

RESOURCE CONSENT APPLICATION 115008Applicant:Proposal:Location:SOUTHERN SCREENWORKS LTD
TO ESTABLISH & OPERATE A QUARRY
BEALEY ROAD AYLESBURY**SUBMISSIONS**Submissions on application:Wishes to be heard**IN OPPOSITION**P G & K M Bethell
92 Station Rd
R.D.1
Christchurch 7671

Yes

J O & P A Crawford
P.O.Box 16288
Hornby
Christchurch 7675

Yes

G R Edwards & J Dixon
1056 Railway Rd
R.D.1
Christchurch 7671

Yes

J K & A M Holt
153 Bealey Rd
R.D.1
Christchurch 7671

Yes

M & S Jones
158 Bealey Rd
R.D.1
Christchurch 7671

Yes

E & S Mildenhall
1062 Railway Rd
R.D.1
Christchurch 7671

Yes

G & W Wellwood
1046 Railway Rd
R.D.1

Yes

Christchurch 7671

P H & C R Whitehead
62 Station Rd
R.D.1
Christchurch 7671

Yes

SUBMISSIONS RECEIVED FROM PERSONS NOT NOTIFIED

T B & D P Clark
Bealey Rd
R.D.1
Christchurch 7671

Yes

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

Not Stated

NOTICE OF HEARING

Dear Sir/Madam

I wish to advise that a Planning Hearing is to be held in the Executive Meeting Room, Selwyn District Council HQ, Norman Kirk Drive, Rolleston on Thursday 28th July 2011 commencing at 9 a.m, if necessary the hearing will continue onto Friday 29th July also commencing at 9am.

Those persons wishing to give written evidence are required to produce six (6) copies to assist the commissioner in his deliberations.

Yours faithfully



Helen Allison

PLANNING ADMINISTRATOR

A G E N D A

SELWYN CENTRAL WARD

TIME : 9.00 am

APPLICANT : Southern Screenworks Ltd C/- B Swain P.O.Box 106 Lincoln 7640

LOCATION : Bealey Rd Aylesbury

APPLICATION : 115008 – To establish and operate a quarry

DISTRIBUTION LIST

Hearing Commissioner – Mr M Garland

Applicant

Submitters

Newspapers (2)

Managers

Planning Manager

Planners

Council Secretary

Finance Officer-Regulatory

Public Counters – HQ and the Leeston, Lincoln, Darfield & Rolleston Libraries

SELWYN DISTRICT COUNCIL RESOURCE MANAGEMENT HEARING PROCEDURES

Resource consent hearings are heard by a committee consisting of 2 elected members or alternatively by an external hearing commissioner who may or may not sit with elected members. The hearing of resource consents is a judicial function of Council.

The order of the proceedings are as follows:

1. The applicant (or counsel) shall present the application and call any witnesses to give evidence in support.
2. Any person or persons who have made a submission in support of the application and who have requested to be heard may present their evidence.
3. Any person or persons who have made a submission in opposition to the application and who have requested to be heard may present their evidence.
4. The Councils' Planning Officer will present their Section 42A report (which will have been pre-circulated to all parties). Depending on the situation the report may be taken as read, summarised or key points highlighted. The Planning Officer may also comment on any issues raised by the applicant or submitters.
5. The applicant (or their counsel) has a right of reply.
6. At the conclusion of evidence the Chairperson will adjourn the hearing or declare the hearing closed as appropriate. Sometimes a site visit may be necessary.
7. The Committee after considering all the evidence and any written submissions that did not wish to be heard, shall reach a decision. The statutory time period for the issuing of this decision is within 15 working days after the close of the hearing. A copy of this decision shall be circulated to all parties (including all submitters regardless of whether they attended the hearing).

The Resource Management Act states that hearings shall avoid unnecessary formality however there are some rules that parties need to adhere to. These are as follows:

- Cross examination of witnesses is not permitted by any person.
- Only the chairperson or members of the hearing committee may question any party or witness.
- Any questions other parties may have must be directed through the Chairperson and the Chairperson will consider whether it is appropriate to ask that particular question.
- Only those persons who have lodged submissions with the Council by the due date can appear before the Committee, however submitters and applicants may call on other parties to give evidence to support their case. If submissions have been received by Council after the due date, it is the decision of the Hearing Panel whether or not these submissions are accepted.
- It is preferable that submitters provide written evidence so that this can be handed to the committee when making their submission. 6 copies are required.
- It is important to note that although submitters may expand on the points raised in their original written submission they can not introduce new evidence or topics when presenting their submission to the panel.

30 June 2011

Mr M Garland
Robson Garland
PO Box 13539
CHRISTCHURCH 8141

Dear Sir

Re – Appointment of Hearing Commissioner

I write to confirm your appointment as commissioner on behalf of the Selwyn District Council to hear, decide and write the decision on the application by Southern Screenworks Ltd (115008).

The hearing has been scheduled to commence at 9am, Thursday 28 July 2011 (and if necessary, to continue onto Friday 29 July 2011) in the Executive Meeting Room, Selwyn Headquarters 2 Norman Kirk Drive, Rolleston.

A copy of the application, submissions and agenda is attached and a copy of the planner's report will follow in due course.

Please check that you have no conflict of interest in your appointment as commissioner. If you are found to have a conflict of interest after the commencement of this hearing, the council will decline to pay any of your commissioner's fees. If you have any queries in relation to this comment, please contact the council's Manager Corporate Services, directly.

Thank-you for your assistance.

Yours faithfully

Helen Allison
Planning Administrator

IN THE MATTER of the Resource
Management Act
1991

AND

IN THE MATTER of an application by
Southern
Screenworks
Limited

DECISION OF THE COMMISSIONER

INTRODUCTION

State Highway 73 generally takes a westerly course from Christchurch until it meets the Midland Railway line at Aylesbury and it then follows a north westerly direction parallel to the railway en route to Darfield and beyond. At Aylesbury, Station Road joins the State Highway from the north and there is a railway crossing to link with Bealey Road, Aylesbury Road and Railway Road south west of the railway. Bealey Road takes the traffic west to Hororata and beyond. Immediately west of the crossing between the road and railway line is a disused gravel quarry which is still designated as a 2.023ha gravel reserve in the Council's District Plan, although the Council has signalled that it wishes to dispose of the site. This land, together with a much larger main parcel (9.635ha) immediately to its west is the subject of the application by Southern Screenworks Limited to develop a quarry together with ancillary buildings (a workshop and site office). To the north, between the 9.635ha parcel and the railway line is a small parcel of 2.023ha. This is also included in the application. The applicant has included this land and the adjoining gravel reserve in the application because it wishes to purchase them.

The purpose of the operation is the extraction of gravel and its processing (crushing and stockpiling) on site for its use for building, construction and road aggregate. The plans with the application show that this activity is to be carried out on the 9.635 ha parcel which is projected to contain a total resource of 800,000m³. An annual rate of

extraction of 30,000m³ (600m³ per day) is anticipated. The company has received consents from ECan to discharge contaminants to air (dust) from gravel extraction activities and to extract up to 30,000 m³ of gravel per year.

The intention is to disturb areas of approximately 8,000-10,000m² or a maximum of 11% of the site at a time as opposed to stripping the site and establishing a blanket quarry. The disturbed area will be quarried and rehabilitated before undertaking the next stage of quarrying. The intention is to excavate down to 8m depth as soon as possible close to the south eastern boundary and to work in a restricted area until this mode of operation is established. Although heavy machinery will be involved no explosives will be used. Gravel crushing is to occur 3-4 times per annum over a period of 3 weeks each time. Stockpiled and/or pit face aggregate will be loaded onto outbound vehicles by front end loader. Activity will depend upon demand and it is anticipated that there will be periods when the quarry is inactive.

The land is in the Rural (Outer Plains) zone in the Selwyn District Plan. The activity falls (generally) within the definition of a Rural Based Industrial Activity. Such an activity is permitted if the maximum area covered by buildings, loading, storage and waste is no more than 100m² and no more than two full time equivalent persons are employed. While only one person will be engaged full time on site, others will frequent intermittently and 2-3 others will be on site for quarrying activities. The area to be covered exceeds 100m². This means that the proposed operation qualifies as a discretionary activity.

NOTIFICATION AND SUBMISSIONS

Consideration was given as to whether the application should be publicly notified, limited notified or non-notified. It was decided that there were potentially affected persons in the vicinity and that limited notification in terms of section 95B of the Act was appropriate. Since quarrying activities are not uncommon in rural areas and there were no special circumstances to warrant full public notification, it was decided that public notification in accord with Section 95A was not appropriate.

In accordance with section 95B of the Act, 22 parties were notified on 25 May 2011 with submissions closing on 24 June 2011. Submissions in opposition were received from eight parties. Two submissions were received from parties not included in the limited notification. Letters were also received from the Canterbury Aero Club and Christchurch International Airport Ltd. While these parties are ineligible, the matters raised in their material are well covered in terms of content by the eligible submissions.

THE HEARING

The hearing of submissions was conducted on Thursday, 28 July 2011 in the Executive Meeting Room, Selwyn Headquarters in Rolleston. At the hearing I was assisted by Mr Sam Flewelling, the planning consultant responsible for the section 42A report. With him were Andrew Craig (Landscape Architect) and Dr Stephen Chiles (Acoustician) and Mr Geoff Birss, the Council's roading engineer, all of which had contributed to that report.

The applicant was represented by:

Ms Jen Crawford (Counsel)
Mr Brett Swain (co-owner of the applicant company)
Mr Lance Roozenburg (Landscape Architect)
Dr Jeremy Trevathan (Acoustic Engineer)
Mr Ryan Rolston (Traffic Engineer)
Mr Grant Finn (Planning Consultant)

The following submitters were represented:

PH and CR Whitehead by Mr Harle Whitehead and supported by Judge J A Farish.
M and S Jones by Mark Jones.
E and S Mildenhall by Stephen Mildenhall
PG and KM Bethell by Graham Bethell

JO and PA Crawford by John Crawford
GR Edwards and J Dixon by Grant Edwards
AM and JK Holt by Andrew Holt.

The section 42A report having been pre-circulated was taken as read and the hearing began with submissions from **Ms Crawford** on behalf of the applicant. She explained that it was the applicant's case that the proposed activity would be appropriately located and that any actual or potential effects on the environment arising over the life of the quarry could be readily managed through the imposition of appropriate conditions and adherence to a management plan. The proposal is expected to provide a reliable and accessible source of aggregate. Ms Crawford took me through the provisions of sections 104, 104A and Part 2 of the Act.

Mr Brett Swain outlined the background to the application and his company's operations. Its core business is crushing for road aggregate but the activity at Bealey Road will be confined primarily to the quarrying and stockpiling of aggregate. A crusher will be operating on the site three to four times each year for a period of three weeks each time. The company is a key supplier of crushed and screened product for a number of companies and local authorities. Currently its headquarters is at Yaldhurst but it has outgrown this site and is seeking to develop alternative premises. The Bealey Road site is suitable for a number of reasons:

- its accessibility to State Highway 73 and the local communities of Darfield, Rolleston and West Melton;
- it is the site of a known resource adjoining a designated gravel reserve;
- it is physically separated and screened from nearby rural residential activities;

Mr Swain described the proposed operation thus:

- extraction of material with heavy machinery;
- crushing of aggregate 3-4 times a year during February/March, June/July and October/November on no more than 3 weeks per occasion between the hours of 7.30 am and 6.00pm Monday to Friday except for statutory holidays;
- loading of aggregate onto trucks/trailers;

- typically 20-30 truck and trailer loads would leave the site daily with truck movements restricted to between 7.00am and 6.00pm, Monday to Friday and 7.00 am to 1.00pm on Saturdays, excluding statutory holidays. On the busiest day heavy vehicle movements to and from the site were not expected to exceed 120;
- a maximum volume of approximately 10,000m³ to be stored in stockpiles within the excavation pit; and
- access to the site to be achieved via the Bealey Road frontage.

Mr Swain described the scale and intensity of the operation as comparatively low key. Water would be required for workshop ablutions, dust suppression and landscape irrigation. A reticulated supply was available and water harvesting from roof catchments was feasible.

Mr Roozenburg had undertaken a landscape assessment of the site and the project on behalf of the applicant. In his evidence he addressed the landscape effects of the proposal, commented on the section 42A report and the concerns expressed by the submitters. He outlined the landscaping components of the project involving:

- the development of evergreen boundary hedging;
- the establishment of a landscaped lifestyle character entrance including a post and rail fence, riverstone landscape treatment and ecological planting along the Bealey Road frontage and the south-eastern boundary;
- the establishment of a 3m high hydro seeded bund around the current area of works which will then be utilised for part of the remediation work behind the quarry and stockpiling area as quarrying work progresses through the site; and
- the establishment of trees for the purpose of screening the buildings on the site.

Mr Roozenburg described the proposed workshop which is to be finished in colours with a reflectance value of less than 36%. He outlined the process of quarrying: the maximum area the operation would cover is 30.5% or 30,000m². The site would be progressively rehabilitated with access being retained through the rehabilitated areas. Final rehabilitation would be to a gentle rolling form vegetated in pasture.

Existing vegetation which partially screened the site could not be relied upon in the long term, but was expected to remain long enough for on-site planting to provide adequate screenings. An evergreen boundary hedge of Leyland cypress is to be planted prior to work commencing. At the time of planting these trees are to be 0.75-1m and with irrigation and at four years were expected to reach and be maintained at a height of 4m. A 3m high gravel/topsoil bund is to be established around the immediate area of works.

Dr Trevathan had provided acoustic engineering advice to the applicant. He explained that the District Plan contained an exception for noise from any motor vehicle or mobile machinery and this would apply to the quarry operation in many respects. Nonetheless the noise rules did provide an indication of what levels might be regarded as reasonable. The plan considered the Rural zone to be a business area where people could reasonably expect a higher level of noise and noise at hours which differ from that for Living Zones. Background noise levels in the vicinity of those houses which would be most exposed to quarry noise were 45 to 55 db (La90) and dominated by traffic noise. He considered that provided crushing noise is restricted to daytime and heavy vehicle movements do not occur before 7.00am, noise emissions complying with district plan standards would not have a material adverse effect.

