

115008

**UNIQUE NO:** .....



**VALUATION NO:**

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### LEGAL DESCRIPTION:

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[illegible]

115008



## **SECTION 42A REPORT**

### **RESOURCE MANAGEMENT ACT 1991**

#### **APPLICATION NUMBER 115008**

**APPLICANT:** Southern Screenworks Limited

**PROPOSAL:** To establish, maintain and operate a quarry and ancillary buildings (workshop, site office) on a site with a total land area of 9.635 hectares.

**ADDRESS:** Bealey Road, Aylesbury

**LEGAL DESCRIPTION:** Lot 1 DP 354364

**ZONING:** Partially Operative District Plan (Rural Volume) – Outer Plains

**STATUS:** Discretionary

**HEARING DATE:** 28 July 2011

#### **Preamble**

This report reviews the application for resource consent (land use) and addresses the relevant information and issues raised. It should be emphasised that the recommendation made in the report is not binding on the Council and it should not be assumed that the Commissioner will reach the same conclusion having considered all the evidence brought before them by the applicant and submitters.

#### **Qualifications**

My full name is Samuel David Flewellen. I am a planner with Planit R. W. Batty & Associates Ltd (Planit), a Christchurch based resource management consulting company. I hold the qualifications of a Bachelor of Resource Studies and a Postgraduate Diploma in Resource Studies from Lincoln University. I have eight years experience as a planner and am a graduate member of the New Zealand Planning Institute. I have been contracted by the Selwyn District Council to consider the application, submissions, technical officer reports, and prepare this report pursuant to section 42A of the Act.



## **1 Proposal**

1.1 Land use consent is sought for the development of a quarry and ancillary buildings (workshop, site office) on a site with a total land area of 9.635 hectares. The proposal is described in detail within the application but in summary the quarry will operate:

- at an annual extraction rate of approximately 30,000m<sup>3</sup> per annum,
- for a total life span of approximately 800,000m<sup>3</sup>,
- for a fixed period of up to 30 years,
- during the hours of 7:00am – 6:00pm Monday – Friday, and 7:00am – 1:00pm Saturday.
- with use of a mobile crusher 3-4 times per year for no more than 3 weeks at a time.

1.2 A heavy vehicle sealed access crossing is proposed from Bealey Road. The quarry pit will be surrounded on three boundaries at any one time by a 3 metre high earth bund allowing for access along the remaining boundary. Proposed screening landscaping in the form of a shelterbelt to a height of 4 metres will be established on the site boundaries. An ancillary building is proposed adjacent to the quarry pit being up to 24.4 metres wide x 28.8 metres long and a height of up to 7.8 metres. This includes a lean-to site office. The building will be painted a recessive colour with a reflectivity value within the 0-20% range. Additional native planting is proposed surrounding the building, vehicle parking area, and access.

## **2 Site and locality**

2.1 I undertook a visit of the application site and surrounding area on 26 January 2011. The property subject to this application is Lot 1 DP 354364 and located on Bealey Road, Aylesbury. Bealey Road has a posted speed limit of 100km/hr and intersects with State Highway 73 (SH73), Railway Road, Aylesbury Road and Station Road, approximately 600 metres to the east of the application site. The site is presently flat, vacant pastoral land with no obvious existing features such as buildings or shelterbelts.

2.2 The subject site is bordered by rural farming properties to the south and west whilst lifestyle block land use is the more common activity along Station Road. There are existing dwellings located at various distances starting from around 400 metres from the application site boundary. Consent has been granted (ref: 105183) for a future dwelling on an undersized rural allotment (1340m<sup>2</sup>) approximately 200 metres south-east of the application site along Bealey Road.



- 2.3 To the north, the application site adjoins a rectangular shaped lot (1.8449ha). This lot is understood to be within the ownership of LINZ and adjoins the midland railway line which runs in an east-west direction.
- 2.4 To the east, the site adjoins an area of land (2.023 hectares) that is currently designated (D241 – non operative) under the District Plan as a SDC gravel reserve. However, a public notice was listed by Selwyn District Council in the Christchurch Press on 7 May 2011 listing this gravel reserve, among other sites, as being proposed to have the designation revoked as the land is now deemed surplus to requirements.
- 2.5 On the other side of the railway line is located a rest stop/parking area. This area once contained the Aylesbury Station but is now devoid of any buildings. This area has a viewing platform with an information board.
- 2.6 In their application, the applicant has expressed an interest in purchasing both the northern (LINZ owned) and eastern (SDC owned) adjoining lots and that due to this, requested that these sites should be incorporated into the application site for the purposes of this application. It is understood that no property acquisition of this land has been undertaken since the lodgement of this application. However, there is no ability for Council to restrict an application only to land under control/ownership of the applicant, therefore this land can be included in the application site. However, as this land is not under the ownership/control of the applicant, then the use of this land cannot be relied upon for mitigation.

### **3 Section 19**

- 3.1 The District Plan was made Partially Operative on the 10 June 2008. Those parts of the District Plan relevant to this proposal are operative. Accordingly the Transitional District Plan has been disregarded in this instance.

### **4 District Plan**

- 4.1 The application site is zoned Outer Plains under the Partially Operative District Plan (Rural Volume). There are no notations or other matters of special interest listed within the Plan on this site.

### **5 Relevant Rules**

#### *Partially Operative District Plan – Rural Volume*

- 5.1 The relevant non-compliances of this application are contained in Table 1 below:



Table 1			
Rule	Requirement	Compliance	Status
1.6.1.2	The earthworks shall not exceed: (a) A vertical cut face where no more than 5% of the total vertical cut is over 2m; and (b) A maximum volume of 5000m <sup>3</sup> per project	<b>Does not comply</b> Volume and cut limits will be exceeded with the quarry to reach depths of 8-10m below natural ground level and volumes of approx 30,000m <sup>3</sup> per annum.	<b>Discretionary (Rule 1.6.6)</b>
9.4	9.4.1 Any activity which is not a rural activity or a residential activity shall be a permitted activity if the following conditions are met:  9.4.1.1 The maximum area of any site covered by building(s), loading, storage and waste areas used for any other activity on the site does not exceed 100m <sup>2</sup> and no more than two full-time equivalent persons are employed in undertaking any other activity on the site	<b>Does not Comply</b> The activity is defined as a Quarrying activity.  It will have building(s) covering approx 702m <sup>2</sup> of the site and more than two FTE persons employed in undertaking the activity on the site.	<b>Discretionary (Rule 9.4.2)</b>
9.13	9.13.1 Any activity which does not exceed the following maximum number of vehicle movements shall be a permitted activity:  9.13.1.2 Road Formed and Sealed: (a) Arterial Roads: 30 ecm/d per site averaged over any one week period.	<b>Does not Comply</b> The application site has a frontage and proposes access to Bealey Road (arterial road). This activity will generate 360 equivalent car movements per day (ecm/d). This figure is derived from the proposed 60 trucks (30 in and 30 out) per day during peak times multiplied by the plan definition of 12 ecm per truck.	<b>Restricted Discretionary (Rule 9.13.2)</b>  Note: This rule is proposed to be amended via SDC's Plan Change No 12. This will increase the access threshold onto arterial roads to 100ecm/d. However, this rule is not applicable at present and the proposal would still fail to comply given the definition of truck movements.
9.16	9.16.1 Any activity shall be conducted so as to comply with the noise limits and time frames assessed at the notional boundary of any dwelling in the rural zone.  7:30am-8:00pm – 60dBA L <sub>10</sub> - 80dBA L <sub>max</sub>  8:01pm-7:29am – 45dBA L <sub>10</sub> - 70dBA L <sub>max</sub>	<b>Complies</b> The applicant initially stated in the application that the permitted noise levels will be exceeded. However additional information provided indicates compliance. This information has been reviewed by Council's consultant noise officer who accepts this opinion.	<b>Permitted (Rule 9.16.1)</b>

5.2 Overall, the quarrying application requires assessment as a **Discretionary** activity.

5.3 I note that the application complies with the permitted Plan standard for dust generation as the stockpiling activity will be located greater than 100 metres from any dwelling on another site (Rule 9.19.1). The application also complies with the permitted Plan standard regarding the planting of shelterbelts (Rule 2.1.1).



## **6 Statutory Requirements**

- 6.1 The statutory requirements of the Resource Management Act 1991 in respect of this application are attached as **Appendix A**.

## **7 Notification**

- 7.1 In accordance with Section 94(C) of the Resource Management Act 1991, the application was limited notified to 22 parties on 25 May 2011, with submissions closing on 24 June 2011.
- 7.2 During this period, a further written approval was also received with regard to the property located at Sec 7, BLK VII, Town of Aylesbury. A dwelling is consented for this property (1340m<sup>2</sup>) which will be the closest dwelling to the proposed quarry site (approx 200 metres).
- 7.3 Submissions in opposition were received from eight parties. The location of all submitters, written approvals and affected parties who did not submit are shown on the plan within **Appendix B**.
- 7.4 The matters raised in submissions were:
- Earthworks and Dust
  - Noise and Vibration
  - Traffic Generation and Safety
  - Rural Character and Amenity
  - Hazard to Aero Club from bird strike
  - Water Supply
  - Conflict of Interest for Selwyn District Council
  - Notification
  - Lack of information in application
  - Property devaluation
- 7.5 Two submissions were received from parties not included within the limited notification. Although ineligible, the content of these submissions is generally covered in the above matters. I also note that a letter was received from the Canterbury Aero Club on 13 July 2011 citing concerns over increased potential bird strike as a result of the quarry. This letter is ineligible in terms of notification but I note that this matter has also been raised by other submitters in any case.



## **8 Regional Council Consents**

- 8.1 The applicant has applied for consent from the Canterbury Regional Council for the proposed extraction of gravel (CRC111384) and for air discharge (CRC111434).
- 8.2 Regular discussions have been undertaken with the Regional Council Processing Planner regarding these applications. The Regional Council advised that the potential adverse effects of the gravel extraction and air discharge applications are both minor and will be processed in non-notified manner with no affected parties. At the writing of this report, the Regional Council have advised that both applications are recommended to be granted subject to agreed conditions with the applicant. A copy of these conditions is contained within **Appendix C**.
- 8.3 There is no application for a water take as the applicant has confirmed they may rely on an alternative supply. There is no reticulated water available to this site at present. However, I have undertaken discussions with Council's Asset Engineer, Ms Fiona Rayner who has stated that there is the ability to connect a reticulated supply with sufficient pressure subject to: a restriction on supply of 2m<sup>3</sup>/day, all costs being absorbed by the consent holder and any extension being vested in the Selwyn District Council.
- 8.4 I am satisfied that there area number of acceptable options available to the applicant to provide for sufficient water supply. Given the need for a sufficient level of water to supply the building services, irrigate landscaping and suppress dust, a condition confirming the adequate supply, and if necessary, storage of water for the site prior to any quarrying activity being able to commence is recommended should consent be granted.
- 8.5 Other services to the site e.g. power, telecommunications, and effluent disposal can all be achieved but would require confirmation at building consent stage and will need to meet any specific requirements of the service providers.

## **9 Assessment of Effects on the Environment**

- 9.1 The following assessment addresses the key aspects of the application including all matters raised in submissions.



## Earthworks and Dust

- 9.2 The effect of dust was a primary concern throughout the submissions as opposed to the visual impact of the earthworks themselves. It is proposed that the quarry will extract a total volume of around 800,000m<sup>3</sup> at a rate of up to 30,000m<sup>3</sup> a year. The overall earthworks volume is of a volume not unexpected from quarries within Selwyn District e.g. Wheatsheaf Quarry, which is consented (ref: 105049) for a total volume of 500,00m<sup>3</sup> at an annual rate of 60,000m<sup>3</sup>.
- 9.3 Gravel extraction of approximately 600m<sup>3</sup> per day is anticipated and the site will be quarried in areas of 10,000m<sup>3</sup> at a time with a 10,000m<sup>2</sup> storage area adjacent to the main pit. Pre-disturbed areas are proposed to be rehabilitated using topsoil from the site before undertaking the next stage. The quarry pit will be surrounded on three sides at any one time by a 3 metre high hydroseeded earthbund whilst the site perimeter will be planted with a macrocarpa shelterbelt which will be planted and maintained to achieve a height of 4 metres.
- 9.4 Stockpiles within the quarry site will be a maximum of 10,000m<sup>3</sup> and located on the pit floor. The quarrying is proposed to begin adjacent to the proposed vehicle car parking area in the northern portion of the site. This is adjoining the closest existing vegetation and will provide the greatest level of immediate screening from dwellings to the east.
- 9.5 The applicants have listed a number of mitigation measures including the preparation of a Quarry Management Plan ('QMP'), which is offered as a condition (Application page 24, Paragraph 3) but has not been submitted with the application. Other measures include the establishment of an earth bund, planting of perimeter vegetation, watering stock piles, and site rehabilitation.
- 9.6 A QMP would be expected to cover the processes and operations within the site to ensure that all general operation mitigation measures are undertaken as and when required e.g. watering of loose material and stock piles, on-site speed restrictions, and securing of loads prior to exiting the site.
- 9.7 I consider that visual effects will be at their most noticeable during the initial construction of the quarry pit as initial works and stockpiling will be undertaken from current ground level.



- 9.8 As the pit is formed, effects will begin to reduce as stockpiling will be situated below ground level and become even less visible. However, given the quarry pit will primarily contain visual effects beneath ground level and subject to a number of mitigation measures such as earth bunds, perimeter, on-site plantings, and a Quarry Management Plan, all of which will be required to be completed prior to the quarrying activity commencing, I consider that any adverse visual effects with regard to earthworks will be minor.
- 9.9 With regard to dust, this can come from a number of sources. These include: the removal of over burden, processing and handling of gravel, stockpiling of aggregate material and vehicle movements.
- 9.10 I note that air discharge and gravel extraction consents are required from the Regional Council. In my discussions with the Regional Council, they have confirmed that both resources consents will be processed non-notified with no affected parties.
- 9.11 It is also my understanding that these two Regional Council consents have not been issued yet and have been placed on hold at the applicant's request pending the outcome of this application.
- 9.12 The proposed gravel extraction conditions (see **Appendix C**) include a number of measures to ensure that the quarry is secure, constructed appropriately and in accordance with the proposed plans, including a maximum depth of 10 metres. Secondly, the proposed air discharge conditions include a number of measures to prevent dust emissions. These include:
- Minimising exposed areas;
  - Carrying out crushing operations on the floor or the pit;
  - Avoiding extraction, crushing and material handling when conditions are dry and windy;
  - Applying water or dust suppressants to internal roads, stockpiles and other unsealed areas as required;
  - Sealing internal roads that have high usage;
  - Limiting vehicle speeds on site to not more than 15 kilometres per hour; and
  - Grassing stockpiles as soon as practicable;



- 9.13 It is considered that although there will be some dust generated from the proposal, it is important that there will be no blasting undertaken on-site as this can be a significant generator of dust. In addition, the mitigation measures proposed coupled with the requirements of the impending Regional Council consents is considered to mitigate dust to a level that will be no more than minor.
- 9.14 The application states that there is potential for some vehicles to utilise Railway Road. However it is difficult to determine the extent of this as the applicant has not provided specific vehicle numbers that they expect to utilise this road. However, they have provided an explanation that they expect the majority of traffic to utilise SH73 or Bealey Road which is logical given the formation and classification of these roads.
- 9.15 A small increase in movements along Railway Road may be noticeable in terms of additional dust although the amount of trips is not expected to be high compared to the other road network options that will be used.
- 9.16 Railway Road is presently unsealed and it is understood that there are no confirmed plans by Council to seal this road in the future. Dust generation from vehicles on unsealed roads is not an uncommon occurrence in rural areas. Increases in truck movements along the stretch of road, particularly between Bealey Road and Sandy Knolls Road are likely to be noticeable and generate some dust effects. However, it is noted that the anticipated level of use on this road will be very low. This coupled with most existing dwellings along Railway Road being located at least 60 metres to the road is not expected to create significant adverse effects.
- 9.17 The inclusion of a Quarry Management Plan as a condition of the application will be subject to the inclusion of a number of criteria. It is recommended that this criteria includes assurance that loads are dampened and secured to prevent wind drift and that drivers travelling south of the proposed quarry are encouraged to use sealed routes where practical. Subject to these conditions, any adverse effects are considered to be no more than minor.

