

Hearings Commissioner

Notice of Meeting

A meeting of the Hearings Commissioner will be held in the Whangarei Library, May Bain Room, Whangarei on:

**Thursday
18 November 2010
9.15 am**

**Application by
Ravensdown Fertiliser Cooperative Ltd**

**Commissioners
Robert Chan
Les Simmons**

INDEX

	Page No
Authorisation Sheet	1
Environmental Planner (Consents) Report	2
Recommendation	33
<i>Attachment A.</i> Copy of the Application	39
<i>Attachment B.</i> Site Photo	303
<i>Attachment C.</i> Site Plan	304
<i>Attachment D.</i> Northland Regional Council Consent and Correspondence	305
<i>Attachment E.</i> LIM and Plans for Quarry Plant.....	322
<i>Attachment F.</i> Copy of Submissions and Location Map	
M & G Harding.....	343
B G Erceg and J K Jonker.....	345
NZ Historic Places Trust	348
Location Map.....	349
<i>Attachment G.</i> District Plan Environment Map.....	350
<i>Attachment H.</i> District Plan Resources Map.....	351
<i>Attachment I.</i> Senior Environmental Engineering Officer's Report	352

Report to the Hearings Commissioner on an Application by:

Ravensdown Fertilizer Co-operative Limited for a Discretionary Activity land use consent for the following activities:

- Daltons Ltd bark and composting operation involving the processing of up to 20,000m³ per annum
- A quarry for the extraction of limestone at 50,000 tonnes per annum (25,000m³)
- Stripping of 30,000m³ of overburden over a three year period (up to one week at a time per annum)
- Earthworks relocation of 17,400m³ associated with the bulk store
- Establishment of a fertilizer bulk store of 3,200m²
- Establishment of a bag store of 680m²
- Establishment of a building canopy of 375m²
- Demolition of one shed (15m²)
- Demolition of two office buildings
- Erection of two new "Portocom" offices
- Erection of two new signs
- Approval for an existing sign
- A new weighbridge
- Traffic movements of up to 68 movements per typical day related to quarrying activities, fertilizer sales and the bark/composting operation
- Traffic movements of up to 410 movements per day related to fertilizer delivery (and other typical day traffic movements) up to 5 times per year
- Hours of operation for mineral extraction activities (excluding crusher/excavator), fertilizer sales and bark/compost operation 0630 to 2130
- Hours of operation of crusher/excavator 0630 to 2000
- Overburden stripping between the hours of 0730 and 1800 on weekdays
- Spoil relocation (store site) between the hours of 0730 and 1800 weekdays
- The use, storage and on site movement of hazardous substances including Diesel, Selprill Double, Copper Sulphate, Cobalt Sulphate and Potassium Nitrate

within LOT 1 DP 60225, SEC 5 BLK VI SD RUAKAKA, Part LOT 1 DP 60998, Part MBLK NONE POKAPU WAIOREHUA, Part SEC 2 BLK VI SD RUAKAKA, Part MBLK NONE POKAPU WAIOREHUA, Part MBLK NONE POKAPU WAIOREHUA, Part MBLK NONE POKAPU WAIOREHUA and Part LOT 1 DP 60998.

This application was reported on by council's Principal Planner (Resource Consents) Paul Lees.

This report was written and peer reviewed by the following signatories:

Principal Planner
(Consents):

_____ Date: _____

Resource Consents
Manager:

_____ Date: _____

Resource Management Act 1991

Hearing By: Hearings Commissioners of a Discretionary Activity Resource Consent Application by Ravensdown Fertilizer Co-operative Limited to expand a historical limestone quarry and associated activities, develop a fertilizer store and approval for an existing bark operation.

Evidence By: Paul Lees
Member Planning Institute of Australia (MPIA)
Certified Practicing Planner (PIA)
Principal Planner (Consents)
Whangarei District Council

File Ref: LU0900218, P032294.LU

Date: 4 November 2010

1. The Proposal

1.1 The applicant (Ravensdown Fertilizer Co-operative Limited) seeks to expand a limestone quarry, develop a fertilizer store and gain consent for an existing bark mulching operation as outlined below:

- Daltons Ltd bark and composting operation involving the processing of up to 20,000m³ per annum (retrospective consent) within the active area of the Mineral Extraction Management Plan
- A quarry for the extraction of limestone at 50,000 tonnes per annum (25,000m³)
- Stripping of 30,000m³ of overburden over a three year period (up to one week at a time per annum)
- Earthworks relocation of 17,400m³ associated with the bulk store
- Establishment of a fertilizer bulk store of 3,200m²
- Establishment of a bag store of 680m²
- Establishment of a building canopy of 375m²
- Demolition of one shed (15m²)
- Demolition of two office buildings
- Erection of two new "Portocom" offices
- Erection of two new signs
- Approval for an existing sign
- A new weighbridge
- Traffic movements of up to 68 movements per typical day related to quarrying activities, fertilizer sales and the bark/composting operation
- Traffic movements of up to 410 movements per day related to fertilizer delivery (and other typical day traffic movements) up to 5 times per year
- Hours of operation for mineral extraction activities (excluding crusher/excavator), fertilizer sales and bark/compost operation 0630 to 2130
- Hours of operation of crusher/excavator 0630 to 2000
- Overburden stripping between the hours of 0730 and 1800 on weekdays
- Spoil relocation (store site) between the hours of 0730 and 1800 weekdays

- The use, storage and on site movement of hazardous substances including Diesel, Selpriil Double, Copper Sulphate, Cobalt Sulphate and Potassium Nitrate

(Copy of application at Attachment A)

- 1.2 The existing limestone quarry is located approximately 700m north of State Highway 1 off Fulton Road and Cotton Road (which connects directly with the state highway). A number of rural properties also gain access off this road network. Cotton Road crosses an unnamed tributary of the Ruakaka River. Refer Attachment B.
- 1.3 The quarry is located within a Mineral Extraction Area (MEA) of the District Plan (ME6) with the eastern boundary of the MEA aligning with the eastern boundary of the subject site. The application seeks approval for the extraction of limestone at 50,000 tonnes per annum (25,000m³) and for stripping of 30,000m³ of overburden over a three year period (up to one week at a time per annum).
- 1.4 A Mineral Extraction Management Plan has been prepared by the applicant (as required by the District Plan). The Management Plan provides for a 20m buffer between the future extraction area (15-20 year quarry life) and the neighbouring property boundary. A dwelling is located approximately 20m to the east of the subject property boundary.
- 1.5 It is proposed that overburden will be stripped from the quarry site once per year with the operation extending possibly up to 5 days at a time. This overburden will be deposited within the property on the southern side of Fulton Road on pasture land. It is also proposed to remove 17,400m³ of material from the proposed bulk store site to level and meet required geotech standards for this development. This material and the overburden material will be transported across Fulton Road by moxie vehicle. It is proposed that the material will be deposited, compacted and grass seeded. Refer Attachment C – Site Plan.
- 1.6 The quarry activities include the extraction of limestone, crushing, screening, storage and sale of limestone as well as the storage, processing and sale of other fertilizer products brought from outside the property.
- 1.7 The proposed bulk store will replace the existing fertilizer storage sheds on site and the existing Ravensdown fertilizer store in Dyer Street, Whangarei. The new building will have a floor area of approximately 3200m². Associated with the storage shed is the development of a canopy with an area of approximately 375m². The bulk store building height will be approximately 15m, with the canopy height of approximately 6.0m - 6.9m. A new bag store is proposed to be developed with dimensions of approximately 680m² in area and 6.5m in height.
- 1.8 The existing Daltons bark and compost processing operation involves the shredding, screening and composting of bark for bulk dispatch from the site. The unprocessed material is delivered to the site in bulk.
- 1.9 Plant and equipment include the normal range of quarrying equipment: 36t excavator, crushing plant and associated conveyors, truck and trailer units, front end loaders, bark screener, dump truck (Moxie) and water tanker.
- 1.10 The Acoustics report by JPStyles Ltd contained in the application provides a detailed assessment of the plant and machinery operation within the site, including the Daltons bark operation, and a conclusion of the noise effects of the activity on the surrounding environment. Noise effects are discussed in more detail later in this report.

- 1.11 Access from the site to State Highway 1 is along Fulton Road and Cotton Road. The New Zealand Transport Agency (NZTA) has provided its written approval of the proposal on the basis that a number of conditions controlling the manner in which the truck and trailer units transporting fertilizer from the port access and egress the site are complied with. These conditions have been offered by the applicant as part of the requirements of the application and on that basis NZTA have provided their written approval which is included in the amended application which was lodged 14 September 2010.
- 1.12 The Integrated Transport Assessment contained in the application outlines the traffic movements associated with the proposal. The assessment separates traffic movement data as total average movements with and without the bulk fertilizer deliveries. Traffic effects are discussed in detail later in the report.
- 1.13 The proposed hours (and days) of operation are related to specific site activities. The mineral extraction activities and the Daltons bark and composting operation are restricted to 0630 to 2130 hours seven days per week; the crusher/excavator plant is restricted to the hours of 0630 to 2000 seven days per week; overburden stripping is proposed between the hours of 0730 and 1800 on weekdays up to one week per year over a three year period; spoil relocation from the fertilizer store site is proposed between the hours of 0730 and 1800 on weekdays, and bulk fertilizer deliveries are proposed over a 24 hour period (generally) on five specific occasions during the year.
- 1.14 The application includes an Acoustics report with all on site noise sources recorded and modelled at the closest receiving environment. As limestone material is comparatively soft in nature no blasting is proposed.
- 1.15 No sealing to Cotton Road or Fulton Road is proposed, however the application includes measures for dust suppression and for remediation to the road surface after bulk fertilizer deliveries (if required). The applicant has also offered to control traffic at the intersection of the quarry and Fulton Road by the introduction of a "Give Way" sign on Fulton Road, and to provide clear sight lines to the inside corner of Cotton Road and Fulton Road. These measures have been endorsed by Council's Roading Department.

2. Northland Regional Council Matters

- 2.1 On 16 February 2010 the Northland Regional Council (NRC) provided a consent (with conditions) which expires on 31 May 2030. The consent provides approval for:
- **Land use consent:** to remove and place overburden, and extract (quarry) limestone rock;
 - **Discharge permit:** to discharge stormwater from land disturbance activities to land and an unnamed tributary of Ruakaka River following treatment in sediment detention structures; and
 - **Water permit:** to divert stormwater from land disturbance activities.
- 2.2 It should be noted that the consent does not include runoff from the Daltons bark and composting operation into the unnamed tributary of the Ruakaka River.
- 2.3 Whangarei District Council operates a registered drinking water supply from the Ruakaka River downstream of the point of discharge of the stormwater treatment ponds associated with the quarry.

- 2.4 The NRC advised the applicant's agent on 7 October 2010 that this matter has not been considered against the National Environmental Standard for Sources of Human Drinking Water (NES) and that the applicant is invited to prepare a report on the stormwater discharge from the site in terms of the matters that need to be considered by the NES. NRC has advised that they may review the consent under either section 128(1)(ba) or section 128(1)(c), with the comment that the latter may be justified because the application stated that there was no applicable NES when in fact there is. The applicant's agent is invited to discuss the matter with Mr Andrew Venmore of Whangarei District Council's Water Services Department. At the time of preparation of this report the matter remains unresolved. The NRC consent and related correspondence can be found at Attachment D.
- 2.5 Whangarei District Council's Water Services Department was not deemed affected by the application. The application was sent to them for information purposes only.
- 2.6 The resolution of the matter between Ravensdown Co-operative Limited and the Northland Regional Council does not affect the ability of the Commissioners to make a determination on this application.

