

Sections 95, 95A-E, Resource Management Act 1991



Decision and 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:

- Publicly notified, limited notified or non-notified

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 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>

The Application

1. 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.
2. This application was formally received by the Selwyn District Council on 7 June 2024. Further information was received on 13 August 2024, and this information now forms part of the application.
3. 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

4. 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, Kirwee¹. 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).

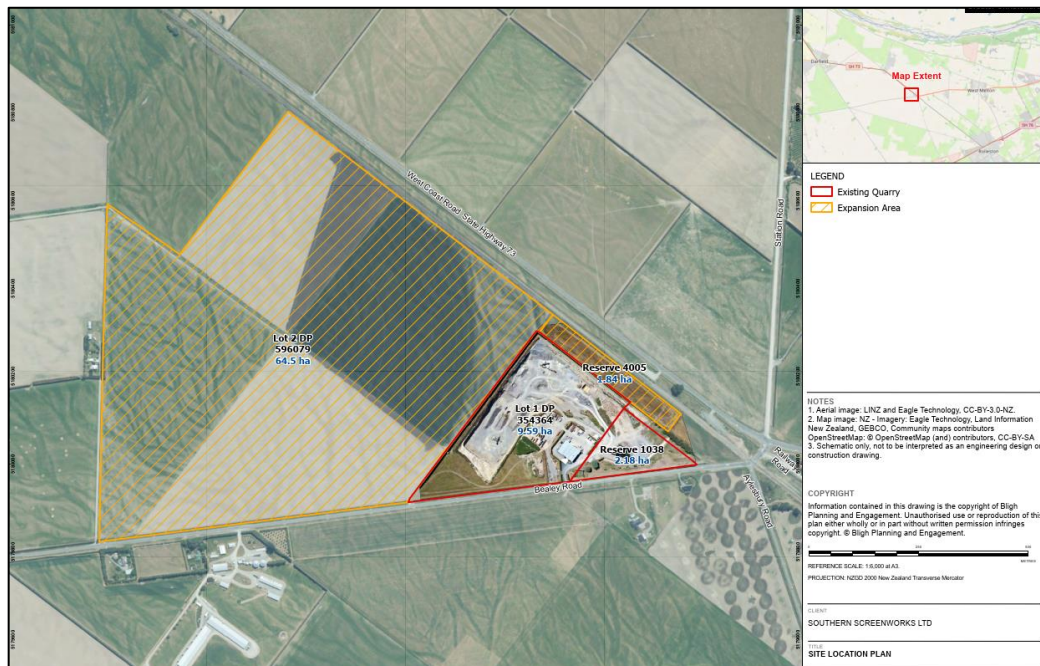


Figure 1 – Location of Quarry Expansion (Source: AEE)

5. 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.

¹ Pages 11 to 17, AEE.

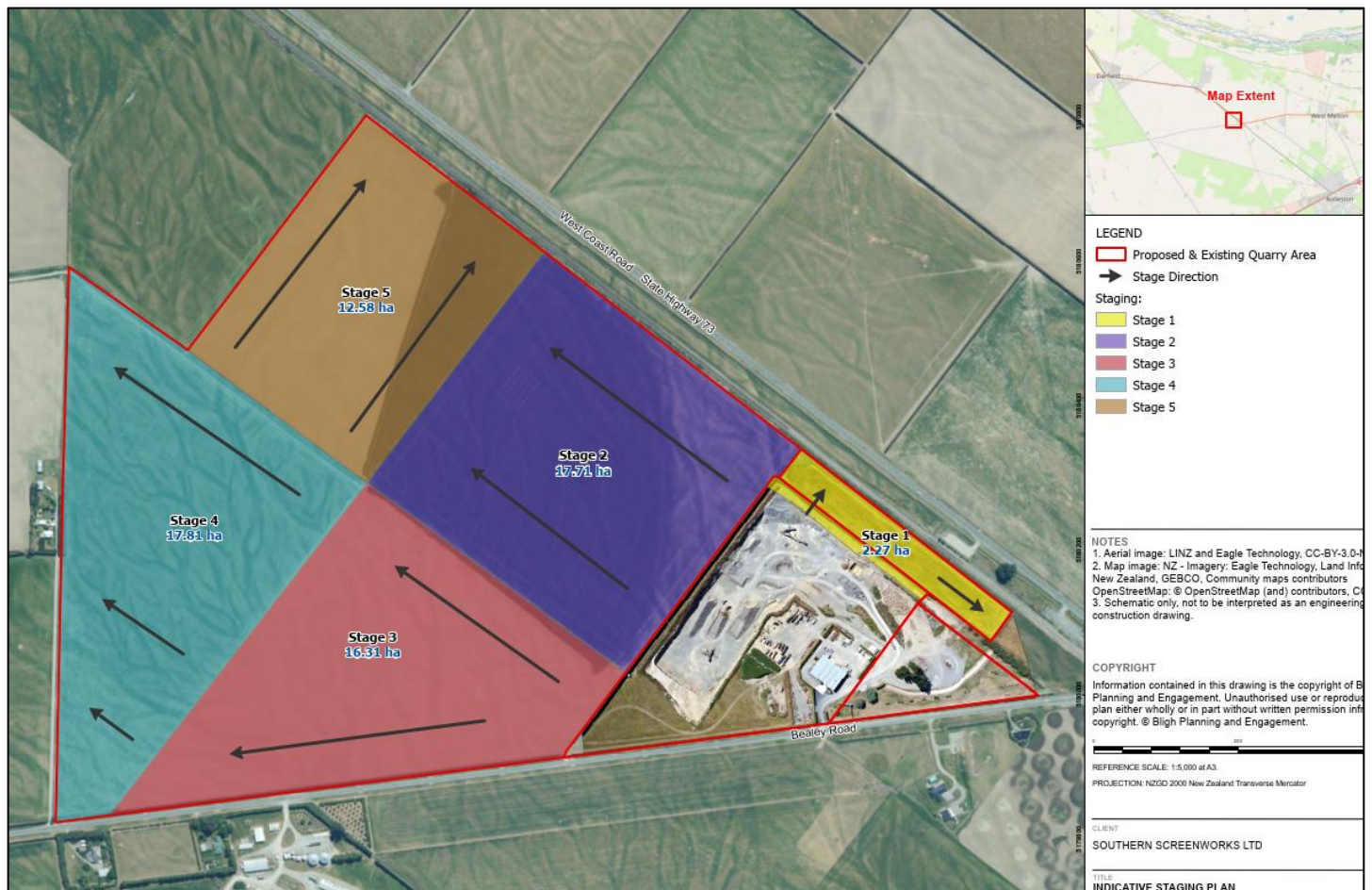


Figure 2 – Quarry Staging (Source: AEE).

6. 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.
7. 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.
8. 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.
9. 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 Site Management Plan (**SMP**), Dust Management and Monitoring Plan (**DMMP**) and a Cleanfill Management Plan (**CMP**).

10. 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.
11. 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 Stage 1,2 and 5 boundaries over the first two years should consent be granted (Figures 3 and 4).
12. 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.
13. In terms of quarrying activity setbacks, the Applicant proposes to:
 - Not undertake any processing of material within 250m of any existing dwelling (present at the time of consent);
 - No processing of material will occur within 50m of a site boundary; and
 - Extraction will not occur within 100m of a dwelling (present at the time of consent) unless the written approval is obtained from both the owner and occupiers.

