

**Aggregate & Quarry Association of New Zealand Submission
Draft Central Hawkes Bay District Plan**

To: Central Hawkes Bay District Council

Email: districtplan@chbdc.govt.nz

Name of Submitter: Aggregate & Quarry Association of New Zealand (“AQA”)

Address for Service: Graeme Mathieson
Mitchell Daysh Limited
PO Box 97431
Manukau
AUCKLAND 2241

Telephone: (09) 2555127 or (027) 2202640

Email: graeme.mathieson@mitchelldaysh.co.nz

I confirm that I am authorised on behalf of AQA to make this submission.

1 OVERVIEW

- 1.1 AQA generally supports the direction of the Draft Central Hawkes Bay District Plan (“Draft District Plan”) subject to the amendments which are outlined in this submission.
- 1.2 In this submission we have provided:
 - General submissions on the Draft District Plan (**Section 2**); and
 - Specific submission points on the Draft District Plan, including relief requested (**Attachment A**).

2 GENERAL SUBMISSION

- 2.1 The Aggregate and Quarry Association of New Zealand (“AQA”) was formed in 1969 by companies involved in extracting and supplying aggregates in New Zealand (e.g. rock, sand, gravel, clay, limestone), in response to the need for an industry group that could represent aggregate suppliers on a range of issues, as well as liaise with regulators and end users of the materials (see www.aqa.org.nz for website). Membership of the AQA stands at over 80 companies, which between them produce 85% of the 50 million tonnes of aggregates and allied raw materials used in New Zealand annually. AQA members are active throughout New Zealand in terms of extractive industries and provide necessary materials for residential, industrial and commercial development, thereby contributing significantly to sustainable economic development.

- 2.2 Aggregate is a significant resource for the district, regional and national economies. A sustainable supply of aggregate is essential for continued development to enable people and communities to provide for their social, economic and cultural well-being. This is not only required to provide for building, construction and roading projects associated with growth, but also to maintain and redevelop existing infrastructure¹.
- 2.3 While demand for aggregate continues to grow, current supplies are being exhausted, mandating a need to provide future supplies. However, aggregates are a site-specific resource, which means that extraction can only occur where the resource is found and can be economically extracted and transported to local markets (n.b. an additional 30 km travel cost typically doubles the cost of aggregate). Such aggregate resources must be found, subjected to feasibility studies, before any necessary statutory approvals are secured (involving consultation with affected parties), prior to extraction, processing and earning an income. To find, assess, authorise and develop a new aggregate extraction and processing site can take many years at significant cost.
- 2.4 Because aggregate is a site specific resource, it can be located within areas identified within the District Plan as having important natural, ecological or landscape values or the like (e.g. indigenous vegetation, ridgelines, mountains, coastal areas, waterways). Such aggregates may not be easily accessible outside of these areas. For example, easily accessible aggregate is often located in areas of uplifted or exposed rock such as within ridgelines or mountains, in coastal areas, or nearby or within waterways. Accordingly, any relevant policy framework needs to recognise that aggregate extraction and processing activities may need to occur in such areas if there are no suitable and economically feasible alternative sites available.
- 2.5 Aggregate extraction is a temporary land-use, whereby the aggregate material is extracted and processed before the area is rehabilitated to a former use, and/or an enhanced use. Responsible environmental management using best practice approaches is an integral part of any aggregate extraction and processing venture.
- 2.6 While AQA is primarily concerned with the extraction and supply of aggregate, it is recognised that the Draft District Plan deals with “*mining activity*” in general which would encompass the extraction and supply of all minerals (including aggregate). AQA considers that the use of the term “*mineral extraction activity*” is preferable to “*mining activity*” and seeks that the Draft District Plan be amended accordingly in the specific submission points in **Attachment A**. The same sort of issues and concerns outlined in this general submission also apply to mineral extraction generally. Accordingly, AQA is interested in future growth and planning restrictions that have the potential to adversely affect the general operation of all mineral extraction, in particular seeks that:
- (i) Mineral resources are recognised as a significant and essential resource for development;
 - (ii) New planning provisions do not unreasonably restrict future access to mineral resources and provide for an efficient and cost-effective planning process to authorise aggregate extraction and processing activities; and
 - (iii) Development does not occur over areas of significant mineral resources restricting future access or result in reverse sensitivity effects constraining existing or future mineral extraction and processing activities.
- 2.7 Failure to adequately plan for future mineral extraction within the District would lead to a substantial increase in mineral costs (e.g. as a result of increased transportation costs), and in

