

SECTION 32 REPORT

Minerals Extraction Overlay

May 2022

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1 Executive Summary

The analysis provided in this report is intended to assist Far North District Council (**Council**) to fulfil its obligations under Section 32 of the Act. This Section 32 evaluation report relates to activities within the Mineral Extraction Overlay (**ME**) chapter.

The Operative Far North District Plan (**ODP**) sits within a layered policy framework, which incorporates the Resource Management Act 1991 (**RMA**), National Policy Statements (**NPS**), National Environmental Standards (**NES**), Iwi Management Plans, Regional Policy Statements (**RPS**), Regional Plans, Structure Plans and Long-Term Plans. Each of these policy documents and plans have been considered in accordance with the RMA. The relevant policy documents that were taken into consideration when preparing the proposed ME chapter are discussed below.

Mineral resources are of considerable social and economic importance to the Far North District, the region and in some cases the nation. Mineral extraction activities have the potential to adversely affect soil, water and air, cultural and heritage resource or values, landscape values and the character and amenity of the surrounding environment. Effects may relate to the scale of extraction activities, the supporting processes and the management of associated traffic movements, dust, noise and visual impacts.

While mineral extraction itself has not been identified as Significant Resource Management Issue, a number of these issues are of relevance largely as they relate to the rural context; the issues and their relevance to this topic are discussed in section 4.4.

The key changes introduced for mineral extraction address a number of the identified management resource issues, the give effect the relevant policies of the Northland Regional Policy Statement (**RPS**) and align with the direction of the National Planning Standards 2019 (**Planning Standards**). The key changes include:

- Re-location of district wide mineral extraction provisions within the Mineral Extraction Overlay;
- The identification of additional mineral resources and mineral extraction activities where they are deemed regionally significant.
- Inclusion of specific provisions for mineral prospecting, exploration, and farm quarries to better accommodate activities covered by Planning Standards definitions;
- Differentiation applied in terms of how mineral extraction is treated between the different zones and overlays depending on the level of compatibility;
- Enable the expansion of existing mineral extraction activities within the Mineral Extraction Overlay; and
- Provide an improved response to iwi and hapū environmental management plans.

2 Introduction and Purpose

2.1 Purpose of report

This report provides an evaluation undertaken by the FNDC in preparation of district plan provisions for the Mineral Extraction overlay in the Proposed Far North District Plan (**PDP**). This assessment is required under section 32 of the RMA.

Section 32 of the RMA requires Councils to examine whether the proposed objectives are the most appropriate to achieve the purpose of the RMA and whether the provisions (i.e. policies, rules and standards) are the most appropriate way to achieve the objectives. This assessment must identify and assess environmental, economic, social, and cultural effects, benefits and costs anticipated from the implementation of the provisions. Section 32 evaluations represent an on-going process in RMA plan development and a further evaluation under section 32AA of the RMA is expected throughout the review process in response to submissions received following notification of the PDP.

While this report covers the provisions in the Mineral Overlay chapter, the other closely related chapters to consider is Subdivision and Rural Production zone. The elevation for these sections is set out in the evaluation report specific to each topic.

2.2 Overview of topic

This report sets out the issues for mineral extraction and provides an overview of the statutory and policy context, and any specific consultation. The report also includes a review of the ODP and evaluation of alternatives to determine the most appropriate way(s) to achieve the purpose of the RMA in relation to mineral extraction.

Managing the extraction of mineral resources and their associated effects requires balancing the social and economic importance benefit the development of these resources can bring the Far North District and the region with the potential adverse effects to land stability, cultural and heritage resource or values, landscape values and the character and amenity of the surrounding environment. Effects may relate to the scale of extraction activities, the supporting processes and the management of associated traffic movements, dust, noise and visual impacts. Reverse sensitivity and land sterilisation issues associated with mineral extraction and quarries need to be addressed, particularly where mineral extraction and quarries occur in proximity to residential activities resulting in incompatible land use.

The proposed Mineral Extraction Overlay has been developed to strike an appropriate balance between enabling mineral extraction activities required to support the Northland economy, while ensuring that adverse effects on the environment are managed to an acceptable level.

For the purposes of the PDP, 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’.

The ODP approach to managing mineral resources at a district wider level sits within the Soils and Mineral Chapter, with enablement of existing mining and quarrying activities afforded through the Mineral Zone Chapter, with management of reverse sensitivity and sterilisation managed through setback requirements, including within the Rural Production Zone Chapter. The proposed approach rolls over a number of these provisions while amending the way in which they are presented to align with the Planning Standards which introduced a prescribed structure of district plan documents to improve consistency across the country.

These changes are part of the consolidated review of the ODP which addresses the requirements of the Planning Standards as well as makes a move from a simple effects-based rule set to an activities-

based approach and instead adopts a hybrid approach. A number of the proposed changes have been made to facilitate this giving more certainty on the types of activities that can be established in different zones and overlays.

The changes made also provide a much clearer alignment with the Regional Policy Statement for Northland (**RPS**) direction to protect mineral resources, specifically by implementing requirement to include maps to show regionally significant mineral resources through inclusion of existing known resources, and enabling the inclusion of additional resources once further information is available. The PDP approach also clearly implements the tiered management approach for natural values directed by the Northland RPS.

3 Statutory and Policy Context

3.1 Resource Management Act 1991

The **Section 32 Overview Report for the PDP** provides a summary of the relevant statutory requirements in the RMA relevant to the PDP. This section provides a summary of the matters in Part 2 of the RMA (purpose and principles) of direct relevance to this topic.

Section 74(1) of the RMA states that district plans must be prepared in accordance with the provisions of Part 2. The purpose of the RMA is the sustainable management of natural and physical resources which is defined in section 5(2) of the RMA as:

“...sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

To achieve the purpose of the RMA, all those exercising functions and powers under the RMA are required to:

- Recognise and provide for the matters of national importance identified in section 6
- Have particular regard to a range of other matters in section 7
- Take into account the principles of the Treaty of Waitangi in section 8 of the RMA.

The following section 6 matters are directly relevant to the Mineral Extraction Overlay:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.
- (e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- (f) The protection of historic heritage from inappropriate subdivision, use, and development.
- (g) The management of significant risks from natural hazards.

Section 6 outlines the matters of national importance and directs that all persons exercising functions and powers under it shall recognise and provide for these matters. In the context of this topic, it is recognised that activities associated with mineral extraction have the potential to impact on these nationally important natural and physical resources and appropriate provision has been made.

The following section 7 matters are directly relevant to this chapter:

- (a) Kaitiakitanga:
- (aa) The ethic of stewardship:
- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (d) Intrinsic values of ecosystems:
- (g) Any finite characteristics of natural and physical resources:
- (i) The effects of climate change:

Section 8 of the RMA requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) be taken into account. The principles of partnership, participation and protection have been taken into account through engagement with iwi authorities and are reflected in the proposed provisions for mineral extraction.

3.2 Higher order planning instruments

Section 75(3) of the RMA requires district plans to give effect to higher order planning instruments – National Policy Statement (**NPS**), the New Zealand Coastal Policy Statement (**NZCPS**), National Planning Standards (**Planning Standards**), and the relevant Regional Policy Statement (**RPS**). The **Section 32 Overview Report** provides a more detailed summary of the relevant RMA higher order planning instruments relevant to the PDP. The sections below provide an overview of provisions in higher order planning instruments directly relevant to mineral extraction.

3.2.1 National Planning Standards

Section 75(3)(ba) of the RMA requires that district plans give effect to Planning Standards. The Planning Standards were gazetted in April 2019 and the purpose is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans.

The Planning Standards do not provide specific direction on where provisions relating to mineral extraction or quarries should be located in terms of structure of a plan. The following directions for general district-wide matters are of relevance to the Mineral eExtraction Overlay:

- 4(13) If overlays are used, their provisions must be located in the relevant district wide matters chapters and section.
- 7(29) If provisions for managing earthworks are addressed, they must be located in the Earthworks chapter. This chapter may also include:
 - Provisions for quarries and gravel extraction where they are managed on a district-wide basis.
 - Provisions for mining where they are managed on a district wide basis.
- 7(31) The Earthworks Chapter must include cross-referencing to any provisions for mining, quarries and/or gravel extraction in a Special purpose zone or zone chapter or section.
- 12(1) Table 18 An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.

As detailed within this report, the proposed approach is to locate provisions relating to mineral extraction (which by way of the proposed definition includes quarries and gravel extraction) within a district wide overlay that is located within the District Wide section of the PDP. 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. With the Planning Standards

direction in mind, it is noted that cross referencing has been included in the rule preamble in the provisions to make it clear to plan users how this topic integrates with other chapters of the plan.

3.2.2 National Policy Statements

Section 75(3)(a) of the RMA requires that district plans give effect to any NPS. The New Zealand Coastal Policy Statement 2010 (**NZCPS**) is the only NPS of direct relevance to the Mineral Extraction Overlay.

The sections below provide a summary of the key provisions in each NPS that are to be given effect to in the Mineral Extraction Overlay.

NZCPS	
Policy 6	Activities in the coastal environment

In summary, the NZCPS emphasises ‘appropriate’ use of the coastal environment. Objectives focus on, for example, the protection of natural character and the management of the coastal environment from inappropriate use and development while enabling people and communities to provide for their social, economic and cultural well-being. It is acknowledged that inappropriate extraction of minerals within the coastal environment, can result in adverse effects on the character of the coastal environment and identified outstanding natural features and landscapes and areas of outstanding natural character. Furthermore, if not properly managed, mineral extraction could have detrimental effects on coastal water quality through sedimentation and have implications for the management of coastal hazards should sand resources, which form part of natural coastal defences be affected by mineral extraction activities.

The proposed provisions are designed to give effect to the relevant provisions of the NZCPS. The proposed objectives and policies seek to strike an appropriate balance between providing for levels of mineral extraction to be undertaken, while preserving the natural character of the coastal environment and maintaining coastal water quality. It is noted that mineral resources located within the coastal marine area (below Mean High Water Springs (**MHWS**)) are subject to any relevant provisions in the Northland Regional Plan.

3.2.3 National Environmental Standards

Section 44 of the RMA requires local authorities to recognise NES by ensuring plan rules do not conflict or duplicate with provisions in a NES. The following NES are directly relevant to the Mineral Extraction overlay

- National Environmental Standards for Air Quality (**NES-AQ**).
- National Environmental Standards for Telecommunication Facilities.
- National Environmental Standard for Electricity Transmission Activities.
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES-CS**).
- National Environmental Standards for Plantation Forestry (**NES-PF**).

The NES-AQ manages discharges to air and some mineral extraction and quarrying activities involve processes which generate air discharges. As such the NES-AQ may be of relevance to managing some mineral extraction practices. The management of discharges is generally a regional council matter, while the district council may manage discharges where they relate to section 31 functions such as adverse effects on amenity and health and safety. No conflicting functions are identified in relation to the NES-AQ and the proposed provisions.

