

FORM 10

UNDER SECTION 127 OF THE RESOURCE MANAGEMENT ACT 1991

APPLICATION FOR CHANGE OR CANCELLATION OF RESOURCE CONSENT CONDITION(S)

Selwyn District Plan – Ellesmere/Malvern/Paparua Sections
Proposed Selwyn District Plan

NOTE: Refer to Explanatory Notes for requirements and guidance on each point below.

To Selwyn District Council, P O Box 90, Rolleston 7643

1. I (Full name) Southern Screenworks Ltd
apply for a change / cancellation of a condition on an resource consent
2. My application relates to the following resource consent: Rm115008
3. My application relates to the following specific condition(s) of the resource consent: condition # 1
4. * The proposed change is as follows:
- detailed within the accompanying application
- to erect a larger ancillary building

*Delete if application is to cancel the condition

5. **I attach**, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail the corresponds with the scale and significance of the effects that the proposed change may have on the environment.
6. **I attach a site plan and recent certificate of title**, along with any information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act, including any Affected Party Approvals.
7. **I enclose the required deposit** of \$ 560.00 to be credited against the final account for this application.
8. 25/1/12
Signature of applicant (or person authorised to sign on their behalf) Date
9. Address for service of applicant: Brown + Company Planning Group
Telephone: (03) 4092258 Fax: (03) 4092259
Email: grant@brownandcompany.co.nz
Contact person: Grant Finn Designation: Senior Planner

FOR OFFICE USE ONLY

Accepted on / /

Application No: Fee Paid: Receipt No:



25 January 2012

Planning Manager
Selwyn District Council
PO Box 90
Rolleston, 7643

Attention: Rosie Flynn

Dear Rosie



RE: SOUTHERN SCREENWORKS LIMITED – RM115008

Please find enclosed an application to amend a resource consent condition 1 of resource consent RM115008, on behalf of *Southern Screenworks Limited* for the establishment, maintenance and operation of a quarry on land at Bealey Rd, Aylesbury. The client Mr Brett Swain will pay the necessary fee (\$560.00) being the lodgement fee for a non-notified application.

In order to assist with the processing of this application, we thought it helpful to set out in writing the reasons we consider that this application by *Southern Screenworks Limited* for a change of consent condition can be properly dealt with on a non-notified basis.

As you will be aware, the 2009 amendments to the RMA removed the presumption that consent authorities must publicly notify a resource consent application. The Council is only required to publicly notify the application if it considers, based on the information received, that the proposal will or is likely to have adverse effects on the environment that are more than minor. Section 127 of the RMA applies in the case of an application to change consent conditions. This requires a comparison between any effects from the consented activity and effects that would arise from the proposal in its amended form: *Sutton v Moule* CA22/92.

In this case, the proposed change in consent condition is to enable the ancillary building and yard area within the quarry site to be altered for operational reasons. No changes are proposed to the primary activity of quarrying. The Assessment of Environmental Effects indicates that no person is materially affected beyond what is already consented, with the consequence that no person is required to be notified of the application.

In our opinion, the information that has been provided is both sufficient and reliable in enabling the Council to reach the conclusion that the effects on neighbouring properties arising from the change in consent condition for the ancillary building and yard are immaterial when compared with what has already been consented and with what can

be expected to occur in a rural area such as this. For completeness, we would also note that there are no special circumstances that would warrant notification.

I trust this information is of assistance however, should you require any further information please do not hesitate to contact me.

Kind regards

BROWN & COMPANY PLANNING GROUP

A handwritten signature in dark ink, consisting of a large, loopy 'G' followed by 'rant Finn'.

Grant Finn
Senior Planner

Southern Screenworks Ltd.

Application to vary condition 1 of resource consent
RM115008, for the establishment, maintenance and
operation of a quarry on land at Bealey Rd, Aylesbury

25 January 2012

BROWN&COMPANY
P L A N N I N G G R O U P



**APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88
OF THE RESOURCE MANAGEMENT ACT 1991**

To: Selwyn District Council

Southern Screenworks Ltd.

C/- Brown & Company Planning Group Ltd, P.O. Box 1467, Queenstown, applies for the resource consent described below:

1. The names and addresses of the owner and occupier (other than the applicant) of any land to which the application relates are as follows:

The owner of the land is Southern Screenworks Limited (SSL). SSL's postal address is:

PO Box 106
Lincoln

SSL is the applicant and the occupier of the land.

2. The land to which the application relates is:

The application relates to land at Bealey Road, Aylesbury as shown on the Location Plan attached and marked **B**.

The application site is comprised in a single Certificate of Title and is legally described as Lot 1 DP 354364 and has a total land area of 9.6350ha. A copy of the Certificate of Title is attached, marked **C**.

This area is zoned Rural (Outer Plains) under the Selwyn District Plan (2008).

3. The type of resource consent sought is as follows:

Consent to change a condition of existing resource consent, under section 127 of the Resource Management Act 1991.

4. A description of the activity to which the application relates is:

SSL seeks consent to change a condition of the existing resource consent RM115008. This decision, granted on 19 August 2011, authorised the establishment, maintenance and operation of a quarry on land at Bealey Rd, Aylesbury legally described as Lot 1 DP 354364.

The Council in correspondence dated 15 September 2011 confirmed that no appeals were lodged with the Environment Court and that pursuant to s116(1)(a) of the Act that the decision as approved can commence.

Condition 1 of RM115008 in its current form requires the following:

- 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.*

The building plans prepared by Bond Frew Ltd refer to the proposed workshop/office to be developed on-site, of dimensions 24.4 metres wide, 28.8 metres long and 7.8 metres in height above natural ground level. It has a total gross floor area (GFA) of 700m². This includes an office "lean-to" on the northern corner. The purpose of the ancillary building and yard area is to support the primary activity for which consent has been granted, which is the quarry operation.

As a result of operational requirements, SSL now propose to construct an ancillary building, of dimensions 30.0 metres wide, 40 metres long and 7.882 metres in height. The GFA is 1200m², including an 8.0m wide canopy.

Additional landscape plantings will also be established around the ancillary building and yard area.

