
27.1 EARTHWORKS, MINERAL, AGGREGATE AND HYDROCARBON EXTRACTION

27.1.1 INTRODUCTION

Earthworks, mineral, aggregate and hydrocarbon extractions are essential parts of the on-going utilisation and management of the land resource in the District.

Mineral resources include all metallic and non-metallic and fuel minerals, precious stones, industrial rocks and building stones that occur beneath or at the surface of the earth. They play a vital role in the social, economic and cultural wellbeing of the District's communities. Buildings, roads and many surfaces used for business, land based primary production, education and recreation depend on a continuing supply of aggregates of various kinds. Aggregates of appropriate types must be located within a reasonable distance from centres of population and points of use. Land uses such as viticulture may also compete for mineral resources, such as gravel resources on the Heretaunga Plains which are recognised as valuable for growing high quality grapes.

In the Hastings District, there are no known economically viable metallic mineral, oil or gas deposits. However this does not preclude the discovery of such deposits in the future. The primary mineral resources in the District are greywacke gravel and limestone, and most gravel extracted in the District is from river sources.

Earthworks involve the disturbance of land by moving, removing, placing or replacing earth, or by excavation, cutting, scraping, filling or backfilling. It can include, for example, the creation of building platforms for housing, the creation of vehicle access onto sites, or the preparation of silage pits for farming activities.

When land contours are disturbed or altered through earthworks, mineral, aggregate and hydrocarbon extraction, this can have significant environmental effects on:

- The surface drainage patterns of land;
- Visual amenity values;
- Soil erosion potential;
- The life-sustaining capacity of soils;
- The disturbance of ecosystems, watercourses and waterbodies;
- The disturbance of areas of natural, cultural and heritage values; and
- The safety of people and the community where earthworks could cause subsidence, slippage or inundation of land.

While Section 5 of the Resource Management Act 1991 provides for natural and physical resources to be utilised for community benefit, it clearly requires that such utilisation be in a form that protects resources for future generations, safeguards the life supporting capacity of air, water, soil and ecosystems, and avoids, remedies or mitigates adverse environmental effects.

The Act acknowledges that the concept of sustainability cannot be applied with respect to protecting mineral resources for future generations (their very use reduces the quantities of mineral resources available for the future), but that the other concepts of sustainability still apply and need to be provided for. The Plan is not intended to prevent earthworks and mineral extraction, but is intended to control such activities so that sediment run-off and dust created during the process is minimised, that revegetation of the earthworked area occurs and the visual impact following the work does not significantly detract from the visual amenity of the area.

27.1.2 ANTICIPATED OUTCOMES

It is anticipated that the following environmental outcomes will be achieved:

- EMAO1** The risks of soil erosion, subsidence or inundation on people and property are avoided.
- EMAO2** The life-supporting capacity of soils is safeguarded.
- EMAO3** The visual amenity and character of the District's landscape is not reduced or compromised by earthworks or mineral extraction activities.
- EMAO4** The amenity of the environment, including adjoining land uses, is not compromised by earthworks or mineral extraction.
- EMAO5** Flood protection of rivers is sustainably managed including the reduction of sedimentation into waterbodies, watercourses and riparian areas.
- EMAO6** The District's economy is diversified and enhanced by the efficient and effective use of the District's mineral resources.
- EMAO7** Current and future extraction of the District's mineral resources are not compromised by urban development.
- EMAO8** Landowners in the Rural and Plains Zones sustainably utilise aggregates and minerals for use within their own properties.
- EMAO9** The water quality and life-supporting capacity of the Heretaunga Plains Unconfined Aquifer is safeguarded.
- EMAO10** There are no adverse visual effects from large scale earthworks within the District's Outstanding Landscapes.

27.1.3 OBJECTIVES AND POLICIES

OBJECTIVE EMO1 To enable earthworks within the Hastings District while ensuring that the life-supporting capacity of soils and ecosystems are safeguarded and adverse effects on landscapes and human health and safety are avoided, remedied or mitigated.

Relates to Outcome
EMAO1, EMAO2,
EMAO3 and
EMAO4

OBJECTIVE EMO2 To ensure that investigations into the Hastings District's mineral resources, and their utilisation, occur in such a manner that the life-supporting capacity of air, water, soil and ecosystems is safeguarded and that adverse effects on the environment are avoided, remedied or mitigated.