3. The Site and Locality

- 3.1 The quarry site is located on the northern side of Fulton Road. The land to the southern side of Fulton Road also forms part of the subject site and is in the same ownership. This land will be used to "receive" overburden material from the quarry and from the fertilizer store site as pre-construction works.
- 3.2 The quarry has operated as a historic limestone quarry for a number of years. Refer Attachment E. The site contains the quarry pit, crusher (much of this unit is underground), associated conveyor belts, small fertilizer bag store, weighbridge and associated buildings.
- 3.3 The base of the quarry contains water settling ponds which are used for runoff detention prior to stormwater overflow discharge into the unnamed tributary of the Ruakaka River.
- 3.4 The existing quarry is well screened from the immediately surrounding area by the topography and vegetation patterns in the area. Views of the upper portion of the quarry face are visible from the state highway when approaching the quarry from the north. Very limited views of the quarry face are available when approaching the quarry from the south, as views into the area are screened by existing vegetation and topography. The quarry activity within the pit area environs is well screened from all surrounding areas.
- 3.5 The quarry processing areas and the bag store/fertilizer bulk store operations will be well hidden by the existing topography and vegetation within the quarry site, as well as by the mature native (remnant) vegetation along the Ruakaka River tributary. This vegetation will also screen the spoil dump from views from the state highway.
- 3.6 The quarry is surrounded by a number of rural properties which have very limited or no views into the site for the reasons discussed above.
- 3.7 Cotton Road, Fulton Road and Erceg Road provide access to a number of rural properties in the area. Erceg Road connects with the intersection of Cotton Road and Fulton Road.
- 3.8 The dwelling on the adjacent property Lot 2 DP 21261 owned by Michele and Craig Harding is most affected by the proposal being approximately 40m east of the quarry boundary. The dwelling is located on the top of the hill into which the quarry expansion is proposed. The land between the current quarry face and the property boundary slopes upwards to the boundary, at a moderate slope.

The dwelling on the Harding property is situated several metres above the property boundary. The Quarry Management Plan proposes a buffer area of 20m from the boundary to the edge of the quarry active area. There is existing vegetation along the boundary (within the Harding property) in the form of a semi-mature shelter belt that provides some visual screening from the quarry site. Some gaps exist within this shelter belt.

4. Consultation, Limited Notification and Submissions

4.1 Section 95 of the Act requires that a consent authority must notify an application for resource consent unless the consent authority is satisfied that the adverse effects on the activity will be minor.

4.2 The users of Cotton Road, Erceg Road and Fulton Road are considered to be directly affected by the traffic generated by the proposal.

4.3 The dwelling on Lot 2 DP 21261 is considered to be directly affected by the proposed activity. As discussed the dwelling is located approximately 35m to the east of the quarry boundary.

4.4 On 20 September 2010 it was determined pursuant to sections 95B of the Act that the application should proceed on a limited notified basis as the proposed activity was considered to result in the following potential effects:

- Effects of noise from overburden stripping on the dwelling on Lot 2 DP 21261;
- Effects on the Fulton Road network and its users resulting from vehicle movements associated with overburden stripping and transport/deposition of material;
- Effects on the Cotton Road, Erceg Road and Fulton Road network and its users from vehicle movements associated with the bulk fertilizer store deliveries;
- Effects on the amenity of Cotton Road, Erceg Road and Fulton Road users.

Overall the effects of the proposed activities were considered to be no more than minor.

4.5 The application was notified on a limited basis on 20 September 2010. The table below provides a list of the parties considered to be affected by the proposal:

Title	Last Name	Address1	Address2
The General Manager	Northland Regional Council	Private Bag 9021	Whangarei
The Conservator	Conservation Department Northland	PO Box 842	Whangarei 0140
Heritage Advisor (Planning)	NZ Historic Places Trust	PO Box 836	Kerikeri 0245
B G Erceg	PO Box 1580	Whangarei 0140	
T C & M J Harding	Waimea	RD 6	Gore 9776
R B Gordon	Purvis Road	RD 8	Whangarei 0178
B J Gordon	PDC	Titoki 0240	

Goldpine Industries Limited	PO Box 3331	Richmond	Nelson 7050
W J D Reid	112 Winton Channel Road	RD 2	Winton 9782
K M Reid	Cotton Road	RD 1	Whangarei 0171
W W Peters	406 Apotu Road	Kamo 0185	
N F Fraser & Co Limited	PO Box 602	Whangarei 0140	
R J & A M Carswell Limited	Main Road	RD 1	Mata

4.6 Additional to the above the Water Services Manager Whangarei District Council was advised of the application for information purposes only.

4.7 The three (3) submissions received as a result of the limited notification process are summarised below:

Michele and Craig Harding – owner Lot 2 DP 21261 (

rural property abutting western boundary of quarry)

Oppose the application and wish to be heard. Concern over the effects of noise and dust on property and dwelling; concerns over effects on amenity and lifestyle; concerns over visual effects on their property. Concerns over traffic movements associated with bulk fertilizer deliveries.

Brenton Erceg and Julie Jonker – owners Lot 1 DP 41924

(rural property accessed off Erceg Road)

Concerns over provisions made for the mitigation measures to Cotton Road, including the dust nuisance; concerns over lack of provision for the safety of pedestrians, school children and cyclists; lack of signage and safety provided for the Cotton Road, Erceg Road and Fulton Road intersection, lack of improvement to the SH1 and Cotton Road intersection for the safety of turning traffic, the imposition of 24 hour operation of truck movements five times per year.

The submitters wish Council to require as a minimum for compliance for this consent the following: disallowing 24 hour operation five times per year; sealing, widening and raising of Cotton Road to ensure there is safety for pedestrians, cyclists and other road users; provision of intersection controls (stop, give way signs etc) on the Cotton Road, Erceg Road and Fulton Road intersection.

New Zealand Historic Places Trust

Unopposed to the application and do not wish to be heard. Recommend the inclusion of the standard advice note relating to the Historic Places Act 1993.

4.8 The New Zealand Transport Agency (NZTA) was previously referred the application as an affected party due to the large number of truck and trailer movements onto the state highway. NZTA provided a number of conditions at that time which, with some amendments, have been included in the amended application. NZTA provided the following advice to the applicant's agent on 15 June 2010:

"The applicant's agent (Rosalind Cowen) has confirmed that Ravensdown accept the conditions of our letter dated 10 June 2010. We expect that Council will incorporate the NZTA conditions into any consent that may be generated for the proposal.

The NZTA therefore provides its formal written approval and confirms that it considers the proposal is unlikely to result in adverse effects on the land transport system”.

4.9 Andrew Venmore, Council’s Water Services Manager was referred a copy of the application for information purposes only. Mr Venmore has raised the following concerns from Water Services:

- Risk of spillage of hazardous substances getting into the Ruakaka River;
- Risk of significant change in pH of Ruakaka River;
- Risk of vehicle accident at or near the bridge resulting in contamination of the water supply;
- Risk of runoff from the bark storage and composting operation on the Ruakaka River water supply uptake.

4.10 In summary, the issues addressed in submissions relate primarily to:

- *concerns over the effects of noise and dust on adjacent property and dwelling;*
- *concerns over effects on amenity and lifestyle (including visual effects) on adjacent property;*
- *concerns over traffic movements associated with bulk fertilizer deliveries;*
- *concerns over provisions made for the mitigation to effects on Cotton Road including the dust nuisance;*
- *concerns over lack of provision for the safety of pedestrians, school children and cyclists on Cotton Road;*
- *lack of signage and safety provided for the Cotton Road, Erceg Road and Fulton Road intersection;*
- *lack of improvement to the SH1 and Cotton Road intersection for the safety of turning traffic;*
- *the imposition of 24 hour operation of truck movements five times per year.*

4.11 A copy of the submissions and location map can be found at Attachment F.

5. Resource Management Act 1991

5.1 **Part 2** of the Resource Management Act 1991 sets out the purpose and principles of the Act, including matters of national importance.

The purpose of the Act as stated in **section 5** is “*to promote the sustainable management of natural and physical resources*”, with “*sustainable management*” defined in subsection (2) as:

“... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while -

- (a) *Sustaining the potential of natural and physical resources (**excluding minerals**) to meet the reasonably foreseeable needs of future generations; and*

- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

5.2 Minerals are specifically excluded from ‘sustainability’ in section 5(2)(a), as highlighted above. However they are not excluded in section 5 (2)(c) “*avoiding, remedying, or mitigating any adverse effects of activities on the environment*”. The proposal will provide a service (supply of limestone and superphosphate) for the needs of farming, horticultural, industrial and roading activities in the district. As such it will assist in allowing people and communities to provide for their social, economic and cultural wellbeing, and health and safety. However, while the District Plan recognises that the district may contain mineral deposits of considerable social and economic importance to the district and the nation generally, this is seen as being constrained by conflicting land uses, with the potential for significant adverse effects upon soil, water and air resources; and landscape heritage values if not appropriately controlled.

5.3 The proposed activities are considered to be consistent with section 5 of the Act.

5.4 **Section 7** of the Act relating to ‘other matters’ to have regard to in the use, development, and protection of natural and physical resources, include the following issues:

- (b) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (f) *Maintenance and enhancement of the quality of the environment;*
- (g) *Any finite characteristics of natural and physical resources:*

5.5 The proposed activities are considered to be consistent with section 7 of the Act.

5.6 **Section 8** requires council to take into account the principles of the Treaty of Waitangi. The proposal is not seen as being contrary to the Treaty of Waitangi. The matters relating to ground disturbance and contaminants entering water courses relate to the NRC approval and are therefore not considered relevant to this proposal. Albeit the application lodged with NRC was circulated to all known local iwi groups and no submissions were received. The requirements of Section 8 of the RMA are therefore considered to have been satisfied.

5.7 As stated previously the application was referred to the New Zealand Historic Places Trust who advised that they do not oppose the application and do not wish to be heard.

Section 104 – Consideration of Application

5.8 Section 104 of the Act sets out those matters that, subject to Part 2, a Consent Authority must have regard to when considering an application for resource consent. These matters include any actual or potential effects on the environment of allowing the activity, any relevant provisions of a Plan (including Regional Plan) or Proposed Plan, and any other matter the Consent Authority considers relevant and reasonably necessary to determine the application.

5.9 When considering matters outlined in section 104 of the Act, the definition of effects as contained in section 3 of the Act includes:

- (a) *Any positive or adverse effect; and*
- (b) *Any temporary or permanent effect; and*
- (c) *Any past, present or future effect; and*
- (d) *Any cumulative effect which arises over time or in combination with other effects.*

5.10 In accordance with Section 104(2) of the Act, adverse effects of activities permitted by the Plan may be disregarded i.e. council may consider the existing baseline. The permitted baseline is a concept designed to disregard effects on the environment that are permitted by a plan or have been consented to. The Environment Court (refer Lloyd v Gisborne District Council (2005) W106/05) has provided three areas of activity which need to be considered as part of the permitted baseline. These are:

1. What lawfully exists on the site at present;
2. Activities which could be conducted on the site as of right;
3. Activities which could be carried out under a granted, but as yet exercised, resource consent.