Dr Trevathan had modelled expected noise propagation from the site assuming a worst case situation of a core crusher, metal composite screens, material dropping off conveyors onto stockpiles, a tracked excavator, and a loader and for trucks in constant use. He noted that even with the crusher located at ground level with no mitigation (such as the proposed building) due to the separation distances involved noise levels will not exceed 50 dB LA10 at the closest dwelling (1062 Railway Road). Based on a review of the District Plan, New Zealand Standard 6802:2008 and World Health Organisation guidance, together with the existing ambient noise levels Dr Trevathan concluded that noise emissions from the proposed quarry would comply with the District Plan standards and would be reasonable. The modelling he had undertaken indicated the District Plan standards would easily be complied with at the notional boundary of all neighbouring rural-residential dwellings. He recommended a number of mitigation measures which would further minimise noise:

- location of the crushing plant 8m below natural ground level within the excavated pit as soon as practicable;
- surrounding the main quarry activity on three sides with 3m high bunds;
- imposing a speed limit of 15km/hr within the quarry site;
- crushing and screening to take place on site no more than 4 times per annum on a maximum duration of 3 weeks per occasion;
- during those periods, crushing to occur only between 8.00am and 6.00 pm Monday to Friday (excluding statutory holidays);
- heavy vehicle movements on site to be restricted to between 7.00am and 6.00pm, Monday to Friday and 8.00am to 1.00pm on Saturdays; and
- no activity on site to occur during Sundays or on public holidays.

Mr Rolston had evaluated the most recent relevant traffic volume data, the road safety records from NZTA and the issues raised in submissions. He understood that on some days there will be little or no quarrying activity. The site would generate a small number of visitors to the site each day – up to 20 light vehicle movements. A small amount of machinery would be stored overnight and transported to and from the site. This, he considered would be likely to generate 4 heavy vehicle movements per day. For the quarrying operations, between 20 and 60 vehicles per day would occur for about one week in four. For large projects, once every 3 or 4 months up to 120 vehicles per day could be involved. About a third of the quarry material would be destined for the Darfield area, one third for the Hororata vicinity and the other third for the Rolleston area. He recognised that unsealed roads such as Railway Road should be avoided wherever practical. Mr Rolston concluded that the proposed quarry operation would have a negligible effect on the efficiency of the surrounding network based on the assessed peak volumes of traffic generated. He could not identify any safety concerns that could be aggravated by the addition of site related traffic. Any potential transportation effects requiring mitigation would be addressed adequately through the conditions of consent recommended by Mr Flewellen.

Mr Finn had prepared the Assessment of Environmental Effects and the Regional consent applications. He opined that the actual or potential effects on the environment of the proposal could be adequately avoided, remedied or mitigated. He summarised the mitigation measures as including:

- the formation of 3.0m high earth bunds along the Bealey Road boundary and other boundaries so as to effectively screen the operation;
- watering of stockpile areas and internal unsealed haul roads and working areas;
- upgrading the existing access to Bealey Road;
- sealing of the main internal haul road; and
- on-site vehicle speed restrictions.

Mr Finn traversed the relevant statutory tests concurring with Mr Flewellen's assessment of the proposal as a Discretionary Activity in terms of Rules 1.6.6, 9.4.2 and 9.13.2 of the District Plan. He referred to the relevant objectives and policies in the Plan which had been addressed by Mr Flewellen agreeing with his assessments. He then addressed matters raised in submission in terms of generation of dust, noise and vibration, traffic, aviation hazard, visual impact and water supply. Several submitters had raised issues relating to conflict of interest, the notification procedure and lack of information in the circulated material these are not matters than come within my purview, however.

Mr Finn concluded that the site had been appropriately chosen for a number of reasons:

- proximity to major transport routes;
- proximity to markets;
- the site was within "Target Area A" in the URS Regional Gravel Resource Management Study, generally the most suitable area;
- the existence of a known resource adjoining an existing designated gravel reserve where quarrying could be resumed as of right;
- physical separation from sensitive activities;
- gravel extraction is an activity anticipated in the Rural Outer Plains Zone; and
- the proposal represented an efficient use and development of natural and physical resources.

Mr Finn did not believe the proposal had any conflict with Part 2 of the Act. Subject to minor amendments outlined by Ms Crawford, he concurred with the conditions recommended by Mr Flewellen.

THE SUBMITTERS

Mr Harle Whitehead and his wife Coral live at 62 Station Road somewhat under 700m from the application site. They had moved to their 25 acre site 8 years ago in anticipation of living in the country in peace and quiet. They now feel this lifestyle is threatened by noise, dust and heavy traffic. He reminded me that the prevailing winds would carry noise and dust toward their house. He did not think the noise level would be comparable to normal agricultural noises. He cited the example of the Wheatsheaf quarry which was causing problems for nearby residences. Mr Whitehead is concerned that trucks would use the gravelled Station Road as a shortcut to the Old West Coast Road and there were now nine family homes along this road. The road generates high levels of dust and noise at times of high use. He again cited the Wheatsheaf quarry which generates so much dust in north-west winds that the operators have to clean people's house windows and people cannot hang out their washing. Mr Whitehead felt that the purpose of the scenic viewpoint at the site of the Old Aylesbury railway station would be compromised.

Mr Whitehead read a letter of support from Ann Seaton a substantial landowner of eight 25 acre blocks along the West Coast Road opposite the quarry site.

Mr Whitehead was also concerned about the possibility that the quarry might attract birdlife which would become a danger for aircraft. Aylesbury is a reporting point for aircraft using Christchurch International Airport (shortly to be drawn into the Common Frequency Zone for General Aviation) and three private aircraft are stationed at Aylesbury. There is a height restriction for general aviation aircraft in relation to Christchurch Airport which keeps many small aircraft at a low altitude in the Aylesbury vicinity. He produced letters expressing concern from Mr Chris English, the Chief Executive Officer of the Canterbury Aero Club, Mr Paul Drake, its president and Mr Ken McAnergney, the Planning Manager for Christchurch Airport.

Judge Jane Farish lives at 968 Railway Road. She produced evidence in support of Mr and Mrs Whitehead. She expressed concern about roading (especially the use of the

unsealed Railway Road) which had received greater use with the recent industrial development at Rolleston. Dust from the road is a significant issue especially in high winds which are common. She described the area as very quiet with very little rural noise except for trains, the noise from which is transitory. She was concerned that the proposed mitigation measures would not be effective, particularly tree planting.

Ms Farish raised a number of issues with the section 42A report. For instance, she considered that the issue of potential bird strike had been under-estimated. She was concerned that at the end of quarrying the community would be left with a large hole in the ground. People had put a lot of effort and investment into their properties and if adverse effects were more than minor deteriorating property values would be the outcome.

Mr Mark Jones and his wife Sue live at 158 Bealey Road about 750 metres west of the application site. Some of the matters of concern to them are issues which I may not review such as the limited notification of the consultation process and the fact that not all the information was circulated to the parties. I will have more to say about that later. Although there were local gravel reserves including that next to the application site, Mr Jones' enquiries had led him to believe the resources had been worked out. There had been no quarrying in the district for at least ten years. Mr Jones noted that the Council had been advertising for interested parties to remove excess gravel from the Selwyn River. Could this be an alternative source? Mr Jones expressed concerns regarding vehicle movements, the safety of the extended intersection with State Highway 73 and the unsealed state of Railway and Station Roads. The prospect of continuous noise is of considerable concern to Mr and Mrs Jones and he was concerned that there was too much reliance upon supposedly high levels of ambient noise. The consent of the adjoining landowner held little weight because the dwelling on that property was some two kilometres away.

Mr Jones felt that the fact that the area is in a high wind zone, had not been taken into account in terms of the potential for dust to affect a wide area. While conditions could be imposed, Mr Jones was concerned that they would be difficult to monitor and enforce.

Mr Jones produced a letter of support from Tracy Black-Clark who lives at the corner of Bealey Road and Miles Road 1.5km from the application site. Appended to his evidence were letters from Robert Wynn Williams who lives 200m away from the Wheatsheaf quarry in Broadfield and Alan Marshall who lives approximately forty metres from it. Both of these residents were suffering adverse effects in terms of noise and dust.

Mr Stephen Mildenhall resides at 1062 Railway Road. He explained that his wife drives the local school bus. He expressed strong support for Mr and Mrs Jones and Mr and Mrs Whitehead.

Mr Graham Bethell and his wife Karyn live at 92 Station Road. He indicated that he admired progress, but it had to be seen in a different light when it was at someone else's expense. In this case he considered that it would be at significant expense to local residents. His concerns echoed those already expressed.

Grant Edwards and Joanna Dixon live at 1056 Railway Road. Their concerns echoed those of the previous submitters. They expressed concern at the potential increase in traffic generated which they felt would be significant and may contribute to an increased local accident rate. While the reported accident history at the combined intersection with State Highway 73 was low, there were a significant number of near misses. They were particularly concerned about the use of Railway Road which they felt should have a 50km speed limit imposed for its first 200m from the intersection.

Andrew and Janine Holt live at 153 Bealey Road approximately 550m west of the application site. They identified with Mr and Mrs Jones and others. They too are concerned about the limited notification, the consultation process, the neighbours' approvals, the fact that the farmhouse associated with the adjoining land is about 2km away and conflicting information in the application. Mr and Mrs Holt cited the example of a quarry near Christchurch Prison the entrance to which spreads loose metal on the road. Trucks take-off slowly causing conflicts with through traffic. Although Aylesbury Road is sealed its carriageway is relatively narrow and they did not think it was suitable for truck and trailer units.

Mr and Mrs Holt bought their property at least in part for its freedom from noise especially when they were outside. They did not believe planting would be effective against noise or dust. From their own experience, they believed that the applicant was overly optimistic about potential tree growth rates. They believed that dust from drying wind on the roads would be a continuing problem and that dust suppression would not be available when the site was not manned. They considered that other sites should have been considered and the most appropriate among them selected. Mr and Mrs Holt pointed to longstanding issues with quarrying companies leaving sites unrestored and considered that if consent was to be granted a significant bond should be taken to ensure proper rehabilitation is undertaken.

Mr Crawford lives at 18 Station Road. His residence is the closest to the application site. He pointed out that the trees on the gravel reserve were 27 years old and at the point when they are due to be harvested. Leylands and Pines grow slowly in this area and need irrigation. Water for irrigation would need to be a priority and it would be tempting, if supplies were limited to use it for more immediate needs. He considered that the application contained a lot of uncertainties, particularly relating to rehabilitation and vehicle movements

THE OFFICERS' RESPONSE

In response Dr Chiles stood by his contributions to the section 42A report. He said that whether the truck and trailer movements were 60 or 120 per day it is still a small number. His noise modelling was undertaken in accord with international standards which had been tested and found to be appropriate but the applicant would be prepared to accept specific noise limits which would provide certainty. Mr Flewellen reminded me that the proposed hours of operation were now to commence at 7.30 am and that no explosives were to be used.

Mr Birss commented that the combined intersection with State Highway 73 had a very light accident history and was performing better now than it used to. Aylesbury Road had sufficient seal width for truck and trailer units. Local roads were very straight and

visibility was not an issue. The entrance to the Wheatsheaf quarry had proved to be safe. Mr Flewellen added that it would be difficult to impose a condition relating to vehicle movements but a log book could be kept with its details available to the Council.

Mr Craig commented that a quarry was an activity anticipated in the rural area but the effects were expected to be controlled. There were not many features to distinguish the application site from other rural sites. While the viewpoint on the old railway station site is a factor to be considered, this should be examined in the light of what could be established on the site as of right which might well interfere with outlook. The District Plan did not rule out adverse effects as long as they are mitigated. He thought mounding on its own without planting would be sufficient in most cases, although 1.5m of machinery might protrude. It would be necessary to hydroseed the bunds but as long as topsoil is present, grass could be re-established. Mr Craig gave consideration to the amendments to conditions sought by the applicant. Generally, he accepted these except for the wish to irrigate the perimeter planting only. He considered that all landscape planting should be irrigated.

Mr Flewellen added that the three 30,000 litre water tanks (utility structures in terms of the District Plan) that were proposed for water harvesting should be located to the west of the buildings and should be in similar recessive colours and it would be necessary to provide plans showing the siting of the tanks. He clarified the matter of the designated gravel reserve next to the application site: although formal notice had been given of its intended revocation this had not been given effect to and nor had the designation been removed. Submitters were concerned about the length of time the quarry could operate. It was not usual to time limit land use consents but he noted that the regional consents time limited as to time. The quarry could not continue to operate once they had expired. Mr Flewellen acknowledged that birds could be attracted to newly exposed soil but he considered that the potential for ponding of water was the real issue as far as birds were concerned. Although water would be used for dust suppression there would be no ponded water and the mode of operation would ensure that the pit was not large, however, the potential to attract birds should be monitored and required by a separate condition rather than just being the subject of a management plan. All exposed earth should be required to be regressed immediately. He considered that the reference to

dwellings near the Wheatsheaf quarry were not comparing like with like. These dwellings were much closer than those in the case of the Aylesbury quarry.

THE APPLICANTS' REPLY

Mr Swain explained that his company was contracted to work the Wheatsheaf quarry. This was an open site and the nearest dwelling was only 40m away. The Wheatsheaf quarry was a more intensive operation than Aylesbury would be, but it used the same machinery. The quarries near the airport held water to wash concrete aggregates and that would not be part of the operation at Aylesbury. The Aylesbury site would be kept in grass except for the 100m x 100m working area. As that moved the worked area would be regrassed. People had asked about the alternative source of material from the Selwyn River but that was suitable only for bulk fill.

Mr Rolston acknowledged that people were concerned about trucks using Station Road but it did not link to a market source. Both Bealey Road and State Highway 73 were very high standard roads and Aylesbury Road had good 6.1m wide carriageway. The site had a good balance of access to market through a high standard road network.