Relates to Outcome
EMAO5, EMAO6

POLICY EMP1 *Require the repasture or revegetation of land where vegetation is cleared in association with earthworks, prospecting and extraction of aggregates or other minerals.*

Relates to Objective EMO1

Explanation

Where vegetation clearance occurs, except where a pavement or permitted building is constructed, disturbed areas will be required to be repastured or

revegetated in plant species which are in harmony with those existing in the area to avoid the risk of soil erosion, and to ensure that the life-supporting capacity of the soil is safeguarded. It will also help to ensure that adverse effects on the character and visual amenity of the area are avoided.

POLICY EMP2
Relates to
Objective EMO1

To avoid duplication in regulation by District Plan Rules and Standards where earthworks activities are already subject to regulatory assessment.

Explanation

Subdivision and Land Development and Designation Sections of the District Plan and the Building Act 2004 have their own control regarding the controls and safety of Earthworks. Such assessments are more specific for the associated activities. Where possible, the District Plan aims to reduce duplications in regulatory control.

POLICY EMP3
Relates to
Objective EMO1
and EMO2

Protection of productive soils within the District from large-scale stripping, stockpiling, alteration and removal to ensure the land can still support a range of productive land uses.

Explanation

Areas in Hastings District are widely regarded for having highly productive soils. Where possible such soils, particularly topsoils, should be protected from stripping, stockpile and removal off-site. Any alteration to such soils will generally decrease the productivity of fertile soils. Where alterations to productive soils occur, all efforts should be undertaken to rehabilitate the land to a productive state.

POLICY EMP4
Relates to
Objective EMO1
and EMO2

Allow earthworks and the prospecting of minerals where the adverse effects on the environment will be minor.

Explanation

District Plan Rules and Standards are incorporated to control the scale, operation and location of earthworks and prospecting activities to ensure that any potential adverse effects are avoided, remedied or mitigated.

POLICY EMP5
Relates to
Objective EMO1
and EMO2

Control earthworks, exploration and mining activities to ensure that any 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 mitigated.

Explanation

Large scale earthworks, exploration and mining activities are recognised as having the potential to cause significant adverse effects on the environment, including the safety of people and property, and on the visual amenity and character of the area where it occurs.

POLICY EMP6
Relates to
Objective EMO1

Allow for specific activities such as forestry to be exempt from the rules and standards for earthworks and mining, where large scale earthworks are known to be essential to the continued operation of the activity, and the effects on the environment are likely to be minor.

Explanation

Specific Activities are known to require large scale earthmoving to ensure day to day operation of their activities. Many of these activities are governed by their own industry Code of Practice. Where activities are likely to constantly

breach earthworks standards and terms, but is generally expected to be anticipated by the general public, exemption from earthworks provisions may be afforded.

POLICY EMP7
Relates to
Objective EMO2

Recognise the importance of river based gravel extraction for river and flood management purposes and the concurrent need for gravel supplies to be conveniently located and be of appropriate quality.

Explanation

In the interests of sustainably managing rivers, it is appropriate that extraction of river based gravel resources be enabled where appropriate. It is however recognised that market demand will ultimately influence whether gravel extractors will wish to utilise available river based resources or not. The need for aggregate supplies to be located within a reasonable distance from centres of population and points of use and the quality of the aggregate supply to meet the economic needs of the community are also matters that must be balanced in recognising the importance of river based gravel extraction.

POLICY EMP8
Relates to
Objective EMO2

Prevent exploration or mining activities in areas where adverse effects on the environment cannot be avoided, remedied, or mitigated.

Explanation

In assessing proposals, consideration will be given to whether they will result in permanent or irreversible damage to the environment, or whether the site can be reinstated so that it will be capable of supporting other land use activities.

OBJECTIVE EMO3
Relates to
Outcome EMA09

The water quality and life supporting capacity of the Heretaunga Plains Unconfined Aquifer Water Resource is not compromised by the effects of land use activities occurring over it, including activities associated with the extraction of oil and gas.

Policy EMP9
Relates to
Objective EMO3

Prohibit oil and gas extraction activities, including all associated structures and substances, whose effects have the potential to cause irrevocable damage to the Heretaunga Plains Unconfined Aquifer

Explanation

Oil and Gas extraction activities have the potential to create catastrophic effects to the Hawkes Bay water supply if there were to be a well leak or blowout above the unconfined aquifer. Contaminants from any accident could potentially leach through the soil and into the aquifer system.