### **Noise and Vibration**

- 9.18 The application included a noise assessment prepared by Acoustic Engineering Services. Further noise analysis was provided (on 11 May 2011) following a request for information. This information was reviewed by Council consultant noise expert, Mr Stephen Chiles of URS Group. A copy of Mr Chiles' assessment including comments on submissions is contained within **Appendix D** to this Report.



- 9.19 All eight submissions received through notification raised noise as a particular issue of concern. Mr Chiles has considered the general noise effects that are likely to be generated and also specific noise issues raised in individual submissions.
- 9.20 Generally, it is his opinion that the expected noise levels to be generated by the quarry activity will comfortably comply with the permitted Plan standards.
- 9.21 In terms of particular issues raised in submissions, it is accepted that the quarry activities will produce a more constant noise source as opposed to intermittent noise that could be expected in the existing environment. However, Mr Chiles is still satisfied, based on the information provided, that expected noise levels at all surrounding locations will comply with the permitted standards of the plan.
- 9.22 With regard to one submission concerning 1062 Railway Road, Mr Chiles notes that this dwelling was excluded from the noise predictions. However, based on Mr Chiles' considerations, the noise limit at this location is expected to be very similar to the prediction for the adjacent property at 1056 Railway Road (42dBA L<sub>10</sub>) and although it may be slightly higher as this dwelling is closer to the application site, the quarry is still expected to achieve the permitted standard of the Plan.
- 9.23 Noise and vibration related to truck movements, both full and empty loads, has been specifically raised in submissions. I note that the Plan provides an exemption (Rule 9.16.6.1) which specifically exempts noise from any motor vehicle or mobile machinery from the Plan noise standards. This exemption is not specifically limited to vehicles on roads or on rural land and therefore could technically be applied to this application.
- 9.24 Given the discretionary status of this application, I consider that it is still appropriate to consider any potential increase in noise from vehicles associated with this activity. The applicant has predicted a maximum of 60 truck movements (30 loads) per day. Generally speaking, this equates to an average of 1 trip per 11 minutes (60 truck movements over an 11 hour day – 7:00am – 6:00pm) during the proposed weekday hours of operation (Monday – Friday).
- 9.25 The level of generation proposed is of a level that is not expected to be highly noticeable particularly as almost all dwellings are either set well back from the site or screened from the road. However, those dwellings located near the intersection of Bealey Road and SH73 will be subject to some noise and vibration from trucks stopping and accelerating.



- 9.26 Both SH73 and Bealey Road carry high existing flows in accordance with their arterial classifications so would already produce a relatively busy road environment in this rural context. In addition, the site will not begin operating until at least 7am each day and will be limited to daytime hours only which will assist with avoiding excessive noise and vibration during night-time hours.
- 9.27 Taking into account the comments of Mr Chiles, I consider that whilst noise from the quarry may be audible in some locations, the effects associated with this will be within the permitted Plan standards and therefore will be no more than minor. Furthermore, the effects associated with vibration of additional vehicles are considered to be no more than minor.

### **Roading, Traffic Generation and Safety**

- 9.28 Concerns around traffic levels and safety is a common theme across all submissions. In particular, much reference is made to the main intersection of Bealey Road, State Highway 73, Station Road, Railway Road and Aylesbury Road.
- 9.29 Mr Birss (Asset Engineer – Transportation) for Council has provided a report on traffic related matters in response to the submissions received in this regard and the following assessment incorporates his considerations. A copy of his report is contained within **Appendix E**.

### **Access**

- 9.30 The site has frontage to Bealey Road which is classified as an Arterial Road within the Plan and carries in the order of 1183 vehicles per day. It is proposed to construct a new vehicle access onto Bealey Road in accordance with Council Engineering Standards. The straight alignment of Bealey Road provides good sight visibility in both directions. Any such access design would need to be sufficient to ensure that it can accommodate the anticipated vehicle movements without affecting the flow through of traffic along Bealey Road. To this end, Mr Birss has recommended conditions that the 'Type D' (heavy vehicle) access standard from the Plan be constructed and 'PW50' truck warning signs be placed along Bealey Road subject to Council approval.
- 9.31 Subject to the implementation of the above conditions, I consider that any adverse effects with regard to the provision of a safe and efficient access will be no more than minor.



### ***Trip Generation and Traffic Safety***

- 9.32 The applicant has estimated an average traffic generation of 5-15 trucks visiting the site (5-15 in and 5-15 out) per day. During peak times, it was originally estimated that traffic may be as high as 120 truck movements per day. Following a request for further information around traffic movements, the applicant responded that it was now expected that the peak periods will generate no more than 60 truck movements per day. It is also acknowledged that there will be reduced periods of activity in which little if any traffic will be generated.
- 9.33 Council's Roading Engineer, Mr Geoff Birss, concurs with the applicant that Bealey Road has capacity to accommodate the heavy vehicle movements associated with the proposed quarry without adversely impacting upon the level of service and safe and efficient operation of Bealey Road and the surrounding road network.
- 9.34 Further to the above, I note that the applicant indicates that there will be some movements directed along Railway Road although precise details around flow distribution has not been confirmed by the applicant.
- 9.35 Mr Birss has considered that the majority of flows are likely to travel along Bealey Road, State Highway 73 and Alyesbury Road given they are well formed and sealed, with lesser use on the unsealed Railway Road and little to no use on Station Road. All sealed routes are recognised as being generally suitable for heavy vehicle use with the anticipated increase on each road being of a minor level in relation to the road classification. I accept the consideration of Mr Birss on this matter and agree that any adverse effects of additional vehicles, including a small increase on Railway Road, will be no more than minor.
- 9.36 In terms of traffic safety at the main intersection with SH73, Mr Birss has investigated the reported accident related history at this intersection. Mr Birss considers that there has been a relatively low number of reported accidents for this rural area and does not suggest anything unusual in terms of traffic safety.
- 9.37 The majority of the vehicle trips would be expected to be channelled through the main intersection with SH73 (approximately 600m to the east of the proposed site access). SH73 is controlled by the New Zealand Transport Agency ('NZTA'). The midland railway line (controlled by Kiwirail) is located approximately 50 metres from this intersection and runs parallel along the northern boundary of the site.



- 9.38 I note that both NZTA and Kiwirail were included as affected parties, sent copies of the application and have not made submissions on this application. Whilst this does not suggest that they necessarily approve of the application, it does suggest that they have no significant traffic safety or capacity concerns with regard to the safe and efficient operation of their respective roading and rail infrastructure at this location.
- 9.39 Given the above consideration, I am of the opinion that any adverse effects with regard to traffic safety at this intersection will be no more than minor.

#### **Hazard to Aero Club**

- 9.40 A number of submissions make reference to a potential hazard from bird strike to users of the West Melton aero club.
- 9.41 I note that general rural activities such as ploughing of land and crop harvesting can in themselves attract bird life. Being able to predict the plausible increase in bird life that may result as the result of a quarry activity would depend on a number of factors including the size of the pit, and treatment of exposed areas of land once they are redundant in terms of quarrying purposes.
- 9.42 I consider that this is a matter which is unlikely to generate a significant effect and can be adequately managed by the applicant through ensuring that the size of the quarry pit is contained in accordance with the area stated within the application. Immediate rehabilitation and revegetation of earth bunds and other areas of exposed earth is also recommended. The general monitoring of bird numbers within the site is something that is considered prudent during the initial operation of the quarry i.e. the first 5 years, to provide more accurate information on this matter. This can be undertaken as part of the Quarry Management Plan procedure with information provided to Council on an annual basis. Council then have the ability to act if necessary through the standard monitoring and review condition to address this matter.
- 9.43 Overall, I consider that subject to conditions requiring immediate revegetation of exposed land and monitoring of bird numbers during the initial life of the quarry, any adverse effects with regard to the ability for the aero club activities to continue operating will be no more than minor.







## Visual Impact

- 9.44 Council's consultant Landscape Architect, Mr Andrew Craig, has reviewed the landscape assessment provided with the application and considered the landscape and visual effects along with associated concerns raised in submissions. Mr Craig's assessment is contained within **Appendix F** to this report.
- 9.45 The proposed buildings on site will be up to 7.8 metres high and with a building footprint covering around 702m<sup>2</sup>. The maximum permitted area of any non-rural building is 100m<sup>2</sup> whilst buildings are permitted to a height of 12 metres where they are not for human habitation.
- 9.46 If the activity proposed were for a rural activity e.g. an implement shed associated with pastoral activity, as opposed to being associated with quarry use, then a building of this size would be permitted. However, given the size of this site, it is considered unlikely that a building of this scale would be constructed solely for rural purposes, unless associated with a larger farm area. It is also considered that the presence of this large building, the associated trucks and machinery on the surrounding road network, and the earth bund and associated landscaping will signify that there is an activity being undertaken on this site that is of a quarry nature rather than rural nature.
- 9.47 Mr Craig considers that while most dwellings in the vicinity will have their views screened by existing intervening vegetation, much of this lies within land beyond the applicant's control and therefore cannot be relied upon to provide screening mitigation of the quarry activities. However, such landscaping will provide some assistance where available while the perimeter shelter belt and other landscaping proposed by the applicant establishes.
- 9.48 Once this shelterbelt has fully established in combination with the 3 metre high earth bund (to be hydro-seeded after construction), Mr Craig considers that it would not be possible to gain views into the quarry site from any neighbouring properties other than glimpses of the taller parts of the proposed building. However, Mr Craig has also commented that this mitigation will not be completely effective until the shelterbelt planting has reached a height of at least 4 metres.



- 9.49 The applicant has provided confirmation that all shelterbelt planting will be at least 1 metre at the time of planting and will grow to a height of at least 4 metres. Mr Craig estimates that shelterbelt plantings at 1 metre in height could take in the order of 2-3 years to reach 4 metres in height which may result in some short term visual effects. However, it is also recognised that it is not practical to readily source shelterbelt trees higher than 1 metre. Therefore, the activity will be primarily reliant in the short term on the 3 metre high earth bund and internal plantings identified on the site plan.
- 9.50 In terms of these short term effects, Mr Craig is of the opinion that that effects with regard to visibility will diminish with distance. However, as there are a number of dwellings within reasonably close proximity to the proposed quarry, some views into the quarry site could be regularly obtained in the short term. Whilst the quarry pit will be largely screened due to the earth bund, the building, car parking and access areas will not be screened to the same level of immediate effectiveness. To this end, Mr Craig has recommended a number of conditions that would ensure the timely but practical implementation of all on-site landscape mitigation and ensure that more crucial on-site landscaping is implemented at appropriate heights to maximise screening of the building, driveway and car parking area within the site.
- 9.51 The proposed on-site planting mitigation includes the immediate planting of a number of trees (shown as "Proposed Building Screening" within Appendix 4 – Development Proposal Plan of the application) in proximity to these areas to both break up and reduce the short term visual effects of these elements of the site. Mr Craig recommends that these trees should be a minimum of 3 metres in height at the time of planting to provide sufficient mitigation of short term visual effects.
- 9.52 I accept and agree with the comments of Mr Craig on this matter and consider that subject to proposed conditions, any adverse visual effects, particularly within the short term will be no more than minor.

*State Highway 73 and Midland Rail Line and Scenic Viewing Area*

- 9.53 The midland rail line carries the 'Trans-Alpine' tourist train and it is therefore important that effects on views are considered. In addition to the above, the scenic viewing area adjacent to the midland rail line is purpose built and incorporates a car parking area and dedicated viewing platform.



- 9.54 Mr Craig considered that an unscreened quarrying activity could adversely affect views from the midland railway line and adjacent scenic viewing area to a significant degree without mitigation. However, as mentioned above, the landscape plan shows that a 3 metre earth bund, perimeter shelterbelt planting, and on-site plantings in accordance with recommended conditions will assist with mitigating any visual effects.
- 9.55 Mr Craig has also considered views from the scenic tourist route of SH73 and considers that these will be less affected because of their greater distance from the quarry site and generally lower elevation. In addition, the proposed landscape mitigation and recommended conditions coupled with fleeting views in the context of the driving experience will ensure that any adverse effects will be no more than minor.

*Visual Effects Associated with Traffic*

- 9.56 The visual effect of the increased traffic will be seen by surrounding properties (some more than others due to intervening vegetation, buildings and greater separation distance) and road users. The traffic will primarily be noticeable at the gate leaving and entering the site, as the activity on the site will be mostly screened. Larger trucks associated with this site will be identified, particularly when on roads in close proximity to the site.
- 9.57 The addition of quarry vehicles within the surrounding road network, will be noticeable to some degree. However, these vehicles will be relatively few given the arterial status of Bealey Road and primarily contained to arterial roads for which larger quantities of traffic is an actual and anticipated part of the arterial road environment. I therefore consider that any adverse effects associated with the visual presence of quarry trucks will be no more than minor.

*Reliance on existing screening*

- 9.58 One submitter has raised the issue of the existing pine trees located on the Selwyn District Council land adjoining the quarry site to the east, and the fact that these cannot be relied upon for mitigation purposes given that the applicant does not own this land at present and even if they did, they may need to be harvested soon due to their age. The applicant has confirmed that because they do not own this land at present these trees cannot, and have not, been relied upon for mitigation purposes.

