



**HURUNUI**  
*District Council*

FOR AN EXTRAORDINARY MEETING OF THE:

**REGULATORY  
COMMITTEE**

**AGENDA**

TO BE HELD ON:

**THURSDAY 14 APRIL 2011  
COMMENCING AT 3.30 PM**

IN THE COUNCIL CHAMBERS, CARTERS RD., AMBERLEY

**In Hurunui we live the lives the rest of the world would love to live**

**REGULATORY COMMITTEE**



**Committee Membership:**

Cr R Little (Chairperson)

Mayor W Dalley

Cr Marie Black

Cr Russell Black

Cr Gary Cooper

Cr Vince Daly

Cr Dick Davison

Cr Jim Harré

Cr Michael Malthus

Cr Judith McKendry

**Quorum: no less than 5 members**

**REGULATORY COMMITTEE  
THURSDAY 14 APRIL 2011 AT 3.30PM**

**ORDER OF BUSINESS**

<b>ITEM</b>	<b>ORDER OF BUSINESS</b>	<b>Pages</b>
	<ul style="list-style-type: none"> <li>• Apologies</li> <li>• Conflict of Interest Declarations</li> <li>• Recording Device</li> </ul>	
<b>1</b>	<p><b>Business:</b></p> <p>1.1 RC100161 – Winstone Aggregates decision</p>	3 - 22
<b>2</b>	<p><b>Temporary Liquor License Hearing – Acting under delegated Authority from the Hurunui District Council as District Licensing Agency</b></p> <p>2.1 Application .....</p> <p>2.2 Liquor Licensing Inspector .....</p> <p>2.3 Police Report.....</p> <p>2.4 Hearing of Submissions</p> <p>2.5 Committee Deliberations</p>	<p>23 – 27</p> <p>28 - 29</p> <p>30</p>

### **Guidelines from Hurunui District Council's Significance Policy:**

The Committee, in considering each matter, must be:

- a. Satisfied that it has sufficient information about the practicable options and their benefits, costs and impacts, bearing in mind the significance of the decisions.
- b. Satisfied that it knows enough about and will give adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decisions to be made.

### **Questions**

- a. Does the Committee have sufficient information about the issue, proposal, decisions or other matter?
- b. Does the issue, proposal, decisions or other matter:
  - affect all or a large portion of the community in a far-reaching way?
  - have a potential impact or consequence on the affected persons (being a number of persons) that is substantial?
  - have financial implications on the Council's resources that would be substantial?
  - generate (or would be expected to generate) a high degree of controversy?
  - fail to flow logically or consequentially from a decision in the Hurunui Community Plan?

### **Evaluation**

Council officers preparing these reports will have regard to Council's policy on significance. Committee members will make the final assessment on whether the subject under consideration is to be regarded as being significant or not. Unless a Committee explicitly determines that the subject under consideration is to be deemed significant then the subject will be deemed as not being significant.

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**HURUNUI**  
*District Council*

**Meeting Date:**

14 April 2011

**REPORT TO:** Regulatory Committee

**SUBJECT:** RC100161 – Winstone Aggregates decision

**REPORT BY:** Senior Planner

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Signature: Author  
 Helga Rigg

A handwritten signature in black ink, appearing to read 'J. Batchelor', located under the Manager signature line.

Manager

**Summary Report**

On 16 December 2010, Winstone Aggregates (Winstone) lodged a resource consent application (RC100161) for land use consent to extend extraction activities on an existing quarry site at 313 Amberley Beach Road, Amberley.

The Council served notice on two affected parties on the 8<sup>th</sup> February 2011 with the submission period closing on 11<sup>th</sup> March 2011. The Council received one submission in support of the application with the submitter advising that they did not wish to be heard. After the close of the submission period, Winstone provided written approval from the other affected party.

Council Officers do not have the power to approve notified resource consent applications. Therefore, this report seeks that the Regulatory Committee approve the resource consent application and impose conditions accordingly.

**Recommendation**

THAT THE COMMITTEE APPROVE RESOURCE CONSENT RC100161 PURSUANT TO SECTION 104 / 104B OF THE RESOURCE MANAGEMENT ACT 1991 SUBJECT TO THE CONDITIONS ATTACHED TO THE DECISION.

## **BACKGROUND**

On 16 December 2010, Winstone Aggregates (Winstone) lodged a resource consent application (RC100161) with the Council for land use consent to extend extraction activities on an existing quarry site at 313 Amberley Beach Road, Amberley.

Council Officers determined that the application could be processed on a non-notified basis provided that affected parties approval be obtained from two property owners located at 296P and 348P Amberley Beach Road. Winstone was unable to obtain written approval from the parties and requested that the application proceed on a limited notified basis.

The Council served notice on the affected parties on the 8<sup>th</sup> February 2011 with the submission period closing on 11<sup>th</sup> March 2011. The Council received one submission in support of the application with the submitter advising that they did not wish to be heard. After the close of the submission period, Winstone provided written approval from the other affected party.

Section 100 of the Resource Management Act 1991 (the Act) states that '*a hearing need not be held in accordance with this Act in respect of an application for resource consent... unless –*

- (a) The consent authority considers that a hearing is necessary; or*
- (b) Either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.*

In this instance, neither the applicant nor the submitter requested that the application be heard.

With respect to Council's delegations in terms of the Resource Management Act 1991, Council Officers have the power to approve and impose conditions on non-notified resource consent applications only. Given that the resource consent application was notified on a limited basis, Council Officers do not have the power to approve the application.