POLICY EMP10
Relates to
Objective EMO3

Control exploration and mining activities (excluding oil and gas extraction) on land located over the Heretaunga Plains unconfined aquifer, to ensure the protection of the potability of the underlying water resource.

Explanation

Exploration and mining activities are recognised as having the potential to permanently threaten the quality of the Heretaunga Plains unconfined aquifer. The depth of any excavations in this area will need to be limited to ensure that the water table is protected. Applications for Resource Consents for exploration or mining activities will also be required to demonstrate that the land can be rehabilitated to ensure that it will support a range of productive land use activities.

<p>OBJECTIVE EMO4 Relates to Outcome EMAO5, EMAO7, EMAO8</p>	<p>To enable the efficient and economic use and extraction of the District’s mineral resources to be protected from reverse sensitivity effects of potentially conflicting future land use development, in order to contribute to the social and economic wellbeing of Hastings District.</p>
<p>POLICY EMP11 Relates to Objective EMO3</p>	<p><i>Ensure future settlement strategies and proposals take into account the location of known mineral resources.</i></p> <p><u>Explanation</u> The mineral extraction industry is seen as an important part of the Hastings District economy. In order to meet international, national and District demands for such resources, they need to be protected from reverse sensitivity issues caused by residential development. Future residential activities need to be located away from existing mineral extraction operations to protect the interests of both local communities and mineral reliant industries.</p>
<p>POLICY EMP12 Relates to Objective EMO3</p>	<p><i>Provide for the needs of landowners to extract small quantities of aggregates or minerals for use on their sites.</i></p> <p><u>Explanation</u> It is recognised that landowners in all zones may need to extract small quantities of aggregates or minerals from their properties for uses ancillary to Permitted Activities on their properties.</p>
<p>OBJECTIVE EMO5 Relates to Outcome EMAO10</p>	<p>To ensure that earthworks and mineral extraction do not compromise outstanding natural features, historic heritage and cultural heritage features (including archaeological sites).</p>
<p>POLICY EMP13 Relates to Objective EMO4</p>	<p><i>Permanent visual scars resulting from earthworks and mineral extraction will be restricted on identified Outstanding Natural Landscapes throughout the District.</i></p> <p><u>Explanation</u> The impact of earthwork activities on the Outstanding Landscapes and Natural Features identified in Appendix 43 will vary depending on both the ability of the activity to integrate into the receiving landscape and the sensitivity of that landscape.</p>
<p>POLICY EMP14 Relates to Objective EMO4</p>	<p><i>Historic Heritage Features will be protected from the effects of earthworks and mining activities.</i></p> <p><u>Explanation</u> Prevention measures are required to ensure historic heritage sites are not destroyed by earthworks and mineral extraction activities. While controls can be created around known historic heritage areas, land disturbance and vegetation clearance can often unveil archaeological and cultural heritage sites/remains. If any new archaeological sites are located, particular care must be undertaken to protect the heritage items and notify New Zealand Historic Places Trust.</p>

27.1.4 METHODS

The Anticipated Environmental Outcomes set out in Section 27.1.2 will be achieved and the Objectives and Policies set out in Section 27.1.3 will be implemented through the following Methods:

HASTINGS DISTRICT PLAN Waahi Tapu DWA(Section 16.1): Includes Rules to recognise and protect waahi tapu sites from the effects of earthworks.

Network Utilities DWA (Section 22.1): Includes Performance Standards relating to the disturbance of land and vegetation by earthworks.

Heritage Items and Notable Trees (Section 18.1): This section contains provisions relating to the identification and protection of Heritage Items, including provisions for earthworks.

Subdivision and Land Development (Section 30.1): Includes Performance Criteria for setting conditions for earthworks on subdivisions.

Hazardous Substances DWA (Section 29.1): This Section controls the storage, handling and use of hazardous substances. Any hazardous substances employed as part of any extraction activity will need to comply with the provisions of the Rules contained in that section.

Designations (Section 31.1): Includes Performance Standards relating to designated works.

HASTINGS DISTRICT COUNCIL ENGINEERING CODE OF PRACTICE The Engineering Code establishes standards and guidelines for land development and the provision of roading and service infrastructure which can be used as a means of compliance with the Objectives, Policies and Rules of the District Plan.

