

# Appendix 1A – Right of Reply Officers Recommended Mineral Extraction Chapter Provisions

Note the below provisions represent the Section 42A Report Writing Officer’s recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and strikethrough for deleted text). Recommendations made through the Reporting Officer’s right of reply are shown in red underline for new text and red strikethrough for deleted text.

## Overview

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

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

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

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

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

This chapter also provides for mineral extraction activities, exploration and prospecting outside of the Mineral Extraction Zone with rules contained in the zones and the relevant district wide chapters, including the Natural Environment Values chapters and Coastal Environment chapter. Minimising the potential for reverse sensitivity and sterilisation effects on mineral extraction generated through landuse and subdivision is generally managed through setback requirements.

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

Objectives	
ME-O1	Mineral resources and extraction activities, exploration and prospecting, processing and ancillary activities are effectively provided for to meet the district’s needs for mineral resources while managing any adverse effects.
ME-O2	Mineral resources and mineral extraction activities are protected from reverse sensitivity and

	sterilization effects resulting from subdivision, land use and development.
ME-O3	Extraction of aggregate for use in primary production activities is enabled where adverse effects are <u>appropriately managed.</u>
ME-O4	<u>Mineral activities processing and ancillary activities are managed to ensure the health and safety of Far North District communities.</u>
<b>Policies</b>	
ME-P1	<u>Identify the extent of regionally significant mineral resources using the assessment criteria in the Northland Regional Policy Statement.</u>
ME-P2	<u>Enable new and provide for the expansion of existing mineral extraction activities where significant adverse effects are avoided.</u>
ME-P3	<p><u>Provide for mineral extraction, and processing outside a Mineral Extraction Zone where:</u></p> <ol style="list-style-type: none"> <li><u>there is a public benefit derived from the activity;</u></li> <li><u>it is located outside of the Coastal <del>Environment, Outstanding Natural Features and Outstanding Natural Landscapes and Natural Environment</del> Overlays;</u></li> <li><u>adverse effects on indigenous biodiversity are avoided, remedied, mitigated, offset or compensated in accordance with the Ecosystems and Indigenous Biodiversity chapter;</u></li> <li><u>the location is sufficiently away from Urban zones, Carrington Estate, Kauri Cliffs, Orongo Bay, Quail Ridge and Māori Purpose Special Purpose zones and Settlement and Rural Residential zones;</u></li> <li><u>significant adverse effects are avoided; and</u></li> <li><u>other adverse effects are avoided, remedied or mitigated.</u></li> </ol>
ME-P4	<p><u>Enable farm quarries within the Rural Production zone where they are limited in scale and operation, and located outside of the following sensitive environments:</u></p> <ol style="list-style-type: none"> <li><u>coastal environment;</u></li> <li><u>outstanding and high natural character areas <del>in the coastal environment;</del></u></li> <li><u>sites and areas of significance to <del>māori</del>Māori.</u></li> <li><u>historic heritage sites and areas; and</u></li> <li><u>outstanding natural <del>landscapes and</del> features <del>and outstanding natural landscapes.</del></u></li> </ol>
<del>ME-P5</del>	<p><del>Avoid adverse effects, and avoid, remedy or mitigate other adverse effects from new and the expansion of existing mineral extraction activities on the characteristics and qualities of the following, where located outside of the Coastal Environment Overlay:</del></p> <ol style="list-style-type: none"> <li><del>Outstanding Natural Landscapes;</del></li> <li><del>Outstanding Natural Features;</del></li> <li><del>Areas of significant indigenous vegetation and significant habitat of indigenous fauna<sup>1</sup>;</del></li> <li><del>Historic and cultural values; and</del></li> <li><del>Sites and Areas of Significance to Māori.</del></li> </ol>
ME-P6	<p><u>Avoid <del>adverse effects of new,</del> and the expansion of existing, mineral extraction activities in areas of Outstanding Natural Character areas, Outstanding Natural Landscapes, and Outstanding Natural Features, <del>within the characteristics and qualities which make up the following</del> within the Coastal Environment:</u></p> <ol style="list-style-type: none"> <li><del>Outstanding Natural Landscapes;</del></li> <li><del>Outstanding Natural Features; and</del></li> <li><del>Outstanding Natural Character.</del></li> </ol>
ME-P7	<u>Where ME-P6 does not apply avoid significant and avoid, remedy or mitigate other adverse effects of <del>new, and</del> the expansion of existing mineral extraction activities on natural character, natural features and natural landscapes within the Coastal Environment.</u>

<b>ME-P8</b>	Provide for activities ancillary to mineral extraction and processing where the raw material is being extracted or processed on the same site.
<b>ME-P9</b>	<u>Avoid the potential for reverse sensitivity and land sterilisation effects from land use, development and subdivision activities on existing mineral extraction activities within the Mineral Extraction Zone by requiring setbacks from, and within the Mineral Extraction Zone.</u>
<b>ME-P10</b>	Provide for activities ancillary to mineral extraction activities where: <ul style="list-style-type: none"> <li>a. <u>the ancillary activity is compatible with and will support the operation of the mineral extraction activity; and</u></li> <li>b. <u>the ancillary activity will avoid reverse sensitivity effect on the mineral extraction activity.</u></li> </ul>
<b>ME-P11</b>	Require all proposals for new and expansion of existing mineral extraction activities to provide a Mineral Extraction Activity Management Plan detailing the establishment, operation and rehabilitation of the site.
<b>ME-P12</b>	Manage land use and subdivision (including mineral extraction activities) to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: <ul style="list-style-type: none"> <li>a. <u>the size and scale of extraction or processing activities;</u></li> <li>b. <u>the size, scale, and location of ancillary activities, buildings or structures;</u></li> <li>c. <u>the expected length of operations of the extraction site;</u></li> <li>d. <u>the design and layout of the site, access roads and supporting facilities;</u></li> <li>e. <u>the area which the mineral extraction operation will service and the demand for mineral resources within this area;</u></li> <li>f. <u>noise, vibration, dust and light spill, particularly after daylight hours and on weekends;</u></li> <li>g. <u>the surrounding road network and the safety of road users;</u></li> <li>h. <u>the natural environment including watercourses within the extraction site and the effects from the site on the surrounding environment;</u></li> <li>i. <u>land instability and the potential exacerbation of natural hazard risk;</u></li> <li>j. <u>visual amenity, natural character and landscape values;</u></li> <li>k. <u>historic heritage and cultural values, and whether the provision of a cultural impact assessment is necessary to understand these values and effects on them;</u></li> <li>l. <u>ecological values;</u></li> <li>m. <u>the management tailings, overburden and sediment controls;</u></li> <li>n. <u>the adequacy of a Mineral Extraction Activity Management Plan to manage adverse effects; and</u></li> <li>o. <u>options anticipated for the rehabilitation of the site, either by a staged process or at the end of the economic life of the quarry, including responsibility for implementation and the need for bonds;</u></li> <li>p. <u>hours of operation; and</u></li> <li>q. <u>number of people proposed to be employed, and parking spaces provided onsite.</u></li> </ul>

**Rules**

**There are no rules or standards contained within this chapter. Rules for Mineral Extraction Activities are located in other chapters including Rural Production Zone and the Mineral Extraction Zone.**