- 9.59 I note that the applicant sought to acquire this land for additional mitigation purposes only and they have not applied to quarry this land. If the trees on this land were removed, which I consider unlikely in the immediate future, it is noted that there would still be proposed mitigation screening in the form of shelterbelt and on-site plantings. Therefore, while this scenario would result in less screening than presently exists, the resultant view, which would include the top of the proposed building on-site, would (for the reasons already covered earlier in this report) be minor.

#### *Rehabilitation of site*

- 9.60 The applicant has provided an option for long term rehabilitation of the site following the exhaustion of the quarry activity and provided a plan showing a potential long term rehabilitation strategy (contained within Appendix 5 to the Landscape Assessment within the application). However, it is noted that the applicant has suggested this as an option that could be implemented subject to collaboration with a development partner.
- 9.61 As this option cannot be relied upon without confirmation and agreement with a development partner as part of the application, it is important that the actual rehabilitation of the site following use is undertaken to a satisfactory level to maintain amenity. To this end, Mr Craig has recommended conditions around matters such as slope batters and resowing of grass to allow the site to be restored in a naturalistic manner. I consider that subject to these conditions, a satisfactory rehabilitation outcome will be achieved to ensure that adverse effects will be minor.

#### **Water Supply**

- 9.62 One submitter has raised the use of water on-site as an issue. As discussed earlier in this report, the applicant is responsible for providing a satisfactory water supply for all activities on the site and there are a number of plausible options to achieve this. It is important that the proposed activity, which requires water for mitigation purposes, does not commence operating until this supply has been physically established and confirmation is provided to Council that this is sufficient to source the activities on-site. Therefore a condition to this effect is recommended should consent be approved.



### **Conflict of interest for Selwyn District Council**

- 9.63 A number of submitter's have noted their concern that Selwyn District Council has a vested interest in this application. It has been well documented in both the application and notification report that Council own an area of land adjoining the site. The future use of this site for the purchase of gravel by Selwyn District Council amongst other potential clients has not been specifically proposed nor ascertained as far as I am aware. However, I note that as a result of any perceived conflict of interest, Council have contracted out the decision making role on this application to independent commissioner. I therefore consider that no issue of conflict arises in this application.

### **Notification**

- 9.64 A number of submitters have noted that they consider this application should have been publicly notified as opposed to limited notified. The limited notification decision followed consideration of the application and all supporting information along with respective reviews of this information by technical specialists. The reasons for the decision are contained within the section 95 notification report and were also considered by a commissioner. It is therefore considered that this matter cannot be revisited for the purposes of this hearing.

### **Lack of Information in application**

- 9.65 Concern has been raised in some submissions around the lack of information received with regard to this application. This has the potential to be an issue where the information that could not be sourced is vital to the understanding of the proposed activity.
- 9.66 I understand that the limited notification was made via a letter dated 25 May 2011 which stated that the full application was available for viewing at Selwyn District Council headquarters. In addition, it was noted that any queries regarding this could be made to the Planning Administrator. Therefore, I consider that the ability to access all relevant information to enable a full understanding of the application was sufficiently provided.

## Property Devaluation

- 9.67 One submission has raised concerns of a potential devaluation of their property should the proposed application be approved. My understanding based on case law (*Giles v CCC A092/00*) is that property values are not a relevant consideration for the purposes of assessing environmental effects unless the effects in question are significant and cannot be mitigated, which is not considered the case with this proposal.

## Conclusion on Effects

- 9.68 Taking into account the above assessment, I consider that the overall effects of this application, subject to mitigation measures and conditions, will be no more than minor.

## 10 Objectives and Policies

### *Partially Operative District Plan*

- 10.1 The relevant objectives and policies of the Partially Operative District Plan (Rural Volume) are discussed below.

#### *Objective B1.1.1*

*Adverse effects of activities on the District's land and soil resources are avoided, remedied or mitigated.*

#### *Policy B1.1.7*

*Avoid removing large quantities of topsoil from sites unless:*

- The site will be covered in hardstanding; or*
- The topsoil will be replaced and the site replanted, when the activity ceases.*

- 10.2 The substantial earthworks and gravel extraction proposed will result in the removal of topsoil and overburden which will be utilised in the rehabilitation of the site following use. Each area will be rehabilitated prior to the new area being constructed and therefore any adverse effects on the soil resource in this area are expected to be mitigated in line with these provisions.

#### *Objective B2.1.1*

*The safe and efficient operation of roads, railway lines and airfields is not compromised by effects of new land uses.*

#### *Policy B2.1.6*

*Ensure vehicle crossings, intersections, vehicular accessways, roadside signs and noticeboards and roadside stalls are designed and positioned to ensure good visibility for motorists and pedestrians, and to allow safe access and egress.*



*Policy B2.1.17*

*Ensure structures and activities do not adversely affect the safety of aircraft approaches to Hororata Domain or West Melton airfield.*

10.3 Based on the earlier assessment, the proposed access will be required to be constructed to Council specification and located on a straight alignment with good visibility to allow safe access and egress.

10.4 In terms of Policy B2.1.17 and the potential effects on the West Melton Aero Club, I note that while it may be possible for an increase in birds to occur in pit environments such as a quarry, such effects are also possible to a degree within the general rural environment. However, I consider that the use of a Quarry Management Plan to both mitigate and require monitoring, will provide sufficient mitigation to ensure that the proposal is not inconsistent with the above provisions.

*Objective B3.4.1*

*The District's rural area is a pleasant place to live and work in.*

*Objective B3.4.2*

*A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.*

10.5 The above objectives seek to provide for general rural activities and a rural outlook and are subject to a number of policies to manage specific adverse effects as considered individually below:

*Policy B3.4.1*

*Recognise the Rural zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate.*

*Policy B3.4.3*

*Avoid, remedy or mitigate significant adverse effects of activities on the amenity values of the rural area.*

10.6 The explanations and reasons for the above policy refer to the rural zone principally operating as a 'business area' where numerous activities can be undertaken and where residential activities can expect to tolerate mild effects associated with day to day farming activities. Therefore, the Plan provisions coupled with the distance between houses and activities in the Rural zone should combine to maintain a pleasant living environment.

10.7 The proposed quarry is not a day to day farming activity and therefore importance is placed on the separation distance of dwellings from this activity and the mitigation measures proposed to reduce any adverse effects beyond those that could be expected by a typical rural activity. The closest dwelling where written approval has not been provided is approximately 450 metres from the quarry pit site. All other dwellings are progressively further from the site than this distance. This separation distance coupled with the suite of mitigation measures proposed is considered sufficient for rural amenity values to be maintained. I therefore consider that the proposal is not inconsistent with these provisions.

*Policy B3.4.4*

*Ensure that any adverse effects arising from “rural based” industrial activities in the Rural (Inner Plains) Zone of a size and scale beyond what is permitted by the District Plan and “other” types of industrial activities in all Rural zones are avoided, remedied or mitigated to the extent that the adverse effects are no more than minor.*

10.8 Whilst not technically a “rural industrial activity” under the definitions of the Plan, this Policy is still helpful in that it recognises that rural based industrial activities generally are better suited in the outer plains zone because there is greater scope to absorb adverse effects. The extraction of gravel is an activity that logically must be undertaken within a rural area where the resource sought is conveniently available and where there is sufficient space to undertake this activity and mitigate adverse effects. This site is located within the outer plains zone and involves deriving a raw material directly from the rural area. A number of mitigation measures are proposed and recommended. Subject to the implementation of these, it is considered that sufficient mitigation is provided and therefore considered that the proposal achieves the intent of this policy.

*Policy B3.4.5*

*Maintain low levels of building density in the Rural zone and the predominance of vegetation cover.*

*Policy B3.4.6*

*Avoid high rise buildings or highly reflective utility structures.*

10.9 The proposed quarry will result in the construction of a building and office on-site. This building is relatively large but will cover a relatively small portion of the overall land holding which will assist with maintaining low levels of building density in the area.



10.10 Whilst the site will have a large quarry and stock pile area, it will also involve considerable landscape planting which will serve to improve vegetation cover on the site and screen the activity, particularly given there is little to no vegetation cover on this land at present other than grass. Furthermore, the building will comply with the height limits for the rural zone and will be painted a recessive colour with low reflectively value. I therefore consider that the proposal will be consistent with the above provisions.

*Policy B3.4.11*

*Recognise temporary noise associated with short-term, seasonal activities as part of the rural environment, but ensure continuous or regular noise is at a level which does not disturb people indoors on adjoining properties.*

10.11 The proposed quarry is recognised as being a producer of constant noise with diggers, loaders and other machinery, as opposed to intermittent noise. However, the primary level of noise produced will be from the crusher and this will be in operation 3-4 times per year for no more than 3 weeks at a time. Including the use of the crusher at above ground levels, the proposal has been assessed as comfortably complying with the permitted standards of the Plan for the rural area. Therefore, while the effects of the quarry may be audible, they are not considered to result in significant disturbance to properties in the surrounding environment, particularly where persons are located indoors in which the effects would be reduced even further. I therefore consider that the proposal does not generate noise effects that would be inconsistent with this policy.

*Policy B3.4.13*

*Avoid, remedy or mitigate adverse effects caused by excessive or prolonged vibration.*

10.12 The issue of vibration is related to activities on the site and from truck movements on the surrounding road network. Given the separation distances of the quarry pit to other sites, particularly where dwellings are present, no vibration effects from the on-site quarry works are expected to be generated on these sites.

10.13 An increase in truck movements within the surrounding area, may result in some increase in vibration effects, particularly on roads of lower classification and traffic volumes e.g. Railway Road. However, these roads are anticipated to receive a low proportion of the anticipated trips and therefore the effects with regard to increased vibration are not expected to be excessive or prolonged such that the proposal would be considered inconsistent with these provisions.

*Policy B3.4.14*

*Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.*

10.14 Nuisance effects on adjoining dwellings due to dust emissions from earthworks or stockpiled material are proposed to be mitigated through a number of measures including a Quarry Management Plan. These measures will include the watering down of areas being worked or stockpile area, particularly during high winds. It is therefore considered that potential nuisance effects have been sufficiently mitigated to ensure consistency with this policy.

*Policy B3.4.16*

*Ensure buildings are setback a sufficient distance from property boundaries to:*

- (a) Enable boundary trees and hedges to be maintained;*
- (b) Maintain privacy and outlook for houses on small allotments; and*
- (c) Encourage a sense of distance between buildings and between buildings and road boundaries where practical.*

10.15 The proposed building has been well set back from all property boundaries. In addition, considerable perimeter and on-site landscaping is proposed to assist with screening this building from view, maintain a rural outlook for surrounding allotments and encourage a sense of distance between the building and the road. A number of conditions to encourage the timely establishment of plantings are recommended and provided these are implemented, I consider that the intent of this policy will be met.

### **Conclusions on Objectives and Policies**

10.16 Given the above consideration, I consider that when considered as a whole, the application achieves consistency with the relevant objectives and policies of the Plan.

## **11 The Regional Policy Statement**

11.1 The Regional Policy Statement provides an overview of the resource management issues of the region in accordance with the purpose and principles of the Resource Management Act 1991.

11.2 I note that the Regional Council consents for this activity have been considered and these sit within the framework of the Natural Resources Regional Plan which in turn must be give effect to with the Regional Policy Statement.

11.3 Overall, this proposal is not considered to be of a nature or scale that challenges the provisions of the Regional Policy Statement.



## **12 Purposes and Principles of the Act (Part 2)**

- 12.1 The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. To achieve Part 2 of the Act the application must demonstrate that the proposal will not detrimentally affect the existing and future community or impose on the finite nature of resources. An assessment of the proposal illustrates that the potential effects of this activity on the environment are anticipated to be no more than minor.
- 12.2 It is not considered that any of the matters set out in Section 6 "Matters of National Importance" are of particular relevance in this case. Similarly, no matters relevant to the Treaty of Waitangi (Section 8) are at issue with regard to the subject application.
- 12.3 Section 7 of the Act sets out a number of matters to be considered in order to achieve sustainable management of resources. Subsection (b), (c), (f) and (g) are considered to be of relevance.
- (b) *The efficient use and development of natural and physical resources:*
  - (c) *The maintenance and enhancement of amenity values:*
  - (f) *Maintenance and enhancement of the quality of the environment:*
  - (g) *Any finite characteristics of natural and physical resources:*
- 12.4 The proposal seeks to utilise a presently vacant rural block of land. This block could serve a number of general rural pastoral uses but is limited in size compared to many rural landholdings. The use for quarry purposes will provide for an efficient use of this site.
- 12.5 The proposed quarry includes a number of mitigation measures, particularly landscape screening and on-site rehabilitation, to reduce potential adverse effects associated with the establishment, operation and cessation of the quarry activities. Overall, it is considered that amenity values and quality of the environment will be maintained, subject to the imposition of appropriate conditions.
- 12.6 The use of this site is likely to involve a maximum term of around 30 years before the site is exhausted. Following this, the ongoing use of this site is limited as the site cannot easily be rehabilitated to the same levels as previously therefore the long term pastoral use of this site is not considered likely unless for a potential plantation or recreational use. However, this proposal will affect a very small site in the wider rural context therefore even if this land were lost to an efficient future use, it would not compromise the wider availability of rural land.

### **13 Summary**

- 13.1 This application is to establish, maintain and operate a quarry and ancillary buildings (workshop, site office) on a site with a total land area of 9.635 hectares.
- 13.2 Overall, the application is considered to be consistent with the objectives and policies of the Partially Operative District Plan (Rural Volume) and any potential adverse effects on the environment will be no more than minor. Overall, the proposal is considered to be in keeping with Part 2 of the Act.

### **14 Recommendations**

It is recommended that Resource Consent 115008 be granted pursuant to Sections 104 and 104B of the Resource Management Act 1991 subject to the following conditions imposed under Section 108 of the Act.

#### General

1. That the proposed activities shall proceed generally in accordance with the information submitted in the application including:
  - The Acoustic Engineering Services Letter dated 11 May 2011,
  - The building plans prepared by Bond Frew Ltd (No. S2.2 "Floor Plan", S3.2 "Elevations C & D" and S3.3 "Elevations A and B" dated January 2011.
  - The landscape assessment and Landscape Plans prepared by Earthwork Landscape Architects (Appendix 4 – "Development Proposal" dated 17 January 2011 – Revision 1 and Appendix 6 – "Sections and Elevations" dated 17<sup>th</sup> January 2011).

#### Traffic and Access

2. That a vehicle crossing to service the quarry shall be formed in accordance with Appendix 10, Diagram E10.D of the Partially Operative District Plan (Rural Volume) (attached as **Appendix G**). The vehicle crossing shall be sealed to match the existing road surface for the full width of the crossing and for the first ten metres (as measured from the edge of the existing formed carriageway towards the property).
3. That 'PW50' Truck Warning signs be placed on Bealey Road at the consent holders expense. The location of these signs shall be arranged and approved by a Council Transportation Asset Engineer.



