

Sections 42A, 104, 104B, 108 and 108AA

Resource Management Act 1991



Planning Report

Planning Report pursuant to section 42A of the Resource Management Act 1991 recommending whether or not an application for resource consent should be:

- Granted or declined, and, if granted, the conditions of consent

APPLICATION NUMBER:	RC245428 and RC245429
APPLICANT:	Southern Screenworks Limited
BRIEF DESCRIPTION OF APPLICATION:	<p>Land use consent RC245428 is sought to expand an existing quarry that does not comply with setback and noise standards within the General Rural Zone.</p> <p>Land use consent RC245429 is sought to vary conditions of RC115008 (as amended by RC125013) to enable</p> <ul style="list-style-type: none"> • The removal of quarry walls, batters, bunds, and existing landscaping to allow Screenworks to work from the existing quarry into the expansion stages, allowing extraction to continue below ground level and as a continuation of the existing operation; • Process material from the expansion area within the existing quarry; • Amend the frequency with which processing can occur; • Commence works at 7 am rather than 7.30 am, to align with the Partially Operative Plan's daytime hours for noise; and • Other amendments, and any consequential amendments, to the consent conditions to reflect the proposed expanded quarrying activity.
SITE DESCRIPTION:	<p>Address: 50 Bealey Road, Kirwee</p> <p>Legal Description: Res 1038</p> <p>Title Reference: 923359</p> <p>Area: 2.1878 ha</p> <p>Legal Description: Reserve 4005 and Lot 1 Deposited Plan 354364.</p> <p>Title Reference: 978133</p> <p>Area: 11.4560 ha</p> <p>Legal Description: Lot 2 DP 596079</p> <p>Title Reference: 1151350</p> <p>Area: 64.6050 ha</p>
ZONING / OVERLAYS	<p>Operative Selwyn District Plan (2016), Rural Volume</p> <p>Outer Plains Zone</p> <p>Partially Operative Selwyn District Plan (Appeals Version)</p> <p>General Rural Zone</p> <p>Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay, Railway Network Noise Control Overlay, State Highway Noise Control Overlay, Rural Density Control SCA-RD2 (Name: East Plains/ Te Waihora ki Waimakariri)</p>

HEARING DATE	15 – 16 April 2025
RECOMMENDATION	Approve subject to conditions

Preamble

1. This report reviews the application for resource consent and addresses the relevant information and issues raised. The recommendation made in this report is not binding on the Council and it should not be assumed that the Hearings Commissioner will reach the same conclusion having considered all the evidence brought before the hearing by the applicant and submitters.

Report Author

2. My name is Timothy Hegarty. I am a principal planner at Jacobs New Zealand Limited, an engineering and environmental consulting firm. I hold a Bachelor of Science from the University of Auckland and a Master in Regional and Resource Planning from the University of Otago. I have worked in the field of planning and resource management for more than 21 years in New Zealand, Australia and the United Kingdom. My planning roles have included those in strategy, consenting and enforcement sub-disciplines. I am a full member of the New Zealand Planning Institute. I hold accreditation as an independent hearing commissioner from the Ministry for the Environment, currently sit as an independent commissioner for Auckland Council and have sat on a 'Fast Track' consenting panel. I am currently contracted to Selwyn District Council as a consultant planner.
3. Whilst this is a Council Hearing, I have read the Environment Court's Code of Conduct for expert witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this report are within my area of expertise and have relied on the expert advice of others where stated. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
4. I have been engaged by the Selwyn District Council (the Council) to prepare this report pursuant to section 42A of the RMA relating to the substantive consideration of the resource consent under sections 104, 104B, 108, 108A and 127 of the RMA to expand an existing quarry operation at 50 Bealey Road, Kirwee. This report follows a previous report prepared pursuant to sections 95A to F dealing with the matter of notification / affected parties (dated 4 November 2024)¹.
5. The processing of the resource consent application and preparation of this report has been undertaken with specialist advice from:
 - Jeremy Head – Landscape and Visual Impacts²; and
 - Jon Farren – Noise and Vibration³.

Introduction

6. The following planning report is a bundled application for both a new land use under section 9(3) and a variation to existing consent conditions under section 127 of the Resource Management Act (the **RMA**). Given the interrelated nature of both application types, a bundled approach to their assessment has been employed. Unless otherwise stated, any commentary or assessment provided in this report should be read as being in regard to this bundled approach rather than the individual applications.
7. This application was formally received by the Selwyn District Council on 7 June 2024. Further information was received on 13 August 2024 and 17 March 2025, and this information now forms part of the application.
8. A pre-hearing meeting was held on 11 March 2025, which was attended by three submitters, the Applicant and representatives of both ECan and the District Council. The meeting's minutes were not available at the time of this report.

¹ A copy of the s95A to F report is provided as Appendix 1.

² Mr Head's review is provided as Appendix 2.

³ Mr Farren's review is provided as Appendix 3.

9. The Applicant supplied an updated set of draft consent conditions on 17 March 2025 and landscaping drawings, which have been assessed as part of this report⁴.
10. The application can be broken into two parts, the first being the new land use consent and the second being the variation to consent conditions.

Description of Proposed Quarry Expansion

11. As detailed in the assessment of effects on the environment (**AEE**), Southern Screenworks Limited (**the Applicant**) has sought a new land use consent to undertake quarrying over 66 ha of land beside the existing Aylesbury Quarry at 50 Bealey Road, Kirwee. Approximately 64 ha of quarry is proposed over open farmland to the west of the current quarry operation, with the remaining 2 ha located to the northwest (Figure 1).

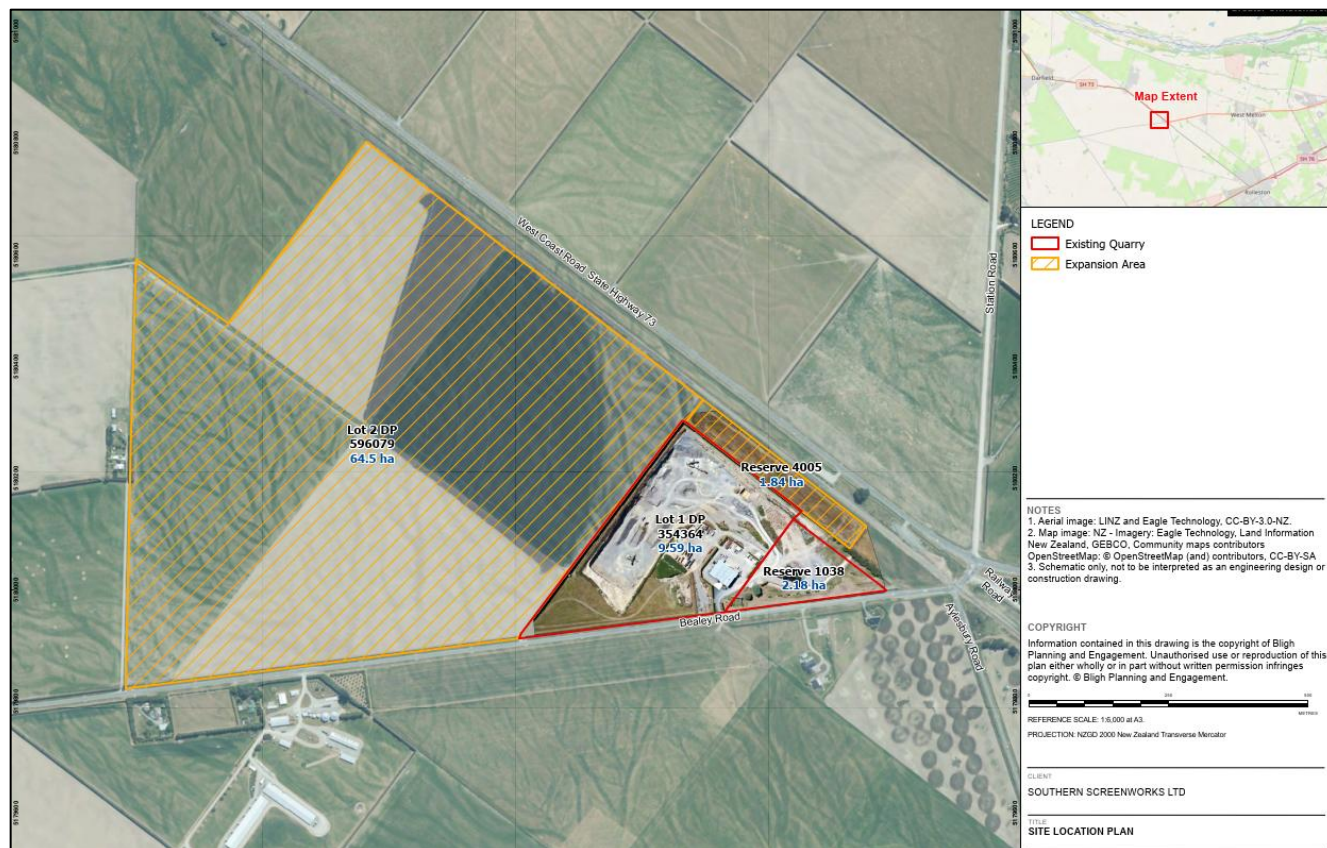


Figure 1 – Location of Quarry Expansion (Source: AEE)

12. The Applicant proposes to quarry the entire footprint sought under this application, with the exception of boundary setbacks, over more than 30 years. The activity will be staged so that no more than 6 ha of land is an active quarry at any one time, with approximately 2 ha of that area being subject to active dust suppression. Overall, the additional quarrying will be located across 5 stages, as shown in Figure 2.

⁴ Both the conditions and landscaping drawings are provided as Appendix 4.

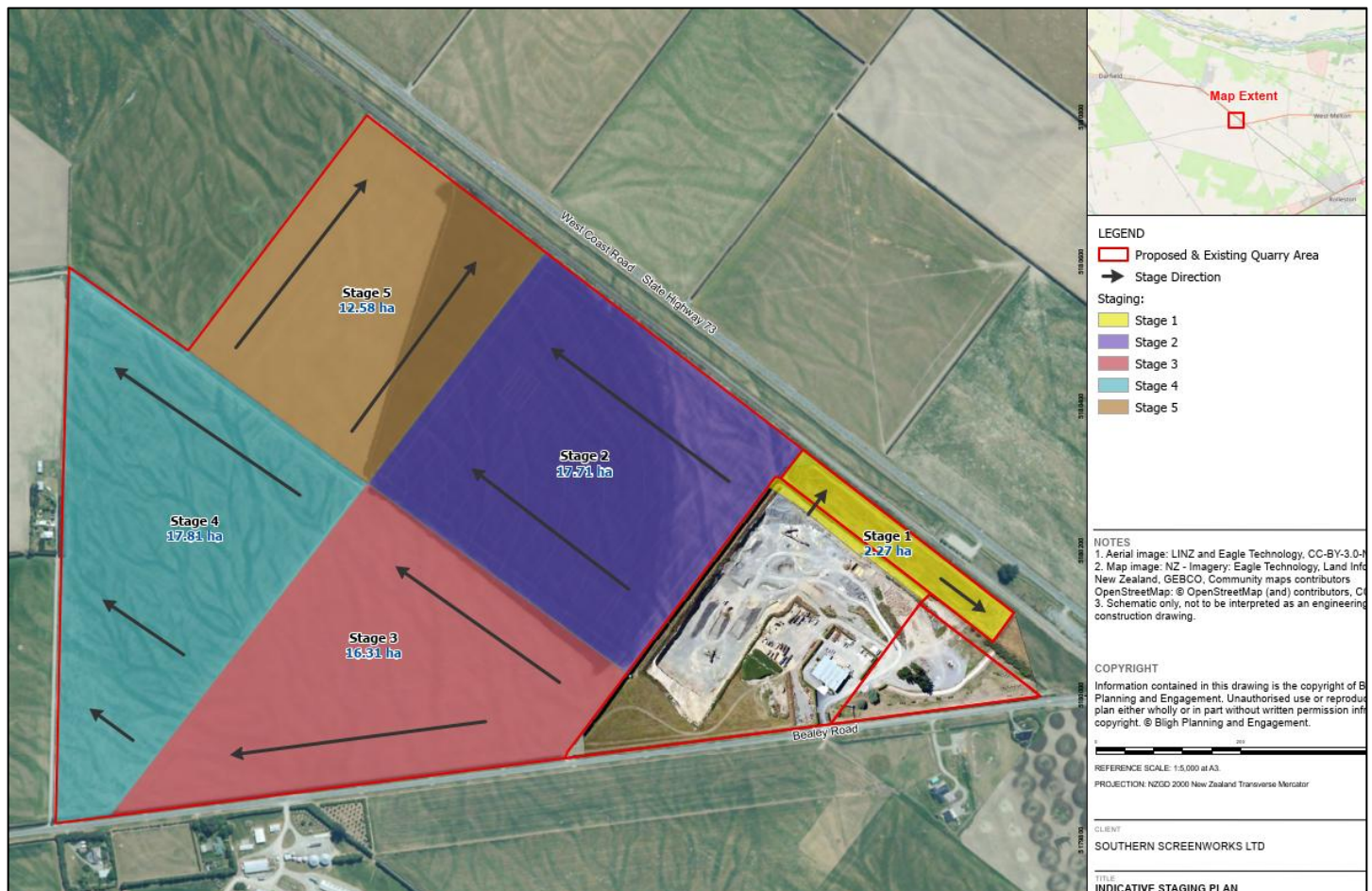


Figure 2 – Quarry Staging (Source: AEE).

