

## **PART 35    RULE 35 – AGGREGATE EXTRACTION AND PROCESSING ZONE**

For the avoidance of doubt, and notwithstanding the rules which follow, all activities (or applications for consent for such activities) must also comply with such other provisions as may affect the activity or site and which are specified in Parts 7, 8, 10, 11, 12, 15, 22, 26, 50, 51, 52 and 53 of this Plan. Where the activity involves the use of a SIGN erected on private property, the SIGN shall be consistent with matters set out in Rule 15.4.

### **35.1    PERMITTED ACTIVITIES**

The activities listed below are *Permitted* and do not require a resource consent if they comply with Rule 35.5 (CONDITIONS, STANDARDS AND TERMS).

(NOTE: Words in CAPITALS are defined in Part 50 of the Plan)

- AGGREGATE EXTRACTION ACTIVITIES except:
  - a) in that zoned area which lies between M<sup>c</sup>Donald Road and Bluff Road/Cole Road, south of Pokeno;
  - b) within the Aggregate Extraction and Processing Zone (Whakatiwai)
- FARMING, HORTICULTURE and FORESTRY;
- Soil conservation, and erosion control works;
- *Permitted* activities of the *Rural* zone but not any residential activity.

**35.2 CONTROLLED ACTIVITIES**

- i. The activities listed below are *Controlled* activities in this Zone if they comply with Rule 35.5 (CONDITIONS, STANDARDS AND TERMS).
  - ii. *Controlled* activities require a resource consent, but consent will be granted. Conditions may be imposed addressing those matters over which the Council has reserved control (see Rule 35.7).
  - iii. Applications shall be assessed in terms of Section 104 of the Act and more particularly in terms of those matters over which the Council has reserved control (see Rule 35.7).
  - iv. The information to be submitted with the application shall be in terms of Rule 52 and to an extent necessary to enable a thorough assessment in terms of the matters set out in Rule 35.7.
  - v. An application for a *Controlled* activity may be processed as 'non-notified' (that is, without public notification) where Council so determines in terms of Section 94 of the Act.
- Any new permanent ancillary construction, building or structure over 6 metres in height which would be visible from off the site and which would not be substantially screened within 3 years by existing or proposed vegetation; evidence shall be given, preferably at the time of building consent, of any new planting intended to achieve the required screening.

**35.3 RESTRICTED DISCRETIONARY ACTIVITIES**

- i. The activities listed below are *Restricted Discretionary* activities in this Zone if they comply with (or clearly will comply with) Rule 35.5 (CONDITIONS, STANDARDS AND TERMS) and Rule 35.6 (MANAGEMENT PLAN REQUIRED).
  - ii. *Restricted Discretionary* activities require a resource consent, and consent may be granted, with or without conditions, or refused, in terms of the Act.
  - iii. Applications shall be assessed in terms of Section 104 of the Act and more particularly in terms of those matters over which the Council will restrict the exercise of its discretion (see Rule 35.8).
  - iv. The information to be submitted with the application shall be in terms of Rule 52 and to an extent necessary to enable a thorough assessment in terms of the matters set out in Rule 35.8.
  - v. An application for a *Restricted Discretionary* activity may be processed as 'non-notified' (that is, without public notification) where Council so determines in terms of Section 94 of the Act.
- AGGREGATE EXTRACTION ACTIVITIES that are not *Permitted*;
  - AGGREGATE EXTRACTION ACTIVITIES within the Aggregate Extraction and Processing Zone (Whakatiwai).
  - The sale of aggregate by retail in association with any lawfully established extraction site;
  - Any *Controlled* activity which does not comply with Rule 35.5.

**35.4 DISCRETIONARY ACTIVITIES**

- i. The activities listed below are *Discretionary* activities in this Zone.
  - ii. *Discretionary* activities require a resource consent, and consent may be granted, with or without conditions, or refused in terms of the Act.
  - iii. Applications shall be assessed in terms of Section 104 of the Act.
  - iv. The information to be submitted with the application shall be in terms of Rule 52 and in line with the scale and intensity of the activity and the assessment of effects required by the Act.
  - v. An application for a *Discretionary* activity may be processed as 'non-notified' (that is, without public notification) where Council so determines in terms of Section 94 of the Act.
- AGGREGATE EXTRACTION ACTIVITIES that are not *Permitted* or *Restricted Discretionary* activities;
  - Ancillary business activities involving extracted aggregate, not being *Restricted Discretionary* activities; the aggregate used may be in a processed state;
  - Any activity expressly provided for in the *Rural Zone*, not being a *Permitted* activity in this Zone;
  - Any subdivision activity.