SUBDIVISION AND INFRASTRUCTURE DEVELOPMENT IN HASTINGS: BEST PRACTICE DESIGN GUIDE ('BEST PRACTICE DESIGN GUIDE') This document promotes innovative and sustainable land development, subdivision and infrastructure solutions which aim to create high quality urban environments. Earthworks are inherently a component of such development. The Guide incorporates examples and pictorial layouts from best practice within New Zealand and encourages landowners and developers to explore designs that will deliver improved living environments for our community. Guidance within this document will help landowners and developers meet the assessment criteria for land development and subdivision.

HAWKE'S BAY REGIONAL POLICY STATEMENT AND PLANS The Hastings District Council is required to 'give effect to' the Hawke's Bay Regional Council's Regional Policy Statement, and 'have regard to' its regional plans.

INDUSTRY CODES OF PRACTICE The New Zealand Forest Road Engineering Manual 2012 and the New Zealand Environmental Code of Practice in Plantation Forestry

Industry Code of Practice Documents for Forestry Activities provides standards to ensure that methods of best practice are undertaken when conducting forestry in the Hastings District. Code of Practice standards

	incorporate regulations for earthworks which the forestry industry must adhere to.
MONITORING AND INFORMATION REQUIREMENTS	Monitoring will be undertaken to ensure that the Methods outlined continue to achieve the Objectives and Policies of the District Plan. Monitoring of the conditions of Resource Consents will also be undertaken by Council in accordance with Section 35 of the Resource Management Act 1991, and the Resource Consent Monitoring Strategy.
BUILDING ACT (2004)	The Building Act has controls regarding the quality and structural safety of soils to be built on. These controls provide measures to prevent slippage and subsidence for buildings.
NATIONAL ENVIRONMENTAL STANDARDS (NES)	All activities must be assessed against National Environmental Standards. Where any NES provision is triggered, these outweigh any District Plan provisions. The activity may still require assessment against District Plan provisions.
NETWORK UTILITY OPERATIONS PLANS	Information available from Network Utility Operators on the location of their underground services which may be affected by earthworks.
LAND INFORMATION MEMORANDA	When Land Information Memoranda (LIM) are requested for sites located within 500m of an existing mineral, aggregate or hydrocarbon extraction or processing site, the LIM shall identify the activity being undertaken and any particular conditions regarding its use and operation. The LIM shall also state that mineral production activities are dependent on particular resources and residents moving into the area will need to recognise that extraction and processing are accepted activities, when operating in accordance with the provisions of the District Plan or any relevant Resource Consent.
HISTORIC PLACES ACT 1993	This Act makes it an offence to destroy or modify an archaeological site without first obtaining an 'archaeological authority'. This applies to both recorded and unrecorded archaeological sites. It is important that the planning for any planned building or development takes this issue into account and an archaeological assessment maybe required. The applicant is advised to contact the New Zealand Historic Places Trust if any activity such as earthworks, fencing or landscaping may modify, damage or destroy any archaeological site, An archaeological site is defined in Section 33.1 of this District Plan.

27.1.5 RULES

The following table sets out the status of activities involving earthworks, and mineral, aggregate and hydrocarbon extraction:

When assessed under Rule table 27.1.5, earthworks will be considered a Permitted Activity and not have to comply with the Performance Standards and Terms in Section 27.1.6, provided they are:

- (a) Earthworks assessed with any Subdivision Consent and Designations.
- (b) Earthworks in association with a Building Consent, where the area of earthworks includes no more than 150% of the area of the associated building footprint. Note that Rules and Standards are applied once the 150% threshold is exceeded.

- (c) Earthworks in association with Forestry Activities; Network Utility Operations; and the replacement and /or removal of a fuel storage system as defined by the Resource Management Regulations 2011 (National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health)
- (d) Earthworks in association with the creation of public walk ways and cycleways, except when located within any ONFL area, where the standards relating to ONFL's in 27.1.5 and 27.1.6 shall still apply.