The applicant therefore seeks to change condition 1 to the following:

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, S3.1 -Elevations dated October 2011.*
- *The landscape assessment and Landscape Plans prepared by Earthwork Landscape Architects (Appendix 1 – Revised Development Proposal dated 12 December 2011, Appendix 2 – Consented Proposal dated 12 December 2011 and Appendix 3 – Overlay Diagram dated 12 December 2011) except as specifically amended by the following conditions.*

The proposal is fully described in Part 1 of the Assessment of Effects on the Environment attached, marked **A**.

5. The following additional resource consents are required in relation to this proposal and have or have not been applied for:

The following consents have been granted by Environment Canterbury:

- CRC111434 to discharge contaminants to air;
- CRC111384 to excavate land and deposit material.

These consents do not require any amendment to enable the variation to proceed.

6. **I attach an assessment of any effects that the proposed activity may have on the environment in accordance with section 88 of, and the Fourth Schedule to, the Act:**

The assessment of effects is attached, marked **A**.

7. **I attach other information (if any), required to be included in the application by the district plan or regional plan or regulations.**

All information is contained in the application, the Assessment of Effects on the Environment and the plans provided.

DECLARATION

The Council relies on the information contained in this application being complete and accurate. The Applicant must take all reasonable steps to ensure that it is complete and accurate and accepts responsibility for information in this application being complete and accurate.

If signing as the Applicant, I/we hereby represent and warrant that I am/we are aware of all of my/our obligations arising under this application including, in particular but without limitation, my/our obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to the Fees Information section.

If signing as agent of the Applicant, I/we hereby represent and warrant that I am/we are authorised to act as agent of the Applicant in respect of the completion and lodging of this application and that the Applicant is aware of all of his/her/its obligations arising under this application including, in particular but without limitation, his/her/its obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to the Fees Information section.

I hereby apply for the resource consent(s) for the Proposal described above and I certify that, to the best of my knowledge and belief, the information given in this application is complete and accurate.

.....
for Brown & Company Planning Group
on behalf of

Southern Screenworks Ltd.

25 January 2012
.....

Address for service of applicant:

C/- Brown & Company Planning Group
PO Box 1467
QUEENSTOWN

Attention: Grant Finn

Telephone: 03 409 2258
Facsimile: 03 409 2259
Email: grant@brownandcompany.co.nz

Address for accounts:

Southern Screenworks Limited
PO Box 106
LINCOLN 7608

Attention: Judy King

ANNEXURES:

- A** Assessment of Effects on the Environment
- B** Location Plan
- C** Certificate of Title
- D** Resource Consent decision 115008
- E** ECan decisions
- F** Landscape Assessment – *Earthworks Landscape Architects*

A

Assessment of Effects

A

FOURTH SCHEDULE

Assessment of effects on the environment

1. A description of the proposal:

1.1 Introduction

This is an application under section 127 of the RMA 1991 to change a condition of resource consent RM115008 that was granted by Commissioner Garland in a decision dated 19 August 2011. RM115008 authorises the establishment, maintenance and operation of a quarry on land at Bealey Rd, Aylesbury legally described as Lot 1 DP 354364.

The immediate area is characterised principally by agricultural, intensive animal husbandry and rural-residential land use.

The context of the site in relation to the immediate area is shown on **Figure 1** below.



Figure 1: Aerial view of the site in relation to the surrounding land uses

1.2 Existing Consent and Changes Sought

SSL was granted consent (RM115008, 19 August 2011) to establish, maintain and operate a quarry and to develop an ancillary outbuilding on land at Bealey Rd, Aylesbury legally described as Lot 1 DP 354364.

The consent is subject to a number of conditions.

Condition 1 of RM115008 prescribed the following:

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.***

SSL seeks to change condition 1 as follows:

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, S3.1 -Elevations dated October 2011.***
 - ***The landscape assessment and Landscape Plans prepared by Earthwork Landscape Architects (Appendix 1 – Revised Development Proposal dated 12 December 2011, Appendix 2 – Consented Proposal dated 12 December 2011 and Appendix 3 – Overlay Diagram dated 12 December 2011) except as specifically amended by the following conditions.***

The reason for this change is to facilitate the maintenance and storage of plant and machinery entirely within the building, whereas with the consented building it was anticipated that this would partly occur outside of the building.

The ability to do this entirely indoors is preferable because it avoids the visibility of the outdoor storage, it better contains the noise, and enables better security. The building height will not change. Additional planting is also proposed around the building and yard area, as indicated in the landscape assessment attached.

1.3 Existing Environment

1.3.1 The Site

The Site is bordered by farming properties to the south and west and there are rural residential properties along Railway and Station Roads. An existing Selwyn District Council designated gravel reserve (D241) adjoins to the east.

The immediate area is characterised principally by agricultural, intensive animal husbandry and rural-residential land use.

The Site is zoned **Rural (Outer Plains)** in the Selwyn District Plan.

1.3.2 Site History

The following recent ECan consents have been granted for the site:

- CRC111434 to discharge contaminants to air granted on 15th July 2011
- CRC111384 to excavate land and deposit material granted on 15th July 2011

Copies are attached marked **E**.

1.3.3 The Existing Consent

Existing land use consent RM115008 forms part of the existing environment and provides for the establishment, maintenance and operation of a quarry and to develop an ancillary outbuilding.

RM115008 is therefore a material consideration in terms of assessing the effects of the proposed change of condition on the environment.

2. Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

The proposal will not result in any significant adverse effects on the environment.

3. An assessment of the actual or potential effect on the environment of the proposed activity:

Statutory Assessment - Section 127 of the Resource Management Act 1991

Section 127 provides that:

- (1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:*
 - (a) *The holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
 - (b) *No holder of any consent may apply for a change or cancellation of a condition on the duration of the consent ...*
- (3) *Sections 88 to 121 apply, with all necessary modifications, as if—*
 - (a) *The application were an application for a resource consent for a discretionary activity; and*
 - (b) *The references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*

(4) ***For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—***

(a) ***Made a submission on the original application; and***

(b) ***May be affected by the change or cancellation.***

Section 127(3)(a) requires that any change to conditions of consent be treated as a **discretionary activity**.

In this case, the proposed change to condition 1 relates solely to the ancillary building that supports the primary activity of quarrying. The ancillary building will be increased from 700m² to 1200m², however the building height will not be increased and additional landscape plantings are proposed to assist with its integration. The condition does not in any way seek to increase the scale or intensity of the consented activity. The proposed design of the ancillary building will simply ensure that the maintenance and storage of plant and machinery is undertaken indoors, within a secure and confined environment as opposed to outdoors which had the potential to detract from the visual and acoustic amenity of the immediate area.