## Landscape

4. That all planting shall be in accordance with the Landscape Assessment and Appendix 4 "Development Proposal Plan" and Appendix 6 "Sections and Elevations" as prepared by Earthwork Landscape Architects with the exception of any alterations made by the following conditions:

4.1 All planting shall be implemented prior to the commencement of quarrying.

4.2 That the perimeter shelter belt planting shall be at least 1 metre high prior to the commencement of quarrying and once achieved, shall be maintained at a height of 4 metres.

4.3 That all "proposed building screening" trees as identified on the key on Appendix 4 "Development Proposal Plan" as prepared by Earthwork Landscape Architects, shall be a minimum height of 3 metres prior to the commencement of quarrying. For clarification, this height limit does not apply to the proposed "native planting" areas.

4.4 That all planting shall be irrigated.

4.5 That any dead, diseased or dying vegetation required for mitigation purposes shall be replaced immediately.

4.6 That the colour of the proposed building shall be either *Resene*;

a) Lignite BR34-021-058

or

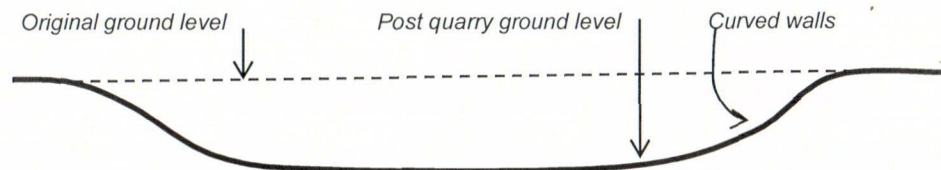
b) Karaka G31-010-106

or

c) New Denim Blue B39-012-250

4.7 That the application site shall be fully restored following quarrying so that;

- The head wall batters are naturalistically shaped as shown in the diagrammatic cross section below



*Diagram: showing profile of re-shaped quarry walls following closure*

- The entire site is fully re-vegetated, which may include pasture.
- 4.8 As each stage is completed the affected area shall be re-vegetated with (at least) pasture grass.
  - 4.9 That an earth bund be constructed and hydroseeded around the periphery of the quarry pit in accordance with the landscape plan submitted with the application prior to the commencement of any quarrying activity.
  - 4.10 That the vegetation cover on the earth bund and non quarried areas of the site be maintained to reduce any soil exposure.

#### Hours of operation

5. The quarry operation shall only occur between 0700 – 1800 hours Monday to Friday and 0800 – 1300 on Saturday. The quarry shall not operate during Sundays or statutory holidays.

#### Noise

6. The crusher plant shall occur no more than 4 times per year for a maximum duration of 3 weeks each time.
7. Crushing will be limited to the following hours/days of operation:
  - 0800-1800 Monday – Friday.
  - No crushing shall occur on Saturdays, Sundays, or any statutory holidays.

#### Dust

8. No explosives or blasting shall be used as part of the quarry activity.
9. All stockpiled material shall be stored on the pit working/excavation area such that it does not extend above the height of the 3 metre earth bund.



10. That the consent holder shall ensure on a continuing basis that dust is not generated from consolidated/stockpiled material by keeping the surface of the material damp or by using another appropriate method of dust suppression.

#### Water

11. Prior to the commencement of quarrying, the consent holder shall provide to Council's Planning Manager for approval, documentation confirming that a water supply to or within the site has been legally established. This documentation shall demonstrate that the water supply is sufficient to cater for all required activities on site, particularly the mitigation of dust and irrigation of landscaping.

#### Quarry Management Plan

12. The consent holder must submit an Operation Management Plan for the approval of the Selwyn District Council. The Operation Management Plan will include:

- (a) Construction drawings and procedures, methods and measures to be applied to address, as a minimum, the following:
  - (i) dust control from the on-site activities and from vehicles travelling to and from the site,
  - (ii) formation of earth bunds and stability of all earthworks and quarry faces,
  - (iii) monitoring and reporting of bird populations within the site for the first 5 years of operation,
  - (iv) speed restrictions of vehicles within the site,
  - (v) security of loads on vehicles travelling to and from the site,
  - (vi) vehicles associated with the site avoiding unsealed roads where possible.
  - (vii) the active maintenance and irrigation of landscaping throughout the site e.g. reticulated timed system or similar.

- (vii) the measures to ensure that the internal road network, parking and manoeuvring areas are maintained in a compact manner to avoid potholes which could increase noise and vibration.

#### Term of Consent

13. Pursuant to Section 123 of the Act, this consent shall expire 30 years from the date of the decision.

#### Review of Conditions

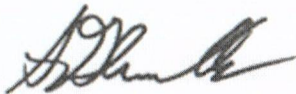
14. That pursuant to section 128 of the Act the consent authority may, at any time review the conditions on this consent to deal with any adverse effect on the environment which may arise from the exercise of the consent.

#### Notes to the Consent Holder

***The following information is included as information to the applicant and is not a condition of this approval.***

- a) The consent holder must ensure that all required consents from Environment Canterbury are obtained prior to commencing operations on-site.
- b) There may be development contributions required for this activity. These will be canvassed at building consent stage and required prior to uplift of building consent.

Report by:



Sam Flewellen  
**CONSULTANT RESOURCE MANAGEMENT PLANNER**



## LIST OF APPENDICIES

- A** Statutory Requirements
- B** Submitter/Written Approval Plan
- C** Regional Council Documentation
- D** Noise Report
- E** Traffic Report
- F** Landscape Report
- G** Heavy Vehicle Access E10.D

## APPENDIX A

### STATUTORY REQUIREMENTS

#### 104. *Consideration of applications*

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—
  - (a) any actual and potential effects on the environment of allowing the activity; and
  - (b) any relevant provisions of—
    - (i) a national policy statement;
    - (ii) a New Zealand coastal policy statement;
    - (iii) a regional policy statement or proposed regional policy statement;
    - (iv) a plan or proposed plan; and
  - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- (2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.
- (3) A consent authority must not—
  - (a) have regard to trade competition when considering an application;
  - (b) when considering an application, have regard to any effect on a person who has given written approval to the application;
  - (c) grant a resource consent contrary to the provisions of section 107 or section 217, any Order in Council in force under section 152, or under any regulations;
  - (d) grant a resource consent if the application should have been publicly notified and was not.
- (4) Subsection (3)(b) does not apply if a person has given written approval in accordance with that paragraph but, before the date of the hearing (if a hearing is held) or otherwise before the determination of the application, that person gives notice in writing to the consent authority that the approval is withdrawn.
- (5) A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.

#### 104B. *Determination of applications for discretionary or non-complying activities*

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

#### 108. *Conditions of resource consents*

- (1) Except as expressly provided in this section and subject to any regulations, a resource consent may be granted on any condition that the consent authority considers appropriate, including any condition of a kind referred to in subsection (2).
- (2) A resource consent may include any one or more of the following conditions:
  - (a) Subject to subsection (10), a condition requiring that a financial contribution be made;
  - (b) a condition requiring provision of a bond (and describing the terms of that bond) in accordance with section 108A;
  - (c) A condition requiring that services or works, including (but without limitation) the protection, planting, or replanting of any tree or other vegetation or the protection, restoration, or enhancement of any natural or physical resource, be provided;
  - (d) In respect of any resource consent (other than a subdivision consent), a condition requiring that a covenant be entered into, in favour of the consent authority, in respect of the performance of any condition of the resource consent (being a condition which relates to the use of land to which the consent relates);
  - (e) Subject to subsection (8), in respect of a discharge permit or a coastal permit to do something that would otherwise contravene section 15 (relating to the discharge of contaminants) or section 15B, a condition requiring the holder to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of the discharge and other discharges (if any) made by the person from the same site or source;
  - (f) In respect of a subdivision consent, any condition described in section 220 (notwithstanding any limitation on the imposition of conditions provided for by section 77B(2)(c) or (3)(c)):



- (g) In respect of any resource consent for reclamation granted by the relevant consent authority, a condition requiring an esplanade reserve or esplanade strip of any specified width to be set aside or created under Part 10:
  - (h) In respect of any coastal permit to occupy any part of the coastal marine area (relating to land of the Crown in the coastal marine area or land in the coastal marine area vested in the regional council), a condition—
    - (i) Detailing the extent of the exclusion of other persons:
    - (ii) Specifying any coastal occupation charge.
- (3) A consent authority may include as a condition of a resource consent a requirement that the holder of a resource consent supply to the consent authority information relating to the exercise of the resource consent.
- (4) Without limiting subsection (3), a condition made under that subsection may require the holder of the resource consent to do one or more of the following:
- (a) To make and record measurements:
  - (b) To take and supply samples:
  - (c) To carry out analyses, surveys, investigations, inspections, or other specified tests:
  - (d) To carry out measurements, samples, analyses, surveys, investigations, inspections, or other specified tests in a specified manner:
  - (e) To provide information to the consent authority at a specified time or times:
  - (f) To provide information to the consent authority in a specified manner:
  - (g) To comply with the condition at the holder of the resource consent's expense.
- (5) Any conditions of a kind referred to in subsection (3) that were made before the commencement of this subsection, and any action taken or decision made as a result of such a condition, are hereby declared to be, and to have always been, as valid as they would have been if subsections (3) and (4) had been included in this Act when the conditions were made, or the action was taken, or the decision was made.
- (6) *Repealed.*
- (7) Any condition under subsection (2)(d) may, among other things, provide that the covenant may be varied or cancelled or renewed at any time by agreement between the consent holder and the consent authority.
- (8) Before deciding to grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 (relating to the discharge of contaminants) or 15B subject to a condition described in subsection (2)(e), the consent authority shall be satisfied that, in the particular circumstances and having regard to—
- (a) The nature of the discharge and the receiving environment; and
  - (b) Other alternatives, including any condition requiring the observance of minimum standards of quality of the receiving environment—
- the inclusion of that condition is the most efficient and effective means of preventing or minimising any actual or likely adverse effect on the environment.
- (9) In this section, financial contribution means a contribution of—
- (a) Money; or
  - (b) Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or
  - (c) A combination of money and land.
- (10) A consent authority must not include a condition in a resource consent requiring a financial contribution unless—
- (a) The condition is imposed in accordance with the purposes specified in the plan or proposed plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect); and
  - (b) The level of contribution is determined in the manner described in the plan or proposed plan

## **APPENDIX B**

### **SUBMITTER/WRITTEN APPROVAL PLAN**



## **APPENDIX C**

### **REGIONAL COUNCIL DOCUMENTATION**

**APPENDIX D**  
**NOISE REPORT**



**APPENDIX E**  
**TRAFFIC REPORT**

**APPENDIX F**  
**LANDSCAPE REPORT**



## **APPENDIX G**

### **HEAVY VEHICLE ACCESS E.10D**

## **SECTION 42A REPORT**

### **RESOURCE MANAGEMENT ACT 1991**

#### **APPLICATION NUMBER 115008**

**APPLICANT:** Southern Screenworks Limited

**PROPOSAL:** To establish, maintain and operate a quarry and ancillary buildings (workshop, site office) on a site with a total land area of 9.635 hectares.

**ADDRESS:** Bealey Road, Aylesbury

**LEGAL DESCRIPTION:** Lot 1 DP 354364

**ZONING:** Partially Operative District Plan (Rural Volume) – Outer Plains

**STATUS:** Discretionary

**HEARING DATE:** 28 July 2011

#### **Preamble**

This report reviews the application for resource consent (land use) and addresses the relevant information and issues raised. It should be emphasised that the recommendation made in the report is not binding on the Council and it should not be assumed that the Commissioner will reach the same conclusion having considered all the evidence brought before them by the applicant and submitters.

#### **Qualifications**

My full name is Samuel David Flewellyn. I am a planner with Planit R. W. Batty & Associates Ltd (Planit), a Christchurch based resource management consulting company. I hold the qualifications of a Bachelor of Resource Studies and a Postgraduate Diploma in Resource Studies from Lincoln University. I have eight years experience as a planner and am a graduate member of the New Zealand Planning Institute. I have been contracted by the Selwyn District Council to consider the application, submissions, technical officer reports, and prepare this report pursuant to section 42A of the Act.



## **1 Proposal**

1.1 Land use consent is sought for the development of a quarry and ancillary buildings (workshop, site office) on a site with a total land area of 9.635 hectares. The proposal is described in detail within the application but in summary the quarry will operate:

- at an annual extraction rate of approximately 30,000m<sup>3</sup> per annum,
- for a total life span of approximately 800,000m<sup>3</sup>,
- for a fixed period of up to 30 years,
- during the hours of 7:00am – 6:00pm Monday – Friday, and 7:00am – 1:00pm Saturday.
- with use of a mobile crusher 3-4 times per year for no more than 3 weeks at a time.

1.2 A heavy vehicle sealed access crossing is proposed from Bealey Road. The quarry pit will be surrounded on three boundaries at any one time by a 3 metre high earth bund allowing for access along the remaining boundary. Proposed screening landscaping in the form of a shelterbelt to a height of 4 metres will be established on the site boundaries. An ancillary building is proposed adjacent to the quarry pit being up to 24.4 metres wide x 28.8 metres long and a height of up to 7.8 metres. This includes a lean-to site office. The building will be painted a recessive colour with a reflectivity value within the 0-20% range. Additional native planting is proposed surrounding the building, vehicle parking area, and access.

## **2 Site and locality**

2.1 I undertook a visit of the application site and surrounding area on 26 January 2011. The property subject to this application is Lot 1 DP 354364 and located on Bealey Road, Aylesbury. Bealey Road has a posted speed limit of 100km/hr and intersects with State Highway 73 (SH73), Railway Road, Aylesbury Road and Station Road, approximately 600 metres to the east of the application site. The site is presently flat, vacant pastoral land with no obvious existing features such as buildings or shelterbelts.

2.2 The subject site is bordered by rural farming properties to the south and west whilst lifestyle block land use is the more common activity along Station Road. There are existing dwellings located at various distances starting from around 400 metres from the application site boundary. Consent has been granted (ref: 105183) for a future dwelling on an undersized rural allotment (1340m<sup>2</sup>) approximately 200 metres south-east of the application site along Bealey Road.

- 2.3 To the north, the application site adjoins a rectangular shaped lot (1.8449ha). This lot is understood to be within the ownership of LINZ and adjoins the midland railway line which runs in an east-west direction.
- 2.4 To the east, the site adjoins an area of land (2.023 hectares) that is currently designated (D241 – non operative) under the District Plan as a SDC gravel reserve. However, a public notice was listed by Selwyn District Council in the Christchurch Press on 7 May 2011 listing this gravel reserve, among other sites, as being proposed to have the designation revoked as the land is now deemed surplus to requirements.
- 2.5 On the other side of the railway line is located a rest stop/parking area. This area once contained the Aylesbury Station but is now devoid of any buildings. This area has a viewing platform with an information board.
- 2.6 In their application, the applicant has expressed an interest in purchasing both the northern (LINZ owned) and eastern (SDC owned) adjoining lots and that due to this, requested that these sites should be incorporated into the application site for the purposes of this application. It is understood that no property acquisition of this land has been undertaken since the lodgement of this application. However, there is no ability for Council to restrict an application only to land under control/ownership of the applicant, therefore this land can be included in the application site. However, as this land is not under the ownership/control of the applicant, then the use of this land cannot be relied upon for mitigation.