Ms Crawford reminded me that I had no jurisdiction to review the matter of public notification and I had to assume that the application had been properly served. I had to assume that on the balance of probability that the evidence was correct: the independent experts had committed to the appropriate code of conduct and their opinions were corroborated by the independent consultants engaged to prepare the section 42A report. The Act anticipated that adverse effects would occur but they should be appropriately avoided, remedied or mitigated.

Ms Crawford said that the District Plan did not set out to protect views but planting heights could be tapered down from a point 75m back from the (northern) boundary in order to keep a more open vista. She acknowledged that there would be a need to irrigate perimeter planting and specimen trees but this would not be needed for native plantings. The applicant acknowledged that there would need to be a certification

condition for water. Ms Crawford reminded me that the applicant's noise modelling had a conservative basis and had been done on the assumption that there would be no mitigation in terms of working at the bottom of the pit or that there would be any bunding. The applicant was prepared to have a log book for vehicles visiting the site enabling the Council to monitor vehicle movements.

As far as the risk of bird strike is concerned Ms Crawford reminded me that no water would be ponded on site and that a management and monitoring regime would be acceptable to the applicant. She said this was not a case where alternative locations should be considered and it was significant that a Council contractor could work the remaining resource on the adjoining gravel reserve land. The sort of activity proposed was expected to be in a rural zone close to transport routes and market locations. The fact that controls to mitigate adverse effects were necessary was accepted. The applicant would be happy to accept a 50km/h limit on Railway Road and to avoid unsealed roads where practicable. There was no basis for requiring a bond, the project was too small and in any case rehabilitation was to be undertaken progressively and there was no need to return strictly to original ground level. I had to assume that the Council would effectively enforce any conditions.

DISCUSSION OF THE ISSUES

Comparison with the Wheatsheaf Quarry

On the day following the hearing I first visited the site of the Wheatsheaf quarry then spent some time examining the site of the application and its locality. The Wheatsheaf is a large open pit not subject to a staged excavation and rolling programme of rehabilitation. It lies in a more densely populated area than Aylesbury and direct comparisons are therefore difficult.

Limited Notification

This was an issue raised by several submitters who felt that full public notification should have been undertaken. Ms Crawford is correct that I may not review the matter in the sense of requiring full notification, that being an issue which would have to be the

subject of an application to the High Court. However, I do note that there is now no longer a presumption in the Act that an application will be publicly notified and that the proposal is a discretionary activity, one that is anticipated by the plan to be in a rural location.

Lack of Information in the Circulated Material

A number of submitters were concerned that the package of material received by them did not contain all the information included with the application. Again this is something I have no power to review. However, I note that notification must contain enough information to inform a person with a reasonable knowledge of the area to be able to identify generally what the activity is and where it is to be located. The notice need only alert people to the mechanics of what is proposed and whether or not it might affect them. It is, however, common practice by Councils to send rather more than just a notice to people and in this case the Council has done that but stopped short of a full documentation.

Bias/Conflict of Interest

A perception of bias or conflict of interest arises because the Council's operations would derive benefit from the quarry. This is the reason the Council has appointed independent consultants and an independent commissioner.

Traffic

The Canterbury Plains are characterised by long straight roads which sometimes meet in complex intersections. In this case, four roads intersect with the State Highway and the Midland Railway. The railway has the effect of separating the junction of three of these so that they link then cross the line and join the State Highway as one. As far as the State Highway is concerned, the intersection has the characteristic of a cross roads with a major road in the direction of Hororata and a minor road (Station Road) leading to the north. Statistically, the intersection is safe, however and I have the benefit of two expert opinions. Access to Bealey Road will be to the Type D (heavy vehicle) access standard with PW50 truck warning signs and there is no problem with visibility. Save for the obvious benefit of discouraging the use of Railway Road (which is more of an amenity matter) traffic generation and safety matters do not amount to a critical issue.

Noise and Vibration

Noise is a potentially serious issue and it has been taken seriously notwithstanding the fact that noise from any motor vehicle or mobile machinery is exempted from the controls in the District Plan. The concern expressed by local residents is understandable when there is evidence of noise and vibration disturbance from other quarries such as the Wheatsheaf. That quarry and others are older operations and in the case of the Wheatsheaf houses are much closer than in the case at Aylesbury. Nonetheless, the operation is a discretionary activity the adverse effects of which are expected to be subject to adequate mitigation. In this case the applicants' consultant, Dr Trevathan of Acoustic Engineering Services, has taken a conservative approach to his modelling and this has been reviewed by Mr Chiles. There has been no contravening evidence other than expressions of doubt from (understandably) concerned residents. I am left, therefore, to conclude that the effects associated with noise and vibration from the activity limited to daytime hours will be within the permitted plan standards.

I note that the District Plan does anticipate some environmental effects from farming activities that are potentially noisier and/or more unpleasant than those found in urban areas. Quarrying is not a farming activity and although noise and vibration may not exceed those from farming activities they are likely to be more constant and of a different character. The District Plan has indicated the appropriate levels of performance and it is apparent that these standards can be met. Should the project go ahead it is essential that the mechanisms are in place to ensure that this is so and remains so.

Dust

Both the quarrying operation and the hauling of the aggregate have the potential to generate dust. There are recognised methods of avoiding the creation of dust. Dust can be suppressed with water. Haul roads can be kept damp or sealed and gravel roads can be avoided where practicable. These are the methods proposed by the applicant. They are known to be effective if applied correctly and this would need to be the subject of conditions in sufficient detail for the Council to be able effectively to enforce them.

Hazards to Aircraft

Aylesbury is an important position in terms of transiting aircraft many of which must remain at a low altitude. Bird strike is a concern and if a quarrying operation attracts



birds that could have a serious effect. Mostly, there is a risk if a quarry pit contains water. This quarry will not but initial soil disturbance could well attract bird life in the way cultivation can. Should the project proceed, a management and monitoring mechanism should be in place with the tools to act swiftly if there is a problem.

Visual Effects

This is a major concern to neighbours who have chosen to live in a rural area based on its present attributes. One cannot rely upon any changes occurring and the RMA is not a no-effects statute. Here, one should be guided by the District Plan. For instance, what would be allowed to occur as of right in this area? Firstly, it is apparent that a contractor for the Council could operate a quarry as of right within the adjacent gravel reserve part of which is not worked out on what at first examination appears to be part of the applicants' site (but is not). Secondly, a significant complex of farm buildings could be erected in a position where outlook from the public viewing point would be affected. The quarrying operation has some similarities but it is significantly different and it requires a full discretionary consent. Discretionary activities are anticipated in the zone but not necessarily on each or any particular site. Adverse effects are also an expected outcome and suiting any activity to a site is often very much dependent upon whether or not the effects can be effectively avoided, remedied or mitigated. In this case, the rolling method of operating, the creation of bunds and the planting/irrigation programmes are important provisions.

Should there have been a comparison with Other Potential Locations

The consideration of alternative locations can become important when a matter of national importance has been raised in relation to Part 2 of the Act. For it to be relevant in terms section 104(1)(c), I believe there would have to be credible evidence of a significant adverse effect on the environment which was not able to be effectively mitigated. The expert evidence indicates otherwise. Rejection of this site in favour of another in the general vicinity would be likely to raise very similar or even identical issues. The public call for contractors to remove shingle from the bed of the Selwyn River, however, did cause some confusion especially in light of apparent policy moves away from such sources. I was told, however that this material is not suitable for aggregate and would generally be used for hardfill.

DELIBERATION

Quarrying has been carried out on the Canterbury Plains since the earliest times of European settlement and it has not always been managed in an environmentally friendly way. Quite naturally, people look to past performance of an industry in order to anticipate the effects it will have with a new proposal. This is why the example of the Wheatsheaf quarry comes to mind and it is a useful reference to make. The Wheatsheaf is a large open pit with some bunding and landscape planting. It is clearly disruptive to residents nearby. In the case of the Aylesbury proposal the applicant is proposing a regime that has the capacity to address these issues, both in terms of its distance from dwellings and management measures.

However, the actual and potential effects on the environment of allowing the activity (in terms of s.1041(a)) are not the only matter I must address in terms of section 104 of the Act which is also subject to the overarching provisions of Part 2. The section 42A report addresses these issues the relevant elements of which are the Regional Policy Statement and the provisions of the District Plan. Regional consents have issued in terms of the Natural Resources Regional Plan which gives effect to the Regional Policy Statement. In other respects the Regional Policy Statement is given effect to by the District Plan.

The section 42A report took me through the following objectives and their attendant policies:

- Objective B1.1.1 and Policy B1.1.7 which deal with effects on land and soil resources.
- Objective B2.1.1 and Policy B2.1.6 which deal with the safe and efficient operation of roads, railways and airfields.
- Policy B2.1.17 which deals with the safety of aircraft approaches to Hororata Domain or West Melton airfield.

- Objectives B3.4.1 and B3.4.2 which deal with the balance of providing for rural activities and maintaining the area as a pleasant place in which to live.
- Policies B3.4.1 and B3.4.3 which implement the above.
- Policy B3.4.4 which is there to ensure that the effects arising from industries in the rural zone are avoided, remedied or mitigated to the extent that the adverse effects are no more than minor.
- Policies 3.4.5 and 3.4.6 relating to building density, bulk and reflectivity and vegetation cover.
- Policy B3.4.11 which relates relevantly to ensuring that regular or continuous noise is at a level which does not disturb people indoors on adjoining properties.
- Policy 3.4.13 which relates relevantly to the adverse effects of prolonged vibration.
- Policy B3.4.14 relating to the effects of dust on adjoining dwellings.
- Policy 3.4.16 relating to building setbacks from property boundaries.

While it is clear that the levels of consistency or lack of it with these elements of the District are varied, I believe that an acceptable level of consistency can be achieved if the operation is conducted in accord with appropriate conditions.

Central to Part 2 of the Act is section 5 which outlines the purpose of the Act – the promotion of the sustainable management of natural and physical resources. Sustainable management of these resources must be done in a way or at a rate that enables people to provide for their livelihood while (at the same time) – among other things – avoiding, remedying or mitigating any adverse effects on the environment. Obviously there are various competing considerations to be made resulting in an overall judgement. In cases of this nature, where an activity is expected to have a rural location

and some adverse effects are also expected, the key lies with whether or not the adverse effects can be sufficiently mitigated so that both local residents and the community that requires the aggregate can provide for their livelihood. What constitutes an adverse effect that is no more than minor, is subject to individual and varying opinions and in such cases we must look to some sort of empirical base such as the standards of the District Plan. If these can be met, well and good but the open question is as to whether or not they will be met and continue to be met.

CONCLUSION

The proposed activity has the potential to produce adverse effects that are more than minor but these can be mitigated to a sufficient extent and for that reason refusal of consent would not be warranted. Having said that, the possibility of serious adverse effects is very real and that is sufficient reason to impose a comprehensive range of conditions that not only ensure the activity is established in acceptable terms, but also that it continues to operate in this manner.

DECISION

For the above reason, consent is **granted** to the application subject to the following conditions:

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 F – Development Proposal dated 1 August 2011 – Revision 2 and Appendix C - Sections and Elevations dated 27 June 2011 – Revision 3) except as specifically amended by the following conditions.
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 holder's 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 750mm-1 metre high at time of planting shall be maintained at a height of 4 metres, with the exception of the northern corner of the site where the perimeter shelter belt planting shall be maintained at a height of 3 metres for a distance of 75 metres back from the northern corner in order to provide for some distant views towards the south west of the Southern Alps.

- 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 2 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 perimeter shelter belt and specimen planting shall be irrigated throughout the establishment period.
- 4.5 That any dead, diseased or dying vegetation required for mitigation purposes shall be replaced within the following planting season.
- 4.6 That the colour of the proposed building shall be a recessive natural colour such as Resene
- a) Lignite BR34-021-058
 - or
 - b) Karaka G31-010-106
 - or
 - c) New Denim Blue B39-012-250
- or an equivalent with reflectivity (RV) less than 36%.
- 4.7 That the application site shall be progressively rehabilitated at the conclusion of the quarrying activity so that;

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

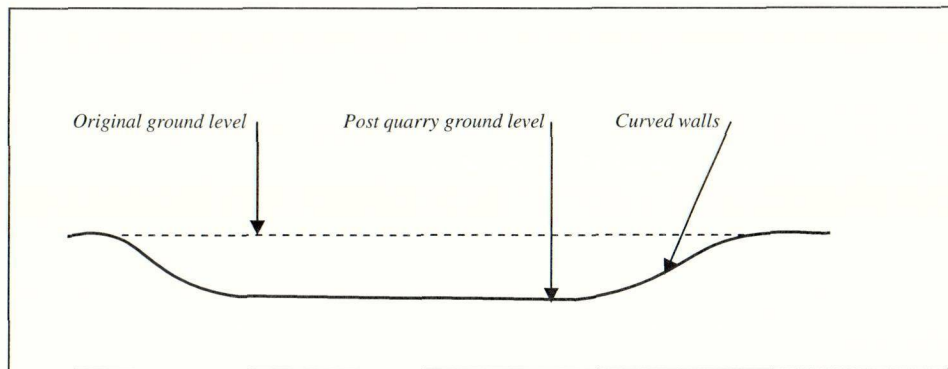


Diagram: showing profile of re-shaped quarry walls following closure

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.
- 4.11 In the event that water storage tanks are established on the site, these shall be a recessive natural colour to match the building and shall be located adjacent to the western side of the building as shown on the Landscape Plans prepared by Earthwork Landscape Architects (Appendix F – Development Proposal dated 1 August 2011 – Revision 3).

Hours of operation

5. The quarry operation shall occur only between 0730 – 1800 hours Monday to Friday and 0800 – 1300 on Saturday (staff may arrive earlier and depart later). The quarry shall not operate during Sundays or statutory holidays.

Noise

6. The crusher plant shall not be operated more than 4 times per year for a maximum duration of 3 weeks at each time.
7. Crushing will be limited to the following hours/days of operation:
 - 0730-1800 Monday – Friday.
 - No crushing shall occur on Saturdays, Sundays, or any statutory holidays.
8. The activities carried out pursuant to this consent shall comply with the District Plan noise limits for the outer plains rural zone at all times.