As recorded in 4 below, no persons are adversely affected by the proposed change to the condition.

The effects on the environment of the proposed change of condition are assessed below. Included in the assessment is information on how any adverse effects will be avoided, remedied or mitigated as required by section 17 of the Act. The assessment of effects indicates that no person is materially affected beyond what is already consented, with the consequence (in terms of section 127) that no person is required to be notified of the proposed change to the condition.

The potential effects of a 1200m² building compared with the existing 700m² consented building relate primarily to visual and landscape amenity.

Visual and Landscape effects

No change to the consented quarrying activity or access arrangements is proposed. Operationally the proposed building will enable the consent holder to maintain, service and store all plant and machinery undercover within a secure facility. As noted above, in doing so this will avoid the visual and acoustic effects associated with the storage and servicing of plant outdoors as was originally proposed, and this is a positive effect of the proposed change.

The visual effects of the proposed quarrying activity and the atmospheric emissions (noise and dust) resultant from the quarrying operations were the primary concerns expressed in the submissions to the original application. To this effect the Commissioner in the decision noted that *'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 distance from dwellings and management issues'* (p 19).

It is worth noting that the proposed ancillary building was not of itself raised as an issue in submissions during the first round of consenting, particularly as within the Rural zone there is an expectation of large buildings associated with agricultural activity. The immediate area is characterised by the presence of large agricultural related buildings, notably the intensive piggery to the south of the site at 137 Bealey Road (land owned by BR & JK Voice). The proposed building is not dissimilar to the complex of farm buildings that exist on this site.

The proposed building is to be developed no closer to the northern side boundary and a setback of approximately 150m is maintained. In accordance with the approved plans, the consented building was to be developed no closer than 96m from the northern boundary. The increased setback (54m) will further assist with its increased integration into the general landscape of the area.

With respect to other setbacks, the building is to be developed approximately 32m from the front boundary and orientated towards Bealey Road away from the rural residential properties that exist to the north and north east. The curved internal accessway and establishment of specimen trees in conjunction with other landscape plantings will assist in effectively screening the building.

The maximum building height is identical to the consented building.

Reference to the amended landscape plan illustrates that a number of additional specimen trees are to be developed to the north of the building adjacent the side boundary and these in conjunction with the recessive colours of construction materials will assist its screening when viewed in relation to its surroundings from SH73 and Railway Road.

The change in the ancillary building design will therefore be indiscernible when viewed in relation to its surroundings from publicly accessible vantage points.

In comparing the proposed changes with the existing consent, there are materially no matters that give rise to any adverse effects on the environment.

To assist with its integration into the general landscape a number of additional mitigation measures are proposed and these are detailed in the Landscape Assessment compiled by *Earthwork Landscape Architects*, marked attached **F**.

The Landscape Architect – Lance Rozenberg provides the following comments

Public Visibility

- o SH73 and the Midland Railway Line have open and expansive views into the site from these two vantage points, with visibility into the site obtainable from a distance of approximately 1km from the west and 250m from the east.
- o From Bealey Road the site is screened until a distance of approximately 250m when coming from the west and fully screened up to the boundary by the existing plantation and quarry when coming from the east. Visual connections to the site are limited and fleeting for people travelling past by vehicle.
- o There are approximately 5 neighbours around the site who would have a visual connection to the site, ranging in distance from 400-750m. The nearest dwelling is over 400m away from the site. (to the north east) Existing hedgerows and plantations block parts of the site from various residential vantage points. Accordingly, their visual connections to the site are minor

Assessment of Altered Development

- o The additional building length along the SH73 boundary will be mitigated through the planting of Leyland cypress (2.0m height (at time of construction completion) @ 1.5m spacing) around the northern, eastern and southern side of the yard, internal native plantings will be planted at a smaller grade to ensure long term screening of the building over the life of the quarry
- o Although the visible face of the ancillary building has increased in length along the boundary with SH73, this is unlikely to have any material impact on the surrounding environment when compared to the consented design. The overall building height has not changed. The existing mitigation measures of boundary planting and the additional planting proposed will effectively mitigate the visual effects of the ancillary building size in the long term.
- o Initial plantings of the boundary shelter screen species will assist in the screening of the building initially, with an estimated 80% screening achieved within 4 years. Within 4 years revegetation is also anticipated to be occurring on sites previously excavated which will assist in the additional screening of the building, consistent with the consented proposal.

- o While the building size has increased it is still in keeping with the agricultural buildings found in the local area. As noted, the overall height is not being increased and additional mitigation methods are being proposed which will ensure that the visual impact of the changes would be negligible.

The Landscape Architect concludes the following:

1. It is the conclusion of this assessment, that given the previously consented landscaping and the additional mitigation proposals of intensive tree and shrub planting around the perimeter of the yard, that the effects of the change to the ancillary building and yard area will be immaterial when compared to what has already been consented and what can be expected to occur in a rural area. The ancillary building and yard area will still effectively integrate with the general landscape of the surrounding environment.
2. The increase of the building and yard size will in no way alter the scale of the primary activity for which consent has been obtained. The quarry operation will not be altered. The additional measures proposed are expected to successfully mitigate the increased built form through taller faster growing planting and is in keeping with the local rural character.

Accordingly, the proposed change to the condition will not result in any adverse effects on the environment; any effects are very similar to the existing consented environment.

4. An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted.

The application RM115008 was publicly notified and a total of 8 submissions opposing the application were received during the notified period.

In addition however, a number of written approvals were submitted in support of the proposed activity from the following adjoining landowners:

- BR & JK Voice
- Land Information NZ. (LINZ)
- Leighton Farms Ltd
- KR & SL Foster
- BD & HM Rowlands

The adjoining landowners and submitters who previously opposed the activity will not be adversely affected by the proposed change as their visual connections to the site are minor. This too has been confirmed in the assessment undertaken by the Landscape Architect. As such, no written approvals are therefore necessary.

As demonstrated, the proposed change in the design of the ancillary building will not alter the scale of the consented quarrying activity.

5. Where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.

No additional monitoring over and above what is prescribed in accordance with the conditions of consent is required.

6. Summary

The applicant is seeking a variation to condition 1 of RM115008 to account for the housing of plant and machinery within a building that is ancillary to the establishment, maintenance and operation of the quarrying activity.