5.11 In this case mineral extraction is a controlled activity in a Mineral Extraction Area provided:

- More than 5,000m³ of material on the site is distributed or removed in any 12 month period;
- All activities are conducted in accordance with a Mineral Extraction Management Plan, accepted by Council, which contains the elements listed under the heading Content of Management Plan.
- Sound of the activity, generated within the Mineral Extraction Area, assessed at any point within the notional boundary of any residential unit not owned or controlled by the quarry owner or operator, does not exceed the limits within the stated timeframes as listed in Appendix 14.
- As per Appendix 14 – Schedule of Existing Mineral Extraction Areas – noise limits daily, between the hours of 0630 and 2130 – 50 dBA L₁₀; and daily, between the hours of 2130 and 0630 – 40 dBA L₁₀; and 65 dBA L_{max}.
- Traffic movements (related to mineral extraction) does not cause the total traffic generation from the site to be more than 100 traffic movements in any 24-hour period; or it causes the total traffic generation from the site to be more than 100 traffic movements in any 24-hour period provided that the activity connects to a public road with a sealed carriageway at least 6.0 metres wide and all vehicle manoeuvring associated with the operation occurs entirely within the site;
- Excavation in relation to a quarry face which is setback at least 20 metres from the boundaries of the Active Area of the Mineral Extraction Area where (b) A Mineral Extraction Management Plan has been submitted to, and accepted by Council, in accordance with Rule 64.3 but does not include a slope stability analysis; and
- stockpiles are setback at least 10.0m from the boundaries of the Active Area of the Mineral Extraction Area (Rule 64.3.6 Setbacks).

5.12 The District Plan Countryside Environment permits:

- a total traffic generation from the site of up to 30 traffic movements in any 24 hour period;
- artificial lighting if the lighting is required under health and safety legislation, or if the light is static and is not moving except in the case of lighting on vehicles associated with mineral extraction and related activities;
- noise generated by the activity, as measured at any point within the notional boundary of a residential unit on any other site, provided it does not exceed 50 dBA L₁₀ between the hours of 0700 and 2200; and 35 dBA L₁₀, and 60 dBA L_{max}, between the hours of 2200 and 0700;
- the construction or alteration of a building provided the building does not exceed 10.0m in height, the total building coverage on the site does not exceed 500.0m² or 5% of the net site area, whichever is the greater, and provided the building is set back at least 8.0m from road boundaries, or any building line restriction shown on the planning maps.

- 5.13 With regard to existing use rights the applicant advises that the quarry was lawfully established in the 1950's and has been operating under existing use rights since the enactment of the RMA. Council cannot confirm that the original quarry activity was legally established.
- 5.14 Council records show that plans were lodged in 1979 for a number of quarry buildings including the crushing plant. A PIM prepared in 2008 records that a number of building permits for quarry related buildings and plant were issued between 1969 and 1979. These buildings and associated operations form part of the existing site environment.

6. District Plan Provisions

- 6.1 The proposal is subject to assessment in terms of the Operative District Plan (operative 3 May 2007). The subject site is located within the Countryside Environment and a Mineral Extraction Area of the District Plan. The District Plan Environments Map can be found at Attachment G. The District Plan Resource Map is at Attachment H.
- 6.2 The proposal requires resource consent within Chapter 38 Countryside Environment and Chapter 64 Mineral Extraction Area Rules of the District Plan as detailed below:

Countryside Environment Rules

6.3 Rule 38.3.1 Activities Generally

Any activity is a permitted activity if:

- a) *It is not a commercial activity involving intensive livestock farming, wool scouring, rendering, motor vehicle manufacturing or dismantling, rubbish disposal or landfills, sewage collection or disposal, or septic tank sludge disposal; and*
- b) *It does not involve food irradiation; and*
- c) *It is not an activity that is classified as an offensive trade in the Health Act 1956; and*
- d) *It does not involve commercial or industrial activities that occupy in excess of 500m² in gross floor area; and*
- e) *It does not involve commercial or industrial activities that are located within 100m of:*
 - i. *Any existing residential unit on a separate site; or*
 - ii. *The open space environment.*
- f) *It does not involve new plantation forestry within 30m of an existing residential building on a separate site.*

For the purposes of this rule, 'commercial activity' does not include any activity that otherwise falls within the definition of "temporary activity" and is associated with a place of assembly.

Any activity that does not comply with Rules 38.3.1 (d) and/or 38.3.1 (e) but would otherwise comply with the provisions of the activity rule table for the Countryside and Coastal Countryside Environment is a restricted discretionary activity.

Discretion is restricted to:

- i. Effects of dust, odour and other nuisances;*
- ii. Hours of operations;*
- iii. Effects on existing residences;*
- iv. Effects on landscape, conservation, ecological and amenity values of the site and locality.*

6.4 The activity is a restricted discretionary activity in this regard.

6.5 Rule 38.3.2 Hazardous Substances

- a) the use, storage or on-site movement of hazardous substances is a permitted activity if it complies with the conditions for permitted activities in Appendix 8; and*
- b) The movement of hazardous substances between sites is a permitted activity if conducted by means of an underground pipeline.*

The use, storage or on-site movement of hazardous substances is a discretionary activity if it does not comply with a condition for permitted activities in Appendix 8.

6.6 The activity is a discretionary activity in this regard.

6.7 Rule 38.3.5 Provision of Parking Spaces

Any activity is a permitted activity if:

- a) Parking spaces are provided in accordance with Chapter 47.*

Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.

Discretion is restricted to:

- i. Those matters listed in Chapter 47. Road Transport Rules.*

6.8 The proposal does not provide parking in accordance with Chapter 47 Road Transport Rules. The proposal is therefore a restricted discretionary activity in this regard.

6.9 Rule 38.3.6 Traffic Movements

Any activity is a permitted activity if:

- a) It is a residential, temporary or seasonal activity; or*
- b) It does not cause the total traffic generation from the site to be more than 30 traffic movements in any 24 hour period.*

Note: Where access is gained to a Limited Access Section of State Highway, it may be necessary to liaise with Transit New Zealand.

Any activity in the Countryside Environment that does not comply with a condition for a permitted activity is a restricted discretionary activity.

Discretion is restricted to:

- i. Manoeuvring requirements;*
- ii. Need for acceleration and deceleration lanes;*
- iii. Type, frequency and timing of traffic;*

- iv. *Design of the entrance onto the public road of the vehicle accesses associated with the activity;*
- v. *Safety of pedestrians;*
- vi. *The availability of other roads for access for sites that lead onto arterial roads or State highways;*
- vii. *Effects on the amenity of the locality;*
- viii. *Effects on ecological values;*
- ix. *Effects of dust;*
- x. *Need for forming or upgrading roads in the vicinity of the site;*
- xi. *Need for traffic control, including signs, signals and traffic islands.*

Provided always and notwithstanding the traffic movement's requirements in this Rule if the activity under consideration is a mineral extraction activity and it is located within a Mineral Extraction Area then the traffic movement's requirements for that activity will be determined in accordance with the rules in Chapter 64.

6.10 The activity is a restricted discretionary activity in this regard as the traffic movements associated with the bark operation and bulk fertilizer store are greater than 30 in any 24 hour period.

6.11 Rule 38.3.7 Signs

The construction or placement of a sign which is not visible from a public place or neighbouring property(s) is a permitted activity.

- b) *The construction or placement of a sign which is visible from a public place or neighbouring property(s) is a permitted activity if:*
 - i. *The sign is required under health and safety legislation; or*
 - ii. *The sign is erected by a road control authority for the purposes of traffic control or public safety and it is located within the legal road reserve; or*
 - iii. *The sign relates to goods and services available on site, or is a property name sign, or is a community sign; and*
 - iv. *The sign does not obscure any official signs or traffic signals; and*
 - v. *The sign is static, not flashing, and not illuminated, and*
 - vi. *No more than 1 sign is displayed per site; and*
 - vii. *The sign is no higher than 3.0m; and*
 - viii. *The sign is no larger than 3.0m² in the Countryside Environment or 2.0m² in the Coastal Countryside Environment; and*
 - ix. *Where the road has a speed limit of 70 kph or greater, the sign is located so as to provide an unrestricted view to the motorist for a minimum distance of 250.0m.*

Notes:

- 1. *Signs within the legal road boundary, or on road verges and road reserves are regulated by Council Bylaws.*
- 2. *Temporary signs and signs on vehicles are regulated by Council's Bylaws.*
- 3. *Signs located in public places are regulated by Council Bylaws.*

The construction or placement of a sign that does not comply with a condition for a permitted activity is a restricted discretionary activity if:

- a) *The sign is no larger than 3.0m²; and*
- b) *There are no more than 3 signs on the site; and*
- c) *The sign relates to goods and services available on site, or is a property name sign, or is a community sign; and*
- d) *The sign is static, not illuminated and not flashing.*

Discretion is restricted to:

- i. *The visual amenity of the locality;*
- ii. *The appropriateness of the sign compared to the nature of the area;*
- iii. *Traffic safety effects;*
- iv. *The number and location of other signs in the local vicinity;*
- v. *Effects on the preservation of natural character;*
- vi. *The cumulative effect of signs on natural character, visual amenity, and safety.*

Any activity that does not comply with a standard for a restricted discretionary activity is a non-complying activity.

6.12 The activity is a restricted discretionary activity in this regard as the signs exceed 3m in height.

6.13 Rule 38.3.10 Noise

Any activity is a permitted activity if:

- a) *Noise generated by the activity, as measured at any point within the notional boundary of a residential unit on any other site, does not exceed:*
 - i) *50 dBA L10 between the hours of 0700 and 2200; and*
 - ii) *35 dBA L10, and 60 dBA Lmax, between the hours of 2200 and 0700*

6.14 JPStyles Ltd acoustics report concludes that noise resulting from the night time delivery of fertilizer will comply with the District Plans permitted noise levels provided no machinery (other than the truck and trailer units delivering fertilizer) operate outside of the store shed. The applicant has offered a condition to ensure compliance in this regard.

6.15 Rule 38.4.3 Building Height

Construction or alteration of a building is a permitted activity if the building does not exceed:

- a) *10.0m in height in the Countryside Environment.*

Construction or alteration of a building that does not comply with a condition for a permitted activity is a restricted discretionary activity.

Discretion is restricted to:

- i. *The scale and bulk of the building in relation to the site;*
- ii. *The built characteristic of the locality;*

- iii. *The extent to which the effects of the height can be mitigated by setbacks, planting, design or the topography of the site;*
- iv. *Effects on landscape values;*
- v. *Effects on availability of daylight;*
- vi. *Effects on amenity values.*

Provided always and notwithstanding the height requirements in this Rule, if the activity under consideration is a mineral extraction activity and it is located within a Mineral Extraction Area then the building height requirements for that activity will be determined in accordance with the rules in Chapter 64.

- 6.16 The proposed fertilizer store will have a maximum height of 15m and therefore is a restricted discretionary activity.