## **35.5 CONDITIONS, STANDARDS AND TERMS**

The Permitted, Controlled and Restricted Discretionary activities listed in Rules 35.1, 35.2 and 35.3 only qualify as such where they comply with the following Conditions, Standards and Terms.

### **35.5.1 HEIGHT**

No part of any permanent structure or building shall exceed a height equal to 3 metres plus the shortest horizontal distance between that part of the structure or building and the nearest legal boundary; provided that this standard shall not apply where the written consent/s of the owners and occupiers of the abutting sites have been obtained.

### **35.5.2 FRONT YARD**

5 metres, such area (excluding vehicle crossings) to be landscaped with planting which at maturity will achieve a significant visual screening effect. Plantings shall be maintained at all times.

### **35.5.3 RIVERBANK AMENITY PLANTING**

Riverbanks shall be planted and maintained to achieve a significant visual screening effect unless there is no practicable alternative location for the existing or proposed activities occupying or to occupy these areas. At all times a minimum of space shall be used for such activities. A planting plan and maintenance programme shall be submitted and must be approved prior to any extraction activity commencing.

### **35.5.4 GENERAL AMENITY PLANTING**

Where planting trees will achieve visual screening, trees shall be planted and maintained to avoid, remedy or mitigate any visual impacts which are due to the appearance of any aspect or part of the extraction activity or site which is or could become incongruous with the rural or natural character of the surrounding areas; where agreement with affected adjoining property owners can be obtained and is submitted in writing to the Council, such planting may also be on those affected properties provided that the cost of all such works shall be entirely borne by the owner or occupier of the extraction activity site.

### **35.5.5 REHABILITATION**

Land which is excavated or is disturbed by deposition of overburden shall be rehabilitated as soon as practicable.

### **35.5.6 GRADING**

The site shall be graded and batters formed to ensure at all times the stability of the land and adjoining sites.

### **35.5.7 NOISE**

Activities shall not exceed the following sound levels ( $L_{10}$  dBA) at a notional boundary of 20 metres from any occupied dwelling outside the SITE:

0700 - 2200, Monday - Saturday	55 dBA
All other times and on public holidays	40 dBA

### **35.5.8 VIBRATION AND BLASTING**

- i. The measurement of blast noise (airblast) and ground vibration from blasting shall be carried out in accordance with Appendix J of Part 2 of Australian Standard AS 2187.2: 1993.
- ii. The noise created by the use of explosives measured at a notional boundary of 20 metres from occupied dwellings shall not exceed a peak overall sound pressure of 128 dB.

- iii. All blasting shall be restricted to between 1000 and 1600 hours Monday to Saturday except where blasting is necessary because of safety reasons.
- iv. Blasting shall be confined to two occasions per day except where necessary for safety reasons.
- v. Where blasting is irregular and the occupiers of neighbouring sites could be alarmed, they shall be advised of pending blasts, at least one hour before any such blast.
- vi. When blasting, the limit of particle velocity (peak particle velocity) measured on any foundation of an adjacent occupied building not connected with the site, or suitable location adjacent to the building, shall not exceed 25mm/second for commercial buildings or 10mm/second for dwellings and buildings of similar design.
- vii. Every blast shall be recorded with particular attention to details of charge weight and delay practice. Monitoring using reliable and appropriate methods representative of all blasts, at varying distances and various sites of different sensitivity shall be carried out to ensure that clauses ii and vi above are complied with. Blast records and monitoring results shall be made available to the Council on request.

#### **35.5.9 AIR EMISSIONS**

Subject to any resource consent which may have been obtained, dust or any other airborne contaminant shall not be discharged at a level that is likely to cause a nuisance or affect the amenity values of any property in the area.

#### **35.5.10 CLASS I, II AND III SOILS**

Soils from any Class I II or III land within the site shall be retained on site for use in rehabilitation.

#### **35.5.11 FILL IMPORTATION**

Material deposited to reclaim worked out 'quarry' areas shall be clean fill and shall not include refuse.

#### **35.5.12 NATURAL WATER CONTAMINATION**

Subject to any resource consent which may have been obtained, the best practicable methods shall be used to avoid any contamination of water from any aspect of the extraction activity.

#### **35.5.13 LIGHTING**

Any security or other lighting shall be designed and operated to ensure that it does not cause any direct light spill or disturbing glare for any occupiers of adjoining properties or users of roads.