- o While the building size has increased it is still in keeping with the agricultural buildings found in the local area. As noted, the overall height is not being increased and additional mitigation methods are being proposed which will ensure that the visual impact of the changes would be negligible.

The Landscape Architect concludes the following:

1. *It is the conclusion of this assessment, that given the previously consented landscaping and the additional mitigation proposals of intensive tree and shrub planting around the perimeter of the yard, that the effects of the change to the ancillary building and yard area will be immaterial when compared to what has already been consented and what can be expected to occur in a rural area. The ancillary building and yard area will still effectively integrate with the general landscape of the surrounding environment.*
2. *The increase of the building and yard size will in no way alter the scale of the primary activity for which consent has been obtained. The quarry operation will not be altered. The additional measures proposed are expected to successfully mitigate the increased built form through taller faster growing planting and is in keeping with the local rural character.*

Accordingly, the proposed change to the condition will not result in any adverse effects on the environment; any effects are very similar to the existing consented environment.

4. An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted.

The application RM115008 was publicly notified and a total of 8 submissions opposing the application were received during the notified period.

In addition however, a number of written approvals were submitted in support of the proposed activity from the following adjoining landowners:

- BR & JK Voice
- Land Information NZ. (LINZ)
- Leighton Farms Ltd
- KR & SL Foster
- BD & HM Rowlands

The adjoining landowners and submitters who previously opposed the activity will not be adversely affected by the proposed change as their visual connections to the site are minor. This too has been confirmed in the assessment undertaken by the Landscape Architect. As such, no written approvals are therefore necessary.

As demonstrated, the proposed change in the design of the ancillary building will not alter the scale of the consented quarrying activity.

5. Where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.

No additional monitoring over and above what is prescribed in accordance with the conditions of consent is required.

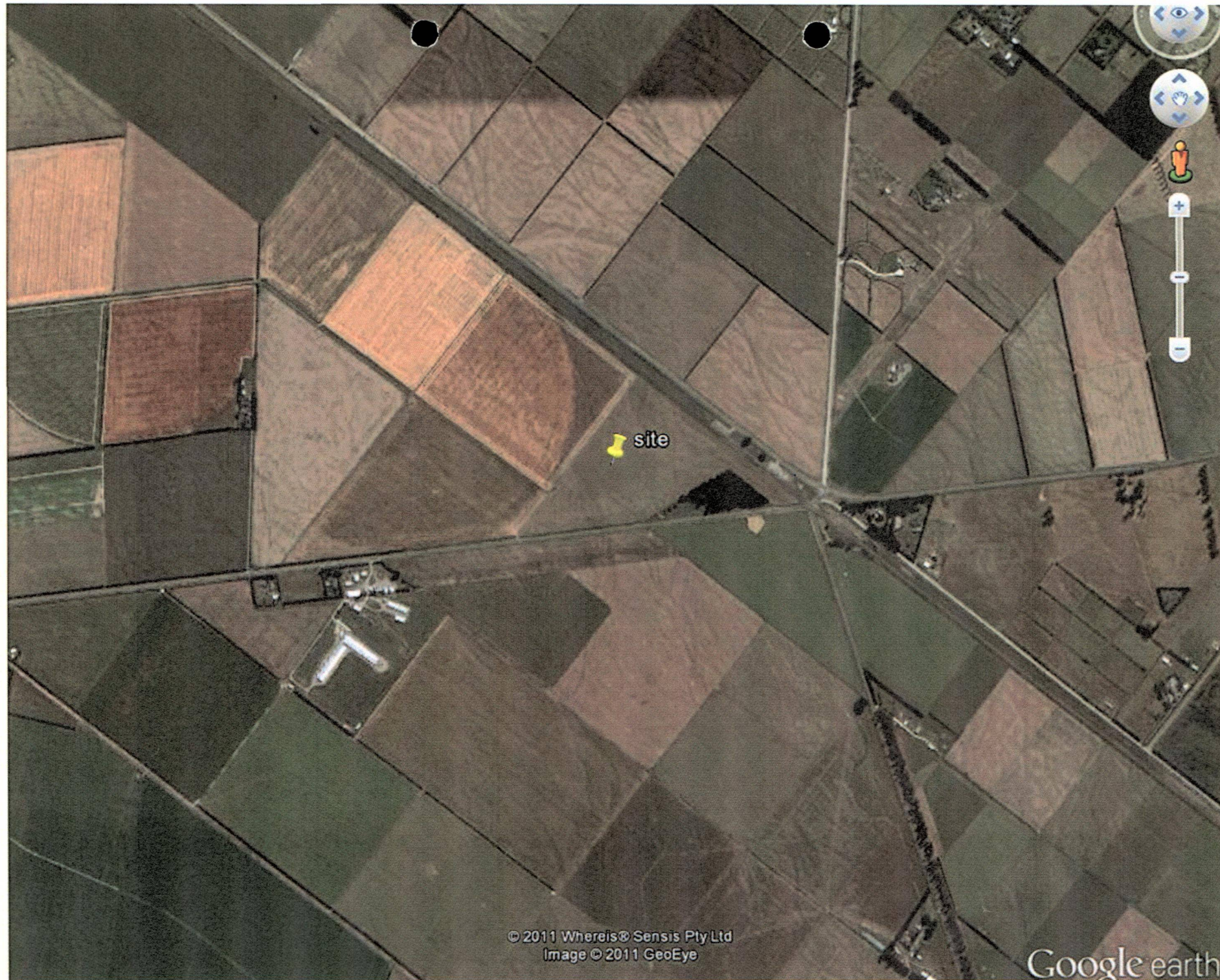
6. Summary

The applicant is seeking a variation to condition 1 of RM115008 to account for the housing of plant and machinery within a building that is ancillary to the establishment, maintenance and operation of the quarrying activity.

From the assessment of effects on the environment in 3 above, the proposed change to condition 1 will not create adverse effects on the environment nor will it alter the nature, scale or intensity of the consented quarrying activity. Any effects on the environment are inconsequential in comparison to the effects anticipated by the existing consent. As no persons will be affected by the proposed change in consent condition, it is considered this application can properly be dealt with on a non-notified basis in accordance with section 127 of the Resource Management Act 1991.

