

Appendix 1A – Notified version of Mineral Extraction Overlay Chapter

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text).

Officers recommend deletion of the Mineral Extraction Overlay chapter and replacement with a District Wide chapter for Mineral Extraction (containing objectives and policies), and a Mineral Extraction Zone (containing rules), as shown in Appendix 1B .

Overview

~~Minerals are expressly excluded from section 5(2)(a) of the RMA with regard to sustainable management, however they are included as it applies to section 5(2)(c) of the RMA which seeks to avoid, remedy or mitigate adverse effects on the environment. As such, it is appropriate to address and regulate the exploration, quarrying, mining and other disturbance associated with mineral extraction in district plans.~~

~~Mineral resources are strategically important natural resource to the district. Mineral extraction contributes socially and economically through the creation of jobs and provision of minerals, primarily aggregates for use and development of sites, rural production activities, roading and infrastructure to the region and in some cases the nation. This can be constrained by incompatible landuse generating reverse sensitivity issues and sterilisation of land that can affect the operation and the on-going development of the district's mineral resources.~~

~~Depending on the scale, mineral extraction can have adverse effects including on amenity, landscape values, biodiversity values, historic heritage values, traffic intensity and roading infrastructure. The location of noise sensitive activities within proximity to mineral extraction activities can impact the operation of mineral extraction activities. Subsequently, appropriate provision needs to be made for the extraction of mineral resources, as well as prospecting and exploration to meet the district and region's ongoing demands while protecting identified values from adverse effects and appropriately managing effects associated with mineral extraction activities.~~

~~The spatial extent and significance of mineral resources within the district are not currently well understood, the Mineral Extraction overlay identifies known resources based on existing mineral extraction activities. This Chapter provides an enabling framework to these spatially defined areas to ensure the existing mineral extraction activities can continue to operate and expand to support the social and economic wellbeing of the district, while ensuring effects are appropriately managed.~~

~~These quarrying and mineral extraction activities captured by the Mineral Extraction overlay are understood to potentially meet one or more of the criteria for regional significance as identified in the NRPS. Once NRC has identified any additional regionally significant mineral resources, Council or private parties may undertake a plan change to show these areas.~~

~~This chapter also provides for mineral extraction activities, exploration and prospecting outside of the overlay areas with rules contained in the zones and the relevant district wide chapters. Minimising the potential for reverse sensitivity and sterilisation effects on mineral extraction generated through landuse and subdivision is generally managed through setback requirements.~~

~~Council has responsibilities under the RMA and the RPS to manage the adverse effects that may result from mineral extraction as well as ensuring that land containing mineral resources is not sterilised and provide for the use and development of regionally significant mineral resources.~~

Objectives

ME-O1

~~Mineral resources and extraction activities, exploration and prospecting, processing and ancillary activities are effectively provided for to meet the district's needs for mineral resources while managing any adverse effects.~~

ME-O2	Mineral resources and mineral extraction activities are protected from reverse sensitivity and sterilisation effects resulting from subdivision, land use and development.
ME-O3	Extraction of aggregate for use in primary production activities is enabled where adverse effects are appropriately managed.
ME-O4	Mineral extraction activities processing and ancillary activities are managed to ensure the health and safety of Far North District communities.
Policies	
ME-P1	Identify the extent of regionally significant mineral resources using the assessment criteria in the Northland Regional Policy Statement.
ME-P2	Enable new and provide for the expansion of existing mineral extraction activities where significant adverse effects are avoided.
ME-P3	Provide for mineral extraction, and processing outside a Mineral Extraction resource overlay where: <ul style="list-style-type: none"> a. there is a public benefit derived from the activity; b. it is located outside of the Coastal and Natural Environment Overlays; c. the location is sufficiently away from Urban zones, Carrington Estate, Kauri Cliffs, Orongo Bay, Quail Ridge and Māori Purpose Special Purpose zones and Settlement and Rural Residential zones; d. significant adverse effects are avoided; and e. other adverse effects are avoided, remedied or mitigated.
ME-P4	Enable farm quarries within the Rural Production zone where they are limited in scale and operation, and located outside of the following sensitive environments: <ul style="list-style-type: none"> a. coastal environment; b. outstanding and high natural character areas; c. sites and areas of significance to māori; d. historic heritage sites and areas; and e. outstanding natural landscapes and features.
ME-P5	Avoid adverse effects, and avoid, remedy or mitigate other adverse effects from new and the expansion of existing mineral extraction activities on the characteristics and qualities of the following, where located outside of the Coastal Environment Overlay: <ul style="list-style-type: none"> a. Outstanding Natural Landscapes; b. Outstanding Natural Features; c. Outstanding Natural Character; d. Significant Natural Area; e. Historic and cultural values; and f. Sites and Areas of Significance to Māori.
ME-P6	Avoid adverse effects of new, and the expansion of existing, mineral extraction activities, within the characteristics and qualities which make up the following within the Coastal Environment: <ul style="list-style-type: none"> a. Outstanding Natural Landscapes; b. Outstanding Natural Features; and c. Outstanding Natural Character.
ME-P7	Where ME-P6 does not apply avoid significant and avoid, remedy or mitigate other adverse effects of new, and the expansion of existing mineral extraction activities on natural character, natural features and natural landscapes within the Coastal Environment.
ME-P8	Provide for activities ancillary to mineral extraction and processing where the raw material is being extracted or processed on the same site.
ME-P9	Avoid the potential for reverse sensitivity and land sterilisation effects from land use, development and subdivision activities on existing mineral extraction activities within the Mineral Extraction overlay by requiring setbacks from, and within the Mineral Extraction overlay.
ME-P10	Provide for activities ancillary to mineral extraction activities where: <ul style="list-style-type: none"> a. the ancillary activity is compatible with and will support the operation of the mineral extraction activity; and

	b. the ancillary activity will avoid reverse sensitivity effect on the mineral extraction activity.
ME-P11	Require all proposals for new and expansion of existing mineral extraction activities to provide a Mineral Extraction Activity Management Plan detailing the establishment, operation and rehabilitation of the site.
ME-P12	<p>Manage land use and subdivision (including mineral extraction activities) to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> a. the size and scale of extraction or processing activities; b. the size, scale, and location of ancillary activities, buildings or structures; c. the expected length of operations of the extraction site; d. the design and layout of the site, access roads and supporting facilities; e. the area which the mineral extraction operation will service and the demand for mineral resources within this area; f. noise, vibration, dust and light spill, particularly after daylight hours and on weekends; g. the surrounding road network and the safety of road users; h. the natural environment including watercourses within the extraction site and the effects from the site on the surrounding environment; i. land instability and the potential exacerbation of natural hazard risk; j. visual amenity, natural character and landscape values; k. historic heritage and cultural values, and whether the provision of a cultural impact assessment is necessary to understand these values and effects on them; l. ecological values; m. the management tailings, overburden and sediment controls; n. the adequacy of a Mineral Extraction Activity Management Plan to manage adverse effects; and o. options anticipated for the rehabilitation of the site, either by a staged process or at the end of the economic life of the quarry, including responsibility for implementation and the need for bonds; p. hours of operation; and q. number of people proposed to be employed, and parking spaces provided onsite.
Rules	

Notes:

- ~~1. There may be rules in other District Wide Matters and the underlying zone in Part 3 – Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.~~
- ~~2. Forestry quarrying is subject to the provisions of Regulations 93 and 94 of the National Environmental Standards for Plantation Forestry. Access to Crown owned minerals is addressed in the Crown Minerals Act 1991.~~
- ~~3. The Northland Regional Plan currently regulates water and soil and enforces the National Environment Standards for Fresh Water. Consent may be required in terms of the rules in those documents.~~
- ~~4. Where soil sampling and land disturbance is proposed on land where a hazardous activity or industry has been, is more likely than not have been or is currently operating, then the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 apply.~~
- ~~5. The Earthworks Chapter rules do not apply to Mineral Extraction Activities where they are located within the Mineral Extraction Overlay.~~

ME-R1	Mineral prospecting and exploration	
Mineral Extraction overlay	Activity status: Permitted - Where:	Activity status where compliance not achieved: Discretionary -

	<p>-</p> <p>PER-1</p> <p>It is undertaken using handtools.</p>	
ME-R2	Expansion of existing mineral extraction activity-	
Mineral Extraction overlay-	<p>Activity status: Controlled-</p> <p>-</p> <p>Where:</p> <p>-</p> <p>CON-1</p> <p>A Mineral Extraction Activity Management Plan has been provided that contains the information required in ME-S1 Mineral extraction activity management plan.</p> <p>-</p> <p>CON-2</p> <p>The hours of operation remain the same.</p> <p>-</p> <p>CON-3</p> <p>The extraction volumes do not increase by more than 10%.</p> <p>-</p> <p>CON-4</p> <p>Any expansion does not occur within 30m of the Mineral Extraction Overlay boundary.</p> <p>-</p> <p>CON-5</p> <p>The vehicle access to the Mineral Extraction Activity remains unchanged.</p> <p>-</p> <p>Matters of control are limited to:-</p> <p>-</p> <p>i. measures to manage off-site effects including dust, odour, lighting, visual amenity, traffic generation, noise and vibration;</p> <p>ii. mitigations proposed to manage effects on identified values within and beyond the Mineral Extraction overlay;</p> <p>iii. landscaping and screening;</p> <p>iv. the tenure of activities including extraction, processing and sales;</p> <p>v. the proposed rehabilitation programme including provision for clean filling, recontouring, revegetation;</p> <p>vi. monitoring; and</p> <p>vii. Recommendations, proposed mitigation measures and conditions of the Mineral Extraction Activity Management Plan, including the means by which the Consent Holder will comply with the relevant rules in the Plan and the conditions of the consent.</p>	<p>Activity status where compliance not achieved with CON-1, CON-2, CON-3, CON-4 or CON-5: Discretionary-</p> <p>-</p> <p>-</p> <p>-</p>
ME-R3	New mineral extraction activity-	
Mineral Extraction overlay	<p>Activity status: Discretionary-</p> <p>-</p>	<p>Activity status where compliance not achieved: Not applicable-</p>
ME-R4	New noise sensitivity activity or alterations or additions to a building or structure containing an lawfully established sensitive activity-	

Mineral Extraction overlay	Activity status: Discretionary -	Activity status where compliance not achieved: Not applicable
ME-R5	Any activity not otherwise listed in this chapter or the underlying zone chapter as a permitted activity	
Mineral Extraction overlay	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
Standards		
ME-S1	Mineral extraction area management plan	
Mineral Extraction overlay	<p>A Mineral Extraction Area Management Plan shall include the following information as a minimum:</p> <ol style="list-style-type: none"> 1. A site plan showing: <ol style="list-style-type: none"> i. existing topography, contours, drainage, waterbodies, vegetation cover and any other significant landform or feature; ii. site layout, general design and location; of buildings and structures; iii. areas for extraction (including pits and faces), storage (including overburden), stock piling, processing and distribution; iv. predicted final contours and drainage; and v. areas where land disturbance / earthworks are not proposed. 2. A description of current and future operations, including: <ol style="list-style-type: none"> i. staging of extraction activities, tenure of extraction activities and the anticipated total volume for extraction; ii. the anticipated depth and location of excavations and stockpiling of overburden or aggregate materials, including assessment of slope stability; iii. vegetation removal and site preparation, including stripping and stockpiling or disposal of soil and overburden; iv. the proposed methodology for clean filling any areas of the quarry; v. the method of access, egress and onsite parking; vi. the anticipated number of people onsite involved with the quarry activities and sales; vii. detail of any rock breaking or blasting activities; and viii. details of any retail sales of quarry materials. 3. Monitoring and reporting proposed; 4. Rehabilitation anticipated for the site following the completion of mineral extraction; and 5. Integrated traffic assessment. 	Activity status where compliance not achieved: Not applicable -