13. The Applicant details that the active quarry area will include:
 - Working extraction faces and adjacent operational areas; and
 - Active areas of rehabilitation;
 - Stockpiling and load out areas;
 - Areas where aggregate processing takes place; and
 - Unsealed quarry haul roads.
14. Furthermore, the active quarry area will not include the following:
 - Any sealed, banded or planted areas;
 - Areas where rehabilitation has been completed;
 - Site offices, amenity blocks, workshops, and surrounding areas;
 - Areas where refuelling takes place;
 - Truck wash areas; and
 - Storage areas for quarry plant and machinery.
15. Rehabilitation will be undertaken as the progressive opening and closing of active quarry areas occur. Initially, extracted material will be taken to the existing processing area before being transported off-site via heavy vehicles. Beyond Stage 1 and the beginning of Stage 2 any processing, stockpiling and transport will also occur within the expansion areas shown in Figures 1 and 2.
16. Quarrying of each stage will initially involve the removal of overburden, followed by the excavation of material up to 10m below current ground level. Expansion of each stage will then progress across the respective stage areas through the removal of the aggregates and further overburden. These activities will be controlled through a Dust Management and Monitoring Plan (**DMMP**), which the Applicant has offered as a condition of the air discharge consent.

17. Under the currently held consents, 27,000L of diesel storage is location on-site. Smaller tanks are used for petrol (100L) and other substances (250L) on-site. These feature spill management controls and relevant safety certification. The Applicant proposes to retain this storage for the remainder of the quarrying activity.
18. With regard to screening, the Applicant proposes to make use of existing screening, as well as new screening around the expanded quarry footprint. Furthermore, new screening will be employed to replace bunding and vegetation that will be removed to enable Stage 1 of the quarry expansion. Replacement planting has been undertaken along the Stage 1 boundary (facing the rail corridor) as the previous vegetation was lost during a wildfire in early 2024. Further planting is proposed along the site boundaries should consent be granted (Figures 3, 4 and 5).
19. The Applicant also proposes to provide a temporary bund at the perimeter of Res 4005 (i.e. Stage 1) until the recent planting has matured.

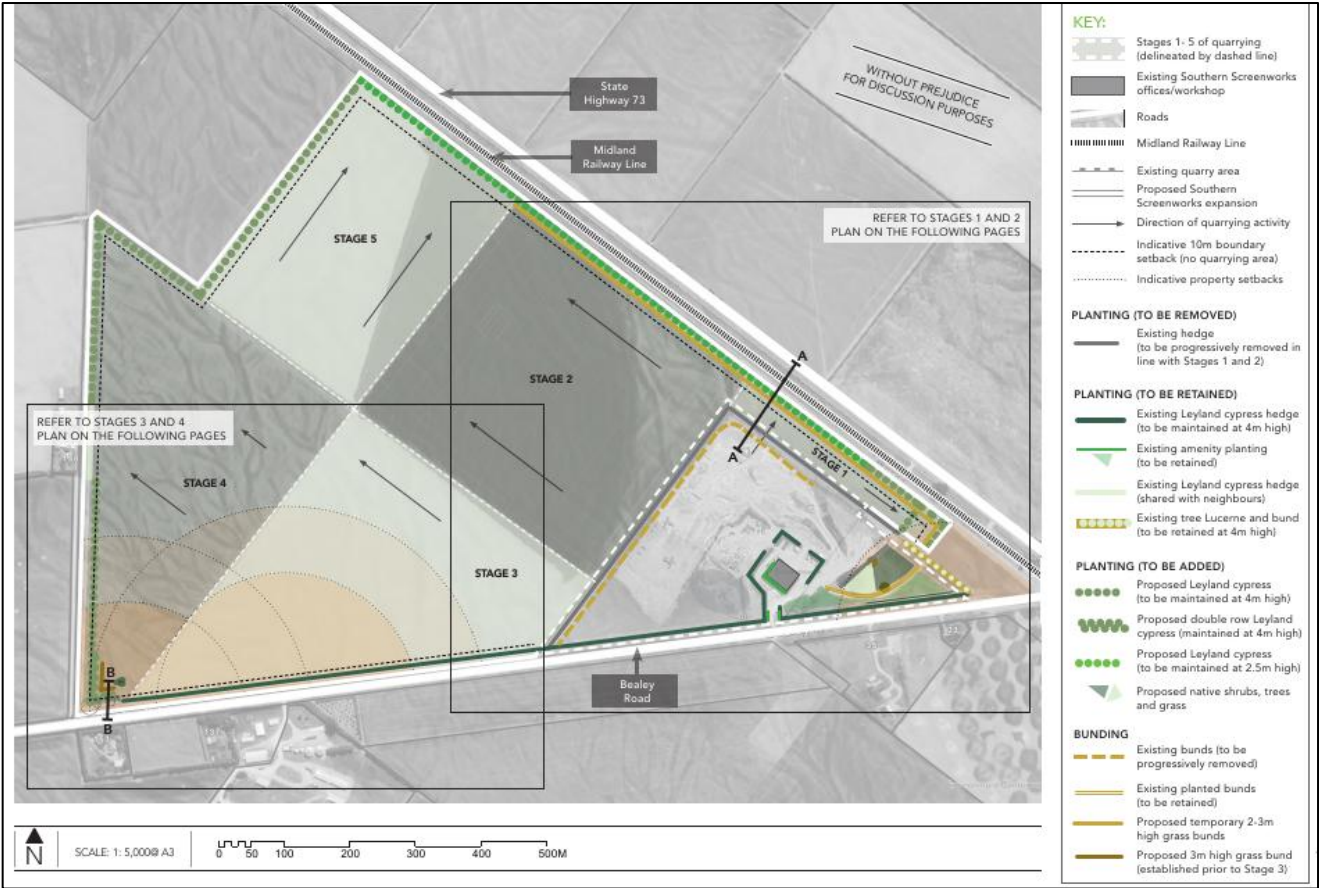


Figure 3 – Proposed Landscape Mitigation Plan (Source: Applicant)

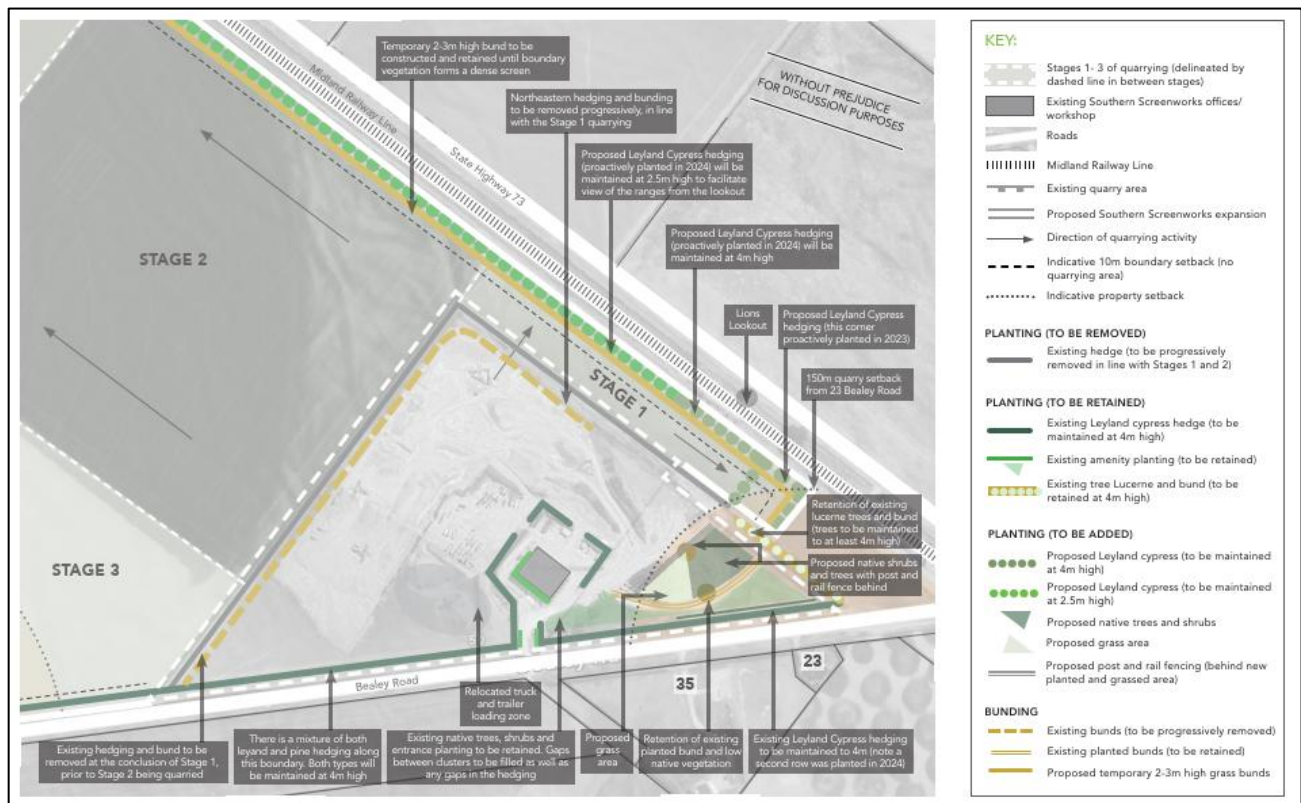


Figure 4 – Proposed Landscape Mitigation Plan for Stages 1 and 2 (Source: Applicant)

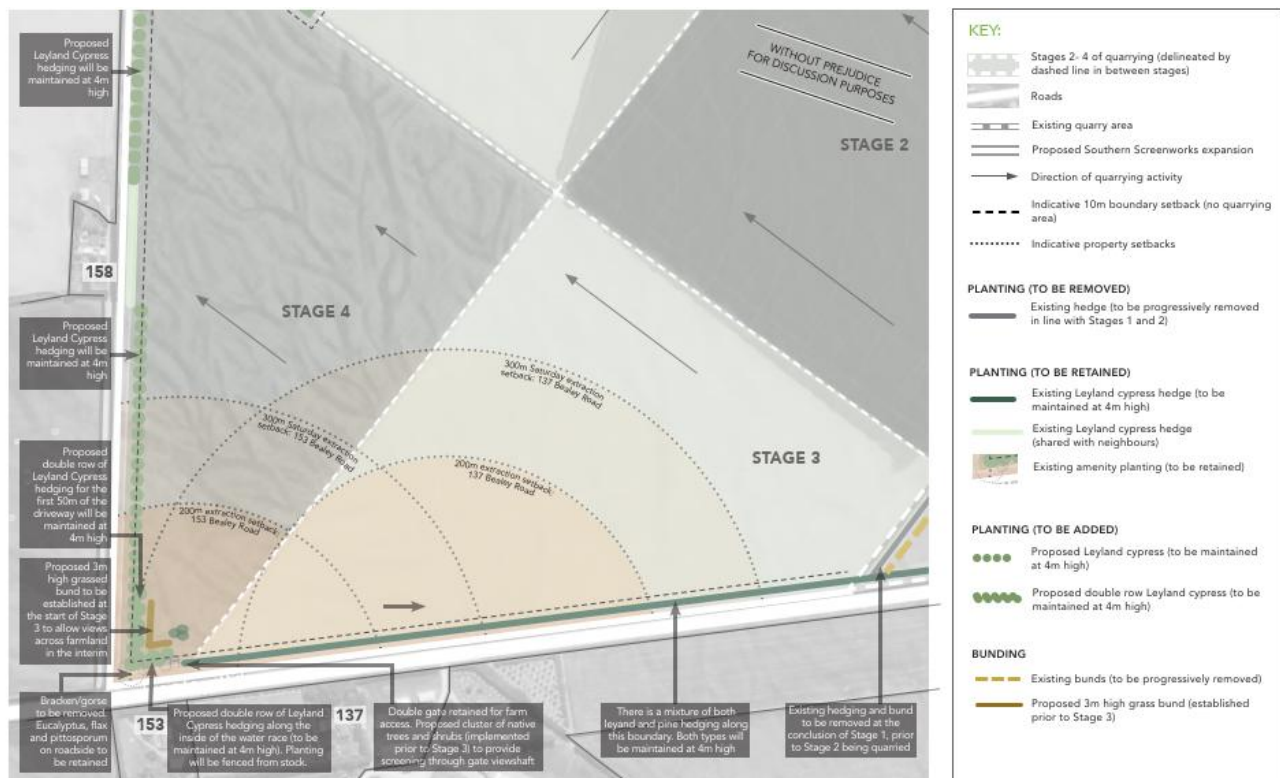


Figure 5 - Proposed Landscape Mitigation Plan for Stages 3 and 4 (Source: Applicant)

20. The day to day extraction activities within the expanded quarry operation will be a continuation of current quarrying techniques at Aylesbury Quarry. The initial extraction of aggregate occurs using heavy machinery, most commonly a loader and trucks at the work face. The aggregate is transported out of the extraction area to a mobile processing plant (at the quarry) for processing and stockpiling. Material is stockpiled according to product type (e.g. aggregate particle size) before being loaded for transport off-site. A maximum of 100 tonnes of quarried

material will be processed per hour, with up to 25,000m³ of material stockpiled on-site at any one time⁵. Some material may be sold prior to processing, although this involves smaller volumes of material than previously detailed.

21. Vehicle movements to and from the site are proposed via the existing vehicle crossing and accessway to Bealey Road. From this crossing road access connects the quarry to the wider District via State Highway 73 and local roads. The Applicant does not propose to establish any access via West Coast Road.
22. The quarry will operate 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturdays. These times differ from the current land use consent, with operating hours half an hour earlier in the morning on weekdays and one hour earlier on Saturdays. No quarrying is proposed on Sundays or public holidays. The only activity to occur prior to 7am is the occasional departure from the site of two Southern Screenworks' owned transporters which may need to leave the site between 6 am and 7 am on weekday mornings to travel to their destinations.
23. Following the removal of aggregates, the Applicant will undertake rehabilitation across the respective stage. This will include the spreading of overburden, rejected aggregate and soil/sub-soil. The soil/sub-soil will be mostly sourced from stripped material at the site, although some importation of additional topsoil may be undertaken (if required). This will then be followed by revegetation to stabilise the top surface. This rehabilitation will be subject to a Quarry Site Rehabilitation Plan (**QSRP**) and will be guided by the following principles:
 - Develop a free draining landform;
 - Re-grass by spreading stored topsoil and subsoil and replanting with suitable grass species as soon as practicable;
 - Ensure any areas where works have been completed are left in a safe and stable condition;
 - Establish stable grassed areas to a slope of no more than 1v:3h to reduce erosion; and
 - Control weeds.
24. Mahaanui Kurataiao Limited (**Mahaanui**) have advised that native plantings should be used when re-vegetating the site. It is my understanding that the Applicant is in discussions with Mahaanui in regard to how to implement that measure as part of the QSRP.
25. At the cessation of all quarry and related rehabilitation activities, the Applicant will removal all related equipment and vehicles. While a final ground level has yet to be confirmed, it will be greater than the highest groundwater levels present.