RULE TABLE 27.1.5 – EARTHWORKS, AND MINERAL, AGGREGATE AND HYDROCARBON EXTRACTION		
RULE	ACTIVITIES	ACTIVITY STATUS
RULE EM1	Earthworks	P
RULE EM2	Prospecting	P
RULE EM3	The removal offsite of less than 25m ³ of topsoil, sand, gravel, metal and earth in the Plains Zone and less than 100m ³ of topsoil, sand, gravel, metal and earth per site per year from sites in all other zones	P
RULE EM4	The removal of river berm silt, gravel or other river control or drainage works carried out by a local or regional authority, exercising its powers, functions and duties under The Soil Conservation and Rivers Controls Act 1941, or The Land Drainage Act 1908 and ancillary activities involved with the relocation of the extracted material	P
RULE EM5	The burial of material from biosecurity incursions of an unwanted organism	P
RULE EM6	Permitted Activities not meeting the General Performance Standards and Terms in Section 27.1.6, except 27.1.6l	RD
<u>RULE EM7</u>	<u>Earthworks within the Iona Plateau Neighbourhood of the Iona Special Character Zone</u>	<u>RD</u>
RULE EM8	Exploration	D
RULE EM9	Mining	D
RULE EM10	The removal offsite of more than 100m ³ of earth (including topsoil) per site per year from sites in any Zone (excluding Plains Zone)	D
RULE EM11	The removal offsite of more than 25m ³ topsoil, sand, gravel, metal or earth from any site in the Plains Zone	D
RULE EM12	Cuts with overall vertical extent greater than 1 metre in ONFL1	D
RULE EM13	Oil and Gas Exploration, Extraction and Production over the Heretaunga Plains Unconfined Aquifer	Prohibited

27.1.6 GENERAL PERFORMANCE STANDARDS AND TERMS

The following General Performance Standards and Terms apply to all activities.

27.1.6A EXTENT OF EARTHWORKS

- For the purpose of assessing the total volume of earthworks allowed as a Permitted Activity for sites in these sub zones, the volume shall *Outcome*
Any significant adverse effects of earthworks on

- be calculated by multiplying the volume threshold (listed in Table 27.1.6A) by the total area of the subject site in hectares, over any 12 month period.
2. For the importation of fill or removal of cut to or from an offsite location, the volumes of earthworks specified in the Table in 27.1.6A shall be reduced by 50% in determining the volume permitted in any 12 month period.
- people, property and the environment will be avoided, including effects on the character and visual amenity of the area.*

TABLE 27.1.6A EXTENT OF EARTHWORKS			
STRATEGIC MANAGEMENT AREA (SMA)	ZONE	VOLUME	CRITERIA (for any 12 Month period)
Rural	Rural	2000m ³	per hectare of site
	Rural Residential/Tuki Tuki	100m ³	per hectare of site
	Nature Preservation	2000m ³	per hectare of site
	ONFL	200m ³	per site within ONFL
Plains	Production	100m ³	per hectare of site
	Settlement	50m ³	per site
Flaxmere	All Zones	50m ³	per site
Hastings	All Zones	50m ³	per site
Havelock North	Residential	*50m ³	per site
	Rural Residential	100m ³	per hectare of site
	ONFL	50m ³	per site within ONF
	Te Mata Special Character	50m ³	per hectare of site
	Village Centre	50m ³	per site
Clive	All Zones	50m ³	per site
Haumoana/Te Awanga	All Zones	50m ³	per site
Coastal Settlements	All Zones	50m ³	per site
Industrial	Industrial	50m ³	per site
Open Space	All Zones	200m ³	Per site

***Except within the Restricted Building Area of Havelock North Character Residential zone, wherein no earthworks are permitted. Refer to Specific Performance Standard and Term 27.1.6I.**

*** Except within the Iona Plateau Neighbourhood of the Iona Special Character Zone, wherein no earthworks are permitted within the 'No build/Earthworks Area' or 'No build/Earthworks, Restricted Planting Area' identified on Lots 12, 13, 14, and 15 of the Iona Plateau Masterplan (Appendix 13A Figure 3). Refer to Specific Performance Standard and Term 8.3.7E**

27.1.6B VEGETATION

1. Where vegetation clearance occurs (except where it is associated with the operation, maintenance or upgrading of lawfully established roads, tracks and
- Outcomes*
The visual amenity of the environment is restored and the

drainage channels), disturbed areas shall be repastured or revegetated as soon as practicable within 18 months of the activity ceasing.

erosion susceptibility of disturbed ground is reduced.

2. Where soil is disturbed by prospecting, such areas will be restored and rehabilitated within 6 months of the activity ceasing.

Any significant adverse effects of earthworks on the life-supporting capacity of the soil and on the character and visual amenity of the area will be avoided.

27.1.6C SLOPE

Rural SMA: Earthworks shall not be undertaken on land with a slope of greater than 45° above horizontal.