#### **35.5.14 FUEL STORAGE/REFUELLING**

Any vehicle or machinery fuel storage facility or dispensing area must be designed and operated in such a way that no contamination of soil or water can occur; if practicable, and necessary to ensure this will be the case, the entire area shall be bunded.

### 35.6 MANAGEMENT PLAN/S REQUIRED

Any application for consent for any new aggregate extraction activities shall, in addition to the information requirements set out in Rule 52, be accompanied by management plans, for approval and inclusion as appropriate under the conditions of any consent, such plans to include the information set out below in both drawings and documentation as appropriate:

- Existing mature vegetation and watercourses, existing site contours with indicative final contours particularly in relation to adjoining privately owned properties;
- Site layout for both existing and proposed activities, including:
  - extraction areas and any staging of extraction or processing with approximate dates when areas will be worked;
  - location of aggregate processing areas;
  - overburden and waste disposal areas;
  - stockpile and distribution areas, and retail sales areas;
  - the main internal roads and tracks;
  - other ancillary buildings including those to house dangerous goods or hazardous substances;
- A geotechnical assessment of land form modification;
- A landscape plan and details of the maintenance programme to be used to establish and maintain optimum growing conditions;
- An ongoing or staged land rehabilitation programme including objectives, overburden constraints, revegetation programme and techniques, and an indication of activities that could use each part of the site as extraction is completed;
- Proposals to avoid, remedy, or mitigate any adverse effects in regard to those matters which are relevant to the Council's assessment of the application.
- In the Aggregate Extraction and Processing Zone (Whakatiwai), an additional management plan (science), prepared by an appropriately qualified person, that:
  - a) establishes a methodology for scientific investigations and documentation that should be undertaken prior to, and simultaneously with, gravel extraction on the Bayfield's Farm, and,
  - b) provides for the protection from extraction and inappropriate disturbance of the gravel sequences on the Bayfield's Farm (1451A East Coast Road, Lot 3 DP 345715) to be retained in the Coastal Zone shall be submitted to Council for approval.
- This management plan (science) shall address the matters detailed below. This is the minimum scientific work required to document the gravels that will be lost and is designed to provide a framework for more detailed investigation and documentation to assist in understanding the environmental and climatic variation over the period in which the gravels were deposited. If the applicant wishes, the management plan (science) can provide for more detailed scientific investigation and analysis.
  - i. Restriction on any activity that could adversely effect the sequence of gravels protected by the Coastal Zone on the Bayfield Farm (including disturbance, excavation, deposits of sand and gravel spoil).
  - ii. Mapping of Ridges: Detailed mapping and surveying of existing and historic gravel ridges over the area using historical aerial photography, field investigations and ground surveying. The mapping needs to be sufficient to document the original ridge pattern and morphology.
  - iii. Sediment Architecture and Stratigraphy. This should be mapped between the seaward and the landward margin of the area as it is excavated. The methodology is likely to primarily involve mapping of stratigraphy in excavation pits (e.g. as excavation proceeds) but is expected to be complemented by sediment sampling and sediment size analysis and possibly by remote

mapping techniques such as ground penetrating radar (GPR) calibrated according to the field observations.

- iv. Dating: Detailed dating should be undertaken to confirm and improve the chronology of the gravel deposits over the full area to be excavated, prior to gravel removal. This dating may occur in stages. Sample sites will be located to complement the existing work conducted by the Council and in particular to ensure the oldest sediments are dated. This is likely to require sampling at 5 locations and dating of up to 5-7 samples. If appropriate samples for dating cannot be obtained as the excavation proceeds then drilling may be required.
- v. Archaeological Work. The plan will detail an appropriate procedure for dealing with any cultural or archaeological deposits that occur within the extraction area.
- vi. Environmental Information. The plan should include adequate measures to enable analysis by an appropriately qualified and experienced scientist to derive relevant Holocene environmental information from the gravels using available scientific methods. As a minimum, it is expected that the work would involve sufficient information and documentation to enable scientific assessment and discussion on the development of the ridges over the Holocene. The work on ridge morphology, sediment architecture and dating will also enable some assessment of any variation in coastal processes and environmental conditions (including sea level) over the Holocene period in which the gravels accumulated.
- vii. Documentation. The management plan shall provide a methodology for reporting in a timely manner. As a minimum, this will include reporting of the investigations and findings by an appropriately experienced coastal scientist with electronic copies of the report provided to the Regional and District Councils.
- viii. Research Access: The management plan (science) shall outline a protocol for access by external researchers to undertake analysis of the gravels prior to and simultaneously with gravel extraction.