Variation to Consent Conditions

26. As noted previously, the Applicant has sought to vary the conditions of RC115008 (as amended by RC125013), with the variations identified in Appendix C of the AEE. To summarise, the proposed variations are detailed in the following table⁶:

Table 1 – Proposed Changes to RC115008 Conditions

Condition #	Changes Sought by the Applicant
1.	That the proposed activities shall proceed generally in accordance with the information submitted in the application including: <ul style="list-style-type: none"> • The Acoustic Engineering Services Letter dated 11 May 2011. • The building plans prepared by Bond Frew Ltd (Floor Plan, No. S2.2, Revision 1 & Elevation Plans, Drawing No S3.1, Revision 1, both now marked SDC125013. • <u>The landscape and visual assessment and landscape plans prepared by Earthwork the Glasson Huxtable Landscape Mitigation Plans Pages 18 and 19, prepared May 2024, reference 2402 Southern Screenworks Limited Aylesbury Site, except as specifically amended by the following conditions.</u>
1b.	<u>1(b) This consent relates to Res 1038 and Lot 1 DP354364.</u>
4.	That all planting shall be in accordance with the <u>Glasson Huxtable Landscape Mitigation Plans Assessment and Appendix 4 – Development Proposal Plan and Appendix 6 – Sections and Elevations as prepared by May 2024 reference 2402 Southern Screenworks Limited</u>

⁵ Current consent requirements limit stockpiled material to 10,000 m³.

⁶ Additions are shown in underline and deletions in ~~strike through~~.

	<u>Aylesbury Site by Huxtable Limited</u> , with the exception of any alterations made by the following conditions.												
4.1	All planting shall be implemented prior to the commencement of quarrying by 30 September 2024.												
4.9	That an earth bund be constructed and hydroseeded around the periphery of the quarry as shown on the Glasson Huxtable Landscape Mitigation Plans Pages 18 and 19, prepared May 2024, reference 2402 Southern Screenworks Limited Aylesbury Site <u>the periphery of the quarry pit in accordance with the landscape plan submitted with the application prior to the commencement of any quarrying activity. This includes the requirement to establish a temporary bund on Res 4005 prior to quarrying occurring within this lot. This bund shall be in place until planting on Res 4005 reaches a height of 2.5 m.</u>												
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 eastern <u>western</u> 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).												
5	The quarry operation shall occur only between 0730-0700 – 1800 hours Monday to Friday and 0800 <u>700</u> – 1300 on Saturday (staff may arrive earlier and depart later). The quarry shall not operate during Sundays or statutory holidays.												
6 ⁷	<u>The departure of up to two transporters from the site shall be allowed between 0600 and 0700 Monday to Friday, excluding public holidays.</u>												
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 shall be limited to the following hours/days of operation: <ul style="list-style-type: none"><u>0700</u> 730 – 1800 Monday – FridayNo crushing shall occur on Saturdays, Sundays, or any statutory holidays.												
8.	<p>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 <u>following noise limits, at the notional boundary of any dwelling existing as at insert date of these changes to conditions being granted:</u></p> <table><tr><td><u>Time (any day)</u></td><td><u>Limit dB LAeq (15 min)</u></td><td><u>Limit dB LAfmax</u></td></tr><tr><td><u>0700 - 1900</u></td><td><u>55 dB</u></td><td><u>N/A</u></td></tr><tr><td><u>1900 - 2200</u></td><td><u>50 dB</u></td><td><u>N/A</u></td></tr><tr><td><u>2200 - 0700</u></td><td><u>45 dB</u></td><td><u>75 dB</u></td></tr></table>	<u>Time (any day)</u>	<u>Limit dB LAeq (15 min)</u>	<u>Limit dB LAfmax</u>	<u>0700 - 1900</u>	<u>55 dB</u>	<u>N/A</u>	<u>1900 - 2200</u>	<u>50 dB</u>	<u>N/A</u>	<u>2200 - 0700</u>	<u>45 dB</u>	<u>75 dB</u>
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<u>2200 - 0700</u>	<u>45 dB</u>	<u>75 dB</u>											
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 <u>earth bunds</u> .												

27. The Applicant has also sought resource consents from Environment Canterbury associated discharges to land and air, including alterations to existing discharge consents.

Background

28. The Applicant has provided a detailed description of the site history, which I concur with. For clarity, the following table has been taken from the AEE and details the various resource consents held for quarrying:

⁷ Condition 6 is an entirely new condition.

Table 2 – Current Resource Consents (Source: AEE)

Consent Reference	Activities	Expiry
Selwyn District Council		
RC115008	Land use consent from Selwyn District Council to operate a quarry and cleanfill within the Rural (Outer Plains) zone.	N/a
RC125013	Variation of conditions pursuant to Section 127 of the Resource Management Act 1991 in respect to land use consent 115008 granted on 22 August 2011 by delegated authority.	N/a
RC145157	To deposit cleanfill material onto a Council owned gravel reserve for infill and rehabilitation purposes. ⁸	N/a
Environment Canterbury		
CRC111384	Consent from Environment Canterbury to extract up to 30,000 cubic metres of gravel per year, the deposition of material and the rehabilitation of the site.	15 July 2046
CRC111434	Consent from Environment Canterbury to discharge contaminants to air from gravel extraction and clean filling activities.	15 July 2046
CRC164057	Consent from Environment Canterbury to discharge stormwater to land from concrete pad/wash bay area and refuelling area.	3 June 2050
CRC164143	Consent from Environment Canterbury to discharge contaminants to land from truck wash water.	3 June 2050
C5RC171920	Consent from Environment Canterbury to discharge contaminants to air from a mobile crushing and screening plant. While this consent is not specific to the Aylesbury site, it applies throughout the Canterbury Region and can be used to authorise crushing and screening up to 100 m of houses and 20 m of the property boundary within the expansion site without written approval from the neighbouring property owner	23 September 2026

29. RC115008 was a limited notified resource consent process, with notice served on 21 parties as shown in Figure 6. The Applicant has provided a map identifying the location of submitters to that application (Figure 7). The application was approved by an Independent Commissioner on 19 August 2011 following a hearing.

⁸ The activities enabled by this resource consent have since ceased.

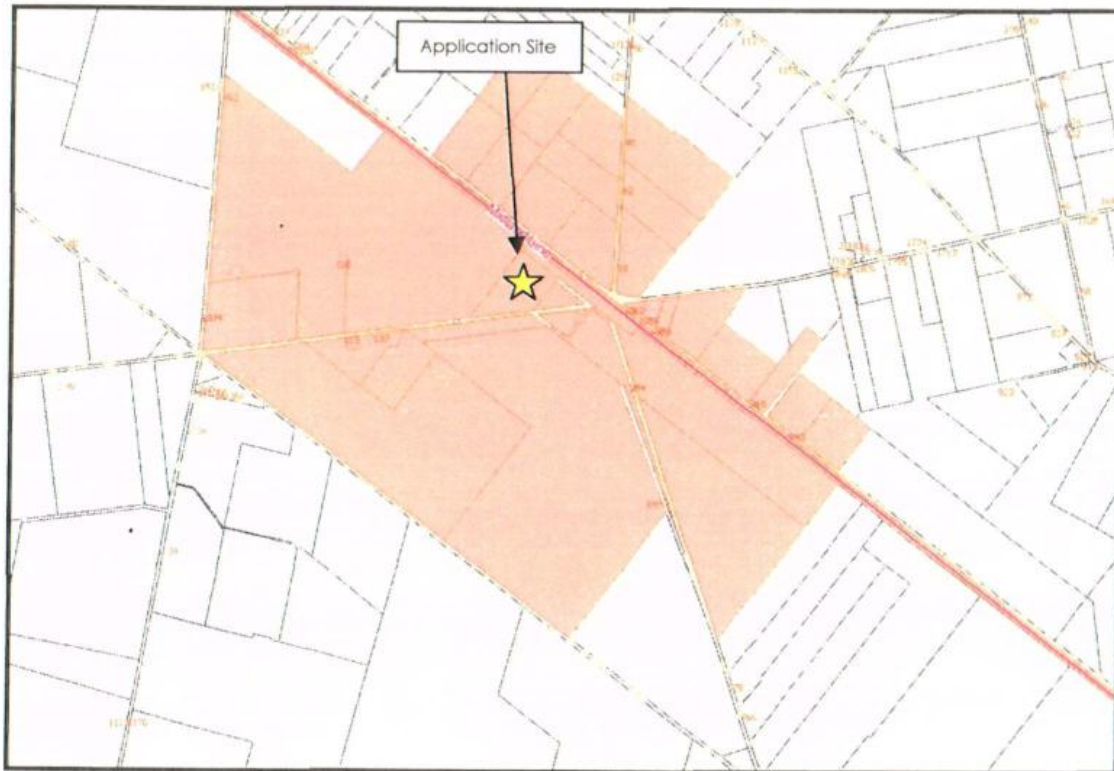


Figure 6 - Location of Notified Parties for RC115008 (Source: RC115008 Notification Report)

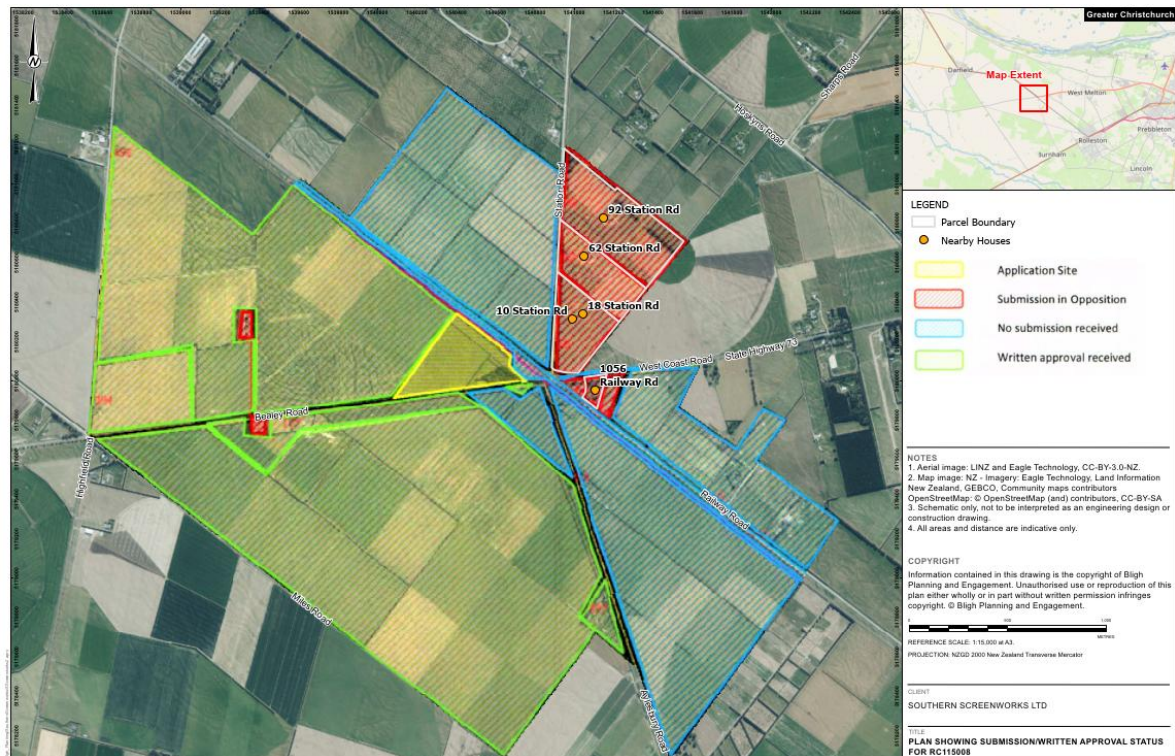


Figure 7 – Location of Submitters to RC115008 (Source: Applicant)⁹

⁹ RFI Response dated 15 August 2024.

30. Issues identified by submitters on RC115008 included:
- Noise generation;
 - Road safety;
 - Hazards to aviation;
 - Inadequate screening;
 - Impacts on farm activities; and
 - Dust generation.
31. I will reference these matters, where relevant, in the following adverse effects assessment section of this planning report.
32. RC125013 sought to vary Condition 1 of RC115008 to authorise the use of a modified quarry building and landscape plan drawings. The application was approved on a non-notified basis with no requirement for the written approval of any parties on 29 February 2012.
33. As noted by the AEE, the Applicant is currently in the process of obtaining resource consents from ECan for existing activities at site, such as the discharge of stormwater and contaminants from cleanfill.
34. Furthermore, the Applicant has previously sought resource consent from Selwyn District Council for the operation of a managed fill and a minor quarry expansion (Council Reference: 225106). However, that application was withdrawn in July 2024.
35. The proposal has also been identified as a listed project under the Fast Track Approvals Act. However, no approvals have been sought under that Act.
36. The Applicant provided correspondence on 16 October 2024 in response to advice from the reporting officer regarding the identification of affected parties. The Applicant's correspondence raised the following issues:
- Traffic-related matters;
 - Landscape-related matters; and
 - Consistent application of the District Plan.
37. I have addressed these matters in the following discussions of effects, noting that I agree with the Applicant that Rule TRAN-R7 of the Partially Operative Plan does not apply to the current proposal.