Mineral Extraction Area Rules

6.17 Rule 64.3.1 Mineral extraction

1. *Mineral extraction in a Mineral Extraction Area (MEA) is a permitted activity if less than 5,000m³ of material on the site is disturbed or removed in any 12-month period.*
2. *Mineral extraction in an Active Area of a Mineral Extraction Area is a controlled activity if:*
 - a) *More than 5,000m³ of material on the site is disturbed or removed in any 12 month period, and*
 - b) *All activities are conducted in accordance with a Mineral Extraction Management Plan, accepted by Council, which contains the elements listed below under the heading Content of Management Plan.*
3. *Mineral extraction in a Buffer Area of a Mineral Extraction Area is a restricted discretionary activity if:*
 - a) *More than 5,000m³ of material on the site is disturbed or removed in any 12-month period, and*
 - b) *All activities are conducted in accordance with a Mineral Extraction Management Plan, accepted by Council, which contains the elements listed below under the heading Content of Management Plan.*

Control and Discretion are reserved over:

- i. *The extent to which off-site effects (such as dust, odour and glare), which are not managed by other rules in the Plan, adversely affect the amenity values of sites in the vicinity;*
- ii. *The extent to which off-site effects, which are not managed by other rules in the Plan, will inhibit the use of surrounding land for the carrying out of other activities;*
- iii. *The extent of adverse visual impacts on significant landscapes, significant natural areas or natural features;*
- iv. *The extent of any adverse effects on land stability;*
- v. *The extent of any adverse effects on ecological values or water quality, arising from the land use;*
- vi. *The extent of any adverse effects on historic and cultural heritage;*
- vii. *The extent to which landscaping proposals protect the amenity of land adjoining the Mineral Extraction Area;*
- viii. *The extent to which any rehabilitation programme will enable the land to be returned to a state suitable for use by other activities.*

Content of Management Plan:

For the purposes of Mineral Extraction Areas, a Mineral Extraction Management Plan shall include a description of the extent of the mineral extraction to be undertaken, and the means by which the Consent Holder

will comply with the relevant rules in the plan and the conditions of the consent. In particular, it shall include:

- i. A plan showing the boundaries of the MEA including the Active Area and any Buffer Area;*
- ii. A plan showing topography, drainage, natural watercourses, existing vegetation cover and any other significant landforms or features;*
- iii. The design and location of buildings and any plant or machinery to be used in a fixed position;*
- iv. The anticipated life span of operation, the estimated volume of material to be excavated, and any staging of works;*
- v. The proposed location and dimensions of overburden storage and deposition areas and stockpiles of mineral material;*
- vi. The proposed location and dimension of areas of excavation, including pits and faces;*
 - vii. Any proposed setbacks, landscaping or screening measures;*
- viii. Assessment of slope stability, including, where applicable, a slope stability analysis allowing for an appropriate surcharge;*
 - ix. Proposed access to the MEA, and internal circulation within it;*
- x. The anticipated average daily number of vehicle movements to and from the site;*
- xi. The number of people proposed to be employed, and parking spaces provided on-site;*
- xii. A description of the proposed methods of overburden stripping and mineral extraction;*
 - xiii. A description of the excavation and blasting programme;*
- xiv. A description of the methods by which the environmental effects of the operation will be managed and controlled, to comply with all relevant rules of the plan and the conditions of consent and to avoid, remedy or mitigate any adverse effects in regard to those matters which are relevant to the Council's assessment;*
- xv. A description of the methods for protecting and maintaining areas of significant landforms or features; and*
- xvi. A description of any future objectives for the Active Area of the MEA and any proposed rehabilitation programme.*

The Mineral Extraction Management Plan may be reviewed and updated by the Consent Holder and the updated version of the Mineral Extraction Management Plan provided to the Council.

Definitions:

'Active Area', in relation to a Mineral Extraction Area (MEA), is that part of the Mineral Extraction Area which is owned by or under the control of the quarry operator at the time the MEA is established or extended.

'Buffer Area', in relation to a Mineral Extraction Area, is that part of the MEA which is outside of the Active Area.

Any mineral extraction in an Active Area that does not comply with a standard or rule for a controlled activity is a restricted discretionary activity and discretion shall be restricted to those matters set out under the control and discretionary table following 64.3.1 (3.).

Any mineral extraction activity that does not comply with a condition for a restricted discretionary activity is a discretionary activity.

- 6.18 The application seeks consent for the removal of 25,000m³ of limestone per annum from within the "active area" of a mineral extraction area in accordance with the Mineral Extraction Management Plan as lodged with the application. The activity is therefore a controlled activity in this regard.

6.19 Rule 64.3.2 Operating Noise

Mineral extraction in a Mineral Extraction Area is a permitted activity if:

- a) *In those areas classified as low noise areas, the sound of the activity, assessed at any point within the notional boundary of any residential unit not owned or controlled by the quarry owner or operator, does not exceed the following limits within the stated time frames:
 - i) *between the hours of 0630 and 2130: 50 dBA L₁₀; and*
 - ii) *between the hours of 2130 and 0630: 40 dBA L₁₀; and 65 dBA L_{max};*or*
- b) *In those areas classified as high noise areas, the sound of the activity, assessed within the notional boundary of any residential unit not owned or controlled by the quarry owner or operator, does not exceed the following limits within the stated time frames:
 - i. *between the hours of 0630 and 2130: 55 dBA L₁₀; and*
 - ii. *between the hours of 2130 and 0630: 45 dBA L₁₀; and 70 dBA L_{max};**
- c) *Or sound of the activity, generated within the Mineral Extraction Area, assessed at any point within the notional boundary of any residential unit not owned or controlled by the quarry owner or operator, does not exceed the limits within the stated timeframes as listed in Appendix 14; and*

Note: Appendix 14 states: Balance Agriculture – Mata Quarry permits:

Daily, between the hours of 0630 and 2130 – 50 dBA L₁₀; and

Daily, between the hours of 2130 and 0630 – 40 dBA L₁₀; and 65 dBA L_{max}.

- d) *The Air blast over pressure from blasting activities from a site in any noise area, as measured within the notional boundary of any residential unit not owned or controlled by the quarry owner or operator, does not exceed 120 dBC (peak) or 126 dB linear (peak) at a statistically demonstrated 90% compliance confidence limit with an absolute upper criterion of 122 dBC (peak) or 128 dB linear (peak); and*
- e) *Where expressly provided elsewhere in the Plan, sound levels shall be measured in accordance with NZS 6801:1999 Acoustics - Measurement of Sound and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound; and*
- f) *The background sound level (L₉₀) and the background continuous sound level (Leq) shall be derived in accordance with clause 8.8 (Determination of Background Sound Level) of NZS 6801:1999 Acoustics – Measurement of Environmental Sounds.*

Notes:

- 1. *A low noise area is defined as a locality where the background sound level (L₉₀) has been determined as less than or equal to 45 dBA (L₉₀) between the hours of 0630 and 2130; or less than or equal to 35 dBA (L₉₀) between the hours of 2130 and 0630.*
- 2. *A high noise area is defined as a locality where the background continuous equivalent sound level (Leq) has Except been determined as equal to or more than 50 dBA (Leq) between the hours of 0630 and 2130; or equal to or more than 40 dBA (Leq) between the hours of 2130 and 0630.*

Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion is restricted to:

- i. *Maximum level of noise likely to be generated;*
- ii. *The nature and frequency of the noise, including any special audible characteristics;*

- iii. *Effect on nearby residential units;*
- iv. *Compatibility within the environment;*
- v. *Compatibility with surrounding environments;*
- vi. *Length of time for which specified noise level is exceeded, especially at night;*
- vii. *Likely adverse effects on-site and beyond the site;*
- viii. *Mitigation measures to reduce noise generation.*

6.20 The noise levels resulting from overburden stripping when averaged in accordance with NZS6802:1991 is predicted to be approximately 61dBA L₁₀ at the notional boundary of the nearest dwelling, which is above the permitted level of 50dBA L₁₀ between the hours of 0630 and 2130 for noise associated with mineral extraction (Appendix 14 - Schedule of Existing Mineral Extraction Areas)

6.21 Overall the application is considered to be a **discretionary activity**.

7. Objectives and Policies

7.1 The Regional Policy Statement (Section 27 Minerals) acknowledges that the region contains 'a variety of mineral resources, some of which are relatively unique and important to its continued economic and social well being' and that particular recognition needs to be given to 'regionally significant resources so as to avoid any substantial reduction or loss of their value from inappropriate land use or subdivision activities'. It also refers to the significant conflicts that can occur where residential uses encroach on extraction sites, due to dust, noise and vibration, (i.e reverse sensitivity effects). The stated regional objectives applicable to Minerals are:

1. *Recognition of the distribution and value of the region's mineral resources and their potential utilisation.*
2. *Protection of mineral resources from activities which may compromise their future use.*
3. *Reduced reliance on aggregate from environmentally sensitive coastal areas especially foreshores.*
4. *Avoid, remedy or mitigate the adverse effects of mineral extraction on the environment.*

7.2 The following objectives and policies of the District Plan are considered of relevance to the application:

7.3 Chapter 5 - Amenity

Objective 5.3.1

The characteristic amenity values of each Environment are maintained and where appropriate enhanced.

Objective 5.3.2

Adverse effects on amenity values do not result in a reduction of amenity value below that which is desirable for people's health and safety.

Objective 5.3.5

The actual or potential effects of Subdivision use and development is appropriately controlled and those activities located and designed, are to be compatible with existing and identified future patterns of development, and levels of amenity in the surrounding environment.

Policy 5.4.1 Effects on Local Environment

To ensure that activities do not produce, beyond the boundaries of the site, adverse effects that are not compatible with amenity values characteristic of the surrounding and/or adjacent environment unless, such effects are authorised by a district plan, a designation, a resource consent, or otherwise. The following effects should be given particular consideration in this respect:

- *Noise and effects;*
- *Shading;*
- *Glare;*
- *Light spill;*
- *Dust;*
- *Smoke;*
- *Odour;*
- *Vibration;*
- *Spray Drift;*
- *Visual amenity*

Where internalisation of effects cannot be wholly achieved, the Council will consider a Best Practicable Option approach.

Policy 5.4.2 Character and Timing of Activities

To allow activities where their nature, timing and duration do not result in adverse effect on amenity values beyond the extent compatible with the characteristics of the surrounding and/or adjacent Environment/s.

Policy 5.4.5 Countryside Environments

To ensure rural amenity values in the Countryside Environments are protected from subdivision, use or development that is sporadic or otherwise inappropriate in character, intensity, scale or location.

Policy 5.4.7 Intensity and Design of Subdivision and Development

To ensure that subdivision and development do not unduly compromise the outlook and privacy of adjoining properties, and should be compatible with the character and amenity of the surrounding environment. Particular regard should be given to:

- *The layout and intensity of subdivision;*
- *The location, design and siting of buildings and structures except, where such buildings and structures provide a specific service for the surrounding environment. In the latter case, any building or structure shall be designed, laid out and located, so as to avoid, remedy or mitigate any adverse effects on the environment.*

Policy 5.4.12 Traffic

To encourage vehicle movements and parking demand, where it does not adversely affect the amenity values of the particular environment in which it is located, having regard to the characteristics of the environment and adjacent environments, and the range of activities that it makes provision for.

7.4 Chapter 18 - Minerals

Objective 18.3.1

Exploration, extraction and processing of minerals occurs in a manner that avoids, remedies or mitigates any adverse effects on the environment and community, and on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga.

Objective 18.3.2

Subdivision, use and development of land should not compromise existing safe and efficient mineral extraction, or unduly constrain potential access to and the development of identified significant mineral resources.

Policy 18.4.1 Adverse Effects

To avoid, remedy or mitigate to the extent practical, the adverse effects of mineral extraction on the ecological, landscape, heritage and amenity values of surrounding areas and on the amenity values of existing residential areas.

Policy 18.4.2 Incompatible Activities

To manage conflicts between the effects of mineral extraction activities and other land uses by ensuring that activities that are incompatible with the effects of mineral extraction activities are not established close to quarries or mines.

Policy 18.4.3 (Rehabilitation)

To rehabilitate sites used for mineral exploration and extraction.

7.5 Chapter 21 – Hazardous Substance

Objective 21.3.1

Protection of the environment from the adverse effects and risks, from activities involving the use, storage, manufacture, transport and disposal of hazardous substances.