Outcome

Land that is particularly prone to erosion or slippage because of its steepness will be protected from the effects of earthworks so that the visual amenity of the area will be protected and soil erosion avoided.

All other SMA: Earthworks shall not be undertaken on land with a slope of greater than 22° above horizontal.

27.1.6D EXCAVATION

1. No earthworks shall have a cut/fill face (see Appendix 68) of overall vertical extent greater than:

Outcome

Large scale cuts will be avoided where they are highly visible in nature and have potential safety issues.

- (i) 5 metres in Rural Zone, Nature Preservation Zone & ONFL 7 (excluding ONFL 2 – 6 & 8)
- (ii) 2.5 metres in all other Zones.
- (iii) 2 metres in ONFL 2 – 6 & 8.

2. No excavations shall be of greater than 1 metre vertical extent of cut/fill face, where the top of the excavation is within 10 metres of buildings or surcharge loads.

27.1.6E NOISE

Activities shall comply with the provisions of Section 25.1 of the District Plan on Noise.

Outcome

The Outcomes of Section 25.1 of the District Plan on Noise will be achieved.

27.1.6F FLOOD PROTECTION WORKS

1. No exploration or mining activities is to occur within 50 metres of any flood protection or river control structure

Outcome

Flooding protection and drainage patterns will not be adversely affected by mining.

(excluding activities in relation to Rule EM4).

2. No significant change is to occur to existing flood overflow paths.

27.1.6G LOCATION OF FILL

Except when associated with fill faces on rural farm tracks, any fill of over:

- (a) 100m³ volume; or
- (b) 0.5 metres total depth

Shall only be permitted if a site plan is provided to Hastings District Council showing the location and extent of the fill.

Outcome

The location of any uncontrolled fill shall be provided to ensure that the safety of future development can be provided by not building on land prone to slipping and subsidence.

27.1.6H SEDIMENT CONTROL

Sediment run-off into a Council reticulated network shall not cause any conspicuous change in colour or visual clarity of water after reasonable mixing.

Note: All other stormwater runoff across property boundaries and sediment entering waterbodies may be subject to rules administered by the Hawkes Bay Regional Council.

Outcome

The adverse effects of sediment run-off shall be contained within a controlled environment to reduce the risk of adverse effects to the surrounding environment.

27.1.6I EARTHWORKS WITHIN ONFLS FOR THE MAINTENANCE OF EXISTING FARM TRACKS, MAINTENANCE OF EXISTING FARM DRAINS AND MAINTENANCE OF EXISTING OF EXISTING FENCE LINES

1. For the maintenance of tracks only, the landowner shall take, and provide to council on request, photos of the location of the earthworks before and after completion, sufficient to show the width of the existing formed track;
2. Tracks shall not exceed the existing width of the formed track;
3. Exposed vertical cuts or batter faces shall not exceed 2m in vertical height or take place on slopes of greater than 45 degrees above horizontal;
4. All remaining slopes shall be remediated to marry in with the surrounding landform and be replanted with either grass or planting to match the surrounding vegetation cover (excluding weed species).

27.1.6J EARTHWORKS IN THE IONA TERRACES NEIGHBOURHOOD OF THE IONA SPECIAL CHARACTER ZONE.

Any earthworks within the Iona Terraces Neighbourhood along the boundary of Lot 3

Outcome

To ensure the retention of Existing land contours and vegetation on Lot 3 DP 28810

DP28810 shall be undertaken in accordance with Appendix 13A Figure 4. *which assists in the mitigation of urban development of the Iona Terraces Neighbourhood.*

27.1.7 ASSESSMENT CRITERIA RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES

For Restricted Discretionary Activities, the following criteria identify those matters which Council has restricted its discretion over in assessing Resource Consent applications. For Discretionary Activities, Council's assessment is not restricted to these matters, but may consider them.

27.1.7A LAND DISTURBANCE AND VEGETATION CLEARANCE

- (a) The effects of land disturbance and vegetation clearance will be assessed in terms of their effects on:
 - (i) The life-supporting capacity of soils.
 - (ii) Soil erosion and stability.
 - (iii) Soil Runoff and Sedimentation.
 - (iv) Natural landforms and contours.
 - (v) Flora and fauna.
 - (vi) Significant cultural, ecological and historic heritage sites (including archaeological sites).
 - (vii) Composition and characteristics of any fill used.

