

29 March 2022



Dear 

Official Information Request for Request for RC 200052 Ref: OIA 0152/22

We refer to your official information request dated 3 March 2022 for a copy of Resource Consent 200052. The information you have requested is enclosed.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact the Buller District Council by return email to lgoima@bdc.govt.nz.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly at <https://bullerdc.govt.nz/district-council/your-council/request-for-official-information/responses-to-lgoima-requests/> with your personal information removed.

Kind regards



Sean Judd

Group Manager Regulatory Services
DDI 03 788 9614 | Mobile 022 31 00 883 | Email sean.judd@bdc.govt.nz

Julie Sail

From: Julie Sail
Sent: Wednesday, 9 December 2020 11:02 AM
To: 'Avery Brothers'
Subject: RC200052 - Avery Bros Ltd
Attachments: 200052 Decision.pdf; invoice.pdf

Hi Brett

Please find attached Council's Decision and invoice for your resource consent application above. The original documentation follows in the post.

Kind regards
Julie

Julie Sail | Technical Support Officer Planning
DDI 03 788 9611 | Email Julie.Sail@bdc.govt.nz

Buller District Council | Phone 0800 807 239 | www.bullerdc.govt.nz
PO Box 21 | Westport 7866

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BULLER
DISTRICT COUNCIL
Te Kaunihera O Kawatiri

File Reference: RC200052
Valuation Roll No. 1878020800

9 December 2020

Avery Bros Ltd
PO Box 261
Westport 7866

By email: averybrothers@xtra.co.nz

Dear Brett

APPLICATION FOR RESOURCE CONSENT RC200052

The Buller District Council's decision on the abovementioned resource consent is enclosed.

If you are happy with the decision made by Council, the consent may be acted upon subject to any conditions included in the decision. Council staff will monitor the site to check that conditions have been complied with.

If not acted upon, the consent will lapse after five years from the date of the decision, unless otherwise specified in this decision or unless extended upon application to Council. Please refer to section 125 of the Resource Management Act 1991 (RMA) for further details.

If you do not agree with the whole or any part of the decision, you may appeal the whole or any part of the decision to the Environment Court. An appeal may be lodged with the Environment Court within 15 working days of the date of this notification being delivered to you in the normal course of post. The address of the Environment Court is PO Box 2069, Christchurch 8140. A copy of any appeal should also be sent to the Buller District Council, PO Box 21, Westport 7866.

Please refer to sections 120-121 of the RMA and also the Resource Management (Forms, Fees and Procedure) Regulations 2003 for further details on appealing resource consent decisions.

If you are in doubt about your rights to appeal, or require an extension of time, you should discuss this with your solicitor/agent.

If you have any further queries please do not hesitate to contact me.

Yours faithfully

Sean Judd
GROUP MANAGER, REGULATORY SERVICES

RESOURCE CONSENT DECISION - RC200052

Pursuant to Sections 104, 104C, and 108 of the Resource Management Act 1991 (RMA), Buller District Council **GRANTS** the application by Avery Bros Ltd, **subject to the Conditions below.**

The approved Activity:

The removal of up to 4000m³ of gravel from an existing farm quarry over a 6 month period. The existing quarry footprint will be extended to the east and cover approximately 7,000m² of farmland.

Location:

Address:	Umere Road, Karamea
Legal Description:	Sec 1 SO 353979 Pt Secs 16-17 75 Sec 87 Blk XIV Oparara SD
Record of Title:	264243
Valuation Roll Number:	1878015300

Approved Plans:

- The aerial site plan titled: "RC200052 Crushing Site Plan" Dated 13th November 2020.
- The aerial site plan indicating the location of the stockpile and crushing unit, Received at application lodgement.

Please note that the plans which are approved are stamped Approved Plan and attached to this consent.

CONDITION(S):

Pursuant to Section 108 of the Resource Management Act 1991 this consent is granted subject to the following conditions:

1. The activity shall proceed in accordance with the submitted application received by Council on 12 October 2020 and the relevant plans as detailed above and stamped as approved, except where the following conditions take precedence.
2. All actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.
3. Quarrying and associated activities shall be restricted to the shaded area on the Approved Plan titled 'RC200052 Crushing Site Plan'.
4. The Consent Holder shall notify the Council's Team Leader – Planning for monitoring purposes of the following:
 - a) The intended commencement date at least 3 working days prior to commencement of works on-site; and
 - b) The intended completion of activities date at least 2 weeks prior to works ceasing on-site

Advice Note:

Notification can be emailed to planning@bdc.govt.nz. Please reference the resource consent number and relevant condition.