### **3 Section 19**

- 3.1 The District Plan was made Partially Operative on the 10 June 2008. Those parts of the District Plan relevant to this proposal are operative. Accordingly the Transitional District Plan has been disregarded in this instance.

### **4 District Plan**

- 4.1 The application site is zoned Outer Plains under the Partially Operative District Plan (Rural Volume). There are no notations or other matters of special interest listed within the Plan on this site.

### **5 Relevant Rules**

#### *Partially Operative District Plan – Rural Volume*

- 5.1 The relevant non-compliances of this application are contained in Table 1 below:



Table 1			
Rule	Requirement	Compliance	Status
1.6.1.2	The earthworks shall not exceed: (a) A vertical cut face where no more than 5% of the total vertical cut is over 2m; and (b) A maximum volume of 5000m <sup>3</sup> per project	<b>Does not comply</b> Volume and cut limits will be exceeded with the quarry to reach depths of 8-10m below natural ground level and volumes of approx 30,000m <sup>3</sup> per annum.	<b>Discretionary (Rule 1.6.6)</b>
9.4	9.4.1 Any activity which is not a rural activity or a residential activity shall be a permitted activity if the following conditions are met:  9.4.1.1 The maximum area of any site covered by building(s), loading, storage and waste areas used for any other activity on the site does not exceed 100m <sup>2</sup> and no more than two full-time equivalent persons are employed in undertaking any other activity on the site	<b>Does not Comply</b> The activity is defined as a Quarrying activity.  It will have building(s) covering approx 702m <sup>2</sup> of the site and more than two FTE persons employed in undertaking the activity on the site.	<b>Discretionary (Rule 9.4.2)</b>
9.13	9.13.1 Any activity which does not exceed the following maximum number of vehicle movements shall be a permitted activity:  9.13.1.2 Road Formed and Sealed: (a) Arterial Roads: 30 ecm/d per site averaged over any one week period.	<b>Does not Comply</b> The application site has a frontage and proposes access to Bealey Road (arterial road). This activity will generate 360 equivalent car movements per day (ecm/d). This figure is derived from the proposed 60 trucks (30 in and 30 out) per day during peak times multiplied by the plan definition of 12 ecm per truck.	<b>Restricted Discretionary (Rule 9.13.2)</b>  Note: This rule is proposed to be amended via SDC's Plan Change No 12. This will increase the access threshold onto arterial roads to 100ecm/d. However, this rule is not applicable at present and the proposal would still fail to comply given the definition of truck movements.
9.16	9.16.1 Any activity shall be conducted so as to comply with the noise limits and time frames assessed at the notional boundary of any dwelling in the rural zone.  7:30am-8:00pm – 60dBA L <sub>10</sub> - 80dBA L <sub>max</sub>  8:01pm-7:29am – 45dBA L <sub>10</sub> - 70dBA L <sub>max</sub>	<b>Complies</b> The applicant initially stated in the application that the permitted noise levels will be exceeded. However additional information provided indicates compliance. This information has been reviewed by Council's consultant noise officer who accepts this opinion.	<b>Permitted (Rule 9.16.1)</b>

5.2 Overall, the quarrying application requires assessment as a **Discretionary** activity.

5.3 I note that the application complies with the permitted Plan standard for dust generation as the stockpiling activity will be located greater than 100 metres from any dwelling on another site (Rule 9.19.1). The application also complies with the permitted Plan standard regarding the planting of shelterbelts (Rule 2.1.1).

## **6 Statutory Requirements**

- 6.1 The statutory requirements of the Resource Management Act 1991 in respect of this application are attached as **Appendix A**.

## **7 Notification**

- 7.1 In accordance with Section 94(C) of the Resource Management Act 1991, the application was limited notified to 22 parties on 25 May 2011, with submissions closing on 24 June 2011.

- 7.2 During this period, a further written approval was also received with regard to the property located at Sec 7, BLK VII, Town of Aylesbury. A dwelling is consented for this property (1340m<sup>2</sup>) which will be the closest dwelling to the proposed quarry site (approx 200 metres).

- 7.3 Submissions in opposition were received from eight parties. The location of all submitters, written approvals and affected parties who did not submit are shown on the plan within **Appendix B**.

- 7.4 The matters raised in submissions were:

- Earthworks and Dust
- Noise and Vibration
- Traffic Generation and Safety
- Rural Character and Amenity
- Hazard to Aero Club from bird strike
- Water Supply
- Conflict of Interest for Selwyn District Council
- Notification
- Lack of information in application
- Property devaluation

- 7.5 Two submissions were received from parties not included within the limited notification. Although ineligible, the content of these submissions is generally covered in the above matters. I also note that a letter was received from the Canterbury Aero Club on 13 July 2011 citing concerns over increased potential bird strike as a result of the quarry. This letter is ineligible in terms of notification but I note that this matter has also been raised by other submitters in any case.



## **8 Regional Council Consents**

- 8.1 The applicant has applied for consent from the Canterbury Regional Council for the proposed extraction of gravel (CRC111384) and for air discharge (CRC111434).
- 8.2 Regular discussions have been undertaken with the Regional Council Processing Planner regarding these applications. The Regional Council advised that the potential adverse effects of the gravel extraction and air discharge applications are both minor and will be processed in non-notified manner with no affected parties. At the writing of this report, the Regional Council have advised that both applications are recommended to be granted subject to agreed conditions with the applicant. A copy of these conditions is contained within **Appendix C**.
- 8.3 There is no application for a water take as the applicant has confirmed they may rely on an alternative supply. There is no reticulated water available to this site at present. However, I have undertaken discussions with Council's Asset Engineer, Ms Fiona Rayner who has stated that there is the ability to connect a reticulated supply with sufficient pressure subject to: a restriction on supply of 2m<sup>3</sup>/day, all costs being absorbed by the consent holder and any extension being vested in the Selwyn District Council.
- 8.4 I am satisfied that there area number of acceptable options available to the applicant to provide for sufficient water supply. Given the need for a sufficient level of water to supply the building services, irrigate landscaping and suppress dust, a condition confirming the adequate supply, and if necessary, storage of water for the site prior to any quarrying activity being able to commence is recommended should consent be granted.
- 8.5 Other services to the site e.g. power, telecommunications, and effluent disposal can all be achieved but would require confirmation at building consent stage and will need to meet any specific requirements of the service providers.

## **9 Assessment of Effects on the Environment**

- 9.1 The following assessment addresses the key aspects of the application including all matters raised in submissions.

## Earthworks and Dust

- 9.2 The effect of dust was a primary concern throughout the submissions as opposed to the visual impact of the earthworks themselves. It is proposed that the quarry will extract a total volume of around 800,000m<sup>3</sup> at a rate of up to 30,000m<sup>3</sup> a year. The overall earthworks volume is of a volume not unexpected from quarries within Selwyn District e.g. Wheatsheaf Quarry, which is consented (ref: 105049) for a total volume of 500,00m<sup>3</sup> at an annual rate of 60,000m<sup>3</sup>.
- 9.3 Gravel extraction of approximately 600m<sup>3</sup> per day is anticipated and the site will be quarried in areas of 10,000m<sup>3</sup> at a time with a 10,000m<sup>2</sup> storage area adjacent to the main pit. Pre-disturbed areas are proposed to be rehabilitated using topsoil from the site before undertaking the next stage. The quarry pit will be surrounded on three sides at any one time by a 3 metre high hydroseeded earthbund whilst the site perimeter will be planted with a macrocarpa shelterbelt which will be planted and maintained to achieve a height of 4 metres.
- 9.4 Stockpiles within the quarry site will be a maximum of 10,000m<sup>3</sup> and located on the pit floor. The quarrying is proposed to begin adjacent to the proposed vehicle car parking area in the northern portion of the site. This is adjoining the closest existing vegetation and will provide the greatest level of immediate screening from dwellings to the east.
- 9.5 The applicants have listed a number of mitigation measures including the preparation of a Quarry Management Plan ('QMP'), which is offered as a condition (Application page 24, Paragraph 3) but has not been submitted with the application. Other measures include the establishment of an earth bund, planting of perimeter vegetation, watering stock piles, and site rehabilitation.
- 9.6 A QMP would be expected to cover the processes and operations within the site to ensure that all general operation mitigation measures are undertaken as and when required e.g. watering of loose material and stock piles, on-site speed restrictions, and securing of loads prior to exiting the site.
- 9.7 I consider that visual effects will be at their most noticeable during the initial construction of the quarry pit as initial works and stockpiling will be undertaken from current ground level.



- 9.8 As the pit is formed, effects will begin to reduce as stockpiling will be situated below ground level and become even less visible. However, given the quarry pit will primarily contain visual effects beneath ground level and subject to a number of mitigation measures such as earth bunds, perimeter, on-site plantings, and a Quarry Management Plan, all of which will be required to be completed prior to the quarrying activity commencing, I consider that any adverse visual effects with regard to earthworks will be minor.
- 9.9 With regard to dust, this can come from a number of sources. These include: the removal of over burden, processing and handling of gravel, stockpiling of aggregate material and vehicle movements.
- 9.10 I note that air discharge and gravel extraction consents are required from the Regional Council. In my discussions with the Regional Council, they have confirmed that both resources consents will be processed non-notified with no affected parties.
- 9.11 It is also my understanding that these two Regional Council consents have not been issued yet and have been placed on hold at the applicant's request pending the outcome of this application.
- 9.12 The proposed gravel extraction conditions (see **Appendix C**) include a number of measures to ensure that the quarry is secure, constructed appropriately and in accordance with the proposed plans, including a maximum depth of 10 metres. Secondly, the proposed air discharge conditions include a number of measures to prevent dust emissions. These include:
- Minimising exposed areas;
  - Carrying out crushing operations on the floor or the pit;
  - Avoiding extraction, crushing and material handling when conditions are dry and windy;
  - Applying water or dust suppressants to internal roads, stockpiles and other unsealed areas as required;
  - Sealing internal roads that have high usage;
  - Limiting vehicle speeds on site to not more than 15 kilometres per hour; and
  - Grassing stockpiles as soon as practicable;

- 9.13 It is considered that although there will be some dust generated from the proposal, it is important that there will be no blasting undertaken on-site as this can be a significant generator of dust. In addition, the mitigation measures proposed coupled with the requirements of the impending Regional Council consents is considered to mitigate dust to a level that will be no more than minor.
- 9.14 The application states that there is potential for some vehicles to utilise Railway Road. However it is difficult to determine the extent of this as the applicant has not provided specific vehicle numbers that they expect to utilise this road. However, they have provided an explanation that they expect the majority of traffic to utilise SH73 or Bealey Road which is logical given the formation and classification of these roads.
- 9.15 A small increase in movements along Railway Road may be noticeable in terms of additional dust although the amount of trips is not expected to be high compared to the other road network options that will be used.
- 9.16 Railway Road is presently unsealed and it is understood that there are no confirmed plans by Council to seal this road in the future. Dust generation from vehicles on unsealed roads is not an uncommon occurrence in rural areas. Increases in truck movements along the stretch of road, particularly between Bealey Road and Sandy Knolls Road are likely to be noticeable and generate some dust effects. However, it is noted that the anticipated level of use on this road will be very low. This coupled with most existing dwellings along Railway Road being located at least 60 metres to the road is not expected to create significant adverse effects.
- 9.17 The inclusion of a Quarry Management Plan as a condition of the application will be subject to the inclusion of a number of criteria. It is recommended that this criteria includes assurance that loads are dampened and secured to prevent wind drift and that drivers travelling south of the proposed quarry are encouraged to use sealed routes where practical. Subject to these conditions, any adverse effects are considered to be no more than minor.

### **Noise and Vibration**

- 9.18 The application included a noise assessment prepared by Acoustic Engineering Services. Further noise analysis was provided (on 11 May 2011) following a request for information. This information was reviewed by Council consultant noise expert, Mr Stephen Chiles of URS Group. A copy of Mr Chiles' assessment including comments on submissions is contained within **Appendix D** to this Report.



- 9.19 All eight submissions received through notification raised noise as a particular issue of concern. Mr Chiles has considered the general noise effects that are likely to be generated and also specific noise issues raised in individual submissions.
- 9.20 Generally, it is his opinion that the expected noise levels to be generated by the quarry activity will comfortably comply with the permitted Plan standards.
- 9.21 In terms of particular issues raised in submissions, it is accepted that the quarry activities will produce a more constant noise source as opposed to intermittent noise that could be expected in the existing environment. However, Mr Chiles is still satisfied, based on the information provided, that expected noise levels at all surrounding locations will comply with the permitted standards of the plan.
- 9.22 With regard to one submission concerning 1062 Railway Road, Mr Chiles notes that this dwelling was excluded from the noise predictions. However, based on Mr Chiles' considerations, the noise limit at this location is expected to be very similar to the prediction for the adjacent property at 1056 Railway Road (42dBA L<sub>10</sub>) and although it may be slightly higher as this dwelling is closer to the application site, the quarry is still expected to achieve the permitted standard of the Plan.
- 9.23 Noise and vibration related to truck movements, both full and empty loads, has been specifically raised in submissions. I note that the Plan provides an exemption (Rule 9.16.6.1) which specifically exempts noise from any motor vehicle or mobile machinery from the Plan noise standards. This exemption is not specifically limited to vehicles on roads or on rural land and therefore could technically be applied to this application.
- 9.24 Given the discretionary status of this application, I consider that it is still appropriate to consider any potential increase in noise from vehicles associated with this activity. The applicant has predicted a maximum of 60 truck movements (30 loads) per day. Generally speaking, this equates to an average of 1 trip per 11 minutes (60 truck movements over an 11 hour day – 7:00am – 6:00pm) during the proposed weekday hours of operation (Monday – Friday).
- 9.25 The level of generation proposed is of a level that is not expected to be highly noticeable particularly as almost all dwellings are either set well back from the site or screened from the road. However, those dwellings located near the intersection of Bealey Road and SH73 will be subject to some noise and vibration from trucks stopping and accelerating.

- 9.26 Both SH73 and Bealey Road carry high existing flows in accordance with their arterial classifications so would already produce a relatively busy road environment in this rural context. In addition, the site will not begin operating until at least 7am each day and will be limited to daytime hours only which will assist with avoiding excessive noise and vibration during night-time hours.
- 9.27 Taking into account the comments of Mr Chiles, I consider that whilst noise from the quarry may be audible in some locations, the effects associated with this will be within the permitted Plan standards and therefore will be no more than minor. Furthermore, the effects associated with vibration of additional vehicles are considered to be no more than minor.