- (b) In making an assessment, regard will be had to the following:
 - (i) The extent of removal of vegetation, topsoil and subsoils at any one time.
 - (ii) Methods to separate soil horizons during stripping.
 - (iii) Measures to safeguard the life supporting capacity of stockpiled soils.
 - (iv) The potential or increased risk of hazards from the activity, including potential risk to people or the community.
 - (v) Sediment control measures, including measures to prevent sediment run-off into Council's reticulated network.
 - (vi) Rehabilitation of site (including backfilling, re-spreading of subsoil and topsoil, contouring, repasturing and revegetation).
 - (vii) Land capability and potential end uses of the site.
 - (viii) Information on any relocation of fill on or offsite.
 - (ix) Siting, construction and maintenance of internal access roads.
 - (x) Effect on flow paths and floodways.
 - (xi) Measures to avoid the disturbance of archaeological sites (noting that any disturbance of an archaeological site will require separate approval under the Heritage New Zealand Pouhere Taonga Act 2014).

27.1.7B VISUAL IMPACT

- (a) The visual effects of the activity will be assessed in terms of its potential effect on:
 - (i) The residential or recreational (including tourism) use of land in the vicinity of the activity.
 - (ii) The existing character of the locality and amenity values.

- (iii) Whether the land is covered by Outstanding or Significant Landscape Areas will be assessed under the Assessment Criteria 27.1.7F.
- (b) In making that assessment regard shall be had to:
 - (i) Planting, screening and other amenity treatment to minimise visual impact.
 - (ii) Site location including locality, topography, geographical features, adjoining land uses.
 - (iii) Height of soil stockpiles and cuttings.
 - (iv) Rehabilitation of the site, including contouring, landscaping and re-vegetation.
 - (v) Duration, rate and extent of extraction.
 - (vi) Lighting - intensity, direction and positioning of lighting in relation to the effects of glare on the surrounding environment and adjacent land uses.

27.1.7C EFFECTS ON OTHER LAND USES AND ADJOINING PROPERTIES

The extent to which the activity will interfere with, or adversely affect, the current use of the land on which the activity is sited, or adjoining land uses. Consideration will be given to any potential effects of the proposed activity on adjoining properties and land uses, such as effects on surface drainage patterns, dust nuisance, or adverse effects on adjoining buildings. Permanent effects will be given more weight than temporary effects. Consideration will also be given to methods to avoid adverse effects on land use activities which are allowed in the Zone where the activity is located, such as the distance of activities from boundaries, and methods to avoid disturbance to adjoining properties, including livestock, particularly during birthing, and dust on fruit, particularly during harvesting season.

27.1.7D NOISE

In assessing the impact of noise, regard shall be had to the noise sensitivity of the receiving environment, including adjacent land uses, where it is proposed to undertake the activity. Consideration will also be given to hours of operation of the activity.

27.1.7E EFFECTS ON SPECIFIC DISTRICT WIDE ACTIVITIES AND LOCATIONS

The extent to which the activity will interfere with, or adversely affect:

- (a) Access to and along watercourses and waterbodies.
- (b) Recreation, Conservation or Natural Areas (see District Plan Section 13.1 Open Space Environments).

27.1.7F EARTHWORKS WITHIN OUTSTANDING NATURAL LANDSCAPES (ONFL)

Earthworks within an ONFL will be designed to minimise adverse visual effects. This shall include reference to the proposed location and screening of any earthworks. In particular any such development shall:

- (a) Where practicable, minimise the location of large scale earthworks on prominent rural ridgelines, hill faces and spurs.
- (b) Be designed to minimise cuttings across hill faces and spurs.
- (c) Where practicable, minimise the number of finished contours that is out of character with the natural contour.
- (d) Demonstrate what visual mitigation is proposed to minimise the visual intrusion of the work, including proposals to ensure the successful establishment of any plantings.

27.1.7G ADDITIONAL SPECIFIC ASSESSMENT CRITERIA FOR MINING AND EXPLORATION ACTIVITIES ONLY

1. VIBRATION

The extent of the effects of vibration from the activity, particularly in respect of the use of explosives.

2. ROADING AND TRANSPORTATION

- (a) The effects of transportation related to the activity will be assessed in terms of its potential effect on the sustainable management of the roading network including:
 - (i) Disruption to traffic in the area.
 - (ii) Traffic safety.
 - (iii) Impact on the District roading network.
- (b) In making the assessment, regard shall be had to:
 - (i) Design of access.
 - (ii) On-site parking and turning.
 - (iii) The siting and construction standards of on-site roads and tracks.
 - (iv) Maintenance or upgrading of roads or intersections in the vicinity of the activity.
 - (v) Use of speed limits.
 - (vi) Timing of work shifts.