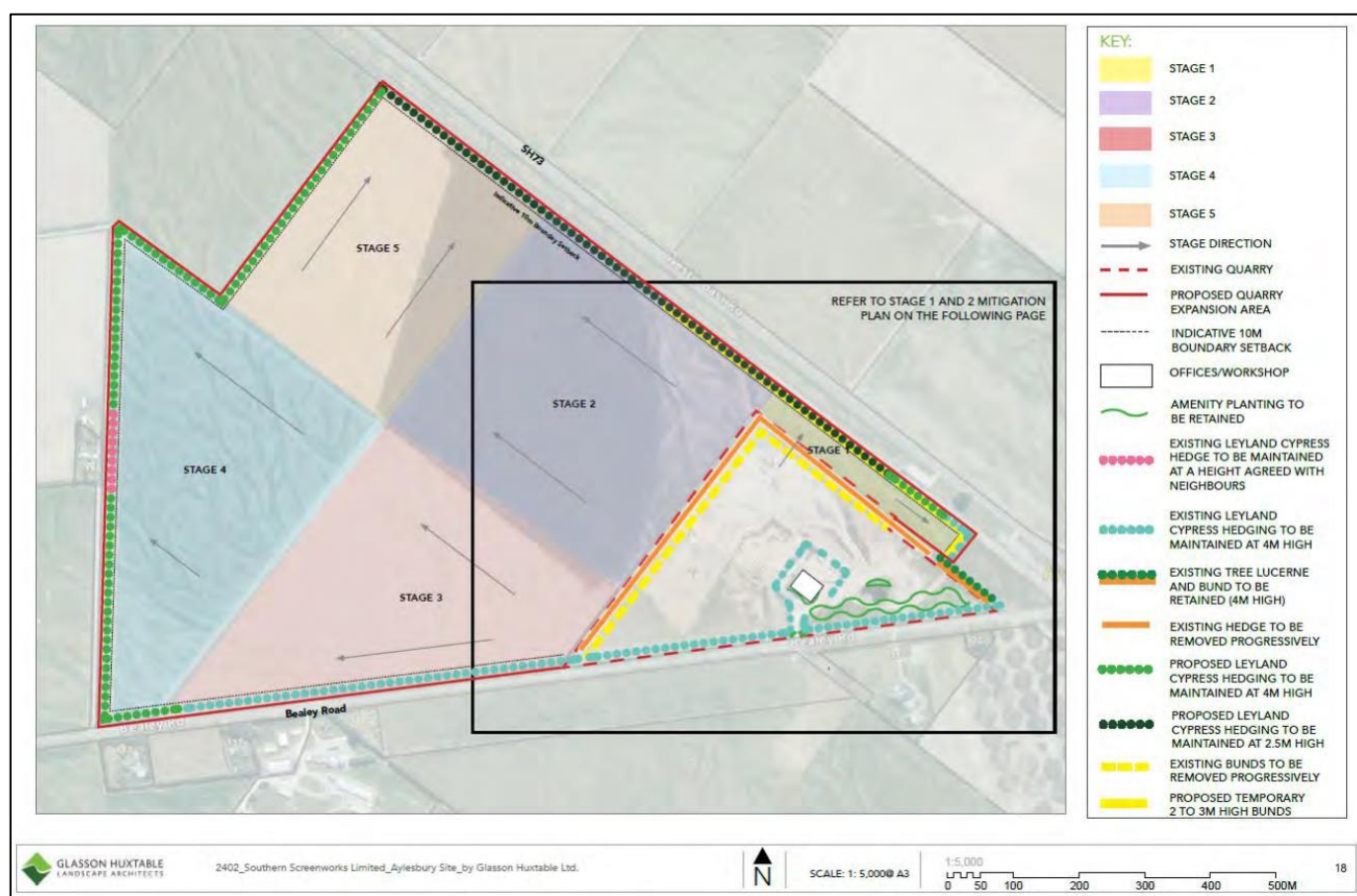


Figure 3 – Proposed Landscape Mitigation Plan (Source: AEE)

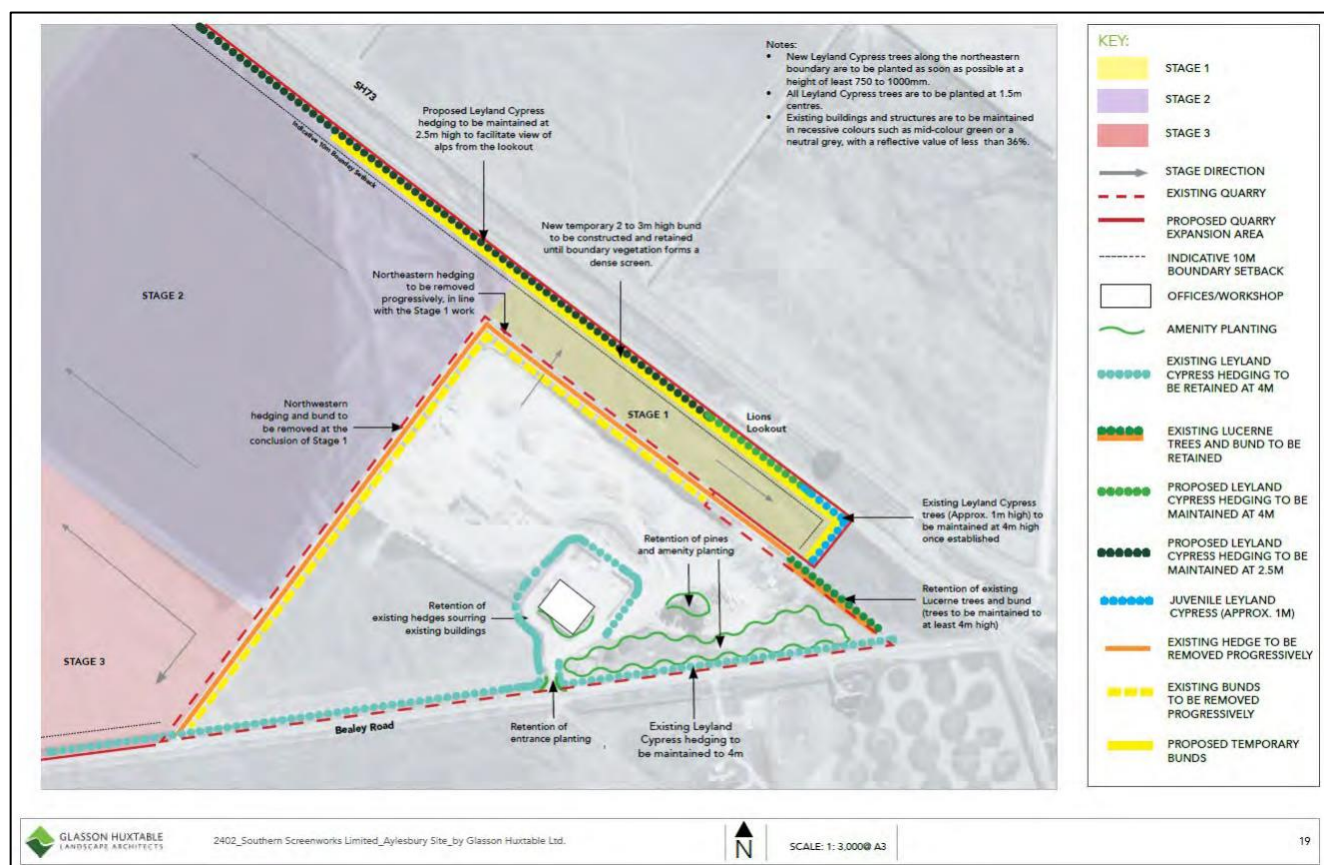


Figure 4 – Proposed Landscape Mitigation Plan for Stages 1 and 2 (Source: AEE)

14. 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. Approximately 100 tonnes of quarried material will be processed per hour, with up to 25,000m³ of material stockpiled on-site at any one time². Some material may be sold prior to processing, although this involves smaller volumes of material than previously detailed.
15. 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.
16. 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.
17. 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 the SMP, 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;

² Current consent requirements limit stockpiled material to 10,000 m³.