### **Roading, Traffic Generation and Safety**

- 9.28 Concerns around traffic levels and safety is a common theme across all submissions. In particular, much reference is made to the main intersection of Bealey Road, State Highway 73, Station Road, Railway Road and Aylesbury Road.
- 9.29 Mr Birss (Asset Engineer – Transportation) for Council has provided a report on traffic related matters in response to the submissions received in this regard and the following assessment incorporates his considerations. A copy of his report is contained within **Appendix E**.

### **Access**

- 9.30 The site has frontage to Bealey Road which is classified as an Arterial Road within the Plan and carries in the order of 1183 vehicles per day. It is proposed to construct a new vehicle access onto Bealey Road in accordance with Council Engineering Standards. The straight alignment of Bealey Road provides good sight visibility in both directions. Any such access design would need to be sufficient to ensure that it can accommodate the anticipated vehicle movements without affecting the flow through of traffic along Bealey Road. To this end, Mr Birss has recommended conditions that the 'Type D' (heavy vehicle) access standard from the Plan be constructed and 'PW50' truck warning signs be placed along Bealey Road subject to Council approval.
- 9.31 Subject to the implementation of the above conditions, I consider that any adverse effects with regard to the provision of a safe and efficient access will be no more than minor.



### ***Trip Generation and Traffic Safety***

- 9.32 The applicant has estimated an average traffic generation of 5-15 trucks visiting the site (5-15 in and 5-15 out) per day. During peak times, it was originally estimated that traffic may be as high as 120 truck movements per day. Following a request for further information around traffic movements, the applicant responded that it was now expected that the peak periods will generate no more than 60 truck movements per day. It is also acknowledged that there will be reduced periods of activity in which little if any traffic will be generated.
- 9.33 Council's Roading Engineer, Mr Geoff Birss, concurs with the applicant that Bealey Road has capacity to accommodate the heavy vehicle movements associated with the proposed quarry without adversely impacting upon the level of service and safe and efficient operation of Bealey Road and the surrounding road network.
- 9.34 Further to the above, I note that the applicant indicates that there will be some movements directed along Railway Road although precise details around flow distribution has not been confirmed by the applicant.
- 9.35 Mr Birss has considered that the majority of flows are likely to travel along Bealey Road, State Highway 73 and Alyesbury Road given they are well formed and sealed, with lesser use on the unsealed Railway Road and little to no use on Station Road. All sealed routes are recognised as being generally suitable for heavy vehicle use with the anticipated increase on each road being of a minor level in relation to the road classification. I accept the consideration of Mr Birss on this matter and agree that any adverse effects of additional vehicles, including a small increase on Railway Road, will be no more than minor.
- 9.36 In terms of traffic safety at the main intersection with SH73, Mr Birss has investigated the reported accident related history at this intersection. Mr Birss considers that there has been a relatively low number of reported accidents for this rural area and does not suggest anything unusual in terms of traffic safety.
- 9.37 The majority of the vehicle trips would be expected to be channelled through the main intersection with SH73 (approximately 600m to the east of the proposed site access). SH73 is controlled by the New Zealand Transport Agency ('NZTA'). The midland railway line (controlled by Kiwirail) is located approximately 50 metres from this intersection and runs parallel along the northern boundary of the site.

- 9.38 I note that both NZTA and Kiwirail were included as affected parties, sent copies of the application and have not made submissions on this application. Whilst this does not suggest that they necessarily approve of the application, it does suggest that they have no significant traffic safety or capacity concerns with regard to the safe and efficient operation of their respective roading and rail infrastructure at this location.
- 9.39 Given the above consideration, I am of the opinion that any adverse effects with regard to traffic safety at this intersection will be no more than minor.

#### **Hazard to Aero Club**

- 9.40 A number of submissions make reference to a potential hazard from bird strike to users of the West Melton aero club.
- 9.41 I note that general rural activities such as ploughing of land and crop harvesting can in themselves attract bird life. Being able to predict the plausible increase in bird life that may result as the result of a quarry activity would depend on a number of factors including the size of the pit, and treatment of exposed areas of land once they are redundant in terms of quarrying purposes.
- 9.42 I consider that this is a matter which is unlikely to generate a significant effect and can be adequately managed by the applicant through ensuring that the size of the quarry pit is contained in accordance with the area stated within the application. Immediate rehabilitation and revegetation of earth bunds and other areas of exposed earth is also recommended. The general monitoring of bird numbers within the site is something that is considered prudent during the initial operation of the quarry i.e. the first 5 years, to provide more accurate information on this matter. This can be undertaken as part of the Quarry Management Plan procedure with information provided to Council on an annual basis. Council then have the ability to act if necessary through the standard monitoring and review condition to address this matter.
- 9.43 Overall, I consider that subject to conditions requiring immediate revegetation of exposed land and monitoring of bird numbers during the initial life of the quarry, any adverse effects with regard to the ability for the aero club activities to continue operating will be no more than minor.



## Visual Impact

- 9.44 Council's consultant Landscape Architect, Mr Andrew Craig, has reviewed the landscape assessment provided with the application and considered the landscape and visual effects along with associated concerns raised in submissions. Mr Craig's assessment is contained within **Appendix F** to this report.
- 9.45 The proposed buildings on site will be up to 7.8 metres high and with a building footprint covering around 702m<sup>2</sup>. The maximum permitted area of any non-rural building is 100m<sup>2</sup> whilst buildings are permitted to a height of 12 metres where they are not for human habitation.
- 9.46 If the activity proposed were for a rural activity e.g. an implement shed associated with pastoral activity, as opposed to being associated with quarry use, then a building of this size would be permitted. However, given the size of this site, it is considered unlikely that a building of this scale would be constructed solely for rural purposes, unless associated with a larger farm area. It is also considered that the presence of this large building, the associated trucks and machinery on the surrounding road network, and the earth bund and associated landscaping will signify that there is an activity being undertaken on this site that is of a quarry nature rather than rural nature.
- 9.47 Mr Craig considers that while most dwellings in the vicinity will have their views screened by existing intervening vegetation, much of this lies within land beyond the applicant's control and therefore cannot be relied upon to provide screening mitigation of the quarry activities. However, such landscaping will provide some assistance where available while the perimeter shelter belt and other landscaping proposed by the applicant establishes.
- 9.48 Once this shelterbelt has fully established in combination with the 3 metre high earth bund (to be hydro-seeded after construction), Mr Craig considers that it would not be possible to gain views into the quarry site from any neighbouring properties other than glimpses of the taller parts of the proposed building. However, Mr Craig has also commented that this mitigation will not be completely effective until the shelterbelt planting has reached a height of at least 4 metres.

- 9.49 The applicant has provided confirmation that all shelterbelt planting will be at least 1 metre at the time of planting and will grow to a height of at least 4 metres. Mr Craig estimates that shelterbelt plantings at 1 metre in height could take in the order of 2-3 years to reach 4 metres in height which may result in some short term visual effects. However, it is also recognised that it is not practical to readily source shelterbelt trees higher than 1 metre. Therefore, the activity will be primarily reliant in the short term on the 3 metre high earth bund and internal plantings identified on the site plan.
- 9.50 In terms of these short term effects, Mr Craig is of the opinion that that effects with regard to visibility will diminish with distance. However, as there are a number of dwellings within reasonably close proximity to the proposed quarry, some views into the quarry site could be regularly obtained in the short term. Whilst the quarry pit will be largely screened due to the earth bund, the building, car parking and access areas will not be screened to the same level of immediate effectiveness. To this end, Mr Craig has recommended a number of conditions that would ensure the timely but practical implementation of all on-site landscape mitigation and ensure that more crucial on-site landscaping is implemented at appropriate heights to maximise screening of the building, driveway and car parking area within the site.
- 9.51 The proposed on-site planting mitigation includes the immediate planting of a number of trees (shown as "Proposed Building Screening" within Appendix 4 – Development Proposal Plan of the application) in proximity to these areas to both break up and reduce the short term visual effects of these elements of the site. Mr Craig recommends that these trees should be a minimum of 3 metres in height at the time of planting to provide sufficient mitigation of short term visual effects.
- 9.52 I accept and agree with the comments of Mr Craig on this matter and consider that subject to proposed conditions, any adverse visual effects, particularly within the short term will be no more than minor.

*State Highway 73 and Midland Rail Line and Scenic Viewing Area*

- 9.53 The midland rail line carries the 'Trans-Alpine' tourist train and it is therefore important that effects on views are considered. In addition to the above, the scenic viewing area adjacent to the midland rail line is purpose built and incorporates a car parking area and dedicated viewing platform.



9.54 Mr Craig considered that an unscreened quarrying activity could adversely affect views from the midland railway line and adjacent scenic viewing area to a significant degree without mitigation. However, as mentioned above, the landscape plan shows that a 3 metre earth bund, perimeter shelterbelt planting, and on-site plantings in accordance with recommended conditions will assist with mitigating any visual effects.

9.55 Mr Craig has also considered views from the scenic tourist route of SH73 and considers that these will be less affected because of their greater distance from the quarry site and generally lower elevation. In addition, the proposed landscape mitigation and recommended conditions coupled with fleeting views in the context of the driving experience will ensure that any adverse effects will be no more than minor.

*Visual Effects Associated with Traffic*

Craig

9.56 The visual effect of the increased traffic will be seen by surrounding properties (some more than others due to intervening vegetation, buildings and greater separation distance) and road users. The traffic will primarily be noticeable at the gate leaving and entering the site, as the activity on the site will be mostly screened. Larger trucks associated with this site will be identified, particularly when on roads in close proximity to the site.

9.57 The addition of quarry vehicles within the surrounding road network, will be noticeable to some degree. However, these vehicles will be relatively few given the arterial status of Bealey Road and primarily contained to arterial roads for which larger quantities of traffic is an actual and anticipated part of the arterial road environment. I therefore consider that any adverse effects associated with the visual presence of quarry trucks will be no more than minor.

*Reliance on existing screening*

9.58 One submitter has raised the issue of the existing pine trees located on the Selwyn District Council land adjoining the quarry site to the east, and the fact that these cannot be relied upon for mitigation purposes given that the applicant does not own this land at present and even if they did, they may need to be harvested soon due to their age. The applicant has confirmed that because they do not own this land at present these trees cannot, and have not, been relied upon for mitigation purposes.

- 9.59 I note that the applicant sought to acquire this land for additional mitigation purposes only and they have not applied to quarry this land. If the trees on this land were removed, which I consider unlikely in the immediate future, it is noted that there would still be proposed mitigation screening in the form of shelterbelt and on-site plantings. Therefore, while this scenario would result in less screening than presently exists, the resultant view, which would include the top of the proposed building on-site, would (for the reasons already covered earlier in this report) be minor.

#### *Rehabilitation of site*

- 9.60 The applicant has provided an option for long term rehabilitation of the site following the exhaustion of the quarry activity and provided a plan showing a potential long term rehabilitation strategy (contained within Appendix 5 to the Landscape Assessment within the application). However, it is noted that the applicant has suggested this as an option that could be implemented subject to collaboration with a development partner.
- 9.61 As this option cannot be relied upon without confirmation and agreement with a development partner as part of the application, it is important that the actual rehabilitation of the site following use is undertaken to a satisfactory level to maintain amenity. To this end, Mr Craig has recommended conditions around matters such as slope batters and resowing of grass to allow the site to be restored in a naturalistic manner. I consider that subject to these conditions, a satisfactory rehabilitation outcome will be achieved to ensure that adverse effects will be minor.

#### **Water Supply**

- 9.62 One submitter has raised the use of water on-site as an issue. As discussed earlier in this report, the applicant is responsible for providing a satisfactory water supply for all activities on the site and there are a number of plausible options to achieve this. It is important that the proposed activity, which requires water for mitigation purposes, does not commence operating until this supply has been physically established and confirmation is provided to Council that this is sufficient to source the activities on-site. Therefore a condition to this effect is recommended should consent be approved.



### **Conflict of interest for Selwyn District Council**

- 9.63 A number of submitter's have noted their concern that Selwyn District Council has a vested interest in this application. It has been well documented in both the application and notification report that Council own an area of land adjoining the site. The future use of this site for the purchase of gravel by Selwyn District Council amongst other potential clients has not been specifically proposed nor ascertained as far as I am aware. However, I note that as a result of any perceived conflict of interest, Council have contracted out the decision making role on this application to independent commissioner. I therefore consider that no issue of conflict arises in this application.

### **Notification**

- 9.64 A number of submitters have noted that they consider this application should have been publicly notified as opposed to limited notified. The limited notification decision followed consideration of the application and all supporting information along with respective reviews of this information by technical specialists. The reasons for the decision are contained within the section 95 notification report and were also considered by a commissioner. It is therefore considered that this matter cannot be revisited for the purposes of this hearing.

### **Lack of Information in application**

- 9.65 Concern has been raised in some submissions around the lack of information received with regard to this application. This has the potential to be an issue where the information that could not be sourced is vital to the understanding of the proposed activity.
- 9.66 I understand that the limited notification was made via a letter dated 25 May 2011 which stated that the full application was available for viewing at Selwyn District Council headquarters. In addition, it was noted that any queries regarding this could be made to the Planning Administrator. Therefore, I consider that the ability to access all relevant information to enable a full understanding of the application was sufficiently provided.

## Property Devaluation

- 9.67 One submission has raised concerns of a potential devaluation of their property should the proposed application be approved. My understanding based on case law (*Giles v CCC A092/00*) is that property values are not a relevant consideration for the purposes of assessing environmental effects unless the effects in question are significant and cannot be mitigated, which is not considered the case with this proposal.

## Conclusion on Effects

- 9.68 Taking into account the above assessment, I consider that the overall effects of this application, subject to mitigation measures and conditions, will be no more than minor.

## 10 Objectives and Policies

### *Partially Operative District Plan*

- 10.1 The relevant objectives and policies of the Partially Operative District Plan (Rural Volume) are discussed below.

#### *Objective B1.1.1*

*Adverse effects of activities on the District's land and soil resources are avoided, remedied or mitigated.*

#### *Policy B1.1.7*

*Avoid removing large quantities of topsoil from sites unless:*

- The site will be covered in hardstanding; or*
- The topsoil will be replaced and the site replanted, when the activity ceases.*

- 10.2 The substantial earthworks and gravel extraction proposed will result in the removal of topsoil and overburden which will be utilised in the rehabilitation of the site following use. Each area will be rehabilitated prior to the new area being constructed and therefore any adverse effects on the soil resource in this area are expected to be mitigated in line with these provisions.