**35.7 ASSESSMENT OF CONTROLLED ACTIVITIES**

In granting consent to a controlled activity, the Council reserves control over the following matters and conditions of consent will only relate to these matters:

- Design and external appearance of Structures;
- Landscape Treatment and Screening of Structures.

When assessing an application for a resource consent to a controlled activity, the Council is to have regard to the following assessment criteria and any relevant matters set out in Section 104 of the Act.

- (a) Design and External Appearance of Structures:  
The extent to which the design (including scale) and external appearance (including colour) of the structure avoids, remedies or mitigates adverse environmental effects on the amenity values of the area.
- (b) Landscape Treatment and Screening of Structures:  
The extent to which there is an appropriate level of planting to mitigate adverse visual effects of structures on the amenity values of the area.

### 35.8 ASSESSMENT OF RESTRICTED DISCRETIONARY ACTIVITIES

In assessing applications for consent to Restricted Discretionary activities, the Council will, in making a decision, restrict the exercise of its discretion to the following matters and conditions of consent will only relate to these matters:

- a. Site Layout;
- b. Landscape Treatment and Screening;
- c. Natural and Cultural Heritage;
- d. Traffic Safety and Movement;
- e. Natural Hazards;
- f. Noise, Lighting and Vibration;
- g. Utility Services and Hazardous Substances;
- h. Monitoring and Review;
- i. Financial Contributions.

When assessing an application for a Restricted Discretionary activity resource consent, the Council is to have regard to the following assessment criteria and any relevant matters set out in Section 104 of the Act.

- a. Site Layout:  
The extent to which the layout of the SITE, such as the extent and location of extraction areas, processing facilities, overburden and waste disposal areas and stockpiled and distribution areas, will avoid remedy or mitigate adverse effects on the environment.
- b. Landscape Treatment and Screening:  
The extent to which landscape treatment and screening will avoid, remedy or mitigate the adverse visual effects of the proposal (including those areas where extraction has been completed).
- c. Natural and Cultural Heritage:  
The extent to which the proposal will have adverse effects on:
  - i. the natural character of the coastal environment, wetlands, lakes and rivers and their margins;
  - ii. the protection of outstanding natural features and landscapes;
  - iii. areas of significant indigenous vegetation, and significant habitats of indigenous fauna;
  - iv. the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
- d. Traffic Safety and Movement:  
The extent to which any adverse effects of the proposal on traffic safety and movement may be avoided, remedied or mitigated.
- e. Natural Hazards:  
The extent to which the potential adverse effects of natural hazards on the environment are avoided, remedied, or mitigated.
- f. Noise, Lighting and Vibration:  
The extent to which the adverse effects of noise, lighting and vibration will be avoided, remedied or mitigated. This includes such effects associated with the use of particular access point to the SITE.

Whether there are activities in the vicinity which could be sensitive to noise and vibration effects from blasting.

- g. **Utility Services and Hazardous Substances:**  
Whether the safety and integrity of any high pressure gas line, high voltage electricity line or other significant network utility are adversely affected by the proposal.

The extent to which the potential for adverse effects on the environment from the storage use, disposal and transportation of hazardous substances is avoided, remedied or mitigated.

- h. **Monitoring and Review:**  
The extent to which there is a need to monitor the adverse effects on the environment which may arise from the proposal and whether there is a need to include a consent condition enabling the Council to review the conditions of consent pursuant to section 128 of the Resource Management Act.

- i. **Financial Contributions:**  
Whether the setting of financial contributions can remedy or mitigate any adverse effects on the environment of the proposal.

- j. **Site management, analysis, mapping, dating and recording of scientific values of the Whakatiwai Gravels.**

Within the Aggregate Extraction and Processing Zone (Whakatiwai):

- (a) The extent to which any activity occurring within the Aggregate Extraction and Processing Zone (Whakatiwai) can adversely affect the sequence of gravels protected from extraction within the Coastal Zone (taking into account the farming activity, service access to the farm and farm cottage); and
- (b) Whether the management plan (science) and its proposed methodology is appropriate and adequate to undertake, analyse, document and report scientific investigations that contributes to knowledge about the scientific values of the gravels including Holocene climatic and environmental information. Council reserves its discretion to seek a peer review of the proposed management plan (science) and impose conditions of consent regarding its content and implementation.

NOTE: *The term SITE in capitals (when capitalised) has the meaning given to it in Rule 50 (Definitions).*

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