The NES-CS applies to assessing and managing the actual or potential adverse effects of contaminants in soil on human health from five activities, subdivision, a change in land-use, soil disturbance, soil sampling and the removal or replacement of fuel storage. The NES-CS provisions apply where any of these activities are proposed on a site where an activity on the Hazardous Activity and Industry List

(HAIL) is or may have previously been undertaken. Under the NES-CS, regional authorities including Northland Regional Council (**NRC**) have functions of identifying and monitoring land which may be contaminated and to maintain a register of sites which is shared with the applicable territorial authority. The primary application of the NES-CS (including processing of consents) is however a function of the territorial authority. The NES-CS provides a comprehensive framework for addressing the adverse effects of contaminants in soil on human health. As such no conflicting provisions have been included within the proposed provisions, and instead it is intended that reliance can be placed on the NES-CS to manage these actual or potential adverse effects associated with contamination. Given the nature of mineral extraction activities there is a potential for consenting requirements for mineral extraction activities under the NES-CS, a note has been included in Mineral Extraction overlay to highlight this interrelationship.

The NES-PF provides a consistent set of regulations for plantation forestry activities. It covers eight plantation forestry activities that could have potential environmental effects, including forestry quarrying (extraction of rock, sand, or gravel within a plantation forest or for operation of a forest on adjacent land). Both regional authorities and territorial authorities including, NRC and FNDC have functions under the NES-PF. Functions exclusive to territorial authorities include the processing of consents relating to quarrying activities within 2km of a dwelling under different ownership, setbacks from urban areas or papakāinga, deposits of excavated overburden near adjoining properties, and the transport of quarry material on a public road. The NES-PF provides a comprehensive framework for addressing the adverse effects of mineral extraction/quarrying within a plantation forest or for operation of a forest on adjacent land. As such, no conflicting provisions have been included within the proposed provisions, and instead it is intended that reliance can be placed on the NES-PF to manage these actual or potential adverse effects. A note has been included in the Mineral Extraction overlay that highlights this interrelationship.

3.2.4 Regional Policy Statement for Northland

Section 75(3)(c) of the RMA requires district plans to ‘give effect’ to any RPS. The RPS was made operative on 14 June 2018. The table below outlines the provisions in the RPS are directly relevant to Mineral Extraction Overlay.

RPS	
Policy 4.2.1	Improving overall water quality
Policy 4.4.1	Maintaining and protecting significant ecological areas and habitats
Policy 4.6.1	Managing effects on the characteristics and qualities of natural character, natural features and landscapes
Policy 4.6.2	Maintaining the integrity of heritage resources
Policy 4.7.1	Promote active management
Policy 5.1.1	Planned and coordinated development
Policy 5.1.3	Avoiding the adverse effects of new use(s) and development
Policy 5.1.4	Regionally significant mineral resources

In summary, these RPS objectives and policies and the implementation methods require the PDP to include maps to show regionally significant mineral resources where the existing extraction rates are known or where the mineral resources have been identified and mapped by the regional council. At the time this report was produced, regionally significant mineral resources had not yet been mapped

by NRC. As such, analysis of quarries based on information held by the district and regional councils has been undertaken. Quarries identified in the operative “Minerals Zone” have generally been considered to qualify subject to the RPS policy criteria as regionally significant. These areas correspond with the 18 existing Minerals Zone quarries already identified within the ODP. Additional quarries have been identified which may merit inclusion however inadequate information is available in relation to their qualification as regionally significant. In some cases, these quarries are associated with forestry activities and are therefore subject to the NES-PF.

The proposed Mineral Extraction Overlay has been developed to strike an appropriate balance between enabling mineral extraction activities required to support the Northland economy, while ensuring that adverse effects on the environment are avoided, remedied and mitigated to an acceptable level.

It also provides a holding space until such time that the regional council has completed the mapping of mineral resources. Following this, a plan change could be undertaken to update the Mineral Extraction overlay to incorporate any additional areas, the incorporation of these areas has been directed by ME-P1. This policy is also intended to enable the inclusion of any other mineral resources and mineral extraction activities that can demonstrate compliance with one or more of the criteria for regional significance identified in Policy 5.1.4 of the RPS should they be identified prior to NRC undertaking the mapping process. It is anticipated that additional areas may be incorporated into the Mineral Extraction overlay as part of the PDP notification process where it meets the criteria.

3.3 Regional Plan for Northland

Section 75(4)(b) of the RMA states that any district must not be inconsistent with a regional plan for any matter stated in section 30(1) of the RMA. The operative Northland Regional Plans and proposed Northland Regional Plan are summarised in the **Section 32 Overview Report**.

3.3.1 Operative Regional Plans – Regional Air Quality Plan (RAQP)

The Operative Regional Air Quality Plan (**RAQP**) became operative on 31 March 2003 and seeks to maintain Northland’s high standard of air quality whilst allowing the use and development of the region’s resources.

The RAQP notes that air discharges have the potential to result in adverse health, amenity and nuisance effects on people and communities if not carefully managed. As such the objectives, policies and rules of the Minerals chapter seek to manage the effects of dust and airborne particulate matter arising from mineral extraction activities, including blasting, and associated land disturbance activities.

Given that matters concerning air quality are a regional council function, the provisions of the RAQP are complimentary to those matters considered through this assessment. The proposed provisions in have been developed to manage the amenity effects of dust generated by mineral extraction activities (including quarrying activities), proposed to be controlled through a number of mechanisms.

3.3.2 Operative Regional Plans – Regional Water and Soil Plan (RWSP)

The Regional Water and Soil Plan (**RWSP**) became operative on 28 August 2004 and imposes controls on land use activities and discharges to manage the effects on the region’s water and soil resource.

The RWSP imposes specific controls on industrial and trade wastewater discharges to land and water, including those generated from quarrying operations, earthworks and clean fill operations. In addition, restrictions relating to water takes and bore use are applied to mineral exploration or extraction activities. Given the definition of earthworks under the RWSP includes quarrying, the earthworks provisions also apply to the proposed Mineral Extraction Overlay, of which are discussed below.

The RWSP sets out generic environmental standards for land disturbance activities, including those relating to sedimentation and runoff, erosion features, and the interference and destruction of waahi tapu, urupa or other culturally significant sites. Re-vegetation controls are also imposed to prevent erosion, and additional controls apply to earthworks undertaken within the Riparian Management Zone and within indigenous wetlands.

Further to these, standards specific to earthworks address batter and side casting stabilisation, maintenance of roading and tracking surfaces, and the imposition of stormwater controls. Quarrying controls apply in relation to plantation forestry; however, these are managed by the NES-PF and therefore, are not considered relevant to the proposed plan provisions. Given that the management of discharges to land and water are managed by NRC, these provisions of the RWSP are not directly applicable to the proposed plan provisions.

3.3.3 Proposed Regional Plan –Appeals Version

Under the Proposed Regional Plan, quarrying (defined) is captured as earthworks (as per the operative RWSP) which are considered a landuse and disturbance activity. Of note is that farm quarries are treated separately. The Proposed Regional Plan includes specific policies and rules to manage the effects of earthworks within the region including through volume and area thresholds. The Proposed Regional Plan also manages quarrying activities in respect of air discharges, surface water, ground water and the soil resource. Because the Proposed Regional Plan addresses quarrying within earthwork rules, many of the matters addressed by the Proposed Regional Plan have been addressed in the PDP Earthwork Chapter s32 confirming that there are no overlaps or inconsistencies. There are no additional implications for quarrying and mineral extraction activities that notably differs from the matters addressed in the Earthworks Chapter s32.

The provisions of the Proposed Regional Plan have been taken into consideration in the drafting of the proposed Minerals Extraction Overlay chapter to avoid redundancies and overlap between the regional plans and the PDP.

3.4 Iwi and Hapū Environmental Management Plans

When preparing and changing district plans, Section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are ten iwi planning documents accepted by Council which are set out and summarised in the Section 32 Overview Report.

Many of the identified issues within the various management plans relate to concerns over indigenous flora and fauna, minerals, soil, air quality and water quality, particularly with regards to subdivision and development activities. While a number of plans make specific reference to mineral extraction activities and quarries, all management plans make reference to earthworks and land disturbance activities, details of which are summarised below and have been taken into account in the preparation of the provision for mineral extraction are as follows:

- **Balance between economic benefit and environmental effects:** Considering the finite nature of the mineral resource, concerns noted within the iwi and hapū management plans largely relate to a perceived imbalance between economic benefit and the management of environmental effects resulting from quarrying and mining activities. A number of management plans identify quarry management and/or closure plans, as well as rehabilitation and revegetation efforts as key management methods for these quarrying activities.
- **Effects on cultural and historic heritage values:** With regards to earthworks and land disturbance, common issues identified include the effects of these activities on water quality,

cultural landscapes and features, wahi tapu, koiwi, notable trees, and archaeological sites. The identification, recognition and subsequent protection of these areas from inappropriate subdivision and development activities is described as being of critical importance totanaga whenua.

- **Requirement for Cultural Impact Assessment:** Some of the management plans identified the involvement of tangata whenua in the preparation of cultural impact assessments, and in the monitoring of consent conditions where works are to be undertaken within culturally sensitive areas as an additional method to managing the effects of earthworks.
- **Other key issues:** Uncontrolled earthworks and land disturbance activities within the vicinity of culturally significant ridgelines and landscapes, where the alteration of landforms can intrude into viewshafts and damage the cultural and spiritual values of these areas were other concerns identified that are of relevance to this topic. In addition, the lack of erosion and sedimentation controls, and the subsequent degradation of soil systems and water bodies. As such, undertaking works within close proximity to waterbodies and large-scale works associated with rural land uses, such as farming, horticulture, and forestry are identified as activities of specific interest to iwi.

The following considerations have been made with regards to these matters:

- The proposed provisions of the Mineral Extraction Overlay require quarry management plans for the establishment of new, or expansion of existing quarries in the Mineral Extraction overlay where this activity is enabled, as well in as in the Rural Production zone where expansion of existing quarries and farm quarries are specifically provided for, and includes the requirement for information regarding rehabilitation. The requirement for quarry management plans has also been included as a policy (MP-P9), any discretionary or non-complying applications outside these zones will be directed by this provision.
- The proposed provisions discourage the establishment of new, or expansion of existing mineral extraction activities in Natural Environment Values overlays, the Coastal Environment, and within Sites and Areas of Significance to Māori. Otherwise require significant adverse effects to be avoided, and specifically identify these values as matters of consideration.
- Performance standards have been proposed in the Earthworks Chapter that require compliance with the Accidental Discovery Protocol, erosion and sediment control best practice.
- With specific regard to the requirement for preparation of cultural impact assessment and monitoring in culturally sensitive areas, this has not been included as a requirement in the proposed provisions, but that this may be deemed as an appropriate information requirement to understand effects on cultural values which are identified as a matter of consideration.

3.5 Other Legislation and Policy Documents

When preparing or changing a district plan, section 74(2)(b)(i) of the RMA requires council to have regard to management plans and strategies prepared under other Acts to the extent that it has a bearing on resource management issues of the district. The **Section 32 Overview Report** provides a more detailed overview of strategies and plans prepared under legislation that are relevant to PDP. This section provides an overview of other strategies and plans directly relevant to mineral extraction.

3.5.1 New Zealand Standards

The New Zealand Standards (NZS) are nationally based standards, of relevance as they provide guidance on the measurement of noise and appropriate levels at which to control noise effects. NZS are an independent business unit within the Ministry of Business, Innovation and Employment, who lead the development of these country-wide standards under the Standards and Accreditation Act

2015. NZS are mandatory when cited in legislation and regulations and can be referenced as a means of compliance or as an acceptable regulatory solution. The Planning Standards (Regulation 15(1)) include mandatory directions that any plan rule to manage noise emissions must be in accordance with the mandatory noise measurement methods and symbols in the applicable NZS referenced in the Planning Standards.