- Establish stable grassed areas to a slope of no more than 1v:3h to reduce erosion; and
- Control weeds.

18. I note that 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. I will return to this matter in the adverse effects assessment section of this report.
19. 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

20. 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 table³:

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. • The <u>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.</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 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 <u>eastern</u> western side of the building as shown on the Landscape Plans prepared by Earthwork Landscape Architects (Appendix F – Development Proposal dated 1 August 2011 – Revision 3).
5	The quarry operation shall occur only between 0730–0700 <u>0800–1300</u> – 1800 hours Monday to Friday and 0800–1300 <u>0800–1300</u> on Saturday (staff may arrive earlier and depart later). The quarry shall not operate during Sundays or statutory holidays.

³ Additions are shown in underline and deletions in ~~strike through~~.

6 ⁴	The departure of up to two transporters from the site shall be allowed between 0600 and 0700 Monday to Friday, excluding public holidays.												
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 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	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.												

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

Background

22. 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:

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. ⁵	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	15 July 2046

⁴ Condition 6 is an entirely new condition.

⁵ The activities enabled by this resource consent have since ceased.

	site.	
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	<p>Consent from Environment Canterbury to discharge contaminants to air from a mobile crushing and screening plant.</p> <p>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</p>	23 September 2026

23. RC115008 was a limited notified resource consent process, with notice served on 21 parties as shown in Figure 5. The Applicant has provided a map identifying the location of submitters to that application (Figure 6). The application was approved by an Independent Commissioner on 19 August 2011 following a hearing.

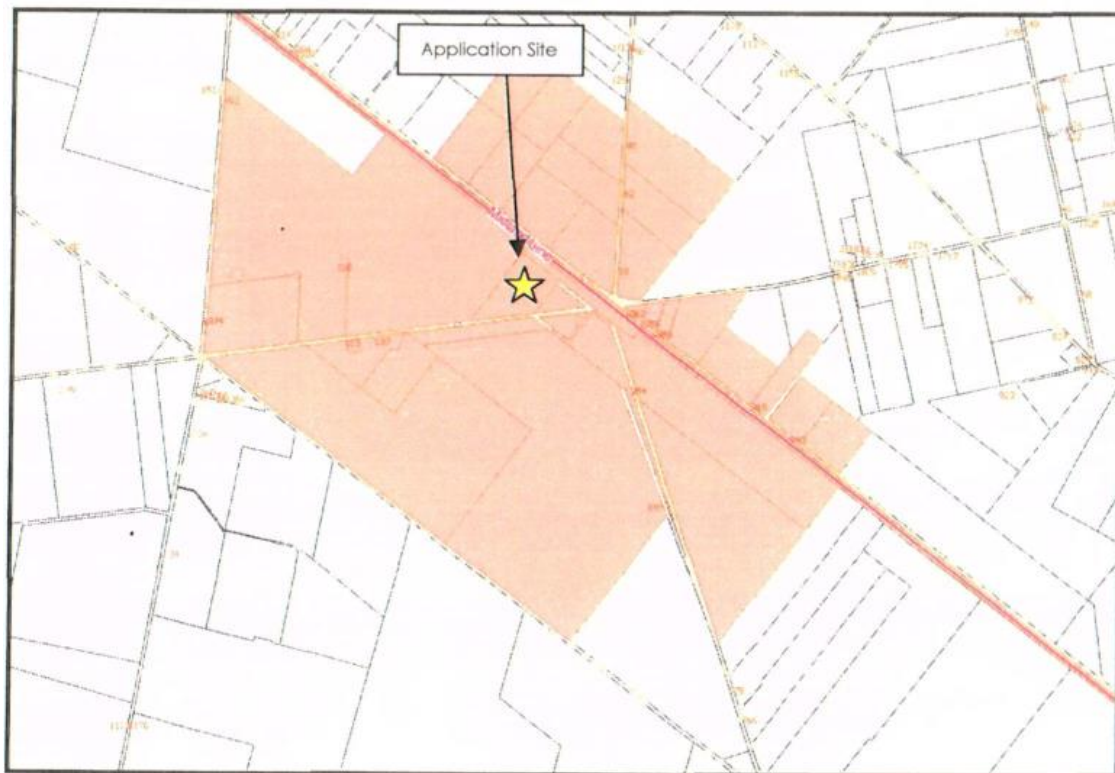


Figure 5 - Location of Notified Parties for RC115008 (Source: RC115008 Notification Report)

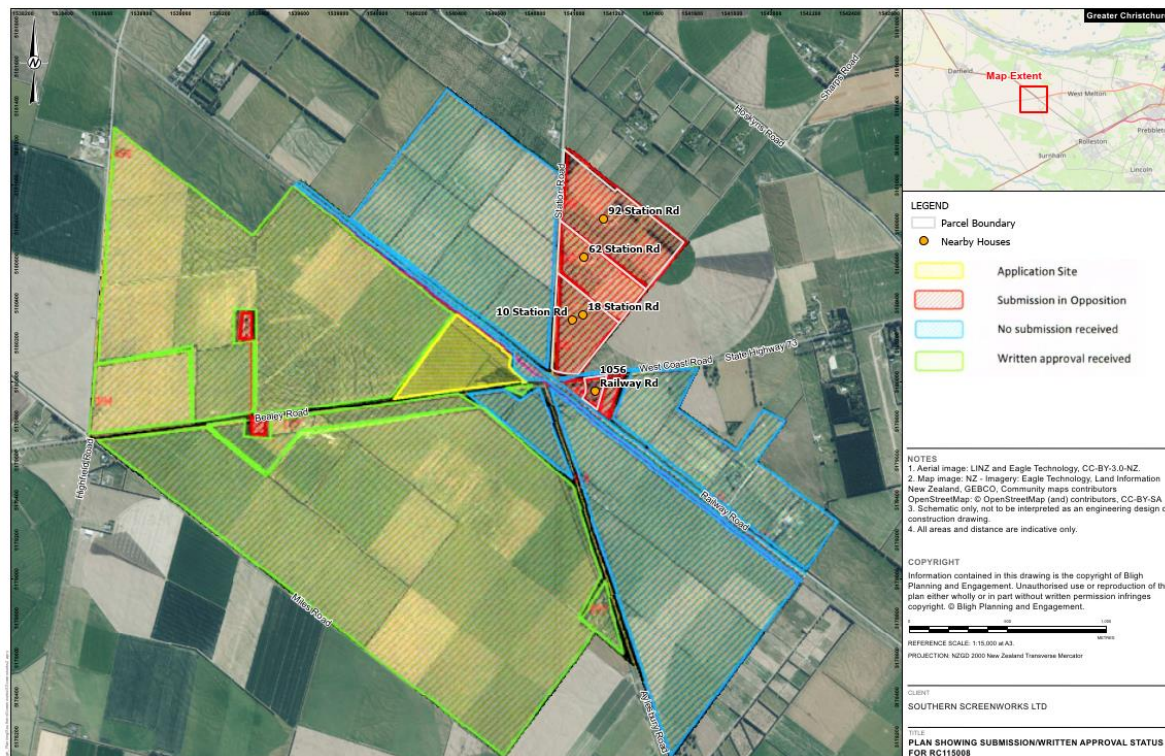


Figure 6 – Location of Submitters to RC115008 (Source: Applicant)⁶

24. Issues identified by submitters on RC115008 included:

- Noise generation;
- Road safety;
- Hazards to aviation;
- Inadequate screening;
- Impacts on farm activities; and
- Dust generation.

25. I will reference these matters, where relevant, in the following adverse effects assessment section of this planning report.

26. 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.

27. As noted by the AEE, the Applicant is currently in the process of obtained resource consents from ECan for existing activities at site, such as the discharge of stormwater and contaminants from cleanfill.

28. 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.

29. The proposal has also been identified as a listed project for the second reading of the Fast Track Approvals Bill. However, the related Act has not yet commenced.

30. 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.

⁶ RFI Response dated 15 August 2024.

31. I have addressed these matters in the following discussions of traffic and landscape 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

32. I note that the AEE provides a detailed description of the existing environment, which I have adopted for this planning report⁷. While I will do not intend to repeat that description in depth, I provide the following summary of key aspects of the existing environment.
33. 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.
34. 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.
35. 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.
36. 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.
37. The surrounding sites are primarily used for rural production activities, including both grazing and cropping as seen in aerial photography (Figure 7). 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**).
38. 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).
39. 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.
40. 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.
41. I visited the site on 5 July 2024.

⁷ Pages 3 to 10, AEE.



Figure 7– Aerial of Application Site and Surrounding Area (Source: Canterbury Maps)

Activity Status

Statutory Requirements

42. 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.”.

43. 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")

44. The application site is zoned Outer Plains. The site is not subject to any overlays, controls or designations.

45. 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.
46. 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")

47. 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).
48. 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.
49. The rules of the Partially Operative Plan that this proposal does not meet are as follows.

Land Use

50. 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 L _{Aeq} (15min) during daytime hours.	Restricted Discretionary (NOISE-REQ1.2)
GRUZ-R21 ⁸	Mineral Extraction	The proposal involves the expansion of any mining or quarrying activity, including the extraction of material less than 200m from residential activities and processing of material less than 500m from residential activities	Discretionary (GRUZ-R21.2)

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

National Environmental Standards

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

53. 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

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

⁸ Given that the proposal is for mineral extraction, it is exempt the controls of EW-R2 (Earthworks) of the Partially Operative Plan.

Written Approvals (Sections 95D(e), 95E(3)(a) and 104(3)(a)(ii))

55. The provision of written approvals is relevant to the notification and substantive assessments of the effects of a proposal under sections 95D, 95E(3)(a) and 104(3)(a)(ii). Where written approval has been provided, the consent authority must not have regard to any effect on that person. In addition, that person is not to be considered an affected person for the purposes of limited notification.
56. 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 Road⁹; and
 - The owner of Lots 1-10 DP 73360, Lots 2-4 DP 82704 and Lot 2 DP 477780 (farmland on Station Road).

Notification Assessment

Assessment of Adverse Environmental Effects (Sections 95A, 95B, 95D and 95E)

Permitted Baseline

57. Sections 95D(b) and 95E(2)(a) allow that a consent authority “may disregard an adverse effect” if a rule or a national environmental standard permits an activity with that effect, a concept known as ‘the permitted baseline’. The application of the permitted baseline is discretionary, as denoted by the use of the word “may”. It is understood that its intention is to identify and exclude those adverse effects that would be permitted by the Plan from consideration.
58. 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.
59. 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.
60. Based on the above, I do not consider that there is a relevant permitted baseline that can be applied to the following adverse effects assessment other than that associated with noise and shelterbelt planting.

Assessment

61. 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 planning report.
62. The status of the activity is **discretionary**. As such, the Council’s discretion is unrestricted, and all adverse effects must be considered.
63. The adverse effects relevant to this proposal are noise, transport, rural production, ecology, cultural values, landscape and visual amenity, and rural amenity.
64. It is noted that the AEE also provides an assessment of effects on water resources and air quality. In my view, these effects are largely related to regional planning matters, as opposed to the matters requiring land use consent under the Partially Operative Plan. Consequently, the following assessment will refer to these matters only where they relate more specifically to district land use matters.
65. Furthermore, the following assessment has also considered the matters previously raised during the notification and hearing process undertaken for RC115008. One issue raised during that consent process was a concern from a submitter that the quarry would attract birds and thus generate an increased risk of bird strike to passing

⁹ Council records indicate that the owner of 1531 Highfield Road is also the owner of 1336 Highfield Road.

aircraft. However, I am not aware of any such events arising from the current quarry operation and have not considered this matter further.

Noise Effects

66. The application proposes to undertake quarrying in a rural area, including quarrying within 100m of residential dwellings. Consequently, the proposal will involve noise levels greater than the daytime maximum noise limit of the Partially Operative Plan. The Applicant has provided a noise assessment by Acoustic Engineering Services (AES), which has been reviewed by Council's Consultant Noise Expert, Jon Farren of Marshall Day Acoustics¹⁰. Additional noise assessment was also provided by the Applicant as part of their RFI response and this has also been reviewed by Mr Farren.
67. AES have considered the noise effects of the operation of the quarry, including situations where written approval has been obtained from owners and occupiers of nearby dwellings. Where those written approvals have been obtained, the Applicant proposes to quarry within 100m of the related dwelling(s). The AES assessment has considered the broader noise sources related to the quarry, including noise from heavy vehicles travelling to and from the quarry. Modelling undertaken for the application shows that the general operation of the quarry will comply with the maximum daytime noise limit of 55 dB LAeq(15 min) of the Partially Operative Plan.
68. Furthermore, it is the AES' view that while vehicle noise on roads is exempt from Partially Operative Plan's noise standards, they do contribute to the overall noise effects of the proposal. On this matter, AES consider that given the Applicant's view that the vehicle movement volumes will remain unchanged, these vehicle movements will not generate additional noise effects beyond those previously approved.
69. Turning to the proposed change in operating hours (i.e. the earlier start times), AES note that the departure of the Applicant's own transports will have limited effects given that they will be pre-loaded the previous business day. They also expect the related vehicle noise to be below 45 dB LAeq for the "worst case" scenario for the dwelling at 23 Bealey Road. In AES' view, this noise level is below recommended noise limits to avoid sleep disturbance (with windows open) and will have minimal effects. AES further consider that any noise levels generated by quarry activity within 100m of a dwelling to be acceptable as in such a scenario the written approval of the owners and occupiers will have been obtained.
70. Mr Farren's review of the AES assessment identifies several areas of agreement, including those noise effects associated with the early departure of the Applicant's transporters and general quarry operations. However, Mr Farren has identified a substantial increase in noise levels for the dwelling at 158 Bealey Road. Currently, an ambient noise (residual) noise level of 38 dB LAeq is experienced at that dwelling, but with the quarry operation this will increase to 55 dB LAeq. I concur with Mr Farren and consider this party is directly affected as a result of noise effects.
71. I also note that the Applicant has provided a RFI response that addressed a range of earlier queries from Mr Farren, including additional field measurements and modelling. AES' further assessment shows noise limits exceeding Partially Operative Plan standards at 137, 153 and 158 Bealey Road's dwellings¹¹. I acknowledge that these noise limits will only be exceeded if the written approval of those parties have been provided to the Applicant. However, in my view as no written approvals have been given and an inherent component of the application is undertaking such quarrying, these parties must be considered as affected parties for the purposes of this notification assessment.
72. Furthermore, I disagree with the Applicant's position that noise from quarry vehicles on roads is acceptable given that vehicle movements remain unchanged. While the daily numbers of vehicles may remain largely similar to the existing quarry operation, I note that the duration of these movements (i.e. the number of years that this will occur) is longer than currently enabled by the site's approved resource consents (both district and regional consents). This is also a matter raised by nearby landowners. Consequently, it is my view that there are cumulative noise effects arising from these vehicle movements for the duration of the quarry activity sought. As such, I consider that 23 Bealey Road are adversely affected by these noise effects.
73. Based on the above, it is my view that the proposal will have minor adverse noise effects on 23, 137 and 153 and Bealey Road.

Transport Effects

74. The application proposes to expand a current quarry operation and will utilise an existing vehicle crossing. The AEE states that heavy vehicle movements are currently well accommodated both within the site, at the vehicle

¹⁰ The AES assessment is provided as Appendix G of the AEE.

¹¹ The Applicant has obtained the written approval of 158 Bealey Road since the completion of Mr. Farren's review. As such, further consideration of the proposal's adverse effects on that site have been disregarded.

crossing and by the surrounding road network. In particular, the AEE considers that the transport effects of the proposal will be indiscernible from the existing quarry activity.

75. While I concur with the Applicant that the internal site layout is capable of supporting the projected vehicle movements, as with my discussion of noise effects, it is that the current application will extend the duration of transport effects associated with the quarrying activity. As such, I consider that the proposal will generate transport effects that must be considered further. It is also an issue that has been raised by nearby residents in correspondence to the Council, as well as in previous submissions for RC115008.
76. I note that the quarry is located to SH73, which is a nationally significant transport corridor, and which bisects Selwyn District. The intersection of Bealey Road with SH73 is complicated as Station Road, Railway Road and Aylesbury Road also all intersect at the same location (Figure 6).
77. While movements into and out of the application site can be safely undertaken given the sightlines present along Bealey Road, the complicated form of the Bealey Road/SH73 intersection means that there are potential transport effects over the next three decades of the quarry's extended operation that must be considered, specifically the performance and safety of that intersection. The safety of this intersection was also raised by submitters to RC115008.

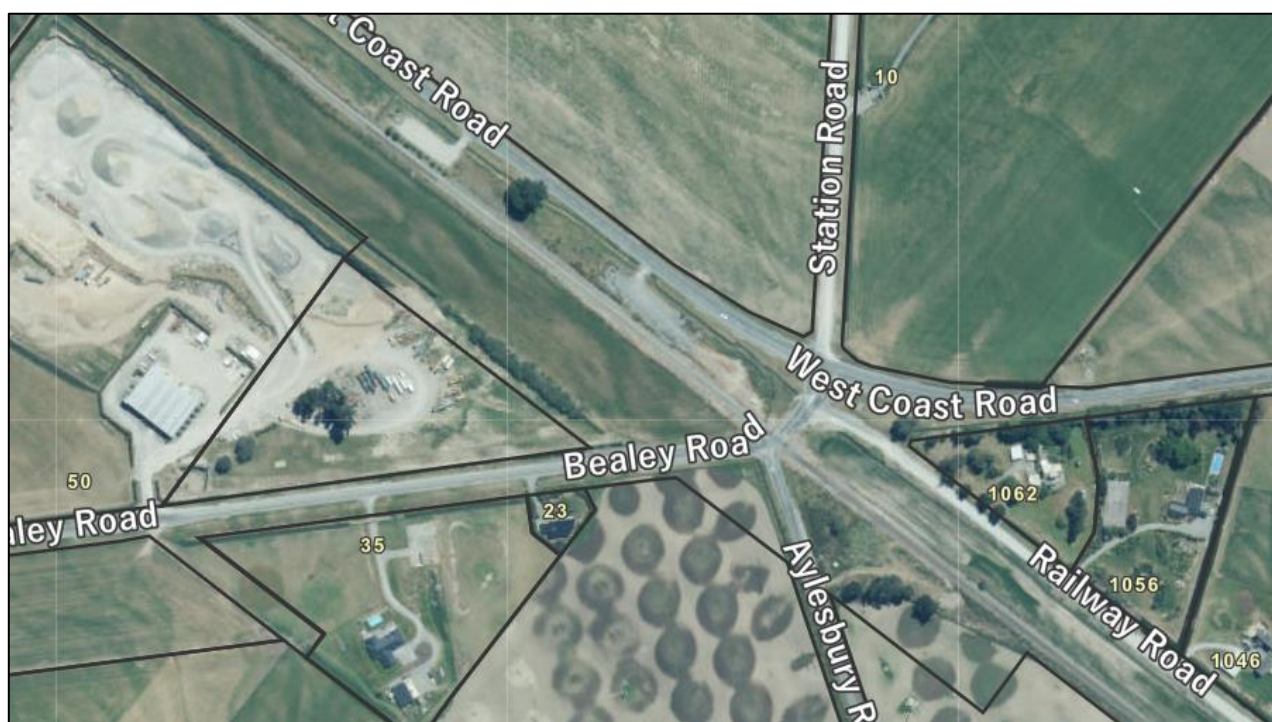


Figure 6 – Aerial of Bealey Road/Aylesbury Road/Railway Road/SH73/Station Road intersection (Source: Canterbury Maps)

78. Furthermore, the Midland Line bisects the intersection with a level crossing. This further complicates the form and function of the intersection, and the continued frequent movements of heavy vehicles could affect the safety and operation of the rail corridor.
79. In regard to the consistency in the application of the District Plan (as it relates to quarrying and transport effects), the Applicant states:

“The Council recently granted a non-notified resource consent to Fulton Hogan for an entirely new quarry at 658 Wards Road, Burnham. That proposal involves 100 new heavy vehicle movements per day, some of which may use the SH73/Bealey Road intersection. That application considered the Aylesbury Quarry as part of the existing environment, and therefore that the new truck movements over and above the existing truck movements associated with the Aylesbury Quarry would have a less than minor effect on SDC, NZTA and KiwiRail. The consent requires a condition that an Operational Traffic Management Plan include procedures that specifically address the movement of heavy vehicles through the SH73/ Bealey Road intersection.

It logically follows that if the effects of these additional movements through that intersection on SDC, NZTA and KiwiRail are less than minor, then simply continuing an existing, lawfully authorised effect cannot result in an increased effect on those parties. We further note that Screenworks advises that only approximately two thirds of truck movements associated with the quarry use the SH73/Bealey Road intersection.

To notify the Screenworks application (which does not increase effects) when the Fulton Hogan application (which does increase effects) was not notified represents a fundamental inconsistency in how applications are being considered and the District Plan being applied.”¹²

80. I have reviewed the Wards Road quarry application referenced by the Applicant and note that:

- The Wards Road application was accompanied by a traffic impact assessment that was subject to a technical review while the current application does not have a TIA;
- The TIA peer review states that:

“We also requested further consideration of effects at the State Highway 73 / Bealey Avenue and Bealey Avenue / Aylesbury Road intersections, and the level crossing on Bealey Avenue. Beca has provided a high-level assessment but has also acknowledged that the general arrangement is “complicated” and accordingly, stated that driver induction procedures will specifically address the movement of heavy vehicles through this area. This is addressed in Condition of Consent 13(g).”¹³

- The Applicant for Wards Road agreed to a condition imposing an Operational Traffic Management Plan (i.e. Condition 13(g)) that includes a requirement to contain procedures will specifically address the movement of heavy vehicles through State Highway 73/ Bealey Road and Bealey Road / Aylesbury Road intersections. No such condition or management plan has been offered as part of the current application.

81. In my view, the reporting officer’s assessment and the associated TIA review demonstrate that road safety issues are a relevant matter associated with heavy vehicle traffic movements at the Bealey Road/Aylesbury Road/Railway Road/SH73/Station Road intersection.

82. Furthermore, I do not agree with the Applicant’s view that:

“However, it is not appropriate to speculate as to what the future environment may be if a resource consent, which has been implemented and does not expire, is no longer implemented. In Road Metals Company Ltd v Christchurch City Council, which involved an application to expand an existing quarry, the Environment Court dismissed the suggestion that effects associated with that existing quarry should be disregarded when considering what constitutes the existing environment. In that regard, the Court said:

...we can see no reason in principle that this is an appropriate way to examine the environment. As we understand Hawthorn Estate Limited v Queenstown Lakes District Council, the Court of Appeal confirmed that the environment includes the existing environment. In relation to activities on the Road Metals site the permitted baseline would include the existing quarry activities. We can see no basis to ignore the effects of those activities because they may cease without continued access to resource.”¹⁴

83. Putting aside that this issue does not relate to the permitted baseline (as referenced by the Court of Appeal), I consider that the quarry does form part of the existing environment, to a limited degree, and that its ongoing operation will lead to potential traffic effects when viewed on a cumulative basis with the movements approved under the Wards Road quarry consent. I further note that the proposed quarry expansion is reliant on the approval of several resource consents for regional matters (discharges). In my view, the proposed district land use (i.e. the quarry) cannot occur at the proposed scale without those regional consents and so consequently, the traffic arising from quarrying activity sought as part of the current application is subject to assessment as a potential adverse effect.

84. Consequently, it is my view that proposed expansion of the quarry footprint gives rise to an increased duration and cumulative frequency of heavy vehicle movements on the road network with related potential adverse transport effects on the Bealey Road/Aylesbury Road/Railway Road/SH73/Station Road intersection and associated level crossing.

85. Based on the above factors, the proposal will have minor adverse effects on the transport network, I consider that NZ Transport Agency Waka Kotahi, KiwiRail and Selwyn District Council (as road controlling authority) should be treated as affected parties given their respective transport network responsibilities at this location..

Effects on Rural Production

86. The application proposes to undertake a quarrying activity within a rural area. As previously detailed, the surrounding area includes both cropping and grazing activities. These rural production activities are reliant on the ability of farmers to undertake the day to day tasks that are necessary for farming, such as fertilizer application, animal rearing and irrigation.

¹² Page 4, Letter of 16 October.

¹³ Page 6, TIA Review by Carriageway Consulting dated 21 August 2024.

¹⁴ Page 2, *ibid*

87. The primary potential effect of the activity affecting rural production is dust generation. Beyond its immediate nuisance properties, dust can affect the wellbeing of stock and coat crops. While the effects of farm animals has been raised in correspondence received from nearby residents, I am not aware of any specific issues associated with the current quarry activity. Furthermore, I note that the Applicant has proposed a range of dust management practices that will form part of a DMMP. These measures are detailed in the air quality assessment prepared by Pattle Delamore Partners and include:

- Undertaking extraction in sub-stages of no more than 2 ha and keeping active working quarry area to no more than 6 ha at any time;
- Limiting areas requiring dust suppression to a maximum of 2 ha;
- Use of water spray suppression or dust suppressants on haul roads; and
- Rehabilitating of completed sections of the quarry as soon as practicable to minimise the potential for dust.

These are standard dust management practices that are employed across the Canterbury Region and New Zealand.

88. In terms of the loss of land for rural production, I note that the quarry activity itself is not a permanent activity, but rather will occur over an approximate 30 years before all stages have been quarried and rehabilitated. Upon the rehabilitation of each stage, which will be managed through the QSRP, the worked areas will become available to rural production again. While this will cause some medium term loss of individual parts of the site to farming, the site will remain available for farming in the longer term.

89. Furthermore, the quarrying will not affect any highly productive soil types given its LUC 4 categorisation. Consequently, no high quality soil will be lost through the quarry activity.

90. Lastly, the proposal is not in itself for an activity that would generate potential reverse sensitivity effects. The expanded quarry will be sensitive to odours, noise or other potentially objectional aspects of adjoining farming activities.

91. Given the above, I consider that the proposal will have less than minor adverse effects on rural production.

Effects on ecological values

92. Ecological effects can occur where works are proposed within or in proximity to significant ecological sites, natural inland wetlands or natural waterbodies. No such features are present within the proposed quarry footprint, while no consent applications for works in waterbodies or under the National Environmental Standard for Freshwater have been sought by the Applicant. The proposed quarry footprint is currently open paddocks with exotic species used for grassing and shelterbelts, while I did not observe any natural features during my site visit.

93. On this basis, I concur with the Applicant that no adverse ecological effects are anticipated.

Effects on Cultural Values

94. The application has been reviewed by Mahaanui on-behalf of Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga. Mahaanui have provided a Cultural Advice Report (**CAR**) that is based on consultation with Kaitiaki representatives and informed by the Mahaanui Iwi Management Plan 2013 (the **IMP**). The CAR details that the following cultural matters were considered:

- Ranginui – discharges to air;
- Wai Māori – impacts on water;
- Papatūānuku – soils, earthworks and mining;
- Tāne Mahuta - indigenous biodiversity; and
- Ngā Tūtohu Whenua - wāhi tapu or wāhi taonga.

95. Mahaanui advise that If the consent conditions are provided for, the Rūnanga will not consider themselves to be an adversely affected party, the requested conditions being:

- 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.*

96. The Applicant has advised that in general they support the conditions requested by the Rūnanga, but that:
- The condition relating to erosion and sediment controls is not relevant to an alluvial pit type operation;
 - That the proposed landscaping will not be exclusively native; and
 - A consent duration of 20 years does not reflect the unlimited term sought nor specifically relate to an adverse effect.
97. In my view, while I note the Applicant's general agreement with the conditions requested by the Rūnanga, I am also conscious that those conditions directly relate to cultural effects identified in the CAR. Given this, I consider that proposal has the potential for minor cultural effects and that the Rūnanga are affected parties.

Effects on Landscape and Visual Amenity

98. The AEE provides an assessment of the proposal's landscape and visual amenity effects, including a Landscape and Visual Assessment (LVA) prepared by Glasson Huxtable Landscape Architects Ltd (**Glasson Huxtable**). The AEE and LVA have had regard to the current visual and landscape characteristics of the environment, which are generally pastoral in nature with large open paddocks and shelterbelts. There are also numerous dwellings and some rural industrial activities. The current quarry also forms part of the existing environment, albeit largely screened from publicly accessible areas like road corridors and the scenic lookout.
99. Glasson Huxtable advise that landscape effects could occur due to changes to landform, land use and land cover. Turning first to landform, the principal change will arise from the quarry pit extension, albeit over several decades. While the site will be remediated, there will be a permanent depression present where the quarrying occurred. This change will be noticeable at ground level, though given the developed nature of the Canterbury Plains (i.e. farming, dwellings and other development) the landform change will be readily accepted into the overall landform. As such, Glasson Huxtable conclude that the effects on landform will be low to moderate (i.e. minor).
100. Similarly, the LVA notes that most of the application site is currently pastoral supporting cropping and grazing activities with a feeling of openness. The proposed activities (including stockpiles and machinery) will be mostly below current ground levels. Furthermore, only 6 ha of the site will be actively quarried at any one time, with the remainder undergoing remediation and supporting farming activities. More permanently, the site will be returned to a form that will support ongoing farming activities. As such, that the resulting land use impacts on landscape values will be low (i.e. less than minor to minor).
101. With regard to land cover, the LVA details that the proposal will have very low (less than minor) effects. This is due to the existing planting, new temporary bunds within Stage 1 and Stage 2, and new Leyland Cypress boundary planting. These measures, combined with the remediated quarry areas will be in keeping with the rural values found in the surrounding area.

102. With regard to visual amenity effects, the LVA has considered views from both public and private locations. The first of these is SH73 where effects will be low (less than minor to minor) as a result of the travel speeds, the screening provided by shelterbelts, the use of temporary bunding and the location of quarrying below ground level. A similar scale of effect is anticipated for viewers travelling along the Midland Line, noting the limited passenger service that operates on that rail corridor.
103. Effects on visual amenity from the scenic lookout have been identified by the LVA as low to moderate (minor). This is due to the proposed shelterbelt screening that is planted approximately 20m to the south-southwest of the lookout. The shelterbelt, while obstructing some views of the Southern Alps, will be maintained to heights between 2.5m and 3m to maintain most views of the Alps. I also agree with the AEE's assessment that the planting of shelterbelts is a permitted activity and that the resulting visual effects need to be assessed against the permitted baseline. Consequently and given my adoption of the permitted baseline, I do not consider that these particular visual effects need to be considered further.
104. The last public views assessed by the LVA are those from local roads, which are largely screened by existing shelterbelts and hedging. While some views may occur during the early stages of the quarry expansion, such views will be obstructed once boundary planting matures. In the interim, temporary bunding and staged hedge removal will be undertaken. Given these factors, the LVA states that the effects from local roads will be very low (less than minor).
105. The LVA has also considered views from the following private sites:
- 23, 35, 137, 153, and 158 Bealey Road;
 - 1394 and 1492 Highfield Road;
 - 2202, 2204 and 2214 West Coast Road;
 - 954 Aylesbury Road;
 - 1046, 1056, and 1062 Railway Road; and
 - 10, 62 and 92 Station Road.
106. In general, the visual amenity effects on these sites varies from very low (less than minor) through to 'low to moderate' (minor). These magnitude of these visual amenity effects depends on the site's proximity to the quarry, the presence of existing screening, the temporary bunding proposed the Applicant and the establishment of additional boundary vegetation. These effects also have a temporal quality, with visual effects diminishing as boundary vegetation matures.
107. The LVA concludes that landscape effects associated with the proposed quarry expansion range from Low (less than minor) to Low to Moderate (minor), due to the temporary changes to the land use and landcover. Similarly, the visual effects are anticipated to range from adverse Very Low (less than minor) to Low to Moderate (minor) dependant on the location and proximity of the viewer.
108. The LVA has been peer reviewed by Council's Consultant Landscape Jeremy Head. Mr Head concurs with the assessment methodology employed by Glasson Huxtable, as well as the LVA's description of the landscape and visual amenity attributes currently present. In his opinion, the effects on landscape values will be slightly higher than determined by the LVA, specifically that the effects will have a magnitude of low – moderate (minor). However, he also identifies that the longer term landscape effects will be negligible given the Applicant's proposed rehabilitation plan.
109. With regard to visual effects, Mr Head agrees with the LVA that a low magnitude of visual effects will be generated on views from public spaces. This includes views from SH76 and the scenic lookout, with these effects diminishing to no effects upon the maturation of the boundary screening.
110. Mr Head generally concurs with the LVA's assessment of effects from private sites, with those effects ranging from very low to low. Again, Mr Head's agreement is based on the proximity of sites to works, and the presence of any boundary screening, as well as the sometimes unclear ownership of boundary screening (e.g. such as with 158 Bealey Road). To conclude, Mr Head has identified the following affected parties in relation to visual effects:
- 23, 35, 137, 153 and 158 Bealey Road;
 - 1046, 1056 and 1062 Railway Road; and
 - 10, 18 and 62 Station Road¹⁵.

¹⁵ Since Mr. Head's review, the owners of 35 Bealey Road, 158 Bealey Road, 10 and 18 Station Road have provided their written approval. As such, further consideration of the proposal's adverse effects on those sites have been disregarded.

111. I general concur with both the Applicant's assessments and Mr Head's peer review. While the proposal will result in an alteration to landscape and visual amenity values, these effects will occur within an environment that often features extensive boundary screening and active farming activities (e.g. a piggery). The receiving environment is not located within an outstanding natural area and does not feature any landscape features that would make it distinctive from other locations on the Canterbury Plains.
112. Furthermore, I agree that landform and visual effects from public viewpoints will be limited, not least given the distance to proposed quarry faces, boundary screening and the incremental staging of quarrying. While some effects will temporarily occur from viewpoints to the north-northeast of the site (i.e. SH73 and the lookout), these effects will diminish as screening vegetation matures. These screening plantings are already underway, as observed by Mr Head and I during our site visit in July 2024.
113. I have also considered the Applicant's correspondence in regard to landscape and visual effects, where they state:
- "In light of that analysis, it is reasonable to conclude that 23, 35, 137, 153 and 158 Bealey Road and 1056 Railway Road are potentially affected to a minor degree and should be limited notified. However, there is no apparent justification (by way of identification or quantification of effects) for notifying either 1046 or 1062 Railway Road, or 10, 18, 62 or 92 Station Road on the grounds of landscape effects (noting that written approvals have been provided in any event by 10 and 18 Station Road). These properties have not been identified as being affected by landscape effects relating to land use and land cover by the peer reviewer, and both landscape architects agree that the visual effects on those persons are less than minor. In particular, there appears to be no evidential basis for notifying 92 Station Road, which has been assessed as having visual effects less than minor and is considerably further away from the Screenworks expansion area than 62 Station Road (approximately 800m)."*¹⁶
114. In response, I have based on my assessment on the application material, the further information documentation, Mr Head's review of the LVA and through my own planning lens. I have also further considered the proposal and concur with the Applicant's position that 92 Station Road is not adversely affected given the separation distance between the proposal and that property, as well as the proposed use of screening vegetation.
115. In addition, I do not consider that the further following properties affected by the proposal's landscape and visual amenity effects given their separation distances from the proposal and the Applicant's proposed use of boundary screening:
- 1336, 1358 (1 and 2) 1394 and 1492 Highfield Road¹⁷; and
 - 388 and 393 Miles Road.¹⁸
116. To conclude, that it is my view that landscape and visual amenity effects of the proposal will be minor, with the following parties adversely affected:
- 23, 137 and 153 Bealey Road;
 - 1046, 1056 and 1062 Railway Road; and
 - 62 Station Road.

Effects on Rural Amenity

117. The AEE identifies that quarrying activities can affected amenity values through noise, visual/landscape and transport effects. I concur that these aspects of the proposal can adversely impact rural amenity values. I have already discussed many of these effects previously in this report and do not intend to repeat those assessments.
118. Further to my earlier commentary, I also wish to highlight the amenity impacts of dust generation on amenity values. While the Applicant proposes to use a DMMP to control dust generation and spread from the quarry, dust can impact the amenity of nearby residents, coating homes, vehicles and open areas. While an air discharge permit has been sought from ECan and will address the health aspects of dust generation, it is my view it will potentially generate minor amenity effects for the following the residents at 23, 137 and 153 Bealey Road.

¹⁶ Page 4, Letter of 16 October 2024.

¹⁷ The owner of 1336 and 1492 Highfield Road also owns 1531 Highfield Road. I note that that their written approval has been obtained by the Applicant. However, given the uncertainty regarding the ownership arrangements of these respective land parcels, I have included 1336 and 1492 Highfield Road in my assessment.

¹⁸ The owner of 1531 Highfield Road also owns 388 Miles Road. However, given the uncertainty regarding the ownership arrangements of these respective land parcels, I have included 388 Miles Road in my assessment.

