



Far North Proposed District Plan Hearing 8 – Mineral Extraction

Reporting Officer's Response to Panel Minute 21

1. My name is Lynette Morgan and I am the author of the Section 42A Report for Mineral Extraction topic of the Far North Proposed District Plan.
2. I have prepared a response to the questions raised by the Hearing Panel as set out in [Panel Minute 21: Update to Hearing 8 - Questions to Council Planner](#). Questions asked by the panel are shown in bold italics, and my response is provided below each question.

Questions raised by the Panel

Q1a: At the conclusion of the hearing on 20 November was asked for a plan that spatially showed the locations of the various quarries included in the proposed Mineral Extraction Zone on a single plan. This was to assist us with understand the location of each quarry within the District. This was not provided with the Right of Reply material and we request it again to assist in our further deliberations.

3. The map tool has been provided to Panel. The spatial plan requested can be found here:
<https://fndc.maps.arcgis.com/apps/webappviewer/index.html?id=96e836f298a444618aa5b936fe988488>

Q1b: We would like further comment from the planner on the rationale and structure of mineral extraction provisions. The Panel understands the rationale for removing the Mineral Extraction Overlay and replacing it with a Mineral Extraction Zone. However, the rationale for a separate Mineral Extraction Chapter (in Part 2 – General District-Wide Matters) and a Mineral Extraction Zone (in Part 3 – Area Specific Matters - Special Purpose Zones) has not been fully explained in either the hearing report or the Right of Reply. We asked the planner at the hearing whether the two chapters could be combined into a single chapter.

- i. Is there a case for the two Mineral Extraction sections of the PDP to be combined into a single Mineral Extraction Zone? Or*
- ii. Does the Mineral Extraction chapter (in Part 2 of the PDP) need to remain separate from the Mineral Extraction Zone (in Part 3 of the PDP) because the Mineral Extraction chapter contains provisions (objectives and policies) that*



apply to mineral extraction activities outside the Mineral Extraction Zone?

iii. If the rationale in (ii) applies does there need to be some explanation in the mineral extraction sections of the PDP (i.e. Overview sections) to explain why mineral extraction has provisions in both Part 2 and Part 3 of the PDP? Please provide further comment on these matters.

4. The rationale for the Mineral Extraction chapter (in Part 2 of the PDP) being separate from the Mineral Extraction Zone is as follows:
5. The National Planning Standards primarily treat district wide matters and zone provisions are treated separately. The Mineral Extraction objectives and policies recommended in Part 2 of the PDP are 'district wide'. This is considered more efficient than replicating Objectives and Policies throughout the PDP for Mineral Extraction.
6. I note Chapter 7 of the National Planning Standards - General district – wide matters provision 29 which sets out the following:

If provisions for managing earthworks are addressed, they must be located in the Earthworks chapter. This chapter may also include:

- a. provisions for quarries and gravel extraction where managed on a district-wide basis*
- b. provisions for mining where they are managed on a district-wide basis.*

7. I have relied on 29(b) which allows the FNDC PDP to manage the Mineral Extraction activities on a general district wide basis. It is accepted Mineral Extraction is not located in the Earthworks chapter 29 (a) and (b) of the National Planning Standards support the rationale for a District Wide chapter.
8. Managing mineral extraction activities on a District-Wide basis provides a consistent set of objectives and policies for mineral extraction activities across the zones.
 - a) The dual chapter/ district wide plan approach is more efficient and effective as it allows the plan user to be directed to the relevant chapter which is applicable to the consideration of their land use instead of duplicating the objectives and policies for mineral extraction across all relevant zone chapters, or merging all rules for mineral extraction into a single District-Wide chapter for mineral extraction. The combined chapter approach would not achieve the same outcome and would result in duplication which is not effective or efficient.



9. Appendix 1B to my Section 42A Report already includes the following text in the overview to explain the relationship between the chapters (my emphasis added):

Mineral Extraction – Objectives and Policies (Part 2 - District-Wide Chapter)

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. Minimising the potential for reverse sensitivity and sterilisation effects on mineral extraction generated through landuse and subdivision is generally managed through setback requirements.

Appendix 1C (Part C - Mineral Extraction Zone) also reads (my emphasis added):

All objectives and policies relating to this zone are contained within the Mineral Extraction chapter of the General District Wide Matters section.

Q1c: We note that there are recommended provisions for mineral extraction activities outside the Mineral Extraction Zone (i.e. Rural Production Zone). Please comment on whether there is merit to include reference to the matters in Policy ME-P12 as part of that assessment?