Dust

9. No explosives or blasting shall be used as part of the quarry activity.
10. 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.
11. 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.

Birds

12. The consent holder shall undertake monthly monitoring and reporting of bird populations within the site to the Selwyn District Council for the first 5 years of operation.

Water

13. Prior to the commencement of quarrying, the consent holder shall provide to Council's Planning Manager 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 landscape planting.

Traffic

14. The consent holder shall keep a log book to be submitted upon request to the Council detailing the numbers of heavy vehicle movements to and from the site.

Quarry Management Plan

12. The consent holder shall submit an Operation Management Plan to the Selwyn District Council prior to the commencement of quarrying activity. The Operation Management Plan must 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) speed restrictions of vehicles within the site,
 - (iv) security of loads on vehicles travelling to and from the site,
 - (v) vehicles associated with the site avoiding unsealed roads where practicable.
 - (vi) 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.

Review of Conditions

13. 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



M.J.G. Garland
Commissioner

Date: 19 August, 2011

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.

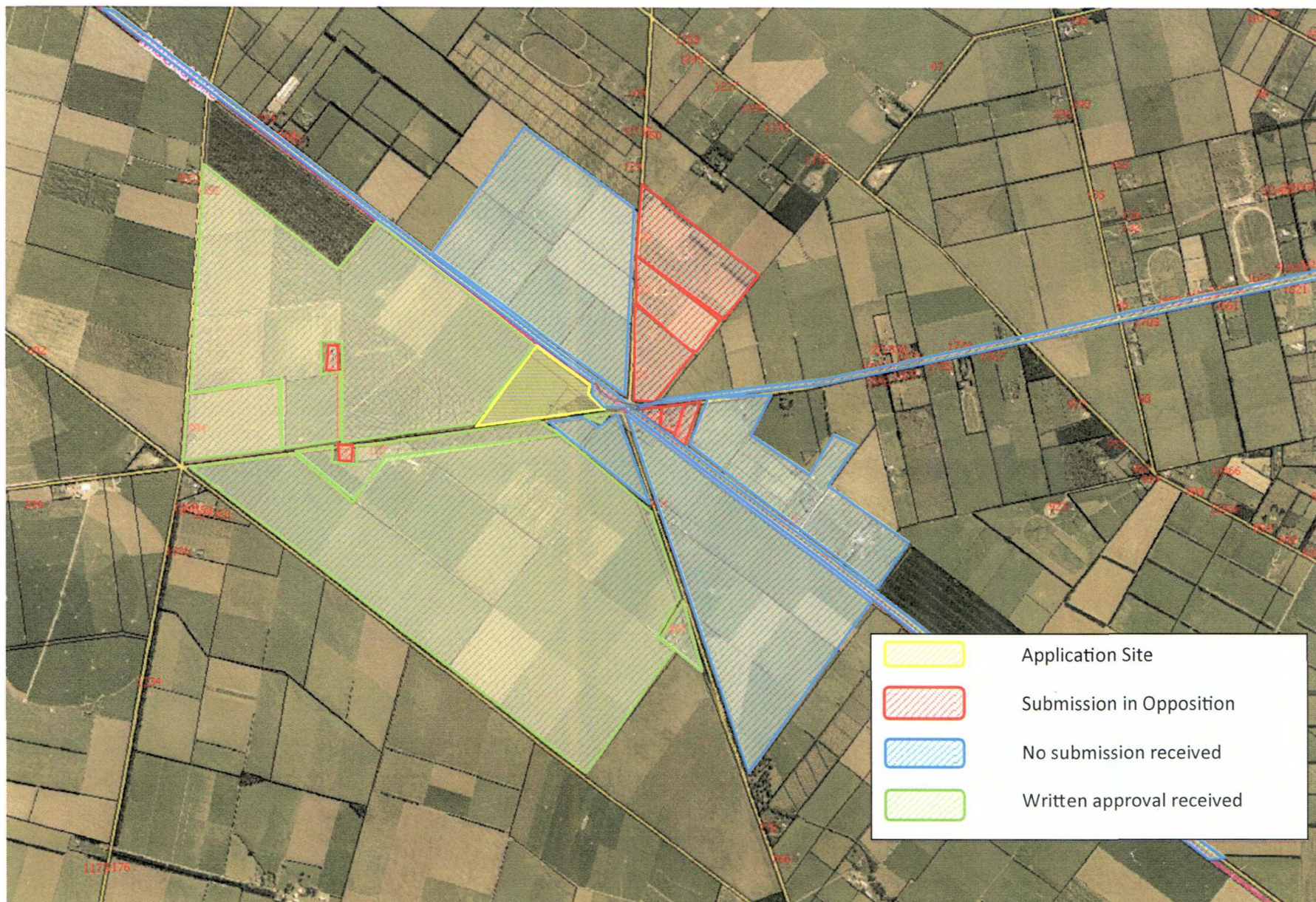
108. *Conditions of resource consents*

- (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

CRC111434 to discharge contaminants to air

Draft Conditions for Southern Screenworks Limited

Consent Duration: 35 years

PLEASE NOTE: THIS IS NOT AUTHORISATION TO COMMENCE THE ACTIVITY

Prior to including proposed conditions in the officer report, I seek your endorsement of the following draft conditions.

(1)

- (a) The discharges shall be only fugitive dust from
 - (i) the extraction, crushing, screening, stockpiling, transporting of gravel;
 - (ii) the deposition of cleanfill material; and
 - (iii) unconsolidated surfaces.
- (b) The discharges shall occur only at a gravel pit operation on a site on Bealey Road, Aylesbury, with the legal description Lot 1 DP 354364, at or about map reference NZMS 260 M35:5033-4170 as shown on Plan CRC111434A which forms part of this consent.

(2) The quarrying activities shall be only:

- (a) Overburden stripping and storage;
- (b) Bund formation and maintenance;
- (c) Extraction and transportation of aggregate; and
- (d) Site rehabilitation.

(3) The discharges shall not result in suspended or deposited particulate matter that is offensive or objectionable beyond the boundary of the property on which the consent is exercised.

(4) The extraction of gravel shall not occur within 10 metres of any property boundary.

(5) The maximum amount of material stored on site shall be 10 000 cubic metres.

(6) Crushing of aggregate shall occur:

- (a) No more than four times per year and for no more than three weeks per occasion; and

- (b) Only between the hours of 7am to 6pm Mondays to Fridays, excluding public holidays.
- (7) The consent holder shall undertake all practicable measures to prevent the discharge of dust. Such measures shall include but not be limited to:
- (a) Minimising exposed areas;
 - (b) Carrying out crushing operations on the floor or the pit;
 - (c) Avoiding extraction, crushing and material handling when conditions are dry and windy;
 - (d) Applying water or dust suppressants to internal roads, stockpiles and other unsealed areas as required;
 - (e) Sealing internal roads that have high usage;
 - (f) Limiting vehicle speeds on site to not more than 15 kilometres per hour; and
 - (g) Grassing stockpiles as soon as practicable;
- (8) Bunds and vegetation shall be established and maintained around the site as follows:
- (a) A topsoil bund shall be constructed and maintained on three sides around the excavation area as shown on Plan CRC111434B which forms part of this consent.
 - (i) The bunds shall be at least two metres high; and
 - (ii) The bunds shall be vegetated.
 - (b) Prior to any discharge arising, vegetation in the form of trees and shrubs shall be established around the perimeter of the site.
 - (i) The vegetation shall be planted and maintained so that it reaches a height of at least four metres within four years of the commencement of the consent.
 - (ii) The vegetation shall be maintained in a healthy and uniform state and replanted if damage or die-off results in patchy screening.
- (9)
- (a) Prior to and during excavation of the pit, gravel may be stockpiled on the natural ground surface. Stockpiles on the natural ground surface shall be no higher than two metres above natural ground level.
 - (b) Once a pit has been established such that gravel may be stockpiled within in, all stockpiles of gravel shall be located within the excavated pit.
 - (c) The height of the stockpiles located within the excavated pit shall not exceed the height of the top of the bunds surrounding the pit.

- (10) A record of all complaints relating to contaminants shall be maintained, and shall include:
- (a) The effect observed by the complainant;
 - (b) the location where the contaminants were detected by the complainant;
 - (c) the date and time when the contaminants were detected;
 - (d) a description of the wind speed and wind direction when the contaminants were detected by the complainant;
 - (e) the most likely cause of the contaminants detected; and
 - (f) any corrective action undertaken by the consent holder to avoid, remedy, or mitigate the effects of the contaminants detected by the complainant.

This record shall be provided to the Canterbury Regional Council Attention: RMA Compliance and Enforcement Manager on request.

- (11) The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:
- (a) Dealing with any adverse effect on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage; or
 - (b) Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
- (12) The lapsing date for the purposes of Section 125 of the Resource Management Act (1991) shall be 30 June 2016.

(please print applicant's name)

"I _____ hereby amend my application to include the above proposed resource consent conditions to avoid or mitigate any adverse effects arising from the activity. I have read and understood the conditions and will be able to comply fully. I also acknowledge that endorsing the above conditions is in no way written authorisation to commence the activity that is the subject of this application."