Policy 21.4.1 Location

To ensure that hazardous substances are stored and used in locations where any adverse effects on human health, the surrounding natural and physical resources, and ecosystems, and surrounding land use activities are avoided, remedied or mitigated.

7.6 Chapter 22 – Road Transport

Objective 22.3.1

Establish and maintain a safe and efficient road transport network.

Objective 22.3.2

Avoid, remedy or mitigate any adverse effects of road transport activities on the surrounding environment.

Comment

- 7.7 The District Plan objectives, policies and rules relevant to the district's rural (Countryside) areas seek to ensure the maintenance and where possible enhancement of amenity values. Emphasis is placed on appropriate control, location and design of development, and a density that results in land use consistent with the surrounding area. Policy 5.4.1 considers adverse effects that are not compatible with the amenity values characteristic of the surrounding and/or adjacent environment. The effects that should be given particular consideration relevant to this application include noise effects, light spill, dust, vibration, and visual amenity. Effects of shading, smoke, odour and spray drift are not considered to be relevant off-site effects because of the nature of the extraction (moist material extracted by digger) and controlled crushing, bagging and storage process, and the mitigating dust suppression measures proposed within the site.
- 7.8 The District Plan in chapter 38.1 Introduction to the Countryside and Coastal Countryside Rules notes a number of primary activities as being important to the district. Quarrying is listed as an important primary production activity within the Countryside Environment. The expansion of the quarry to the full extent of the mineral extraction zone and the deliveries to the bulk fertilizer store have the potential to result in some effects on the Harding's dwelling due to its proximity. The mitigating measures proposed by the applicant are discussed more fully later in the report.

- 7.9 Traffic movement and parking demand is encouraged in policy 5.4.12 where it does not adversely affect amenity values of the particular environment in which it is located, having regard to the characteristics of the environment and the adjacent environment, and the range of activities it makes provision for. It is recognised that the proposed activity will significantly increase the level of traffic on the local road network during the delivery of bulk fertilizer up to 5 times per year (approximately 24 hour duration period for delivery). The effects of increased traffic on Cotton Road, Erceg Road and Fulton Road users are discussed more fully later in the report.
- 7.10 Objective 18.3.1 stresses the need for extraction and processing of minerals to be undertaken in a manner which avoids, remedies or mitigates adverse effects on the environment and community, and on the relationships of the tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga. As discussed earlier in the report, the application lodged with the NRC for earthworks and runoff was circulated to all local iwi. The NRC received no submissions on the proposed activities. The application was referred to the New Zealand Historic Places Trust who advised that they are unopposed to the application.
- 7.11 Objectives 22.3.1 and 22.3.2 seek to establish and maintain a safe and efficient road transport system within the district. Council's Infrastructure and Services section has assessed the impact of the proposed activities on the local road network, and consider that the infrastructure is capable of operating as a safe and efficient system. Measures have been offered to ensure any effects on the road network during the bulk delivery of fertilizer are appropriately mitigated. The New Zealand Transport Agency had provided its written approval to the proposed access and egress from the state highway network, provided certain conditions are met. These conditions are offered as part of the application and are discussed later in the report.
- 7.12 Adverse effects on the community beyond the boundary of the site primarily relate to visual and noise effects on the property and dwelling located on Lot 2 DP21261, and effects of the additional traffic on users of the local road network. These effects can be mitigated through the imposition of conditions as discussed in the relevant parts of the assessment section of this report.
- 7.13 It should be noted that the rules relating to the Mineral Extraction Area (MEA) overlay of the District Plan provide additional rights for the purposes of mineral extraction, and the development and operation of related plant and machinery. These rules do not provide additional development rights for other commercial and industrial activities within the MEA overlay areas.
- 7.14 Based on the above considerations, the proposal is deemed to be consistent with the relevant policies, objectives and assessment criteria of the District Plan.

8. Assessment of Environmental Effects

- 8.1 The actual and potential effects arising from the quarrying activities and fertilizer bulk store relate to the issues principally identified in Rule 38.3.2 Hazardous Substances, Rule 38.3.6 Traffic Movements, Rule 38.3.10 Noise, Rule 38.4.3 Building Height, Rule 64.3.1 Mineral Extraction and Rule 64.3.2 Operating Noise of the District Plan and listed in section 6 of this report.
- 8.2 The matters that may be considered by the District Plan are summarised as:
- 8.3 Rule 38.3.1 Activities Generally
- i. Effects of dust, odour and other nuisances;*
 - ii. Hours of operations;*

- iii. *Effects on existing residences;*
- iv. *Effects on landscape, conservation, ecological and amenity values of the site and locality.*

8.4 Rule 38.3.6 Traffic Movements

Any activity is a permitted activity if:

It does not cause the total traffic generation from the site to be more than 30 traffic movements in any 24 hour period.

Any activity in the Countryside Environment that does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion is restricted to:

- i. *Manoeuvring requirements;*
- ii. *Need for acceleration and deceleration lanes;*
- iii. *Type, frequency and timing of traffic;*
- iv. *Design of the entrance onto the public road of the vehicle accesses associated with the activity;*
- v. *Safety of pedestrians;*
- vi. *The availability of other roads for access for sites that lead onto arterial roads or State highways;*
- vii. *Effects on the amenity of the locality;*
- viii. *Effects on ecological values;*
- ix. *Effects of dust;*
- x. *Need for forming or upgrading roads in the vicinity of the site;*
- xi. *Need for traffic control, including signs, signals and traffic islands.*

8.5 Rule 38.3.10 Noise

Any activity that does not comply with the above is a restricted discretionary activity, with discretion restricted to:

- i. *Maximum level of noise likely to be generated;*
- ii. *The nature and frequency of the noise, including any special audible characteristics;*
- iii. *Effect on nearby residential units;*
- iv. *Compatibility within the Environment;*
- v. *Compatibility with surrounding Environments;*
- vi. *Length of time for which specified noise level is exceeded, especially at night;*
- vii. *Likely adverse effects on-site and beyond the site;*
- viii. *Mitigation measures to reduce noise generation;*
- ix. *The additional matters listed in Chapter 2.3.3.*

8.6 Rule 38.4.3 Building Height

Discretion is restricted to:

- i. *The scale and bulk of the building in relation to the site;*
- ii. *The built characteristic of the locality;*
- iii. *The extent to which the effects of the height can be mitigated by setbacks, planting, design or the topography of the site;*
- iv. *Effects on landscape values;*

- v. *Effects on availability of daylight;*
- vi. *Effects on amenity values.*

8.7 Rule 64.3.1 Mineral extraction

Control and Discretion are reserved over:

- i. *The extent to which off-site effects (such as dust, odour and glare), which are not managed by other rules in the Plan, adversely affect the amenity values of sites in the vicinity;*
- ii. *The extent to which off-site effects, which are not managed by other rules in the Plan, will inhibit the use of surrounding land for the carrying out of other activities;*
- iii. *The extent of adverse visual impacts on significant landscapes, significant natural areas or natural features;*
- iv. *The extent of any adverse effects on land stability;*
- v. *The extent of any adverse effects on ecological values or water quality, arising from the land use;*
- vi. *The extent of any adverse effects on historic and cultural heritage;*
- vii. *The extent to which landscaping proposals protect the amenity of land adjoining the Mineral Extraction Area;*
- viii. *The extent to which any rehabilitation programme will enable the land to be returned to a state suitable for use by other activities.*

8.8 Rule 64.3.2 Operating Noise

Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion is restricted to:

- i. *Maximum level of noise likely to be generated;*
- ii. *The nature and frequency of the noise, including any special audible characteristics;*
- iii. *Effect on nearby residential units;*
- iv. *Compatibility within the environment;*
- v. *Compatibility with surrounding environments;*
- vi. *Length of time for which specified noise level is exceeded, especially at night;*
- vii. *Likely adverse effects on-site and beyond the site;*
- viii. *Mitigation measures to reduce noise generation.*

8.9 It should be noted that I have been guided by the District Plan in considering the overall effects of the proposal.

8.10 The following discussion considers the potential effects and possible mitigation measures:

Traffic effects

8.11 Rule 38.3.6 Traffic movements in the Countryside Environment permits up to 30 traffic movements in any 24 hour period. Rule 64.3.4 Traffic movements (Mineral Extraction Area) permits 100 traffic movements in any 24 hour period for mineral extraction related traffic movements, recognising the relatively high levels of movements that can be associated with quarrying activities.

8.12 Section "Appendix F Integrated Traffic Assessment" in the application outlines the expected traffic movements associated with the activities for which consent is sought. The following table from the Sinclair Knight Merz (SKM) Integrated Traffic Assessment report provides the total number of traffic movements generated from the proposed activities:

Row	Operation	Annual process	Movements (per hour)	Movements (per day)
1	Bark (300 days)	15,000m ³ - 20,000m ³	1	5-20
2	Quarry (300 days)	25,000 tonnes	1	4
	Fertilizer:			
3	Transfer in by road (from ship 100% over 24 hours)	27,000 tonnes	18	386
4	Transfer in by road (100% over 295 days)	9,000 tonnes	2	4
5	Transfer out by road (100% over 295 days)	18,000 tonnes	2	20
6	Sales out by road (100% over 295 days)	18,000 tonnes	4	20
	Total typical day (295 days)	Row 1+2+4+5+6	-	68
	Total intensive activity day (5 days)	Row 1+2+3		410

- 8.13 The “total typical day” activities of the quarry are proposed to result in 68 movements within a 24 hour period which is well within the levels permitted by the District Plan (for quarrying activities).
- 8.14 It should be noted that a “total typical day” is proposed for 295 days per year. However the applicant is seeking to undertake quarry activities (other than overburden stripping and spoil relocation) seven days per week. Therefore days of operation requested by this application needs to be clarified at the hearing.
- 8.15 The “total intensive activity day” resulting from fertilizer deliveries from Port Marden results in significantly more traffic on the local road network. During deliveries it is calculated that a truck and trailer movement could occur along Cotton Road and Fulton Road approximately every 3 minutes.
- 8.16 In response to the concerns of Council's SEEO and Roding Manager, the applicant has offered a range of conditions to be placed on the consent to mitigate the effects of the transport from Port Marsden. The conditions form part of the application and are outlined below:
1. At least 1 week prior to receiving a shipment of fertilizer from Port Marsden, Ravensdown will:
 - a. Advise the Whangarei District Council Roding Manager of the date the shipment is due, the volume of fertiliser to be moved, the likely number of truck movements and the likely time period;
 - b. Undertake a visual (walk-over) assessment of the 800m stretch of the road from the State Highway to the entrance to the site, and take photographs of the road (at approximately 100-200m distances apart and particularly in strategic locations) to establish its condition prior to the shipment;
 - c. Provide a report to the Whangarei District Council Roding Manager summarising the results of the visual (walk-over) assessment and providing the photographic record.
 2. Within 1 week after receiving a shipment of fertilizer from Port Marsden Ravensdown will:
 - a. Undertake a further visual (walk-over) assessment of the 800m stretch of the road from the State Highway to the entrance to the

site, and take photographs of the road as necessary to establish any damage that is directly attributable to vehicle movements associated with the shipment;

- b. Provide a report to the Whangarei District Council Roading Manager summarising the visual (walk-over) assessment made, providing any photographic record necessary and including a recommendation of any remedial works to the surface of the road that may be required, if any.
3. Obtain a Whangarei District Council 'Road Opening Notice' or equivalent, and repair damage to the council road from the State Highway to the entrance of the site directly attributable to vehicle movements associated with the shipment of fertiliser from the Port, to reinstate the road to the same condition it was prior to the shipment within 15 working days of shipment transportation completion, in consultation with and to the approval of the Whangarei District Council Roading Manager or his/her delegated representative.