This report seeks that the Regulatory Committee approve the resource consent application and impose conditions accordingly. A copy of the draft decision and conditions is attached to this report.

## **OPTIONS CONSIDERED**

### **Do Nothing**

This is not an option.

### **1<sup>st</sup> Option – Approve resource consent RC100161 subject to conditions.**

This option is recommended for the reasons outlined in this report.

## **POLICY AND PLAN CONSIDERATIONS**

The resource consent application is for an activity that is considered to consistent with the objectives and policies of the Hurunui District Plan.

## **SIGNIFICANCE**

The recommendation is not deemed significant.

## **MĀORI IMPLICATIONS**

The application site is located within the Coastal Environment Management Area of the Hurunui District Plan. Accordingly, a copy of the resource consent application was forwarded to Te Ngai Tuahuriri Runanga and Te Runanga of Ngai Tahu asking whether they had any concerns with the proposed activity and requesting that they respond to the Council by 30 December 2010 if they had any concerns. The Council did not receive a response from either party.

## **FINANCIAL CONSIDERATIONS**

There is no financial cost to Council or the ratepayers as the applicant is required to fund the cost of a resource consent application.

## **LEGAL CONSIDERATIONS**

There are no legal considerations significant to this decision in itself.

## **CONCLUSION**

After considering all issues, options and the known views of those affected, as well as giving consideration to the level of significance and the legal and financial implications, the conclusion / recommendation of this report is

THAT THE COMMITTEE APPROVE RESOURCE CONSENT RC100161 PURSUANT TO SECTION 104 / 104B OF THE RESOURCE MANAGEMENT ACT 1991 SUBJECT TO THE CONDITIONS ATTACHED TO THE DECISION.

## **COMMUNITY OUTCOME(S)**

A desirable place to live, work and play  
 Enhance our thriving local economy  
 Enhance our essential infrastructure  
 Enhance our environmental responsibility

## **WELLNESS OUTCOMES**

Economic wellbeing – a thriving local economy with prosperity at all levels: individuals (residents), businesses, and communities.

Infrastructure – Strong emphasis on service delivery across all core infrastructure, including roading, water quality and quantity for drinking and development, waste water, solid waste and telecommunications.

Social wellbeing – a healthy, safe place to live, with strong community spirit, involvement and opportunity for all.

Environmental wellbeing – comprehensive and continuous focus on all environmental responsibilities and sustainable planning.

Landscape & Outlook – recognising, enjoying, and treasuring Hurunui's rich landscape values: alpine, coastal, rural, townscapes, fresh air & clean skies.

## **APPENDICES**

Draft decision on resource consent RC100161

**RESOURCE MANAGEMENT ACT 1991**

**HURUNUI DISTRICT COUNCIL**

**RESOURCE CONSENT APPLICATION**

**BY**

**Winstone Aggregates**

Application reference: RC 100161

Application for land use consent to extend extraction activities on an existing quarry site at 313 Amberley Beach Road, Amberley.

**Report and determination by Regulatory Committee**

**1.0 Introduction**

- 1.1 The application was to extend extraction activities on an existing quarry site.
- 1.2 Winstone Aggregates (Winstone) operates a sand extraction and processing activity on a site located at 313 Amberley Beach Road, Amberley. This activity operates under resource consent PC/153 which was granted on 5<sup>th</sup> November 1991 to extract and screen sand and shingle. A further resource consent RC940124 was granted on 25<sup>th</sup> June 1996 to expand the extraction activity.
- 1.3 The sand resource within the existing consented area is running low and Winstone proposes to extend the areas of extraction to the southwest of the existing operation, into an area known as the 'front paddock'.
- 1.4 The proposed extraction site covers an area of 3.4 hectares. Winstone proposes to extract shingle and sand to a depth of approximately 4 metres,



which will involve digging below the groundwater level on the site. Winstone intends to use the existing facilities located within the consented area to continue with the processing, stockpiling and transportation of the resource extracted from the front paddock.

- 1.5 The number of vehicle movements to and from the site is to remain unchanged, as are the current hours of operation. Generally, an excavator and truck will be used within the extraction area. On occasion, a small dozer will be used to spread the topsoil and a front end loader may be used to load the quarry truck.
- 1.6 Resource consent RC040179 was previously lodged with the Hurunui District Council for a similar activity. That application was publicly notified with the Council receiving 17 submissions. Twelve of these were in opposition to the proposal with five being in support. The main issues raised by submitters in opposition to the application related to noise, dust and visual effects. The application was subsequently withdrawn by the applicant prior to going to a hearing.

#### Application Status

- 1.7 The site is located within the General Management Area (GMA) of the Hurunui District Plan (the District Plan). The site is identified as being within the Coastal Environment Management Area and lies within an identified flooding and ponding area as indicated on planning map 2a. The site contains part of a Significant Natural Area identified as SNA5 – Amberley coastal forest remnant, and also contains an archaeological site identified as A23 in Appendix A8.2 – Schedule of recorded archaeological features. A23 is described as ovens(s) / midden(s), pre-historic Maori site.
- 1.8 The following rules in the District Plan are relevant to the proposal:

#### **A1.2.15 Earthworks**

- (c) *No earthworks shall require the clearing of more than 5000m<sup>2</sup> of vegetation.*

**A1.2.11 Quarrying and mining on farms**

*Quarrying and mining in the General Management Area provided that:*

- (a) The extracted volume from any one site is less than 500m<sup>3</sup> per annum; and*
- (b) The duration of any crushing and screening operations does not exceed 7 days per annum.*

**A1.4 Discretionary activities (unrestricted)**

- (a) Quarrying and mining that is not provided for as a permitted activity.*

1.9 The extracted volume from the proposed quarry activity will exceed 500m<sup>3</sup> per annum and will require the clearing of more than 5,000m<sup>3</sup> of vegetation.