signed and dated _____

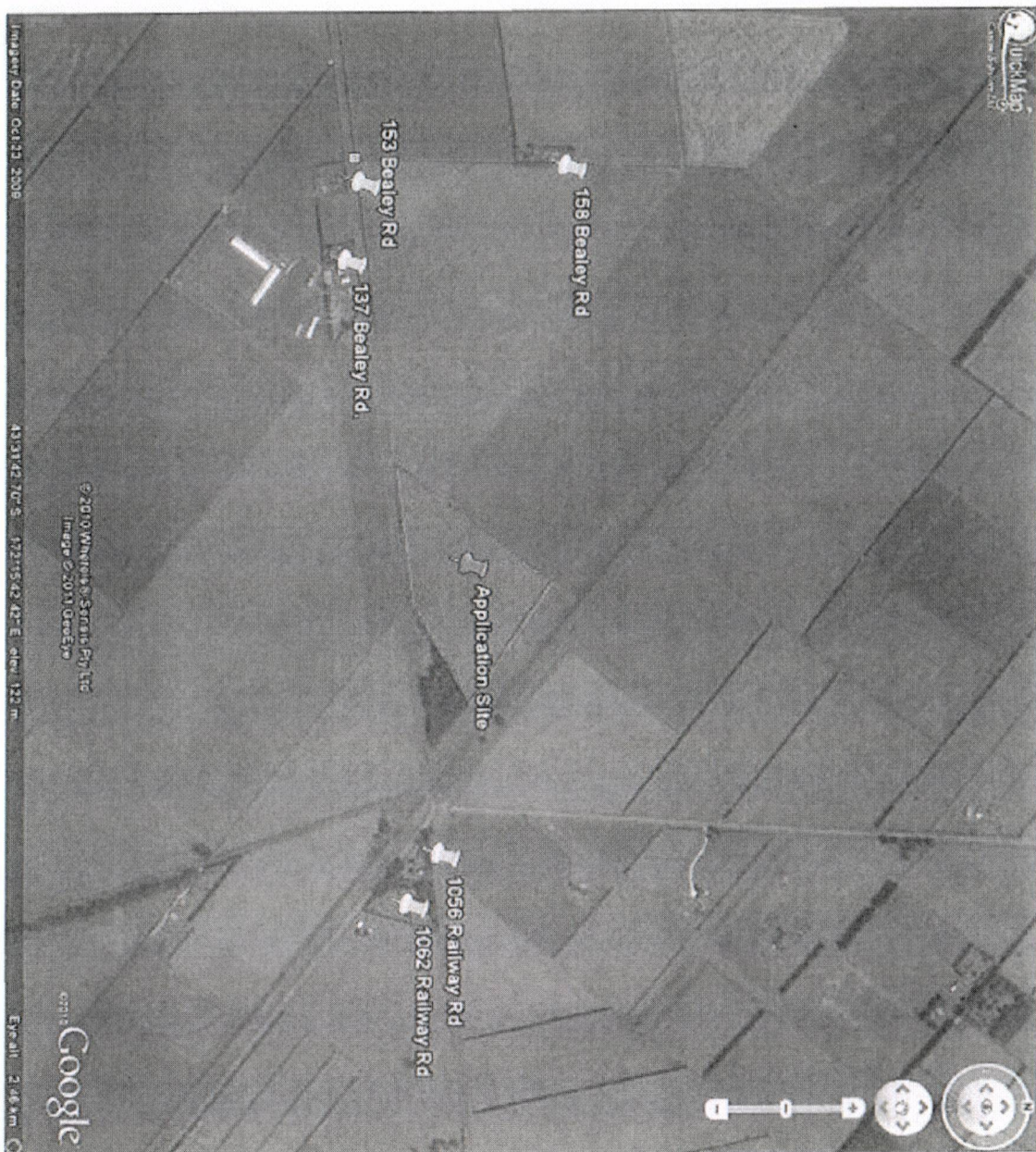
Applicant

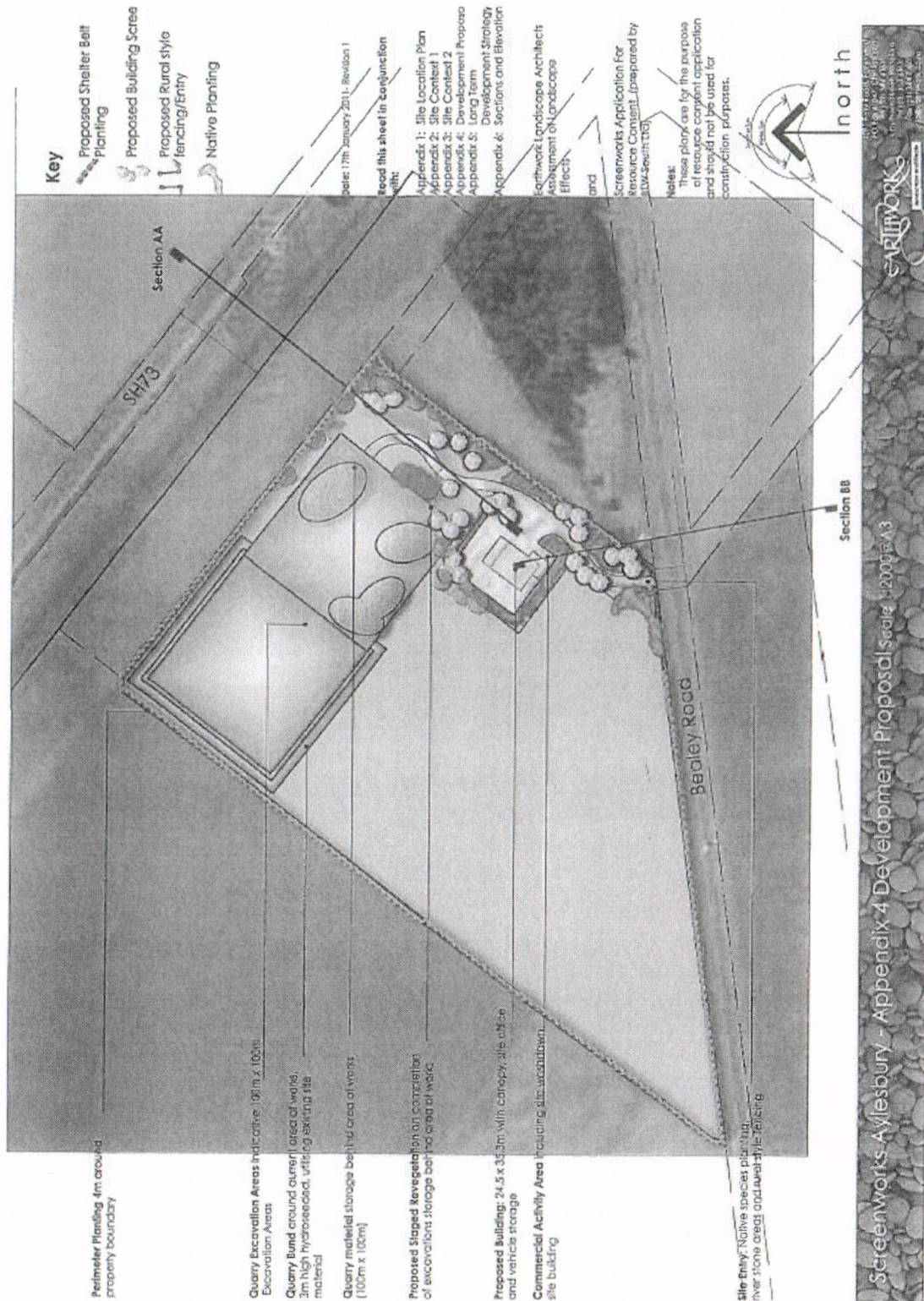
File No: C06C/32179
Consent No: CRC111434

Page 4 of 6

Applicant to initial each page_____

Plan CRC111434A





CRC111384 to excavate land and deposit material

Draft Conditions for Southern Screenworks Limited

Consent Duration: 35 years

PLEASE NOTE: THIS IS NOT AUTHORISATION TO COMMENCE THE ACTIVITY

Prior to including proposed conditions in the officer report, I seek your endorsement of the following draft conditions.

(1) Activities shall be only

- (a) The excavation of material;
- (b) The deposition of material; and
- (c) The rehabilitation of the site;

at the site located on Bealey Road, Aylesbury on the property with the legal description Lot 1 DP 354364, at or about map reference NZMS 260 M35:5033-4170 as shown on Plan CRC111384A which forms part of this consent.

- (2) The excavation and deposition shall not occur within 10 metres of any property boundary.
- (3) The amount of aggregate excavated from the site shall not exceed 30 000 cubic metres in any period of twelve consecutive months.
- (4) The works authorised by this consent shall not occur at the following times:
 - (a) Outside the hours of 7am to 6pm on Monday to Friday inclusive;
 - (b) Outside the hours of 8am to 1pm on Saturdays;
 - (c) On Sundays or public holidays.

Security

(5)

- (a) The site shall be surrounded by fencing and lockable gates to prevent as far as is practicable the unauthorised deposition of material.
- (b) Any entrance to the site shall be securely locked when the site is unattended for a period of time greater than one hour.

Excavation Operations

- (6) Excavations shall only be carried out in the area labelled "Excavation Area" shown in Plan CRC111384B which forms part of this consent.
- (7)
- (a) Bunds shall be established around the excavation site using topsoil excavated from the site.
 - (b) The bunds shall be at least two metres high.
 - (c) The bunds shall be vegetated.
 - (d) All soil from the site that is not used for the construction of the bunds shall be stockpiled for use in the rehabilitation of the site in accordance with condition (14).
- (8) The maximum depth of excavation shall be ten metres below the natural ground level.
- (9) Material shall not be excavated from any areas of standing water within the pit.
- (10)
- (a) Prior to and during excavation of the pit, gravel may be stockpiled on the natural ground surface. Stockpiles on the natural ground surface shall be no higher than two metres above natural ground level.
 - (b) Once a pit has been established such that gravel may be stockpiled within it, all stockpiles of gravel shall be located within the excavated pit.
 - (c) The height of the stockpiles located within the excavated pit shall not exceed the height of the top of the bunds surrounding the pit.

Accidental Discovery

- (11)
- (a) In the event of any disturbance of Kōiwi Tangata (human bones) or taonga (treasured artefacts), the consent holder shall immediately:
 - (i) cease earthmoving operations in the affected area; and
 - (ii) mark off the affected area until earthmoving operations recommence; and
 - (iii) advise the Canterbury Regional Council of the disturbance; and
 - (iv) advise the Upoko Runanga of Taumutu, or their representative (contact information can be obtained from the Canterbury Regional Council, and the New Zealand Historic Places Trust, of the disturbance.
 - (b) Earthmoving operations shall not recommence until either:
 - (i) the consent holder provides a certificate in writing to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement

Manager, signed by Upoko Runanga of Taumutu, or their representative(s), stating that appropriate action has been undertaken in relation to the discovered culturally sensitive material; or

- (ii) after five working days after advising Taumutu Runanga, a certificate signed by an archaeologist is provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, that states that in the archaeologist's professional opinion appropriate action has been undertaken in relation to the discovered culturally sensitive material. That certificate shall detail the action that has been undertaken by the consent holder. A copy of the archaeologist's qualifications shall also be provided with any such certificate. For the purposes of this consent an archaeologist is a person with a post graduate degree in archaeology, and who is a member of the New Zealand Archaeological Association.

Hazardous Substances

- (12) Spill kits shall be kept on site in an accessible location and:
 - (a) The consent holder shall take all practicable measures to avoid spills of fuel or any other hazardous substances within the site.
 - (b) In the event of a spill of fuel or any other hazardous substance, the consent holder shall clean up the spill as soon as practicable, inspect and clean the spill area and take measures to prevent a recurrence.
 - (c) The consent holder shall inform the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager within 24 hours of a spill event and shall provide the following information:
 - (i) The date, time, location and estimated volume of the spill;
 - (ii) The cause of the spill;
 - (iii) The type of hazardous substance(s) spilled;
 - (iv) Clean up procedures undertaken;
 - (v) Details of the steps taken to control and remediate the effects of the spill on the receiving environment;
 - (vi) An assessment of any potential effects of the spill; and
 - (vii) Measures to be undertaken to prevent a recurrence.

Deposition of Material and Site Rehabilitation

- (13) Material deposited within the excavated area shall be only:
 - (a) Material excavated from the site; and

- (b) Clean fill material, as defined in Chapter 4 of the Natural Resources Regional Plan dated 23 October 2010. The definition is attached to this consent as Attachment 1.
- (14) Prior to the deposition of material, the consent holder shall submit a Deposition and Rehabilitation Management Plan. The plan shall be:
 - (a) Prepared in accordance with the document "A Guide to the Management of Cleanfills", Ministry for the Environment, January 2002;
 - (b) Submitted to the Canterbury Regional Council Attention: Compliance and Enforcement Manager no later than 15 working days prior to the deposition commencing.
- (15) Material shall not be deposited into groundwater or standing water.
- (16) The site shall be progressively rehabilitated and re-sown in pasture.
 - (a) The rehabilitation of each part of the site shall be completed as soon as is practicable after the completion of excavation at that part of the site.
 - (b) Within one month of the completion of the rehabilitation, the consent holder shall notify the Canterbury Regional Council, Attention: Compliance and Enforcement Manager, of its completion.

Lapsing and Review

- (17) The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:
 - (a) Dealing with any adverse effect on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage; or
 - (b) requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
- (18) The lapsing date for the purposes of Section 125 of the Resource Management Act (1991) shall be 30 June 2016.

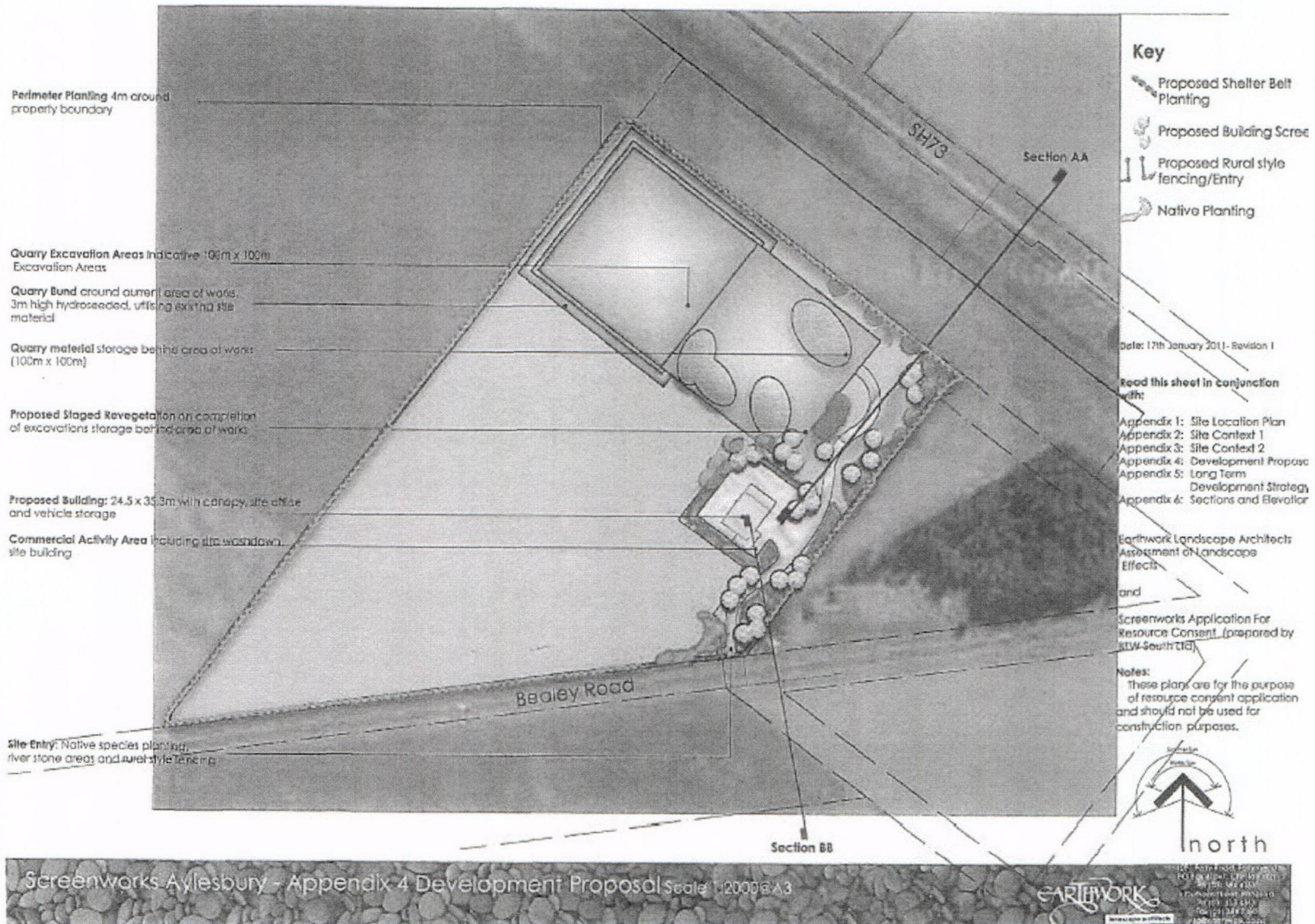
(please print applicant's name)

"I _____ hereby amend my application to include the above proposed resource consent conditions to avoid or mitigate any adverse effects arising from the activity. I have read and understood the conditions and will be able to comply fully. I also acknowledge that endorsing the above conditions is in no way written authorisation to commence the activity that is the subject of this application."

signed and dated _____

Applicant





Attachment 1 – Definition of Cleanfill material from the Natural Resources Regional Plan – Chapter 4, 23 October 2010.

“Cleanfill material means material that when buried will have no adverse effect on people or the environment. Cleanfill material includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete, including reinforcing steel embedded in the concrete, cured asphalt or brick that are free of:

- (a) combustible, putrescible, degradable or leachable components
- (b) hazardous substances
- (c) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices
- (d) materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances
- (e) liquid waste.”

APPENDIX D
NOISE REPORT



4 July 2011
Project No. 42178947

Planit Associates
PO BOX 1845
Christchurch 8140

Attention: Sam Flewellen

Dear Sam

Subject: Southern Screenworks - Bealey Road Quarry

1 Introduction

URS New Zealand Ltd (URS) has been engaged by the Selwyn District Council (SDC) through Planit Associates, to advise on the acoustics aspects of this application for a quarry by Bealey Road in Aylesbury.

We have previously conducted a review of the application as detailed in our letter dated 17 May 2011. We have now read the eight eligible submissions received on the application and this letter provides our review of those submissions. We note that while we have not specifically reviewed the two ineligible submissions the issues they raised with respect to noise are of the same nature as the other submissions.

The following comments should be read in conjunction with our letter dated 17 May.