#### *Objective B2.1.1*

*The safe and efficient operation of roads, railway lines and airfields is not compromised by effects of new land uses.*

#### *Policy B2.1.6*

*Ensure vehicle crossings, intersections, vehicular accessways, roadside signs and noticeboards and roadside stalls are designed and positioned to ensure good visibility for motorists and pedestrians, and to allow safe access and egress.*



*Policy B2.1.17*

*Ensure structures and activities do not adversely affect the safety of aircraft approaches to Hororata Domain or West Melton airfield.*

10.3 Based on the earlier assessment, the proposed access will be required to be constructed to Council specification and located on a straight alignment with good visibility to allow safe access and egress.

10.4 In terms of Policy B2.1.17 and the potential effects on the West Melton Aero Club, I note that while it may be possible for an increase in birds to occur in pit environments such as a quarry, such effects are also possible to a degree within the general rural environment. However, I consider that the use of a Quarry Management Plan to both mitigate and require monitoring, will provide sufficient mitigation to ensure that the proposal is not inconsistent with the above provisions.

*Objective B3.4.1*

*The District's rural area is a pleasant place to live and work in.*

*Objective B3.4.2*

*A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.*

10.5 The above objectives seek to provide for general rural activities and a rural outlook and are subject to a number of policies to manage specific adverse effects as considered individually below:

*Policy B3.4.1*

*Recognise the Rural zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate.*

*Policy B3.4.3*

*Avoid, remedy or mitigate significant adverse effects of activities on the amenity values of the rural area.*

10.6 The explanations and reasons for the above policy refer to the rural zone principally operating as a 'business area' where numerous activities can be undertaken and where residential activities can expect to tolerate mild effects associated with day to day farming activities. Therefore, the Plan provisions coupled with the distance between houses and activities in the Rural zone should combine to maintain a pleasant living environment.

10.7 The proposed quarry is not a day to day farming activity and therefore importance is placed on the separation distance of dwellings from this activity and the mitigation measures proposed to reduce any adverse effects beyond those that could be expected by a typical rural activity. The closest dwelling where written approval has not been provided is approximately 450 metres from the quarry pit site. All other dwellings are progressively further from the site than this distance. This separation distance coupled with the suite of mitigation measures proposed is considered sufficient for rural amenity values to be maintained. I therefore consider that the proposal is not inconsistent with these provisions.

*Policy B3.4.4*

*Ensure that any adverse effects arising from "rural based" industrial activities in the Rural (Inner Plains) Zone of a size and scale beyond what is permitted by the District Plan and "other" types of industrial activities in all Rural zones are avoided, remedied or mitigated to the extent that the adverse effects are no more than minor.*

10.8 Whilst not technically a "rural industrial activity" under the definitions of the Plan, this Policy is still helpful in that it recognises that rural based industrial activities generally are better suited in the outer plains zone because there is greater scope to absorb adverse effects. The extraction of gravel is an activity that logically must be undertaken within a rural area where the resource sought is conveniently available and where there is sufficient space to undertake this activity and mitigate adverse effects. This site is located within the outer plains zone and involves deriving a raw material directly from the rural area. A number of mitigation measures are proposed and recommended. Subject to the implementation of these, it is considered that sufficient mitigation is provided and therefore considered that the proposal achieves the intent of this policy.

*Policy B3.4.5*

*Maintain low levels of building density in the Rural zone and the predominance of vegetation cover.*

*Policy B3.4.6*

*Avoid high rise buildings or highly reflective utility structures.*

10.9 The proposed quarry will result in the construction of a building and office on-site. This building is relatively large but will cover a relatively small portion of the overall land holding which will assist with maintaining low levels of building density in the area.



10.10 Whilst the site will have a large quarry and stock pile area, it will also involve considerable landscape planting which will serve to improve vegetation cover on the site and screen the activity, particularly given there is little to no vegetation cover on this land at present other than grass. Furthermore, the building will comply with the height limits for the rural zone and will be painted a recessive colour with low reflectively value. I therefore consider that the proposal will be consistent with the above provisions.

*Policy B3.4.11*

*Recognise temporary noise associated with short-term, seasonal activities as part of the rural environment, but ensure continuous or regular noise is at a level which does not disturb people indoors on adjoining properties.*

10.11 The proposed quarry is recognised as being a producer of constant noise with diggers, loaders and other machinery, as opposed to intermittent noise. However, the primary level of noise produced will be from the crusher and this will be in operation 3-4 times per year for no more than 3 weeks at a time. Including the use of the crusher at above ground levels, the proposal has been assessed as comfortably complying with the permitted standards of the Plan for the rural area. Therefore, while the effects of the quarry may be audible, they are not considered to result in significant disturbance to properties in the surrounding environment, particularly where persons are located indoors in which the effects would be reduced even further. I therefore consider that the proposal does not generate noise effects that would be inconsistent with this policy.

*Policy B3.4.13*

*Avoid, remedy or mitigate adverse effects caused by excessive or prolonged vibration.*

10.12 The issue of vibration is related to activities on the site and from truck movements on the surrounding road network. Given the separation distances of the quarry pit to other sites, particularly where dwellings are present, no vibration effects from the on-site quarry works are expected to be generated on these sites.

10.13 An increase in truck movements within the surrounding area, may result in some increase in vibration effects, particularly on roads of lower classification and traffic volumes e.g. Railway Road. However, these roads are anticipated to receive a low proportion of the anticipated trips and therefore the effects with regard to increased vibration are not expected to be excessive or prolonged such that the proposal would be considered inconsistent with these provisions.

*Policy B3.4.14*

*Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.*

- 10.14 Nuisance effects on adjoining dwellings due to dust emissions from earthworks or stockpiled material are proposed to be mitigated through a number of measures including a Quarry Management Plan. These measures will include the watering down of areas being worked or stockpile area, particularly during high winds. It is therefore considered that potential nuisance effects have been sufficiently mitigated to ensure consistency with this policy.

*Policy B3.4.16*

*Ensure buildings are setback a sufficient distance from property boundaries to:*

- (a) Enable boundary trees and hedges to be maintained;*
- (b) Maintain privacy and outlook for houses on small allotments; and*
- (c) Encourage a sense of distance between buildings and between buildings and road boundaries where practical.*

- 10.15 The proposed building has been well set back from all property boundaries. In addition, considerable perimeter and on-site landscaping is proposed to assist with screening this building from view, maintain a rural outlook for surrounding allotments and encourage a sense of distance between the building and the road. A number of conditions to encourage the timely establishment of plantings are recommended and provided these are implemented, I consider that the intent of this policy will be met.

### **Conclusions on Objectives and Policies**

- 10.16 Given the above consideration, I consider that when considered as a whole, the application achieves consistency with the relevant objectives and policies of the Plan.

## **11 The Regional Policy Statement**

- 11.1 The Regional Policy Statement provides an overview of the resource management issues of the region in accordance with the purpose and principles of the Resource Management Act 1991.
- 11.2 I note that the Regional Council consents for this activity have been considered and these sit within the framework of the Natural Resources Regional Plan which in turn must be give effect to with the Regional Policy Statement.
- 11.3 Overall, this proposal is not considered to be of a nature or scale that challenges the provisions of the Regional Policy Statement.



## **12 Purposes and Principles of the Act (Part 2)**

- 12.1 The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. To achieve Part 2 of the Act the application must demonstrate that the proposal will not detrimentally affect the existing and future community or impose on the finite nature of resources. An assessment of the proposal illustrates that the potential effects of this activity on the environment are anticipated to be no more than minor.
- 12.2 It is not considered that any of the matters set out in Section 6 "Matters of National Importance" are of particular relevance in this case. Similarly, no matters relevant to the Treaty of Waitangi (Section 8) are at issue with regard to the subject application.
- 12.3 Section 7 of the Act sets out a number of matters to be considered in order to achieve sustainable management of resources. Subsection (b), (c), (f) and (g) are considered to be of relevance.
- (b) The efficient use and development of natural and physical resources:*
  - (c) The maintenance and enhancement of amenity values:*
  - (f) Maintenance and enhancement of the quality of the environment:*
  - (g) Any finite characteristics of natural and physical resources:*
- 12.4 The proposal seeks to utilise a presently vacant rural block of land. This block could serve a number of general rural pastoral uses but is limited in size compared to many rural landholdings. The use for quarry purposes will provide for an efficient use of this site.
- 12.5 The proposed quarry includes a number of mitigation measures, particularly landscape screening and on-site rehabilitation, to reduce potential adverse effects associated with the establishment, operation and cessation of the quarry activities. Overall, it is considered that amenity values and quality of the environment will be maintained, subject to the imposition of appropriate conditions.
- 12.6 The use of this site is likely to involve a maximum term of around 30 years before the site is exhausted. Following this, the ongoing use of this site is limited as the site cannot easily be rehabilitated to the same levels as previously therefore the long term pastoral use of this site is not considered likely unless for a potential plantation or recreational use. However, this proposal will affect a very small site in the wider rural context therefore even if this land were lost to an efficient future use, it would not compromise the wider availability of rural land.

### 13 Summary

- 13.1 This application is to establish, maintain and operate a quarry and ancillary buildings (workshop, site office) on a site with a total land area of 9.635 hectares.
- 13.2 Overall, the application is considered to be consistent with the objectives and policies of the Partially Operative District Plan (Rural Volume) and any potential adverse effects on the environment will be no more than minor. Overall, the proposal is considered to be in keeping with Part 2 of the Act.

### 14 Recommendations

It is recommended that Resource Consent 115008 be granted pursuant to Sections 104 and 104B of the Resource Management Act 1991 subject to the following conditions imposed under Section 108 of the Act.

#### General

1. That the proposed activities shall proceed generally in accordance with the information submitted in the application including:
  - The Acoustic Engineering Services Letter dated 11 May 2011,
  - The building plans prepared by Bond Frew Ltd (No. S2.2 "Floor Plan", S3.2 "Elevations C & D" and S3.3 "Elevations A and B" dated January 2011.
  - The landscape assessment and Landscape Plans prepared by Earthwork Landscape Architects (Appendix 4 – "Development Proposal" dated 17 January 2011 – Revision 1 and Appendix 6 – "Sections and Elevations" dated 17<sup>th</sup> January 2011).

#### Traffic and Access

2. That a vehicle crossing to service the quarry shall be formed in accordance with Appendix 10, Diagram E10.D of the Partially Operative District Plan (Rural Volume) (attached as **Appendix G**). The vehicle crossing shall be sealed to match the existing road surface for the full width of the crossing and for the first ten metres (as measured from the edge of the existing formed carriageway towards the property).
3. That 'PW50' Truck Warning signs be placed on Bealey Road at the consent holders expense. The location of these signs shall be arranged and approved by a Council Transportation Asset Engineer.



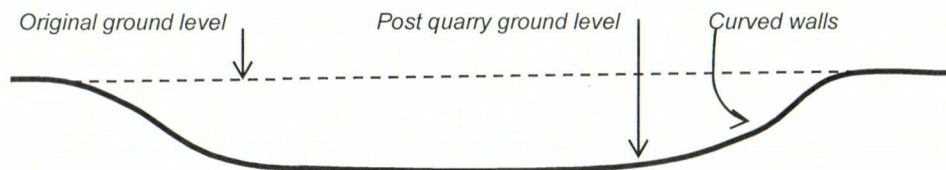
Conditions

## Landscape

4. That all planting shall be in accordance with the Landscape Assessment and Appendix 4 "Development Proposal Plan" and Appendix 6 "Sections and Elevations" as prepared by Earthwork Landscape Architects with the exception of any alterations made by the following conditions:

- 4.1 All planting shall be implemented prior to the commencement of quarrying.
- 4.2 That the perimeter shelter belt planting shall be at least 1 metre high prior to the commencement of quarrying and once achieved, shall be maintained at a height of 4 metres.
- 4.3 That all "proposed building screening" trees as identified on the key on Appendix 4 "Development Proposal Plan" as prepared by Earthwork Landscape Architects, shall be a minimum height of 3 metres prior to the commencement of quarrying. For clarification, this height limit does not apply to the proposed "native planting" areas.
- 4.4 That all planting shall be irrigated.
- 4.5 That any dead, diseased or dying vegetation required for mitigation purposes shall be replaced immediately.
- 4.6 That the colour of the proposed building shall be either *Resene*;
  - a) Lignite BR34-021-058
  - or
  - b) Karaka G31-010-106
  - or
  - c) New Denim Blue B39-012-250
- 4.7 That the application site shall be fully restored following quarrying so that;
  - The head wall batters are naturalistically shaped as shown in the diagrammatic cross section below





*Diagram: showing profile of re-shaped quarry walls following closure*

- The entire site is fully re-vegetated, which may include pasture.

- 4.8 As each stage is completed the affected area shall be re-vegetated with (at least) pasture grass.
- 4.9 That an earth bund be constructed and hydroseeded around the periphery of the quarry pit in accordance with the landscape plan submitted with the application prior to the commencement of any quarrying activity.
- 4.10 That the vegetation cover on the earth bund and non quarried areas of the site be maintained to reduce any soil exposure.

#### Hours of operation

5. The quarry operation shall only occur between 0700 – 1800 hours Monday to Friday and 0800 – 1300 on Saturday. The quarry shall not operate during Sundays or statutory holidays.

#### Noise

6. The crusher plant shall occur no more than 4 times per year for a maximum duration of 3 weeks each time.
7. Crushing will be limited to the following hours/days of operation:
  - 0800-1800 Monday – Friday.
  - No crushing shall occur on Saturdays, Sundays, or any statutory holidays.

#### Dust

8. No explosives or blasting shall be used as part of the quarry activity.
9. All stockpiled material shall be stored on the pit working/excavation area such that it does not extend above the height of the 3 metre earth bund.

10. That the consent holder shall ensure on a continuing basis that dust is not generated from consolidated/stockpiled material by keeping the surface of the material damp or by using another appropriate method of dust suppression.

#### Water

11. Prior to the commencement of quarrying, the consent holder shall provide to Council's Planning Manager for approval, documentation confirming that a water supply to or within the site has been legally established. This documentation shall demonstrate that the water supply is sufficient to cater for all required activities on site, particularly the mitigation of dust and irrigation of landscaping.

#### Quarry Management Plan

12. The consent holder must submit an Operation Management Plan for the approval of the Selwyn District Council. The Operation Management Plan will include:

- (a) Construction drawings and procedures, methods and measures to be applied to address, as a minimum, the following:
  - (i) dust control from the on-site activities and from vehicles travelling to and from the site,
  - (ii) formation of earth bunds and stability of all earthworks and quarry faces,
  - (iii) monitoring and reporting of bird populations within the site for the first 5 years of operation,
  - (iv) speed restrictions of vehicles within the site,
  - (v) security of loads on vehicles travelling to and from the site,
  - (vi) vehicles associated with the site avoiding unsealed roads where possible.
  - (vii) the active maintenance and irrigation of landscaping throughout the site e.g. reticulated timed system or similar.



- (vii) the measures to ensure that the internal road network, parking and manoeuvring areas are maintained in a compact manner to avoid potholes which could increase noise and vibration.