B

Location Plan



© 2011 Whereis® Sensis Pty Ltd
Image © 2011 GeoEye

Google earth

Certificate of Title

Please note: Full copy of Certificate of Title was submitted in support of the original resource consent and for purposes of this application we are reliant on that copy.

D

Resource Consent decision RM115008

Decision

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 Flewellen, 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 Flewelling.

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

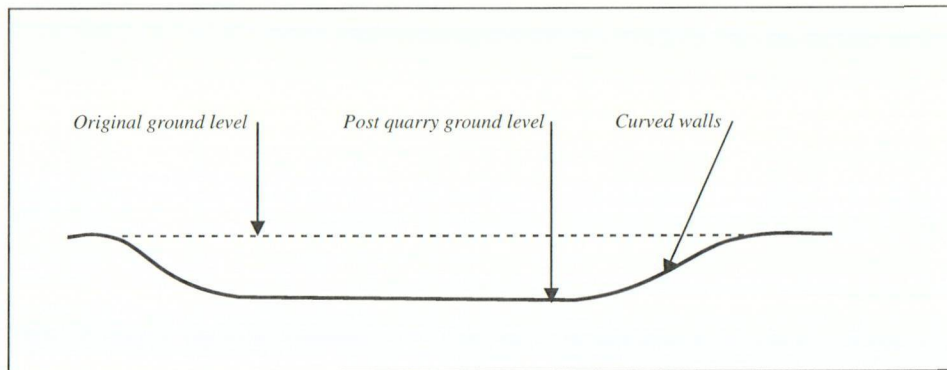


Diagram: showing profile of re-shaped quarry walls following closure

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

E

ECan decisions

15 July 2011

Southern Screenworks Limited
PO Box 106
Lincoln 7640

Dear Sir/Madam

NOTICE OF RESOURCE CONSENT DECISION(S)

NUMBER(S): CRC111434

NAME: Southern Screenworks Limited

The decision of Environment Canterbury is to grant your application(s) on the terms and conditions specified in the attached resource consent document(s). Your resource consent(s) commences from the date of this letter advising you of the decision. The reasons for the decision are:

- 1) Any adverse effects on the environment as a result of the proposed activity will be minor.
- 2) There are no persons considered to be adversely affected by the granting of this proposal.

For some activities a report is prepared, with officer recommendations, to provide information to the decision makers. If you require a copy of the report please contact our Customer Services section.

If you do not agree with the consent authority decision, you may object to the whole or any part. Notice of any objection must be in writing and lodged with Environment Canterbury within 15 working days of receipt of this decision.

Alternatively you may appeal to the Environment Court, PO Box 2069, Christchurch. The notice of appeal must be lodged with the Court within 15 working days of receipt of this decision, with a copy forwarded to Environment Canterbury within the same timeframe. If you appeal this decision, the commencement date will then be the date on which the decision on the appeal is determined. If you are in any doubt about the correct procedures, you should seek legal advice.

You can find online information about your consent document at <http://ecan.govt.nz/publications/General/YourConsentDocumentBooklet09.pdf> and also information regarding the monitoring of your consent at <http://ecan.govt.nz/publications/General/monitoring-your-consent-booklet.pdf>. If you have a resource consent for a **septic tank**, please also visit <http://ecan.govt.nz/publications/General/FlushedWithSuccess.pdf> for information about your on site wastewater treatment system. These booklets contain important information about your consent and answers some commonly asked questions about what will happen next in the life of your resource consent. There is an Annual Compliance Monitoring Charge associated with every consent. For details of this, please refer to page 10 of the "Monitoring Your Consent" booklet.

Environment Canterbury takes every measure to improve both applications and processes, and we appreciate your feedback as an important component in ensuring this occurs. You can complete a consents survey on-line at <http://www.ecan.govt.nz/services/resource-consents/pages/surveys.aspx>.

Our Ref: CO6C/32179

Your Ref:

Contact: Customer Services

Alternatively, you can call our Customer Services Section on 0800 EC INFO who will be happy to complete the survey with you.

Charges, set in accordance with section 36 of the Resource Management Act 1991, shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under section 35 of the Act.

Thank you for helping us make Canterbury a great place to live.

For all queries please contact our Customer Services Section by telephoning (03) 353 9007, 0800 ECINFO (0800 324 636), or email ecinfo@ecan.govt.nz quoting your CRC number above.

Yours Sincerely



Tania Harris
SECTION MANAGER CONSENTS
on behalf of the Canterbury Regional Council

Enc

RESOURCE CONSENT CRC111434

Pursuant to Section 104 of the Resource Management Act 1991

The Canterbury Regional Council (known as Environment Canterbury)

GRANTS TO: Southern Screenworks Limited

A DISCHARGE PERMIT: To discharge contaminants to air from gravel extraction activities

DATE DECISION: 15 July 2011

EXPIRY DATE: 15 July 2046

LOCATION: Bealey Road, AYLESBURY

SUBJECT TO THE FOLLOWING 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.

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- (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.

Issued at Christchurch on 15 July 2011

Canterbury Regional Council

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Plan CR111434A



Exercising of resource consent

It is important that you notify Environment Canterbury when you first start using your consent.

GRANTED TO: Southern Screenworks Limited
A DISCHARGE PERMIT: To discharge contaminants to air from gravel extraction activities
LOCATION: Bealey Road, AYLESBURY

Even if the consent is replacing a previous consent for the same activity, you need to complete and return this page.

Providing this information will:

- Validate your consent through to its expiry date
- Minimise compliance monitoring charges
- Help provide an accurate picture of the state of the environment.

If consent CRC111434 is not used before 30/09/2016 this consent will lapse and no longer be valid.

Declaration:

I have started using this resource consent.

Action taken: (e.g. pasture irrigated, discharge from septic tank/boiler/spray booth etc).

Approximate start date (*Note: this may be different to the date the consent was granted*): _____

Signed: _____ Date: _____

Full name of person signing (please print): _____

Please return to:

Environmental Protection - Administration
Environment Canterbury
PO Box 345
Christchurch

Customer Services
P. 03 353 9007 or 0800 324 636

PO Box 345
Christchurch 8140

P. 03 365 3828
F. 03 365 3194
E. ecinfo@ecan.govt.nz
www.ecan.govt.nz

15 July 2011

Southern Screenworks Limited
PO Box 106
Lincoln 7640

Dear Sir/Madam

NOTICE OF RESOURCE CONSENT DECISION(S)
NUMBER(S): CRC111384
NAME: Southern Screenworks Limited

The decision of Environment Canterbury is to grant your application(s) on the terms and conditions specified in the attached resource consent document(s). Your resource consent(s) commences from the date of this letter advising you of the decision. The reasons for the decision are:

- 1) Any adverse effects on the environment as a result of the proposed activity will be minor.
- 2) There are no persons considered to be adversely affected by the granting of this proposal.

For some activities a report is prepared, with officer recommendations, to provide information to the decision makers. If you require a copy of the report please contact our Customer Services section.

If you do not agree with the consent authority decision, you may object to the whole or any part. Notice of any objection must be in writing and lodged with Environment Canterbury within 15 working days of receipt of this decision.

Alternatively you may appeal to the Environment Court, PO Box 2069, Christchurch. The notice of appeal must be lodged with the Court within 15 working days of receipt of this decision, with a copy forwarded to Environment Canterbury within the same timeframe. If you appeal this decision, the commencement date will then be the date on which the decision on the appeal is determined. If you are in any doubt about the correct procedures, you should seek legal advice.

You can find online information about your consent document at <http://ecan.govt.nz/publications/General/YourConsentDocumentBooklet09.pdf> and also information regarding the monitoring of your consent at <http://ecan.govt.nz/publications/General/monitoring-your-consent-booklet.pdf>. If you have a resource consent for a **septic tank**, please also visit <http://ecan.govt.nz/publications/General/FlushedWithSuccess.pdf> for information about your on site wastewater treatment system. These booklets contain important information about your consent and answers some commonly asked questions about what will happen next in the life of your resource consent. There is an Annual Compliance Monitoring Charge associated with every consent. For details of this, please refer to page 10 of the "Monitoring Your Consent" booklet.

Environment Canterbury takes every measure to improve both applications and processes, and we appreciate your feedback as an important component in ensuring this occurs. You can complete a consents survey on-line at <http://www.ecan.govt.nz/services/resource-consents/pages/surveys.aspx>.

Our Ref: CO6C/32179
Your Ref:
Contact: Customer Services

Alternatively, you can call our Customer Services Section on 0800 EC INFO who will be happy to complete the survey with you.

Charges, set in accordance with section 36 of the Resource Management Act 1991, shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under section 35 of the Act.

Thank you for helping us make Canterbury a great place to live.

For all queries please contact our Customer Services Section by telephoning (03) 353 9007, 0800 ECINFO (0800 324 636), or email ecinfo@ecan.govt.nz quoting your CRC number above.

Yours Sincerely



Tania Harris
SECTION MANAGER CONSENTS
on behalf of the Canterbury Regional Council

Enc

RESOURCE CONSENT CRC111384

Pursuant to Section 104 of the Resource Management Act 1991

The Canterbury Regional Council (known as Environment Canterbury)

GRANTS TO: Southern Screenworks Limited

A LAND USE CONSENT: To extract up to 30000 cubic metres of gravel per year

DATE DECISION: 15 July 2011

EXPIRY DATE: 15 July 2046

LOCATION: Bealey Road, AYLESBURY

SUBJECT TO THE FOLLOWING CONDITIONS:

LIMITS

- 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).

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- 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)
 - a) Spill kits shall be kept on site in an accessible location and:
 - b) The consent holder shall take all practicable measures to avoid spills of fuel or any other hazardous substances within the site.
 - c) 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.
 - d) 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.

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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.