1.10 The rules in Section B2 of the District Plan are also considered relevant to the proposal. These rules pertain to activities within the coastal environment. Rule B2.1 sets out those activities that are permitted activities within the coastal environment. Quarrying activities are not listed as permitted activities and therefore Rule B2.3 applies:

**B2.3 Discretionary activities (unrestricted)**

- (b) Any activity not specified as a permitted activity under Rule B2.1.*

1.11 Overall, the proposal was assessed as an unrestricted discretionary activity.

**2.0 The existing site and immediate vicinity**

2.0 The front paddock is currently used for pastoral farming. There is a partial row of pine trees located along the southern boundary of the extraction area which provides some level of screening from Amberley Beach Road. A man-made open drain runs along the perimeter fence on the western boundary of the extraction area and connects into a two metre wide natural stream, which runs along the northern boundary of the proposed extraction area.

- 2.1 The Hurunui District Council's water main servicing the Amberley Beach Township runs through the proposed extraction area as does an existing easement in favour of Lot 1 DP 34834 for the conveyance of water and electricity. An unused shed and dilapidated stockyard is located on the eastern side of the proposed extraction area close to the Amberley Beach Road frontage.
- 2.2 The adjoining site to the north is owned by Christchurch Ready Mix Concrete Limited which undertakes further quarrying operations on that site.
- 2.3 The Amberley Beach Township is located approximately 570 metres to the east of the proposed extraction area. The nearest residential dwelling located on an adjoining site under different ownership is located approximately 350 metres to the south east.
- 2.4 Other activities within the surrounding environment include predominantly pastoral farming and forestry activities.
- 2.5 The topography of the site is flat and forms part of an extensive coastal plain.

### **3.0 Notification**

- 3.1 The application was notified on a limited basis with notice being served on two affected parties on the 8<sup>th</sup> February 2011. The submission period closed on 11<sup>th</sup> March 2011. One submission was received in support of the application, with the submitter advising that they did not wish to be heard. After the close of the submission period, Winstone provided written approval from the other affected party.
- 3.2 Section 100 of the Resource Management Act 1991 (the Act) states that '*a hearing need not be held in accordance with this Act in respect of an application for resource consent... unless –*
  - (a) *The consent authority considers that a hearing is necessary; or*
  - (b) *Either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.*

- 3.3 In this instance, neither the applicant nor the submitter requested that the application be heard. As such, the application went directly before the Regulatory Committee (the Committee) to make a decision.

#### **4.0 Assessment**

- 4.1 This application is to be considered under Section 104 of the Act. Section 104 sets out the matters to which the Committee must have regard, subject to Part II of the Act (which contains the Act's purpose and principles). Relevant to this case, the s104 matters include:

- any actual and potential effects on the environment of allowing the activity;
- any relevant Plan provisions; and
- any other matter we consider relevant and reasonably necessary to determine the application.

#### Effects on the Environment

- 4.2 Having regard to the application the Committee concluded that the potential effects on the environment that must be considered in this instance can be grouped into the following categories: landscape character, visual effects, amenity values, traffic generation, hydrological effects and rehabilitation. The Committee have also given consideration to positive effects at the end of this section.

#### *Landscape Character*

- 4.3 The application was supported by a landscape assessment prepared by Mr Compton-Moen of MWH. Mr Compton-Moen noted that whilst the proposal would result in the loss of vegetation and the creation of an excavation pit, the low sensitivity to change of the topography, land cover, built structures and natural character meant that the effects would be negligible prior to the implementation of the proposed mitigation measures.
- 4.4 Mr Compton-Moen noted that there are existing excavation pits and plant machinery located throughout the area and that no buildings are proposed as part of the proposal. He further noted that the increased digger/vehicle movements within the front paddock extraction area were not likely to impact

upon the character of the area. Mr Compton-Moen considered that any effects could be successfully mitigated through screen planting and the placement of an earth bund along the southern and western boundaries of the extraction area.

- 4.5 Having regard to Mr Compton-Moen's assessment, the Committee considered that the proposal would have a small magnitude of change given the low nature of the proposal, the lack of any new buildings or structures and the presence of existing screening between the site and Amberley Beach Road. The Committee also took into account that the continued processing of excavated material at the existing processing site located to the northeast of the proposed extraction area would further reduce the magnitude of change to the landscape.
- 4.6 The Committee was satisfied that conditions could be imposed to ensure that the proposed bunding and landscaping would be implemented, particularly in achieving the purpose of screening along the south and west boundaries. The Committee further noted that the proposed extraction activity would not impact on the Significant Natural Area or archaeological feature located on the application site, these being located some distance from the proposed extraction area.

*Visual impact*

- 4.7 The Committee in considering the visual impacts of the proposal took into account the assessment of Mr Compton-Moen. Mr Compton-Moen noted that there were a low number of public viewpoints and private residences where it would be possible to get open views into the site. He noted that there was one viewpoint from Amberley Beach Road towards the south-western corner of the extraction area that was considered to have a medium sensitivity to change.
- 4.8 The Committee was of the view that the visual impact would be negligible following implementation of the proposed mitigation measures which included the introduction of an earth bund along the southern and western boundaries of the extraction area, the retention of existing pine trees located between the extraction area and Amberley Beach Road and proposed planting of additional trees along the southern and western boundaries.