The Existing Environment

38. I note that the AEE provides a detailed description of the existing environment, which I have adopted for this planning report¹⁰. While I will do not intend to repeat that description in depth, I provide the following summary of key aspects of the existing environment.
39. The application site is located within a rural locale approximately 5km from Kirwee and 30km from Christchurch. The site is currently occupied by the existing quarry operation, with an open quarry area, internal accessways, a large central building and vehicle parking. The site's boundaries are largely demarked by farm-style fencing, some windbreaks and bunding.
40. Underlying the application site and wider area is the aggregate resource that the Applicant wishes to extract. This resource is categorised as Grey River Alluvium and Colluvium, with Brownish Grey River Alluvium also commonly found across the Canterbury Plains. The application site is not located on highly productive soils, with a LUC 4 classification.
41. Turning to water resources, the site is located within a semi-confined/unconfined aquifer within the Selwyn-Waimakariri Combined Surface and Groundwater Allocation Zone although is outside the Christchurch Groundwater Protection Zone. Local soil conditions have mixed permeability, with perched groundwater present. Recent groundwater monitoring has identified groundwater at between 46 and 63m below current ground levels.
42. The nearest natural waterbody is the Waimakariri River, which is 7km north of the site. A series of water races are fed by the Waimakariri River, with the closest of these within 50m of the proposed quarry footprint.

¹⁰ Pages 3 to 10, AEE.

43. The surrounding sites are primarily used for rural production activities, including both grazing and cropping as seen in aerial photography (Figure 8). Also present are numerous homes, including those at 23, 35, 137, 153 and 158 Bealey Road. A piggery operates from 137 Bealey Road, while there is also a 'scenic lookout' located immediately to the north-east of the site that is accessed from State Highway 76 (**SH76**).



Figure 8– Aerial of Application Site and Surrounding Area (Source: Canterbury Maps)

44. The surrounding transport network includes SH76 (which connects Canterbury and Westland), and a series of roads owned and maintained by Selwyn District Council. Also present is the Midland Line, a rail corridor owned and operated by KiwiRail Holdings Limited (**KiwiRail**). The Midland Line operates both freight and passenger services (the TranzAlpine service).
45. Lastly, there are no outstanding natural landscapes, known archaeological sites, significant ecological sites, identified natural inland wetlands or sites of significance on-site or in the surrounding area.
46. I note that other quarries operate on the Canterbury Plains, including a Fulton Hogan operated quarry at 358 Wards Road. The Fulton Hogan quarry also relies, in part, on heavy vehicle movements through the Bealey Road/Aylesbury Road/Railway Road/SH73/Station Road intersection.
47. I visited the site on 5 July 2024.

Statutory Requirements

48. Section 127 of the Resource Management Act states:

127. Change or cancellation of consent condition on application by consent holder –

(1) The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent (other than any condition as to 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 local 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.”.

49. Given the above, the application to vary and cancel the conditions of RC115008 (as amended by RC125013) is a discretionary activity under section 127 of the RMA.

Operative Selwyn District Plan (2016), Rural Volume ("the Operative Plan")

50. The application site is zoned Outer Plains. The site is not subject to any overlays, controls or designations.
51. The Council released the Appeals Version of the Partially Operative Selwyn District Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act), and the corresponding provisions in the Operative Plan are treated as inoperative.
52. All rules that would apply to this proposal are now treated as inoperative and the proposal is a permitted activity under the Operative Plan.

Partially Operative Selwyn District Plan (Appeals Version) ("the Partially Operative Plan")

53. The application site is zoned General Rural. The site is also subject to the Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay, Railway Network Noise Control Overlay, State Highway Noise Control Overlay, Rural Density Control SCA-RD2 (Name: East Plains/ Te Waihora ki Waimakariri).
54. The Council released the Appeals Version of the Partially Operative Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act). Those subject to appeal continue to have legal effect pursuant to s 86B.
55. The rules of the Partially Operative Plan that this proposal does not meet are as follows.

Land Use

56. The proposed land use activity does not meet the following rules:

Operative/treated as operative:

RULE	TOPIC	NON-COMPLIANCE	STATUS
NOISE-R1	Activities not otherwise specified	Any activity that generates noise shall meet the noise limits of the zone of the site receiving noise from an activity, as set out in NOISE-TABLE5 - Zone Noise Limits. Noise from quarrying within 100m of residential dwellings will generate noise in excess of 55 dB LAeq(15min) during daytime hours.	Restricted Discretionary (NOISE-REQ1.2)
GRUZ-R21 ¹¹	Mineral Extraction	The proposal involves the expansion of a quarrying activity, including the extraction of material potentially less than 200m from residential activities and processing of material less than 500m from residential activities	Discretionary (GRUZ-R21.2)

57. The proposal does not involve the erection of a new dwelling or a principal building. As such, a Flood Assessment Certificate is not required.
58. Therefore, the land use proposal is a **Discretionary** activity under the Partially Operative Plan.

¹¹ As the proposal is for mineral extraction, it is exempt the controls of EW-R2 (Earthworks) of the Partially Operative Plan.

National Environmental Standards

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

59. Although the proposal is a change of use, a search of CRC's Listed Land Use Register (LLUR) has identified the potential presence of two Hazardous Activities and Industries List (HAIL) sites within parts of the existing quarry having a HAIL activity status of G3 Landfill. No further extraction is proposed within these areas. Therefore, the NES-CS does not apply.

Bundled Status

60. In accordance with the above consent triggers and section 127 of the RMA, the bundled application requires consent as a discretionary activity.

Overall Activity Status

61. At the time of lodgement, the application was assessed/treated as being for a **discretionary** activity.
62. As per the Activity Status section above, at the time of writing this report the proposal is still for a **discretionary** activity (i.e. the most restrictive status applicable).
63. Therefore, the proposal is being considered as a **discretionary** activity overall.

Notification

64. The applicant requested public notification at lodgement of the application. A report under section 95 and 95A-E was prepared in order to identify those parties who should be served directly with notice of the application.
65. Limited notification of the application occurred on 26 November 2024 with the submission period closing on 15 January 2025.
66. The applicant has obtained the written approval of the following parties:
- The owners of 35 Bealey Road;
 - The owner of 50 Bealey Road and Res 4005;
 - The owners of 158 Bealey Road;
 - The owners of 10 and 18 Station Road;
 - The owner of 1531 Highfield Road¹²; and
 - The owner of Lots 1-10 DP 73360, Lots 2-4 DP 82704 and Lot 2 DP 477780 (farmland on Station Road).
67. As such, any effects on these parties have been disregarded in accordance with section 104(3)(a)(ii) of the Act¹³.

Submissions

68. At close the submission period, the Council had received 4 submissions, with a further two submissions received after the close of the submission period¹⁴. While no determination has been made in regard to whether the late submissions will be accepted I have considered them in this report for thoroughness.
69. A list of submitters and copies of their submission is provided as **Appendix 3**. A brief summary of the submissions is provided below.

¹² Council records indicate that the owner of 1531 Highfield Road is also the owner of 1336 Highfield Road.

¹³ "A consent authority must not when considering an application have regard to any effect on a person who has given written approval to the application."

¹⁴ Copies of these submissions are provided as Appendix 5.

70. **Submission One** was received from Dion Coleman who has submitted in opposition to the application and has stated he wishes to be heard. Mr Coleman has raised concerns regarding:
- Dust effects on the health of humans, domestic animals and livestock;
 - Noise effects; and
 - Visual effects.
71. Mr Coleman seeks the following relief:
- Financial compensation for property value impacts and double glazing;
 - Rock crushing to be located in current consented areas, with no crushing closer than 950m from the boundary of 153 Bealey Road;
 - A 5m high bund running parallel to Bealey Road, including a 200m section “towards the neighbouring property”. This bund should be planted with natives and be subject to maintenance/irrigation requirements;
 - No quarrying within 300m of the residential unit at 153 Bealey Road;
 - No dust discharge beyond the quarry’s boundaries;
 - No more than 2 acres of open quarrying can occur at any one time;
 - Quarry vehicle access must remain in its current location; and
 - No increases in current truck movement volumes.
72. **Submission Two** was received from KiwiRail who are neutral and do not wish to be heard. KiwiRail has raised that the function of level crossing on Bealey Road needs to remain safe with no increase in vehicle movements. KiwiRail seek the imposition of a condition limiting vehicle numbers to those stated in application and in correspondence on behalf the Applicant.
73. **Submission Three** was received from Christine Wiig who has submitted in opposition to the application and has stated that they do not wish to be heard. Ms Wiig has raised concerns regarding noise, health and air quality effects arising from dust generation, crusher use and vehicle movements. Ms Wiig states that she does not wish to be heard.
74. **Submission Four** was received from Lou and Karen Nunn who have submitted in opposition to the application and have stated that they wish to be heard if others have made similar submissions. Mr and Mrs Nunn have commented on:
- The proximity of quarry operations to the dwelling at 23 Bealey Road;
 - Health impacts arising from contaminated fill at the application site;
 - The alteration of current consent conditions that will enable an extension of daily quarry activities;
 - The noise, dust and general disturbance generated by quarry related vehicle movements; and
 - The practicality of using shelterbelts as screening, both the time needed to grow and potential damage from wildfire.
75. **Submission Five** was received late from B R and J K Voice Trustees Limited, Benjamin Robert Voice and Julie Kaye Voice on 17 January 2025. These submitters have submitted in opposition, wish to be heard and have stated that:
- The current quarry operation generates (at times) very loud noise and significant dust effects;
 - The increased proximity of the quarry will result in greater noise and dust effects;
 - The noise generated by the quarry differs in character from day-to-day farming activities’ noise.
76. B R & J K Voice Trustees Limited, Benjamin Robert Voice and Julie Kaye Voice seek:
- No extraction or crushing activities to take place on weekends and public/statutory holidays; and
 - An Increased the setback from residential units.
77. **Submission Six** was received late from NZ Transport Agency Waka Kotahi (**NZTA**) who have submitted with a neutral position and wish to be heard. NZTA raise the following matters:
- The adjoining state highway features a complex intersection with Bealey Road; and

- The effects of dust on the safe operation of the state highway network.

78. NZTA seek the following relief:

- Requiring a cessation of earthwork activities when strong winds (>10 m/s as a 10-minute average) occur from any direction¹⁵;
- Extending bunding be extended to the full length of the boundary of Stage 2 along SH73 to future proof operations and allow sufficient time for the vegetation to be established so that it is sufficient to block any extra dust. Alternatively, restrictions should be placed on later stages of quarrying during the stage 2 (where operations have passed beyond the bund) until such time that the vegetation has matured, and the shelterbelt has been fully established.
- Undertaking the bund's formation during winter to minimise dust generation and undertake dust suppression at the bund until such time as vegetation has become sufficiently established;
- The establishment of a complaints register to be available upon request; and
- Any other relief that would provide for the adequate consideration of potential effects on the state highway and motorists.

Matters to be Considered

79. Section 104(1) of the Resource Management Act 1991 sets out the matters which must be considered by Selwyn District Council in considering an application for resource consent. Section 104(1), states as follows:

104 Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M [Effect of incorporation of MDRS in district plan], have regard to—*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) *any relevant provisions of—*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

80. In addition, the following section(s) apply to the consideration of this consent.

Section 104B – Determination of applications for discretionary activities

81. Section 104B applies to discretionary and non-complying activities. It allows that the consent authority may grant or refuse the application, and, if granted, it may impose conditions under s 108.

Permitted Baseline

82. Section 104(2) states that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan, i.e. the operative plan, permits an activity with that effect.

83. Although the parts of the Partially Operative Plan that are not operative are not strictly applicable in terms of the concept of permitted baseline and the relevant sections of the Act, it is useful to note what would be permitted by the rules of that Plan that have legal effect.

¹⁵ The Applicant has proposed:

Avoiding earthworks activities during periods when strong winds (>10 m/s as a 10-minute average) occur from the north and northwest. On-site monitoring of winds and automatic SMS alerts will provide notification to staff of these periods

84. In this case, the Operative Plan permits earthworks and vehicle movements at rural sites subject to controls. It also provides for new structures, shelterbelt planting and imposes noise limits.
85. The Partially Operative Plan permits earthworks and vehicle movements at rural sites subject to controls. It also provides for new structures, shelterbelt planting and imposes noise limits. Mineral extraction is not a permitted activity in the General Rural Zone.
86. Based on the above, I do not consider that there is a limited permitted baseline that can be applied to the following adverse effects assessment other than that associated with noise and shelterbelt planting.

Receiving Environment

87. The receiving environment for this proposal includes the existing environment and the future environment as it could be, i.e. as modified by non-fanciful permitted activities and unimplemented resource consents. As previously commented, the Applicant has provided a detailed description of the existing environment that includes landform, land uses and transport network characteristics. I do not intend to repeat that description in-depth but provide the following key features that affect my effects assessment.
88. The receiving environment for this proposal includes the existing environment and the future environment as it could be, i.e. as modified by non-fanciful permitted activities and unimplemented resource consents. In this case, the receiving environment is a rural location featuring pastoral farming and dwellings. Also present is the existing quarry operation and two nationally significant transport corridors. Further detail regarding the existing environment has been previously discussed by this report.