Note: If after 1 year from the activity commencing (or 5 shipments if not completed within 12 months) no damage to the road has been recorded that is directly attributable to vehicle movements associated with the shipment of fertiliser from the Port that required repair, Council will review the requirement for Ravensdown to meet these conditions.

4. Ravensdown shall ensure that traffic safety is maintained at all times during ship unloading and associated transport of fertilizer to the Mata Lime Quarry, including the use of a water cart for dust control as necessary, or as requested by the Whangarei District Council Roading Manager, to restrict dust nuisance.
5. Ravensdown will ensure that at the intersection of Cotton Road, Fulton Road and Erceg Road, driver's sightlines from Cotton Road towards Fulton Road and visa versa are to be protected by maintaining the corner of land adjacent to the southern side of the intersection, free from structures and vegetation over 1m in height. The cleared area shall satisfy sight lines of not less than 55 metres in each direction at all times in terms of Council's Environmental Engineering Standards 2007 Edition. A plan denoting this area will be included in the Mineral Extraction Management Plan held on site.
6. Prior to the transportation of any fertilizer off loaded at Marsden Point to the Mata Lime Quarry, a "Give Way" sign (RG6) shall be permanently positioned on Fulton Road at a location agreed by the Whangarei District Council Roading Manager.
7. Immediately prior to transporting fertilizer from Marsden Point, the consent holder shall erect suitably sized, coloured, and located signage on Cotton Road to the approval of the Whangarei District Council Roading Manager, stating "Ship unloading" for the benefit of local residents. This signage shall be removed upon the completion of each operation.
8. Prior to transport of any earthworks across Fulton Road or Cotton Road, the consent holder shall notify the Council and obtain a 'Road Opening Notice,' or equivalent, including the intended period of the activity and complying traffic control.
Note: An individual 'Road Opening Notice,' or equivalent, is required for each activity.

- 8.17 Council's Senior Environmental Engineering Officer Mr Alan Young has considered the application and the conditions offered to mitigate effects. Mr Young has advised the following "As council's Roding Manager who is responsible for maintenance of Cotton Road, Erceg Road and Fulton Road has not requested any significant road upgrading or surfacing improvements for any conditions of consent, I am of the opinion that the effects of this application can be considered as minor. Earthworks which are under the control of the Northland Regional Council can be undertaken without major inconvenience to users of Fulton Road." The full report of Mr Young can be found at Attachment I.
- 8.18 In addition to the above Mr Young has provided the following response to the issues raised by the submitters:

Transportation:

Council staff can only consider the 'effects of a development' when imposing conditions of consent. The developer is not responsible for existing roading inadequacies or desired improvements.

Considerable liaison has been undertaken with NZ Transport Agency (NZTA) representatives and council's Roding Manager. NZTA confirmed in writing on 10 June 2010 that they are satisfied with the standard of construction of the existing intersection of State Highway 1 and Cotton Road subject to a review condition within 12 months of commencing the activity by Council. As they are the roading authority responsible for construction, maintenance, and traffic safety for that section of road, the council is effectively bound to accept this decision.

Council policy for road sealing extensions is subject to a 'benefit cost ratio' (BCR) which includes various factors. Payment for such work usually includes a government subsidy and council and local resident contributions, and must be included in council's 'long term council community plan' (LTCCP). Neither Cotton Road, Fulton Road, nor Erceg Road, has been included in the LTCCP for sealing, and it is unlikely that a government subsidy would be made available for this purpose in the foreseeable future.

Suggested conditions of consent require the developer to undertake and monitor various roading activities prior to and upon completion of ship discharges, and to undertake any necessary remedial works to the approval of council's Roding Manager.

On site bark composting and processing which is likely to generate 5 – 20 vehicle movements per day will not necessitate additional road upgrading works.

Traffic Safety:

Council's Roding Manager has confirmed that he is satisfied with the existing gravel surface and width of Cotton Road and Fulton Road, subject to corner widening or permanent sight distance improvements at the intersection of those roads. Erceg Road will not be used by the applicants for ship discharges.

Although Cotton Road is prone to flooding, raising the level of the road and providing an increased waterway area is not included in the LTCCP, nor proposed for this activity.

Cyclists and pedestrians using Cotton Road and Fulton Road have been subjected to trucking and dust nuisance for approximately 50 years. The difference will be the number and timing of proposed trucking activities.

Dust: (Roding only)

Council's Roding Manager has confirmed that neither Cotton Road nor Fulton Road will have adequate vehicle use on a daily basis to justify sealing in terms of council policy if the proposed upgrading of the quarry and fertilizer storage becomes operational.

Suggested conditions of consent require the developer to undertake dust control by means of a water cart as necessary during ship discharges, and also give the council the right to enforce such control.

- 8.19 Therefore, it is considered that with the conditions as offered by the applicant, and accepted by Council's Roading Manager, the effects of the proposed activity on amenity, road safety, maintenance and efficiency of the roading network are considered to be no more than minor.

Noise

- 8.20 The noise effects associated with the operation of a quarry relate primarily to equipment used for the excavation and crushing of limestone including the excavator, wheeled loader, dump truck (moxie) and crusher plant. Noise associated with the fertilizer deliveries relate to the delivery by truck and trailer units and the use of a front end loader to move dumped fertilizer within the storage sheds.
- 8.21 The acoustic report by JPStyles Ltd considers the effects of the Daltons bark operation, the extraction activities (including limestone crushing), spoil relocation, overburden stripping and fertilizer deliveries on the receiving environment. These matters are discussed under the relevant subheadings below:

Quarrying activities & bark operation:

- 8.22 The application proposes normal quarrying operation hours from 0630 to 2130. This is consistent with the District Plan which permits 50 dBA L_{10} between the hours of 0630 and 2130 within a Mineral Extraction Area. However, the application limits the crusher and excavator operation to the hours of 0630 to 2000 in line with the acoustics report recommendations by JPStyles Ltd. The market store operations (fertilizer sales) and the bark and compost operations are also proposed to operate between the hours of 0630 and 2130.
- 8.23 The JPStyles Ltd report considers the day time quarrying, processing and general activity noise (based on long term measurements of general quarry activities, including the Daltons bark operation) to be well-compliant with the L_{10} 50dBA noise limits of the District Plan. The report states:

"When allowing for the additional distance to the closest dwelling, as well as the screening afforded by the quarry face and the existing topography beyond the edge of the quarry, we predict that the closest dwelling is currently receiving L_{10} 40-45dBA".

Overburden stripping:

- 8.24 Overburden will be stripped at most once per year for a maximum period of one week (five working days). The overburden will be removed using an excavator positioned above the quarry, loading into a dump truck. The JPStyles Ltd report states that

"On the basis of no acoustically effective screening to the nearest dwelling, noise levels up to L_{10} 63dBA can be expected for the overburden stripping. When averaged in accordance with NZS6802:1991, the predicted noise level will be approximately L_{10} 61 dBA. This level of noise does not comply with the noise limit for Permitted Activities according to Rule 64.3.2c".

- 8.25 However the report concludes that when considering the noise effects of overburden stripping against the matter to be considered in the Plan, that is "Effect on nearby residential units", that the effects on the closest residential unit on Lot 2 DP 21261 is considered to be no more than minor.

Fertilizer delivery (night time):

- 8.26 Approximately 5 times per year there will be bulk product arrivals by ship at Port Marsden which will be unloaded and delivered by truck and trailer unit to the Mata Quarry. Truck movements will occur continuously through the day and night until complete (within a 24 hour period – weather dependant).

This will result in 18 truck movements per hour which equates to approximately one movement every 3 minutes.

- 8.27 The JPStyles Ltd report proposes that the day time deliveries are expected to comply comfortably with the relevant noise limits of the District Plan. With regard to night time deliveries, the report describes the truck movements within the site and advises that at the location on site between the bag store and the bulk store, no noise screening to the closest dwelling will be provided by the proposed buildings. The JPStyles Ltd report states:

“Based on the noise measurements undertaken on the site comprising trucks unloading and general use of a loader, we have calculated the noise levels likely to be received at the closest nearby dwelling. The noise levels at the nearest dwelling attributable to deliveries at night and the use of a loader inside the bulk store will be L_{10} 30-35dBA and L_{max} 50-55dBA. These levels are well-compliant with the relevant noise limits owing to the significant screening and separation distances available. Compliance with the noise limits will be dependant on the prohibition of any machinery or plant operating outside of the building other than trucks entering and leaving”.

- 8.28 To mitigate night time effects of noise the applicant has offered a condition that during night time deliveries no plant or machinery (other than delivery trucks) will operate outside of the buildings. This will ensure compliance with the District Plan’s permitted noise levels of 40dBA L_{10} and 65dBA L_{max} between the hours of 2130 and 0630.
- 8.29 Subject to compliance with the conditions offered by the applicant, the adverse effects resulting from the proposed activities in terms of noise are considered to be no more than minor.

Amenity values

- 8.30 The Act defines “amenity values” as “those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”. The District Plan Chapter 5 Amenity Values recognises that the environmental effects of incompatible or inappropriate activities can compromise the characteristic amenity values of an area, particularly where activities are in close proximity. Section 5.2 of the Plan acknowledges that the amenity values of an area are determined by the natural and physical characteristics of an area, and the effects of activities.
- 8.31 The Countryside Environment generally is seen as being used predominantly for primary production, but also for low-density residential purposes. Section 5.2 Overview of the District Plan states that “When choosing to live in a rural area, people must expect and accept a certain level of odour, noise and other effects which are characteristic of primary production, recognising the scale and intensity of these activities which contribute to rural character. Rural areas do, however, tend to have high amenity values, due primarily to the following characteristics:
- *The intermittent nature of most agricultural activities;*
 - *Open landscapes and views;*
 - *A low intensity of development;*
 - *Feelings of remoteness and community;*
 - *Low noise levels, particularly at night;*
 - *A high degree of privacy;*
 - *Daylight and sunlight access;*
 - *Low levels of vehicular traffic;*
 - *Green ‘unspoiled’ landscape with indigenous vegetation”.*

- 8.32 The effects of traffic movements on the users of Cotton Road and Fulton Road have been discussed above. It is acknowledged that these road users will have expectations on the level of traffic expected on the local traffic network and the resulting amenity. The “typical day” levels of traffic are well within the levels anticipated by the District Plan for activities associated with a Mineral Extraction Area. The levels of traffic movements and associated amenity effects on an “intensive activity day” which will occur up to five days per year are acknowledged to be considerably higher than the permitted baseline levels. However on the basis that these effects are only on road users (not residents), and that the road network is considered able to accommodate the projected levels of traffic, these effects considered to be no more than minor.
- 8.33 It should be noted that there is a small cottage on Lot 39 Parish of Mata (on the western side of Cotton Road near the bridge of the tributary of the Ruakaka River). The owner of the property N.F. Fraser & Co. has provided their written approval. Council has been advised that the cottage is currently unoccupied.
- 8.34 The property of Mr Craig Harding (Lot 2 DP 212610) is considered to be directly affected by the overburden stripping and quarrying activities. The JPStyles Ltd report assesses the noise effects of the proposed activities on this property. These effects are discussed separately under the relevant heading. The stripping of overburden will have visual effects on the amenity of this property however these effects will be short-term in duration. After the “cutting down” of overburden and initial limestone removal the quarry extraction activities will be screened from the property by the quarry face. The Assessment of Environmental Effects contained in the application concludes that because of their nature and duration the effects on this property are no more than minor and that no mitigation measures are necessary.
- 8.35 Mr Harding in his submission to Council on the proposal claims that these effects on his property are, in his opinion, more than minor. Mr Harding believes that these activities will have a detrimental effect on his lifestyle.
- 8.36 Council has contacted the applicant asking whether they intend to respond to Mr Harding’s concerns prior to the hearing. The applicant has advised that they will not be responding to Mr Harding’s concerns by offering further mitigation measures at this time.
- 8.37 While it is agreed that the effects of overburden stripping and the upper level quarrying activities are short term and minor in duration, in terms of their effects, it is considered that additional mitigation is possible through landscape planting within the buffer area. The boundary to the Harding property contains a semi-mature shelter belt (within the Harding property) of varying degrees of health. Additional planting within the quarry site would augment this planting and close up some gaps in the shelter belt, thereby fully screening the quarry operations from view. The option for further mitigation to the amenity effects of the overburden removal and quarrying activities should be considered during the hearing, with the Commissioners considering such mitigation measures as a condition of the approval should the application be approved.