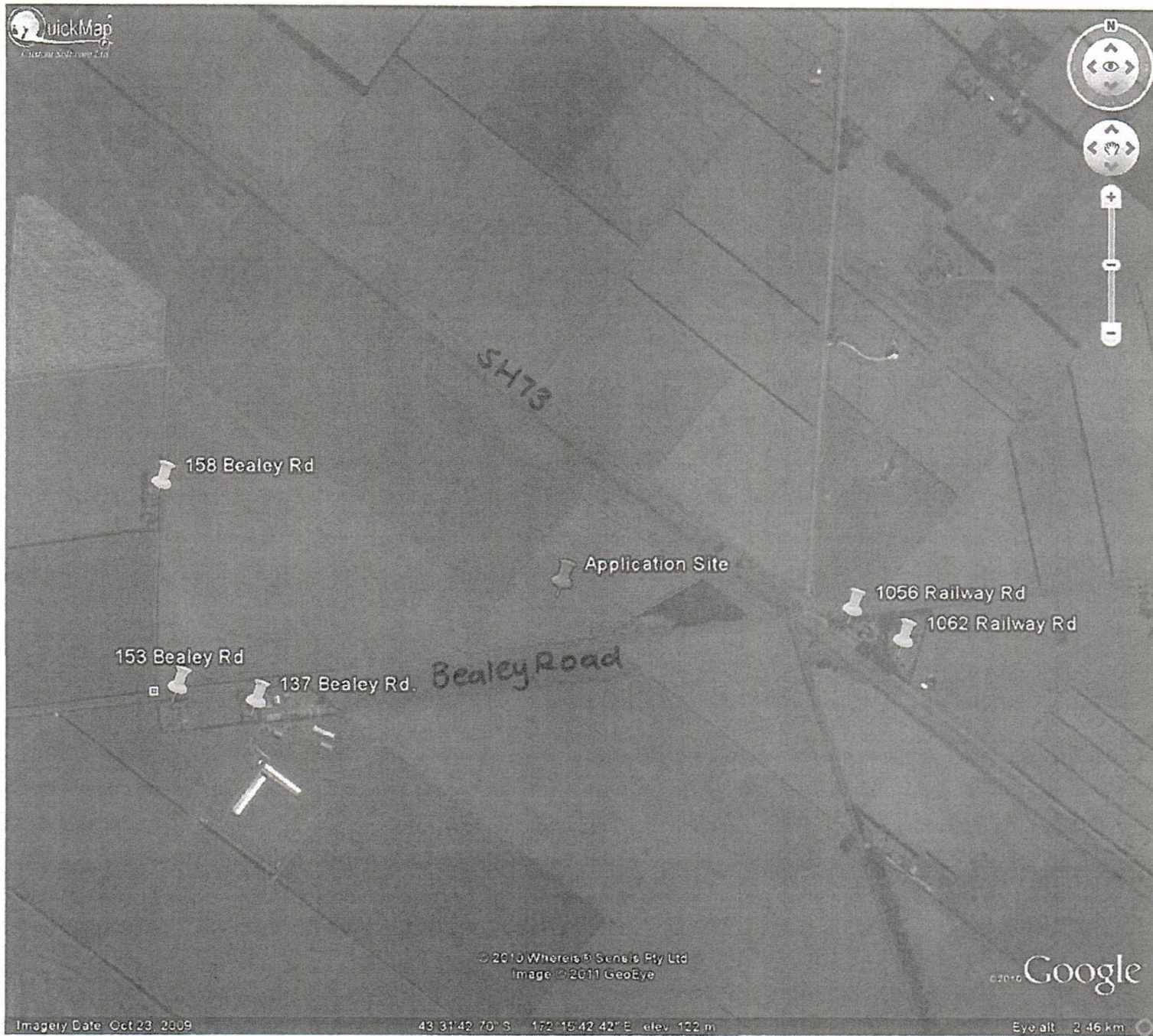
Issued at Christchurch on 15 July 2011

Canterbury Regional Council

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Plan CRC11384A



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.”

Consent No:
Our Ref:

CRC111384
CO6C/32179

Exercising of resource consent

It is important that you notify Environment Canterbury when you first start using your consent.

GRANTED TO: Southern Screenworks Limited
A LAND USE CONSENT: To extract up to 30000 cubic metres of gravel per year
LOCATION: Bealey Road, AYLESBURY

Even if the consent is replacing a previous consent for the same activity, you need to complete and return this page.

Providing this information will:

- Validate your consent through to its expiry date
- Minimise compliance monitoring charges
- Help provide an accurate picture of the state of the environment.

If consent CRC111384 is not used before 30/09/2016 this consent will lapse and no longer be valid.

Declaration:

I have started using this resource consent.

Action taken: (e.g. pasture irrigated, discharge from septic tank/boiler/spray booth etc).

Approximate start date (*Note: this may be different to the date the consent was granted*): _____

Signed: _____ **Date:** _____

Full name of person signing (please print): _____

Please return to:

Environmental Protection - Administration
Environment Canterbury
PO Box 345
Christchurch

Landscape Plan and Assessment
Earthwork Landscape Architects

EARTHWORK LANDSCAPE ARCHITECTS: Assessment of Landscape effects

1. Introduction

- 1.1. Earthwork Landscape Architects has been engaged by the applicant to prepare an assessment of landscape effects associated with the proposed change of conditions of Resource Consent 115008.
- 1.2. The assessment has been prepared by Lance Roozenburg (BLA hons) of Earthwork Landscape Architects Limited.

2. Assessment Context

- 2.1. The applicant: Southern Screenworks Ltd holds land use consent for the development of a quarry and an ancillary building on land at Lot 1 DP354364 Bealey Road, Aylesbury.
- 2.2. Due to operational and design requirements, it is proposed to alter the ancillary building and yard area within the quarry site. This assessment considers the landscape implications of the amendments to the yard layout and building size, as shown in appendix 1. This includes consideration of proposed mitigation measures in the form of landscape screening and colour selection for the building. The consented layout is shown in appendix 2. A comparison of the consented plan and amended proposal in the form of an overlay can be found in appendix 3.

3. Existing Site and Environment

Site Location

- 3.1. The Site Location is between the southern side of West Coast Road (State Highway 73) and Bealey Road, approximately 500m west of the Bealey Road/SH73 intersection.

Journey to the Site

- 3.2. The journey from the East along SH73 from West Melton comprises predominately small scale lifestyle blocks transforming into larger scale agricultural and animal husbandry activities from Hoskyns Road westward. Small clusters of rural/residential dwellings and ancillary buildings are visible from SH73.
- 3.3. The Journey from the west from Kirwee consists of open agricultural land with hedgerows and occasional large scale agricultural buildings interrupting the expansive views. The Midland Railway Line runs between SH73 and the site.

Surrounding Landscape Context /Environment

- 3.4. The Surrounding Environment comprises a mix of rural/lifestyle and intensive agricultural activities. Open and expansive views of the mountains and wider Canterbury are punctuated by large conifer hedgerows and screen

planting. Large groupings of ancillary buildings also feature frequently within the local area.

- 3.5. In terms of what has been consented, the most noticeable effect will arise from the excavation of gravel material. The workshop and yard area is ancillary to this primary activity.

4. Public Visibility of the Existing Site

- 4.1. From the West Coast Road/Bealey Road Intersection the site is almost entirely screened by the existing pine plantation and gorse hedgerow along the south eastern boundary that are contained within this designated gravel quarry (D241). It is important to note that this land has now been approved for lease by the applicant from SDC. The licence agreement between the applicant and SDC records the commitment of the applicant to plant Leyland cypress trees within the southern boundary and requires the applicant to retain the forestry plantation for the duration of the lease (other than in the event of a fire or Act of God, where SDC has the discretion to remove/replace trees in such circumstances).
- 4.2. SH73 and the Midland Railway Line have open and expansive views into the site from these two vantage points, with visibility into the site obtainable from a distance of approximately 1km from the west and 250m from the east.
- 4.3. From Bealey Road the site is screened until a distance of approximately 250m when coming from the west and fully screened up to the boundary by the existing plantation and quarry when coming from the east. Visual connections to the site are limited and fleeting for people travelling past by vehicle.
- 4.4. There are approximately 5 neighbours around the site who would have a visual connection to the site, ranging in distance from 400-750m. The nearest dwelling is over 400m away from the site. (to the north east) Existing hedgerows and plantations block parts of the site from various residential vantage points. Accordingly, their visual connections to the site are minor.

5. Description of Changes to Development Proposal

- 5.1 The following changes to the development proposal are planned:
 - a) The Workshop has increased in size from 35.3m x 24.5m (700m²) to 30m x 40m (1200m²)
 - b) The Yard area has increased from a 44m x 46m footprint to 55m x 83m
 - c) Amendments to the planting framework (as discussed in mitigating factors).

- d) Intensified planting/visual screening along Bealey Road and the around the yard area Appendix 1.

6. Assessment of the Altered Development

6.1. The previously consented mitigating measures regarding landscape character in this case are:

- a) The boundary planting which will form a continuous screen for the site to 4 metres in height after 4 years and represent the typical and accepted landscape character of the area.
- b) The minimal site disturbance for the proposed use and the maximum retention of the existing landscape character during the excavation process.
- c) The visual impact of the proposed building on views from SH73 and Midland Railway Line will be mitigated through boundary planting and screening to ensure the bulk of the building is screened by planting typical of pastoral Mid Canterbury.
- d) The positive landscape contribution of the proposed entrance and plantings for the commercial area of the site in the short term, and the significant positive landscape character offered by the staged remediation of the site will mitigate the visual effects of the proposed earthworks in the short and long term.

6.2 In terms of what is now being proposed, the following additional mitigation measures are relevant to the assessment:

- a) The additional building length along the SH73 boundary will be mitigated through the planting of a Leyland cypress hedge (2.0m height (at time of construction completion) @ 1.5m spacings) around the northern, western and southern sides of the yard. Native plantings will also be planted at a smaller grade on the inside of the Leyland Cypress Hedge to ensure long term screening of the ancillary building over the life of the quarry.
- b) An extension of the of Leyland Cypress plantings along the southern boundary (Bealey Road) of the council owned SDC land will also ensure mitigation of views from the south as shown in appendix 1.
- c) The Building shall be painted in recessive colours with a low reflectance value e.g: Resene Sandstone with a light reflectance value of 24%.
- d) Although the visible face of the ancillary building has increased in length along the boundary with SH73, this is unlikely to have any material impact on the surrounding environment when compared to

the consented design. The overall building height has not changed. The existing mitigation measures of boundary planting and the additional planting proposed will effectively mitigate the visual effects of the ancillary building size in the long term.

- e) Initial plantings of the boundary shelter screen species will assist in the screening of the building initially, with an estimated 80% screening achieved within 4 years. Within 4 years revegetation is also anticipated to be occurring on sites previously excavated which will assist in the additional screening of the building, consistent with the consented proposal.
- f) The proposed yard screening at 2.0m in height at time of construction will also assist in mitigating the visual effects of the building in the short term
- g) While the building size has increased it is still in keeping with the agricultural buildings found in the local area. As noted, the overall height is not being increased and additional mitigation methods are being proposed which will ensure that the visual impact of the changes would be negligible.
- h) The increased yard area will be mitigated through the proposed yard screening described above

7. Conclusion

- 7.1. The principal factors that have been discussed in this assessment are the effect of the changes to the development plan on the landscape character of its environment, its visibility from public landscape and its effect on neighbours.
- 7.2. It is the conclusion of this assessment, that given the previously consented landscaping and the additional mitigation proposals of intensive tree and shrub planting around the perimeter of the yard, that the effects of the change to the ancillary building and yard area will be immaterial when compared to what has already been consented and what can be expected to occur in a rural area. The ancillary building and yard area will still effectively integrate with the general landscape of the surrounding environment.
- 7.3. The increase of the building and yard size will in no way alter the scale of the primary activity for which consent has been obtained. The quarry operation will not be altered. The additional measures proposed are expected to successfully mitigate the increased built form through taller faster growing planting and is in keeping with the local rural character.



Key

- Proposed Shelter Belt Planting
- Proposed Specimen Tree
- Proposed Rural style fencing/Entry
- Native Planting
- Proposed Water Tanks

Date:05th December 2011- Revision 5

Read this sheet in conjunction with the:

Development Proposal

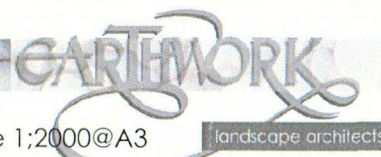
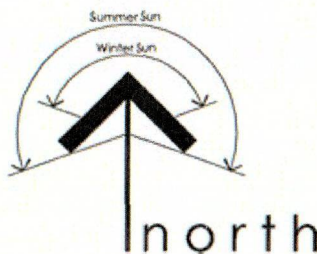
Earthwork Landscape Architects
Assessment of Landscape Effects

and

Screenworks Application For
Resource Consent (prepared by
BTW South Ltd)

Notes:

These plans are for the purpose of resource consent application and should not be used for construction purposes.







'Southern Screen Works' - Resource Consent Application 115008

Proposed variation to resource consent – altered building and curtilage size

This landscape advice concerns a request by the applicant to increase the size of the consented building and curtilage area and to re-arrange its layout. Plans were provided showing the proposed changes. The building will go from the consented 702m² to a proposed 1200m², representing a 41% increase. The curtilage area, including the building will expand from the consented 2600m² to 4565m² – an increase of 43%..

It is understood that no increase in height is sought and that there will be no change to the colour scheme.

It appears the plant species have changed from that originally proposed comprising a mix of native trees to one that now includes shelterbelt type planting consisting of Leyland cypress. This species mix will extend all the way to the road frontage. All plant species are evergreen and will range in height from 6 to 12m depending on the species. Consequently the 7.8m high building is capable of being fully screened from public view once vegetation reaches above around 3m as viewed from nearby roads – namely Bealey Road. The landscape plan specifies at least 4m high planting (Leyland cypress) and so effective screening will be achieved as viewed from the road.

A further factor contributing to visual mitigation of the building is the curved vehicle access which as a consequence will deflect direct views to it. This will be aided by the evergreen planting.

The consented colour scheme will also assist in reducing the apparent size of the building.

Regarding the curtilage area – because it is an essentially flat two dimensional surface located on the ground plane, it will be readily screened at a very early stage following landscaping. As a result and despite the increase in size, the visual effects as viewed from Bealey Road will be virtually indistinguishable from that consented. That is, the effects will be negligible.

Overall, despite almost doubling in size, I am confident the proposed increased building size and curtilage will not result in substantially greater appreciable effects when viewed from key publically accessed vantage points or the nearest neighbouring properties. Essentially views to the site will be the same comprising tall evergreen vegetation, while taking into account that it may take several years for this to occur. On that matter I believe it necessary to provide at least some immediate mitigation and therefore recommend the following condition.

- That the six evergreen trees shown on the site plan labelled; *Appendix 1 – Revised Development Proposal - dated 12.12.11* and which are located between Bealey Road and the buildings are at least 4 metres high at the time of planting, and are to be planted no later than completion of the building.

Reason: To provide immediate vegetative bulk so as to proportionately counter the effects arising from the large size of the building.

Andrew Craig – *Registered Landscape Architect*
17 February 2012