Effects Assessment

89. As a discretionary activity, the Council's assessment is unrestricted and all actual and potential effects of the proposal must be considered. I note that an assessment of the proposal's effects was provided by the section 95 notification report. I do not intend to repeat that assessment, rather the following effects assessment will summarise the section 95 notification report, related matters raised by submitters and the technical assessments undertaken by Mr Farren and Mr Head. The following effects assessment also employs the effects headings used by the section 95 notification report to assist the reader with cross-referencing to that report.
90. In this regard, I provide an assessment of effects associated with the following:
- Noise;
 - Transport;
 - Rural production;
 - Ecological values
 - Cultural values;
 - Landscape and visual amenity; and
 - Rural amenity.
91. Where relevant, my assessment will also draw upon the applicant's AEE and technical assessments, as well as the reviews of those assessments by the Council's own technical experts, submitter comments and the previous s95 notification report.

Noise Effects

92. The proposal involves the expansion of an existing quarry in a rural area that will be within 100m of residential units and will not comply with the maximum noise limits of the General Rural Zone. The Applicant has provided an assessment of the related noise effects within the AEE, as well a technical assessment prepared by Acoustic Engineering Services (**AES**). The application has been reviewed by Mr Farren, who has also considered noise matters raised by submitters.
93. The section 95 report determined that there would be minor adverse noise effects on 23, 137 and 153 Bealey Road. Those noise effects were anticipated given the proximity of those properties to the expanded quarry operation, as well as noise arising from ongoing vehicle movements. This assessment differed from the Applicant's own assessments, in so much that vehicle noise is exempt while also noting that quarry operations would not occur within 100m of residential units unless the written approval of the units' owners had been obtained.
94. Quarry noise has been raised by Submitters 1, 3, 4 and 5. Submission points include concerns principally associated with of crusher use, vehicle noise (particularly early morning movements). Mr Coleman (Submitter 1) advises that while current quarry noise operations may be compliant with the relevant noise standards, the

ongoing character of this noise adversely affects their property's amenity values. B R & J K Voice Trustees Limited, Benjamin Robert Voice and Julie Kaye Voice (Submission 5) have similarly raised the consistent character of quarry noise and the subsequent amenity effects. Mr and Mrs Nunn (Submitter 4) have also raised noise concerns, particularly those arising from vehicle movements for up to 5.5 days per week.

95. Mr Farren advises that he agrees with AES' assessment that the proposed daytime and night-time noise limits of 55 and 45 dB LAeq respectively are appropriate and will result in acceptable noise effects for the closest dwellings along Bealey Road. Mr Farren also recommends that a limit of 50 dB LAeq at 158 Bealey Road. However, as that party has provided their written approval, I have not further considered any conditions or mitigation in relation to noise effects on them.
96. Further to the above, Mr Farren has had regard to the noise issues raised by submitters, including the current experiences with quarry generated noise. He advises that with an appropriate setback, AES predict that noise levels will be 55 dB LAeq or less at all properties, which is the permitted activity noise limit of the Partially Operative Plan and represents the noise environment that can be reasonably anticipated in the area. Mr Farren acknowledges that the proposal will generate audible noise to varying magnitudes depending on the proximate location of quarry activities to existing residential units.
97. Regarding vehicle noise, Mr Farren advises that the additional noise associated with earlier heavy vehicle movements will be reasonable. Mr Farren's position is also based on no increase in vehicle movement numbers for the remainder of the quarry's working day.
98. Mr Farren has recommended several conditions, specifically:
- Operational hour restrictions, including no works on Sundays or public holidays;
 - A limit of two transporter departures between 0600 and 0700, with no heavy vehicles permitted to enter the site prior to 0700;
 - Noise limits; and
 - A further assessment of the second crusher's operational noise prior to its use on-site.
99. I further note that the Applicant has offered the following restrictions:
- No aggregate extraction will occur within 150 m of the notional boundary of the principal residential unit at 23 Bealey Road and 200 m of the notional boundary of the principal residential units at 137 and 153 Bealey Road as they exist at the time of granting this consent, unless written approval has been obtained from the owners and occupiers of the respective residential unit.
 - No aggregate processing within Stages 3 and 4 or within 50m of a site boundary;
 - No extraction within 300m of the residential units at 137 and 153 Bealey Road on Saturdays;
 - Heavy vehicle movement daily limits;
 - The appointment of a community liaison staff member; and
 - The maintaining of a complaints register.
100. Overall, I concur with Mr Farren's technical assessment and agree with his recommended conditions. I also agree with the Applicant's proposed conditions, in particular the increased separation distances for aggregate processing and the appointment of a community liaison staff member. These measures will suitably manage the proposal's noise effects and, in my view, address the noise concerns raised by submitters.
101. Based on the above and the earlier s95 notification report, I consider that the proposal will have no more than minor adverse noise effects.

Transport Effects

102. The proposal involves the expansion of an existing quarry operation, which will employ an existing vehicle crossing onto Bealey Road. From this point, quarry related vehicles will travel by the local and state highway network, including via the Bealey Road/SH73 intersection. That intersection includes a level crossing for KiwiRail's Midland Line.
103. Detailed submission points relating to transport effects were received from KiwiRail and NZTA, while more general traffic related points were received from Ms Wiig. KiwiRail, while neutral, have noted the importance of the rail crossing at the Bealey Road/SH73 intersection and the need to maintain its safe operation through avoiding an increase in quarry related traffic volumes. Consequently, they have requested the imposition of the following condition which has been adopted by the Applicant:

Heavy vehicle movements associated with quarrying operations shall not exceed an average of 40 return trips (80 movements), or a maximum volume of 60 return trips (120 movements) per day.

104. The Applicant has also offered the following restriction on heavy vehicle movements:

Heavy vehicle movements shall not exceed more than 80 movements per operating day, as an average, over any rolling three-month period.

105. It is my understanding that these conditions have been offered by the Applicant in correspondence with KiwiRail. KiwiRail have also stated that a Level Crossing Safety Impact Assessment is not required at this time, although an increase in quarry traffic may trigger the need for one. No specific trigger points for a Level Crossing Safety Impact Assessment has been identified by KiwiRail.
106. NZTA's submission identifies the impact from dust may have on SH73, including diminishing driver visibility. No submission points relating to traffic volumes or intersection performance have been raised by NZTA. In my view, the use of a DMMP as proposed by the Applicant (as part of related discharge consent), will be sufficient to control dust to a level that will avoid effects on the safe operation of SH73.
107. NZTA has sought for modification of the Applicant's following dust control related stop work trigger:
"Avoiding earthworks activities during periods when strong winds (>10 m/s as a 10-minute average) occur from the north and northwest. On-site monitoring of winds and automatic SMS alerts will provide notification to staff of these periods;"
108. The NZTA submission states that that this trigger should relate to strong winds from any direction given the potential for wind gusts to deposit dust on SH73. However, I note that ECan's Air Quality Expert, Donovan Van Kekem, considers that the Applicant has offered dust monitoring and mitigation measures that will make nuisance dust levels unlikely more than 100m from the source. I also note that ECan's reporting officer, Edward Ryde, has recommended conditions imposing the dust monitoring and mitigation measures, including a DMMP. In my view, the measures proposed by the Applicant, as well as the conditions imposed on the related air discharge consent will assist in avoiding road safety issues arising from dust.
109. In addition, NZTA have sought for an extension of the bund to run along the length of the quarry's stage 2. However, the primary purpose of bunding is to address the proposal's noise, landscape and visual effects. It is unclear what benefit, in terms of dust reduction for the state highway that an extension of the bund would provide given Mr Van Kekem's review. Consequently, I do not support a requirement to extend the bund to the extent sought by NZTA. I also note that NZTA have also requested the use of a complaints register. I consider that this is appropriate and note that the Applicant has now proposed a condition required that register.
110. Overall, I consider that dust from the quarry activity is also unlikely to impact the safe operation of SH73 and the local road network, while the Applicant's proposed conditions relating to maximum heavy vehicle movements and continued vehicle crossing use will result in the proposal having no more than minor effects on the surrounding road network.

Rural Production Effects

111. As a quarry activity within a rural area, the proposal has the potential to adversely affect rural production activities. These effects may primarily arise through dust generation. These effects have been specifically raised by Mr Coleman.
112. With regard to the health effects of dust on livestock, I will defer to the air discharge review undertaken by Environment Canterbury in regard to the regional air discharge application. That review states that nuisance dust is unlikely to be transported more than 100m from its source. On this basis, I consider that it would unlikely that dust from the quarry would result any significant impacts on crops or livestock in the surrounding area.
113. In terms of more general effects on rural production, I note that the Applicant has offered the following measures:
- Undertaking extraction in sub-stages of no more than 2 ha and keeping the active working quarry footprint to a maximum of 6a at any one time;
 - Limiting areas requiring dust suppression to a maximum of 2 ha;
 - Utilising dust suppression techniques, such as water spraying; and
 - Rehabilitation of completed quarry sections.
114. In my view, these measures are sufficient to address any nuisance scale dust effects on rural production and no significant effects on cropping and livestock are anticipated. I further note that air quality controls (i.e. dust control) will be imposed by way of the air discharge consent conditions. However, I do consider it appropriate for a Quarry Management Plan (**QMP**) be imposed as a consent condition to provide more generalised management of

potential nuisances from the proposal. Consequently, I have included the QMP condition from RC115008 as part of the recommended conditions for the quarry expansion land use consent.

115. Consequently, I consider that the proposal will have less than minor adverse effects on rural production.

Ecological Effects

116. As detailed in the notification report, the application site does not feature any significant ecological areas under either the Operative or Proposed District Plans, no known natural inland wetlands or natural waterbodies. Rather the majority of the application site is in open pasture, with a mixture of exotic grass and tree species present. The adjoining site (158 Bealey Road) features a water race that is part of the Malvern Water Race Scheme, but it is not a natural waterbody.
117. Given the lack of any apparent natural ecological values, as well as the measures proposed to minimise and manage dust emissions, I consider that the proposal will not have any ecological effects.

Cultural Effects

118. As detailed in the notification assessment, Mahaanui have prepared a Cultural Advice Report (**CAR**), on behalf of Te Ngāi Tūāhuriri and Te Taumutu Rūnanga. The CAR advised that subject to the imposition of the following conditions that the Rūnanga would not consider themselves an affected party:

- a) *The land use consent must be 20 years in duration.*
- b) *An Accidental Discovery Protocol (ADP) must be in place during all earthworks and extraction activities to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).*
- c) *Indigenous planting is required to mitigate the impacts of quarrying, enhance the cultural landscape, increase indigenous habitat, filter sediment and sequester carbon.*
- d) *All permanent bunds on site must be vegetated with indigenous species. Landscaping for the quarry rehabilitation must use exclusively indigenous species to establish a natural cultural landscape.*
- e) *All erosion and sediment controls installed must be constructed, inspected, and maintained in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox.*
 - i. *All contractors working on site must be made aware of these measures and strictly adhere to them.*
 - ii. *The controls must ensure the protection of the Selwyn District Council water race.*
 - iii. *The controls must include specific dust suppression measures to protect the mauri of air on site.*
 - iv. *Where measures prove to be inadequate, works must cease until appropriate and effective measures are in place.*
- f) *Dust produced from all quarrying activities must not cause nuisance outside of the property boundary. If anyone outside of the property boundary becomes adversely effected by dust produced, then all work must cease immediately until appropriate mitigation methods are implemented.*
- g) *An accidental discovery protocol for contaminated soils must be implemented on site.*
 - i. *Contaminated materials must not be re-used on site.*
 - ii. *Contaminated materials must be removed from site and disposed of at an appropriate facility.*
- h) *Measures must be taken to avoid spills of fuel or any other hazardous substances within the site. These measures must include:*
 - i. *Fuel and any other hazardous substances must be stored on hardstand areas with appropriate treatment systems in place.*

119. The Applicant has advised that in general they support the conditions requested by the Rūnanga, but that:
- A consent duration of 20 years does not reflect the unlimited term sought nor specifically relate to an adverse effect;
 - That the proposed landscaping will not be exclusively native; and
 - The condition relating to erosion and sediment controls is not relevant to an alluvial pit type operation.
120. Given the above, both Rūnanga were served as part of the application's limited notification. No submissions have been received. Given this, I have reviewed the Applicant's own response and largely concur with their position.

121. Firstly, it is unclear why a 20 year duration on the land use consent is necessary. In my experience duration restrictions on district land use consents are typically imposed where an application is for a temporary activity, there is uncertainty regarding longer term effects or that changing environment conditions would render an activity inappropriate in the longer term. None of these situations are relevant to the current proposal. Rather quarrying technology is well established, the potential effects are well-understood and as rural area current land uses (and other district level conditions) are unlikely to change during the implementation of this consent. While a restricted duration is required for the proposal's regional consents, I agree with the Applicant that a similar restriction on this consent is not required to address its land use effects.
122. As noted above, the site does not feature any significant ecological areas or natural features. Both District Plans enable its use for rural production activities, which includes the planting of shelterbelts and pasture with exotic species. In my view and in consideration of the permitted baseline, I do not consider it appropriate to impose conditions requiring the sole use of native flora for site rehabilitation.
123. Lastly, I concur with the Applicant that the imposition of an erosion and sediment controls condition is unnecessary given the measures already proposed, including a DMMP. It is my view that the measures sought by the Rūnanga are more appropriate for a proposal where there is a discrete earthworks phase (i.e. during building construction).
124. Based on the cultural related conditions adopted by the Applicant and the other measures proposed, I consider that cultural effects have been appropriately addressed.