Landscape effects

- 8.38 The Assessment of Environmental Effects discusses the landscape effects of the proposal under the heading “Visual”. The application states:
- “The environment within which the proposed bulk and bag stores will be located has a very good visual absorption capability. This is largely due to the screening effect of the vegetated Ruakaka River corridor, the separation from SH1 and surrounding land uses and the visual expectation already set by the quarry and existing buildings on site. The proposed development can be visually accommodated within the landscape without adversely affecting the character, aesthetic value, and integrity of the rural countryside environment.

The existing sign is on an existing wall by existing building 1 (refer to concept plan in Appendix C). One of the proposed signs will be located on the side of the proposed bulk store and one will be at the entrance of the site providing safety and directional information. Neighbours further along Fulton Road may be affected as they drive past the subject site. There are no dwellings located between the MEA and SH1. Overall the visual and landscape effects are considered less than minor”.

- 8.39 The assessment of the landscape effects of the proposed activities as discussed in the application are accepted as an accurate assessment of effects. The local environment has a high visual absorption capacity due to the topography of the locality and the existing vegetation and as such the proposed buildings will be visually absorbed within the site and from viewpoints outside of the site. The quarry face is visible from the state highway from the west and south-west of the site. The extension of the quarry face into the hill is not considered to increase the visual impact of the quarry from the surrounding area due to the moderate topography of the hill in that area, and the intact hilltop above the quarry site.
- 8.40 Council did not consider it necessary to have the landscape effects of the proposal assessed separately by an external landscape architect. However, as the established trees along the quarry sites southern boundary (boundary of Fulton Road) are important to the visual absorption of the proposed buildings, consideration of a requirement that this vegetation be augmented in places and protected from removal should be discussed during the hearing. The Commissioners may consider such a requirement as a condition of the approval, should the application be approved.
- 8.41 It is noted that the relocation of overburden to the land south of Fulton Road will result in some temporary effects on the landscape value of the immediate area. As it is proposed that this material is spread and grassed as soon as practicable these effects are considered to be temporary and no more than minor.

Dust

- 8.42 Dust issues typically associated with quarrying activities relate to extraction and crushing processes, stockpiling and handling of material; and vehicle movements, both on site and off site (where the local road network is gravel). The application acknowledges that dust from quarry operations can be an issue and suggests that good quarry management can keep dust nuisance to a minimum.
- 8.43 A condition of the approval by the Northland Regional Council requires the following:
- “The Consent Holder’s quarrying operations shall not give rise to any discharge of contaminants to air, including but not limited to dust, at or beyond the legal boundary of the property, which is deemed by a suitably trained and experienced Enforcement Officer of the Council to be noxious, dangerous, offensive or objectionable to such an extent that it has, or is likely to have, an adverse effect on the environment.”
- 8.44 The Mineral Extraction Management Plan considers the generation of dust under the heading “Excavation and Lime Processing”. The management plan states that;
- “Minimal dust is generated during the excavation and processing phases, due to the close proximity of the quarry to the processing plant, and the high moisture of the raw lime. The unprocessed lime is of a pre-screen material and a 40mm sized rock, neither of which emit dust. As stockpiles are not currently used at the quarry, there is little opportunity for the creation of dust outside of the processing area. Dust emissions are controlled by enclosing plant, conveyors and screens, thereby effectively enabling the processing phase to be carried out under cover.”

- 8.45 Vehicle speed on internal roads is restricted to 30 kph to ensure a safe working environment and to minimise dust issues and prevent nuisance to neighbours.
- 8.46 The “Mata Store Truck Conditions and Ship offloading Procedure” offered by the applicant also contains conditions to minimise the movement of dust material within and outside of the site.
- 8.47 Overall, with the controls of the Northland Regional Council consent in place, and the conditions as offered by the applicant the effects of dust on adjacent properties and dwellings is considered to be no more than minor.

Hazardous Substances

- 8.48 The application includes the storage of the following hazardous substances on site:
- Diesel
 - Selprill Double
 - Copper Sulphate
 - Potassium Nitrate
 - Calcium Nitrate
 - Zinc Sulphate
 - Manganese Sulphate
 - Ferrous Sulphate
 - Urea
- 8.49 Due to the levels of materials stored on site, the District Plan requires that a Hazardous Facilities Screening Procedure (HFSP) be undertaken to determine the quantity effects ratio for the storage of hazardous substances at the site and compare it to the thresholds set in Rule 38.3.2 (Appendix 8) of the District Plan. The Total Quantity ratio exceeds the level permitted by the District Plan therefore consent is required as a discretionary activity in accordance with the District Plan.
- 8.50 Due to the large quantity of urea to be stored on site, the applicant’s consultant Mr Eddie Biesiek (HSNO Test Certifier) considered that a qualitative risk assessment should be undertaken as the potential effects off-site will be low. The focus of the qualitative risk assessment is on the storage of, and handling of the bagged and bulk fertilizers in solid form, and diesel, and their hazardous potential. Mr Biesiek has evaluated that the level of risk posed to people living in the area from the storage of hazardous substances is low, and providing all additional mitigation measures recommended are implemented at the site, the potential effects can be regarded as less than minor.
- 8.51 Council’s Hazardous Substances Officer Mr Kevin Crocombe has considered the Hazardous Substances Assessment and advises that all issues have been sufficiently addressed. The effects of the handling and storage of hazardous substances are therefore considered to be no more than minor.

Ecological effects

- 8.52 With regard to ground disturbance and runoff, the proposed activities involve the stripping of overburden material and the placement of the material onto the pasture land on the southern side of Fulton Road.

- 8.53 The effects on ecology and water quality are outlined in Section 7 of the application. The “Stormwater Assessment” in the application states that recent testing indicates that the quality of water being discharged does not contain any risk to stream health or aquatic life.
- 8.54 As discussed earlier in the report the Northland Regional Council has given consent until 31 May 2030 for the removal and placement of overburden, extraction of limestone rock, the discharge of stormwater from land disturbance activities to land and to an unnamed tributary of the Ruakaka River following treatment in sediment detention structures; and a water permit to divert stormwater from land disturbance activities. The ecological effects of the proposal are therefore considered to be no more than minor.

Historic and cultural effects

- 8.55 Council’s maps do not identify any cultural or historical significance of the site. Section 7 of the application considers the cultural and community effects of the proposal. The report states that if any items of archaeological significance are discovered during ground disturbance the local Iwi and the New Zealand Historic Places Trust (NZHPT) will be consulted.
- 8.56 The Applicant has provided the Northland Regional Council’s (NRC) assessment and decision as discussed under the heading “Ecological effects” above. The NRC provided the following statement in its assessment of the application:
- “(e) Sites of cultural or spiritual significance
- There are no known sites of cultural or spiritual significance associated with this site, and no Iwi group raised any concerns during the processing of this consent. The Council circulated this renewal application to local Iwi but no responses were received.”
- 8.57 In light of the fact that the NRC has circulated the application for earthworks and water discharges to local Iwi, Council considers that adequate consultation with local Iwi has been undertaken.
- 8.58 The application does not contain the comments from the New Zealand Historic Places Trust (NZHPT). As the application affects land adjacent to an unnamed tributary of the Ruakaka River that may have cultural significance the application was referred to NZHPT as an interested party. The NZHPT is unopposed to the application and do not wish to be heard. NZHPT has recommended the inclusion of the standard advice note relating to the Historic Places Act 1993.
- 8.59 Overall it is considered that, with the mitigation measures proposed as conditions of the consent that the effects of the proposed activities is considered to be no more than minor.

On site parking

- 8.60 Rule 38.3.5 of the District Plan permits the activity if parking spaces are provided in accordance with Chapter 47 of the District Plan. Meeting this requirement would result in the provision of 1 space per 50m² gross floor area (GFA) of warehouse and buildings, requiring 78 spaces. The application provides for 7 car parking spaces. This is a reasonable level of parking for the activity as it is acknowledged that most of the building GFA is required for the storage and handling of bulk fertilizer. Additionally, there is more than adequate site area available for additional parking and manoeuvring.

9. Conclusion

- 9.1 The proposal is considered generally consistent with the District Plan policies and objectives that recognise that the Countryside Environment is used predominantly for primary production and also for low-density residential purposes. In terms of the extraction and processing of minerals, emphasis in the District Plan is placed on such activities being undertaken in a manner that avoids, remedies, or mitigates adverse effects on the environment, community and tangata whenua relationships.
- 9.2 Subject to recommended conditions of consent it is concluded that overall any adverse effects of the proposed quarrying on the environment will be no more than minor. Reasons for this include the mitigating effects of distance, vegetation and topography associated with the quarry location. The site morphology and special characteristics afford a high degree of avoidance of effects. In addition the quarry operator has gained a Northland Regional Council consent controlling dust and water discharges from the site.
- 9.3 While dust and vehicle movements on Cotton Road and Fulton Road has been raised as a concern to submitters, this issue is not unique and is common to many rural roads within the district. Given the agreement by the applicant to undertake any remedial works required at the conclusion of fertilizer deliveries and to control dust on the roads, the effects of dust on the road network is considered to be well mitigated.
- 9.4 In accordance with section 104 of the Act, regard has been given in considering the application and the submissions to the actual or potential effects on the environment of allowing the activity, and other relevant provisions of regional and district plans, and the matters to which council's discretion is restricted. Based on the foregoing assessment, it is concluded that the considerations required by section 104 have been made and a decision may be reached on the application.
- 9.5 The additional matters requiring clarification from the application at the hearing relate to the following:
- The protection and augmentation of the vegetation along the southern boundary of the quarry site;
 - Landscape planting within the buffer area on the eastern edge of the quarry active area (along the Harding property boundary);
 - Clarification of the days of operation of the range of activities for which consent is sought.