2 Submissions

All eight submitters list noise as one of their reasons for opposing the application. In four of the submissions no specific details are given as to the nature of the concern about noise and therefore we are unable to respond. We have the following comments on the other four submissions:

- G.R.Edwards and J.Dixon make the point that while existing road and rail noise levels are high, they are intermittent, as opposed to continuous quarry activity. This is correct that there may be times when the quarry activity would be audible in between road-traffic. However, quarry noise would be at a relatively low level compared to the other noise sources and would only be present during the daytime (0730h to 2000h). The quarry noise would not be constant throughout that period.
- M and S Jones submit that claims in the application about ambient noise are overstated and the activity will cause a significant increase in noise at this location. As stated in our previous letter, it is agreed that the application did not accurately assess the potential noise effects at all locations. It is also correct that existing ambient noise levels should be lower at this location

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New Zealand
T: 64 3 374 8500
F: 64 3 377 0655

Sam Flewellen

4 July 2011
Page 2

(158 Bealey Road) than other locations closer to State Highway 73. However, while the predicted quarry noise is likely to be audible, it is substantially below the noise limit and is likely to be comparable to ambient levels.

- E and S Mildenhall note that their house (1062 Railway Road) was omitted from the noise predictions. This omission should be addressed by the applicant prior to or at the hearing. The predicted levels would be higher at this location than at 1056 Railway Road as it is closer to the quarry. Even allowing for a slight increase in the predicted level, our conclusion remains that the noise limit would be achieved in this location and noise effects would be no more than minor.
- G and W Wellwood raise the issue of empty trucks in particular generating noise and vibration when crossing the railway line. It is correct that trucks will generate noise when crossing the railway line and noise from 'body slap' is often more significant when trucks are empty. The application includes an expected maximum of 60 truck movements (30 loads) a day. In the context of trucks using a district arterial road (Bealey Road) connecting to a state highway, it is not considered that any additional noise and vibration due to these particular trucks crossing the railway is significant.

3 Conclusions

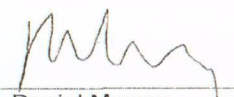
Eight submissions in opposition to the application all raised concerns about noise. Four specific points raised are discussed above, and in all cases, while the points raised are valid, they do not alter our previous conclusion that the noise from the activity would comply with the district plan noise limits and the noise effects would be no more than minor.

We reconfirm the findings of our assessment and recommendations detailed in our letter dated 17 May 2011.

Yours sincerely
URS New Zealand Limited



Dr Stephen Chiles
Principal



Daniel Murray
Principal

APPENDIX E
TRAFFIC REPORT

RESOURCE CONSENT RC115008
SOUTHERN SCREENWORKS LTD

ROADING AND TRAFFIC REPORT

BACKGROUND

Southern Screenworks Ltd plan to operate a quarry, sited on Bealey Road approximately 600 metres from the intersection with State Highway 73, Aylesbury Road and Railway Road.

This report considers the impact of the proposed quarrying operation on the local road network and covers roading and traffic safety issues.

PROPOSAL

The cartage operation for the quarry provides for a maximum daily volume of material to be removed off the site of 600 cubic metres.

The proposal is for 20 to 30 truck and trailer loads each day although occasionally during peak times there may be 60 trucks per day while the quarry material is being delivered to various sites. It is assumed the sites will be within the district and also deliveries would be made to Christchurch City using State Highway 73.

The increased traffic volumes on Bealey Road including return trips will be 40-60 heavy vehicle movements per day an occasionally 120 per day.

The deliveries as described above would involve truck and trailer loads of up to 30 cubic metres in volume with around 48 tonne maximum loads.

ROADING

Details of the local roading network close to the proposed site are shown in the table below.

The proposed entry and exit from the quarry is adjacent to the east boundary of the quarry site.

The entry/exit will be sited around 460 metres from the Midland rail line and 490 metres from State Highway 73.

Council's District Plan rules require the entry/exit to comply with Appendix 10 of the plan. The required minimum set back distance from a strategic road i.e. state highway is 180 metres. The proposal will comply with this requirement.

It is a requirement for the applicant to install a Type D heavy vehicle entrance on Bealey Road to facilitate the safe entry and exit of truck and trailer vehicles onto Bealey Road (see attachment) in accordance with the District Plan and Engineering Code of Practice.

	Road Status	Road Surface	Road Width (metres) (minimum)	Average Annual Daily Traffic Count (AADT) - vehicles per day
Bealey Road	Arterial	Sealed	8.0	1183 (June 2010)
State Highway 73 (east side)	SH	Sealed		4907 (2010)
State Highway 73 (west side)	SH	Sealed		4013 (2010)
Aylesbury Road	Local	Sealed	5.8	343 (May 2009)
Railway Road	Local	Unsealed	6.1	78 (June 2007)
Station Road	Local	Unsealed	6.5	48 (January 2010)

TRAFFIC ROUTE

It is not known what the directional split of the 40-60 heavy vehicle traffic movements will be. It is assumed that some of these trips will travel in a westerly as well as an easterly direction along Bealey Road and will also use Aylesbury Road and State Highway 73 in both directions. It is not anticipated that Railway Road will be used very often for truck trips and Station Road may not be used for any trips.

All the routes to be used are suitable for heavy vehicle use although Aylesbury Road is slightly below the optimum or recommended width of 6.7 metres but is marked with a centre-line and provides for 2 lane travel. The roads in this area are straight and provide good sightlines for motorists to see opposing vehicles and pass safely on these roads.

The increased traffic movements on Bealey Road of up to 60 vehicles per day would increase the daily traffic tally from around 1200 vehicles per day to 1260 - approximately a 5% increase. With 120 vehicles per day at peak times the increased traffic volume would be 10%. This is considered a minor overall increase for an arterial route.

TRAFFIC SAFETY

The accident history for roads in this area has been checked and is appended for the periods from 2001 to 2005 and from 2006 to 2010.

There were 8 recorded accidents within a 1 kilometre distance from the State Highway, Bealey Road, Station Road intersection during 2001 to 2005 and 5 accidents from 2006 to 2010.

The accident history does not suggest there is anything unusual in terms of traffic safety within the local area where the quarry is proposed. The total of 13 reported accidents over a 10 year period is considered relatively low for this rural area.

Out of the 13 accidents 3 were due to vehicles failing to give way at the state highway intersection, 2 due to frosty conditions and only 1 accident involved a truck where there was a failure to give way by a car driver.

The photographs appended taken from the proposed entrance/exit show the available sightlines and the layout of the roads. The sightlines exceed the minimum requirements for a 100 km/hr road.

It is not considered that the use of the site for a quarrying operation will have more than a minor effect on traffic safety. The installation of a Type D entrance will assist in allowing pull off of vehicle and assist the turning of vehicles into the site. The positioning of the entrance reasonably close to the railway line and near an intersection where the speed of travel is lower than 100 km/hr will assist. Appropriate truck warning signs (PW50 signs) can be placed on Bealey Road.

RECOMMENDATION

It is recommended the entrance to the proposed quarry is constructed in accordance with the Type D standard.

PW50 truck warning signs shall be placed on Bealey Road either side of the entrance as agreed with Council.

Geoff Birss

ASSET ENGINEER - TRANSPORTATION
SELWYN DISTRICT COUNCIL



Figure 1 Bealey Road looking west

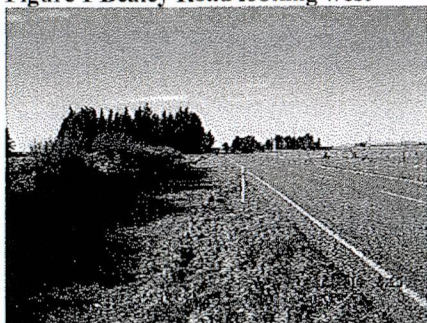
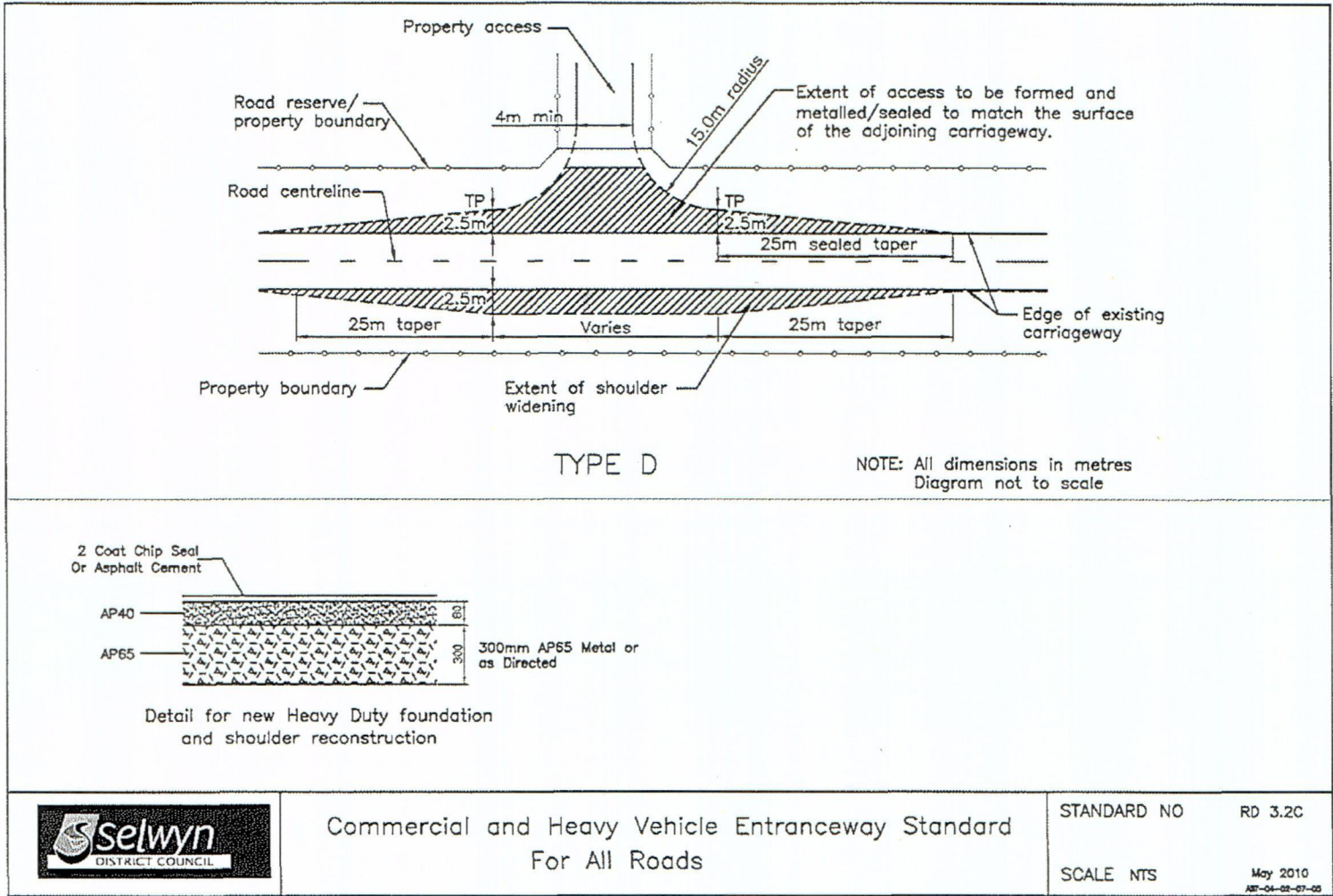


Figure 2 Bealey Road looking east

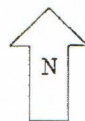


2001 - 2005 1km

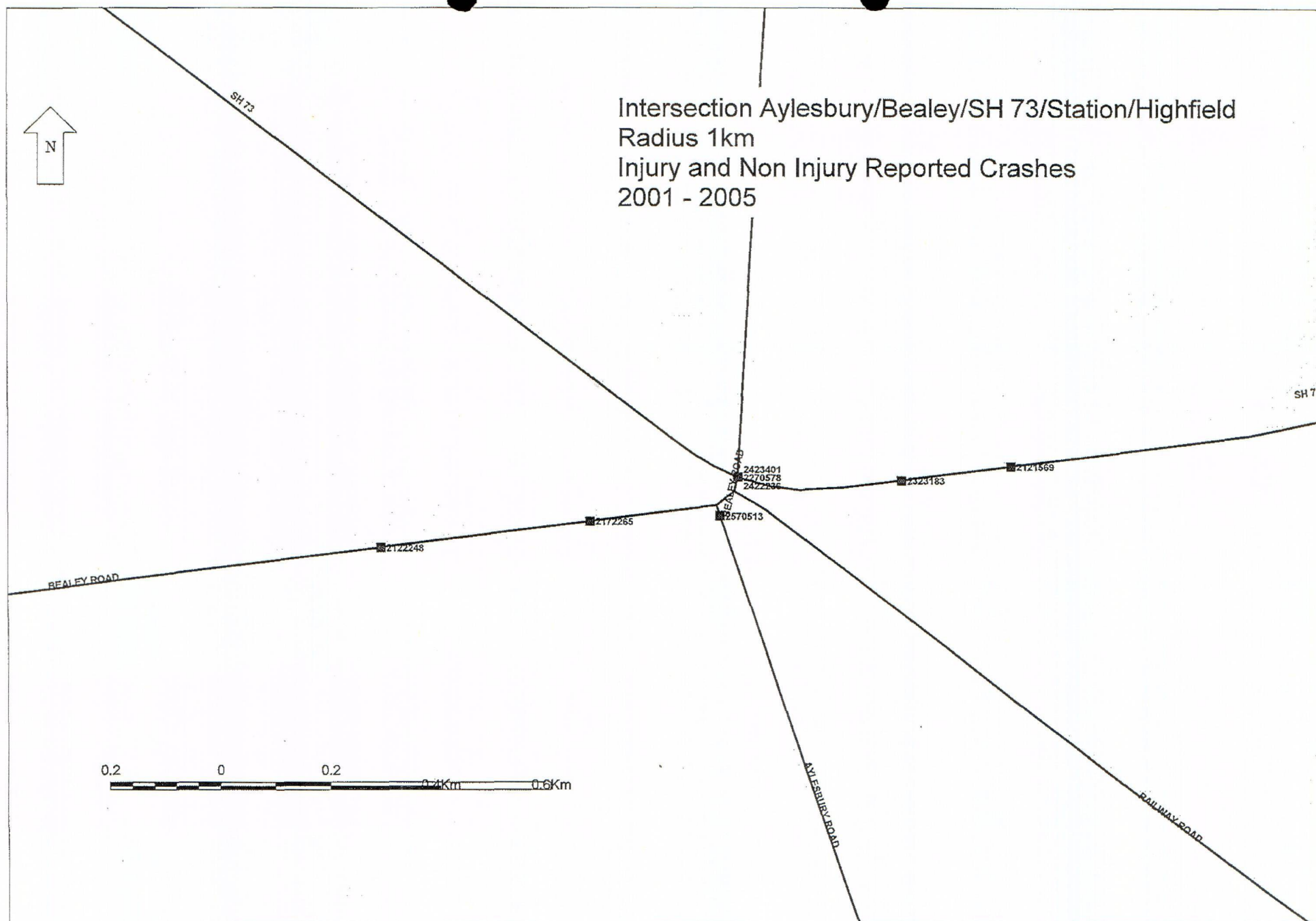
Plain English report, run on 06-Jul-2011 Page 1