119. I note that the following additional properties were previously notified of RC115008, on the basis of effects on rural character and amenity¹⁹:
- RS37266, RS27265, RS36812 (Bealey Road);
 - 897 and 954 Aylesbury Road²⁰;
 - Lots 3 – 10 73360 (Corner Sandy Knolls Road/Railway Road)²¹;
 - Res 2220 – Selwyn District Council; and
 - 940 and 968 Railway Road.
120. In my view, the existing environment for the current application differs in so much that there is now an existing quarry activity occurring at the application site. This combined, with the previous assessment undertaken with regard to noise and the LVA, in my view limit the extent of the proposal's adverse effects on this further parties. This includes the distances of other dwellings from the proposed quarry, boundary screening (current and proposed) and the dust management proposed.
121. In addition, it is my view that the visual effects on 940 and 968 Railway Road that were identified by the notification assessment for RC115008 (as they relate to traffic generated visual effects) are now generally provided for by the Partially Operative District Plan and would not be discernible from a permitted traffic on that length of Railway Road. As such, I do not consider that 940 and 968 Railway Road are affected by the proposal.
122. Finally, I do not consider that the further following properties affected by the proposal's rural amenity effects:
- 1336, 1358 (1 and 2), 1394 and 1492 Highfield Road²²;
 - 388 and 393 Miles Road²³; and
 - 2202 West Coast Road.
123. In my view the proposal's effects on these properties is mitigated and/or avoided by their separation distances from the proposed quarry areas, the proposed boundary screening and the Applicant's proposed suite of management plans (such as the DMMP and SMP). I also note that these other sites have not been identified as affected by Mr Head or Mr Farren, and I have relied (in part) on their technical expertise on landscape/visual and acoustic matters respectively. Consequently any rural amenity effects are avoided or less than minor on those sites.
124. Based on my earlier discussion of noise, visual/landscape and transport effects, as well as my commentary on dust nuisance, I consider that the proposal will have at least adverse minor effects on rural amenity of the following parties:
- 23, 137 and 153 Bealey Road;
 - 1046, 1056 and 1062 Railway Road; and
 - 62 Station Road.

Positive Effects

125. Positive effects are not relevant to the consideration of notification and will be considered as part of the s 104 assessment later in this report.

Conclusion

126. In conclusion, I consider that that the proposal will have minor adverse effects on the environment. This includes relating to noise, transport, landscape and visual amenity, cultural values and rural amenity. Furthermore it is my view that the proposal will have less than minor effects on rural production and no effects on ecological values.

¹⁹ The report also identifies Sec 7 Blk VII Town of Aylesbury (now known as 23 Bealey Road)

²⁰ Council records reference 954 Aylesbury Road as 812 Aylesbury Road.

²¹ The owner of this land has provided their written approval for the current application and this land is located further north on Railway Road than the corner of Sandy Knolls Road/Railway Road.

²² The owner of 1336 and 1492 Highfield Road also owns 1531 Highfield Road. I note that that their written approval has been obtained by the Applicant. However, given the uncertainty regarding the ownership arrangements of these respective land parcels, I have included 1336 and 1492 Highfield Road in my assessment.

²³ The owner of 1531 Highfield Road also owns 388 Miles Road. However, given the uncertainty regarding the ownership arrangements of these respective land parcels, I have included 388 Miles Road in my assessment.

127. The proposal's adverse effects will affect nearby residents, Rūnanga and transport network operators. Consequently, these parties should be served notice under a limited notified process.

Public Notification (Section 95A)

128. Section 95A states that a consent authority must follow the steps in the order given to determine whether to publicly notify an application for resource consent.

Step 1: mandatory public notification in certain circumstances (sections 95A(2) and 95A(3))	Y	N
Has the applicant requested that the application be publicly notified?	<input type="checkbox"/>	✓
Is public notification required under section 95C (no response or refusal to provide information or agree to the commissioning of a report under section 92)?	<input type="checkbox"/>	✓
Has the application has been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	<input type="checkbox"/>	✓

*If the answer to any of the above criteria is yes, the application must be **publicly notified**, and no further Steps are necessary.*

*If the answer is no, continue to **Step 2**.*

Step 2: public notification precluded in certain circumstances (sections 95A(4) and 95A(5))	Y	N
Are all activities in the application subject to one or more rules or national environmental standards that preclude public notification?	<input type="checkbox"/>	✓
Is the application for one or more of the following, but no other types of activities:		
• A controlled activity?	<input type="checkbox"/>	✓
• A boundary activity only (as per the definition of "boundary activity" in s 87AAB of the Act)?	<input type="checkbox"/>	✓

*If the answer to any of the above criteria is yes, continue to **Step 4**.*

*If the answer is no, continue to **Step 3**.*

Step 3: public notification required in certain circumstances (sections 95A(7) and 95A(8))	Y	N
Is the activity subject to a rule or national environmental standard that requires public notification?	<input type="checkbox"/>	✓
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	<input type="checkbox"/>	✓

*If the answer to any of the above criteria is yes, the application must be **publicly notified**, and no further Steps are necessary.*

*If the answer is no, continue to **Step 4**.*

Step 4: public notification in special circumstances (section 95A(9))	Y	N
Do special circumstances exist in relation to the application that warrant public notification?	<input type="checkbox"/>	✓

*If the answer is yes, the application must be **publicly notified**.*

If the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application.

129. In conclusion, in accordance with the provisions of section 95A, the application must not be publicly notified and a determination on limited notification must be made, as follows.

Limited Notification (Section 95B)

130. Section 95B states that a consent authority must follow the steps in the order given to determine whether to give limited notification of an application for resource consent, if it is not publicly notified under section 95A.

Step 1: certain affected groups and affected persons must be notified (sections 95B(1)-(4))	Y	N
Are there any affected protected customary rights groups, as defined in s 95F?	<input type="checkbox"/>	✓
Are there any affected customary marine title groups, as defined in s 95G (in the case of an application for a resource consent for an accommodated activity (as defined in the Act))?	<input type="checkbox"/>	✓
Is the proposed activity on or adjacent to, or may it affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and is the person to whom that statutory acknowledgement is made an affected person under s 95E?	<input type="checkbox"/>	✓

*If the answer is yes, **notify the application to each affected group/person** and continue to Step 2.*

If the answer is no, continue to **Step 2**.

Step 2: limited notification precluded in certain circumstances (sections 95B(5) and 95B(6))	Y	N
Are all activities in the application subject to one or more rules or national environmental standards that preclude limited notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the application for a controlled activity only and not a subdivision of land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer is yes, continue to **Step 4**.

If the answer is no, continue to **Step 3**.

Step 3: certain other affected persons must be notified (sections 95B(7)-(9))	Y	N
In the case of a "boundary activity", is an owner of an allotment with an infringed boundary an affected person?	<input type="checkbox"/>	<input type="checkbox"/>
For any other activity, are there any affected persons in accordance with section 95E of the Act (as assessed in the Assessment of Adverse Environmental Effects above)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is yes, **notify the application to each affected person** and continue to **Step 4**.

If the answer is no, continue to **Step 4**.

Step 4 – Limited notification in special circumstances	Y	N
Do any special circumstances exist in relation to the application that warrant notification to any other persons not already determined to be eligible for limited notification (excludes persons assessed under section 95E as not being affected)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer is yes, **notify the application to those persons**.

If the answer is no, do not notify anyone else.

131. In conclusion, in accordance with the provisions of section 95B, the application must be limited notified. As concluded above in the Assessment of Adverse Environmental Effects, the following are affected persons; therefore, they must be served notice (in no particular order):

- Te Ngāi Tūāhuriri Rūnanga c/o Mahaanui Kurataiao Limited;
- Te Taumutu Rūnanga c/o Mahaanui Kurataiao Limited;
- Selwyn District Council (as owner of Res 1038 and Road Controlling Authority) ²⁴;
- KiwiRail Holdings Limited;
- NZ Transport Agency Waka Kotahi;
- The owners and occupiers of:
 - 23, 137 and 153 Bealey Road;
 - 1046, 1056 and 1062 Railway Road; and
 - 62 Station Road.

Notification Recommendation


132. I recommend that the applications RC245428 and RC245429 are processed on a **limited notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

Report by: Tim Hegarty, Consultant Planner	 Date: 4 November 2024
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²⁴ While this parcel forms part of the application site, it is owned by Selwyn District Council rather than the Applicant.

Notification Decision

133. For the reasons set out in the report above, the Notification Recommendation is adopted under delegated authority.

 Commissioner Graham Taylor	Date: 4 November 2024
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