Recommendation

Pursuant to Sections 104, 104C and 108 of the Resource Management Act 1991, Council **GRANTS** consent to the land use application by Ravensdown Fertilizer Co-operative Limited LU0900218, to expand a historical limestone quarry into a commercial limestone quarry with extraction levels of a maximum of 50,000 tonnes per annum, to establish a fertilizer bulk store of 3,200m², a bag store of 680m², a building canopy of 375m², a new weighbridge, two site offices, and to establish a bark shredding and composting operation processing up to 20,000m³ per annum, subject to the following conditions:

1. The quarrying operations and site development shall proceed in general accordance with the site plan (Site Plan Mata Quarry, Fulton Road Mata Ravensdown dated 10 August 2010), the Mata Store Concept Plan (Dwg. No. C-SK-009 amendment C) and the Mineral Extraction Management Plan (dated August 2010 and prepared by Sinclair Knight Merz) except as modified by the conditions that follow:

2. The total volume of material quarried annually shall not exceed 50,000 tonnes (25,000m³) per annum. Details of the total volume of material extracted shall be submitted to council's Team Leader Compliance annually, commencing twelve (12) months from the date of the commencement of the commercial operation.
3. That all works shall comply with the following plans and sections prepared by Sinclair Knight Merz being plans: Site Plan Mata Quarry, Fulton Road Mata Ravensdown (dated 10 August 2010), Mata Store Concept Plan (Dwg. No. C-SK-009 amendment C), and Contour & Drainage/Stormwater Plan Mata Quarry, Fulton Road, Mata – Ravensdown.
4. The boundary of the "Future Extraction Area" as shown in the Site Plan contained in the application shall be surveyed by a licensed cadastral surveyor. The surveyed boundary shall identify a 20m wide buffer area to the eastern boundary. The consent holder shall lodge this survey plan with the Team Leader Compliance for approval prior to the commencement of any works on site. All works directly relating to the approved areas shall be retained within the surveyed extraction area and no quarry works shall occur within this buffer area.
5. Hours of operation for mineral extraction activities (excluding the operation of the crusher and excavator) shall be only between the hours of 0630 to 2130 Monday to Sunday.
6. Hours of operation for the crusher and excavator shall be only between the hours of 0630 to 2000 Monday to Sunday.
7. Overburden stripping shall occur only between the hours of 0730 and 1800 weekdays and only for a maximum of one week per year.
8. Spoil relocation (from the store site) shall occur only between the hours of 0730 and 1800 weekdays.
9. Traffic movements relating to bulk fertilizer deliveries shall only occur on five (5) separate 24 hour (approximately) periods per year.
10. The noise levels arising from the stripping of overburden shall not exceed a level of L₁₀ 65dBA when measured at or within the notional boundary of any dwelling not owned or under the control of the consent holder.
11. The noise levels arising from general quarrying activities and the bark shredding/composting operations shall not exceed a level of L₁₀ 50dBA when measured at or within the notional boundary of any dwelling not owned or under the control of the consent holder.
12. No machinery other than truck and trailer units delivering bulk fertilizer shall operate outside of the fertilizer bulk store between the hours of 2130 to 0630.
13. Noise levels under conditions 10 & 11 shall be measured in accordance with NZS 6801:1991 Measurement of Sound and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound.
14. Within 6 months of the date of this approval the consent holder shall prepare an Operations Management Plan for the approval of Council's Resource Consents Manager containing the following:
 - i. A community liaison framework, including the contact name and phone number of the person designated to handle enquiries/complaints; a procedure for establishing a Community Liaison Group (CLG) with meetings at a frequency to be determined by the CLG but not less than once per annum (provided the community is willing to engage in the formation of the CLG).
 - ii. Noise Management Plan identifying operation practices that keep noise generated to reasonable levels (i.e. ensuring adequate muffling on engines, reverse warning mechanisms, arranging working areas to achieve maximum screening, records of complaints and mitigation measures taken).

- iii. A Dust Management Plan detailing dust suppression methods and equipment to be used on site and identifying the criteria used to determine when bare areas should be grassed to keep bare areas to a practicable minimum and dust suppression measures associated with the bark shredding/composting operation.
 - iv. The Mata Store Truck Conditions and Ship Offloading Procedure as lodged with the application addressing noise, dust, excess traffic and shop offloading procedures.
- 15. After each bulk fertilizer delivery the consent holder shall submit to the Council's Rooding Manager a report considering the delivery event against the requirements of the Mata Store Truck Conditions and Ship Offloading Procedure, and reporting on any complaints received as a result of the delivery and any actions proposed to mitigate the problems arising for future events.
- 16. Within 6 months of the date of this approval the consent the consent holder shall submit the following information and receive the approval of the Manager Resource Consents. The information shall include:
 - i. Details and location of proposed signage.
 - ii. A landscape plan showing the location of landscape planting to the buffer area east of the quarry. The plan shall adhere to the Landscape Plan requirements indicated in the WDC Landscape Guidelines, and additionally drawing requirements indicated in the WDC EES. Species, grades, densities are to be scheduled; detail plans shown at 1:250 @ A3.
 - iii. The details and extent of vegetation to be retained, and additional tree planting, to provide visual mitigation to the proposed buildings. Details of vegetation to be removed should also be noted on this plan and should be limited to vegetation removal for sight lines and moxie movements into and out of the site.
- 17. All landscape works shall be completed within 12 months of the date of this approval.
- 18. All vegetation on-site, other than that identified and approved for removal, shall be retained and protected in perpetuity. Should a plant be removed, other than that identified for removal, it shall be replaced as soon as possible with a similar species.
- 19. At least 1 week prior to receiving a shipment of fertilizer from Port Marsden, the consent holder shall:
 - i. Advise the Whangarei District Council Rooding Manager of the date the shipment is due, the volume of fertiliser to be moved, the likely number of truck movements and the likely time period;
 - ii. Undertake a visual (walk-over) assessment of the 800m stretch of the road from the State Highway to the entrance to the site, and take photographs of the road (at approximately 100-200m distances apart and particularly in strategic locations) to establish its condition prior to the shipment;
 - iii. Provide a report to the Whangarei District Council Rooding Manager summarising the results of the visual (walk-over) assessment and providing the photographic record.
- 20. At least 1 week after receiving a shipment of fertilizer from Port Marsden, the consent holder shall:
 - i. Undertake a further visual (walk-over) assessment of the 800m stretch of the road from the State Highway to the entrance to the site, and take photographs of the road as necessary to establish any damage that is directly attributable to vehicle movements associated with the shipment;

- ii. Provide a report to the Whangarei District Council Roding Manager summarising the visual (walk-over) assessment made, providing any photographic record necessary and including a recommendation of any remedial works to the surface of the road that may be required, if any;
- iii. Obtain a Whangarei District Council 'Road Opening Notice' or equivalent, and repair damage to the council road from the State Highway to the entrance of the site directly attributable to vehicle movements associated with the shipment of fertiliser from the Port, to reinstate the road to the same condition it was prior to the shipment within 15 working days of shipment transportation completion, in consultation with and to the approval of the Whangarei District Council Roding Manager or his/her delegated representative.

Note: If after 1 year from the activity commencing (or 5 shipments if not completed within 12 months) no damage to the road has been recorded that is directly attributable to vehicle movements associated with the shipment of fertiliser from the Port that required repair, Council will review the requirement for the consent holder to meet these conditions

- 21. The consent holder shall ensure compliance with the traffic management plan vehicle safety requirements at all times during ship unloading and associated transport of fertilizer to the Mata Lime Quarry, including the use of a water cart for dust control as necessary, or as requested by the Whangarei District Council Roding Manager, to restrict dust nuisance.
- 22. The consent holder shall ensure that at the intersection of Cotton Road, Fulton Road and Erceg Road, driver's sightlines from Cotton Road towards Fulton Road and visa versa are to be protected by maintaining the corner of land adjacent to the southern side of the intersection, free from structures and vegetation over 1m in height. The cleared area shall satisfy sight lines of not less than 55 metres in each direction at all times in compliance with Council's Environmental Engineering Standards 2007 Edition. A plan denoting this area shall be included in the Mineral Extraction Management Plan and held on site.
- 23. Prior to the transportation of any fertilizer off loaded at Marsden Point to the Mata Lime Quarry, a "Give Way" sign (RG6) shall be permanently positioned on Fulton Road at a location agreed by the Whangarei District Council Roding Manager.
- 24. Immediately prior to transporting fertilizer from Marsden Point, the consent holder shall erect suitably sized, coloured, and located signage on Cotton Road to the approval of the Whangarei District Council Roding Manager, stating "Ship unloading" for the benefit of local residents. This signage shall be removed upon the completion of each operation.
- 25. Prior to transport of any earthworks across Fulton Road or Cotton Road, the consent holder shall notify the Council and obtain a 'Road Opening Notice,' or equivalent, including the intended period of the activity and complying traffic control. An individual 'Road Opening Notice,' or equivalent, is required for each activity.
- 26. Within 12 months of the date of this approval the consent holder shall submit to WDC a staged Rehabilitation Plan containing a program of how the quarry will be rehabilitated at the end of its life including the areas likely to be returned to pasture and the proposed treatment of batter faces.
- 27. The consent holder must ensure all fees have been paid.
- 28. Pursuant to Section 128 of the Resource Management Act 1991, Council reserves the right to review conditions 14 to 24 relating to vehicle movements, traffic safety, dust and noise mitigation measures, and vegetation protection, contained in this consent, in order to deal with any adverse effects on the surrounding environment that may arise from the exercise of this consent. Such a review may take place within 6 months of the date of this consent and thereafter at 12 month intervals for the following 2 years.

Reasons for the Recommendation:

- (a) The proposal is consistent with Part II of the RMA.
- (b) The proposal is generally consistent with the District Plan policies and objectives that recognise that the Countryside Environment is used predominantly for primary production and also for low-density residential purposes, whilst promoting the extraction and processing of minerals in a manner that avoids, remedies, or mitigates adverse effects on the environment, community and tangata whenua.
- (c) The proposal relates to quarrying activities taking place within a Mineral Extraction Area of the District Plan and therefore is consistent with the provisions of the Plan in this regard.
- (d) Subject to recommended conditions of consent it is concluded that overall any adverse effects of the quarrying operations on the environment will be no more than minor.

Advice Notes:

1. This resource consent will expire five years after the date of commencement of consent unless:
 - (a) It is given effect to before the end of that period; or
 - (b) Upon an application made prior to the expiry of that period (or such longer period as is fixed under Section 37 of the Resource Management Act 1991), the council fixes a longer period. The statutory considerations which apply to extensions are set out in Section 125 of the Resource Management Act 1991.
2. Section 357 of the Resource Management Act 1991 provides a right of objection to the fees associated with the processing of this application. An objection must be in writing, setting out the reasons for the objection and delivered to Council within 15 working days of the decision being notified to you. A fee may be payable to cover the costs of processing any objection.
3. All archaeological sites are protected under the provisions of the Historic Places Act 1993. It is an offence under that act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to the New Zealand Historic Places Trust for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effect cannot be practised.
4. The Consent Holder shall pay all charges set by council under Section 36 of the Resource Management Act 1991, including any administration, monitoring and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
5. The consent holder must comply with the Council's specific practices before commencing any work on Council's roads and/or infrastructure.
6. Pursuant to Section 102 of the Local Government Act 2002, the Whangarei District Council has prepared and adopted a Development Contributions Policy. Under this Policy, the activity to which this consent relates is subject to Development Contributions. You will be advised of the assessment of the Development Contributions payable under separate cover in the near future. It is important to note that the Development Contributions must be paid prior to commencement of the work or activity to which this consent relates or, in the case of a subdivision, prior to the issue at a Section 224(c) Certificate. Further information regarding Councils Development Contributions Policy may be obtained from the Long Term Community Consultation Plan (LTCCP) or Councils web page at www.wdc.govt.nz.

Ravensdown Fertilizer Co-operative Limited – LU0900218

Attachments:

- Attachment A. Application
- Attachment B. Site photo
- Attachment C. Site plan
- Attachment D. NRC consent & correspondence
- Attachment E. LIM & plans for quarry plant
- Attachment F. Copy of submissions & location map
- Attachment G. District Plan Environment Map
- Attachment H. District Plan Resources Map
- Attachment I. Senior Environmental Engineering Officer's Report