First Street	Second street or landmark	Crash Number	Date	Day	Time	Description of Events	Crash Factors	Road	Natural Light	Weather	Junction	Cntrl	Tot Inj F S M A E I T R N
Distance R			DD/MM/YYYY	DDD	HHMM		(ENV = Environmental factors)						
AYLESBURY ROAD	20S BEALEY ROAD	2570513	14/02/2005	Mon	0900	CAR1 NBD on AYLESBURY ROAD hit rear end of TRUCK2 stop/slow for obstruction	CAR1 following too closely	Wet	Overcast	Heavy Rain	T Type Junction	Stop Sign	
BEALEY ROAD	1700E HIGHFIELD ROAD	2122248	14/08/2001	Tue	1420	CAR1 EBD on BEALEY ROAD lost control; went off road to left, CAR1 hit Fence, Phone Box Etc.	CAR1 lost control due to road conditions ENV: slippery, snow	Ice/Snow	Overcast	Heavy Rain	Unknown	N/A	1 1
BEALEY ROAD	300E SH 73	2172265	05/07/2001	Thu	1330	CAR1 WBD on BEALEY ROAD lost control but did not leave the road	CAR1 lost control due to road conditions ENV: road slippery (frost or ice)	Ice/Snow	Bright	Fine	Unknown	N/A	
73/15/12.65	500E AYLESBURY ROAD	2121569	14/05/2001	Mon	1923	CAR1 EBD on SH 73 lost control; went off road to left, CAR1 hit Water/River	CAR1 attention diverted by passengers, new driver showed inexperience	Dry	Dark	Fine	Unknown	N/A	2
73/15/12.85	300E BEALEY ROAD	2323183	29/10/2003	Wed	1730	CAR1 WBD on SH 73 lost control; went off road to left, CAR1 hit Ditch	CAR1 lost control, illness with no warning (og heart attack)	Dry	Overcast	Fine	Unknown	N/A	1
73/15/13.15	I AYLESBURY ROAD	2270578	10/03/2002	Sun	1015	CAR1 EBD on SH 73 hit CAR2 crossing at right angle from right	CAR2 failed to give way at give way sign	Dry	Overcast	Fine	Multi Rd Join	Give Way Sign	
73/15/13.15	I BEALEY ROAD	2422236	13/07/2004	Tue	1630	CAR1 WBD on SH 73 hit CAR2 turning right onto SH 73 from the left	CAR2 failed to give way at give way sign, didnt see/look when required to give way to traffic from another direction	Dry	Bright	Fine	X Type Junction	Give Way Sign	1
73/15/13.15	I STATION ROAD	2423401	12/12/2004	Sun	1120	CAR1 EBD on SH 73 hit TRUCK2 crossing at right angle from right	CAR1 failed to give way at give way sign, blind spot	Dry	Bright	Fine	X Type Junction	Give Way Sign	2

8



Intersection Aylesbury/Bealey/SH 73/Station/Highfield
Radius 1km
Injury and Non Injury Reported Crashes
2001 - 2005

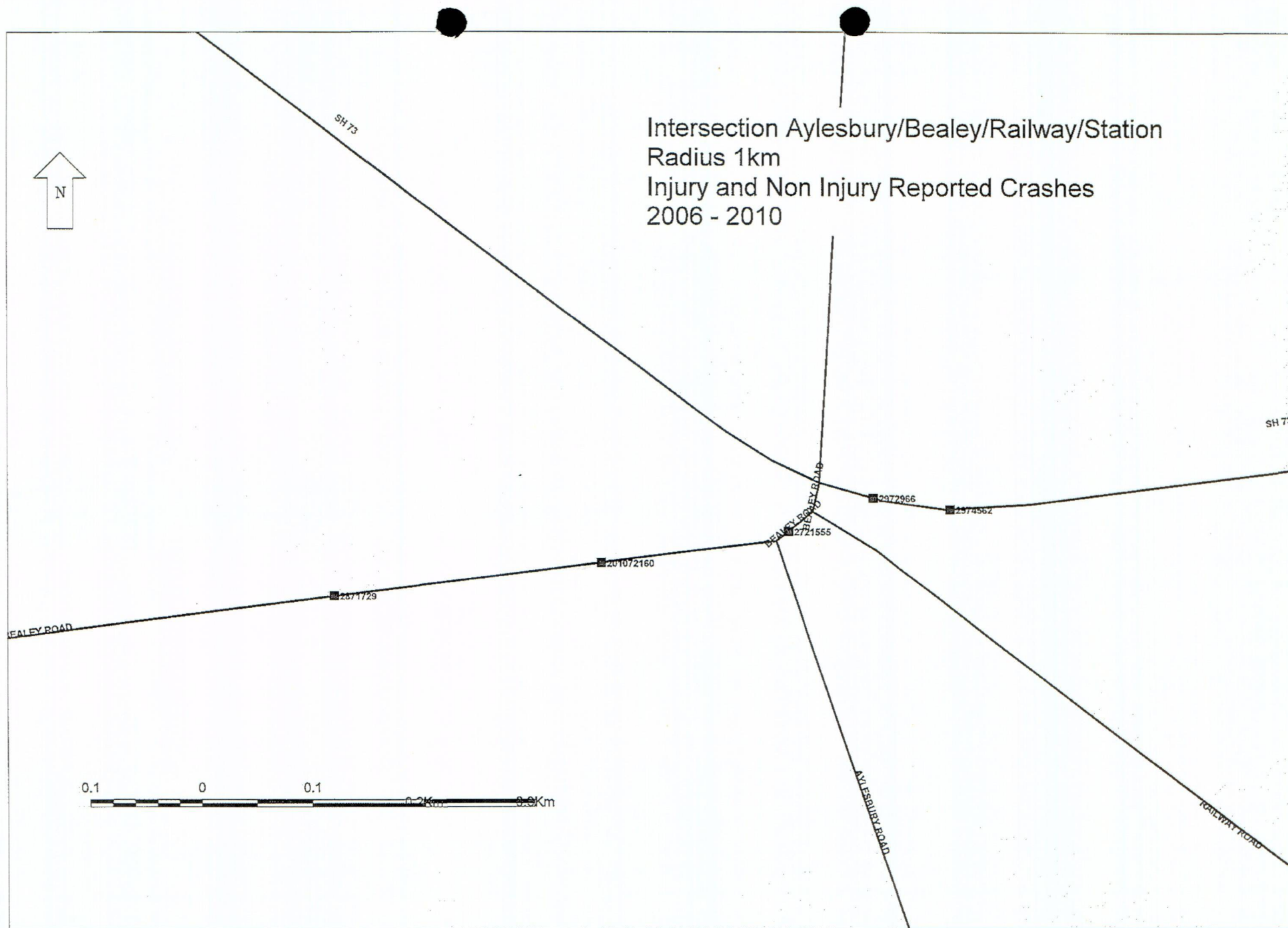


2006 - 2010 1km

Plain English report, run on 06-Jul-2011 Page 1

First Street	Second street or landmark	Crash Number	Date	Day	Time	Description of Events	Crash Factors	Road	Natural Light	Weather	Junction	Cntrl	Tot Inj F S M A E I T R N
Distance R			DD/MM/YYYY	DDD	HHMM		(ENV = Environmental factors)						
BEALEY ROAD	400W AYLESBURY ROAD	2871729	23/05/2008	Fri	0357	VAN1 EBD on BEALEY ROAD hit obstruction, VAN1 hit Stray Animal	ENV: farm animal straying	Dry	Dark	Fine	Unknown	N/A	
BEALEY ROAD	A RAIL XING	2721555	17/03/2007	Sat	1110	SUV1 NSD on BEALEY ROAD hit train, SUV1 hit Train	SUV1 did not stop at flashing red lights (fly xing)	Dry	Overcast	Fine	X Type Junction	Traffic Signal	1
BEALEY ROAD	200W RAILWAY ROAD	201072160	03/07/2010	Sat	0830	SUV1 WBD on BEALEY ROAD lost control; went off road to left	SUV1 lost control due to road conditions ENV: road slippery (frost or ice)	Ice/Snow	Twilight	Fine	Unknown	N/A	
73/15/13.03	120E BEALEY ROAD	2974562	29/12/2009	Tue	0140	CAR1 EBD on SH 73 lost control turning left, CAR1 hit Cliff Bank	CAR1 too fast entering corner, lost control when turning, now driver showed inexperience ENV: fog or mist	Dry	Dark	Mist	Unknown	N/A	
73/15/13.1	50E STATION ROAD	2972966	09/08/2009	Sun	1530	SUV1 EBD on SH 73 lost control turning left	SUV1 lost control under heavy acceleration, driver over-reacted, load not well secured or moved	Dry	Overcast	Fine	Unknown	N/A	

5



APPENDIX F
LANDSCAPE REPORT

Aylesbury Quarry

Land Use Resource Consent Application

S42A Landscape Report

Report prepared for Selwyn District Council

by Andrew Craig *Registered Landscape Architect*

April 2011

Introduction

The purpose of this report is to assess landscape matters regarding an application to establish a gravel extraction quarry at Aylesbury. Accompanying the application is a landscape assessment¹ which describes the application site and its surrounds, anticipated landscape and visual effects and mitigation measures.

In summary it is understood the proposal entails the following;

- The application site is located in the Rural Outer Plains zone.
- The application site is 9.6350 hectares.
- Current land use is pastoral.
- The application site is bounded by Bealey Road, the Midland Railway and State Highway 73.
- The proposed activity involves the extraction of gravel resulting in a pit up to 8 metres deep.
- 11% of the total quarry area will be excavated at any one time.
- Components of the proposal will comprise;
 - The pit
 - Vehicle parking area (gravelled)
 - A 7.8m high vehicle maintenance shed incorporating the site office and wash-down area
 - Gravel stockpiles – approximately 2600m² in total
 - 3 metre high grassed earth bunding surrounding the quarry operations area
 - Perimeter shelter belt planting
 - The retention of existing pine plantation subject to purchase of adjoining land
 - Landscaping around vehicle entry, building and alongside southeast boundary
 - The presence of loaders, trucks and occasionally a mobile crushing plant
- The duration of quarrying up to 30 years
- The quarry will be progressively rehabilitated as quarrying progresses across the site
- Rehabilitation will involve re-contouring and re-grassing of the gravel pit
- Activity status ranges from restricted discretionary to discretionary where matters relating to landscape are triggered among others

In preparing this report I visited the application site and its surrounds on April 20 / 2011. Photographs from that visit are attached to this report.

¹ Prepared by Earthwork Landscape Architects Ltd

As part of this report I will prepare some recommended landscape conditions. Although mitigation and remediation measures have been described by the applicant, it appears that no conditions have been offered.

Landscape considerations in the AEE

Generally I found the description of the site, the proposal, avoidance, mitigation and remediation measures to be adequate. Two aspects however merit more detailed consideration.

The first relates to the need for more accurate identification of the location of potentially affected neighbours. Photographs have been taken from the position of most neighbours, and their location is shown on a 'Site Location Plan'². These I have shown more accurately on the Attachment 1 aerial photograph. Some of these have signed the written approvals documents, including two³ who have indicated their opposition to the proposal. It is understood that the effects on those who approve the proposal cannot be considered. Further the landscape AEE identifies five neighbours who potentially stand to be affected. I believe there are seven, but not all will suffer adverse visual effects – in fact most will not.

As briefly noted in the landscape AEE, most dwellings in the vicinity will have their views screened by intervening vegetation. Nearly all of this lies however, within affected neighbour's property or is on land outside of the application site. It cannot therefore be relied upon to provide screening mitigation, but may contribute to this while perimeter shelter belt planting establishes. Once this has established in combination with the 3m high earth bund, it would not be possible to gain views into the site from neighbouring properties. The 3m high earth bund will achieve this alone, although the proposed building will still be visible, as will machinery at the outset of quarrying.

Turning to the two neighbours who have expressed opposition to the proposal, it is my opinion that they will not suffer adverse visual effects. The reason for this is that views to the site are blocked by intervening vegetation, and in the case of the Holts (153 Bealey Road) a complex of farm buildings, silos and such like. However, as mentioned these items cannot be relied on to guarantee screening, where this will have to be provided by the applicant via the earth bunding and perimeter planting.

One other contextual circumstance aids the mitigation or avoidance of adverse effects, and that is the considerable distance of neighbours from the application site. The landscape assessment observes that the nearest dwelling (at 1062 Aylesbury Road) is 400 metres from the application site – actually closer to 440m. Distance of this order will significantly reduce visual effects in combination with the mitigation measures proposed by the applicant.