5. A copy of this resource consent and the Approved Plan, shall be available to agents or contractors undertaking the quarrying activities, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.

Method of Operations

6. Records shall be kept of the tonnage of rock extracted on a monthly basis. These records are to be made available to the Council on request.
7. The maximum surface area disturbed by quarrying activities shall not exceed 7000m² as outlined in Approved Plan, RC200052 Crushing Site Plan" Dated 13th November 2020.
8. The Consent Holder shall ensure that any stripped vegetation, soil or other material is deposited, stockpiled or contained to prevent the movement of surface run-off into any watercourse.
9. No quarrying is to be undertaken within 3m of the small tributary at the Northern Boundary of the quarry footprint.

Operational Hours

10. Quarrying activities, excluding crushing shall be restricted to the hours of 7:30am to 5pm Monday to Friday.
11. Crushing shall be restricted to the hours of 8:00am to 5pm Monday to Friday.

Bunding

12. Bunds for the purpose of reducing noise and screening the activity shall be established along the south and west boundaries of the quarry footprint. The Quarry footprint is identified on the Approved Plan titled *RC200052 Crushing site plan*. Bunding is to be established to the satisfaction of the Group Manager, Regulatory Services. The bunds shall be a minimum height of 3m.

Noise

13. Noise from on-site quarrying activities shall not exceed the following limits when measured at the boundary of any land used for a residential activity:

Monday to Saturday	8.00am-11.00pm	55dBA L10
Saturday	8.00am-6.00pm	55 dBA L10
At all other times including any public holiday		45dBA L10, Lmax 75dBA

Sound levels shall be measured in accordance with NZS 6801:1991 "Measurement of Sound" and assessed in accordance with the provisions of NZS 6802:1991 'Assessment of Environmental Sound.'

Advice Note: This Condition does not apply to Section 1 Survey Office Plan 353979 and Part Section 16-17 Block XIV Oparara Survey District, Section 83 Blk XIV Oparara SD and Lot 1 DP 5842 (affected parties approvals have been supplied from the owners of the abovementioned sites).

14. All equipment and machinery shall be regularly maintained to ensure noise levels are as low as reasonably attainable, but at no time shall they exceed the levels detailed in Condition 13.
15. Noise monitoring shall be conducted at any time upon a reasonable request from the Council's Team Leader – Planning. Any further mitigation measures to reduce noise shall be undertaken by the Consent Holder.

Curries Road, Umere Road Intersection

16. Prior to truck movements commencing, warning signs shall be installed on either side of Curries Road intersection - being one located on Umere Road, West of the Currie Road intersection for traffic heading East, and one located on Umere Road, East of the intersection for traffic heading West. The signs are to warn road users of on-going truck movements.

Complaints and Non-compliance

17. Upon receipt of any complaint, the Consent Holder shall promptly investigate the complaint, take action to remedy or mitigate the cause of the complaint and inform the Council as soon as practicable of the details of the complaint and the action taken.
18. In the event of any breach of compliance with the Conditions, the Consent Holder shall notify the Council within 48 hours of the breach being detected. Within 7 days of any breach, the Consent Holder shall provide written notification to the Council which explains the cause of the breach, and if the cause was within the control of the Consent Holder, steps which were taken to remedy the breach and steps which will be taken to prevent any further occurrence of the breach.

Cultural and Heritage Sites

19. In the event of any disturbance of Koiwi Tangata (human bones) or Taonga (artefacts, including pounamu), the Consent Holder shall:
 - a) Cease any further excavation for a period of at least 24 hours; and
 - b) Immediately advise the Council of the disturbance;
 - c) Immediately advise the Upoko of the Papatipu Runanga or representative, of the disturbance.
 - d) Immediately advise the Regional Archaeologist of Heritage New Zealand except in relation to disturbance of unworked pounamu.

Hazardous Substances

20. All machinery shall be refuelled, and any maintenance works undertaken, in such a manner as to prevent contamination of land and surface water.