10. I refer the panel to Ms Melissa Pearson Section 42A Report for the Rural Production Zone, and her recommendation for an additional Note 3 in respect of Rural Production Polices in Note 3. Ms Pearson recommended the following amendment:

The objectives and policies of the Mineral Extraction Zone should be considered in addition to the objectives and policies of the Rural Production Zone for any consent application for a farm quarry, a mineral prospecting and exploration activity, expansion of a mineral extraction activity or a new mineral extraction activity.

11. In practice this means the Mineral Extraction Zone objectives and policies would apply to a mineral extraction activity within a Rural Production Zone. I note that there are four rules relating Mineral Extraction in the RPROZ chapter. These are R12 – Farm Quarries, R18 – Mineral prospecting and



exploration, R21 - Expansion of existing mineral extraction activity and R30 – New mineral extraction activity. R12 and R18 are permitted activities, with non-compliance Discretionary. New quarries in R30 are Discretionary. This leaves R21 – Expansion of existing mineral extraction activities as Restricted Discretionary. This rule would be the only provision where a direct reference to ME-P12 as a matter of discretion would be necessary. However, one of the key drivers of the Mineral Extraction chapter is the spatial identification to manage and provide for existing and legally established quarry activities. Therefore, R21 is unlikely to be used. This recommendation together with my reply to Question 1b addresses these matters.

Q1d: Rule ME-R4 - Expansion of existing mineral extraction activity in the Mineral Extraction Zone is proposed to be a Controlled Activity. In light of evidence presented by Royal Forest and Bird Protection Society, we would like comment from the Council planner on whether a Restricted Discretionary Activity would be a better activity status for this.

12. Since the evidence was provided by Royal Forest and Bird Protection Society, and the Minute 21 was issued, I have held discussions with Mr Jerome Wyatt, the s42A Reporting Officer for the Coastal Environment and Ecosystems and Indigenous Biodiversity chapters. We have since agreed Rule ME-R4 (expansion of existing mineral extraction activity) should be a Restricted Discretionary Activity, to enable an assessment of effects on identified values, including ecological values, and the ability for Council to decline an application. I have also recommended an amendment to 'matter of discretion restricted to' number (ii) in Rule ME-R4 adding in "including ecological values" to ensure the effects on ecological values can be considered as part of a restricted discretionary resource consent application. This approach is considered more efficient and effective than a controlled activity status as it enables the expansion of mineral extraction activities, while managing potential environmental effects, and it achieves an appropriate balance to achieve the Mineral Extraction objectives and policies and other objectives policies of the PDP (including Ecosystems and Indigenous Biodiversity).
13. Attached to this document (**Appendix 1**) is an updated ME-R4 reflecting the Rule as a Restricted Discretionary activity and my suggested amendment to matters of discretion are restricted to: (ii).
14. Upon reviewing the chapter responses as part of my Right of Reply, I note that Appendix 2 had been inadvertently left blank in response to the further submissions. I attach an updated version of the appendix (**Appendix 2** to this document) reflecting my position as at the Written Right of Reply and also updated to reflect the proposed amendments to ME-R4.



Prepared by: Lynette Morgan, Policy Planner, Far North District Council.

Approved by: James R Witham – Team Leader District Plan, Far North District Council.

Date: 27 March 2025



Appendix 1: Addendum to recommended Rule ME-R4 (Restricted Discretionary activity status in response to Forest and Bird’s evidence)

ME-R4	Expansion of existing mineral extraction activity	
Mineral Extraction Zone	Activity status:-Restricted Discretionary	Activity status where compliance not achieved: Discretionary
	<p>Where:</p> <p>RDIS-1 A Mineral Extraction Activity Management Plan has been provided that contains the information required in ME-S1 Mineral extraction activity management plan.</p> <p>RDIS-2 The hours of operation remain the same.</p> <p>RDIS-3 The extraction volumes do not increase by more than 10%.</p> <p>RDIS-4 Any expansion does not occur within 10 m of a site boundary where the boundary adjoins a site that is not part of the Mineral Extraction Zone.</p> <p>RDIS-5 The vehicle access to the Mineral Extraction Activity remains unchanged.</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> i. measures to manage off-site effects including dust, odour, lighting, visual amenity, traffic generation, noise and vibration; 	

	<ul style="list-style-type: none"> ii. <u>mitigations proposed to manage effects on identified values, including ecology values, within and beyond the Mineral Extraction Zone</u> iii. <u>landscaping and screening;</u> iv. <u>the tenure of activities including extraction, processing and sales;</u> v. <u>the proposed rehabilitation programme including provision for clean-filling, recontouring, revegetation;</u> vi. <u>monitoring;</u> vii. <u>Recommendations, proposed mitigation measures and conditions of the Mineral Extraction Activity Management Plan, including the means by which the Consent Holder will comply with the relevant rules in the Plan and the conditions of the consent. and</u> viii. <u>The matters set out in ME-P12.</u> 	
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Appendix 2: Officer's Recommended Decisions on Submissions