On the question of mitigation and in particular the perimeter planting I note in the landscape AEE [6.2] that the selected Leyland cypress will reach a height of 4 metres in as many years. I agree that this will be the case given good site conditions, including the proposed irrigation. I also note that this planting will be implemented as the first step in the proposal. It would certainly be desirable to do this. However, it is not clear from the AEE whether the planting is to have reached 4 metres prior to the commencement of quarrying. Ideally it would be desirable to have planting to this height prior to quarrying, but it could be lower in order to achieve adequate

² Landscape AEE -Appendix 2 Site Location and Context

³ 153 (Holts) and 158 (Jones) Bealey Road, and Mildenhall

screening. Ideally, perimeter plantings would be around 3 metres at the time of planting but for practical reasons, smaller shelterbelt trees are more logical and readily sourced. As a minimum, perimeter planting trees should be 1 metre in height at the time of planting and irrigated to ensure survival and expedite growth. The selected trees are evergreen and once well established screening will occur year round.

Internally, it is necessary for all proposed planting to be established immediately with tree species to be 3 metres in height at the time of planting as this will assist with screening and breaking up views of the proposed building, access and parking area. These species are all proposed to be indigenous and include species such as *Pittosporum spp* which can be readily sourced at this height.

Screening will also be absolutely necessary with regard to views from the scenic viewing area accessed off SH73 and the Midland rail. The latter carries the 'Trans-alpine' tourist train and it is therefore important that views are not adversely affected from this and the scenic viewing area.

The scenic viewing area is purpose built (by the Lions Club) and incorporates a dedicated viewing platform – see Attachment 2 Photograph 1. Its function is to provide people with panoramic views over the Canterbury Plains to the mountains. A photographic diorama attached to the platform points out features of interest - Attachment 2 Photograph 2. Views to the mountains are attained across the northern half of the application site – see Attachment 2 Photograph 3.

Unscreened mining activity would adversely affect views from the Midland Rail and scenic viewing area to a significant degree and therefore require mitigation. The landscape AEE landscape plan shows that 4m high shelterbelt planting will be located along the boundary facing the viewing platform. The Appendix 6 section AA shows the screening effect of this. I also note that the quarry will be at least 65m from the viewing platform, which will assist in the mitigation of views.

I am satisfied that the shelter belt planting would adequately screen views to the quarry pit once fully established. In the short term, the immediate formation of earth bunds and hydroseeding of these will be required as a minimum to ensure adequate screening of the most significant visual effect being the quarry pit itself. These earth bunds coupled with the proposed internal indigenous plantings are considered sufficient to ensure that adverse visual effects in this regard will not be significant although the level of effects will reduce substantially as the shelterbelt grows. However, as stated above, it is of importance that all landscaping is established with irrigation prior to the quarry activity commencing operations to ensure that visual effects are mitigated as much as possible in the short term where effects will be at their greatest.

Views from the scenic tourist route of SH73 will be less affected because of its greater distance from the quarry site and generally lower elevation. Nonetheless the combination of proposed screening, bunds and internal planting will adequately conceal the quarry pit from view. The same would apply from Bealey Road which runs directly alongside the quarry.

District Plan Matters

The proposal triggers three matters of concern to landscape outcomes flagged by the District Plan. These relate to;

- Rule 9.4.2⁴: building, storage and waste area size exceeds 100m²
- Rule 3.3.2: building affects views from Midland Railway and SH73
- Rule 1.6.1.2 earthworks cut and volume is exceeded.

Rule 9.4.2

Essentially this rule does not rule out building, storage and waste areas exceeding 100m² provided that; '*...any significant adverse effects on the amenity and character of the receiving environment can be adequately avoided remedied or mitigated.*'⁵

Regarding this I am satisfied that adverse effects arising from proposed activity in respect of the rule can adequately avoided, remedied or mitigated subject to my recommended conditions.

Rule 3.3.2

This rule seeks to ensure that the quality of views from SH73 and the Midland Railway are maintained. The relevant discretionary matter⁶ states; '*The visual impact of the building on the views from SH 73 or the Midland Railway.*'

As discussed these vantage points are vulnerable to being adversely affected by the proposed activity. However, the focus of the rule is on the effect of buildings. The proposed building is of a type that can reasonably be expected to occur in rural production landscapes. In its appearance it is similar to the kinds of utilitarian buildings commonly found in rural areas such as implement sheds, barns and such like. So in these terms the proposed building is not an unexpected element.

As viewed from the highway and Midland Railway, there are factors that mitigate in its favour. These are summarised as follows:

- It is almost 200 metres from the railway – the nearest vantage point.
- It is painted dark natural colours and so will visually recede into the landscape setting.
- Because of the above point it will have low reflectivity.
- It is located outside of the view shafts to the mountains and foreground rural plains.
- It will be adequately landscaped.
- It will be low in height <8m.
- It will be screened by the pine plantation on the adjoining gravel pit site.

For the above reasons the building will not adversely affect views from the Midland Railway or SH73.

Rule 1.6.1.2

This rule concerns the effects of earthwork volume which will be exceeded by the proposed quarrying. Of relevance the reasons for the earthworks rules include reference to visual effects where they state:

Resource consents are needed for earthworks which involve: shifting contaminated soil; steep vertical cuts (soil erosion and visual effects⁷); raising the level of land

⁴ Does not comply with Rule 9.4.1

⁵ Reasons for rule

⁶ 3.3.3.2

⁷ My underline

which floods; land near waterbodies and special cultural sites; and shifting large volumes of material. The volume control is to ensure that large excavation works are properly filled and the site rehabilitated,

The consent will focus on ensuring that any effects are adequately remedied or mitigated, rather than trying to prevent large-scale earthworks per se.

With this in mind the relevant discretionary matter [1.6.2] states; 1.6.3.2 *The effectiveness of any proposed mitigation measures;*

As for the other matters, the proposed mitigation measures as reiterated and outlined in my recommended landscape conditions will effectively counter any adverse visual effects arising from large scale earthworks.

In overcoming the effects flagged by the above rules, it appears that the District Plan anticipates such activity as quarrying provided the avoidance, remediation and mitigation of adverse effects is satisfactorily achieved. The Plan does not rule out quarrying in the Rural Outer Plains, and indeed such activity is of necessity rural based. Policies B3.4.3 and B3.4.4 give a good indication of where it expects such rural based industry to occur, which it defines as;

'Rural-based industrial activities are those that involve a raw material or product that is derived directly from the rural area (e.g. timber yard, winery or dairy factory), as opposed to other types of industrial activities (e.g. panel beating, dry cleaning or spray painting).'⁸

Gravel extraction clearly involves 'raw materials' derived directly from the rural area. Whilst not technically applicable as quarrying is not defined as a Rural Industrial Activity, Policy B3.4.4 is still helpful as it recognises that rural industrial type activities are better suited in the Outer Plains area because there is greater scope to absorb adverse effects due to the lower dwelling densities and presence of abundant open space. But the underlying proviso is always, as the policies stress, the need to avoid, remedy and mitigate adverse effects. As stated, in my opinion this will be achieved provided the landscape conditions listed below are implemented.

Recommended Landscape Conditions

The following conditions of consent are recommended in order to achieve the satisfactory avoidance, mitigation and remediation of adverse landscape and visual effects.

1. 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:
2. All planting shall be implemented prior to the commencement of quarrying.
3. That the perimeter shelter belt planting be at least 1 metre high prior to the commencement of quarrying.
4. That for all "proposed building screening" trees as identified on the key on Appendix 4 "Development Proposal Plan" as prepared by Earthwork Landscape

⁸ SDC Rural Volume Part B Policy B3.4.4 Explanation and Reasons

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.

5. That all planting is to be irrigated.
6. That any dead, diseased or dying vegetation required for mitigation purposes is replaced immediately.
7. That the colour of proposed building is to be either *Resene*;
 - a) Lignite BR34-021-058
 - or
 - b) Karaka G31-010-106
 - or
 - c) New Denim Blue B39-012-250
8. That the application site be fully restored⁹ following quarrying so that;
 - The head wall batters are naturalistically shaped as shown in the diagrammatic cross section below
 - The entire site is fully re-vegetated, which may include pasture.

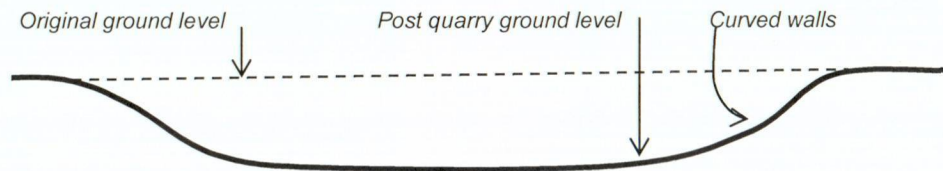


Diagram: showing profile of re-shaped quarry walls following closure

9. That as each stage is completed the affected area is re-vegetated at the very least with pasture grass.

Conclusion

Of necessity quarrying will result in significant landscape and visual effects as it causes substantial changes to the landscape. These are generally unsightly due to the interruption of landscape elements, patterns and processes. This is especially so while quarrying is being undertaken. Once activity ceases the opportunity for restoration arises. It would be unrealistic for the landform to be returned to how it was before quarrying, particularly in areas not identified as having high landscape value such as those subject to RMA S6 matters. Restoration can nonetheless achieve acceptable character and amenity outcomes. Re-shaping can restore an element of

⁹ Also see SDP Rural Volume Part C Rule 1.6.1.3 which states: *When the earthworks cease, the site is:*

(a) Filled and recontoured to the same state as the surrounding land;
and

(b) Replanted with vegetation which is the same as, or of similar species to, that which existed on the site prior to the earthworks taking place, except that where the site was vegetated with any plant pest, the site may be replanted with other species.

natural character to the landform, although it is accepted that it will be irrevocably changed. And re-vegetation will lead to visually pleasing outcomes derived from the presence of greenery. It is evident that these will be achieved, not only following closure of the quarry when extraction of the resource is completed, but to some extent as a product of progressive restoration. In the meantime, the proposed avoidance, remediation and mitigation measures will ensure that visually at least, the adverse effects of the proposal will be less than minor.

Andrew Craig

Registered Landscape Architect

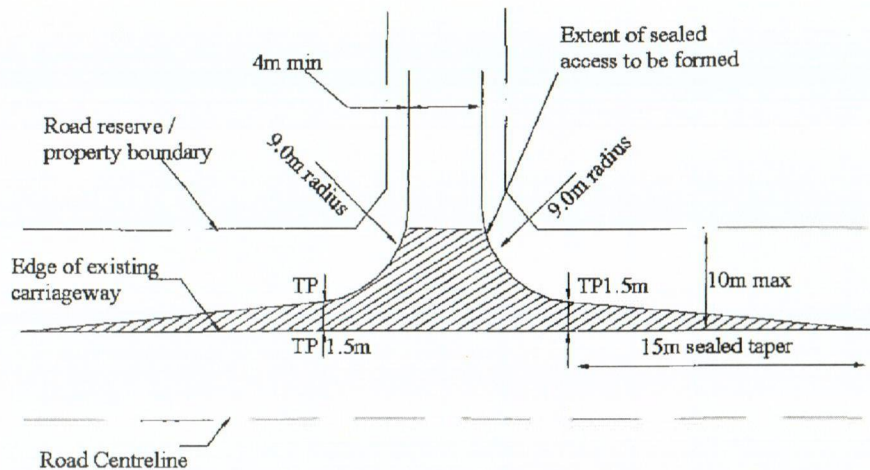
July 2011

APPENDIX G

HEAVY VEHICLE ACCESS E.10D

Diagram E10.C2 – Vehicle Crossing

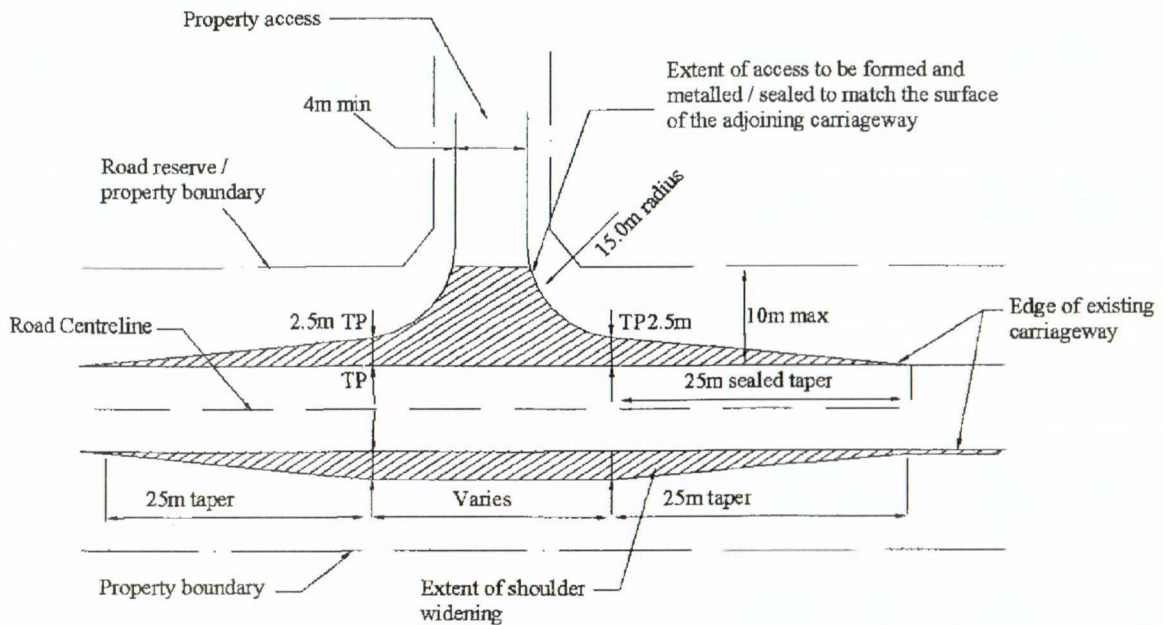
RESIDENTIAL ACCESS STANDARD FOR STRATEGIC, ARTERIAL AND COLLECTOR ROADS



NOTE : All dimensions in metres Diagram not to scale

Diagram E10.D – Vehicle Crossing

COMMERCIAL AND HEAVY VEHICLE ACCESS STANDARD FOR ALL ROADS



NOTE : All dimensions in metres Diagram not to scale