Noise associated with mineral extraction activities is proposed to be managed by the District Wide Noise Chapter which specifies maximum noise levels within zones. The PDP Noise Chapter includes additional noise and vibration restrictions for the use of explosives for mineral extraction activities. Subsequently, the NZS referenced in the PDP of relevance to this topic are those related to the Noise Chapter which includes:

- New Zealand Standard 6801:2008 Acoustics – Measurement of environmental sound
- New Zealand Standard 6802:2008 Acoustics – Environmental noise

3.5.2 Any other relevant legislation

The following legislation is also relevant to this topic

- **The Crown Minerals Act 1991** - sets out the broad legislative framework for the issuing of permits to prospect, explore and mine Crown owned minerals in New Zealand. The Crown Minerals Act provides for:
 - The issuing of minerals programmes for the allocation of rights to prospect, explore or mine Crown-owned mineral resources.
 - The financial return the Crown receives in exchange for those rights.
 - Conditions on permits to encourage responsible resource development in line with good practice.
 - The collection of information on the mineral estate by the Crown, to promote efficient management of resources, and to promote informed investment decisions.
 - Rules for entry onto land to prospect, explore or mine the Crown's minerals, including limitations on entry to areas of special importance to Māori and to areas of particular conservation value.

Access to minerals is legislated in New Zealand under the Crown Minerals Act as per the information above, however the mining activity itself is managed under the RMA and therefore, subsequently, district and regional plans. The proposed minerals chapter seeks to manage the adverse effects associated with prospecting, exploration and mineral extraction including quarrying. It is intended that these provisions achieve the purpose of the RMA and are complimentary to the Crown Minerals Act. The provisions are not considered to duplicate or conflict with the Crown Mineral Act and what it regulates and manages

- **The Health and Safety at Work (Mining Operations and Quarrying Operations 2016 (HSWA))** - This regulation prescribes matters concerning health and safety in mining operations, including competency requirements in relation to safety-critical roles in mining operations, quarry operations, and alluvial mining operations. The HSWA manages the health and safety of people on site. The proposed provisions are not considered to duplicate or conflict with the HSWA.

There is no other legislation or regulations that are considered relevant to this topic.

4 Current State and Resource Management Issues

This section provides an overview of the relevant context for mineral extraction, current approach to management through the ODP, and key issues raised through consultation. It concludes with a

summary of the key resource management issues for mineral extraction to be addressed through the PDP.

4.1 Context

Mineral resources are of considerable social and economic importance to the District, the Region and in some cases the nation. Mineral extraction activities have the potential to cause adversely affect soil, water and air, cultural and heritage resource or values, landscape values and the character and amenity of the surrounding environment. Effects may relate to the scale of extraction activities, the supporting processes and the management of associated traffic movements, dust, noise and visual impacts.

Mineral extraction activities encompass excavation and mining of minerals (including aggregates). Quarrying activities (including farm quarries) are a specific type of mineral extraction activities, being limited to the extraction of aggregates.

Reverse sensitivity and land sterilisation issues associated with mineral extraction and quarries need to be addressed, particularly as it is in the interest of the community that residential areas are not allowed to encroach on quarries.

Issues can arise when mineral extraction activities (which include quarry and mining activities), are undertaken within or in close proximity to sensitive natural environments. Additionally, issues can arise when there are residential and other noise sensitive activities located in proximity to mineral extraction activities.

4.2 Operative District Plan Approach

4.2.1 Summary of current management approach

Currently the ODP manages mineral extraction through district wide provisions as well as a specific zone-based approach. The location of provisions and general approach is summarised below:

- **Chapter 12.3 – Soils and Minerals** relates to how mineral extraction and quarrying activities are managed (outside of the Minerals Zone) across the District. This chapter also provides for mineral extraction of specific quantities for the normal rural practice of obtaining roading material for use on the same productive unit and requires an application for resource consent as a discretionary activity for all other mineral extraction (beyond the Minerals Zone).
- **Chapter 8.8 – Minerals Zone** provides for mineral extraction within a spatially mapped minerals zone where this is carried out in accordance with a Development Plan. Development plans are required to be provided when the minerals zoning is sought for an existing or proposed quarry (and may also be applicable to quarries beyond the minerals zone where they are not 'normal rural practices' where consent is therefore sought as a discretionary activity). Updating development plans is identified as a discretionary activity (Rule 8.8.5.3.2). The Minerals Zone also includes performance standards in relation to residential intensity, scale of activities, stormwater management, setbacks from boundaries, noise and vibration and blasting. These controls relate to any activity sought to be established in this zone, with the presumption that mining or quarrying would be undertaken in accordance with an already developed 'Development Plan'. The provisions in other chapters of the operative District Plan are also identified as being applicable to activities in this zone.
- **Chapter 11 Assessment Criteria** provides specific matters for consideration in relation to assessing Development Plans. Matters relate to the physical layout of the site, the operation of the site, the proposed management of effects, vehicle access and associated traffic generation, the activities located in proximity to the area subject to the development plan, staging and rehabilitation and best practice industry standards.

- **Chapter 13 Subdivision** which controls subdivision of land within 100m of a Minerals Zone (as a restricted discretionary activity). Subdivision within the Minerals zone is also identified as a discretionary activity with no specified lot sizes.
- **Chapters 8.6 Rural Production Zone, 8.7 Rural Living Zone, 9.7 Conservation Zone, and 10.6 General Coastal Zone** all include controls for residential units located within 100m of the Minerals Zone. If a residential unit is proposed it is to be assessed as a restricted discretionary activity.

Overall, the ODP anticipates the extraction of minerals within the Minerals Zone and implements controls which seek to manage adverse effects associated with these activities. Resource consent is generally required to establish mineral extraction activities within the Minerals Zone and resource consent is clearly required for mineral extraction beyond these areas. Productive ‘normal’ rural practices (essentially farm quarries) are provided for and sensitive activities and subdivision are managed in proximity to established mineral extraction activities.

There have been 22 plan changes undertaken since the ODP became operative in 2009. No plan changes undertaken are relevant to this topic, except that there have been consequential amendments following the review of the Control of Earthworks Bylaw 2019 that is of some relevance.

4.2.2 Limitation with current approach

The Council has reviewed the ODP approach, which has been informed by internal workshops and feedback from the iwi and hapu, community and stakeholder feedback. No technical reports specific to this matter have been commissioned as part of the review except where it relates to the use of explosives which was undertaken as part of the review of the PDP Noise Chapter.

Very few limitations with the ODP have been identified through this process, those that have been identified include:

- The Planning Standards seek to improve the efficiency and effectiveness of the planning system by providing nationally consistent structure, format, definitions, electronic functionality, and noise and vibration metrics. The Planning Standards establish a number of definitions relating to this activity, alignment with these definitions is required.
- The existing provisions have not been updated to adequately reflect the RPS requirement to identify the values of ‘quarries of regional significance’ or align with the tiered approach to management of adverse effects on natural values within, and outside the coastal environment.
- Existing quarries continue to be impacted by reverse sensitivity and sterilisation which has the potential to impact the quality of the amenity experienced by surrounding activities.

4.3 Key issues identified through consultation

The **Section 32 Overview Report** provides a detailed overview of the consultation and engagement Council has undertaken with tangata whenua, stakeholders and communities throughout the district to inform the development of the PDP and the key issues identified through this consultation and engagement. This section provides an overview of key issues raised through consultation in relation to mineral extraction and a summary of advice received from iwi authorities on this topic.

4.3.1 Summary of issue raised through consultation

There was a moderate level of interest in mineral extraction from the community through consultation and engagement of the PDP. The following provides a summary of the feedback provide as part of this consultation:

Consultation on the Draft Policy Framework 2018 resulted in a total of 63 submissions directly relating to earthworks, minerals and quarries. In summary the findings from this round of consultation included:

- Earthworks, minerals and quarrying need to be addressed in separate district plan chapters to avoid duplication and confusion for plan users.
- Reverse sensitivity and land sterilisation issues associated with mineral extraction and quarries need to be addressed, particularly as it is in the interest of the community that residential areas are not allowed to encroach on quarries.
- Support for the policy direction of protecting mineral resources throughout the District.
- The need to strengthen provisions relating to minerals to enable mineral resources to continue to be of considerable social and economic importance to the District.
- The need to strengthen provisions to address the residual adverse effects of mineral extraction e.g. through the requirements of compensation and offsetting.

In response to the above it is noted that:

- The proposed approach now addresses mineral extraction outside of the earthworks chapter and the integration between the two chapters highlighted to plan users through the rule preamble, and link to earthworks standards in the mineral extraction overlay.
- In terms of protection for quarries from potential reverse sensitivity effects, this approach has been considered warranted where they are spatially identified and considered to be regionally significant. Accordingly, setbacks from the Mineral Extraction Overlay have continued to be applied through the Subdivision Chapter and the relevant zone within 100m of the mineral extraction overlay areas for noise sensitive activities.
- The direction of the plan clearly acknowledges the social and economic importance of mineral to our District, while balancing the need to manage adverse effects. Mineral extraction continues to be provided for in the Rural Production zone where adverse effects are appropriately managed. Within the spatially identified Mineral Extraction Overlay, mineral extraction activities have been further enabled due to the likely regional significance of these areas and the application of setbacks for noise sensitive activities which contributes to the management of the management of adverse effects generated by these activities. This is considered appropriate as areas where reverse sensitivity effects need to be avoided can be effectively mapped in the District Plan, giving certainty to plan users and the public where these restrictions will apply.

Consultation on the Draft District Plan 2021 ('Draft Plan') provided the following feedback (summarised):

- The Royal Forest and Bird Society (**F&B**) – F&B provided feedback on a number of matters in relation to the Mineral Extraction overlay in Draft Plan. In general, F&B supported the identification of mineral extraction resources available and specific consideration be given to ecological, indigenous biodiversity, freshwater and cultural values. Some of the other issues raised related to consistency in use of terminology and definitions, gaps in policy direction, inconsistencies between policy direction and rules, integration issues specifically with Natural Environment Values chapters, and queries related to the use of an overlay instead of a special zone and the methodology for mapping the overlay.

In regards to the points raised above; the following is noted:

- The feedback provided by F&B and has been particularly valuable in highlighting drafting and plan integration inconsistencies and has generally been incorporated, this includes the addition of a definition for 'mineral extraction activities' and consistent application of terminology throughout the plan.

- Attention has been given to the integration with the Natural Environment and Coastal Environment Chapters to ensure that the direction of the RPS has been given effect to.
- With regard to the use of the overlay it is considered that this is an appropriate method to manage a district wide resource, the inclusion of additional description within the overview of the chapter helps to clarify this, and what has informed the overlay. This includes a clear link to the direction within the RPS to identify regionally significant mineral resources.
- Ventia Group (**Ventia**) – Ventia are the owners of Puketona Quarry, their feedback included some site-specific requests as well as more general feedback. The site-specific request requested the removal of the Natural Environment Value Overlays that apply to the site which includes Significant Natural Areas, Outstanding Natural Landscapes and Outstanding Natural Features. The more general feedback raised the question as to why additional existing quarries within the district had not been included in the coverage of this overlay and questioned the ‘fundamental purpose of the overlay’. It also queries the location of objectives and policies and whether they would be better located in the zones where the management of the potential effects is required. The remainder of the feedback generally related to consistency in use of terminology and definitions, gaps in policy direction, inconsistencies between policy direction and rules, and integration issues across the plan. A number of the feedback matters raised on behalf of Ventia are consistent with those raised by F&B and have generally been incorporated.

