



HURUNUI
District Council

FOR AN EXTRAORDINARY MEETING OF THE:

**REGULATORY
COMMITTEE**

AGENDA

TO BE HELD ON:

**THURSDAY 28 APRIL 2011
COMMENCING AT 4 PM**

IN THE HANMER SPRINGS MEMORIAL HALL, CONICAL HILL
ROAD HANMER SPRINGS

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

REGULATORY COMMITTEE

For the meeting timetable and order of business please refer to the back page fold-out.

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 28 APRIL 2011 AT 4 PM**

ORDER OF BUSINESS

ITEM	ORDER OF BUSINESS	Pages
	<ul style="list-style-type: none">• Apologies• Conflict of Interest Declarations• Recording Device	
1	Business: 1.1 RC100161 – Winstone Aggregates decision	3 - 22
2	Urgent Business	

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.



HURUNUI
District Council

Meeting Date:

28 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 be 'J. Batchelor', written over a light grey background.

Manager

Summary Report

A report seeking the approval of resource consent RC100161 for Winstone Aggregates Limited was presented to a meeting of the Regulatory Committee held on 18 April 2011. The Committee had concerns about how the proposal would affect the Council's global stormwater consent application which is currently being considered by the Regional Council. In the end the recommendation of the Committee was to leave the decision on the table until such time that potential stormwater issues were resolved.

Having sought legal advice on this matter, Ms Dunningham of Buddle Findlay is of the opinion that the effects of stormwater would need to be directly relevant to making a decision on the application which was before the Committee in order for a section 92 request to be made. It is her view that it would be wrong for the Committee to be seeking information to better understand the effects on another consent which is not before them for a decision. In addition, the Council is unable to defer the processing of this application in terms of section 91 of the Resource Management Act 1991.

As such, this report seeks that the Regulatory Committee approves the draft resource consent decision so that the decision is made within the statutory timeframes as prescribed in the Resource Management Act 1991.

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

A report seeking the approval of resource consent RC100161 for Winstone Aggregates Limited was presented to a meeting of the Regulatory Committee held on 18 April 2011. The resource consent application seeks land use consent to extend extraction activities on an existing quarry site at 313 Amberley Beach Road, Amberley. At the meeting, the Committee expressed concerns about how the proposed quarrying activity would affect the Council's global stormwater consent application which is currently being considered by the Regional Council. The Committee also had concerns about bunding along the south and west boundaries might affect stormwater flow paths and drainage patterns. In the end the recommendation of the Committee was to leave the decision on the table until such time that potential stormwater issues were resolved.

The Resource Management Act 1991 (the Act) requires that resource consent applications be processed within specified timeframes. Where applications are not processed within the statutory timeframes, the regulations provide for a discount of 1% of the total fee for every day on which the application remains unprocessed beyond the time limit, up to a maximum of 50 working days. Therefore, it is important that the Committee make a timely decision on this resource consent application unless the processing of the application can be suspended either in terms of section 91 or 92 of the Act.

Section 91 of the Act provides that:

S91 Deferral pending application for additional consents

- (1) *A consent authority may determine not to proceed with the notification or hearing of an application for a resource consent if it considers on reasonable grounds that –*
- (a) *Other resource consents under this Act will also be required in respect of the proposal to which the application relates; and*
 - (b) *It is appropriate, for the purpose of better understanding the nature of the proposal, that applications for any one or more of those other resource consents be made before proceeding further.*

In assessing the application, Council Officers determined that other resource consents would be required from the Regional Council. The applicant lodged the relevant resource consent applications with the Regional Council on 17 November 2010. The land use application was lodged with Hurunui District Council on 16 December 2010. Therefore, the consent applications had been made with the Regional Council prior to lodging with the Council and there was no reason to defer the processing of the application under section 91 of the Act. Furthermore, this is not an option at this time as the application has already proceeded beyond notification and does not require a hearing.

The resource consent applications with the Regional Council are all being processed on a non-notified basis and are currently on hold with draft conditions having been sent to the applicant for approval. The processing officer, Helen Kayleigh discussed the applications with the processing officer in charge of the global stormwater consent application and they have advised that they had no concerns about how the applications fitted together. They considered that there was potential to use the quarry area as an attenuation or ponding area. With respect to the bunds to be constructed along the south and western boundaries, these do not totally enclose the site, and as such the processing officers were of the view that they should not impact on stormwater flows provided they were no longer than shown on the application plans. A proposed condition of consent requires compliance with this.

Section 92 of the Act provides for a consent authority, at any time before the decision to grant or refuse the application, to request further information relating to the application. Having sought legal advice on this matter, Ms Dunningham of Buddle Findlay is of the opinion that the effects of stormwater would need to be directly relevant to making a decision on the application which was before the Committee in order for a section 92 request to be made, particularly at this late stage in processing the application. The Council is required to provide its reasons for making the request for further information (section 92(3)9a)), and where it is clear that those do not relate to getting a better understanding of the effects of the land use activity which is under consideration, it is her view that the applicant would be entitled to refuse to provide the information. In that case, the Committee would still be bound to complete its consideration under section 104, and given the effects of storm water discharges are not under consideration by the Council, but are being considered under the separate Regional Council application, it could not use a lack of information on those as a reason for declining consent. It is her view that it would be wrong for the Committee to be seeking information to better understand the effects on another consent (i.e. the Council's global storm water consent) which is not before them for a decision as to have regard to such matters is almost certainly to have regard to an irrelevant consideration.

As mentioned above, consents relating to stormwater discharge have been made to the Canterbury Regional Council and these have been considered on a non-notified basis. The processing officer has liaised with the officer processing the Council's global stormwater consent for Amberley and the officers had no concerns about how the applications fitted together.

Given the above matters, this report recommends that the Regulatory Committee approve the draft resource consent decision so that the decision is made within the statutory timeframes as prescribed in the Resource Management Act 1991.

OPTIONS CONSIDERED

Do Nothing

This is not an option as the Council is required to issue decision in the relevant timeframes unless there is a statutory basis for delay.

1st Option – Put the decision on hold while further information on the effects of stormwater is sought under section 92.

This option is not recommended for the reasons outlined in this report.

2nd 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 5th November 1991 to extract and screen sand and shingle. A further resource consent RC940124 was granted on 25th 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 5000m² 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 500m³ 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 500m³ per annum and will require the clearing of more than 5,000m³ 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 8th February 2011. The submission period closed on 11th 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

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 L₁₀ 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.

Advice Note

A general monitoring programme has been set up to ensure compliance with the conditions imposed on resource consents. Where further site inspections are required because of non-compliance with any of the conditions, the Council may render an account to the consent holder for monitoring fees at the rate set out in the fees and charges schedule.

28 April 2011