¹ In *Winstone Aggregates Ltd v Papakura District Council A96/98* at [50] the Court concluded “We are satisfied on the evidence that aggregate is a resource of primary significance to our society in a general and in particular to the Auckland region. It is required in very large quantities for roading and construction.”

terms of aggregate this would have flow-on effects on the cost of development and maintaining existing infrastructure, while increasing levels of heavy transport on regional roads will adversely affect the environment and the interests of other road users.

2.8 Sound planning is required to ensure that future access to mineral resources is sufficiently recognised, provided for and protected for future generations.

3 SPECIFIC SUBMISSION POINTS

3.1 AQA's specific submission points are provided in **Attachment A**.

3.2 In respect of all of those submission points in **Attachment A**, AQA seeks:

- Where specific wording has been proposed, words or provisions to similar effect;
- All necessary and consequential amendments, including any amendments to the provisions themselves or to other provisions linked to those provisions submitted on, and including any cross references in other chapters; and
- All further relief that are considered necessary to give effect to the concerns described above and in **Attachment A**.

Signature:

AGGREGATE AND QUARRY ASSOCIATION OF NEW ZEALAND

by its authorised agents Mitchell Daysh Limited



G.J. Mathieson

Date:

15 July 2019

ATTACHMENT A: AQA'S SUBMISSIONS ON DRAFT CENTRAL HAWKES BAY DISTRICT PLAN

REF	PROVISION	SUPPORT OPPOSE	AQA COMMENTS	RELIEF SOUGHT
1	Section 3 Definitions – new “Cleanfill” definition	Support in part	Cleanfilling is an integral component of mineral extraction activities (and included in the proposed definition of “Mineral Extraction Activity”) so an appropriate definition is proposed.	In Section 3 (Definitions) add the following definition for “Cleanfill”: <i>Means natural material such as clay, gravel, sand, soil and rock which has been excavated or quarried from areas that are not contaminated with manufactured chemicals or chemical residues as a result of industrial, commercial, mining or agricultural activities. Excludes:</i> <ul style="list-style-type: none"> • <i>hazardous substances and material (such as municipal solid waste) likely to create leachate by means of biological breakdown;</i> • <i>product and materials derived from hazardous waste treatment, stabilisation and disposal practices;</i> • <i>materials such as medical and veterinary waste, asbestos, and radioactive substances;</i> • <i>sulfidic ores and soils;</i> • <i>combustible components;</i> • <i>more than 5% by volume of inert manufactured materials (e.g. concrete, brick, tiles); and</i> • <i>more than 2% by volume of attached biodegradable material (e.g. vegetation).</i>
2	Section 3 Definitions: Amendment to “Earthworks” definition	Support in part	AQA considers that there should be a clear distinction between “earthworks” and “mineral extraction activities” throughout the relevant District Plan provisions. This would reflect that mineral extraction activities are typically significantly different activities from general earthworks and are already treated differently in the rules (i.e. discretionary instead of permitted or restricted discretionary for earthworks). In this regard, AQA seeks an amendment to the definition of “Earthworks” so that it does not include earthworks associated with mineral prospecting, exploration and extraction activities, and has sought a	Amend the definition for “Earthworks” as follows: <i>The disturbance of land by moving, placing or replacing earth, or by excavation or cutting, filling or backfilling or the removal or importation of earth (including topsoil) to or from any site. The volume of earthworks is the sum of both cut and fill operations. Does not include excavation earthworks associated with:</i> <ul style="list-style-type: none"> • <i>tiling or cultivating of soil</i> • <i>harvesting and maintaining of crops</i> • <i>post holes</i> • <i>drilling bores</i> • <i>offal pits</i> • <i>burial of dead stock and plant waste</i>