3. FIRE HAZARD MITIGATION

The ability of the activity to meet fire safety requirements including the possession of public liability insurance to cover the risk of fire.

4. HERETAUNGA PLAINS UNCONFINED AQUIFER

The following criteria relates to land located over the Heretaunga Plains Unconfined Aquifer, but excludes activities related to oil and gas exploration, extraction and production.

- (a) The depth of any excavation in order to achieve a maximum height for the water table below the surface of the land of 5 metres. The maximum height

of the water table will be identified as the highest recorded at the site, or at the closest point to the site.

- (b) The ability of the site to be rehabilitated to enable the land to continue to support a range of productive land use activities after the exploration or mining activity has ceased.

5. OIL AND GAS EXPLORATION, EXTRACTION AND PRODUCTION ACTIVITIES

The following criteria relates to specific assessment involved with Oil and Gas Exploration, Extraction and Production. Assessment must be provided on the following:

- a) The cumulative effects of multiple oil and gas wells and platforms
- b) Lighting and flaring and the extent to which alternative methods have been considered for controlling the adverse effects of these activities.
- c) The location of oil and gas wells and platforms and their associated accesses, in relation to:
 - (i) Dwellings on adjoining properties.
 - (ii) Sensitive activities.
 - (iii) Areas of cultural value
- d) The location of infrastructure associated with the transmission of oil and gas.
- e) Consideration as to the likely length of each different stage of the proposal, and details on the processes in place once the well site is abandoned.
- f) The consideration of the different effects between the exploration stage, and the production stage for oil and gas extraction.
- g) The ability to provide a bond or contingency plan to the Council for the purpose of rehabilitating operation areas in the event of early closure.
- h) The suitability and maintenance of access, including on public roads, to and from the oil and gas well or platform, for all stages of the exploration, production and extraction process

27.1.7G EARTHWORKS IN THE IONA SPECIAL CHARACTER ZONE

- a) Whether any earthworks and / or recontouring of the site will ensure compliance with the approved stormwater management plan for the Iona Structure Plan area; and
- b) For the Iona Plateau Neighbourhood, whether earthworks are restricted to those necessary to form the upper portion of the Spine Road and the twenty residential building platforms.

27.1.8 INFORMATION REQUIREMENTS FOR DISCRETIONARY ACTIVITIES

Any application for a Resource Consent for a Discretionary Activity shall include a management plan describing the scope and nature of the operation including methods to control the effects of extraction and processing. Any application for a Resource Consent shall include an assessment of the effects of the proposed activity. Applications shall address the matters listed below:

- (a) An assessment of the actual or potential effects of the proposed activity on the environment, in accordance with the Fourth Schedule to the Resource Management Act 1991.
- (b) Site layout including:
 - Extraction areas and a programme for any staged development;
 - Areas for processing, stockpiling, distribution of aggregate, overburden disposal, topsoil storage.
- (c) Proposals to avoid, remedy or mitigate adverse effects of the activities, particularly in regard to noise, ground vibration, traffic, dust, visual impact and land stability.
- (d) Impact on the District roading network.
- (e) For mining proposals, alternative sites and sources of material that have been considered.
- (f) Description of permits and consents required under the Crown Minerals Act 1991 and other legislation and from the Hawke's Bay Regional Council and other relevant Local Authorities. For privately owned minerals, proof that the consent of the landowner has been obtained.
- (g) Proposals for the clearance of vegetation, including the location (maps and plans may be required).
- (h) Fire Safety requirements.
- (i) Possible future use of the property.
- (j) Proposals and timeframes for progressive restoration of parts of, and the whole of, the site to a reasonably natural state, or appropriate modified state, including levelling and backfilling, planting of grass, trees or other vegetation, and the removal of structures, plant and machinery.
- (k) Details addressing emergency management procedures
- (l) Details of how on-going monitoring will be undertaken, maintained and documented.

Council may require applicants to provide more detailed investigations of potential effects on the environment by way of environmental impact reports (prepared at the expense of the applicant). The level of detail required will depend on the scale and nature of the proposal as well as the magnitude and extent of anticipated effects on the environment.