21. Spillage of contaminants into any watercourse or onto land shall be adequately cleaned up so that there is no residual potential for contamination of land and surface water- including retaining a fit for purpose spill kit on site at all times.
22. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform the Team Leader of Planning.

Rehabilitation Works

23. The site shall be rehabilitated upon completion of quarrying, such works to include:
 - a) Contoured in keeping with the surrounding land and incorporated back into the existing farming operation;
 - b) Ensuring adequate provision for run-off and drainage;
 - c) The removal of all plant, equipment, debris, rubbish and any other materials brought to the site.

Advice note: To support showing compliance with the above Condition, the Consent Holder should provide written confirmation from the landowner illustrating that they are satisfied with the rehabilitation works undertaken.

24. Rehabilitation shall be undertaken within 12 months of rock removal ceasing.

Review of Conditions

25. Pursuant to section 128(1)(a) of the Resource Management Act 1991, the Consent Authority may review any condition of this Consent on any of the last five working days of either January, April, August, December, for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage;
 - (b) To amend or add conditions to address planning or control measures to prevent accidents and/or avoid, remedy or mitigate any adverse effects on the environment;
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.

NOTE(S):

1. Please contact the Council's Planning Department at least three working days prior to the commencement of any physical works or activity authorised by this consent to enable monitoring to be undertaken. Contact can be made via email to planning@bdc.govt.nz, please include your resource consent reference number in the subject line.
2. A monitoring administration fee of \$100.00 has been included on your consent invoice. Please note that further fees are likely in accordance with Condition 2.
3. If you do not understand any or all conditions of this consent, please contact Council's Planning Department of the Buller District Council for clarification before starting work.
4. Pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of this consent.

5. Pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any condition of this consent within eight years from the date of issue for any of the following purposes: (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
6. This consent shall lapse five (5) years after the decision date if not given effect to.

REASONS FOR DECISION

Section 113(4) of the Resource Management Act 1991, requires that every decision on a resource consent that has not been notified shall be in writing and state reasons for the decision.

1. All affected party approvals, being the landowner and neighbouring properties, have been received. In accordance with s104(3)(a)(ii) when considering an application a consent authority must not have regard to any effect on a person who has given written approval to the application.
2. In terms of the wider visual amenity effects for residents further afield, when the proposal is considered within the context of this already modified landscape, and given site distances and bunding, the visual impacts are considered acceptable. The application site has been modified through previous quarrying activities. Whilst the current proposal will further alter the rural character of the immediate site, the area to be cleared is pasture and the footprint of the quarry is relatively small. The consent is for a fixed term of 6 months, therefore the effects are temporary. The consent has been conditioned appropriately to mitigate the effects to the wider receiving environment.

Please note that a copy of the Planning Officer's Report, which explains further the reasons given above, can be forwarded to you on request and is also available at the Council office to view.



Dated at Westport this 9th day of December 2020

DECISION REPORT – NON-NOTIFIED CONSENT – RC200052

Applicant:	Avery Bros Ltd
Subject Site:	Umere Road, Karamea
Legal Description:	Sec 1 SO 353979, Pt Secs 16-17 75 Sec 87 Blk XIV Oparara SD
Zoning:	Rural Zone - Buller District Plan
Relevant Rule(s):	5.3.2.4.3 Mining and Incidental earthworks
Consents Sought:	Land Use – Restricted Discretionary Activity

1.0 Application Description

- 1.1 The application is for the removal of up to 4000m³ of gravel from an existing farm quarry over a 6 month period. The existing quarry footprint will be extended to the east and cover approximately 7,000m² of farmland. Gravel will be extracted by means of a single 20 tonne excavator, stockpiled on-site and then crushed and screened. A loader will be used to move material on-site and load truck and trailer units.
- 1.2 The material will then be transported to Kohaihai Road (a distance of approximately 10km) where the unsealed section of road is being widened, re-shaped and sealed. 20 vehicle trips per day will be spread over the working day.
- 1.3 Normal operational hours will be between 7:30am to 5pm Monday to Friday.
- 1.4 The proposal will involve refuelling of machinery with a 2,000L mobile diesel tanker, which will not be stored on-site. All mechanical repairs will be undertaken off-site.
- 1.5 The applicant has confirmed no other consents are required – being a permitted activity under the Regional and Water Plan.

2.0 Subject Site and Local Environment

- 2.1 I undertook a site visit on 21 October 2020.
- 2.2 The owners of the subject site (being the Curries) are not the applicant. The subject site is located on Pt Sec 17 Blk XIV Oparara SD, forming part of the land parcel utilised for an existing dairy farm. The site is essentially flat with a slight rise in the middle. Access to the quarry site is via Curries Road, through a private farm track. Two residential dwellings are situated off Curries Road to which the applicant instigated seeking affected party approval prior to application lodgement.
- 2.3 The subject site is located at the existing farm quarry pit, surrounded predominantly by open pastoral land. The gravel has historically been extracted for farm track use. An existing stockpile at the entrance to the pit was discussed as staying to mitigate the noise effects of the operation when crushing. The vegetation cover of the

undisturbed section of the quarry is pasture utilised for farming with no native vegetation in the vicinity.

- 2.4 The existing quarry pit has been part of the landscape for some time, visible at a distance from surrounding residential clusters and roads. The wider site environment includes the settlement of Market Cross located approximately 500m South West. A number of residents are located along Umere Road South of the site, with the closest of these being approximately 400m away. To the North West is a cluster of buildings and residents, with the closest being approximately 350m from the application site. The operation is extending East to cover 7000m² towards the farm - away from any residential clusters.
- 2.5 Bakers Creek is located approximately 120m south of the site. Paddock drains and a farm pond exists approximately 45m and 70m south respectively. A small tributary <1m wide at the Northern Boundary of the quarry footprint was discussed on site and the applicant was agreeable to a buffer 3-4m away from this tributary, as the operation is headed East.

3.0 Section 104 of the Act

- 3.1 In considering this application, Council has had regard to all the issues and documents outlined under Section 104 of the Resource Management Act 1991 (RMA).

Assessment of Environmental Effects

- 3.2 An assessment of the actual and potential effects on the environment of allowing the activity indicates that no significant adverse environmental effects are likely. I consider that the adverse effects of the activity on the environment will be no more than minor for the following reasons:
- (i) All affected party approvals, being the landowner and neighbouring properties have been received. In accordance with s104(3)(a)(ii) when considering an application a consent authority must not have regard to any effect on a person who has given written approval to the application.
 - (ii) Infrastructure Services department have commented that the existing access off Curries Road is acceptable, as demonstrated by milk tanker access to the cowshed, and the number of additional movements is not significant. The consent has been conditioned to ensure traffic on Umere Road are aware of truck movement at the Curries Road/ Umere Road Intersection.
 - (iii) The waterways in the immediate vicinity of the activity are considered to be at a distance that will not be impacted by the activity and mitigation measures applicable to the scale of the activity have been conditioned.
 - (iv) The vegetation cover of the undisturbed section of the quarry is pasture utilised for farming, therefore no areas of significant indigenous vegetation or significant habitats of indigenous flora and fauna are affected. Although the activity will result in a temporary loss of pasture (being less than 1 ha), on completion of

quarrying, the site will be rehabilitated to a suitable standard for farming purposes and is not expected to impact the rural amenity values.

- (v) Given the significant distance to residential clusters and noise mitigation measures, the temporary quarrying activities are expected to meet day time limits, to meet the District Plan day-time noise limits of 55dBA, and half hour of night-time noise limits of 45dBA (i.e. 7:30am to 8am).
- (vi) Although the proposal will involve re-fuelling of on-site machinery via a mobile 2,000L diesel tanker, the consent has been conditioned to ensure appropriate mitigation measures are in place in the event of a spill.
- (vii) In terms of the wider visual amenity effects for residents further afield, when the proposal is considered within the context of this already modified landscape and given site distances and bunding the visual impacts are considered acceptable. The application site has been modified through previous quarrying activities. Whilst the current proposal will further alter the rural character of the immediate site, the area to be cleared is pasture and the footprint of the quarry is relatively small. The consent is for a fixed term of 6 months, therefore the effects are temporary. The consent has been conditioned appropriately to mitigate the effects to the wider receiving environment.
- (viii) The proposal will have the positive effect of enabling access to a gravel resource to improve the local roading network - which provides vital infrastructure links for the rural community.

Conclusion

- 3.3 I consider that the effects of the proposal will be no more than minor and that the proposal is not contrary to the relevant policies and objectives contained within Part 4 of the Buller District Plan or the proposed plan.
- 3.4 I have taken into account the relevant principles outlined in sections 6, 7 and 8 of the RMA and I consider that the granting of this resource consent achieves the purpose of the Act as presented in section 5 of the RMA.

4.0 Notification and Affected Persons

- 4.1 In my opinion, the adverse environmental effects of the proposed activity are no more than minor and the provisions of Sections 95A-F of the Act have been met. The application has therefore been processed without notification.

5.0 Recommendation

- 5.1 That consent be granted, under delegated authority, by Buller District Council, subject to the conditions outlined in the decision document.



Reporting Officer:Date: 8 December 2020

Gina Hogarth - Planner
Buller District Council



Peer Reviewer:Date: 8 December 2020

Carissa du Plessis, Acting Team Leader - Planning
Buller District Council



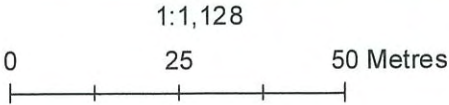
Manager:Date: 9 December 2020

Sean Judd, Group Manager Regulatory Services
Buller District Council



November 13, 2020

- ☐ Property (Buller)
- ☐ Property (West Coast)





RESOURCE CONSENT DECISION - RC200052

Pursuant to Sections 104, 104C, and 108 of the Resource Management Act 1991 (RMA), Buller District Council **GRANTS** the application by Avery Bros Ltd, **subject to the Conditions below.**

The approved Activity:

The removal of up to 4000m³ of gravel from an existing farm quarry over a 6 month period. The existing quarry footprint will be extended to the east and cover approximately 7,000m² of farmland.

Location:

Address: Umere Road, Karamea
Legal Description: Sec 1 SO 353979 Pt Secs 16-17 75 Sec 87 Blk XIV Oparara SD
Record of Title: 264243
Valuation Roll Number: 1878015300

Approved Plans:

- The aerial site plan titled: "RC200052 Crushing Site Plan" Dated 13th November 2020.
- The aerial site plan indicating the location of the stockpile and crushing unit, Received at application lodgement.

Please note that the plans which are approved are stamped Approved Plan and attached to this consent.

CONDITION(S):

Pursuant to Section 108 of the Resource Management Act 1991 this consent is granted subject to the following conditions:

1. The activity shall proceed in accordance with the submitted application received by Council on 12 October 2020 and the relevant plans as detailed above and stamped as approved, except where the following conditions take precedence.
2. All actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.
3. Quarrying and associated activities shall be restricted to the shaded area on the Approved Plan titled 'RC200052 Crushing Site Plan'.
4. The Consent Holder shall notify the Council's Team Leader – Planning for monitoring purposes of the following:
 - a) The intended commencement date at least 3 working days prior to commencement of works on-site; and
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Advice Note:

Notification can be emailed to planning@bdc.govt.nz. Please reference the resource consent number and relevant condition.

5. A copy of this resource consent and the Approved Plan, shall be available to agents or contractors undertaking the quarrying activities, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.

Method of Operations

6. Records shall be kept of the tonnage of rock extracted on a monthly basis. These records are to be made available to the Council on request.
7. The maximum surface area disturbed by quarrying activities shall not exceed 7000m² as outlined in Approved Plan, RC200052 Crushing Site Plan" Dated 13th November 2020.
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Noise

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Sound levels shall be measured in accordance with NZS 6801:1991 "Measurement of Sound" and assessed in accordance with the provisions of NZS 6802:1991 'Assessment of Environmental Sound.'

Advice Note: This Condition does not apply to Section 1 Survey Office Plan 353979

and Part Section 16-17 Block XIV Oparara Survey District, Section 83 Blk XIV Oparara SD and Lot 1 DP 5842 (affected parties approvals have been supplied from the owners of the abovementioned sites).

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 - a) Cease any further excavation for a period of at least 24 hours; and
 - b) Immediately advise the Council of the disturbance;
 - c) Immediately advise the Upoko of the Papatipu Runanga or representative, of the disturbance.
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surface water- including retaining a fit for purpose spill kit on site at all times.

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Advice note: To support showing compliance with the above Condition, the Consent Holder should provide written confirmation from the landowner illustrating that they are satisfied with the rehabilitation works undertaken.

24. Rehabilitation shall be undertaken within 12 months of rock removal ceasing.

Review of Conditions

25. Pursuant to section 128(1)(a) of the Resource Management Act 1991, the Consent Authority may review any condition of this Consent on any of the last five working days of either January, April, August, December, for any of the following purposes:
- (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage;
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NOTE(S):

1. Please contact the Council's Planning Department at least three working days prior to the commencement of any physical works or activity authorised by this consent to enable monitoring to be undertaken. Contact can be made via email to planning@bdc.govt.nz, please include your resource consent reference number in the subject line.
2. A monitoring administration fee of \$100.00 has been included on your consent invoice. Please note that further fees are likely in accordance with Condition 2.
3. If you do not understand any or all conditions of this consent, please contact Council's Planning Department of the Buller District Council for clarification before starting work.
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holder may apply to the consent authority for a change or cancellation of any condition of this consent.

5. Pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any condition of this consent within eight years from the date of issue for any of the following purposes: (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
6. This consent shall lapse five (5) years after the decision date if not given effect to.

REASONS FOR DECISION

Section 113(4) of the Resource Management Act 1991, requires that every decision on a resource consent that has not been notified shall be in writing and state reasons for the decision.

1. All affected party approvals, being the landowner and neighbouring properties, have been received. In accordance with s104(3)(a)(ii) when considering an application a consent authority must not have regard to any effect on a person who has given written approval to the application.
2. In terms of the wider visual amenity effects for residents further afield, when the proposal is considered within the context of this already modified landscape, and given site distances and bunding, the visual impacts are considered acceptable. The application site has been modified through previous quarrying activities. Whilst the current proposal will further alter the rural character of the immediate site, the area to be cleared is pasture and the footprint of the quarry is relatively small. The consent is for a fixed term of 6 months, therefore the effects are temporary. The consent has been conditioned appropriately to mitigate the effects to the wider receiving environment.

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Dated at Westport this 9th day of December 2020

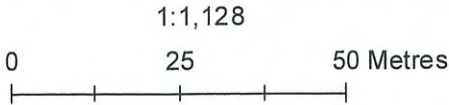
RC200052 Crushing site plan

APPROVED PLAN



November 13, 2020

- ☐ Property (Buller)
- ☐ Property (West Coast)





PLANNING DEPARTMENT

FILE NOTE

From: Gina Hogarth

Date: 07/12/20

File Ref: RC200052 – Avery's Bro Ltd

Subject: Conditions Discussion

Discussion held with
Acting Team Leader to
clarify the following
condition questions
14:00 7/12/20



Called Brett Avery late afternoon to clarify condition it
phone to discuss with Paul Avery. In Summary;

S37 Extension

I Clarified if the applicant would like a chance to review the conditions before the decision. This would be done through an s37 extension, to ensure the conditions are reasonable and practicable and a chance to make any changes. If this is the case we would apply an s37 to give 3-5 days to review the conditions? **Response – No as already under time pressures for the Kohaihai project to start and need the consent as soon as possible. Would rather clarify any questions now.**

Noise Reducing Bunds

We had discussed on the site visit about bunding for screening and noise mitigations. In the past bunding has been conditioned at 2-3m height. 2m in this case is being proposed. What do you envisage your bunding height looking like? **Response - 3m height due to the height of the plant.**

On the site visit it was also discussed about using an existing stockpile at the South Western extent of the footprint that was going to remain and that crushing would occur in front of it. Is this correct? **This would remain as part of the screening for noise mitigation measures.**

Rehabilitation

I recited what the application states about rehab- being:

- *Quarrying will create a pit with 3m high walls. Following quarry operations, the pit walls will be battered to an even slope suitable for farming purposes.*
- *Then it states it will be contoured and incorporated back into the existing farming operation.*
- *It also states the extent of rehab will be dependent on the farm owner. i.e. the site may be left open for future gravel access or as a hard pad for stock use.*

For end visual effects we need to know more specifically how it will be rehabilitated – that is will it be contoured for pasture or left open for future pit access? **Response – Contoured for pasture for end of life.**

Gina Hogarth

From: Gina Hogarth
Sent: Wednesday, 25 November 2020 4:21 PM
To: Avery Brothers
Subject: RC200052 Update - Timeframes

Hi Brett,

Just an update on timeframes for you. The application is on day 10 today of 20. Day 20 is due on the 9th December.

Kind Regards

Gina Hogarth | Planner
DDI 03 788 9657 | Email Gina.Hogarth@bdc.govt.nz

Buller District Council | Phone 0800 807 239 | www.bullerdc.govt.nz
PO Box 21 | Westport 7866

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Gina Hogarth

From: Gina Hogarth
Sent: Wednesday, 25 November 2020 8:16 AM
To: Avery Brothers
Subject: RE: Affected parties - F Currie

Hi Brett,

Thanks. I'll be away in the morn so you could give me a call in the afternoon.

Cheers

Gina Hogarth | Planner
DDI 03 788 9657 | Email Gina.Hogarth@bdc.govt.nz

Buller District Council | Phone 0800 807 239 | www.bullerdc.govt.nz
| Box 21 | Westport 7866

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From: Avery Brothers <averybrothers@xtra.co.nz>
Sent: Wednesday, 25 November 2020 8:13 AM
To: Gina Hogarth <Gina.Hogarth@bdc.govt.nz>
Subject: Affected parties - F Currie

Morning Gina

We finally got Fiona's approval. I will give you a call later.

Cheers

Brett



31 Brougham St
PO Box 261
Westport 7825
Ph 03 789 8526
Fax 03 789 6947
averybrothers@xtra.co.nz



BULLER
DISTRICT COUNCIL
Te Kaunihera O Kaitiaki

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www.bullerdc.govt.nz • www.westcoast.co.nz
Buller District Council

AFFECTED PERSON'S WRITTEN APPROVAL TO AN ACTIVITY THAT IS THE SUBJECT OF A RESOURCE CONSENT APPLICATION

Section 95E(3), Resource Management Act 1991

APPLICATION AND APPLICANT'S DETAILS TO BE COMPLETED BY THE APPLICANT

This is written approval to the following activity that is the subject of a resource consent application

Name of Applicant: VERY BROS LTD

Address to which the application relates: CURRIES RD, KARAMEA

Resource Consent Number: RC 200052

Details of Proposal: Gravel Extraction

AFFECTED PERSONS DETAILS TO BE COMPLETED BY THE PERSON GIVING APPROVAL

PLEASE READ THIS IMPORTANT NOTE BEFORE YOU COMPLETE AND SIGN THIS FORM

You should only sign this form if you **support or have no opposition** to the granting of the resource consent for the application referred to above. If you do not understand any part of this process, please contact a Consent Planner at the Buller District Council, as signing this form will prevent Council from having regard to any effects of the activity on you or your property.

Name: Rona Leigh Currie
(full name)

Address for service: 30 Chichester Street

Woolston CHRISTCHURCH

Phone No: 0274572291 Fax No: _____ Email address: ronie864@gmail.com

I/We are the ☒ owners of the above property (please tick the appropriate box)

☐ occupiers

I/we have authority to sign this form on behalf of all the other owners/occupiers of the property.

(i) please list the full name(s) of any person(s) you are signing on behalf of; and

(ii) provide signed written proof from each person you are signing on behalf of that you have authority to sign this form on their behalf

(Note: If you are signing as a person's attorney, a copy of the Power of Attorney signed by that person must be provided)

I/we have read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows:
(list document names and dates)

Resource Consent Number RC 200052

In signing this written approval, I understand that the consent authority must decide that I am no longer an affected person, and the consent authority must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Signed 

Date 24/11/2020

Notes to affected person signing written approval

Conditional written approvals cannot be accepted.

There is no obligation to sign this form, and no reasons need to be given.

If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

Julie Sail

From: Julie Sail
Sent: Wednesday, 18 November 2020 3:14 PM
To: 'Avery Brothers'
Subject: RC200052 - Avery Bros Ltd
Attachments: s95 Affected Persons form.pdf; 200052 Affected Party approval.pdf

Hi Brett

Please find attached correspondence from Council's processing planner, Gina Hogarth. Also attached is a s95 affected party approval form for use.

Kind regards

Julie

Julie Sail | Technical Support Officer Planning
DDI 03 788 9611 | Email Julie.Sail@bdc.govt.nz

Buller District Council | Phone 0800 807 239 | www.bullerdc.govt.nz
PO Box 21 | Westport 7866

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BULLER

DISTRICT COUNCIL

Te Kaunihera O Kawatiri

File Reference: RC200052

18 November 2020

Avery Bros Ltd
PO Box 261
Westport 7866

By email: averybrothers@xtra.co.nz

Dear Brett

**REQUEST FOR AFFECTED PERSONS APPROVALS
RC200052 - Avery Bros Ltd**

Thank you for your resource consent application as detailed above.

The following persons are considered affected by your proposal under Section 95E of the Resource Management Act 1991 (the RMA). Please therefore provide the written approvals from all of the following, or alternatively advise if you wish to proceed with limited notification under Section 95B of the RMA.

1. Owner of Section 1 Survey Office Plan 353979, Part Section 16-17 Block XIV Oparara Survey District and Section 83 Blk XIV Oparara SD, currently recorded as Peter Thomas Currie and Fiona Leigh Currie, who can be contacted at PO Box 27 Karamea 7864.

NB: Affected Party Approval was provided from Peter Currie at lodgement of application. Approval is outstanding from Fiona Currie only.

In particular, in order for an approval to be valid, all owners and occupiers of a property need to give their approval. Conditional written approvals cannot be accepted.

Where the property is held in a trust, all trustees must give their approval, and where it is owned by a company, the directors must give their approval, unless this authority has been delegated (in which case a copy of the delegation must be provided with the approval).

If you are unable to obtain the written approval of all affected parties, the application can still be processed, but on a notified basis. Please advise me if you wish to pursue this option.

I have put processing of your application on hold until we receive your complete response. Please contact me on 03 789 9657 or email gina.hogarth@bdc.govt.nz if you have any questions.

Yours faithfully

Gina Hogarth
PLANNER

Gina Hogarth

From: Avery Brothers <averybrothers@xtra.co.nz>
Sent: Friday, 13 November 2020 1:09 PM
To: Gina Hogarth
Subject: RC200052 RFI
Attachments: RC200052 Boundary plan.pdf; RC200053 Crushing site plan.pdf; Affected parties - Brownie.pdf

Hi Gina

Maps and affected parties attached

Cheers

Brett


AVERY BROS. LTD

Discussed email with B. Avery
13th Nov 2020. May have issues with
affected party approval from both
owners of the quarry site a may
need to go to limited Notification, but
would try again to discuss over the
next couple of days. I would be
in touch about affected parties once
I have completed the Notification
Report *g/hogarth* 13/11/20

NOTIFICATION REPORT PURSUANT TO SECTIONS 95A-95F OF THE RESOURCE MANAGEMENT ACT 1991

Resource Consent no: 200052

Applicant: Avery Bros Limited

Site address: Umere Road Karamea

Legal description: Sec 1 SO 353979 Pt Secs 16-17 75 Sec 87 Blk XIV Oparara SD

Description of application:

The removal of up to 4000m³ of gravel from an existing farm quarry over a 6 month period. The existing quarry footprint will be extended to the east and cover approximately 7,000m² of farmland. Gravel will be extracted by means of a single excavator, stockpiled on-site and then crushed and screened. A loader will be used to move material on-site and load truck and trailer units. The material will then be transported to Kohaihai Road (a distance of approximately 10km) where the unsealed section of road is being widened, re-shaped and sealed.

Planning Framework:

Operative District Plan:

5.3.2. Rural Zone

5.3.2.4.3 Whereby quarrying of aggregate is deemed a restricted discretionary activity (mining and incidental earthworks).

Description of the existing environment:

I undertook a site visit on the 21st October 2020 with a representative for the applicant Paul Avery and Planner Jesse Forsyth. The owners of the subject site (being the Curries) are not the applicant.

The subject site is located on Pt Sec 17 Blk XIV Oparara SD, forming part of the land parcel utilised for an existing dairy farm. The site is essentially flat with a slight rise in the middle. Access to the quarry site is via Curries Road, through a private farm track. