

BEFORE HEARINGS COMMISSIONERS APPOINTED

BY THE FAR NORTH DISTRICT COUNCIL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of the hearing of submissions on the Proposed
Far North District Plan

SUBMITTER

Ventia Ltd

HEARING TOPIC:

Hearing 8 – Open Space, Engineering Standards &
Mineral Extraction

STATEMENT OF PLANNING EVIDENCE OF ANDREW CHRISTOPHER MCPHEE

5 November 2024

INTRODUCTION

1. My name is Andrew Christopher McPhee I am a Director / Consultant Planner at Sanson and Associates Limited and Bay of Islands Planning (2022) Limited.
2. I have been engaged by Ventia Ltd (**Ventia**) to provide planning evidence in support of their submission to the Proposed Far North District Plan (**PDP**).
3. I note that while the Environment Court Code of Conduct does not apply to a Council hearing, I am familiar with the principles of the code and have followed these in preparing this evidence.

QUALIFICATIONS AND EXPERIENCE

4. I graduated from The University of Auckland in 2007 with a Bachelor of Planning (Honours).
5. I began my planning career with Boffa Miskell, where I was a graduate planner until 2009. The same year I joined the Auckland Regional Council in the Policy Implementation Team. When the Auckland Councils amalgamated in 2010, I worked in a number of planning roles, leaving in 2015 as a Principal Planner in the Central and Island Planning Team.
6. I joined the Far North District Council (**FNDC**) in 2015 as a Senior Policy Planner working principally on the review of the district plan. I left FNDC in December 2023 and joined Sanson and Associates Limited and Bay of Islands Planning (2022) Limited with my co-director Steven Sanson.
7. I have been involved in a number of plan change and resource consent hearing processes in my time at Auckland Council, including as the planning lead for a number of topics for the Auckland Unitary Plan process. At FNDC I project managed private plan change 22 and was the portfolio lead for a number of topics for the PDP.
8. I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association. In February 2024, I was certified with excellence as a commissioner under the Ministry for the Environment's Making Good Decisions programme.

SCOPE OF EVIDENCE

9. Hearing 8 addresses submission points relating to the PDP - Open Space, Engineering Standards & Mineral Extraction topics. The s42A reports splits these matters into three reports in line with the structure of the PDP.
 - a) Open Space
 - b) Engineering Standards
 - c) Mineral Extraction

10. I have been asked by Ventia to provide expert planning evidence arising from their submission relating to Mineral Extraction as it applies to their quarry operation at Puketona Quarry.
11. In preparing this evidence, I have reviewed the s42A report Mineral Extraction, along with the appendices. I have adhered to the instructions of hearing Minute 1 'take a lead from the s42A Report in terms of content of evidence, specifically that evidence highlights areas of agreement and disagreement with the s42A Report, outlines any changes in Plan wording proposed (along with the rationale for these changes) together with an assessment pursuant to S32AA of the RMA'.

PDP FRAMEWORK FOR MINERAL EXTRACTION

12. A Mineral Extraction overlay was notified as a part of the PDP, which sought to enable mineral extraction activities across the district. As an overlay, it applies additional controls over the provisions of the underlying zone, so any proposed activities have to consider both the provisions of the underlying zone and the overlay.
13. The Mineral Extraction Overlay Section 32 Report states in 3.2.1 *"The key purpose of the overlay is to enable the development of mineral resources, specifically within the Mineral Extraction Overlay and, to some extent, the Rural Production Zone."*
14. The application of an overlay to control or enable mineral extraction is puzzling. In my experience overlays are not designed to be more enabling than the underlying zone. The National Planning Standards describe an Overlay, *"an overlay spatially identifies distinctive values, risks or other factors that require management."*
15. Overlays are generally applied to manage [protect] over above the provisions in the underlying zone. This is evident in district plans where an overlay is applied for chapters such as the Coastal Environment and Natural Features and Landscapes, for example.
16. I attended an informal pre-hearing meeting with Council on 9 August 2024, to discuss my client's submission and some of the impracticalities of the proposed approach. This is detailed in the s42A Report [chapters 47 – 51].
17. Council's s42A Report now supports the removal of the Mineral Extraction overlay in favour of a Mineral Extraction zone. I support the approach of a Mineral Extraction zone instead of an Overlay and consider it a clearer method of managing mineral extraction activities in the district.
18. It is not clear at this juncture whether the proposed rezoning sought by my client for the proposed 'Mineral Extraction zone' will be considered at this hearing or at the rezoning hearings next year.

Environment Court consent order

19. An environment court consent order was issued 15 January 2007¹ that is a relevant consideration for the Ventia site at Puketona, and submission. Specifically, paragraph 2 that states:

It is recorded that the Far North District Council has resolved to initiate a plan change or variation process, at the request of McBreen Jenkins Limited, in respect of the extension of the minerals zone to include all or part of Lot 1 DP 164802 and to remove the Outstanding Landscape overlay from that site, PROVIDED THAT before the plan change or variation process is commenced, a management plan which includes rehabilitation for all parts of the minerals zone which are no longer actively quarried (on both Pt 6 DP 39381 and Lot 1 DP 164802) is prepared by McBreen Jenkins and approved by Council. It is recorded that Council has resolved to consult with and obtain agreement of all parties to these appeals before approving the management plan.

20. The consent order clearly identifies that all or part of Lot 1 DP 164802 is anticipated to be zoned as a minerals zone [save for Buffer Area B] and that Council is to initiate or progress that plan change process on receipt of a management plan which they approve.
21. I acknowledge that the consent order requires a management plan including rehabilitation for all parts of the sites which are no longer actively quarried, prior to Council initiating a plan change. To date this has not been provided.
22. However, the PDP now supports ‘activities’ based provisions and ME-R4 ‘Expansion of existing mineral activities’ generally fulfils the information requirements sought in the Environment Court consent order through the matters of control, and through ME-S1 (a mineral extraction area management plan).
23. The Mineral Extraction zone only provides for mineral extraction activities at a time when consent is sought and a mineral extraction area management plan is provided (ME-S1), which is a requirement of ME-R4 CON-1. The matter of presenting a mineral extraction area management plan will ultimately be provided, should Ventia wish to expand its operations.
24. The matters required by the Environment Court consent order are addressed through the following information requirements within ME-S1:
- areas for extraction (including pits and faces), storage (including overburden), stock piling, processing and distribution;
 - the proposed methodology for clean filling any areas of the quarry;

¹ Refer Attachment 1.

- Rehabilitation anticipated for the site following the completion of mineral extraction.
25. Rehabilitation is specifically required by the Environment Court consent order and is required as is a matter of control for any expansion to mineral extraction activities. I therefore consider that rezoning the land, which is anticipated by the Environment Court consent order, is appropriate as any expansion to the existing mineral extraction activities needs to provide the information required by the Environment Court consent order.
26. It is reasonable to draw a conclusion that the Environment Court consent order required the management plan prior to rezoning being approved because the operative district plan is an effects-based district plan. The PDP is a hybrid district plan that is more activities based, as such it focusses on the activities that require consent within the zone.
27. I consider that the consent requirements in the PDP to expand mineral extraction activities is sufficient to give Council comfort that they have adequate control to rezone Lot 1 DP 164802 Mineral Extraction zone.

PDP DEFINITIONS

28. Definition of 'mineral extraction activities':

means the excavation and mining of minerals, including aggregates, from the ground and includes the removal of overlying earth and soil, stacking, crushing, storing, depositing, treatment, the placement of overburden, the removal of unwanted material and the rehabilitation of the site, the works, machinery and plant used to undertake the activities above and includes quarrying activities and activities ancillary to mineral extraction activities.

29. There is also a definition of 'quarrying activities', which is from the National Planning Standards:

means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.

30. There is a clear understanding through the definitions provided in the National Planning Standards and within the PDP of what is involved in terms of mineral extraction activities.

SECTION 42A REPORT

31. I generally agree with the proposed approach purported in the s42A report to replace the Mineral Extraction overlay as notified with a Mineral Extraction zone, which is more akin

to the approach in the operative district plan. I also agree with the statement in the s42A report stating that the “...overlay approach in the PDP is confusing and that replacing the overlay with a Mineral Extraction zone is more appropriate...”²

32. The s42A Report writer identifies the criteria determining if a quarry should be zoned Mineral Extraction:

- a) *does it meet the definition of ‘regionally significant mineral resources’ under Policy 5.1.4 the RPS (Policy ME-P1)’ (as reflected in Policy ME-P1 of the PDP);*
and
- b) *is mineral extraction authorised in the areas proposed to be included in the MEZ?*³

33. While I agree in principal that these criteria make sense in determining the appropriate zoning for Mineral Extraction, they do not take into consideration the Environment Court consent order that applies to my clients landholding (Lot 1 DP 164802).

34. It is important to note that the Mineral Extraction zone itself does not permit as of right the ability to undertake mineral extraction activities. Under the proposed PDP framework, the only way that mineral extraction activities can be undertaken is if:

- An existing consent allows mineral extraction activities (which will be supported by an existing mineral extraction area management plan)⁴;
- ME-R2 Expansion of existing mineral extraction activities (Controlled activity) requiring a mineral extraction area management plan (ME-S1); or
- ME-R3 A new mineral extraction activity (Discretionary activity).

35. There is no permitted activity framework in the proposed PDP framework supporting mineral extraction activities.

36. I note there is an incorrect reference in paragraph 106 where the mapping is referred to Appendix 4. Appendix 3 to the s42A Report illustrates what my client seeks in terms of rezoning. To be clear in respect of S424.001 Ventia seeks to extend the overlay (now proposed zone) over RT NA97B/387 (Lot 1 DP 164802).