#### Term of Consent

- 13. Pursuant to Section 123 of the Act, this consent shall expire 30 years from the date of the decision.

#### Review of Conditions

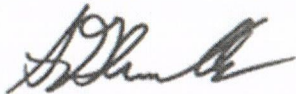
- 14. That pursuant to section 128 of the Act the consent authority may, at any time review the conditions on this consent to deal with any adverse effect on the environment which may arise from the exercise of the consent.

#### **Notes to the Consent Holder**

***The following information is included as information to the applicant and is not a condition of this approval.***

- a) The consent holder must ensure that all required consents from Environment Canterbury are obtained prior to commencing operations on-site.
- b) There may be development contributions required for this activity. These will be canvassed at building consent stage and required prior to uplift of building consent.

Report by:



Sam Flewellen  
**CONSULTANT RESOURCE MANAGEMENT PLANNER**

115008

FILE



**Land Information  
New Zealand**  
*Toitū te whenua*

23 May 2014

Helen Allison  
Selwyn District Council TA Certification Division  
PO Box 90  
Rolleston 7643

Survey Ref: C18118

Territorial Authority Ref:

### **Deposit of DP 459126 Canterbury Land District**

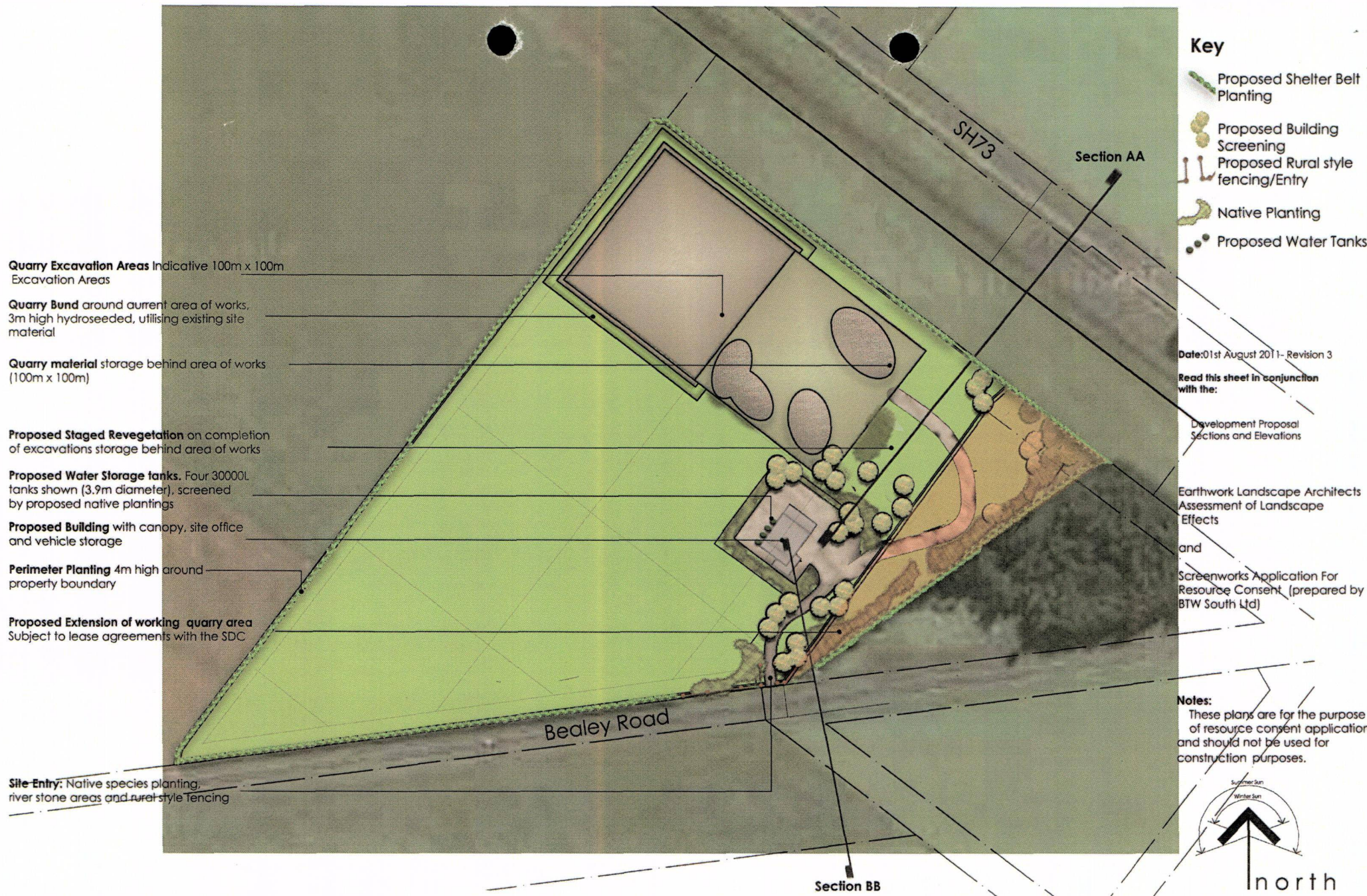
Cadastral Survey Dataset DP 459126 of Proposed Easements over Lot 1 DP 354364 and Pt RS 27924 Land Registration District of Canterbury lodged by Christopher David Hawes was deposited on 19/05/2014.

The following new Computer Register(s) have been issued:

National Manager Survey & Title Operations

Christchurch Survey & Title Operations  
112 Tuam St  
Private Bag 4721  
Christchurch Mail Centre  
Christchurch 8140  
New Zealand  
Tel 0800 ONLINE (665463)  
Fax 64-3-366 6422  
Internet <http://www.linz.govt.nz>







RC 1150008

110 726025

21 July 2011

Planning Manager  
Tim Harris  
Selwyn District Council  
PO Box 90  
ROLLESTON 7643

Email: tim.harris@selwyn.govt.nz



Dear Tim

**RE: PROPOSED QUARRY AT AYLESBURY**

CIAL has recently become aware of the proposal to establish a Quarry near Aylesbury.

Whilst the proposed location is outside of the general area of interest with respect to aircraft engaged in Scheduled Passenger Transport (SPT) operations, there is a risk of elevating Bird Strike Risk with large aircraft in the Canterbury region.

Also there is so much General Aviation (light aircraft) activity in the Aylesbury area that the CAANZ will soon be including this area in its Canterbury Common Frequency Zone (CFZ) to enhance aviation safety to the West of CIA.

It is understood that this change to the CFZ will be officially published on new aviation maps and charts in November of this year.

Aviation Safety in the general vicinity of CIA is a major concern to the aviation industry participants and special care needs to be taken with the development and management of land uses which are known to elevate the risk of a bird strike hazard.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'L. K. McAnergney'.

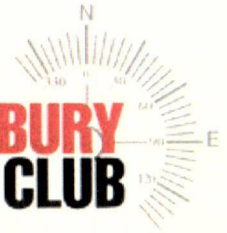
Ken McAnergney  
**MANAGER AIRPORT PLANNING**



8 July 2011



L10713033  
SCANNED



Manager of Planning  
Selwyn District Council

Dear Sir

I understand that the Selwyn District Council has begun the planning process to consider the establishment of a shingle quarry near to Aylesbury corner, between the West Coast Highway and Bealey Road. Aylesbury corner is significant to the Canterbury Aero Club in that this 'bend in the road' is a featured reporting point so that aircraft operating under visual navigation rules can be sequenced inside sectorised areas of the airspace surrounding Christchurch International Airport.

From an aviation safety aspect, aircraft operations are managed by a number of methods which include the requirement to remain at a low altitude and or inside sections of airspace. In doing this, airline traffic can be safely sequenced ahead of and clear of slower, lower flying aircraft. There is a significant amount of fixed-wing and rotary-wing aircraft activity because in nearly all cases such aircraft are transiting to or from Christchurch International Airport.

When flying in such confined areas of airspace a number of matters of concern have to be always considered. One of these relates to bird activity. Given that it is proven that large numbers of birds (of all species) are attracted to pits, quarries and gravel crushing plants, aircraft operations in the vicinity of such areas either have to be avoided or carefully managed so that such risks do not cause an accident.

The suggestion that a quarry is being considered in the Aylesbury area is of concern because of the regulatory requirements to separate aircraft and the consequent need for aircraft operations to be able to access the West-Southwest sector of Christchurch Airport airspace (See attached navigation chart). Depending on the sector of airspace, and weather conditions, aircraft altitude is restricted to being no higher than either 1000 or 1,500 feet above sea level. This translates to being restricted to being no higher than 600 and

1100 feet above ground level. It is known that various bird species like to hang about shingle pits and quarries and that depending on bird species (usually gulls) they can circle about to many hundreds of feet.

Mixing of birds and aircraft would therefore expose significant risk of bird strikes which can result in engine failure or impaired flying. In either way, the risk of unsafe flying is very real.

Very close to Christchurch Airport there is an existing shingle pit which is required to be carefully managed. This means providing resources to count bird species and numbers very regularly and on occasion to carry out bird culls so as to reduce the number of birds being active in the area. Despite the actions to keep bird species and numbers controlled, the area is known as a "risk area" and so it seems inappropriate to repeat such a scenario.

On behalf of the Canterbury Aero Club, I would like it to be known that the risk associated with knowingly mixing bird movements and aircraft activities is too high. Therefore significant strategies need to be implemented to reduce natural risk and to ensure zero-risk when associated with planning criteria. We do not want a quarry in the busy aviation area of Aylesbury due to the potential of suffering bird strike accidents.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Paul Drake', with a stylized, flowing script.

Paul Drake

President



Selwyn District Council  
PO Box 90  
Rolleston 7643  
Canterbury.

EMAILED TO  
SAM 14/7  
115008



Canterbury Aero Club Inc.

PO Box 14006, Christchurch International Airport







Selwyn District Council 11063-002  
Att. Helen Allison, Planning Administrator.  
28/6/11.



Dear Helen,

Thank you for your letter of the 28<sup>th</sup> June regarding The Southern Screens Ltd application.

We are interested to know the criteria for Council deciding upon setting either a limited notified or fully notified application.

We await your advice.

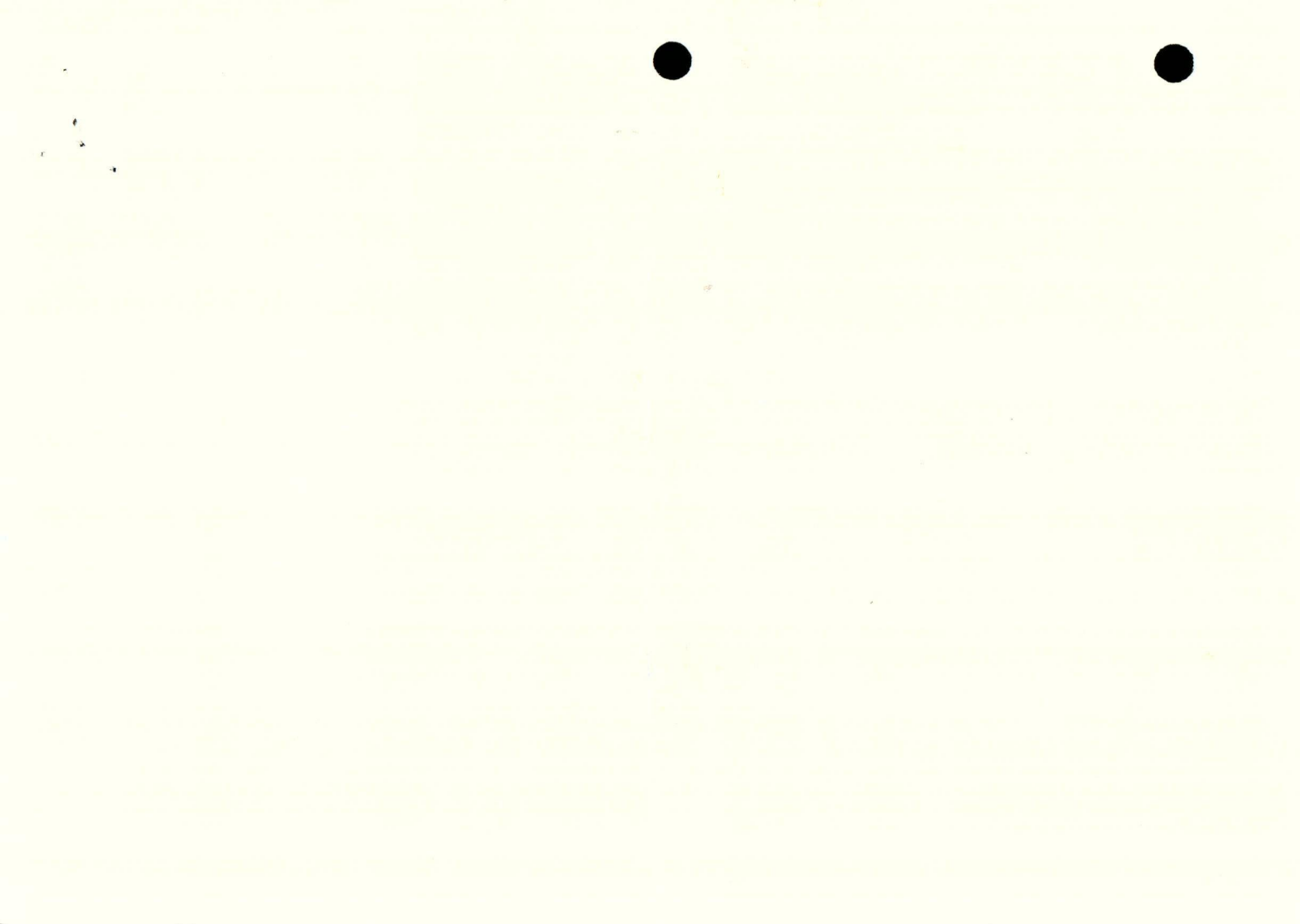
Yours faithfully

Brian Thomas  
and Di Devereux

2/1830 MAIN WEST RD

R.D. 1. CHRISTCHURCH 7671







30 June 2011

B S Thomas & D H Devereux  
2/1830 Main West Rd  
R.D.1  
CHRISTCHURCH 7671

Dear Sir/Madam

Thank you for your letter. Council planners decide on the status of notification for an application and each case is looked at on the basis of the effect on the environment and how widespread that effect may be.

In the case of Southern Screenworks, council has used a planner from an outside consultancy to avoid any impression of bias. The planners report was then forwarded to an independent commissioner who confirmed the view that Limited Notification was the correct procedure.

Thank you for your interest and please be assured your concerns have been shared by other submitters and will be addressed at the hearing.

Yours faithfully

**Helen Allison**  
Planning Administrator





Screenworks site Bailey Road

115008





Screenworks site Bealey Road























04/11/2011 12:15