REF	PROVISION	SUPPORT OPPOSE	AQA COMMENTS	RELIEF SOUGHT
			new definition for “ <i>Mineral Extraction Activity</i> ” so that it includes all associated earthworks.	<ul style="list-style-type: none"> • <i>installation of services such as water pipes and troughs</i> • <u><i>mineral prospecting</i></u> • <u><i>mineral exploration</i></u> • <u><i>mineral extraction activity</i></u>
3	Section 3 Definitions – amend “ <i>Exploration</i> ” definition	Support in part	The definition of “ <i>Exploration</i> ” refers to the definition in the Crown Minerals Act 1991 which is supported by AQA. However, the correct reference should be “ <i>Mineral Exploration</i> ”.	Retain the definition for “ <i>Exploration</i> ” but refer to “ <i>Mineral Exploration</i> ” instead.
4	Section 3 Definitions – new “ <i>Mineral</i> ” definition	Support in part	AQA’s submission seeks that the District Plan refers to “ <i>Mineral Extraction Activity</i> ” instead of “ <i>Mining</i> ” throughout the District Plan (and has proposed an appropriate definition for “ <i>Mineral Extraction Activity</i> ” to replace the “ <i>Mining</i> ” definition in the Definitions section). For completeness, AQA seeks that the term “ <i>Mineral</i> ” be defined as per the Crown Minerals Act 1991.	Add the following definition for “ <i>Mineral</i> ”: <i>Has the same meaning as in the Crown Minerals Act 1991.</i>
5	Section 3 Definitions – replace “ <i>Mining Activity</i> ” definition with new “ <i>Mineral Extraction Activity</i> ” definition	Support in part	<p>The District Plan includes the following definition of “<i>Mining Activity</i>”:</p> <p><i>To take, win or extract, by whatever means, a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance. Includes gravel extraction, quarrying, and the processing of minerals, but does not include prospecting or exploration, or any of the foregoing where the material is for use on the same site (e.g. for the establishment or maintenance of tracks on a farm). To ‘mine’ has a corresponding meaning.</i></p> <p>AQA’s submission seeks that the District Plan refers to “<i>Mineral Extraction Activity</i>” instead of “<i>Mining</i>” throughout the District Plan, and seeks that the</p>	<p>In Section 3 (Definitions), replace the definition of “<i>Mining Activity</i>” with the following definition for “<i>Mineral Extraction Activity</i>”:</p> <p><u><i>Activities carried out at a quarry including:</i></u></p> <ul style="list-style-type: none"> • <u><i>blasting;</i></u> • <u><i>excavating minerals;</i></u> • <u><i>processing minerals by crushing, screening, washing, or blending;</i></u> • <u><i>storing, distributing and selling mineral products;</i></u> • <u><i>accessory earthworks;</i></u> • <u><i>removing and depositing overburden;</i></u> • <u><i>treating stormwater and waste water;</i></u> • <u><i>landscaping and rehabilitation of quarries;</i></u> • <u><i>cleanfill and managed fills;</i></u>