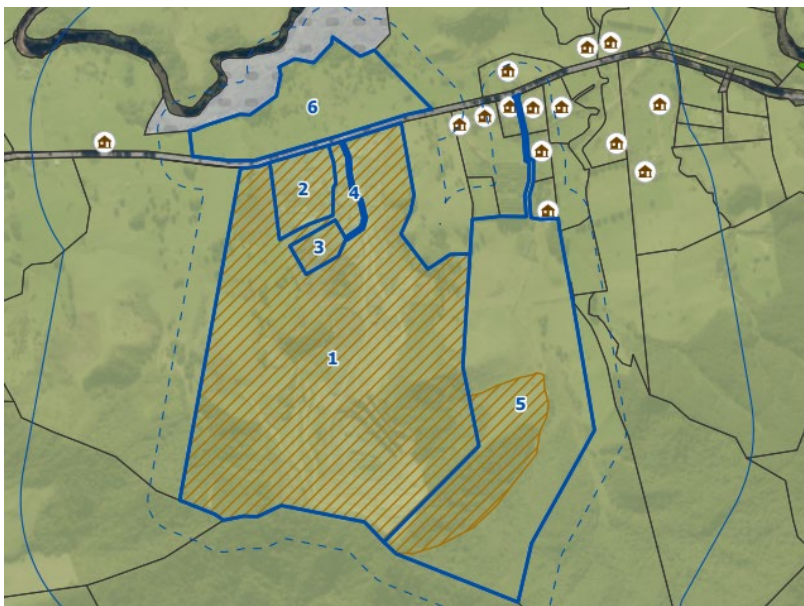
37. Regardless of the mapping error identified and the recommendation from the reporting officer to retain the mapping as proposed, my client seeks the rezoning of the entire landholding (Lot 1 DP 164802).

² Section 42A Report: Chapter 68

³ Section 42A Report: Chapter 77

⁴ Refer Appendix 4 to the Section 42A Report: Quarry Management Plan Puketona Quarry State Highway 11 Bay of Islands 2016

38. I consider there is minimal risk for Council to rezone Lot 1 DP 164802 Mineral Extraction zone given the proposed PDP framework, which requires any expansion or new mineral extraction activity to submit a mineral extraction area management plan.
39. Area 5 (illustrated below) will require a mineral extraction area management plan if Ventia wishes to expand mineral extraction activities to this area. This is qualified in chapter 108 of the s42A Report where the officer states *“use of area 5 for quarrying would be subject to a resource consent process (by both NRC and district council) where environmental effects will be considered and addressed”*.
40. In respect of paragraph 109 of the s42A Report, the submitter is not requesting the Mineral Extraction zone be extended to include Area 6 to the north of Puketona Rd (see extract from Appendix 3 to the s42A Report below).



RULE ME-R3 – MINERAL PROSPECTING AND EXPLORATION

41. I agree with the recommendation in the s42A Report to delete the requirement for mineral prospecting and exploration being limited to hand tools only for the reasons expressed in paragraphs 134 and 135 of the s42A Report.

RULE ME-R4 AND ME-R5 NEW AND EXPANSION OF EXISTING MINERAL EXTRACTION ACTIVITY

42. In my experience as a policy planner (approximately 13 years), the use of words within a policy are important and largely determine the activity status given to the activity within the rule framework. When activities are ‘enabled’ the activity status is ordinarily permitted or controlled. Where a plan ‘provides for’ an activity is usually falls to a restricted discretionary or discretionary activity status.
43. The matter of ‘enable’ vs ‘provide for’ was broached in the PDP Coastal Hearing (Hearing 4) within the s42A Report Writers Right of Reply - Natural Character, Natural Features and

Landscapes and Coastal Environment. Mr Riddell's interpretation⁵ appears to align with my understanding *“that ‘enable’ is an active term while ‘provide for’ is passive. He suggests that ‘enable’ implies an element of prior approval or encouragement.”*

44. Policy ME-P2 references the need to enable ‘new’ and to provide for ‘existing’ mineral extraction activities. I agree with the s42A Report writer where it is recommended to retain the controlled activity status for the expansion of existing mineral extraction. However, it is unclear why new mineral extraction activities are a discretionary activity in the Mineral Extraction zone, where the policy direction in ME-P2 uses the word ‘enable’.
45. The analysis in the s42A Report⁶ does not consider an option other than deleting ME-R5. In other words, there is no consideration of a change to the activity status to a controlled activity, which was an option purported by Ventia in their submission.
46. I contend that new mineral extraction activities occurring within the Mineral Extraction zone should be a controlled activity in accordance with the policy direction in ME-P2, ‘enabling’ new mineral extraction activities. Similarly to the controls proposed for the expansion of mineral extraction activities, regional consent will be required along with the district council consent, including the requirement for a mineral extraction area management plan.
47. It remains unclear why there is a need for CON-3 within this ME-R4. It is also unclear what CON-3 is attempting to control, over and above that which the Regional Council is controlling through a resource consent [Noting that the proposed regional plan has moved away from managing mineral extraction activities via the volume thresholds].
48. There is nothing in the Section 32 Report for Minerals Extraction Overlay that identifies the need to include control over extraction volumes. It is also noted there is no such control in the operative district plan. The figure proposed is arbitrary and does not recognise that quarrying activities is a demand driven enterprise. Furthermore, some quarrying activities may not need to expand to create additional volume.
49. It is noted that the notified PDP limits for earthworks in the Rural Production zone allow as a permitted activity 5,000m³ or 2,500m² of earthworks in a calendar year, under EW-S1 - Maximum earthworks thresholds. A mineral extraction area management plan must be submitted as part of an expansion of existing mineral extraction activities as a requirement in CON-1.
50. The Puketona quarry is currently significantly larger than 5,000m². 5,000m² is the permitted threshold for exposed earth under the Proposed Regional Plan (C.8.3 Earthworks)⁷. As such, any extension to mineral extraction activities is going to trigger the

⁵ S42A Report Writers Right of Reply - Natural Character, Natural Features and Landscapes and Coastal Environment: Paragraph 15

⁶ S42A Report: Paragraph 146

⁷ C.8.3.1 1) Table 15 – Earthworks permitted activity ‘Other areas – 5,000m² of exposed earth at any time’

need for a regional consent for Earthworks. Earthworks is defined in the Proposed Regional Plan to include ‘quarrying’.

51. I agree with the approach in the s42A Report to reduce the setback requirement in CON-4 to 10 metres. This is a pragmatic approach where the zoning for the site has already been applied for mineral extraction.

RULE ME-R6 - NEW NOISE SENSITIVITY ACTIVITY OR ALTERATIONS OR ADDITIONS TO A BUILDING OR STRUCTURE CONTAINING A LAWFULLY ESTABLISHED SENSITIVE ACTIVITY

52. The analysis in the s42A Report⁸ draws a comparison with the Rural Production standard (RPROZ-S7), which addresses sensitive activities setback from boundaries of a mineral extraction overlay (zone). While I understand Councils concerns for a potential ‘permitted baseline’, I do not consider that a permitted baseline would be created where the quarry owner is using their own site to accommodate workers of the quarry.
53. Workers accommodation on the site, and within the Mineral Extraction zone, is not the same as an independent dwelling on a neighbouring site disassociated with the mineral extraction operations.
54. The noise generated by mineral extraction activities within the Mineral Extraction zone is controlled through the noise provisions in the PDP within NOISE-S1 – Maximum noise levels.

Mineral extraction overlay	<p>1. Mineral extraction activities shall not exceed the following limits when measured at any point within the boundary of any site in the General Residential zone, or within the notional boundary of any noise sensitive activity within the Rural Production, Rural Lifestyle, Rural Residential, Settlement, Horticulture, or Māori Purpose zones:</p> <p>a. 7.00 am to 10.00 pm - 55 dB $L_{Aeq}(15min)$ b. 10.00 pm to 7.00 am - 40 dB $L_{Aeq}(15min)$; and c. 10.00 pm to 7.00 am - 75 dB L_{AFmax}.</p>	<p>Matters of discretion if compliance not achieved:</p> <p>a. ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities; b. type, scale and location of the activity in relation to any noise sensitive activities; c. hours of operation and duration of activity; d. the temporary or permanent nature of any adverse effects; e. the ability to internalise and/or minimise any conflict with adjacent activities; f. the effects on any existing noise sensitive activities; and g. any mitigation proposed, in accordance with the best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operation).</p>
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55. Rural Production maximum noise levels are the same as those for the Mineral Extraction zone, except for 10.00 pm to 7.00 am - 70 dB L_{AFmax} .

Rural Production zone Rural Lifestyle zone Māori Purpose zone Horticulture zone Moturoa Island zone Kauri Cliffs zone Ngawha Innovation and Enterprise Park zone	<p>Noise generated by any activity shall not exceed the following limits within the notional boundary of any noise sensitive activity in the Rural Production, Rural Lifestyle or Māori Purpose zones:</p> <p>a. 7.00 am to 10.00 pm - 55 dB $L_{Aeq}(15min)$ b. 10.00 pm to 7.00 am - 40 dB $L_{Aeq}(15min)$; and c. 10.00 pm to 7.00 am - 70 dB L_{AFmax}.</p>	<p>Matters of discretion if compliance not achieved:</p> <p>a. ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities; b. type, scale and location of the activity in relation to any noise sensitive activities; c. hours of operation and duration of activity; d. the temporary or permanent nature of any adverse effects; e. the ability to internalise and/or minimise any conflict with adjacent activities; f. any mitigation proposed, in accordance with the best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operation); and g. any mitigation proposed, in accordance with the best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operation).</p>
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56. When drawing a comparison in terms of effects of noise, the permitted levels are very similar between the Rural Production zone and Mineral Extraction zone.

⁸ S42A Report: Paragraph 148

57. Quarrying activities are generally undertaken between 7.00am to 10.00pm. Outside of this time the permitted noise levels are commensurate with many other zones in the PDP including the Residential zone and the Rural Production zone.
58. There is a need to provide for workers accommodation within the Mineral Extraction zone provisions, otherwise it will be captured by ME-R7 - Any activity not otherwise listed in this chapter, as a non-complying activity. The intent of the relief sought in the submission is to enable the provision of workers accommodation within the Mineral Extraction zone as a Controlled activity.
59. Summarising this point, I consider that workers accommodation within the Mineral Extraction zone, providing accommodation for workers on the site, is sufficiently different to a private dwelling on a neighbouring property in terms of the activity itself. I therefore consider that there is little risk in terms of creating a permitted baseline outside of the Mineral Extraction zone. Furthermore, the permitted noise levels are commensurate with other zones across the district so the effects on the workers utilising the accommodation is similar to other zones e.g. the Rural Production zone. There are benefits for both the employer and staff of being able to accommodate workers on the site.

SUBDIVISION

60. I agree with the intent of the conclusion reached in the s42A Report⁹ regarding boundary adjustments. I interpret this to mean that boundary adjustments within the Mineral Extraction zone will remain a Controlled activity. However, I interpret that having a separate rule for 'Subdivision of a land within the mineral extraction zone' (SUB-R16) trumps the boundary adjustment rule, making a boundary adjustment in the Mineral Extraction zone a Discretionary activity. My understanding is that a boundary adjustment is a form of subdivision and is captured by that definition, and SUB-R16.

RECOMMENDED CHANGES

61. Include Lot 1 DP 164802 within the proposed Mineral Extraction zone.
62. The following wording changes are proposed, these are based on the recommended changes in the s42SA Report. ~~Strike through~~ shows suggested deletions and underline suggested inclusions.

ME-R4	Expansion of existing mineral extraction activity	
Mineral Extraction Zone	Activity status: Controlled Where:	Activity status where compliance not achieved: Discretionary

⁹ S42A Report: Paragraph 159

	<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>CON-2</p> <p>The hours of operation remain the same.</p> <p>CON-3</p> <p>The extraction volumes do not increase by more than 10%.</p> <p>CON-43</p> <p>Any expansion does not occur within 10 m of a site boundary where the boundary adjoins a site that is not part of the Mineral Extraction Zone.</p> <p>CON-54</p> <p>The vehicle access to the Mineral Extraction Activity remains unchanged.</p> <p>Matters of control are limited to:</p> <ul style="list-style-type: none"> i. measures to manage off-site effects including dust, odour, lighting, visual amenity, traffic generation, noise and vibration; ii. mitigations proposed to manage effects on identified values within and beyond the Mineral Extraction Zone iii. landscaping and screening; iv. the tenure of activities including extraction, processing and sales; v. the proposed rehabilitation programme including 	
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	<p>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>	
ME-R5	New mineral extraction activity	
Mineral Extraction Zone	<p>Activity status: Discretionary <u>Controlled</u></p> <p>Where:</p> <p>CON-1</p> <p><u>A Mineral Extraction Activity Management Plan has been provided that contains the information required in ME-S1 Mineral extraction activity management plan.</u></p> <p>CON-2</p> <p><u>Any mineral extraction activity does not occur within 10 m of a site boundary where the boundary adjoins a site that is not part of the Mineral Extraction Zone.</u></p> <p><u>Matters of control are limited to:</u></p> <p><u>i. measures to manage off-site effects including dust, odour, lighting, visual amenity, traffic generation, noise and vibration;</u></p> <p><u>ii. mitigations proposed to manage effects on identified values within and beyond the Mineral Extraction Zone</u></p>	<p>Activity status where compliance not achieved: Not applicable <u>Discretionary</u></p>

	<p>iii. <u>landscaping and screening;</u></p> <p>iv. <u>the tenure of activities including extraction, processing and sales;</u></p> <p>v. <u>the proposed rehabilitation programme including provision for clean-filling, recontouring, revegetation;</u></p> <p>vi. <u>monitoring; and</u></p> <p>vii. <u>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.</u></p>	
ME-R6	New noise sensitivity activity or alterations or additions to a building or structure containing a lawfully established sensitive activity (excluding onsite workers accommodation)	
Mineral Extraction Zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
New Rule ME-RXX	Onsite Workers Accommodation	
<u>Mineral Extraction Zone</u>	<p>Activity status: Controlled</p> <p><u>Where:</u></p> <p><u>CON-1</u></p> <p><u>The workers accommodation established on the site of the mineral extraction activity.</u></p> <p><u>CON-2</u></p> <p><u>The workers accommodation is held in ownership of the land owner.</u></p>	<p>Activity status where compliance not achieved: <u>Non-complying</u></p>

	<p><u>Matters of control are limited to:</u></p> <p>i. <u>measures to manage effects including dust, odour, lighting, traffic generation, noise and vibration;</u></p> <p>ii. <u>landscaping and screening;</u></p>	
SUB-R16	Subdivision of a land within the mineral extraction (excluding boundary adjustments)	
Mineral Extraction Zone	Activity status: Discretionary	Activity status where compliance not achieved: N/A

SECTION 32AA EVALUATION

Effectiveness and Efficiency

63. It is efficient and effective for Council to rezone Lot 1 DP 164802 at this juncture as the Environment Court consent order has 'earmarked' this land to be rezoned at a time when a management plan is produced. The Mineral Extraction zone itself does not permit mineral extraction activities, consent is required.
64. The provisions within the PDP require a mineral extraction area management plan for any expansion to a mineral extraction activity within the Mineral Extraction zone. A new mineral extraction activity will require the same under the changes proposed.
65. Rezoning the land now, as opposed to promulgating a plan change down the track, will save time and expense, and enable Ventia to undertake mineral extraction activities in a timely fashion to satisfy regional demand.
66. The policy framework uses active language to 'enable' new mineral extraction activities. Similarly to an expansion to mineral extraction activities, controls are in place to ensure that a mineral extraction area management plan is produced and there are appropriate matters of control ensuring that effects can be mitigated.
67. It is effective to enable workers to be accommodated on the site, where the effects of doing so are appropriately mitigated.
68. It is effective to make it clear that boundary adjustments are not considered under the general definition of 'subdivision' and inadvertently captured in SUB-R16.

Costs/Benefits

69. The economic benefits of accommodating regionally significant infrastructure in the Far North and enabling those activities to be undertaken in an efficient manner are significant given the contribution the resource makes to the district's economy.
70. Enabling workers to be accommodated on site within the Mineral Extraction zone provides benefits for both the operator and the employer, provided sufficient controls are in place ensuring the dwellings remain in the tenure of the landowner.

Risk of Acting or not Acting

71. I consider that there is little risk in applying the Mineral Extraction zoning over Lot 1 DP 164802 as there is no permitted activity provision for mineral extraction activities. I consider there are sufficient matters of control including a requirement for a mineral extraction area management plan.
72. The risk of not applying the zone to Lot 1 DP 164802 is the significant time it takes to go through a plan change process to rezone the land. This may affect the Ventia's ability to supply the region with aggregate.

CONCLUSION

73. The way mineral extraction activities are proposed to be controlled has fundamentally changed through the recommendation of the s42A Report writer, in so far that a zone is now supported as opposed to an overlay. I support this shift and consider it a more efficient and effective way of controlling mineral extraction activities.
74. It is not clear whether rezoning of Lot 1 DP 164802 should be considered as part of this hearing, or whether it will be considered next year as part of the rezoning hearings.
75. Justification has been provided within this evidence to support the change of zone.

Attachment 1 – Environment Court Consent Order

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of appeals under Clause 14 of the
First Schedule to the Act

BETWEEN

DAVID BRETT KING &
WENDY MAXINE KING

ENV-2006-AKL-000144
(formerly RMA 0607/03)

AND

DAVID BRETT KING

ENV-2006-AKL-000165
(formerly RMA 0602/03)

AND

MCBREEN JENKINS
CONSTRUCTION LIMITED

ENV-2006-AKL-000164
(formerly RMA 0652/03)

Appellants

AND

FAR NORTH DISTRICT
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge L J Newhook sitting alone under section 279 of the Act

IN CHAMBERS at Auckland.

CONSENT ORDER

HAVING CONSIDERED the appellants' notices of appeal and the respondent's notices of reply, **AND UPON READING** the memorandum of the parties filed herein, **THIS COURT ORDERS BY CONSENT THAT:**

1. The Far North District Council is to amend its Proposed District Plan by replacing map 35 with the map attached to this consent order. For the avoidance of doubt, it is recorded that the amendment to map 35 reduces the minerals zone boundary for



Puketona quarry to exclude the land indicated as "Area A" on the attached SO Plan 348598. Consequently, "Area A" changes its zoning to Rural Production.

2. It is recorded that the Far North District Council has resolved to initiate a plan change or variation process, at the request of McBreen Jenkins Limited, in respect of the extension of the minerals zone to include all or part of Lot 1 DP 164802 and to remove the Outstanding Landscape overlay from that site, PROVIDED THAT before the plan change or variation process is commenced, a management plan which includes rehabilitation for all parts of the minerals zone which are no longer actively quarried (on both Pt 6 DP 39381 and Lot 1 DP 164802) is prepared by McBreen Jenkins and approved by Council. It is recorded that Council has resolved to consult with and obtain agreement of all parties to these appeals before approving the management plan.
3. It is also recorded that any plan change/variation to extend the minerals zone shall not include the land indicated on the attached SO Plan 348598 as "Area B". This tract of land is intended to operate as a buffer area for neighbouring properties Lots 1 and 2 DP 195714.
4. It is recorded that the parties to these appeals agree not to oppose the variation or plan change referred to in order 2 herein (either directly or through another party), PROVIDED THAT the variation or plan change does not enable activity beyond that which is otherwise provided by the matters the subject of these appeals.
5. The following call-over ID numbers are otherwise dismissed:
 - King v FNDC ENV-2006-AKL-000165 (formerly RMA 0602/03): call over ID numbers 119 and 126, 575, 576, 608 and 615;
 - King v FNDC ENV-2006-AKL-000144 (formerly RMA 607/03): call over number 691; and,
 - McBreen Jenkins Limited v FNDC ENV-2006-AKL-000164 (formerly RMA 0652/03): call over ID 690 and 693.
6. There is no order for costs.

DATED at Auckland this

15th day of

January

2007



L J Newhook
Environment Judge



Puketona quarry to exclude the land indicated as "Area A" on the attached SO Plan 348598. Consequently, "Area A" changes its zoning to Rural Production.

2. It is recorded that the Far North District Council has resolved to initiate a plan change or variation process, at the request of McBreen Jenkins Limited, in respect of the extension of the minerals zone to include all or part of Lot 1 DP 164802 and to remove the Outstanding Landscape overlay from that site, PROVIDED THAT before the plan change or variation process is commenced, a management plan which includes rehabilitation for all parts of the minerals zone which are no longer actively quarried (on both Pt 6 DP 39381 and Lot 1 DP 164802) is prepared by McBreen Jenkins and approved by Council. It is recorded that Council has resolved to consult with and obtain agreement of all parties to these appeals before approving the management plan.
3. It is also recorded that any plan change/variation to extend the minerals zone shall not include the land indicated on the attached SO Plan 348598 as "Area B". This tract of land is intended to operate as a buffer area for neighbouring properties Lots 1 and 2 DP 195714.
4. It is recorded that the parties to these appeals agree not to oppose the variation or plan change referred to in order 2 herein (either directly or through another party), PROVIDED THAT the variation or plan change does not enable activity beyond that which is otherwise provided by the matters the subject of these appeals.
5. The following call-over ID numbers are otherwise dismissed:
 - King v FNDC ENV-2006-AKL-000165 (formerly RMA 0602/03): call over ID numbers 119 and 126, 575, 576, 608 and 615;
 - King v FNDC ENV-2006-AKL-000144 (formerly RMA 607/03): call over number 691; and,
 - McBreen Jenkins Limited v FNDC ENV-2006-AKL-000164 (formerly RMA 0652/03): call over ID 690 and 693.
6. There is no order for costs.

DATED at Auckland this

15th day of

January

2007



L J Newhook
Environment Judge



Geodetic Datum 2000
 Meridional Circuit Mt Eden 2000
 False Origin : 800,000 mN 400,000 mE
 Source of Coordinates : Geodetic Database

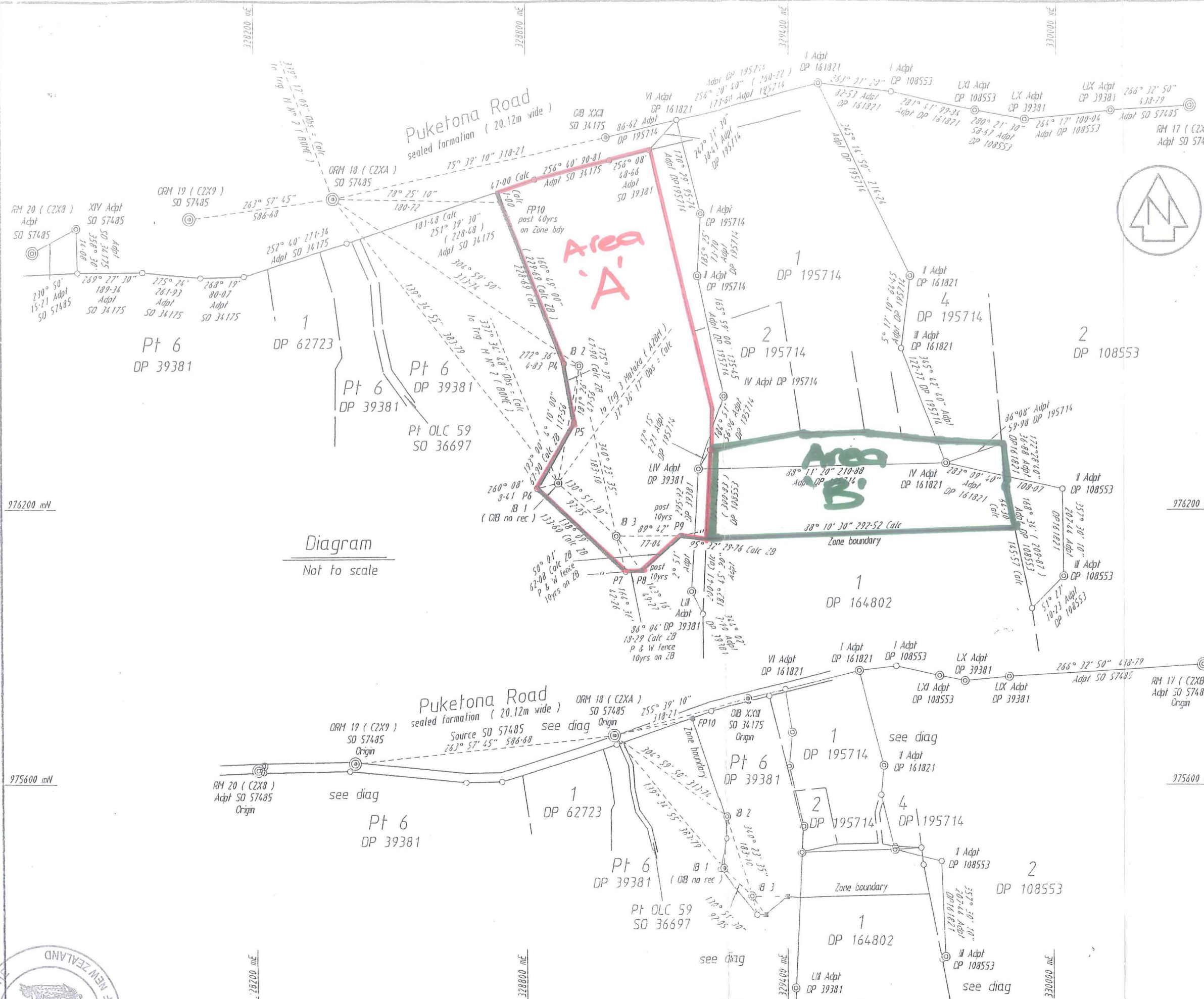
	mN	mE
ORM 18 (C2XA) SO 57485	975706.16	329002.61
ORM 19 (C2X9) SO 57485	975644.46	328419.21
RM 17 (C2XB) SO 57485	975862.05	330338.63
RM 20 (C2XB) SO 57485	975630.47	328205.66

Origins

ZB = zone boundary

Zone boundaries are not fenced unless otherwise shown

Bearings adopted from DP 39381 & SO 34175 have been adjusted by +0.1' to be in terms of Geodetic 2000 datum. (see DP 194229)



Class of Survey : III

I, Robert John Donaldson of Kerikeri, being a person entitled to practise as a licensed cadastral surveyor, certify that -
 a) The surveys to which this dataset relates are accurate, and were undertaken by or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor - General's Rules for Cadastral Survey 2002/2
 b) This dataset is accurate, and has been created in accordance with that Act and those Rules.

Signed _____ Dated _____

Field Book p Traverse Book p
 Reference Plans DP's 195714, 194229, 161821, 108553, 62723, 39381, 36697 SO's 57485 & 34175
 Examined Correct

Record purposes only

...../...../.....

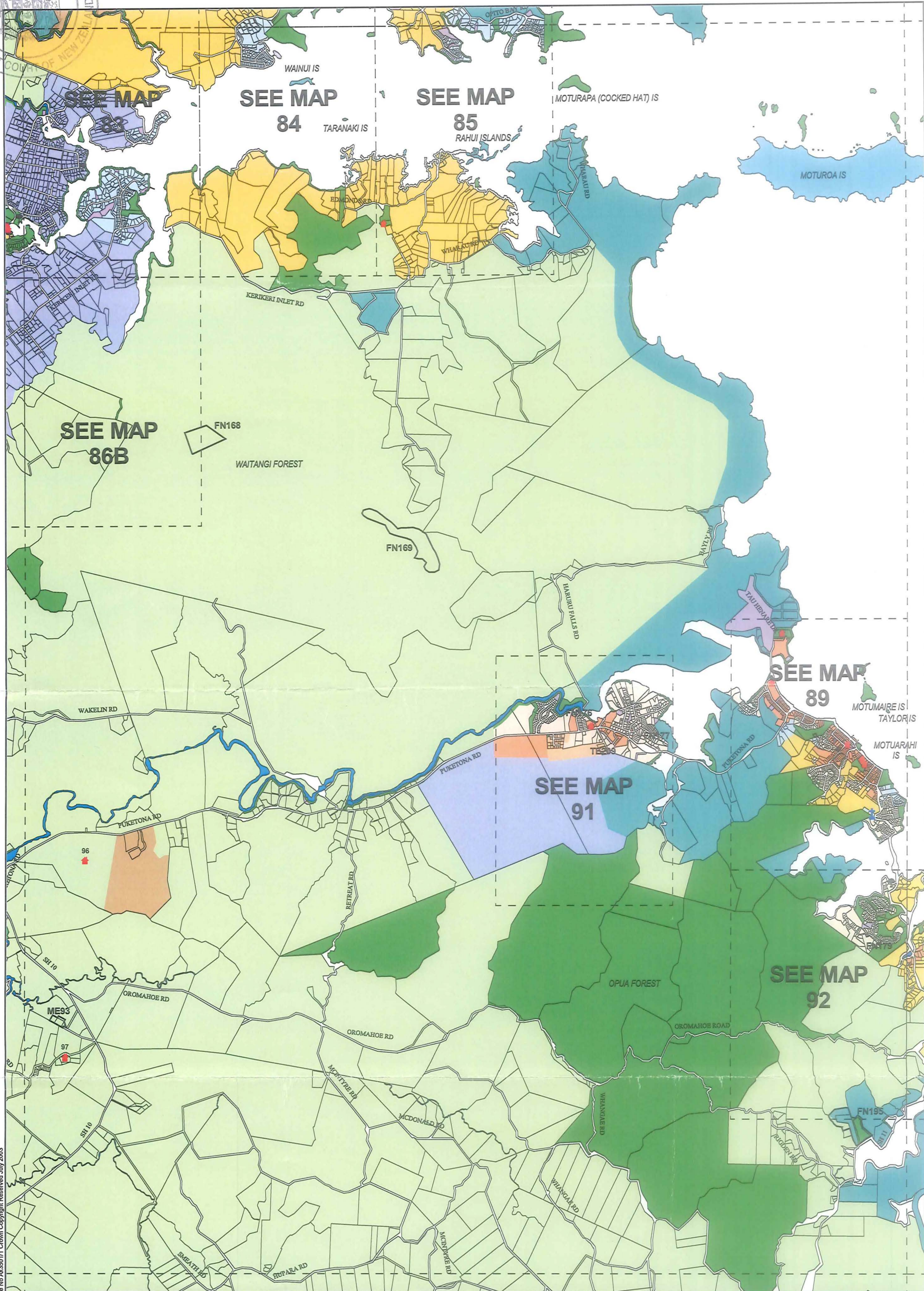
File Received Instructions SO. 348598



NORTH AUCKLAND

Plan of Zone Boundary

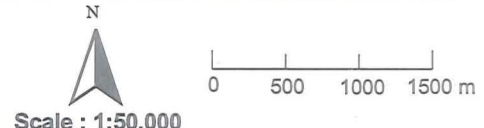
TERRITORIAL AUTHORITY Far North District
 Surveyed by R. J. DONALDSON & ASSOCIATES Ref. 4664
 Scale 1 : 6000 Date Aug 2004



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FAR NORTH DISTRICT COUNCIL
REVISED PROPOSED DISTRICT PLAN
REVISED ZONING MAPS - PUKETONA QUARRY



26	27
34	35 36
43	44 45

REVISIONS TO OCTOBER 2006

Map 35