- 4.9 The Committee took into account that the 2.5 metre high earth bund would be grassed and located approximately 15 metres from the boundary with Amberley Beach Road. In terms of the District Plan, an earth bund or stockpiled material is excluded from the definition of a building and as such does not need to comply with the setback provisions of the District Plan.
- 4.10 In considering the visual impact of the earth bund, the Committee noted that pursuant to section 104(2) of the Resource Management Act 1991 (the Act) a consent authority may disregard an adverse effect of an activity if a rule or national environmental standard permits an activity with that effect. The Committee considered that it was appropriate to consider the permitted baseline in this regard, as the effects of the construction of an earth bund are not considered to be fanciful, given that earth bunds have been established throughout the district for a number of proposals including noise bunds as conditions of subdivision consent.
- 4.11 As such, the Committee was of the view that the potential adverse visual effects of the earth bund should be disregarded in this instance.

*Amenity values*

- 4.12 In considering the effects of noise, the Committee referred to the acoustic report prepared by Marshall Day Acoustics submitted with the application. The acoustic report noted that the measurements taken indicate that noise emissions from the existing extraction operation easily comply with the 55 dB LA10 noise rule at the notional boundary of all properties during normal operation.
- 4.13 The report noted that as there are no operational changes proposed for the site, the only thing that could affect the noise emissions from the site is the change in location of the extraction area. The report concluded that the proposed operation would continue to comply with the 55 dB LA10 noise rule at the notional boundary of all residential properties as the distance between existing dwellings and the proposed extraction area would not alter significantly.

- 4.14 Having regard to the findings in the acoustic report, the Committee was satisfied that the proposed extraction activity would not significantly alter the existing noise environment.
- 4.15 With respect to dust emissions, the Committee noted that discharges to air may arise from handling, sorting and processing of sand and shingle. The Committee took into consideration that the material being extracted would generally be damp so would not generate a dust nuisance.
- 4.16 The existing extraction activities on the site incorporate a number of mitigation methods to ensure that the dispersal or deposition of particles does not cause a nuisance beyond the boundary of the site. The Committee took into account that the proposed front paddock extraction area would not increase the number of stockpiles contained on the site, however stockpiles of a temporary nature such as any material stored for rehabilitation, would be stored in the bunds to aid visual screening.
- 4.17 Taking into account the existing mitigation measures and the large buffer area between the extraction area and existing residential dwellings, the Committee was of the opinion that any dust nuisance would be adequately mitigated.
- 4.18 With regard to reverse sensitivity, the Committee noted that Plan Change 7 resulted in new provisions in the District Plan. Rule A1.4(b) requires that any new residential activity, visitor accommodation, and educational facilities located less than 500 metres from the operational area for a quarry or mine other than riverbed gravel extraction, on farm, or hard rock quarry site requires resource consent for a discretionary activity.
- 4.19 As such, the Committee considered that the granting of this application could potentially limit the ability of property owners within 500 metres of the front paddock extraction area, to establish a residential or visitor accommodation activity. The Committee noted that the properties located at 313, 296P and 348P Amberley Beach Road could potentially be affected by the granting of the application in this regard. All other properties within 500 metres have existing residential activities and are of insufficient size to be able to site a second dwelling without applying for resource consent. Furthermore, the

District Plan does not provide for visitor accommodation within the Coastal Environment Management Area as a permitted activity.

- 4.20 The Committee noted that the owners of 313 and 296P Amberley Beach Road have provided written approval to the proposal. Therefore, pursuant to section 104(3)(a)(ii), the Committee may disregard any effects on these parties. The Committee further noted that the owner of 348P Amberley Beach Road has submitted in support of the proposal. Accordingly, the Committee was satisfied that any reverse sensitivity effects could be discounted.

*Traffic Generation*

- 4.21 The Committee noted that the existing vehicle access to Amberley Beach Road will continue to be used for all traffic generation associated with the extraction activities on the site. In addition, the maximum number of heavy vehicle movements of 18 per day will not increase as a result of the proposed new extraction activity. The Committee noted that the total volume of material to be extracted and processed will remain at the same level as the current operation, and the stockpiling and load out area will not alter from the existing operation.
- 4.22 Amberley Beach Road is formed and sealed with a sealed shoulder opposite the existing site access. The Committee noted that Amberley Beach Road is straight in this location with good sight distances in excess of four hundred metres in both directions from the site access.
- 4.23 Given the existing accessway formation and construction and that the number of vehicle movements is not anticipated to increase as a result of the proposed extraction operation, the Committee was satisfied that the proposal would not result in any additional adverse traffic effects.

*Hydrological effects*

- 4.24 The proposed extraction site lies within an area identified as a flooding and ponding area. The Committee took into account that the proposal would not result in the addition of further buildings or infrastructure. Given the nature of the activity, the Committee was satisfied that the degree to which the proposal might increase the potential risk to human life, property or the environment would be negligible.



4.25 The Committee noted that Winstone had applied for the following resource consents from the Canterbury Regional Council:

- CRC110510 – to excavate gravel, sand and other material from Amberley Beach for aggregated extraction.
- CRC110512 – to clear vegetation and disturb the bed of an unnamed stream related to aggregate extraction.
- CRC110513 – to deposit soil around an unnamed stream related to aggregate extraction.
- CRC110514 – to divert water from an unnamed stream related to aggregate extraction.
- CRC110515 – to discharge sediment to an unnamed stream related to aggregate extraction.
- CRC110516 – to discharge stormwater containing contaminants to land and to water at an aggregate extraction site.

4.26 The Committee considered that the effects of extraction on groundwater, stormwater and stream hydrology would be more appropriately addressed by the Canterbury Regional Council.

#### *Rehabilitation*

4.27 Winstone intends to rehabilitate the extraction area to create a man-made lake. It is intended that the lake will form part of an extension to the existing lake that has been formed by the current extraction activities on the site. In considering the rehabilitation of the site, the Committee noted that the works would consist of spreading topsoil that had been stored in the earth bunds, out onto the final batter surfaces. These surfaces would then be grassed and any screen planting established prior to the start of extraction in the front paddock would be retained.

4.28 In this regard, it was the view of the Committee that conditions be imposed to ensure that rehabilitation works would be implemented upon completion of the extraction activity.

#### *Positive Effects*

4.29 The Committee accepted that the proposal would have some positive effects, including the provision of a source of aggregate for use in important

infrastructure such as general construction, roading and the manufacture of concrete blocks. In addition, the proposal would have a positive effect through its contribution to the economic, social and cultural well-being of the community through the provision of continued employment for those employees on the site and associated truck drivers and contractors.

*Conclusion on Effects*

- 4.30 Overall, on balance, the Committee considered that any adverse effects on the environment could be adequately mitigated or remedied.

Plan Provisions

*Regional Policy Statement and Plans*

- 4.31 The Committee did not consider that there were any particular matters to be addressed in the Regional Policy Statement. With respect to Regional Plans the Committee noted that these would be addressed in terms of the resource consent applications before the Canterbury Regional Council.

*Hurunui District Plan Objectives and Policies*

- 4.32 Objective 1 seeks to maintain those physical and biological characteristics of the soils of the District which enable them to retain their life supporting capacity and to sustain plant growth. This is supported by Policy 1.7 which seeks to provide for the extraction of land resources in a manner which avoids or mitigates any adverse environmental effects. Policy 1.8 requires the rehabilitation of sites where extraction of land resources has occurred.
- 4.33 The Committee has already determined that any adverse environmental effects of the proposed extraction activity can be adequately mitigated through conditions of consent. Furthermore, rehabilitation of the site is required upon completion of extraction activities on the site. Therefore, the Committee was of the view that the proposal meets the intent of these provisions.
- 4.34 Objective 10 promotes a healthy and safe environment within the District and maintenance and/or enhancement of amenity values. Policy 10.6 seeks to manage intensive land uses such as quarrying and mining. Policy 10.6 seeks to avoid reverse sensitivity effects.

- 4.35 The Committee has concluded that any adverse effects of the quarrying activity on amenity values are able to be mitigated through existing and proposed landscape planting and bunding. Further, the Committee considered that while the development would result in an increased level of activity within the proposed extraction area that may at times generate noise levels above those currently experienced, those levels would be within the standards set by the District Plan and as such are appropriate and acceptable. The Committee therefore considered the proposal meets the intent of these provisions.
- 4.36 Objective 12 promotes an environmentally sustainable infrastructure and pattern of development, meeting both the needs of today's community and the reasonably foreseeable needs of future generations. Policy 12.10 seeks to promote safe and efficient use and development of the transportation network.
- 4.37 The Committee were of the view that there were no significant issues associated with transportation and therefore concluded the proposal is in accordance with these provisions.
- 4.38 Objective 17 seeks the preservation of the natural character of the coastal environment; the protection of its ecological functioning, habitat, recreational, visual and cultural values; and provision for appropriate subdivision, use and development where this does not compromise these values. This is supported by Policy 17.7 which seeks to control gravel and sand extraction from the coastal environment, including river mouths, to protect the coastal landscape and habitat values, and to avoid, remedy or mitigate any other adverse effects associated with such activities.
- 4.39 It is the opinion of the Committee that the natural character of the coastal environment in this locality has been highly modified from its original state. The site contains an existing extraction activity with associated excavation pits and plant machinery located throughout the area. No additional buildings are proposed as part of the proposal. As such, the Committee does not consider that the proposal compromises those values that the objectives of the District Plan seek to protect. The Committee considers that any adverse effects on the natural, ecological and amenity values of the coastal environment can be adequately mitigated through consent conditions.

- 4.40 Overall the Committee concluded that the proposal is in accordance with the objective and policy framework of the District Plan.

#### Part II Considerations

- 4.41 In terms of Section 6(a) the Committee considers that the proposal would preserve the existing natural character of the coastal environment and that the proposal is not an inappropriate development at this location.
- 4.42 In relation to Section 7, matters to which regard should be had to, the Committee considers that the development represents an efficient use of the land resource. We accept that from a visual perspective there will inherently be some minor loss in amenity values and environmental quality, with increased activity in close proximity to Amberley Beach Road, however overall the Committee does not consider that amenity values or the quality of the environment will be substantially affected.
- 4.43 The ultimate question is whether the purpose of the Act would be better served by granting consent or refusing consent. In exercising the broad overall judgement required in terms of s5 of the Act the Committee considered that the proposal was not at odds with the purpose of the Act. In reaching that conclusion the Committee took into account the benefits accruing from the development and the range of mitigation measures proposed and considered that the potential adverse effects are limited to the extent that the development is able to meet the sustainable management purpose of the Act.

#### **5.0 Determination.**

- 5.1 For the reasons set out above, having regard to Part 2 of the Act, and in accordance with the provisions of ss104 and 104B, we have determined that resource consent RC 100161 for land use at 313 Amberley Beach Road be granted, subject to the following conditions:

##### **Proposal**

1. That the site be developed generally in accordance with the plans and documents submitted with the application. In particular, the area of excavation shall be restricted to approximately 3.4 hectares as defined

by the boundaries indicated on the site plan referenced as Figure 1: Site Plan (page 4 of the application).

2. That the hours of operation for the activity be restricted to 8.00 am to 5.30 pm Monday to Friday, excluding public holidays.

### **Staging**

3. The proposal shall be completed in three stages as identified in the application documentation and illustrated in Figure 3 (pages 7 – 9 of the application).

### **Bunding**

4. The bunding associated with each stage shall be constructed prior to any extraction activities occurring within the area identified for that stage. Bunds shall be constructed using stripped topsoil. The finished height of the bund shall be no less than 1.8 metres above existing ground level.
5. The bunds shall be grassed with grass seed within 1 month of construction. The grassed bunds shall be maintained, mowed and when necessary, watered to ensure that the grass is retained in a healthy and tidy condition.

### **Landscaping**

6. The existing pine trees located between the proposed extraction area and Amberley Beach Road shall be retained for the duration of the extraction activity.
7. Additional landscape planting shall be established along the southern and western boundaries to supplement the existing plantings already established. The landscape planting shall consist of trees and/or shrubs planted at a maximum of 2 metres apart that on maturity will provide a solid screen up to a minimum height of at least 3 metres.
8. The landscaping shall be maintained by the consent holder and any dead or damaged plants shall be immediately replaced on failure.

9. When required by a Council Roading Engineer, planting along the southern boundary with Amberley Beach Road shall be trimmed to eliminate shading of the road carriageway.
10. All landscape planting required by condition 7 shall be established prior to the extraction activities commencing on the site. Such planting shall be inspected by the Council's Senior Planner and certified as meeting the requirements of the conditions before extraction activities commence on the site. Such certification shall be provided within 5 working days of notification being provided to the Council.

### **Noise**

11. That the holder of this consent shall ensure that all plant and activities on the site to which this consent applies, are so designed and conducted that the noise limit of 55dBA L<sub>10</sub> is not exceeded, neither at, nor within, the notional boundary of any dwelling during the operating hours. The notional boundary is defined as a line 20m from the facade of any dwelling or the legal boundary where this is closer to the dwelling.
12. Noise from construction activities on site shall be carried out in accordance with NZS6803 Acoustics – Construction Noise and shall comply with the limits for typical duration given in Table 2 of that standard.

### **Environment measures**

13. Windblown sand and dust associated with activities on the site shall not cause particulate material which is offensive and objectionable beyond the boundary of the site on which the consent is exercised. For the purposes of this condition, "offensive or objectionable" is to be determined having regard to intensity and duration of dust normally expected in a rural environment.

### **Services**

14. The existing water main that crosses the site shall be capped in the unformed section of Hursley Terrace Road and again at the junction of the main at a point just east of the Amberley Beach settlement. The Council will carry out these works at the applicant's expense. The

applicant shall give 20 working days' notice prior to the works commencing in the vicinity of the water main so the main can be decommissioned.

The applicant shall pay the Council a compensation sum of \$6,300 plus GST. This sum is based on the replacement cost of 480 metres of the existing water pipe. This payment shall be made within 6 months of the date of this consent.

15. The extraction activity shall either avoid the existing easement in favour of Lot 1 DP 34834 for the conveyance of water and electricity or alternatively the services shall be relocated and protected by a new easement or a variation to the existing easement.

#### **Accidental discovery protocol**

16. In the event of any disturbance of koiwi (human skeletal remains), taonga or artefact material, the consent holder shall:
  - a. Cease any further excavation for a period of at least 24 hours
  - b. Immediately advise the Hurunui District Council, Te Ngäi Tüähuriri Rünanga, and the New Zealand Historic Places Trust of the disturbance.
  - c. The consent holder shall in conjunction with the Te Ngäi Tüähuriri Rünanga, arrange a site inspection by the appropriate tangata whenua and their advisers, including statutory authorities, who will determine whether the discovery is likely to be extensive and whether a thorough site investigation is required. Materials discovered will be handled and removed by iwi responsible for the tikanga appropriate to their removal or preservation.

#### **Rehabilitation**

17. The applicant shall provide a Rehabilitation Management Plan for certification by the Manager Environmental Services within 6 months of the date of this decision. The Rehabilitation Management Plan shall set out the proposed staging and timing of rehabilitation with indicative implementation and shall incorporate the following:

- (a) Phasing of implementation for each area
  - (b) Detailed plan showing the proposed end use for each area restored
  - (c) Schedules of planting species
  - (d) Irrigation and pest control measures if required
  - (e) Maintenance programmes detailing the manner in which the planting will be maintained.
18. Written notice shall be provided to the Council within one month of the extraction activity ceasing on the site.
19. Upon completion of the extraction activity, the site shall be rehabilitated within 6 months in accordance with the certified Rehabilitation Management Plan.

**Review condition**

20. That pursuant to Section 128 of the Resource Management Act 1991, the Council may review the conditions of this consent by serving written notice on the consent holder within six months commencing from the date of this decision and within a period of one month commencing on any following anniversary of the date of that decision, in order to deal with any adverse effect on the environment which may arise from the exercise of this consent and which is appropriate to deal with a later date.

14 April 2011





# HURUNUI District Council

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## APPLICATION FOR TEMPORARY AUTHORITY *Sections 24 and 47, Sale of Liquor Act 1989*

To: District Licensing Agency  
Hurunui District Council  
P O Box 13  
Amberley

Application for temporary authority to carry on the sale and supply (or delivery) of liquor is made in accordance with the details set out below.

### 1. DETAILS OF APPLICANT

- (a) Company Name or full name (if individual): Hot Springs Motor Lodge Ltd.  
Address: 4 Horrocks McWab Ltd, Chartered Accountants  
Leicester House, 291 Madras Street Chch  
Date of birth: \_\_\_\_\_
- (b) Postal address for service of documents: PO Box 115 Hammer Springs
- (c) Daytime contact name and telephone number: Stacey Giles 021 848 996
- (d) Names and date of birth of proposed certificated General Managers:  
Roel Jager
- (e) Holder of Managers Certificate:      Yes          No

### 2. DETAILS OF LICENCE

- (a) Type of licence (tick appropriate box)  
On Licence                          Off Licence
- (b) Licence Number(s): 057/ON/92/2010      057/OFF/76/2010

### 3. DETAILS OF PREMISES (to be included only where the licence applies to any premises)

- (a) Physical address: 2 Fraser Close, Hammer Springs
- (b) Trading or other name (if any): Hot Springs Hotel

4. **DETAILS OF CONVEYANCE** (to be included only where the licence applies to any conveyance)

- (a) Type of conveyance: \_\_\_\_\_
- (b) Address of home base (if any): \_\_\_\_\_
- (c) Principal route travelled (if any): \_\_\_\_\_  
\_\_\_\_\_
- (d) Trading or other name (if any): \_\_\_\_\_

5. **FURTHER DETAILS**

- (a) What right, title, estate, or interest does the applicant have in the premises (or conveyance) to which the application relates?

lessee upon grant of temporary authority

Date the Temporary Authority should commence: 1 April 2011

- (b) Does the applicant intend to carry on the sale and supply (or delivery) of liquor personally?

YES  NO

If NO, what is the name, address, occupation and date of birth of the person through whom the applicant intends to carry on the sale and supply (or delivery) of liquor?

Name: Roel Jager

Address: email. roeljager@vodafone.net.nz

Occupation: Manager

Date of birth: \_\_\_\_\_

- (c) What are the reasons for the application? O.S.H Scaffolding Ltd. failed to settle on purchase of Business from Hot Springs Motor Lodge Limited

Dated this 14 day of March 2011

  
**APPLICANT'S SIGNATURE**  
(Not solicitor nor Agent)

**NOTE**

- Every application shall be accompanied by the prescribed fee of \$134.93
- A Temporary Authority will be issued for a period not exceeding 3 months

Sue Courtney

Hurunui District Council

Roel Jager has been employed as General Manager for the Hot Springs Motor Lodge Ltd at 2 Fraser Close to take responsibility for operation of both the Motel and Hotel businesses.

His position as General Manager shall encompass all day to day management from hiring and managing staff to dealing with all compliance and licensing.

Roel has the autonomy to run the business on a day to day basis as he sees fit, only being accountable to Hot Springs Motor Lodge Ltd for its commercial financial management and success in the market place.

As the Director of HSMLL and living out of Hamner Springs I will have weekly reports on the business performance and monthly on site meetings for planning.

Have also attached Roel's job description.

HSML Ltd

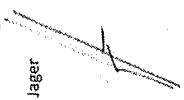
Director

Stacey Giles



General Manager

Roel Jager



## Job description

Responsible for the day-to-day management of the Hot Springs Motor Lodge Hotel and Motel complex and its staff, with commercial accountability to the owners for budgeting and financial management, planning, organising and directing all Hotel and Motel services including:

- Front-of-house (Reception, reservations)
- Food and beverage operations
- Housekeeping
- Stock Control

While taking a strategic overview and planning ahead to maximise profits, the managers must also pay attention to the details, setting the example for staff to deliver a standard of service and presentation that meets guests' needs and expectations. Business and people management are equally important elements.

## Typical work activities

- planning and organising accommodation, catering and other Hotel and Motel services
- promoting and marketing the business
- Website maintenance including last minute booking sites
- managing budgets and financial plans as well as controlling expenditure
- maintaining statistical and financial records
- setting and achieving sales and profit targets
- analysing sales figures and devising marketing and revenue management strategies
- recruiting, training and monitoring staff
- planning work schedules for individuals and teams
- meeting and greeting customers
- dealing with customer complaints and comments
- addressing problems and troubleshooting
- ensuring events and conferences run smoothly
- supervising maintenance, supplies
- dealing with contractors and suppliers
- ensuring security is effective
- carrying out inspections of property and services
- ensuring compliance with licensing laws, health and safety and other statutory regulations
- coverage of other management staff "days off"

The managers may have less contact with guests but will have regular meetings with owners and heads of department to coordinate and monitor the progress of business strategies. From time to time the managers may need to be "hands-on" in the day-to-day running of the complex, which may include carrying out reception duties or serving meals if the need arises.

Sue Courtney

Hurunui District Council

Re: Hot Springs Motor Lodge.

Name: Roel Jager.

Position: General Manager.

Responsibilities: To operate both the accommodation and the Hotel of the Hot Springs Motor Lodge.

Facilities: 2 x Conference rooms / Restaurant / Bar / Patio.

Primary target market: Family / Tourism / Conferences / Groups / Motel guests.

Secondary market: Locals.

Trading: Breakfast / Morning tea / Lunch / Afternoon tea / Dinner / bar trade.

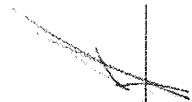
Trading Hours: 7:30 am – 12 midnight

Food: Breakfast menu / Lunch menu / Dinner menu / Bar – Bistro menu / Cakes – Slices.

The property being located out of town adjacent to and surrounded by Motel accommodation and a residential area lends its self to family and group dining as well as a Cafe style bar operation.

Menu selection will reflect the target markets.

The Conference market will benefit both the Hotel and the Motel during the midweek slower period.

  
\_\_\_\_\_

Roel Jager

General Manager

  
\_\_\_\_\_

Stacey Giles

Owner

**MEMORANDUM**

**To:** The Secretary, Hurunui District Licensing Agency, Attn: Sue Courtney  
**From:** Dianne Morrison  
**Date:** 31 March 2011  
**Subject:** **Application for Temporary Authority**

**APPLICANT: HOT SPRINGS MOTOR LODGE LIMITED**

**1.0 BACKGROUND**

- 1.1 **Stacey Giles** on behalf of **Hot Springs Motor Lodge Limited** has applied to the Hurunui District Licensing Agency for a Temporary Authority for On and Off Licences pursuant to sections 24 and 47 of the Sale of Liquor Act 1989.
- 1.2 Currently On and Off licences are held by Alpine Park Limited, trading as the Hanmer Hot Springs Hotel located at 2 Fraser Close, Hanmer Springs. These licences expire on 20 June 2013.
- 1.3 The Temporary Authority is to allow the premise to continue trading while the new management regime seeks their own licences.

**2.0 SUITABILITY OF APPLICANT**

- 2.1 The applicant, Stacey Giles, was the licensee of the 'Saints' bar at Hanmer Springs from December 2003 until late 2007. The renewal of the licences at the end of the probationary year was opposed by the Police, DLA Inspector and Medical Officer of Health due to the unsuitability of the applicant.
- 2.2 The opposition was based on the manner in which the premise had been operated resulting in intoxication of patrons, alcohol related disorder, assaults, excessive noise, and vandalism and littering in the neighbourhood of the premise.
- 2.3 The objections to the renewal were heard before the Liquor Licensing Authority on 24 June 2005 and 22 August 2005. In the decision (PH584/2005 – PH 585/2005) Judge Unwin commented on Stacey Giles' questioning of the professionalism and integrity of the enforcement agencies and that this raised serious questions about Mr Giles' suitability.
- 2.4 In the decision Judge Unwin concluded that the applicant company (the same company applying for this Temporary Authority) failed the test of suitability, i.e.

'In any renewal application the onus is on the applicant to show that it is suitable to continue to hold the licence, and that the manner in which it has conducted the sale and supply of liquor pursuant to the licence has been satisfactory.'

- 2.5 The applicant has indicated a manager will be employed for the day-to-day management of the premises. I have concerns as to the level of direction that will be given by the applicant in the nature and running of the premises particularly in regard to his previous management of licensed premises and recent interactions with the current lessees by the applicant and his father, Mr Terry Giles an owner of the premises.
- 2.6 I oppose the application for a Temporary Authority by Stacey Giles on behalf of Hot Springs Motor Lodge Limited as the applicant has failed to meet the suitability criteria for the management of licensed premises and has failed to demonstrate suitability to manage licensed premises in a satisfactory manner.
- 2.7 The application has also been opposed by NZ Police on the grounds of the suitability of the applicant.

### **3.0 RECOMMENDATION**

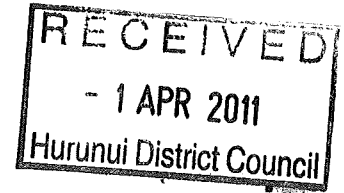
- 3.1 It is recommended that the Hurunui District Licensing Agency **oppose** the application by **Hot Springs Motor lodge Limited** for a **Temporary Authority**.



Dianne L Morrison  
**Liquor Licensing Inspector**  
**Hurunui District Council**



11 Apr 2011



31 March 2011

District Licensing Agency  
 Hurunui District Council  
 P O Box 13  
 Amberley

Attention Sue Courtney.

Re: Application for a Temporary Authority by Stacey Giles.

Dear Sue,

The Police object to the application for a temporary authority submitted by Stacey Giles under the company name of Hot Springs Motor Lodge Ltd.

The grounds for this opposition relate to the suitability of the applicant.

The Police are of the opinion that Stacey Giles is not suitable to hold this authority as a result of previous conduct in relation to licensed premise management, resulting in Stacey Giles appearing before the courts on two separate occasions for serious assaults.

Yours sincerely

Graeme Crosson  
 Sergeant  
 Sub Area Supervisor  
 Hurunui

Safer Communities Together

**RANGIORA POLICE STATION**

309 High Street, PO Box 5, Rangiora, New Zealand

Telephone: (03) 313 6167 Facsimile: (03) 313 4727 www.police.govt.nz