REF	PROVISION	SUPPORT OPPOSE	AQA COMMENTS	RELIEF SOUGHT
			definition for “Mining” be replaced with a much broader definition for “Mineral Extraction Activity” to adequately capture typical integral activities associated with mineral extraction.	<ul style="list-style-type: none"> • <u>recycling or reusing aggregate from demolition waste such as concrete, masonry, or asphalt;</u> • <u>accessory activities and accessory buildings and structures such as laboratories; and</u> • <u>workers accommodation.</u>
6	Section 3 Definitions: Replace the definition for “Prospecting” definition with a “Mineral Prospecting” definition	Support in part	The District Plan includes a definition for “Prospecting”. AQA seeks that the definition be replaced with “Mineral Prospecting” as per the definition in the Crown Minerals Act 1991.	Replace the existing definition for “Prospecting” with the following definition for “Mineral Prospecting”: <u>Has the same meaning as in the Crown Minerals Act 1991.</u>
7	Section 3 Definitions: New “Sensitive Activity” definition		AQA has proposed setback requirements in the Rural Zone and Rural Living Zone for any “sensitive activity” in relation to mineral extraction activities (to avoid potential reverse sensitivity issues), so an appropriate definition is proposed.	Add the following definition for “Sensitive Activity”: <u>Sensitive Activity includes:</u> <ul style="list-style-type: none"> • <u>Buildings used for residential activities, including boarding establishments, homes for elderly persons, retirement villages, in-house aged care facilities, hotels and motels, and other buildings used for residential accommodation; and</u> • <u>Marae; and</u> • <u>Hospitals; and</u> • <u>Educational facilities including early childhood education and childcare facilities.</u>
8	19.2 Objectives Objective 2	Support in part	AQA considers that Objective 2 needs to be reworded to ensure that it also focuses on enabling mineral extraction activities given the importance of maintaining a sustainable supply of the resource to the District and wider Region.	In Section 19.2 (Objectives), amend Objective 2 as follows: <u>Ensure mineral investigations, extraction and its delivery is efficient and meets the needs of the into the District’s (and wider Region) mineral-resources, and their utilisation, and occur in such a manner that the life-supporting capacity of air, water, soil and ecosystems is safeguarded and that</u>

REF	PROVISION	SUPPORT OPPOSE	AQA COMMENTS	RELIEF SOUGHT
				<i>significant adverse effects on the environment are avoided, remedied or mitigated.</i>
9	19.3 Policies		<p>AQA considers that there should be a clear distinction between “earthworks” and “mineral extraction activities” throughout the relevant District Plan provisions. This would reflect that mineral extraction activities are typically significantly different activities from general earthworks and are already treated differently in the rules (i.e. discretionary instead of permitted or restricted discretionary for earthworks). In this regard, AQA has sought an amendment to the definition of “Earthworks” so that it does not include earthworks associated with mineral prospecting, exploration and extraction activities, and has sought a new definition for “Mineral Extraction Activity” so that it includes all associated earthworks.</p> <p>The District contains important mineral resources essential for continued economic growth and development which need to be adequately recognised and provided for. An appropriate policy framework is proposed to safeguard future access to mineral resources in the District, in particular ensuring that:</p> <ol style="list-style-type: none"> 1) Mineral resources are recognised as a significant and essential resource for development; 2) New planning provisions do not unreasonably restrict future access to mineral resources and provide for an efficient and cost-effective planning process to authorise aggregate extraction and processing activities; and 3) Development does not occur over areas of significant mineral resources restricting future access or result in reverse sensitivity effects 	<p>Amend 19.3 Policies as follows:</p> <p><u>EARTHWORKS</u></p> <ol style="list-style-type: none"> 1. <i>To allow earthworks and the prospecting of minerals where the adverse effects on the environment will be minor.</i> 2. <i>To avoid, remedy or mitigate the significant adverse effects of earthworks which:</i> <ol style="list-style-type: none"> i. <i>create new or exacerbate existing natural hazards, particularly flood events, or cause adverse impacts on natural coastal processes; and</i> ii. <i>result in <u>significant</u> adverse effects on the stability of land or buildings.</i> 3. <i>To ensure earthworks are appropriately located and designed to avoid, remedy or mitigate significant adverse effects by:</i> <ol style="list-style-type: none"> i. <i>controlling volume and vertical extent of earthworks, to maintain the role, function and predominant character of each zone and reduce effects on neighbouring properties; and</i> ii. <i>controlling the movement of dust and sediment beyond the area of development, particularly to avoid nuisance effects and/or adverse amenity effects on neighbouring sites or any Council reticulated stormwater system.</i> 4. <i>To ensure that earthworks are designed to reflect natural landforms, and where appropriate, landscaped to reduce and soften their visual impact having regard to the character and visual amenity of the surrounding area.</i> 5. <i>To require the re-pasture or re-vegetation of land where vegetation is cleared as a consequence of earthworks, prospecting and extraction of aggregates or other minerals.</i> 6. <i>To protect the versatile land of Central Hawke’s Bay from large-scale stripping, stockpiling, alteration and</i>