Landscape and Visual Amenity Effects

125. As detailed by the notification report, the Applicant has provided a landscape and visual assessment (**LVA**) prepared by Glasson Huxtable Landscape Architects (**Glasson Huxtable**). The application, including the LVA has been reviewed by Council's Consultant Landscape Architect, Mr Head. Both the LVA and Mr Head have considered the proposal against the rural environment, which I note does contain the existing quarry operation.
126. To summarise, Mr Head concurred with the LVA's methodology, and identified sites that could experience up to minor adverse landscape and visual effects:
- 23, 137 and 153 Bealey Road;
 - 1046, 1056 and 1062 Railway Road; and
 - 62 Station Road.
127. Submissions relating to visual effects were received from Mr Coleman and Mr and Mrs Nunn. Turning first to Mr Coleman's submission points, Mr Head has identified that the nearest quarry from 153 Bealey Road will form part of "Stage 4" of the quarry and will not occur prior to 2032. In Mr Head's opinion, this delay in the quarrying activity at this location will provide adequate time for the extended boundary shelterbelt to mature. Consequently, adequate screening will be in place, while in the short to medium term views of the application site from 153 Bealey Road will remain agrarian in character.
128. Mr and Mrs Nunn have also raised the proposal's visual effects, principally in relation to the Applicant's proposed mitigation. Mr Head advises that the proposed boundary screen planting, specifically Leyland cypress, has a rapid growth rate and will reach a height of 5 to 7m within 5 years of planting. Mr Head agrees with Mr and Mrs Nunn that screening vegetation can be lost for a variety of reasons, so conditions requiring its maintenance and replacement (if lost) should be imposed if consent is granted.
129. The Applicant has also provided updated drawings for the proposed landscape mitigation plan. The two key changes to the drawings are:
- The rehabilitation of the vehicle parking/washdown area in the site's south-east corner, including the planting of native trees, shrubs and grasses; and
 - A bund and additional planting at the site's south-west corner.
130. I note that these landscape design changes have arisen following the pre-hearing meeting and relate to the submissions of the Nunn and Mr Coleman.
131. Having considered the earlier effects assessment of the notification report, as well as submissions and Mr Head's technical review, it is my view that the landscape and visual effects of the proposal will be minor. These effects are, in part, transitory as over time maturing boundary vegetation will screen the site from nearby residential units and publicly accessible viewpoints. Furthermore, I concur with Mr Head that the staging of active quarry areas will allow for screening vegetation to mature prior to the opening of those areas.
132. Lastly, I consider it appropriate that a timeframe for the rehabilitation of the site's south-east corner (i.e. opposite 23 Bealey Road) is imposed. I recommend that the Applicant provide an acceptable timeframe given the need to provide an alternative on-site location for vehicle parking and washdowns that can then be incorporated into a condition of consent.

Rural Amenity Effects

133. As detailed in the notification report, the proposal was determined to have at least minor adverse rural amenity effects. These effects were associated with the quarry activity's noise, dust and transport impacts. These adverse effects were identified as affecting:
- 23, 137 and 153 Bealey Road;
 - 1046, 1056 and 1062 Railway Road; and
 - 62 Station Road.
134. These amenity effects have been raised by Mr Coleman, Mr and Mrs Nunn, Ms Wiig, B R and J K Voice Trustees Limited, Benjamin Robert Voice and Julie Kaye Voice. While I have previously discussed the noise and transport effects of the proposal, dust generated by the quarry has the potential to impact the amenity of neighbouring sites, as well as cause general nuisance for those sites' occupants. The amenity effects associated with dust have been raised by these submitters.
135. In my view the proposed mitigation and management measures proposed by the Applicant, including a DMMP are appropriate for the scale of the anticipated adverse amenity effects. I also recognise that short-term nuisance issues can arise during quarry operations. Consequently, I recommend that the previously described complaints management register and community liaison role are imposed as consent conditions. I also recommend the imposition of the existing QMP consent condition to apply to the entire quarry footprint, which will assist in the control and management of nuisance level amenity effects from the activity.
136. Subject to the imposition of the recommended conditions, I consider that the adverse amenity effects will be minor.

Positive Effects

137. The AEE details the positive effects of the proposed quarry extension. To summarise, quarried material is necessary for the construction and maintenance of roads, port or airport facilities, or other significant built structures. The aggregates extracted from the site are important to the manufacture of goods like ready mixed and asphaltic concrete, precast concrete beams and panels, blocks, pavers and pipes. All these products are important components of urban and modern construction.
138. The AEE further notes that several quarry sites across greater Christchurch and the Selwyn District have been exhausted or are reaching the end of their economic lives. This includes sites that were zoned for quarry activities under previous planning documents, as well as sites that are subject to previously approved resource consents. The ready supply of aggregate materials helps meet demand, reduce construction costs and allow for extraction closer to markets.
139. The Applicant notes that the proposal is a continuation of an existing quarry, which allows for the continued utilisation of on-site infrastructure. This includes equipment that can produce high value aggregates. The Applicant further identifies that the proposal will not preclude the mid to longer-term use of the site for rural production (i.e. grazing). Lastly, the Applicant states that the quarry provides employment, both directly as quarry employees, but also indirectly through both support services and its customers.

Conclusion

140. In conclusion, I consider that the proposal will have no more than minor adverse effects. These effects include those associated with noise, transport, landscape and visual amenity, and rural amenity. Cultural and rural production effects are also anticipated. However, these effects can largely be mitigated and managed through the Applicant's proposed measures, as well as the recommended inclusion of the use of a complaints management system.

District Plans (section 104(1)(b)(vi))

Operative Plan – Objectives and Policies

141. While no resource consents are required under the Operative Plan, I have undertaken the following analysis of the proposal against the Plan's objectives and policies for completeness. The relevant objectives and policies are:
- Natural Resources – Land and Soil*
- *Objectives B1.1.1. and B1.1.3; and*
 - *Policy B1.1.7.*
142. Objective B1.1.1 states that adverse effects of activities on the District's land and soil resources are to be avoided, remedied or mitigated. Promote the sustainable management of the soil resources of the District. Objective B1.1.3

promotes the sustainable management of the soil resources of the District, while Policy B1.1.7 seeks to avoid the removal of large quantities of top soil unless it is replaced with replanting when an activity ceases.

143. The proposal involves the stripping of topsoil and other overburden prior to the excavation of aggregates. The Applicant proposes to store topsoil as the quarry is expanded and remediated in stages. While the site is not considered highly productive land (due to its soil class), the proposed remediation will enable its use for pastoral farming. Similarly, the management measures proposed by the Applicant will also enable the continued use of the surrounding sites for rural production.

Natural Resources – Land and Soil

- *Objectives B1.3.1, B1.3.6.*

144. Objective B1.3.1 requires that the contamination of groundwater and surface water is avoided through land management practices. This is elaborated upon by Objective B1.3.6, which requires land uses to be managed to protect water quantity and quality, aquatic habitat, and natural character. While the application site does not feature any natural waterbodies or wetlands, I consider that the proposed measures (e.g. the DMMP) address any potential discharge of dust from the land use on any natural waterbodies within the wider area. I also note that no dewatering is proposed.

Physical Resources - Transport

- *Objectives B2.1.1; and*
- *Policies B2.1.2, B2.1.3, B2.1.4(b).*

145. Objective B2.1.1 requires an integrated approach to land use and transport planning to ensure the safe and efficient operation of the District's roads is not compromised by adverse effects from activities on surrounding land. Policy B2.1.2 states that the effects of activities must be managed to allow for the safe and efficient operation of the District's existing and planned road network and railways. This is further elaborated by Policies B2.1.3 and B2.1.4(b), which both require the management of effects on arterial roads and State Highways.
146. Submissions were received from both KiwiRail and NZTA. KiwiRail have advised that a condition, offered by the Applicant, that limits heavy vehicle numbers is required to address potential effects on the safe operation of the nearby level crossing. NZTA have not raised similar concerns with traffic volumes but have sought additional measures to control dust.
147. In my view, the Applicant's conditions to restrict heavy vehicle volumes is appropriate given the proximity of the quarry to the level crossing and the Bealey Road/SH73 intersection. I further consider that such conditions will address potential transport effects on the wider road network, including Bealey Road itself. However, I do not consider it appropriate to impose the additional dust controls requested by NZTA. Rather, it is my view that the Applicant's proposed dust management measures suitably address potential dust discharges on the state highway corridor, with those imposed by air discharge consent conditions.

Health Safety Values – Quality of the Environment

- *Objectives B3.4.1 and B3.4.2; and*
- *Policies B3.4.1, B3.4.3, B3.4.13, B3.4.16.*

148. Objective B3.4.1 seeks for the rural area is a pleasant place to live and work in, while Objective B3.4.2 provides for a variety of activities in the rural area while maintaining rural character and avoiding reverse sensitivity effects. Policy B3.4.1 recognises that the Rural zone as an area where a variety of activities occur, while Policy B3.4.3, requires that the adverse effects of activities on rural amenity are avoided, remedied or mitigated. Policy B3.4.16 requires the mitigation of nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.
149. As previously detailed, it is my view that the proposed quarry operation will have minor amenity effects, including effects on rural and visual amenity values. However, these effects will be remedied and mitigated in part, by the measures proposed by the Applicant. This includes the planting of screening vegetation, the use of a DMMP (under the air discharge consent conditions), and the limiting heavy vehicle traffic volumes. Furthermore, I consider the use of a complaints management system a further appropriate mechanism to allow for the speedy resolution of any environmental nuisances generated by the quarry.
150. Lastly, I note that Policy B3.4.13 states that continuous or regular noise must not exceed a level which disturbs people indoors on adjoining properties. While some noise effects are anticipated outside of residential units, compliant noise levels are expected inside those units. I note that the Applicant has offered further conditions to manage noise effects, including the proximity of quarrying and aggregate processing to residential units. Mr Farren has confirmed that these conditions are appropriate and will manage the proposal's noise. I concur with Mr Farren and consequently consider that that proposal is consistent with Policy B3.4.13

151. Overall, I consider the proposal to be generally in keeping with the Operative Plan.

Partially Operative District Plan

152. The Applicant has provided a detailed assessment of the Operative Plan's objectives and policies on a thematic basis. I generally concur with Applicant's assessment and provide the following summary:

Strategic Directions – District Identity

- *Objectives SD-DI-01, SD-DI-02 and SD-DI-06.*

153. Objective SD-DI-01 seeks for the District to be an attractive and pleasant place to live, work, and visit, SD-DI-02 outlines the desire for Selwyn's economy to be prosperous and for community well-being to be supported through the efficient use of land and resources. Lastly, SD-DI-06 states that the District's highly productive land is retained for rural production.
154. In my view, while the proposal will involve land disturbance and non-pastoral activity within a rural area, the Applicant has provided a suite of measures to address potential effects on landscape and amenity values. This includes the DMMP, boundary setbacks for extraction and fixed operational hours. These measures are supported by the Council's technical experts and have been modified in response to measures raised by submitters at the pre-hearing meeting.
155. Furthermore, I acknowledge the economic importance of quarrying to the District and wider region. Aggregates are a ubiquitous material that is used across the construction sector, including for infrastructure. The ongoing affordable access to this material will continue to be a key support to the District's high rates of growth and urbanisation. In addition, the quarry employs 25 persons on-site thereby supporting the local economy.
156. Turning to SD-DI-06, I note that the proposal is not located on highly productive land and quarry areas will be rehabilitated once aggregate removal has occurred. As such, the proposal will not result in the loss of highly productive farm land.

Energy and Infrastructure

- *Objective EI-O3; and*
- *Policy EI-P6.*

Transport

- *Objectives TRAN-O1 and TRAN-O2; and*
- *Policies TRAN-P7 and TRAN-P8.*

157. Objective EI-O3 requires activities to not compromise the safe and efficient operation of important, which includes the state highway and rail networks. This is further reiterated by Policy EI-P6, which requires the avoidance of incompatible activities. These policy points are further specified by TRAN-O1, which requires the avoidance of significant adverse effects on transport networks and TRAN-O2 which protects those networks from incompatible land uses. Lastly, TRAN-P7 and TRAN-P8 require the recognition and protection of transport and rail networks from land use activities.
158. The Applicant notes that the proposal will not result in the daily increase of heavy vehicles to and from the quarry, with existing traffic volumes able to be safely accommodated by the existing road network. The Applicant has also offered transport related conditions, including the continued use of the current Bealey Road vehicle crossing and limits on daily heavy vehicle movements. I note that transport effects were also raised by submitters, notably KiwiRail.
159. In my view, the Applicant's proposed conditions suitably address transport effects. The use of vehicle movement limits and the existing vehicle crossing will avoid significant effects on the local and district wide transport networks, while the use of dust management measures will ensure that the state highway network will be able to safely operate.

Hazardous Substances

- *Objective HAZS-O1; and*
- *Policy HAZS-P1.*

160. Objective HAZS-O1 recognises that activities involving hazardous substances can benefit the District if their associated risks are minimised to acceptable levels. HAZS-P1 enables such activities while requiring the management of residual risks.

161. The Applicant has detailed that the hazardous substances associated with the proposal are generally fuel and machine lubricants. These substances will be subject to spill management controls, while excavations will avoid groundwater. I agree with the Applicant that hazardous substances will be appropriately managed.

Noise

- *NOISE-O1; and*
 - *NOISE- P1.*
162. Objective NOISE-O1 requires the protection of healthy, wellbeing and amenity values from adverse noise effects and with resultant outcomes meeting the anticipated outcomes for the receiving environment. NOISE-P1 states that noise effects can be managed by limits on location, frequency, duration and their magnitude.
163. The Applicant considers that noise will be managed so that the related effects will be acceptable. Their position is based, in part, on fixed hours of operation and the distance between residential units and processing areas. Noise effects have been raised by several submitters, including noise arising from aggregate processing. The application has been reviewed by Mr Farren, who advises that the effects are acceptable and can be managed by conditions.
164. I concur with Mr Farren and further note that the Applicant's updated conditions include additional restrictions on quarry activities (e.g. no processing on Saturdays). In my view, while noise will be generated, it is largely within the anticipated noise levels for the General Rural Zone. The Applicant has offered conditions that can be practically implemented, including the increased distance from residential units to processing areas. On this basis, I consider that the proposal is consistent with the above objective and policy.

