangarei District Growth Strategy Sustainable Futures 30/50

Section 3.2 Minerals and Aggregates and actions 3.1, 3.2, and 3.3 (see below) from the 30/50 Implementation Plan, are of particular relevance to PC102.

Action 3.1	Review the current provisions on mineral extraction in the District Plan, and ensure that the provisions address present challenges around mineral extraction and avoid, remedy or mitigate adverse effects on the environment and minimise reverse sensitivity issues.				
Explanation	As part of the rolling review of the District Plan, issues surrounding mineral extraction areas will need to be reviewed, including both the geographical scope of mineral extraction areas as well as the wider policy framework. Take into account any new provisions that emerge in the proposed RPS and other documents that may be promulgated by central government.				
Priority/Timing	Lead Agency	Support Agencies	Cost Implication	Implementation Method	Linked Nodes
4	WDC [PM]	NRC	Current Resources	District Plan	

Action 3.2	Map the location of significant mineral and aggregate resources in the district and consider including these areas on the resource area maps in the District Plan. This includes resources that are currently mined and those not mined.				
Explanation	Consideration needs to be given to determining the location of mineral and aggregate resources and then including these areas on the resource area maps in the District Plan so that this information is readily available to council staff, developers and land owners. Information contained in various geological surveys and maps are a good starting point but may need to be supplemented with more detailed localised information. The NRC should be approached to assist in providing such supplementary information, as well as the results from the aerial mapping exercise currently taking place. Whilst emphasis will be given to the protection of presently known sources, future reviews and mapping exercises may reveal further sources which may need to be protected.				
Priority/Timing	Lead Agency	Support Agencies	Cost Implication	Implementation Method	Linked Nodes
4	WDC [PM]	NRC	Low	District Plan	All

Action 3.3	Consider including provisions in the District Plan to protect areas of significant mineral and aggregate resources (currently mined and not mined) from sterilization and ensure that rural residential and urban development does not encroach on these areas.				
Explanation	This action point is focussed on dealing with potential areas of mineral extraction as well as expansion of presently mined areas. The District Plan contains provision that protect mined mineral zones, but the aerial survey may reveal other opportunities. A plan change may be required to give a level of protection to potential resources, but less protection than already mined locations. For example, a plan change may seek to exclude rural residential development from those areas with high mineral potential. However, such a plan change should only be processed if options prove feasible in light of the minerals review and the costs and benefits of developing the resource. This action point would also need to consider the desire by central government to exploit opportunities found in conservation areas outside of National Parks.				
Priority/Timing	Lead Agency	Support Agencies	Cost Implication	Implementation Method	Linked Nodes
4	WDC [PM]	NRC	Low	District Plan	All

63. Action 3.2 has been partly addressed by mapping nationally and regionally significant mineral resources (that are currently being extracted) as MEA.

64. Action 3.3 has been addressed by including proposed provisions controlling the development of sensitive activities both within a MEA and within 500 metres of the Mining Area of a MEA.
65. Actions 3.2 and 3.3 in relation to the mapping and protection of potential mineral resources (not currently mined) rely on Northland Regional Council identifying regionally significant mineral resources.

Rural Development Strategy

66. Of relevance is the following extract from the Minerals and Aggregates Issues and Option paper prepared for the RDS.

5.4 Options for District Plan methods

As discussed in section 6.2, the objectives and policies in the current District Plan largely address the key resource management issues, with the exception of protection of future mineral and aggregate resource requirements.

The methods to implement the objectives and policies are dependent on other environmental and cultural resources being protected through the Plan. In addition to this, the following methods could be considered as part of the review:

- 1 Retain the existing MEAs tool in the District Plan. Consultation and best practice indicates that this tool is worth retaining and protects significant mineral resources from reverse sensitivity issues whilst ensuring the effects are internalised as far as practicable.
- 2 Extending 'buffer areas' to significant quarries that are either not currently identified in the District Plan or ones only with the 'active area' currently identified. A review of existing quarries will need to be carried out and consultation should be undertaken with operators and the Aggregates and Quarrying Association during the assessment. In line with case law, the significance of the quarries should be an important consideration in this assessment.
- 3 Include a description of the 'rural environment' and the Countryside and Coastal Countryside Environments in the District Plan. Amenity values for the Countryside and Coastal Countryside are currently included in Chapter 5 of the District Plan, but no description of the types of activities that typically occur is included. This would assist in defining what level of quarrying activity is expected as part of the 'character' of the rural area, and what would require a more thorough assessment through a consent process.
- 4 A requirement for a Quarry Management Plan to be included with all applications for new quarries across the District. This is to ensure a consistent process and monitoring regime.
- 5 Increase the activity status for consents for mineral extraction activities outside of MEAs to allow for a full assessment of environmental effects. This could be from restricted discretionary to discretionary in Countryside and Coastal Countryside Environments, and non-complying in sensitive areas such as Outstanding Landscapes and Sites of Significance to Maori. This should be considered in the context of other rule changes, such as earthworks, and the extent of any review recommendations to the areas identified.
- 6 Requirements for new subdivisions and dwellings within x distance of future mineral and aggregate resource sites to be assessed through consents or if information is not available in the Plan, require new subdivisions in the Countryside and Coastal Countryside to or if information is not available in the Plan, require new subdivisions in the Countryside and Coastal Countryside to address any impact on access to future mineral and aggregate resources.

67. PC102 implements RDS methods 1 and 4. It is considered that RDS method 2 – the extension of buffer areas to all MEA - should not be applied unless the quarry owner/operator can provide evidence to Council that it is not reasonable and/or economic to contain all quarrying effects within their site. There is further discussion on the costs and benefits of this in section 6.4 of this report.
68. RDS methods 3, 4, and 5 are addressed in the proposed rural Plan Changes. RDS method 6 is reliant on the NRC identifying undeveloped regionally significant mineral resources.

69. The proposed objectives in PC102 are considered to be appropriate with respect to the identified relevant higher order documents.

6.3 Appropriateness in relation to the WDP

70. The proposed MIN objectives are the same as those currently in the WDP, so are considered appropriate in relation to the WDP.

71. The proposed MEA objectives are consistent with the existing provisions in the WDP, so are considered appropriate.

72. PC102 has been prepared in conjunction with the proposed rural Plan Changes, and having reviewed these it is also considered that the proposed objectives are appropriate in relation to the proposed rural Plan Changes.

6.4 Effectiveness and efficiency of proposed policies and methods

73. For the purposes of the s32 assessment it is important to determine whether the proposed provisions (policies and methods) will be most appropriate way to achieve the objectives by identifying other alternatives, and through undertaking a cost benefit analysis of the economic, social, environmental and cultural effects of the provisions including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain or insufficient information exists must also be considered.

Policies

74. The following table demonstrates that the policies proposed for the MIN and MEA implement the proposed MIN and MEA objectives.

TABLE 3: LINKS BETWEEN OBJECTIVES AND POLICIES	
Proposed Objective	Proposed Policy
MIN.1.2.1 Exploration, extraction and processing of minerals avoids, remedies or mitigates any adverse effects on the environment and community.	MIN.1.3.1, 1.3.5, 1.3.6
MIN.1.2.2 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.	MIN.1.3.2, 1.3.3, 1.3.5
MIN.1.2.3 New subdivision, use and development of land does not compromise existing safe and efficient mineral extraction.	MIN.1.3.4
MIN.1.2.4 The potential access to, and development of regionally significant mineral resources is not unduly constrained by new subdivision and development.	MIN.1.3.6
MEA 1.2.1 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.	MEA.1.3.1, 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7
MEA 1.2.2 Subdivision, use and development of land does not compromise or unduly constrain the development of identified regionally significant mineral resources.	MEA.1.3.2

Methods

75. The following table demonstrates that the provisions proposed for the MEA section in PC102 implement the proposed policies.

Proposed MEA Policy	Proposed MEA Method
1.3.1	WDP Resource Area Maps
1.3.2	2.5.6, 2.6.1
1.3.3	2.3.1, 2.4, 2.5.1, 2.5.3, 2.5.4, 2.5.5, 2.7, 2.8
1.3.4	2.4.3
1.3.5	2.4.7, 2.5.3, 2.5.4, 2.5.5, 2.7, 2.8.10, 2.8.11
1.3.6	2.5.1, 2.5.2, 2.7, 2.8.6, 2.8.7, 2.8.8, 2.8.9
1.3.7	2.5.2

76. To assess the proposed methods for MEA they are grouped into:

- WDP regulatory framework
- Cultural Impact Assessment
- Mapping of area of MEA
 - 500m setback – change from MEA to Mining Area
 - 500m setback – applying to rural Environments
 - Mapping of Buffer Areas
- Provisions for MEA

WDP Regulatory Framework

77. The alternatives considered for the framework to manage nationally and regionally significant mineral extraction in the WDP being considered are:

Option 1: Current regime of Resource Area overlay, separate objectives, policy, appendix and subdivision rules (Status Quo).

Option 2: Consolidated chapter including district wide objectives and policies for minerals, and MEA objectives, policies and rules for MEA (Plan change option).

Option 3: Minerals Environment with objectives, policies and rules.

TABLE 5: ALTERNATIVES EVALUATION – DISTRICT PLAN REGULATORY FRAMEWORK

	Costs	Benefits
<p>Option 1: Apply current mixed framework. (Status Quo).</p>	<p><u>Environmental</u> May allow a greater or lesser use than underlying zone, so requires cross referencing to exempt from certain provisions as default is to use most stringent requirement Does not meet the new format or simplifying and streamlining outcomes of the rolling review of the WDP. Does not fit with proposed rural Plan Changes.</p> <p><u>Economic</u> Requires plan change to add or remove MEAs – cost to applicant/council.</p> <p><u>Social</u> Possibility of disagreement of what is a mineral extraction activity (refer definition) and which rules apply (e.g. MEA or underlying Environment).</p> <p><u>Cultural</u> None known.</p>	<p><u>Environmental</u> Allows for a 500m setback from the boundary of the MEA to address reverse sensitivity considerations. The MEA overlay provides objectives, policies and rules for mineral extraction activities within identified areas only. Activities other than mineral extraction are considered in the underlying zone provisions.</p> <p><u>Economic</u> Provides certainty for mineral extraction operators and protection of the mineral resource.</p> <p><u>Social</u> Requires plan change to add or remove MEAs so requires public participation through schedule 1 processes and assessment under s32.</p> <p><u>Cultural</u> No change to current management regime.</p>
<p>Option 2: Apply Consolidated Chapter with Resource Area framework for MEA. (Plan change option).</p>	<p><u>Environmental</u> May allow a greater or lesser use than underlying zone, so requires cross referencing to exempt from certain provisions, as default is to use most stringent requirement.</p> <p><u>Economic</u> Requires plan change to add or remove MEAs – cost to applicant/council.</p> <p><u>Social</u> Possibility of disagreement of what is a mineral extraction activity (refer definition) and which rules apply (e.g. MEA or underlying Environment).</p> <p><u>Cultural</u> None known.</p>	<p><u>Environment</u> Proposes a 500m setback from the boundary of the Mining Area of the MEA to address reverse sensitivity considerations. Provides objectives, policies and rules for activities within MEA.</p> <p><u>Economic</u> Provides certainty for mineral extraction operators and protection of the mineral resource. No major change to the current regime in the WDP. Is consistent with direction in higher order documents, RPS, WDP and proposed rural plan changes.</p> <p><u>Social</u> Requires plan change to add or remove MEAs so requires public participation through schedule 1 processes and assessment under s32.</p> <p><u>Cultural</u> No major change to current management regime. Consolidated WDP format.</p>
<p>Option 3: Apply Mineral Environment framework.</p>	<p><u>Environmental</u> Not consistent with direction in higher level documents, RPS, WDP or proposed rural Plan Changes. Could result in cross boundary effects if buffers were not built into the Environment.</p> <p><u>Economic</u> Time/cost involved in preparing a whole zone and anticipating activities that could occur in the zone may not be warranted for small percentage of overall land area</p>	<p><u>Environmental</u> Provides a comprehensive set of objectives, policies, and rules for a specific zone. No cross referencing is required to other Environments. Allows for a 500m setback from the boundary of the Environment to address reverse sensitivity considerations.</p> <p><u>Economic</u> Provides certainty for mineral extraction operators and protection of the mineral resource.</p> <p><u>Social</u></p>

	and where the primary land use is mineral extraction. Requires plan change to add or remove areas from zone – cost to applicant/council. <u>Social</u> Some landowners within current MEA overlay may be rezoned as a Mineral Extraction Environment when they are not involved in mineral extraction activities. Possible drop in property value/perception of value. <u>Cultural</u> New approach to minerals for WDP.	Requires plan change to add or remove areas from zone so requires public participation through schedule 1 processes and assessment under s32. <u>Cultural</u> None known.
	Efficiency	Effectiveness
Option 1:	Option 1 is not considered to be an efficient method of achieving the objectives of PC102 and it does not fit with the rolling review of the WDP or the proposed rural Plan Changes.	Option 1 is not considered to be effective in achieving the objectives of PC102 it does not fit with the rolling review of the WDP or the proposed rural Plan Changes.
Option 2: (Plan change option).	Option 2 is considered to be an efficient method of achieving the objectives of PC102 as it is consistent with the rolling review and rural Plan Changes.	Option 2 is considered to be effective in achieving the outcomes of PC102 because it fits with the rolling review and rural Plan Changes.
Option 3:	Option 3 is considered to be inefficient in achieving the objectives of PC102 and it does not fit with the rolling review of the WDP or the proposed rural plan changes.	Option 3 is considered to be not effective in achieving the objectives of PC102 because it does not fit with the rolling review of the WDP or the proposed Rural Plan Changes.
Economic Growth and Employment Opportunities		
Option 1:	This option provides no change to growth and employment opportunities, as it is the status quo.	
Option 2: (Plan change option)	This option provides no change to growth opportunities, as it is modified status quo and provides no major change to the management regime.	
Option 3:	This option provides no anticipated change to growth and employment opportunities, as it proposes changes to the framework not activity status.	
Risk of acting and not acting if there is uncertain or insufficient information		
There is no risk due to insufficient information for Option 1, 2 and 3.		

78. Option 2 is considered to be the most appropriate for achieving the objectives of PC102.

Cultural Impact Assessment

79. There are no provisions proposed to implement the MIN objectives and policies as the provisions are found in the relevant environment (e.g. CE). However PC102 proposes to require that a cultural impact assessment (CIA) be provided for resource consents for mineral extraction in certain circumstances.

80. The alternatives considered for CIA are:

Option 1: No requirement for CIA (will be determined at time of application by applicant or consent planner).

Option 2: Requirement for CIA for any resource consent for mineral extraction (District wide and MEA).

Option 3: Requirement for CIA for consents outside MEA/consents for mineral extraction where it is a discretionary or non-complying activity.

Option 4: Requirement for CIA where mineral extraction is proposed within a site of SSM identified on the WDP Resource Area Maps, or Council holds information about a SSM that is not mapped (Plan Change Option, Modified Status Quo).

TABLE 6: ALTERNATIVES EVALUATION – CIA PROVISION		
	Costs	Benefits
Option 1: No requirement for CIA.	<p><u>Environmental</u> Imposes potential adverse effects on the environment.</p> <p><u>Economic</u> None known.</p> <p><u>Social</u> Uncertainty as to whether a cultural impact assessment is required – discretion of applicant or council planner. Potentially less community involvement in the process.</p> <p><u>Cultural</u> Does not take into account iwi and hapu management plans. Imposes potential adverse effects on tangata whenua and cultural heritage.</p>	<p><u>Environmental</u> None known.</p> <p><u>Economic</u> May reduce consenting costs to mineral extractor.</p> <p><u>Social</u> Potentially cheaper resource costs.</p> <p><u>Cultural</u> None known.</p>
Option 2: Requirement for CIA for all resource consents for mineral extraction.	<p><u>Environmental</u> None known.</p> <p><u>Economic</u> Potential consenting cost to applicant and possible time delays.</p> <p><u>Social</u> None known.</p> <p><u>Cultural</u> Potential lack of resourcing to undertake the cultural impact assessments.</p>	<p><u>Environment</u> Council may impose conditions of consent to control adverse effects on the environment.</p> <p><u>Economic</u> Gives certainty to all parties.</p> <p><u>Social</u> Potential for more community involvement in the process.</p> <p><u>Cultural</u> Council may impose conditions of consent to control adverse effects on tangata whenua and cultural heritage. Takes into account iwi and hapu management plans.</p>
Option 3: Requirement for CIA for consents outside MEA/consents for discretionary and non-complying activities.	<p><u>Environmental</u> Potential adverse effects on the environment.</p> <p><u>Economic</u> Potential consenting cost to applicant and possible time delays for new mineral extraction activities.</p> <p><u>Social</u> None known.</p> <p><u>Cultural</u> Potential adverse effects on tangata whenua and cultural heritage. Potential lack of resourcing to undertake the cultural impact assessments.</p>	<p><u>Environmental</u> Council may impose conditions of consent to control effects on the environment in certain circumstances.</p> <p><u>Economic</u> Provides for the continued extraction of nationally and regionally significant minerals.</p> <p><u>Social</u> Potential for more community involvement.</p> <p><u>Cultural</u> Council may impose conditions of consent to control effects on tangata whenua and cultural heritage in certain circumstances. Takes into account iwi and hapu management plans.</p>

<p>Option 4: Requirement for CIA limited to consents within SSM. (Plan Change Option, Modified Status Quo).</p>	<p><u>Environmental</u> Potential for adverse effects on SSM that are not identified on the WDP Resource Area Maps. Potential adverse effects on environment outside of SSM.</p> <p><u>Economic</u> None known.</p> <p><u>Social</u> None known</p> <p><u>Cultural</u> Potential adverse effects on tangata whenua and cultural heritage outside of SSM. Delays in identifying SSM due to a number of factors.</p>	<p><u>Environmental</u> Council may impose conditions of consent to control effects on the environment in SSM.</p> <p><u>Economic</u> No additional consenting costs outside of SSM.</p> <p><u>Social</u> None known.</p> <p><u>Cultural</u> Council may impose conditions of consent to control effects on tangata whenua and cultural heritage in SSM. Takes into account iwi and hapu management plans.</p>
	Efficiency	Effectiveness
<p>Option 1:</p>	<p>Option 1 is not considered to be an efficient method of achieving the objectives of PC102 as it does not provide for managing adverse effects on tangata whenua.</p>	<p>Option 1 is not considered to be effective in achieving the objectives of PC102 as it does not manage adverse effects on tangata whenua.</p>
<p>Option 2:</p>	<p>Option 2 is not considered to be an efficient method of achieving the objectives of PC102 as it takes in account iwi and hapu management plans but imposes delays and costs on applicants.</p>	<p>Option 2 is not considered to be effective in achieving the objectives of PC102 as it addresses potential adverse effects on tangata whenua but imposes delays and costs on applicants.</p>
<p>Option 3:</p>	<p>Option 3 is not considered to be an efficient method in achieving the objectives of PC102 as it doesn't address potential adverse effects on tangata whenua from nationally and regionally significant mineral extraction.</p>	<p>Option 3 is not considered effective in achieving the objectives of PC102 as it does not manage adverse effects on tangata whenua from nationally and regionally significant mineral extraction.</p>
<p>Option 4: (Plan Change Option)</p>	<p>Option 4 is considered to be an efficient method for addressing potential adverse effects within SSM and achieving the objectives of PC102.</p>	<p>Option 4 is considered effective for addressing potential adverse effects within SSM and in achieving the objectives of PC102.</p>
Economic Growth and Employment Opportunities		
<p>Option 1:</p>	<p>This option provides a slight increase to growth and employment opportunities, as it allows less consenting requirements for mineral extraction.</p>	
<p>Option 2:</p>	<p>This option provides minimal change to growth and employment opportunities, as it applies additional requirements on mineral extractors.</p>	
<p>Option 3:</p>	<p>This option provides minimal change to growth and employment opportunities, as it applies additional requirements on new mineral extraction activities.</p>	
<p>Option 4: (Plan Change Option)</p>	<p>This option provides minimal change to growth and employment opportunity as it is modified status quo.</p>	
Risk of acting and not acting if there is uncertain or insufficient information		
<p>Council holds insufficient information on SSM but is undertaking a separate plan change to address this (PC100).</p>		

81. Option 4 is the most efficient and effective option.

500 metre setback – from MEA to Mining Area

82. The WDP currently has a setback of 500 metres from MEA applying to residential units in UTE, CE and CCE. The options considered for a 500 metre setback are:

Option 1: 500 metre setback from boundary of MEA. (Status Quo).

Option 2: 500 metre setback from boundary of Mining Area of MEA. (Plan change option, modified Status Quo).

Option 3: No setback from MEA.

TABLE 7: ALTERNATIVES EVALUATION – DISTRICT PLAN REGULATORY FRAMEWORK		
	Costs	Benefits
Option 1: Apply 500m setback from MEA. (Status Quo).	<p><u>Environmental</u> Allows greater externalisation of effects by mineral extractors as the setback applies in addition to any Buffer Area.</p> <p><u>Economic</u> Consenting and mitigation costs for development within 500m setback. Potential effects on land values of properties within 500m setback.</p> <p><u>Social</u> Potential to restrict the development of adjacent land.</p> <p><u>Cultural</u> None known.</p>	<p><u>Environmental</u> Allows for a 500m setback from the boundary of the MEA to address reverse sensitivity considerations. Gives effect to the RPS.</p> <p><u>Economic</u> Provides certainty for mineral extraction operators and protection of the mineral resource.</p> <p><u>Social</u> Provides an awareness of the proximity of a MEA.</p> <p><u>Cultural</u> No change to current management regime.</p>
Option 2: Apply 500m setback from Mining Area. (Plan change option).	<p><u>Environmental</u> Allows less externalisation of effects by mineral extractors than Option 1, as setback includes Buffer Area.</p> <p><u>Economic</u> Consenting and mitigation costs for development within 500m setback (but setback reduced where Buffer Area already exists) Potential effects on land values of properties within 500m setback (but affects less property than Option 1).</p> <p><u>Social</u> Potential to restrict the development of land within 500m setback.</p> <p><u>Cultural</u> None known.</p>	<p><u>Environment</u> Allows for a 500m setback from the boundary of the Mining Area to address reverse sensitivity considerations. Gives effect to the RPS.</p> <p><u>Economic</u> Provides certainty for mineral extraction operators and protection of the mineral resource. Reduces amount of land affected by setback where Buffer Areas exist.</p> <p><u>Social</u> Provides an awareness of the proximity of a MEA.</p> <p><u>Cultural</u> No major change to current management regime.</p>
Option 3: Apply no setback from MEA.	<p><u>Environmental</u> Does not give effect to the RPS. Not consistent with proposed rural Plan Changes. Could result in reverse sensitivity effects on mineral extractors.</p> <p><u>Economic</u></p>	<p><u>Environmental</u> Requires internalisation of effects by mineral extractors.</p> <p><u>Economic</u> No requirement for resource consent and mitigation due to proximity to MEA.</p> <p><u>Social</u></p>

	Reverse sensitivity effects could potentially result in less extraction, or loss, of nationally and regionally significant resource. Potential for higher cost of materials sourced further away. Potential loss of jobs if mineral extraction activity ceases or reduces. <u>Social</u> Potential higher development costs. <u>Cultural</u> New approach to minerals for WDP.	No restriction imposed on adjoining land. <u>Cultural</u> None known.
	Efficiency	Effectiveness
Option 1:	Option 1 is not considered to be efficient in achieving the objectives of PC102 as it does not fit with the proposed rural Plan Changes, and unfairly restricts development of land adjoining MEA.	Option 1 is not considered to be effective in achieving the objectives of PC102 as it does not fit with the proposed rural Plan Changes, and unfairly restricts development of land adjoining MEA.
Option 2: (Plan change option).	Option 2 is considered to be an efficient method of achieving the objectives of PC102 as it is consistent with rural Plan Changes, gives effect to the RPS and balances the effects of MEA on adjoining landowners.	Option 2 is considered to be effective in achieving the outcomes of PC102 because it fits with rural Plan Changes, gives effect to the RPS and balances the effects of MEA on adjoining landowners.
Option 3:	Option 3 is not considered to be an efficient method of achieving the objectives of PC102 as it does not achieve objective MEA.1.2.2, and does not give effect to the RPS.	Option 3 is not considered to be effective in achieving the objectives of PC102 because it does not achieve objective MEA.1.2.2, and does not give effect to the RPS
Economic Growth and Employment Opportunities		
Option 1:	This option provides no change to growth and employment opportunities, as it is the status quo.	
Option 2: (Plan change option).	This option provides no change to growth opportunities, as it is modified status quo and provides no major change to the management regime.	
Option 3:	This option provides a decrease to growth and employment opportunities, as it could adversely affect the operation of existing MEAs.	
Risk of acting and not acting if there is uncertain or insufficient information		
There is no risk due to insufficient information for Option 1, 2 and 3.		

83. Option 2 is considered the most appropriate for achieving the objectives of PC102.

500 metre setback – applying to Rural Environments

84. The WDP currently has a setback of 500 metres applying to residential units in UTE, CE and CCE. The options considered for which Environments a 500 metre setback are applied to:

Option 1: 500 metre setback in rural Environments. (Plan change option, Status Quo).

Option 2: 500 metre setback in rural and living Environments.

Option 3: 500 metre setback in all Environments.

TABLE 8: ALTERNATIVES EVALUATION – DISTRICT PLAN REGULATORY FRAMEWORK

	Costs	Benefits
<p>Option 1: Apply 500m setback in rural Environments. (Plan change option, Status Quo).</p>	<p><u>Environmental</u> Limits the management of reverse sensitivity effects to development in rural areas. Relies on new residential areas not being zoned close to MEA.</p> <p><u>Economic</u> Consenting and mitigation costs for development within 500m setback in rural Environments. Potential ongoing effects on land values of rural properties within 500m setback.</p> <p><u>Social</u> Potential to restrict the development of adjacent rural land.</p> <p><u>Cultural</u> None known.</p>	<p><u>Environmental</u> Allows for reverse sensitivity effects to be avoided, remedied or mitigated in rural areas. Gives effect to the RPS. Is a consideration for not zoning new residential areas close to MEA. Recognises that existing residential areas are a legitimate land use. Recognises that rural Environments are primarily for rural activities not sensitive activities. Recognises that MEA are located in the rural Area.</p> <p><u>Economic</u> Provides certainty for mineral extraction operators and protection of the mineral resource in rural areas.</p> <p><u>Social</u> Provides an awareness of the proximity of MEA in rural areas.</p> <p><u>Cultural</u> No change to current management regime.</p>
<p>Option 2: Apply 500m setback in rural and living Environments.</p>	<p><u>Environmental</u> Potential to result in large numbers of consents being required for alterations to existing lawful activities. Potential for MEA extensions to encroach upon existing residential areas.</p> <p><u>Economic</u> Consenting and mitigation costs for development within 500m setback applies to more properties than Option 1. Potential effects on land values of properties within 500m setback apply to more properties than Option 1.</p> <p><u>Social</u> Potential to restrict the development of land within 500m setback applies to more properties than Option 1. Increased development costs for communities within 500m of MEA.</p> <p><u>Cultural</u> New approach to minerals for WDP.</p>	<p><u>Environment</u> Allows for reverse sensitivity effects to be avoided, remedied or mitigated for rural and living areas. Gives effect to the RPS.</p> <p><u>Economic</u> Provides certainty for mineral extraction operators and protection of the mineral resource.</p> <p><u>Social</u> Provides an awareness of the proximity of a MEA for rural and living areas.</p> <p><u>Cultural</u> None known.</p>
<p>Option 3: Apply 500m setback to all Environments.</p>	<p><u>Environmental</u> Sensitive activities may be unlikely to locate in business Environments, therefore controls may not necessary. Controls on sensitive activities may already exist within business Environments. Currently MEAs are in rural areas and MEAs are unlikely to be located in urban areas in the future.</p> <p><u>Economic</u></p>	<p><u>Environmental</u> Allows for reverse sensitivity effects to be avoided, remedied or mitigated. Gives effect to the RPS.</p> <p><u>Economic</u> Provides certainty for mineral extraction operators and protection of the mineral resource.</p> <p><u>Social</u></p>

	<p>Potential for unnecessary rules that must be considered in consent applications.</p> <p>Consenting and mitigation costs for development within 500m setback could apply to more properties than Option 1 and 2.</p> <p>Potential effects on land values of properties within 500m setback could apply to more properties than Option 1 and 2.</p> <p><u>Social</u></p> <p>Potential to restrict the development of land within 500 metre setback applies to more properties than Option 1 and 2.</p> <p><u>Cultural</u></p> <p>New approach to minerals for WDP.</p>	<p>Provides an awareness of the proximity of MEA.</p> <p><u>Cultural</u></p> <p>None known.</p>
	Efficiency	Effectiveness
Option 1: (Plan change option).	Option 1 is considered to be efficient in achieving the objectives of PC102 as it fits with the proposed rural Plan Changes, and achieves objective MEA.1.2.2.	Option 1 is considered to be effective in achieving the objectives of PC102 as it fits with the proposed rural Plan Changes, and achieves objective MEA.1.2.2.
Option 2:	Option 2 is not considered to be an efficient method of achieving the objectives of PC102 as it imposes unfair restrictions on adjoining landowners.	Option 2 is not considered to be effective in achieving the outcomes of PC102 because it imposes unfair restrictions on adjoining landowners.
Option 3:	Option 3 is not considered to be an efficient method of achieving the objectives of PC102 as it results in unnecessary rules.	Option 3 is considered to be not effective in achieving the objectives of PC102 because it results in unnecessary rules.
Economic Growth and Employment Opportunities		
Option 1: (Plan change option)	This option provides no change to growth and employment opportunities, as it is the status quo.	
Option 2:	This option provides a decrease to growth opportunities, as it imposes restrictions on existing lawful residential activities.	
Option 3:	This option provides a decrease to growth and employment opportunities, as it also restricts existing lawful residential activities and results in unnecessary regulation.	
Risk of acting and not acting if there is uncertain or insufficient information		
There is no risk due to insufficient information for Option 1, 2 and 3.		

85. Option 1 is considered to be the most appropriate for achieving the objectives of PC102.

Mapping of Buffer Areas

86. The alternatives proposed for mapping of Buffer Areas to be considered are:

- **Option 1:** Include properties adjacent to identified MEA as a Buffer Area, where the mineral extractor cannot internalise all adverse effects (Status Quo and Plan change option).
- **Option 2:** Include properties adjacent to all identified MEA as a Buffer Area regardless of the scale of effects and whether they can be internalised or not.
- **Option 3:** Do not include any properties adjacent to MEAs as a Buffer Area. Require mineral extractor to internalise all adverse effects within property boundary.

TABLE 9: ALTERNATIVES EVALUATION – MAPPING

	Costs	Benefits
<p>Option 1: Apply Buffer Area where effects cannot reasonably be internalised. (Plan change option, Status Quo).</p>	<p><u>Environmental</u> Imposes potential adverse effects (noise vibration) on the adjoining properties identified as Buffer Areas.</p> <p><u>Economic</u> Requires plan change to add or remove Buffer Areas – cost to applicant/council. Restricts development of sensitive activities on properties in Buffer Area. Increases costs for sensitive development on properties within Buffer Area.</p> <p><u>Social</u> May already affect property values/perception of properties included as Buffer Areas</p> <p><u>Cultural</u> None known.</p>	<p><u>Environmental</u> Recognises that the mineral extraction operator may not be able to contain all effects within the property boundary (Winstone Aggregates v Auckland City Council, A49/2002).</p> <p><u>Economic</u> Allows the continued extraction of nationally and regionally significant mineral resources. Protects significant mineral resources from residential encroachment and reverse sensitivity effects.</p> <p><u>Social</u> Current regime in WDP, alerts property owners to potential adverse effects from mineral extraction.</p> <p><u>Cultural</u> No change to current management regime.</p>
<p>Option 2: Apply Buffer Area to all Mining Areas.</p>	<p><u>Environmental</u> Imposes potential adverse effects (noise, vibration) on properties adjoining an identified mineral extraction area (more properties than Option 1). Does not require mineral extractors to take reasonable and economic steps to internalise adverse effects</p> <p><u>Economic</u> Requires plan change to add or remove Buffer Areas – cost to applicant/council. Restricts development of sensitive activities on all properties adjoining MEA (more properties than Option 1). Increases costs of sensitive development for properties in Buffer Area (more than Option 1).</p> <p><u>Social</u> May affect property values/perception of properties included as Buffer Areas (affects more properties than Option 1).</p> <p><u>Cultural</u> None known</p>	<p><u>Environment</u> Recognises that the mineral extraction operator may not be able to contain all effects within the property boundary (Winstone Aggregates v Auckland City Council, A49/2002)</p> <p><u>Economic</u> Allows the continued extraction of nationally and regionally significant mineral resources. Protects significant mineral resources from residential encroachment and reverse sensitivity effects.</p> <p><u>Social</u> Alerts property owners to potential adverse effects of MEA.</p> <p><u>Cultural</u> None known.</p>
<p>Option 3: Do not apply Buffer Area to any MEA.</p>	<p><u>Environmental</u> Does not recognise that mineral extractors may not be able to reasonably or economically internalise adverse effects. Potential complaints from neighbours about adverse effects from mineral extraction e.g. noise, dust, vibration.</p> <p><u>Economic</u> Requires mineral extraction operator to contain all effects within property boundary – cost to operator may not be economic. Potential loss of resource, resulting in a higher cost of materials sourced further away. Potential loss of jobs if mineral extraction</p>	<p><u>Environmental</u> Adverse effects from mineral extraction must be internalised</p> <p><u>Economic</u> Property value/perception of neighbouring property may not be adversely affected as no Buffer Areas noted on WDP Resource Area Maps. Decreases development costs within current Buffer Area.</p> <p><u>Social</u> Adverse effects from adjoining mineral extraction may not affect neighbouring properties.</p> <p><u>Cultural</u> None known.</p>

	activity ceases or reduces. <u>Social</u> Neighbours complain to council and pursue enforcement action. <u>Cultural</u> None known.	
	Efficiency	Effectiveness
Option 1: (Plan change option).	Option 1 is considered to be an efficient method of achieving the outcomes of PC102 as it achieves a balance in managing the effects of nationally and regionally significant mineral extraction on adjoining landowners/occupiers.	Option 1 is considered to be effective in achieving the outcomes of PC102 as it achieves a balance in managing the effects of nationally and regionally significant mineral extraction on adjoining landowners/occupiers.
Option 2:	Option 2 is not considered to be an efficient method of achieving the outcomes of PC102 as it unfairly shifts the burden of effects to adjoining landowners/occupiers.	Option 2 is not considered to be effective in achieving the outcomes of PC102 as it does not represent best practice in the management of nationally and regionally significant mineral extraction.
Option 3:	Option 3 is not considered to be efficient in achieving the outcomes of PC102 as it does not protect nationally and regionally significant mineral extraction.	Option 3 is not considered to be effective in achieving the objectives of PC102 as it does not protect nationally and regionally significant mineral extraction.
Economic Growth and Employment Opportunities		
Option 1: (Plan change option).	This option provides no change to growth and employment opportunities, as it is the status quo.	
Option 2:	This option provides a slight increase in growth and employment opportunity for some mineral extraction operations, but could result in decrease in property values for adjoining landowners.	
Option 3:	This option provides a decrease to growth and employment opportunities, as it could adversely affect the operation of existing MEAs.	
Risk of acting and not acting if there is uncertain or insufficient information		
There is no risk due to insufficient information for Option 1, 2 and 3. There is no risk of acting with Option 1 as this is the status quo and is shown to be working well.		

87. Option 1 is considered the most appropriate to achieve the objectives of PC102.

Provisions for MEAs

88. The alternatives for provisions in MEA to be considered are:

- **Option 1:** No controls applying to MEA. Permitted activity status.
- **Option 2:** Mineral extraction within MEA controlled activity using quarry management plans to cover the details. Main environmental effects have discretionary activity triggers (e.g. traffic, building height). (Plan change option, Modified Status Quo)
- **Option 3:** Mineral extraction within MEA discretionary activity, non-complying trigger for escalating effects.

89. Restricted discretionary activity status has not been included as an option because the direction of the Planning Department in its rolling review of the Plan is to streamline the Plan provisions by focusing on policies with fewer and more simplified rules. The current restricted discretionary

activity status is therefore generally being phased out in favour of discretionary, non complying and prohibited activity statuses. This is intended to reduce the size and complexity of the Plan.

TABLE 10: ALTERNATIVES EVALUATION – PROVISIONS		
	Costs	Benefits
Option 1: Permitted activity.	<p><u>Environmental</u> Imposes potential adverse effects (noise, vibration) on the environment and the community.</p> <p><u>Economic</u> Could require environmental remediation due to adverse environmental effects. Could lower property values in proximity to quarries.</p> <p><u>Social</u> Potential adverse effects (noise, vibration, amenity) to landowners in the vicinity and wider community.</p> <p><u>Cultural</u> Potentially adverse effects on tangata whenua through uncontrolled development.</p>	<p><u>Environmental</u> None known.</p> <p><u>Economic</u> Gives certainty to all parties as to activity status and triggers. Allows the continued extraction of nationally and regionally significant mineral resources No consenting cost to mineral extractor.</p> <p><u>Social</u> Potentially cheaper resource costs.</p> <p><u>Cultural</u> None known.</p>
Option 2: Controlled Activity, QMP. Discretionary Triggers. (Plan change option, Modified Status Quo).	<p><u>Environmental</u> Council unable to refuse consent unless discretionary trigger breached (but conditions can be imposed).</p> <p><u>Economic</u> Consenting cost to applicant.</p> <p><u>Social</u> Provides for mineral extraction with resulting effects on amenity (but conditions can be imposed).</p> <p><u>Cultural</u> Provides for mineral extraction in certain areas.</p>	<p><u>Environment</u> Council may impose conditions of consent to control environmental effects. If discretionary triggers breached and adequate mitigation not provided for, Council may refuse consent.</p> <p><u>Economic</u> Gives certainty to all parties as to activity status and triggers. Provides for the continued extraction of nationally and regionally significant minerals.</p> <p><u>Social</u> Adverse effects on the community can be avoided, remedied or mitigated via conditions.</p> <p><u>Cultural</u> No major change to current management regime.</p>
Option 3: Discretionary Activity Non- complying Activity triggers.	<p><u>Environmental</u> Not consistent with RPS.</p> <p><u>Economic</u> Higher consenting cost more complicated planning regime. Loss of flexible regime associated with Quarry Management Plan. Uncertainty of consent outcome could impact on investment decisions, potentially resulting in less extraction of regionally significant resource. Potential loss of resource, resulting in a higher cost of materials sourced further away. Potential loss of jobs if mineral extraction activity ceases or reduces.</p> <p><u>Social</u> Potential higher development costs.</p>	<p><u>Environmental</u> Council may impose conditions of consent to control environmental effects. If adverse effects on the environment cannot be avoided, remedied or mitigated, Council may refuse consent.</p> <p><u>Economic</u> None known.</p> <p><u>Social</u> Adverse effects on the community can be avoided, remedied or mitigated by declining consent or imposing conditions.</p> <p><u>Cultural</u> None known.</p>

	<u>Cultural</u> New approach to minerals in WDP.	
	Efficiency	Effectiveness
Option 1:	Option 1 is not considered to be an efficient method of achieving the objectives of PC102 as it does not manage adverse effects on the environment.	Option 1 is not considered to be effective in achieving the outcomes of PC102 as it does not manage adverse effects on the environment.
Option 2: (Plan change option).	Option 2 is considered to be an efficient method of achieving the objectives of PC102 as it provides certainty and the status quo is working well.	Option 2 is considered to be effective in achieving the objectives of PC102 as it controls adverse effects.
Option 3:	Option 3 is considered to be inefficient as it does not give effect to the RPS or PC102 objective 1.2.1.	Option 3 is not effective as it does not give effect to the RPS or PC102 objective 1.2.1.
Economic Growth and Employment Opportunities		
Option 1:	This option provides a slight increase to growth and employment opportunities, as it allows uncontrolled development of mineral extraction.	
Option 2:	This option provides no change to growth and employment opportunity as it is modified status quo.	
Option 3:	This option reduces growth and employment opportunities, as it applies more prescriptive controls on the effects of mineral extraction.	
Risk of acting and not acting if there is uncertain or insufficient information		
There is no risk due to insufficient information for Option 1, 2 and 3. Option 1 has no risk of acting as it is modified status quo and the status quo is working well.		

88. Option 2 is considered the most appropriate to achieve the objectives of PC102. The following provisions are considered appropriate to manage mineral extraction activities and implement the relevant policies.

Controlled Activities

1. *The disturbance or removal of more than 5,000 m³ of material in the Active Area of a Mineral Extraction Area in any 12 month period.*
89. The controlled activity trigger implements Policy MEA.1.3.3. The matters control is reserved over (MEA.2.4) is also consistent with the WDP and implements policies MEA.1.3.3 and 1.3.4.
90. The discretionary activity triggers (MEA.2.5, 2.6, 2.7) focus on the main effects of mineral extraction (traffic, building height and setbacks). These implement policies MEA.1.3.3, 1.3.5, 1.3.6, 1.3.7.
91. MEA.2.5.6 is proposed to refer to “sensitive activity” rather than residential unit as this better reflects incompatible land uses. Non-habitable buildings (e.g. garages, sheds) have been excluded because they are not expected to generate reverse sensitivity effects. It is considered this provision is appropriate as it implements Policy MEA.1.3.2, and gives effect to the RPS.
92. MEA.2.5.2 referring to Council’s Environmental Engineering Standards 2010 has been added due to the on-going removal of minimum parking requirements as part of the rolling review of the WDP. This ensures any roading, access and parking that is provided complies with the EES 2010 and implements policy MEA.1.3.7.

93. Section MEA.2.8 information requirements has been added, as the existing WDP provision requiring a quarry management plan is considered potentially ultra vires. This is due to cases concluding that:

- A management plan is not an “activity”, so consent cannot be sought/granted for one.
- A rule cannot require “compliance with” a management plan, because the management plan sits outside the district plan.
- Much of the content of a management plan can lawfully be expressed as “information requirements” which must be submitted with an application for resource consent.

7. Conclusion

94. The proposed MIN and MEA objectives have been evaluated in accordance with section 32 (1(a)) as being the most appropriate to achieve the purpose of the RMA.

95. The proposed MIN policies and MEA policies, mapping and rules have been evaluated in accordance with s32 (1(b), 1(c), 2) and are considered to give effect to the RPS and to be the most efficient and effective means to achieve the proposed objectives of PC102.