REF	PROVISION	SUPPORT OPPOSE	AQA COMMENTS	RELIEF SOUGHT
			<p>constraining existing or future mineral extraction and processing activities. Accordingly, AQA seeks a suite of policies tailored to mineral extraction activities including quite detailed requirements for the level of information to accompany a resource consent application.</p>	<p><i>removal to ensure the land can still support a range of productive land uses.</i></p> <p>7. <i>To avoid duplication in regulation by District Plan rules and standards where earthworks activities are already subject to regulatory assessment, such as through subdivision provisions and Building Act 2004 controls.</i></p> <p>8. <i>To control earthworks, exploration and mining activities to ensure that any <u>significant</u> adverse effects on the natural and physical environment, and the amenity of the community, adjoining land uses and culturally sensitive sites are avoided, remedied and <u>or</u> mitigated.</i></p> <p>MINERAL EXTRACTION ACTIVITIES</p> <p>9. <i><u>To permit mineral prospecting and mineral exploration where the adverse effects on the environment will be minor.</u></i></p> <p>10. <i><u>Avoid, remedy or mitigate as far as practicable significant adverse effects associated with mineral extraction activities.</u></i></p> <p>11. <i><u>Require proposals for new mineral extraction activities to provide adequate information on the establishment and operation of the activity and demonstrate:</u></i></p> <p>a) <i><u>the size and scale of extraction activities and the expected length of operation of the extraction site;</u></i></p> <p>b) <i><u>the design and layout of the site, the access roads and supporting facilities;</u></i></p> <p>c) <i><u>that adequate measures will be used to:</u></i></p> <p>i. <i><u>manage noise, vibration, dust and illumination to maintain amenity values of the surrounding land uses, particularly at night-time;</u></i></p> <p>ii. <i><u>manage adverse effects of traffic generation and maintain safety to all road users, particularly measures to manage heavy vehicles entering or exiting the site;</u></i></p> <p>iii. <i><u>avoid, remedy or mitigate adverse effects on soil and water quality, including impacts on watercourses within the extraction site and the</u></i></p>

REF	PROVISION	SUPPORT OPPOSE	AQA COMMENTS	RELIEF SOUGHT
				<p><u>effects of discharges from the site into the neighbouring environment;</u></p> <p><u>iv. maintain land stability;</u></p> <p><u>v. mitigate significant adverse effects on visual and landscape values; and</u></p> <p><u>vi. protect the values of identified heritage or archaeological sites, buildings, places or areas, along with Mana Whenua values.</u></p> <p><u>d) options anticipated for the rehabilitation of the site, either by a staged process or at the end of the economic life of the quarry, having regard to the expected life of the mineral extraction site.</u></p> <p><u>12. Require a quarry management plan for mineral extraction activities to be prepared to address operational matters associated with mineral extraction, including management of adverse effects and actions to avoid, remedy, mitigate or offset these effects.</u></p> <p><u>13. Enable the use of the mineral extraction site for activities compatible with mineral extraction activities and provide for a range of appropriate activities within or adjoining the mineral extraction sites where these rely on minerals as a raw material.</u></p> <p><u>14. Enable quarries ancillary to farming and forestry activities to be established in rural areas.</u></p> <p><u>15. Identify mineral deposits for future use and safeguard the regionally significant ones from inappropriate land use and development.</u></p> <p><u>16. Subdivision, use and development adjacent to regionally significant mineral resources and adjoining transport routes shall avoid the establishment of sensitive activities which may compromise existing and future mineral extraction.</u></p>
10	19.7.1(e)	Support	AQA supports the permitted activity status of “Gravel extraction within the bed of a river” on the basis that this activity is subject to rules administered by the Hawkes Bay Regional Council.	Retain Rule 19.7.1(e).

REF	PROVISION	SUPPORT OPPOSE	AQA COMMENTS	RELIEF SOUGHT
11	19.7.1(f) & (g)	Support in part	<p>AQA supports the permitted activity status of “<i>mineral prospecting</i>” but considers that “<i>mineral exploration</i>” should also be permitted (instead of discretionary) subject to a proposed performance standard requiring no blasting and for the activity not to be undertaken outside of 7am and 10pm.</p> <p>AQA also prefers the term “<i>mineral extraction activity</i>” to “<i>mining activity</i>” (and has proposed an appropriate definition for inclusion in the Definitions section).</p>	<p>Amend Rule 19.7.1(f) as follows:</p> <p><i>The following are Permitted Activities provided that they comply with all of the Performance Standards in Section 19.8:...</i></p> <p>f) <i>Mineral Pprospecting and mineral exploration (that comply with Performance Standard 19.8.9).</i></p> <p>g) <i>All other earthworks, except for Exploration and Mining Mineral Extraction Activities.</i></p>
12	19.7.2(a)	Oppose	<p>AQA opposes the discretionary activity status of “<i>mineral exploration</i>” throughout the District, instead the activity should be permitted (subject to a proposed performance standard requiring no blasting and for the activity not to be undertaken outside of 7am and 10pm).</p> <p>AQA also prefers the term “<i>mineral extraction activity</i>” to “<i>mining</i>” (and has proposed a replacement definition in the Definitions section).</p>	<p>Amend Rule 19.7.2(a) as follows:</p> <p><i>The following are Restricted Discretionary Activities throughout the District: Other Earthworks except for exploration and mining <u>mineral extraction</u> activities and earthworks within any National Grid Yard, which do not comply with one or more of the relevant Performance Standards in 19.8 (for clarification, those activities in Rule 19.7.1 (a) to (d) are not required to comply).</i></p>
13	19.7.3(a)	Oppose	<p>AQA is seeking a permitted activity status for “<i>mineral prospecting</i>” <u>and</u> “<i>mineral exploration</i>” (subject to compliance with proposed new performance standards in Section 19.8). Accordingly, AQA seeks a discretionary activity status for “<i>mineral prospecting</i>” and “<i>mineral exploration</i>” activities that cannot comply with the proposed performance standards.</p>	<p>Amend 19.7.3(a) as follows:</p> <p><i>The following are Discretionary Activities throughout the District:</i></p> <p>a) <i><u>Mineral Prospecting or Mineral Exploration that does not comply with Performance Standard 19.8.9.</u></i></p>
14	19.7.3(b)	Support in part	<p>AQA supports a discretionary activity status of “<i>mining activity</i>” throughout the District under Rule 19.7.3(b) but considers it should be amended to reflect the non-complying activity status of “<i>mining activity</i>” in Residential Zones (i.e. in Rule 26.10.5(c)).</p>	<p>Amend 19.7.3(b) as follows:</p> <p><i>The following are Discretionary Activities throughout the District:</i></p>

REF	PROVISION	SUPPORT OPPOSE	AQA COMMENTS	RELIEF SOUGHT
			AQA also prefers the term “ <i>mineral extraction activity</i> ” to “ <i>mining activity</i> ” (and has proposed a replacement definition in the Definitions section).	b) <i>Mining Mineral Extraction Activity (except for Mineral Extraction Activity within a Residential Zone and gravel extraction within the bed of a river).</i>
15	19.7.4 Non-complying activities	Support in part	AQA considers that Rule 19.7.4 should be amended to reflect the non-complying activity status of “ <i>mining activity</i> ” in Residential Zones (i.e. in Rule 26.10.5(c)).	Amend Rule 19.7.4 as follows: <i>The following are Non-Complying Activities throughout the District:</i> a) <i>Earthworks within any National Grid Yard that does not comply with Performance Standard 19.8.7.</i> b) <i>Mineral Extraction Activity within a Residential Zone.</i>
16	19.8 Performance Standards	Support in part	AQA is seeking a permitted activity status for “ <i>mineral prospecting</i> ” <u>and</u> “ <i>mineral exploration</i> ” subject to compliance with proposed performance standards in Section 19.8 (as sought here).	In Section 19.8, add the following performance standards for Mineral Prospecting and Mineral Exploration: <u>19.8.9 Mineral Prospecting and Mineral Exploration:</u> a) <i>Mineral prospecting and mineral exploration:</i> i. <i>must not involve blasting; and</i> ii. <i>must not be undertaken outside the hours of 7am to 10pm on any day.</i>
17	Section 22.11 (Rural Zone Performance Standards)	Support in part	AQA is proposing a policy framework to safeguard future access to mineral resources in the District. Consistent with this policy framework, appropriate setback performance standards are proposed to ensure that incompatible activities are not established in close proximity to existing or future mineral extraction activities to avoid potential reverse sensitivity effects.	In Section 22.11, add a performance standard requiring a 500 metre setback for “ <i>sensitive activities</i> ” in relation to: 1) <i>Mineral extraction activities (either legally operating or consented for future use); and</i> 2) <i>Any areas identified by Council as containing significant mineral resources for future extraction.</i>
18	Section 23.11 (Rural Living Zone Performance Standards)	Support in part	AQA is proposing a policy framework to safeguard future access to mineral resources in the District. Consistent with this policy framework, appropriate setback performance standards are proposed to ensure that incompatible activities are not established in close proximity to existing or future mineral	In Section 23.11, add a performance standards requiring a 500 metre setback for “ <i>sensitive activities</i> ” in relation to: 1) <i>Mineral extraction activities (either legally operating or consented for future use); and</i> 2) <i>Any areas identified by Council as containing significant mineral resources for future extraction.</i>

REF	PROVISION	SUPPORT OPPOSE	AQA COMMENTS	RELIEF SOUGHT
			extraction activities to avoid potential reverse sensitivity effects.	
19	26.10.5(c)	Oppose	In Chapter 26 (Residential Zones), under Rule 26.10.5(c), “ <i>mining activities</i> ” and “ <i>gravel extraction</i> ” are provided for as non-complying activities. Chapter 19 is a stand-alone chapter that deals with these activities, so all associated rules should be contained in that chapter. AQA has sought appropriate amendments to Rule 19.7.4 to reflect that “ <i>mining activities</i> ” (or “ <i>mineral extraction activities</i> ” as sought in the AQA submission) are non-complying in Residential Zones. “ <i>Gravel extraction within the bed of a river</i> ” is provided for as a permitted activity under Rule 19.7.1(e) on the basis that the activity is subject to rules administered by the Hawkes Bay Regional Council. If gravel extraction is undertaken outside of the bed of a river, it would be classified as a “ <i>mineral extraction activity</i> ” (triggering a non-complying activity resource consent in a Residential Zone, and a discretionary activity resource consent anywhere else in the District).	Delete “ <i>mining activities</i> ” and “ <i>gravel extraction</i> ” from Rule 26.10.5(c).
20	Part G (Assessment Matters) 29.7		AQA considers that there should be a clear distinction between earthworks and mineral extraction activities throughout the District Plan provisions to reflect that mineral extraction activities are typically significantly different activities than general earthworks, and that they are treated differently in the rules (i.e. discretionary instead of permitted or restricted discretionary for earthworks). In this regard, AQA has sought an amendment to the definition of “ <i>Earthworks</i> ” so that it does not include earthworks associated with mineral extraction activities and sought a new definition for “ <i>Mineral Extraction</i> ”	In Part G (Assessment Matters), delete Section 29.7(7) (Additional Specific Assessment Matters for Mining and Exploration Activities Only) from Section 29.7 (Earthworks Assessment Matters).

REF	PROVISION	SUPPORT OPPOSE	AQA COMMENTS	RELIEF SOUGHT
			<p><i>Activity</i>” so that it includes all associated earthworks. Accordingly, in Part G (Assessment Matters), it is considered that Section 29.7 (Earthworks Assessment Matters) should only apply to general earthworks and not earthworks that are not associated with mineral extraction activities. The specified assessment criteria relate primarily to applications for restricted discretionary activities which would include earthworks but not mineral extraction activities (which are discretionary activities). Further, the AQA submission has sought the addition of detailed policies relating to mineral extraction activities requiring any resource consent applications to demonstrate that a range of specific information requirements and environmental effects have been adequately addressed.</p>	