In regards to the points raised above; the following is noted:

- it is considered that this s32 is not the appropriate location to address the request to remove Natural Environment Overlays from the Puketona Quarry site, and the basis for these overlays will be addressed in the applicable s32’s. However, it is noted that the Outstanding Natural Features (Puketona Volcanic Cones) mapping does not align with the RPS and includes an additional mapped feature.
- It is agreed that the fundamental purpose of the overlay was not clear, additional text has been incorporated into the overview to help clarify this.
- The lack of inclusion of additional quarries is noted, and it highlighted that the notification process provides a further opportunity for quarry operators to make submissions to request inclusion where they can demonstrate compliance with the RPS criteria. PDP policy ME-P1 provides for the identification of additional quarries, which can be utilised to either incorporate new sites via a plan change or provide for the activity through resource consent.
- A number of the general other feedback matters raised on behalf of Ventia are consistent with those raised by F&B and have generally been incorporated where considered appropriate; these changes may also help to clarify the purpose of the overlay.
- A number of individual feedback points were also received that generally related to the relationship of the Mineral Extraction overlay with the earthworks chapter, the support for the proposed setbacks specified in the Mineral Extraction overlay and Rural Production Zone, provision for ancillary activities including, stock piling, agricultural lime production and sales of mineral and cement products and mapping inconsistencies.

- With specific regard to the interrelationship with the Earthworks Chapter, it is noted that the definition of Earthworks¹ provisions apply to the excavation of land which includes soil, clay sand and rock, a note has been included in the Mineral Extraction Overlay to highlight this relationship. An exemption is proposed to ensure that Mineral Extraction Activities within the Mineral Extraction Overlay Area is not required to comply or assess the Earthworks Chapter. For the expansion of existing activities within the Mineral Extraction Overlay, a controlled activity status is proposed where the extraction volumes do not increase by more than 10%. This will better enable the development of what are likely to be regionally significant resources in locations that are spatially identified, where internal and external setback measures apply to help ensure the health and safe of the community.

4.3.2 Summary of advice from iwi authorities

Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities. The **Section 32 Overview Report** provides an overview of the process to engage with tangata whenua and iwi authorities in the development of the PDP and key issues raised through that process. Five pieces of feedback was received from Iwi Authorities regarding the mineral extraction provisions. Section 3.4 above provided a summary of the key concerns and issues raised in hapū and iwi environmental management plans. In summary the feedback sought:

- Demonstration of local community benefit
- Providing for offsets
- Greater direction on consultation in regard to local communities and tangata whenua and their input into the proposal
- Management of cultural / effects and values and requirements for cultural impact assessments.

Section 5 of this report outlines how the proposed management approach responds to this advice in accordance with section 32(4A)(b) of the RMA.

4.4 Summary of resource management issues

Mineral extraction was not specifically identified as a Significant Resource Management Issue (SRMI) in the development of the PDP, however, mineral resources and mineral extraction activities are linked to a number of SRMI. Mineral extraction provides an important contribution to the district social and economically, however, can relate in adverse effects on a wide range of resource management considerations including in terms of effects on historical and cultural landscapes, natural hazards, sites of significance to Māori, affordability of infrastructure, coastal areas, biodiversity and natural features.

Based on the analysis of relevant context, current management approach, and feedback from consultation, the key resource management issues for the Mineral Extraction Overlay to be addressed through the PDP are:

- ***Tangata Whenua Partnership*** – FNDC have established relationships and partnerships with iwi and hapū and have supported the creation of a number of iwi and hapū management plans. As highlighted in **section 3.4** Iwi and hapū management plans identify concerns regarding a lack of control of minerals within their rohe and the adverse effects from mining. There is a balance that is required to be struck between protecting cultural values, while allowing for the efficient use of land and mineral resources.

¹ Earthworks means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

- **Affordable Infrastructure** – Mineral resources are of considerable social and economic importance to the district and are critical to providing and supporting infrastructure and development of the District and wider region. Providing for the provision of mineral resources locally contributes to the affordability of this infrastructure, specifically the construction of new transport infrastructure.
- **Heritage Management** – The Far North has a wealth of historic heritage that contributes to the economic, social and cultural well-being of the District. Extraction, exploration, development and use of mineral resources/aggregates has the potential to have significant adverse effects upon historic heritage and heritage values in certain areas. The use of aggregate resources also has the potential to support continued maintenance of and access to these sites.
- **Hazard Resilience and Climate Change** – The Far North has a history of settlement in floodplains and near the coast which has exacerbated risk relating to climate change and natural hazards. The provision of existing and new mineral extraction activities needs to consider hazard resilience and climate change. If undertaken in inappropriate locations, these can result in the further exacerbation of vulnerability to hazards and climate change.
- **Rural Sustainability** – There are competing demands for a range of land use activities within the rural environment in the District. Productive activities, including mineral extraction activities, provide a significant economic benefit to the District, however incompatible and conflicting land uses can constrain the use of rural land for productive purposes.
- **Indigenous Biodiversity** – There is inadequate protection and active management of indigenous biodiversity within the District. Mineral extraction and quarrying activities have the potential to have significant adverse effects upon indigenous biodiversity if such activities are not appropriately managed and controlled.
- **Coastal Management** – Mineral resources can be located in the coastal environment, one existing Mineral Extraction Overlay area is located in the coastal environment. As such there is a conflict between providing for the exploration, extraction, use and development of mineral resources in coastal environments to provide for the economic and social wellbeing of the District, while preserving the natural character of the coastal environment.
- **Outstanding Natural Landscapes and Features** – The District has outstanding natural landscapes and features which need to be protected. The exploration, extraction, use and development of mineral resources has the potential to have significant and irreversible adverse effects on outstanding natural landscapes and features if not appropriately managed and controlled. One existing Mineral Extraction Overlay area is located within Outstanding Natural Landscapes and Features.
- **Urban Sustainability** - Mineral resources are of considerable social and economic importance to the District, and the nation but can have adverse effects and such activities constrained by conflicting land uses. Mineral resources, in particular aggregate resources, are of importance to the development industry and are an essential ingredient for roading and construction throughout the District. Mineral extraction activities (including quarrying) can have adverse effects on urban environments and wider roading networks and can equally be constrained due to reverse sensitivity effects from conflicting and sensitive land uses.

5 Proposed District Plan Provisions

The proposed provisions are set out in the Mineral Extraction overlay of the Proposed Far North District Plan. These provisions should be referred to in conjunction with this evaluation report.

5.1 Strategic Objectives

The PDP includes a strategic direction section which provides high level direction on the strategic or significant matters for the District and objectives to guide strategic decision-making under the PDP. The strategic objectives of direct relevance to Mineral Overlay are:

- **SD-CP-02** Te ao māori, tikanga māori and tangata whenua as kaitiaki, embedded in and integral to decision making.
- **SD-SP-03** Encourage opportunities for fulfillment of our cultural, spiritual, environmental, and economic wellbeing.
- **SD-ECP-02** Existing industries and enterprises are supported and continue to prosper under volatile and changing economic conditions.
- **SD-ECP-05** A district economy that is responsive, resilient and adaptive to the financial costs of a changing climate.
- **SD-UFD-03** Appropriate development infrastructure in place or planned to meet the anticipated demands for housing and business activities.

5.2 Proposed Management Approach

This section provides a summary of the proposed management approach for mineral extraction focusing on the key changes from the ODP. The **Section 32 Overview Report** outlines and evaluates general differences between the PDP provisions and PDP, includes moving from an effects-based plan to a 'hybrid plan' that includes effects and activities-based planning and an updated plan format and structure to align with the Planning Standards.

The main changes in the overall proposed management approach are:

- The PDP replaces the existing Mineral Zone with the Mineral Extraction Overlay and continues to provide for the operation of existing mineral extraction activities and enables the expansion of existing mineral extraction activities within the mapped spatial extent. Where appropriate the spatial extent of the Mineral Extraction Overlay has been expanded in the PDP to reflect existing operations. This has been done to align with the Planning Standards which suggest that an overlay should be used to spatially identify 'distinctive values, risks or other factors which require management in a different manner to the underlying zone provisions'². This approach aligns with the RPS requirement to identify regionally significant mineral resources and enables the protection of mineral resources from reverse sensitive and sterilisation so as to ensure this resource can continue to positively influence the economic strength of Northland.
- The proposed Mineral Extraction Overlay also contains the district wide policy direction for mineral extraction (contained in the ODP Earthworks chapter). This approach responds to feedback and recognises that mineral resources hold distinct values that merit specific enablement as a direct result of their economic and social contribution to the District. The Planning Standards do not require such provisions to be located in any specific part of the plan.
- Specific provisions included for mineral prospecting, exploration, and farm quarries to better accommodate activities covered by Planning Standards definitions.

² Section 12 District Spatial Layers Standard Table 18: Spatial layers for district plans and district plan components of combined plans table.

- Rules relating to mineral extraction outside of the Mineral Extraction Overlay are located in Zones and Overlays and managed by the ‘activity’ as opposed to volume of extraction material extracted to align with ‘hybrid’ based approach of the PDP.
- Reverse sensitivity continues to predominantly be managed through the subdivision chapter, Rural Production Zone as well as in the Mineral Extraction Overlay. The continued management of reverse sensitivity ensures alignment with the RPS as well as the health and safety of the community.
- Differentiation applied in terms of how mineral extraction is treated between the different zones and overlays depending on the level of compatibility. This helps to achieve better alignment with the RPS tiered approach to management of the coastal environment.
- Quarrying associated with normal farming practices will be provided for by way farm quarry rules located within the Rural Production Zone chapter.
- At the time of subdivision specific provisions that determine the status of the application based on whether the site contains a Mineral Overlay or creates a building platform within 100m of the overlay.

The sections below provide a high-level summary of the objectives, policies, and rules and other methods for mineral extraction.

5.3 Summary of proposed objectives and provisions

This section provides a summary of the proposed objectives and provisions which are the focus of the section 32 evaluation in section 7 and 8 of this report.

5.3.1 Summary of definitions

The Planning Standards mandatory direction 14 requires councils to use the definition listed in the Planning Standards “Definitions List” when a term is used in the Plan. Therefore, the PDP must define earthworks as:

Earthworks:

Means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land³ for the installation of fence posts.

Quarrying Activities:

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 clean filling 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.

The PDP proposes definitions which are tiered and fall within the definition of earthworks.

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

³ Land disturbance as defined by National Planning Standard:
means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) that does not permanently alter the profile, contour or height of the land.

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.

Farm Quarrying:

Means the extraction of aggregates which are:

- 1. taken for use ancillary to farming and horticulture, including for farm and forestry tracks, access ways and hardstand areas, and*
- 2. only used within the same production unit, where the extraction was undertaken, and not sold, exported or removed from the production unit of origin*

To avoid duplication, confusion and interpretation issues it is recommended that the Earthworks and Mineral Extraction Overlay Chapters have clear cross referencing and notes.

5.3.2 Summary of objectives

The proposed management approach for mineral extraction includes objectives that:

- Ensure mineral extraction activities (including processing), exploration and prospecting are provided for to support the economic and social wellbeing of the District, while managing adverse effects.
- Minimise the potential for reverse sensitivity effects to arise.
- Provide for the use of aggregates for primary production.
- Seek to ensure the health and safety of the District's communities.

5.3.3 Summary of provisions

For the purposes of section 32 evaluations, 'provisions' are the *"policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change"*.

The proposed management approach for mineral extraction includes policies that seek to:

- Require the identification, and enable the expansion of existing mineral extraction activities within the Mineral Extraction Overlay where the adverse effects of the activity are adequately managed.
- Provide for the establishment of new, and the expansion of existing mineral extraction activities in the wider environment where they are located outside of natural value areas and sufficiently setback sensitive areas, and adverse effects of the activity are adequately managed.
- Enable farm quarries within rural environments where the scale and operation is limited, and they are located outside of areas with significant or sensitive features (e.g. Natural Environmental Values).
- Require new mineral extraction activity proposals to provide adequate information on the establishment, operation and rehabilitation of the activity and site.
- Protect existing quarries from the potential for adverse reverse sensitivity effects through the following setback requirements:
 - 10m building setback and 20m extraction or processing activity setback from the boundary within the Mineral Extraction Overlay;
 - 100m setback for a building platform in each allotment from the boundary of the Mineral Extraction overlay (located in the Subdivision chapter); and
 - 100m setback for residential dwelling from the boundary with the Mineral Extraction overlay (located in the Rural Production zone).
- Provide specific criteria to consider when considering applications for mineral extraction, processing and associated ancillary activities.

- Provide for activities ancillary to mineral extraction activities where the ancillary activity will not compromise the operation of the mineral extraction activity and avoid reverse sensitivity effects.

The proposed management approach for mineral extraction includes rules and standards that:

- Enables the identification of additional mineral resources and mineral extraction activities where they are deemed regionally significant.
- Allows the expansion of existing mineral activities as a controlled activity, and provides for new mineral extraction activities as a discretionary activity in the Mineral Extraction Overlay subject to the provision of a Mineral Extraction Activity Management Plan, and compliance with performance standards that seek to manage scale and manage effects internally. A more permissive framework has been applied for Mineral Extraction Activities within the Mineral Extraction Overlay, to truly enable this activity.
- Protect sensitive areas by making the expansion of existing mineral extraction activities discretionary outside of the coastal environment, and the expansion of existing within the coastal environment and establishment of new mineral extraction activities in these areas non-complying.
- Provide for new mineral extraction activities outside of the Mineral Extraction Overlay and sensitive areas as a discretionary activity to enable a case-by-case approach to determine whether they are appropriate.
- Apply a non-complying activity status to mineral extraction activities in the Urban, Open Space and other Special Purpose Zones as these areas have been zoned by Council for a specific use that primarily lead to the development of sensitive activities.
- Enable small scale farm quarries in Rural Production Zone subject to compliance with setback requirements.
- Set minimum setbacks requirements in the Subdivision Chapter, Mineral Extraction Overlay and relevant zones within 100m of a mineral extraction overlay to minimise the potential for reverse sensitivity effects and ensure the health and safety of the community.
- Permit mineral prospecting and exploration in the Mineral Extraction Overlay and enabled as a controlled activity within the Rural Production Zone where it is undertaking using hand tool.

The proposed management approach for mineral extraction also involves the following methods to implement and give effect to the objectives:

- A streamlined list of definition is included within the PDP to ensure alignment with the National Planning Standards,
- Performance standards include:
 - Information requirements for Mineral Extraction Activity Management Plan;
 - Bulk and scale controls;
 - Setbacks; and
 - Hours of operation control;

Mineral extraction activities are also subject to the controls of the Noise Chapter.

- Definitions related to mineral extraction:
 - A full list is attached as **Appendix 1** with additional definitions included to those provided in the PDP. The new definitions have generally been included to help clarify the intent of the chapter and to address the inconsistency in terminology used throughout the draft text, as well as to ensure that activities provided for are clearly defined.

5.3.4 Responding to advice from iwi authorities

Section 32(4A) of the RMA requires evaluation reports to summarise advice received from iwi authorities on a proposed plan and the response to that advice, including any provisions that are intended to give effect to the advice. Section 4.3.2 of this report provides a summary of advice received from iwi authorities on the Mineral Overlay. The proposed management approach responds to this advice as follows:

- Te Runanga O Te Rarawa advised:
 - *The existing policies do not explicitly require local community benefits from extractive industries and allow for offsetting of adverse effects.* The policy framework relates to public benefit, which would include local community, as the local community would in most instances benefit from the mineral resource being extracted, for example it is desirable to use aggregate within 30km distance of a quarry due to transporting costs. Offsetting was requested but no detail or information was provided to demonstrate how that should work, and that it is appropriate to allow for that. No changes to the framework were made.
 - *The relevant policies do not recognise the importance of local input (particularly from tangata whenua) into any proposal. The effects of lighting on wildlife are not limited to after daylight hours and during weekends.* The RMA is an effects based legislation and therefore it is considered that each proposal to undertake a mineral extraction should be considered on its own merits, vs there being a blanket requirement to consider the local community and tangata whenau being affected, and their input into the proposal being required. No information has been provided to demonstrate that lighting during the day is occurring or what adverse effects are being created. The policy framework requires consideration to be given to any lighting proposed, and this issue could be considered if appropriate. No changes to the framework were made.
 - *The new quarrying activity rule does not explicitly provide for an accidental discovery protocol for taonga, nor for consultation with mana whenua to avoid adverse effects on sites of cultural significance located on private land.* The framework for new quarrying activities has been changed post the draft and it is now a discretionary activity to undertake a new mineral extraction activity. This gives scope to have regard to whether there is a need for an accidental discovery protocol, and to require an assessment to identify if the sites has any cultural significance, that has not been schedule in the Plan.
- Kahukuraariki, Matauri X, Ngati Kuri, Ngai Takoto, Whaingaroa, Ngati Kuta, Te Aupori, Ngati Kuta sdvised:
 - *Objectives and policies are positive for cultural effects, but rules lack any link to cultural effects or effects to cultural values. New activities should perhaps be supported by a Cultural Impact Assessment.* It is not considered appropriate to have a rule that requires a cultural impact assessment to be undertaken for all new activities. This needs to be determined on a case-by-case basis, which the framework provides for. If a site contains a site or area of cultural significance then those provisions will also apply if the proposal was affecting those sites or areas, additionally historic heritage rules would apply in some instances e.g heritage area.

6 Approach to Evaluation

6.1 Introduction

The overarching purpose of section 32 of the RMA is to ensure all proposed statements, standards, regulations, plans or changes are robust, evidence-based and are the most appropriate, efficient and effective means to achieve the purpose of the RMA. At a broad level, section 32 requires evaluation reports to:

- Examine whether the objectives in the proposal are the most appropriate to achieve the purpose of the RMA
- Examine whether the provisions are the most appropriate way to achieve the objectives through identifying reasonably practicable options and assessing the efficiency and effectiveness of the provisions, including an assessment of environmental, economic, social and cultural economic benefits and costs.

These steps are important to ensure transparent and robust decision-making and to ensure stakeholders and decision-makers can understand the rationale for the proposal. There are also requirements in section 32(4A) of the RMA to summarise advice received from iwi authorities on the proposal and the response to that advice through the provisions.

6.2 Evaluation of scale and significance

Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of objectives and provisions so that it is focused on key changes from the status quo.

The scale and significance of the environmental, economic, social and cultural effects of the provisions for mineral extraction are evaluated in the table below.

Criteria	Comment	Assessment
Raises any principles of the Treaty of Waitangi	The principles of partnership, participation and protection have been taken into consideration in the drafting of the PDP provisions. Overall, mineral extraction has the potential to generate adverse environmental and cultural effects on a range of Section 6 RMA matters as outlined in Section 3.1 of this report.	Medium
Degree of change from the Operative Plan	In general, the PDP approach restructures existing provisions from the ODP and aligns them with the Planning Standards and higher order document. The approach introduces some new provision in relation to exploration and prospecting, farm quarries and differentiation in terms of how mineral extraction is treated between zones and overlays.	Medium
Effects on matters of national importance	The PDP introduces clear objectives, policies and provisions to ensure the appropriate management and protection of the range of matters of national importance identified in Section 3.1 of this report, including the coastal environment, historical and cultural heritage,	Medium

Criteria	Comment	Assessment
	<p>and tangata whenua. Given mineral extraction activities have the potential to generate adverse effects on a range of Section 6 matters, the medium level assessment is considered appropriate in this case.</p>	
<p>Scale of effects – geographically (local, district wide, regional, national).</p>	<p>Mineral extraction activities can result in a range of effects in rural and urban environments across local, district, regional and national scales. The Proposed Regional Plan Mineral Extraction Overlay Chapter includes some policy direction that will be applied district-wide, the medium level assessment is considered appropriate in this case. The ODP zoning covered an area of approximately 1016 hectares, with the PDP including a mineral extraction overlay area of 1069 hectares. Therefore, the change is minor and reflects that in most instances mapping changes have been made to reflect the location of where the mineral extraction is occurring. Only 92 properties contain the mineral extraction overlay in the PDP. In a small amount of cases, some ODP zoning did not role over due to the quarries being closed such as Redcliff's Road, Kerikeri or where it was obvious that a quarry had been incorrectly not included in the ODP, e.g when it was continuous with other quarry operations within the ODP and have been operating prior to the ODP being created.</p>	<p>Medium</p>
<p>Scale of people affected – current and future generations (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).</p>	<p>The ODP provisions already enable mineral extraction activities and seek to minimise the potential for reverse sensitivity effects, some of these provisions apply district wide, and some of them just to existing mineral extraction activities. There is limited understanding of the extent of mineral resources in the District outside the existing spatially mapped extent, as such, there is not enough information to understand the true scale of extent, particularly in terms of enabling mineral extraction outside of the Mineral Extraction Overlay. 142 existing buildings are located in the 100m buffer area, however the rule only applies to sensitive activities such as a residential unit.</p> <p>Regardless, these provisions affect current and future generations as the extraction of mineral is integral to the development of infrastructure and in supporting development within the region.</p>	<p>Medium</p>

Criteria	Comment	Assessment
Scale of effects on those with specific interests, e.g., Tangata Whenua	As highlighted above mineral extraction provisions apply to the whole District. The overlap of this chapter with the Natural Environments has the potential to be of particular interest to groups that are engaged with these matters. Interest groups will also likely include relevant industry operators and aggregate users.	Medium
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	Overall, the PDP approach aligns with the Planning Standards and RPS, with many of the changes attributed to consequential format, structure and definition changes.	Medium

6.3 Summary of scale and significance assessment

Overall, the scale and significance of the effects from the proposal is assessed as being medium. Consequently, a moderate level of detail is appropriate for the evaluation of the objectives and provisions for earthworks in accordance with section 32(1)(c) of the RMA. This evaluation focuses on key changes in the proposed management approach from the ODP – which generally relate to changes to provisions for clarification and to reflect new national and regional policy direction are not included in the evaluation in section 7 and 8 below.

7 Evaluation of Objectives

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. The assessment of the appropriateness of the objectives for mineral extraction is against four criteria to test different aspects of ‘appropriateness’ as outlined below.

Criteria	Assessment
Relevance	<ul style="list-style-type: none"> Is the objective directly related to a resource management issue? Is the objective focused on achieving the purpose of the RMA?
Usefulness	<ul style="list-style-type: none"> Will the objective help Council carry out its RMA functions? Does the objective provide clear direction to decision-makers?
Reasonableness	<ul style="list-style-type: none"> Can the objective be achieved without imposing unjustified high costs on Council, tangata whenua, stakeholders and the wider community?
Achievability	<ul style="list-style-type: none"> Can the objective be achieved by those responsible for implementation?

Section 32 of the RMA encourages a holistic approach to assessing objectives rather than necessarily looking each objective individually. This recognises that the objectives of a proposal generally work inter-dependently to achieve the purpose of the RMA. As such, some of the objectives for this topic have been grouped in the evaluation below.

7.1 Evaluation of existing objectives

The existing objectives relevant to mineral extraction are contained within the Soils and Mineral Chapter and the Mineral Zone. Objectives of specific relevance to soils are addressed within the Earthworks Chapter s32.

Existing Objective(s):	
12.3.3.1 Integrated approach with Northland Regional Council in respect to effects arising from mineral extraction.	
Relevance	This objective is of some relevance to Section 6 of the RMA, in particular which reflects the life supporting capacity of soils. Indirect links are made to the range of resource management issues that are affected by mineral extraction activities as highlighted in section 4.4 , however these issues are not specifically stated within the objective.
Usefulness	This objective is unnecessary as the functions of each Council are clearly set out in the RMA so is an unnecessary duplication of functions/text within the ODP.
Reasonableness	There is no clear integration of the policy framework outlining the relationship between relevant objectives and policies that relate to mineral extraction.
Achievability	The ODP provides controls that are achievable, however there is no clear policy framework that allows for the specific management of mineral extraction activities, as the existing provisions combine earthworks and minerals as one topic.
Overall evaluation	
Both NRC and FNDC have functions and responsibilities in term of managing effects associated with mineral extraction activities. It is important that both Councils work collaboratively while avoiding unnecessary overlap or duplication of functions. As discussed above, this objective is not considered to hold significant importance, value or utility with respect to managing mineral extraction activities.	

Existing Objective(s):	
12.3.3.4 Enable the efficient extraction of mineral whilst avoiding, remedying or mitigating any adverse effects that may arise	
8.8.3.2 Avoid remedy or mitigate the adverse effects of mineral extraction on the environment	
Relevance	These objectives are still relevant; enabling mineral extraction while managing their adverse effects on the environment will assist Council to undertake its requirements under section 31 of the Act.
Usefulness	These objectives are useful, the intent of the objectives have been carried over into the PDP with amendments made to wording to ensure consistency of language.
Reasonableness	There is integration between the objective, policies and rules within the ODP is clear.
Achievability	The ODP provides controls that are achievable.
Overall evaluation	
The intent of these objectives are still appropriate and will be carried across to the proposed objectives for the Mineral Extraction Overlay and combined as one objective. However, some minor wording changes will be required to ensure consistency with the language used in the PDP.	

Existing Objective(s):	
8.8.3.1 Enable the efficient extraction and processing of mineral resources with due regard to effects on adjoining activities and landuse.	
Relevance	This objective is still relevant; appropriate provision needs to be made for enabling the extraction, processing and use of mineral resources to meet the District and Region’s ongoing demands while considering surrounding land uses and the potential for reverse sensitivity effects.
Usefulness	This objective is useful, the intent of this objective has been carried over into the PDP with amendments made to wording to ensure consistency of language.
Reasonableness	There is integration between the objective, policies and rules within the ODP is clear.
Achievability	The ODP provides controls that are achievable.
Overall evaluation	
The intent of this objective is still appropriate and will carried across to the proposed objectives for the Mineral Extraction Overlay chapter. However, some minor wording changes will be required to ensure consistency with the language used in the PDP.	

7.2 Evaluation of proposed objectives

Objective ME-01 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.	
Relevance	Mineral extraction is essential to support development, infrastructure and roading within the district. Additionally, mineral extraction is a critical activity in terms of relevance to the significant resource management issues outlined in the District Plan – refer to section 4.1 for significant resource management issues relevant to the proposed mineral extraction overlay chapter.
Usefulness	The proposed objective guide decision makers, acknowledging the need for mineral extraction.
Reasonableness	The proposed objective will not result in unjustifiably high costs to the community or parts of the community. The direction to enable mineral extraction leads to provisions that necessarily enable them while also ensuring that adverse effects are appropriately managed.
Achievability	Council has had mineral extraction controls within the District for a number of years, therefore it is considered that the proposed objective can be realistically achieved within the Council and public’s powers, skills and resources.
Overall evaluation	
This objective seeks to provide for mineral extraction in a manner that needs the district’s needs. The proposed objective achieves the purpose of the RMA as it recognises the importance of mineral extraction activities to enable the subdivision, use and development of land.	

Objective ME-02 Mineral resources and mineral extraction activities are protected from reverse sensitivity and sterilisation effects resulting from subdivision, land use and development.	
Relevance	This objective will assist FNDC to undertake its requirements under section 31 of the Act. The objective will enable the use and protection of existing mineral resources from

	reverse sensitivity as required by the RPS.
Usefulness	The proposed objective will guide decision makers to ensure that surrounding subdivision, use or development is managed to protect quarries and mineral resources from reverse sensitivity, as well as ensure the health and safety of our communities. This is fundamental to ensuring the future use and development of these resources which provide for the social and economic wellbeing of the District. Research across a number of other plans in the country has indicated that a similar objective(s) regarding protection against reverse sensitivity effects is provided.
Reasonableness	The proposed objective will support the limitation of the construct or undertake sensitive activities e.g. dwellings on land in proximity to quarries or mineral resources will be restricted, it is considered that the costs of this are reasonable given the benefits that the extraction and development of these resources can have and given that their location is fixed.
Achievability	The assessment of iwi / hapu management plans in section 3. indicates that the proposed objective is consistent with identified tangata whenua and community concerns / desired outcomes. Council has had controls regarding mineral extraction within the District Plan for a number of years. It is considered that the proposed objective can be realistically achieved within the Council and public's powers, skills and resources
Overall evaluation	
Protecting identified quarries and potentially regionally significant mineral resources from adverse reverse sensitivity effects by acknowledging that the location of mineral resources are fixed and that some level of adverse effects from the exploration, extraction and processing of minerals is likely, this objective given effect to by appropriate provisions requiring setback from Mineral Extraction Overlay areas will give effect to the RPS in particular policies 5.1.3 and 5.1.4.	

Objective ME-03 Extraction of aggregate for use in primary production activities is enabled where adverse effects are appropriately managed.	
Relevance	The proposed objectives will enable the use of aggregate for primary production activities, this is crucial to rural sustainability which is identified as a significant resource management issue in the District Plan, and broadly addressed as a SRMI; refer to section 4.4 of this report.
Usefulness	The proposed objective seeks to enable the use of aggregate for primary production activities while managing adverse effects. This is fundamental to ensuring the ongoing ability of primary production activities which significantly provide for the social and economic wellbeing of the District
Reasonableness	The proposed objectives will not result in unjustifiably high costs to the community or parts of the community for the following reasons the enablement of use of aggregate for rural production activities will avoid costs to the primary production sector associated with obtaining aggregate from other sources. There is considered to be an acceptable level of uncertainty and cost associated with this approach for the following reasons: <ul style="list-style-type: none"> • areas where reverse sensitivity effects need to be avoided can be effectively mapped in the District Plan. This will give certainty to plan users and the public where these restrictions will apply. • the scale of aggregate extraction enabled is controlled to manage adverse effects.
Achievability	It is considered that the objective is achievable under the PDP given there is clearer direction and expected outcomes sought across the different zone and overlays. Further, the proposed objective can be realistically achieved within the Council and public's powers, resources and skills.
Overall evaluation	

This objective seeks to strike a balance between enabling extraction of aggregate while managing adverse effects. The proposed objective achieves the purpose of the RMA as it recognises the importance of far quarry activities to enable the use and development of rural production land in a manner that allows people and communities to provide for their social, economic and cultural wellbeing.

Objective ME-04 Mineral extraction activities are managed to ensure the health and safety of Far North District communities.

Relevance	Enabling mineral extraction activities while managing their adverse effects on the environment will assist Council to undertake its requirements under Section 31 of the Act. Mineral extraction activities are a critical activity in terms of their relevance to the significant resource management issues outlined in the District Plan – refer to Section 4.4 for significant resource management issues relevant to the proposed Mineral Extraction Overlay chapter.
Usefulness	The proposed objective will guide decision makers acknowledging that the enablement of mineral extraction needs to be balanced with the management of adverse effects.
Reasonableness	The proposed objective will not result in unjustifiably high costs to the community or parts of the community. The direction to enable mineral extraction leads to provisions that necessarily enable them while also ensuring that adverse effects are appropriately managed. Further, there is considered to be an acceptable level of uncertainty and risk as enablement of mineral extraction is balanced by the directive to manage adverse effects.
Achievability	The assessment of iwi / hapu management plans in section 3. indicates that the proposed objective is consistent with identified tangata whenua and community concerns / desired outcomes. Council has had controls regarding mineral extraction within the District Plan for a number of years. It is considered that the proposed objective can be realistically achieved within the Council and public's powers, skills and resources

Overall evaluation

This proposed objective specifically acknowledges that mineral extraction can compromise the health and wellbeing of the community if not appropriately managed. This is an important outcome that is necessary for people and communities to provide for their social, economic and cultural well-being and for their health and safety as directed by section 5(2) of the RMA.

8 Evaluation of Provisions to Achieve the Objectives

8.1 Introduction

Section 32(1)(b) of the RMA requires the evaluation report to examine whether the provisions are the most appropriate way to achieve the objectives by:

- (i) identifying other reasonably practicable options for achieving the objectives; and
- (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
- (iii) summarising the reasons for deciding on the provisions.

When assessing the efficiency and effectiveness of the provisions in achieving the objectives, section 32(2) of the RMA requires that the assessment:

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

- (i) economic growth that are anticipated to be provided or reduced; and

- (ii) employment that are anticipated to be provided or reduced; and*
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

This section provides an assessment of reasonably options and associated provisions (policies, rules and standards) for achieving the objectives in accordance with these requirements. This assessment of options is focused on the key changes from the status quo as outlined in the 'proposed management approach' in section 5.2 of this report.

Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:

- **effectiveness** assesses how successful the provisions are likely to be in achieving the objectives and addressing the identified issues
- **efficiency** measures whether the provisions will be likely to achieve the objectives at the least cost or highest net benefit to society.

The sections below provide an assessment of options (and associated provisions) for achieving the objectives in accordance with sections 32(1)(b) and 32(2) of the RMA.

8.2 Quantification of benefits and costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs (environmental, economic, social and cultural) of a proposal are quantified. The requirement to quantify benefits and costs if practicable recognises it is often difficult and, in some cases, inappropriate to quantify certain costs and benefits through section 32 evaluations, particularly those relating to non-market values.

As discussed in section 6.2, the scale and significance of the effects of proposed changes for mineral extraction are assessed as being medium. Therefore, exact quantification of the benefits and costs of the different options to achieve the objectives is not considered to be necessary or practicable for mineral extraction. Rather this evaluation focuses on providing a qualitative assessment of the environmental, economic, social and cultural benefits and costs anticipated from the provisions with some indicative quantitative benefits and costs provided where practicable.

8.3 Evaluation of options

8.3.1 Option 1: Status quo

Option 1: Status quo – Mineral extraction is managed district wide through Soils and Minerals Chapter and in the Mineral Zone Chapter as a discretionary Activity. The principal method of management for the potential for reverse sensitivity effects is through setback requirements and enable quarrying associated with normal farming practices. No changes to Subdivision Chapter.		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> Actual and potential adverse environmental effects associated with mineral extraction outside of the Minerals Zone are considered and assessed on a case-by-case basis, with the ability to impose conditions to mitigate adverse effects or decline consents if these are significant. Social benefits may arise through the continuation of an established approach which is familiar to plan users. Familiar approach and as a result may be considered to be economically beneficial in some instances to continue with this approach. Requiring a comprehensive discretionary resource consent process for the expansion of an existing mineral extraction activity may enable increased opportunity for cultural and public (social) inputs. Protection of potentially regionally significant mineral resources and provisions for their efficient use and development has economic benefits to the district, directly to the quarry industry and indirectly through the availability of aggregate resources for use in development and roading. Efficient development and use of aggregate resources also support the potential for employment 	<ul style="list-style-type: none"> There is little differentiation between how mineral extraction is treated between the different zones or overlays. This means that it is potentially easier to establish a mineral extraction operation which is potentially incompatible with the amenity values and existing activities within the existing environment. Mineral extraction can also occur in ONFs and ONLs, ONCs and SNA's within the Coastal Environment as a Discretionary activity meaning that some level of adverse effects are possible and not avoided. The status quo provides for quarrying activities where the scope of those activities has been determined through the development and approval of a Development Plan. Updating a development plan (e.g. expanding an existing mineral extraction activity) requires a full discretionary consent application which may deter quarry operators from initiating this process due to uncertainty and cost. This may prevent the adoption of new approaches and response to challenges or opportunities identified on site. This 	<ul style="list-style-type: none"> The risk of not acting is that Council will not align with the RPS and Planning Standards direction.

<p>opportunities in the quarrying sector and supporting industries. Provisions of affordable aggregates may also support growth and employment in other sectors and contribute to enabling economic development.</p>	<p>could in turn lead to negative environmental outcomes and increased costs and inefficiency for extraction which through impacting the availability of aggregate resources would have adverse social effects.</p> <ul style="list-style-type: none"> • Mineral prospecting and exploration are a critical task in the identification of where mineral resources are located and it is important that they are provided for within the District Plan. • Operative District Plan provisions are out of date and inconsistent with the format and structure required under the Planning Standards and the subsequent structure of the proposed FNDP. They also do not effectively or efficiently give effect to the RPS. 	
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> • The ODP provisions were developed to recognise the importance of mineral resources, provide for the continued operations of spatially identified quarries and mines (through the Mineral Zone) while providing a degree of certainty of quarry operators and those choosing to live near quarry operations. <p>Broadly speaking, the existing provisions have achieved the above to some extent, but based on the analysis identified above, these provisions could be more effective in terms of further enabling the development of these resources in the appropriate locations, and offering better protection for the more sensitive locations affording a more effective link to the RPS.</p>	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • Overall, the existing provisions are not considered to be the most efficient option, while they generally provide for mineral extraction, they do not provide for exploration or prospecting which is critical in the identification of where mineral resources, or expansion of existing spatially identified quarries. <p>As such, the costs are considered to outweigh the benefits of continuing with the status quo and would be contrary to the higher statutory direction provided in the RPS.</p>	
<p><u>Overall evaluation</u></p> <p>On balance this option not considered to be the most appropriate option to achieve the objectives because while the provisions go part way to achieving the intended outcome of the ODP further refinement is required to improve their efficiency and effectiveness, and alignment with statutory direction, specifically the Planning Standards and RPS.</p>		

8.3.2 Option 2: Proposed approach

Option 2: Proposed approach – Mineral extraction activities are managed district wide through a combination of the Mineral Extraction overlay, Zones and Natural Environment Values Overlays as discretionary and non-complying activities in sensitive areas. The expansion of existing spatially identified mineral extraction activities, and prospecting and mineral exploration specifically provided for. The principal method of management for the potential for reverse sensitivity effects is through setback requirements. Subdivision will continue to be a discretionary activity, with no specified lot sizes.

Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> • The use of an overlay as opposed to a zone or precinct reflects that this resource is located across zone boundaries, requiring specific management. The underlying zone provides context for any assessment of amenity values and the character of the surrounding environment. Where activities are proposed which are not quarrying activities, residential activities or subdivision this enables reliance on the underlying zone provisions to appropriately manage these activities, while still requiring consideration of the Mineral Extraction overlay direction. • The proposed provisions better align with national and regional direction including by: <ul style="list-style-type: none"> ○ Enabling protection of potentially regionally significant mineral resources and provisions for their efficient use and development. ○ Applying a non-complying activity status for mineral extraction in Natural Environment Value overlay and other sensitive areas; applications will need to pass through one of the section 104D gateway tests. While this does not preclude these activities from being granted consent it represents a higher threshold than the status quo and reflects the protection directives of Part 2 of the RMA and higher order documents such as the NZCPS and 	<ul style="list-style-type: none"> • Mineral resources may be located within the Urban, Special Purpose or Open Space zone meaning that the exploration, extraction and processing could be hindered. • A non-complying activity status for mineral extraction in the Natural Environment Value overlay and other sensitive areas means that mineral extraction will still be able be considered within these overlays, but would likely be a more onerous consent to obtain. • Applying a non-complying activity status within the sensitive overlays will limit employment and economic growth opportunities that could be associated with the establishment of mineral extraction activities and farm quarries. However, this is considered appropriate in order to appropriately give effect to the strong protection directives in Part 2 of the RMA and higher order documents such as the NZCPS, RPS and elsewhere in the proposed FNDP. • The use of a controlled activity status for expansion of existing quarrying activities where comprehensive information is provided limits the ability to constrain quarrying activities 	<p>The risk of acting is that:</p> <ul style="list-style-type: none"> • There is insufficient information in terms of regionally significant mineral resources and where they are located. The layer has been based on existing known resources and quarry's which are understood to potentially meet one or more of the criteria in the RPS, presenting a risk in terms of potential for challenge through the notification process. • The insufficient information also presents the risk that minerals could be situated within the zones captured by the non-complying activity status proposed. However, it is considered that the extraction of mineral resources in such locations is not precluded by this option and a case-by-case consideration could be undertaken in such a situation to determine if mineral extraction was still appropriate.

<p>RPS.</p> <ul style="list-style-type: none"> • The proposed provisions essentially further enable quarrying activities and seek to further reduce the potential for reverse sensitivity effects and of social harm to residential activities within the Mineral Extraction overlay by: <ul style="list-style-type: none"> ○ The use of a controlled activity status for the expansion of existing mineral extraction activities in the Mineral Extraction Overlay where comprehensive information is provided and compliance achieved with the standards which predominantly limit the scale of increase. Conditions may still be imposed to manage effects however this increased enabling of quarrying activities may be perceived as an environmental and social cost ○ Providing for mineral prospecting and exploration subject to the restriction of the use of handheld tools reduces the potential adverse effects associated with prospecting or exploration by other means which can result in adverse effects. Other prospecting and exploration techniques are not prohibited, and a discretionary activity resource consent can be applied for where a more invasive technique is required. Likewise, the requirement to comply with all other relevant standards in the District Plan (e.g. the earthworks provisions) provides a restriction on the potential for adverse effects of prospecting and exploration. • A discretionary activity status is retained for new 	<p>where all the relevant standards are achieved. Conditions may still be imposed to manage effects however this increased enabling of quarrying activities may be perceived as an environmental and social cost.</p> <ul style="list-style-type: none"> • Plan users will need to familiarise themselves with a new approach to managing mineral extraction. • Consenting costs will apply for applicants associated with obtaining a resource consent for mineral extraction activities. 	
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<p>mineral extraction activities in the Mineral Extraction Overlay and Rural Production Zone, clear direction has been provided to enable which implies that mineral extraction is anticipated in these zones, but a case-by-case consideration will be undertaken, with the ability to impose conditions to mitigate adverse effects or decline consents if these are significant.</p> <ul style="list-style-type: none"> • Efficient development and use of aggregate resources also support the potential for employment opportunities in the quarrying sector and supporting industries. Provisions of affordable aggregates may also support growth and employment in other sectors and contribute to enabling economic development. 		
<p><u>Effectiveness</u></p> <p>The PDP provisions are the most effective in achieving the objectives for mineral extraction as they:</p> <ul style="list-style-type: none"> • Enable the development of known resources that are understood to be regionally significant while managing adverse effects supporting development within the region, including the provision of affordable infrastructure and urban sustainability. • Seek to identify additional areas of mineral resource to assist in managing the potential for sterilisation, the spatial identification also clearly indicates where reverse sensitivity effects need to be avoided providing certainty for plan users and the general public and addressing rural sustainability concerns. • Clearly implement the direction of the RPS in terms of a tiered approach to the protection of natural values and sensitive areas. • Respond to a number of relevant issues identified in iwi and hapū environmental management plans, predominantly by increasing the level of protection awarded to sensitive areas. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • As highlighted earlier the PDP approach has generally taken the existing framework, made it more enabling in the right areas. The key risk highlighted above is the lack of information in relation to the extent of mineral resources within the District, and the potential unintentional impact this may have. However, when weighing this up with the potential costs of not mapping the known mineral resources areas (in terms of land sterilisation, reverse sensitivity and development potential) it is considered to be the most efficient way to manage this mineral resource. <p>The PDP approach also specifically provides for mineral prospecting and exploration in appropriate zones and to an appropriate scale which further enables the potential development for this resource, and better aligns with the Planning Standards.</p> <p>On balance, the PDP approach is considered to be the most effective way to address the resource management issues identified, and address higher order</p>	

	documents.
<p><u>Overall evaluation</u></p> <p>On balance this option is considered to be the most appropriate option to achieve the objectives because it achieves better alignment with the:</p> <ul style="list-style-type: none"> • RPS by restricting mineral extraction activities, and mineral exploration and prospecting Natural Values Overlays within the CE, creating a clearer link to the requirement to identify regionally significant resources and better enabling mineral extraction within the appropriate places. • Planning Standards by adopting definitions, and restructuring the management of mineral extraction to reflect the structure required for district plans. <p>This approach also achieves the following:</p> <ul style="list-style-type: none"> • Continued enablement for the use of aggregates for primary production • Improved acknowledgment of the amenity values of certain areas by clearly directing the locations in which mineral extraction activities are appropriate • An improved response to matters highlighted in iwi and hapū environmental management plans • Continuing to ensure the health and wellbeing of the community, and minimising reverse sensitivity and sterilisation adverse effects through the use of setbacks. <p>While there are some risks and costs associated with Option 2, on balance it is considered that the benefits outweigh these and that this is the most appropriate option.</p>	

8.3.3 Option 3: Incorporate mineral extraction rules within the Earthworks Chapter

Option 3: Incorporate within Earthworks Chapter – Mineral extraction activities are managed district wide through the district wide Earthworks Chapter. Definition of earthworks includes mineral extraction activities. Mineral extraction beyond the permitted earthwork limits for the relevant Zone is discretionary and non-complying activity in sensitive areas and zones. No mineral extraction areas are mapped or identified in the plan, setback rules within the zone would apply to existing mineral

extraction activities. Subdivision would be managed by the relevant zone chapter.

Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> • The use of a district wide chapter as opposed to a zone or overlay reflects that this activity could occur across zone boundaries, requiring specific management of potential effects. The zone provides context for any assessment of amenity values and the character of the surrounding environment. • Option 3 would enable mineral extraction activities within limits and within the rural zones combined with further reduction of the potential for reverse sensitivity effects and of social harm to residential activities. • Efficient development and use of aggregate resources also support the potential for employment opportunities in the quarrying sector and supporting industries would be enabled by option 3. Provisions of affordable aggregates may also support growth and employment in other sectors and contribute to enabling economic development. • Inclusion within the Earthworks Chapter will comply with the National Planning Standards direction for district plan format. • Option 3 would apply a non-complying activity status for mineral extraction activities in Natural Environment Value overlay and other sensitive areas; applications will need to pass through one of the section 104D gateway tests. While this does not preclude these activities from being granted consent it represents a higher threshold than the status quo and reflects the protection 	<ul style="list-style-type: none"> • Mineral resources may be located within the Urban, Special Purpose or Open Space zones meaning that the exploration, extraction and processing could be hindered. • Option 3 does not provide for specific protection of potentially regionally significant mineral resources and provisions for their efficient use and development in accordance with the RPS. • Potential increase of reverse sensitivity effects as mineral extraction areas are not mapped in the plan. • A non-complying activity status for mineral extraction in the Natural Environment Value overlay and other sensitive areas means that mineral extraction will still be considered within these overlays, but would likely be a more onerous consent to obtain. • Applying a non-complying activity status within the sensitive overlays will limit employment and economic growth opportunities that could be associated with the establishment of mineral extraction activities and farm quarries. • Plan users will need to familiarise themselves with a new approach to managing mineral extraction. <p>Subdivision would be managed by the relevant</p>	<ul style="list-style-type: none"> • The risk of acting is that: • There is insufficient information in terms of regionally significant mineral resources and where they are located. • There is an element of risk associated with enabling farm quarries as there is limited information available to understand how many are currently operating across the District. However, it is considered that this option provides suitable permitted activity criteria for farm quarries in the Rural Production Zone and controls farm quarries elsewhere which will assist with the ongoing management of farm quarries, beyond which exists now. It is also considered important to provide for these quarries given the importance of these small scale quarries to the functioning of rural production activities, which are key to the District's economic and social wellbeing.

<p>directives of Part 2 of the RMA and higher order documents such as the NZCPS and RPS.</p>	<p>zone and may not have a sufficient assessment criteria (e.g. if controlled) or policy framework to manage effects associated with having a mineral extraction occurring on the site.</p> <ul style="list-style-type: none"> • Consenting costs will apply for applicants associated with obtaining a resource consent for mineral extraction activities. 	
<p><u>Effectiveness</u> Option 3 is effective in achieving the objectives for mineral extraction as it:</p> <ul style="list-style-type: none"> • Enables the development of mineral resources while managing adverse effects supporting development within the region, including the provision of affordable infrastructure and urban sustainability. • Respond to a number of relevant issues identified in iwi and hapū environmental management plans, predominantly by increasing the level of protection awarded to sensitive areas. • Avoids duplication between Earthwork’s district wide chapter and Mineral Extraction Overlay or Precinct. 	<p><u>Efficiency</u> Option 3 is efficient in achieving the objectives for mineral extraction as it:</p> <ul style="list-style-type: none"> • Provides for provisions which enables the potential development for mineral resources, and better aligns with the Planning Standards. • Avoids duplication between Earthwork’s district wide chapter and Mineral Extraction Overlay or Precinct. • Enables plan users to use a single chapter to understand provisions for both mineral extraction and earthworks. 	
<p><u>Overall evaluation</u> On balance this option is considered appropriate to achieve the objectives because it will comply with the Planning Standards by adopting definitions and restructuring the management of mineral extraction to reflect the structure required for district plans.</p> <p>This approach also achieves the following:</p> <ul style="list-style-type: none"> • Continued enablement for the use of aggregates for primary production • Achieving amenity values of zones by relying upon Zone provisions. • Continuing to ensure the health and wellbeing of the community, and minimising reverse sensitivity and sterilisation adverse effects through the use of setbacks. <p>There are risks and costs associated with Option 3, and while it is considered to be an appropriate option it is not the most appropriate.</p>		

8.3.4 Option 4: Mineral Extraction Zone

Option 4: Mineral Extraction Zone – Mineral extraction activities are managed by a zone and Natural Environment Values Overlays, enabling mineral extraction activities to occur within the zone boundaries. Expansion of existing spatially identified mineral extraction activities, and prospecting and mineral exploration are specifically

provided for within the zone. Mineral extraction activities other than rural quarries are not provided for outside of the zone. The principal method of management for the potential for reverse sensitivity effects is through setback requirements. Subdivision would be a discretionary activity

Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> • The use of a zone as opposed to an overlay or precinct reflects that these activities are location specific requiring particular management. The zone provides context for any assessment of amenity values and the character of the surrounding environment. Where activities are proposed which are not quarrying activities the zone provisions appropriately manage these activities. • The proposed provisions align with national and regional direction including by: <ul style="list-style-type: none"> ○ Enabling protection of potentially regionally significant mineral resources and provisions for their efficient use and development. ○ Applying a non-complying activity status for mineral extraction in Natural Environment Value overlay and other sensitive areas; applications will need to pass through one of the section 104D gateway tests. While this does not preclude these activities from being granted consent it represents a higher threshold than the status quo and reflects the protection directives of Part 2 of the RMA and higher order documents such as the NZCPS and RPS. • The provisions essentially further enable quarrying activities and seek to further reduce the potential for 	<ul style="list-style-type: none"> • Mineral resources may be located within the Urban, Special Purpose or Open Space zone zones meaning that the exploration, extraction and processing could be hindered. • A non-complying activity status for mineral extraction in the Natural Environment Value overlay and other sensitive areas means that mineral extraction will still be able to be considered within these overlays, but would likely be a more onerous consent to obtain. • Applying a non-complying activity status outside of the mapped zone will limit employment and economic growth opportunities. • The zone will constrain the expansion of quarrying activities increasing economic costs to quarry operation but it may be perceived as an environmental and social benefit. • Potential for cross zone boundary conflict and amenity effects. • Plan users will need to familiarise themselves with a new approach to managing mineral extraction. • Consenting costs will apply for applicants associated with obtaining a resource consent for mineral extraction activities. 	<p>The risk of acting is that:</p> <ul style="list-style-type: none"> • There is insufficient information in terms of regionally significant mineral resources and where they are located. The zone would be based on existing known resources and quarry's which are understood to potentially meet one or more of the criteria in the RPS, presenting a risk in terms of potential for challenge through the notification process. • The insufficient information also presents the risk that minerals could be situated within the zones captured by the non-complying activity status proposed. However, it is considered that the extraction of mineral resources in such locations is not precluded by this option and a case-by-case consideration could be undertaken in such a situation to determine if mineral extraction was still appropriate.

<p>reverse sensitivity effects and of social harm to residential activities within the Mineral Extraction zone by:</p> <ul style="list-style-type: none"> ○ The enabling the expansion of existing mineral extraction activities within the Mineral Extraction Zone where comprehensive information is provided and compliance achieved with the standards which predominantly limit the scale of increase. Conditions may still be imposed to manage effects however this increased enabling of quarrying activities may be perceived as an environmental and social cost. ○ Providing for mineral prospecting and exploration subject to the restriction of the use of handheld tools reduces the potential adverse effects associated with prospecting or exploration by other means which can result in adverse effects. Other prospecting and exploration techniques are not prohibited, and a discretionary activity resource consent can be applied for where a more invasive technique is required. Likewise, the requirement to comply with all other relevant standards in the District Plan (e.g. the earthworks provisions) provides a restriction on the potential for adverse effects of prospecting and exploration. ● Discretionary and non-complying activity status is retained for new mineral extraction activities outside of the Mineral Extraction Zone, providing for these 		
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<p>activities on a case-by-case consideration.</p> <ul style="list-style-type: none"> • Efficient development and use of aggregate resources also support the potential for employment opportunities in the quarrying sector and supporting industries. Provisions of affordable aggregates may also support growth and employment in other sectors and contribute to enabling economic development. 		
<p><u>Effectiveness</u></p> <p>Option 4 provisions would be an effective method in achieving the objectives for mineral extraction as they:</p> <ul style="list-style-type: none"> • Enable the development of known resources that are understood to be regionally significant while managing adverse effects supporting development within the region, including the provision of affordable infrastructure and urban sustainability. • The spatial identification of a zone clearly indicates where reverse sensitivity effects need to be avoided providing certainty for plan users and the general public and addressing rural sustainability concerns. • Clearly implement the direction of the RPS in terms of a tiered approach to the protection of natural values and sensitive areas. • Respond to a number of relevant issues identified in iwi and hapū environmental management plans, predominantly by increasing the level of protection awarded to sensitive areas. 	<p><u>Efficiency</u></p> <p>Option 4 would efficiently provide for mineral extraction activities achieving the objectives, provide a single zone and set of provisions within the Plan. The zone would appropriately enable mineral extraction activities within the mapped zone locations and enable efficient identification of reverse sensitivity effects.</p> <p>However, Option 4 is not the most effective method in achieving the objectives because:</p> <ul style="list-style-type: none"> • Unnecessary duplication of provisions will occur as the mineral extraction zone will have to include rules for all types of activities. • Amenity values of the mineral extraction zone will not blend well with surrounding zones and cross boundary effects may occur. • The zone fails to recognise that a mineral extraction activity, due to location of resource, may be surrounding by various different environments (zones). 	
<p><u>Overall evaluation</u></p> <p>On balance this option is considered not to be the most appropriate option to achieve the objectives while the provisions go part way to achieving the intended outcome the efficiency and effectiveness of the zone is less than that of an overlay.</p>		

9 Summary

An evaluation of the proposed objectives and provisions for mineral extraction has been carried out in accordance with section 32 of the RMA. This evaluation has concluded that the objectives are the most appropriate way to achieve the purpose of the RMA and the provisions are the most appropriate way to achieve the objectives for the following reasons:

- The proposed Mineral Extraction Overlay chapter recognises that mineral resources are of considerable social and economic importance to the Far North District and seeks to enable the exploration, extraction, development and use of mineral resources while avoiding, remedying or mitigating adverse effects, including reverse sensitivity effects from incompatible land uses adjoining established quarries.
- The approach proposed to the Mineral Extraction Overlay chapter in terms of the policy and rule framework has been drafted to be consistent with the Planning Standards, RPS and the new format of the PDP.
- Pursuant to s32 of the RMA, the proposed objectives have been analysed against Part 2 of the RMA and the relevant provisions of higher order plans and policy documents. It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA.
- The proposed provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32 of the RMA. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives and of addressing the underlying resource management issues relating to minerals and managing adverse effects.

10 Appendices

10.1 Appendix 1: Proposed Definitions to support provisions