General Rural Zone

- *GRUZ-O1; and*
 - *GRUZ-P1, GRUZ-P4, GRUZ-P8 and GRUZ-P9.*
165. GRUZ-O1 allows land uses and development in rural areas, specifically where it supports, maintains, or enhances the function and form, character, and amenity values of rural areas. It also allows for primary production, particularly where it has an operational or functional requirement to be located in the General Rural Zone. GRUZ-P1 enables mineral extractive industries where its adverse effects are managed, while GRUZ-P4 enables economic development where activities have a functional or operational need to be located in the rural area. GRUZ-P4 also states that activities should represent an efficient use of natural and physical resources, while character and amenity values are to be at least maintained.
166. GRUZ-P8 and GRUZ-P9 relate specifically to mineral extraction. GRUZ-P8 enables mineral extraction where the effects and extent of extraction are managed to maintain residential amenity values, adverse effects are internalised as far as practicable, and extraction is avoided on highly productive land. GRUZ-P9 requires mineral extraction sites to be progressively rehabilitated to mitigate erosion and enable land reinstatement.
167. The Applicant considers that effects will be appropriately managed and that amenity values will be maintained. They have also highlighted that progressive stabilisation will be undertaken. They state that the proposal represents an ongoing efficient use of an aggregate resource.
168. I generally concur with the Applicant's view, based on my earlier commentary of the proposal's effects. In particular, I note that the adverse effects associated with the quarry can be suitably addressed through the Applicant's proposed conditions, subject to minor modifications to those conditions and the addition of a requirement for a QMP. Furthermore, the proposal will make efficient use of existing quarrying infrastructure and enable access to an important construction material for the District and wider region.
169. Overall, I consider the proposal to be generally in keeping with the Partially Operative Plan.

Other Relevant Documents (section 104(1)(b)(i)-(v))

Canterbury Regional Policy Statement (CRPS)

170. The District Plans give effect to the relevant higher order documents, including the CRPS. The Applicant has provided a detailed assessment of the proposal against the CRPS, including discussion of the following objectives:

Chapter 5 – Land-Use and Infrastructure

- *Objectives 5.2.1 and 5.2.2; and*
- *Policies 5.3.2, 5.3.7 and 5.3.8.*

Chapter 6 – Recovery and Rebuilding of Greater Christchurch

- *Objective 6.2.1; and*
- *Policies 6.3.5 and 6.3.6.*

Chapter 7 – Freshwater

- *Objectives 7.2.1, 7.7.2, 7.7.3; and*
- *Policies 7.3.4, 7.3.5, 7.3.6, 7.3.7, 7.3.8.*

Chapter 14 – Air Quality

- *Objectives 14.2.1 and 14.2.2; and*
- *Policies 14.3.3 and 14.3.5.*

Chapter 15 – Soils

- *Objectives 15.2.1 and 15.2.2; and*
- *Policies 15.3.1, 15.3.2.*

Chapter 18 – Hazardous Substances

- *Objectives 18.2.1 and 18.2.2; and*
- *Policies 18.3.1 and 18.3.2.*

171. I generally concur with the Applicant's assessment the CRPS, noting the similarity in issues and assessment undertaken against the provisions of the Operative and Partially Operative Plans. As such, I rely on the Applicant's assessment and my previous assessment of the application against the District Plans.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

172. The NES-CS was discussed earlier in the previous notification report, with my conclusion being that resource consent under the NES-CS is not required.

Section 104(1)(c) – Other Matters

Mahaanui Iwi Management Plan 2013

173. The Cultural Advice Report (CAR) by Mahaanui contains an analysis of the application against the Mahaanui Iwi Management Plan 2013. As previously detailed, the Applicant has adopted the conditions requested by Mahaanui with the exception of:
- A consent duration of 20 years as it does not reflect the unlimited term sought nor specifically relate to an adverse effect;
 - The use of exclusively native landscaping; and
 - An erosion and sediment controls condition as it is not relevant to an alluvial pit type operation.
174. I generally concur with the Applicant. It is unclear from the CAR why a 20 year duration should be imposed on a land use consent given that the proposal is not for a 'temporary activity', for of a fixed duration or related to technology that might otherwise change during the lifespan of the activity. Rather, it is my view that a duration condition is better imposed by way of the regional consents sought by the Applicant from ECan. However, I also acknowledge that the Applicant has offered a review condition (under s128), which may address any uncertainties associated with the land use's effects.
175. With regard to landscaping and site reinstatement, I note that the site is currently used (primarily) for rural production that is dependent on exotic grass species. Similarly, the proposed screening vegetation is exotic given the timeframes between planting and the opening of quarry stages. However, I do consider that there may be opportunities to incorporate native flora where there are longer lead in times for the opening of each stage, as well as part of any landscaping for the proposed bunds. Consequently, I have included such a requirement within the recommended landscaping conditions.
176. I also agree that a standard erosion and sediment control condition is inappropriate for a quarry operation of the type proposed. Rather, I consider that the use of the DMMP and other measures will address the potential cultural effects associated with land disturbance.

177. Lastly, I have incorporated the spill presentation and contaminated material matters raised by Mahaanui as conditions, while I have also included advice notes identifying that native landscaping should be employed where practicable.
178. Based on the above, it is my view that the proposal is generally consistent with the Iwi Management Plan.

Part 2 – Purpose and principles

179. The consideration under section 104 is subject to Part 2 of the Act – Purpose and principles.
180. The purpose of the Act is contained within section 5, and it is to promote the sustainable management of natural and physical resources. *Sustainable management* means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while: sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.
181. The other sections of Part 2, sections 6, 7 and 8, address matters of national importance, other matters and Te Tiriti o Waitangi (the Treaty of Waitangi) respectively.
182. The relevant District Plans have been prepared having regard to Part 2, with a coherent set of policies designed to achieve clear environmental outcomes; therefore, taking into account relevant case law, I consider that assessment under Part 2 is unlikely to be necessary. For the sake of completeness, however, Part 2 is briefly assessed below.
183. In addition to section 5, I note that the following clauses of Part 2 would be particularly relevant:
- 7(b) the efficient use and development of natural and physical resources;*
 - 7(c) the maintenance and enhancement of amenity values; and*
 - 7(f) maintenance and enhancement of the quality of the environment.*
184. Based on my assessment of the proposal in this report, I conclude that the proposal will be consistent with Part 2 of the Act. In particular, while the proposal will increase access to an important construction material thereby supporting the ongoing economic wellbeing and development of the District. The mineral resource, aggregate, is located on land that is not classified highly productive.
185. The Applicant acknowledges that the proposal will give rise to adverse effects on local amenity values, including those associated with visual amenity and rural amenity. There will also be related impacts on the overall quality of the receiving environment. Given this, the Applicant has offered a suite of measures as proposed consent conditions. These include restrictions on operating hours, limits on heavy vehicle movements, dust management and screening landscaping. These measures have been considered by Council's technical experts who confirm their appropriateness.
186. In my view, the Applicant's proposed measures, as augmented by my recommended edits and additions will address the identified adverse effects. These measures are commonly employed by quarry operators, while the use of a community liaison and complaints register will enable any nuisances to be addressed in a timely manner. Lastly, I acknowledge that the Applicant has modified the proposal since lodgement and in response to submitters concerns. This includes greater distances between existing residential units and processing areas, as well as the rehabilitation of the current vehicle parking/washdown area.

Conclusions

187. Land use consent RC245428 is sought to expand an existing quarry that does not comply with setback and noise standards within the General Rural Zone.
188. Land use consent RC245429 is sought to vary conditions of RC125013 to enable
- The removal of quarry walls, batters, bunds, and existing landscaping to allow Screenworks to work from the existing quarry into the expansion stages, allowing extraction to continue below ground level and as a continuation of the existing operation;
 - Process material from the expansion area within the existing quarry;
 - Amend the frequency with which processing can occur;

- Commence works at 7 am rather than 7.30 am, to align with the Partially Operative Plan's daytime hours for noise; and
- Other amendments, and any consequential amendments, to the consent conditions to reflect the proposed expanded quarrying activity.

189. The overall status of the application is a discretionary activity.
190. The proposal will generate minor adverse effects. These effects include those associated with noise, transport, landscape and visual amenity, and rural amenity. Cultural and rural production effects are also anticipated. However, these effects can largely be mitigated and managed through the recommended conditions.
191. The proposal is generally consistent with the objectives and policies of the Operative and Partially Operative District Plan. This includes those objectives and policies associated with activities in the rural environment, noise, transport, hazardous substances, important infrastructure and amenity.
192. The proposal is also consistent with the Canterbury Regional Policy Statement.
193. The proposal is generally consistent with the Mahaanui Iwi Management Plan.
194. Having considered all relevant matters, on balance and overall, I conclude that the application may be granted, subject to conditions of consent

Recommendation – Land Use Consent

195. I recommend that land use consent RC245428 is **GRANTED**, pursuant to sections 104 and 104B of the Resource Management Act 1991, subject to the conditions of consent below pursuant to sections 108 and 108AA of the Act.

Conditions of Consent

RC245428 Land Use Consent Conditions

General Conditions

1. The proposal shall proceed in general accordance with the information submitted with the application on 7 June 2024., the further information provided on 13 August 2024 and 17 March 2025 and the attached stamped Approved Plans entitled “*Site Wide Landscape Mitigation Plan*” except where another condition of this consent must be complied with.

Lapse Date

2. If this consent is not given effect to **before X**, it shall lapse in accordance with section 125 of the Resource Management Act 1991 (the Act) unless the Selwyn District Council (Council) has granted an extension pursuant to section 125(1A)(b) of the Act.

Supervision and Notification

3. Before exercising this resource consent the consent holder shall appoint a representative(s) who will be the Council's main contact person(s) for this consent and advise Council of that person's name and contact details.

Advice Note:

Should any persons change during the implementation of this resource consent, the consent holder shall inform the Council) and shall also give written notice of the new person's name and how they can be contacted as soon as practicable.

4. At least 10 working days before starting physical works to open each quarry stage authorised by this consent, the consent holder shall conduct a pre-construction site meeting with the Council. The following shall be covered at the meeting:
 - a) Scheduling and staging of the works, including the proposed start date;
 - b) Responsibilities of all relevant parties;
 - c) Contact details for all relevant parties;
 - d) Expectations regarding communication between all relevant parties;
 - e) Site inspections; and

- f) Confirmation that all relevant parties have copies of the contents of these consent documents and all associated management plans.

Quarry Site Rehabilitation Plan

- 5. The consent holder shall submit a Quarry Site Rehabilitation Plan (**QSRP**) to the Council for certification within 6 months of the commencement of this resource consent.
- 6. The QSRP shall include, but need not be limited to, the following:
 - a) Details of the staging of progressive rehabilitation;
 - b) Re-spreading and contouring of overburden and stored (stockpile or bund) or imported topsoil materials within the base of the quarry floor;
 - c) Stabilisation of quarry faces;
 - d) Grassing of completed and restored extraction areas to create a free draining and stable landform suitable for pastoral farming;
 - e) Weed control;
 - f) Details for monitoring and maintenance of rehabilitated areas; and
 - g) Retention of trees around the periphery of the rehabilitated quarry.
- 7. Subject to Conditions 8 and 10, rehabilitation works shall not commence until the consent holder has received written certification from the Council that the QSRP complies with Condition 6.
- 8. If the consent holder has not received a response from the Council within 20 working days of submitting the QSRP under Condition 6, the QSRP is deemed to be certified.

Advice Note:

If the Council's response is the QSRP cannot be certified, the consent holder will be contacted in writing with details of reasons position and recommended for changes to the QSRP. The consent holder will also need to resubmit an amended QSRP for certification.

- 9. The QSRP may be updated by the consent holder and the updated QSRP shall be submitted to the Council for certification. The certification process for any updates to the QSRP shall follow the process outlined in conditions 7 and 8.

Quarry Management Plan

- 10. The consent holder shall submit a Quarry Management Plan to Council prior to the commencement of the quarry activity approved by this consent. The Quarry Management Plan must include Construction drawings and procedures, methods and measures to be applied to address at the minimum the following:
 - a) Dust control from quarrying activities and vehicle movements;
 - b) Formation of earth bunds and stability of all earthworks and quarry faces;
 - c) Speed restrictions within the site;
 - d) Security of loads on vehicles travelling to and from the site;
 - e) Vehicles associated with the site avoiding unsealed roads where practicable;
 - f) The active maintenance and irrigation of landscaping throughout the site;
 - g) 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.

Landscape and Visual Amenity Mitigation - Planting

- 11. All planting shall be undertaken in accordance with the Landscape Mitigation Plans referenced in Condition 1.
- 12. If the consent holder has not received a response from the Council within 20 working days of submitting the planting details required under Condition 11, the landscaping is deemed to be certified.

Advice Note:

If the Council's response is the plantings cannot be certified, the consent holder will be contacted in writing with details of reasons position and recommended for changes to landscaping mitigation plan. The consent holder will also need to resubmit these details for certification.

13. All specified planting not already undertaken at the date of consent being granted shall be implemented within the first full planting season (1st April – 30th September) following granting of consent.
14. All planting shall be maintained for the duration of consent and any dead, diseased, stolen, vandalised or dying vegetation shall be replaced with the same species within the following planting season.

Advice note:

Maintenance may include weeding, spraying, staking, watering, fertilising, trimming, release of plants, pest removal and replacement.

15. All planting shall be watered throughout the establishment period and after that during prolonged dry periods as and when required to ensure plants continue to establish.
16. Once fully established, boundary hedging (perimeter shelterbelts) shall be maintained along all of the site boundaries at a height of 4 metres, except in the north-eastern corner of the site, where the shelterbelt shall be maintained at a height of 2.5 metres as shown on the Landscape Mitigation Plans referenced in Condition 1.

Landscape and Visual Amenity Mitigation – Bunding

17. Prior to aggregate extraction commencing, the site bunding along the northern site boundary of Stage 1 and Stage 2, as shown on the Landscape Mitigation Plans referenced in Condition 1, shall be constructed and shall comprise 2 to 3 metre high temporary grass bunds from topsoil and overburden.
18. Prior to works entering Stage 3, site bunding in the south-west corner of the site shall be established and shall comprise 2 to 3 metre high grass bunds from topsoil and overburden, as shown on the Landscape Mitigation Plans referenced in Condition 1.
19. As soon as practicable following construction of the bunds, the bunds are to be sown with grass or hydro seeded.
20. The bunds shall be watered when required to suppress potential dust, until a grass cover has been established. An 80 percent grass cover is to be maintained on earth bunds at all times during quarrying operations.

Site Operations - Hours of Operation

21. The quarry shall only operate between the hours of 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours Saturdays (staff may arrive earlier and depart later). No work shall occur on Sundays or statutory holidays.
22. No crushing shall occur on Saturdays, Sundays or statutory holidays.
23. The departure of up to two transporters from the site shall be allowed between 0600 and 0700 hours Monday to Friday, excluding statutory holidays.

Site Operations – Noise

24. Noise from quarrying activities (other than construction noise) shall not exceed the following levels when measured in accordance with NZS6801:2008 Acoustics – Measurement of environmental sound:
 - a) Daytime (0700 – 2200 hours) 55 dB LAeq; and
 - b) Night-time (2200 – 0700 hours) 45 dB LAeq / 70 dB LAFmax.
25. These noise limits shall be assessed in accordance with NZS6801:2008 Acoustics – Measurement of environmental sound and apply at the notional boundary of any residential unit on a site other than the application site, except for 158 Bealey Road.
26. Prior to the operation of a second crushing plant on the site, a noise assessment shall be submitted to Council confirming that it can operate and comply with the noise limits detailed in Condition 24.

Advice notes:

Notional boundary means a line 20 metres from any side of a residential unit or other building used for a noise sensitive activity, or the legal boundary where this is closer to such a building.

Quarrying activities is defined in the POSDP and under the national planning standards, and means

“the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry”.

27. Construction activities including topsoil stripping, installation of services and amenities, bund formation, bund deconstruction, and haul route formation, shall be conducted in accordance with NZS6803:1999 Acoustics – Construction Noise, and shall comply with the “typical duration” noise limits contained within Table 2 of that Standard, and shall be limited to daytime period of that Standard (0730 – 1800 hours).

Site Operations – Traffic Movements

28. All movements to and from the quarry site shall use the existing formed and sealed heavy vehicle access onto Bealey Road.
29. Heavy vehicle movements shall not exceed a maximum volume of 120 movements per day.
30. Heavy vehicle movements shall not exceed more than 80 movements per operating day, as an average, over any rolling three-month period.

Advice note:

An operating day includes any day Monday to Saturday that the quarry is allowed to operate.

Extraction, Stockpiling and Processing

31. The rate of aggregate extraction from the site shall not exceed 100 tonnes per hour.
32. Aggregate processing plant (crushing and/or screening plant) may only be operated when it is located at least eight metres below the ground level that was existing at the time of consent being granted.
33. No explosives or blasting shall be used as part of the quarry activity.
34. There shall be no more than 6 hectares of active working quarry area open at any one time. For the purposes of this condition, the active working quarry area shall consist of the following:
35. Working extraction faces and adjacent operational areas.
- a) Active areas of rehabilitation;
 - b) Stockpiling and load out areas;
 - c) Areas where aggregate processing takes place; and
 - d) Unsealed quarry haul roads.

It shall not include:

- a) Any sealed, bunded or planted areas;
 - b) The sealed site access road to the quarry;
 - c) Areas where rehabilitation has been completed; and
 - d) Any site buildings.
36. No aggregate processing will occur within Stages 3 and 4 or within 50 m of a site boundary.
37. No aggregate extraction will occur within 150 m of the notional boundary of the principal residential unit at 23 Bealey Road and 200 m of the notional boundary of the principal residential units at 137 and 153 Bealey Road as they exist at the time of granting this consent, unless written approval has been obtained from the owners and occupiers of the respective residential unit.
38. No aggregate extraction shall occur within 300 m of the dwellings at 137 Bealey Road and 153 Bealey Road on Saturdays.
39. All stockpiled material shall be stored on the working quarry floor and shall not exceed a height of 8 m.

Community Liaison

40. Before any works start within the Stage 1 area, the Site Manager’s contact details shall be provided to the New Zealand Transport Agency, KiwiRail and the owners and occupiers of the neighbouring properties listed below.
- a) 23 Bealey Road;
 - b) 35 Bealey Road;
 - c) 137 Bealey Road;
 - d) 153 Bealey Road; and

- e) 1062 Railway Road.

The contact details shall be kept up to date, and any updated details shall be provided to the parties listed in Condition 40 within two weeks of any change taking place.

Complaints Register

41. The consent holder shall maintain a Complaints Register. The Complaints Register shall include details of when a complaint was received, the steps taken by the consent holder to investigate the complaint, and any steps taken to address the issue(s) raised. The complaints register shall be made available to the Council, New Zealand Transport Agency and KiwiRail on request.

Accidental Discovery Protocol

42. Immediately following the discovery of material suspected to be a taonga, kōiwi or Māori archaeological site, the following steps must be taken:
- a) All work in the vicinity of the discovery must cease and the SDC Manager advised;
 - b) Immediate steps must be taken to secure the site to ensure the archaeological material is not further disturbed;
 - c) The consent holder must notify the Kaitiaki Rūnanga and the Area Archaeologist Heritage New Zealand Pouhere Taonga (in the case of kōiwi (human remains) the New Zealand Police must also be notified).

Advice Note:

The Kaitiaki Rūnanga and HNZPT will jointly appoint a qualified archaeologist to confirm the nature of the accidentally discovered material.

- d) If the material is confirmed as being archaeological, the consent holder must ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from HNZPT before work resumes (as per the Heritage New Zealand Pouhere Taonga Act 2014).
- e) The consent holder must consult the Kaitiaki Rūnanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation.
- f) If kōiwi (human remains) are uncovered, in addition to the steps above, the area must be treated with utmost discretion and respect, and the kōiwi dealt with according to both law and tikanga, as guided by the Kaitiaki Rūnanga.
- g) Works in the site area must not recommence until authorised by the Kaitiaki Rūnanga, the Heritage New Zealand Pouhere Taonga (and the NZ Police in the case of kōiwi) to ensure that all statutory and cultural requirements have been met.
- h) The consent holder must notify Council prior to the recommencement of work, and copies of all relevant authorisations must be provided to the Council.

Advice Notes:

It is expected that all parties will work towards work recommencing in the shortest possible time frame while ensuring that any archaeological sites discovered are protected until as much information as practicable is gained and a decision regarding their appropriate management is made, including obtaining an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 if necessary. Appropriate management may include recording or removal of archaeological material.

Although bound to uphold the requirements of the Protected Objects Act 1975, the consent holder recognises the relationship between Ngāi Tahu whānui, including its Kaitiaki Rūnanga, and any taonga (Māori artefacts) that may be discovered.

Cultural Effects Mitigation

43. An accidental discovery protocol for contaminated soils must be implemented on site.
- a. Contaminated materials must not be re-used on site; and
 - b. Contaminated materials must be removed from site and disposed of at an appropriate facility.
44. Measures must be taken to avoid spills of fuel or any other hazardous substances within the site. These measures must include:
- a. Fuel and any other hazardous substances must be stored on hardstand areas with

Attachments

RC245428 Land Use Approved Plans – Site Wide Landscape Mitigation Plans

Development Contributions (Land Use Consent)

Development contributions are not conditions of this resource consent and there is no right of objection or appeal under the Resource Management Act 1991. Objections and applications for reconsideration can be made under the Local Government Act 2002. Any objection or request for reconsideration must be made in writing in accordance with the Development Contribution Policy.

The Consent Holder is advised that, pursuant to the Local Government Act 2002 and the Council's Development Contribution Policy, the following contributions are to be paid in respect of this development before the issue of a code compliance certificate under section 95 of the Building Act 2004.

Note: The amounts set out in the attached table are applicable at the time of the granting of this consent. If the time between the date the resource consent is granted and the time which the Council would normally invoice for the development contributions (usually the time an application is made for the issue of a code compliance certificate under section 95 of the Building Act 2004) is more than 24 months, the development contributions will be reassessed in accordance with the development contributions policy in force at the time the consent was submitted. To avoid delays, the consent holder should seek the reassessed amounts prior to the application for the code compliance certificate.

Please contact our Development Contributions Assessor on 03 347 2800 or at: development.contributions@selwyn.govt.nz.

Selwyn District Council Advice Notes for the Consent Holder

Resource Consent Only

- a) This consent is a Selwyn District Council resource consent under the Resource Management Act. It is not an approval under any other Act, Regulation or Bylaw. Separate applications will need to be made for any other approval, such as a water race bylaw approval or vehicle crossing approval.

Regional Consents

- b) This activity requires resource consent(s) from Canterbury Regional Council (ECan). It is the Consent Holder's responsibility to ensure that all necessary resource consents are obtained prior to the commencement of the activity.

Monitoring

- c) In accordance with section 36 of the Resource Management Act 1991, the Council's specialised monitoring fee has been charged. This covers setting up a monitoring programme and at least two site inspections.
- d) If the conditions of this consent require any reports or information to be submitted to the Council, additional monitoring fees for the review and certification of reports or information will be charged on a time and cost basis. This may include consultant fees if the Council does not employ staff with the expertise to review the reports or information.
- e) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance Team, compliance@selwyn.govt.nz.
- f) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees at a time and cost basis.

Te Taumutu and Ngāi Tūāhuriri Rūnanga Advice Notes for the Consent Holder

- g) Indigenous planting is recommended to mitigate the impacts of quarrying, enhance the cultural landscape, increase indigenous habitat, filter sediment and sequester carbon.
- h) All permanent bunds on site should be vegetated, where practicable, with indigenous species.

Recommendation – Variation to Consent Conditions

196. I recommend that resource consent RC245429 to change Conditions 1, 4, 4.1, 4.9, 4.11, 5, 6, 7, 8 and 10 of land use consent RC115008 (as amended by RC125013) is granted, pursuant to sections 104, 104B and 127 of the Resource Management Act 1991, subject to the conditions of consent below pursuant to sections 108 and 108AA of the Act.

1.	<p>That the proposed activities shall proceed generally in accordance with the information submitted in the application including:</p> <ul style="list-style-type: none"> • The Acoustic Engineering Services Letter dated 11 May 2011. • The building plans prepared by Bond Frew Ltd (Floor Plan, No. S2.2, Revision 1 & Elevation Plans, Drawing No S3.1, Revision 1, both now marked SDC125013. • The landscape and visual assessment and landscape plans prepared by Earthwork <u>the Glasson Huxtable Landscape Mitigation Plans Pages 18 and 19, prepared May 2024, reference 2402 Southern Screenworks Limited Aylesbury Site.</u> except as specifically amended by the following conditions.
1b.	<u>1(b) This consent relates to Res 1038 and Lot 1 DP354364.</u>
4.	That all planting shall be in accordance with the <u>Glasson Huxtable Landscape Mitigation Plans Assessment and Appendix 4 – Development Proposal Plan and Appendix 6 – Sections and Elevations as prepared by May 2024 reference 2402 Southern Screenworks Limited Aylesbury Site by Huxtable Limited,</u> with the exception of any alterations made by the following conditions.
4.1	All planting shall be implemented prior to the commencement of quarrying by 30 September 2024.
4.9	That an earth bund be constructed and hydroseeded around the periphery of the quarry as shown on the <u>Glasson Huxtable Landscape Mitigation Plans Pages 18 and 19, prepared May 2024, reference 2402 Southern Screenworks Limited Aylesbury Site</u> the periphery of the quarry pit in accordance with the landscape plan submitted with the application prior to the commencement of any quarrying activity. This includes the requirement to establish a temporary bund on Res 4005 prior to quarrying occurring within this lot. This bund shall be in place until planting on Res 4005 reaches a height of 2.5 m.
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 eastern <u>western</u> 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).
5	The quarry operation shall occur only between 0730-0700 – 1800 hours Monday to Friday and 0800 700 – 1300 on Saturday (staff may arrive earlier and depart later). The quarry shall not operate during Sundays or statutory holidays.
6	<u>The departure of up to two transporters from the site shall be allowed between 0600 and 0700 Monday to Friday, excluding public holidays.</u>
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	<p>Crushing shall be limited to the following hours/days of operation:</p> <ul style="list-style-type: none"> • <u>0700 730</u> – 1800 Monday – Friday • No crushing shall occur on Saturdays, Sundays, or any statutory holidays.

8.	<p>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 following noise limits, at the notional boundary of any dwelling existing as at insert date of these changes to conditions being granted:</p> <table><tr><td><u>Time (any day)</u></td><td><u>Limit dB LAeq (15 min)</u></td><td><u>Limit dB LAFmax</u></td></tr><tr><td><u>0700 - 1900</u></td><td><u>55 dB</u></td><td><u>N/A</u></td></tr><tr><td><u>1900 - 2200</u></td><td><u>50 dB</u></td><td><u>N/A</u></td></tr><tr><td><u>2200 - 0700</u></td><td><u>45 dB</u></td><td><u>75 dB</u></td></tr></table>	<u>Time (any day)</u>	<u>Limit dB LAeq (15 min)</u>	<u>Limit dB LAFmax</u>	<u>0700 - 1900</u>	<u>55 dB</u>	<u>N/A</u>	<u>1900 - 2200</u>	<u>50 dB</u>	<u>N/A</u>	<u>2200 - 0700</u>	<u>45 dB</u>	<u>75 dB</u>
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<u>2200 - 0700</u>	<u>45 dB</u>	<u>75 dB</u>											
10	<p>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 bunds.</p>												

Advice Note

All other conditions and advice notes of Resource Consent RC115008 (as amended by RC125013) shall remain unchanged and in effect.

Report by:	
Tim Hegarty, Consultant Planner	Date: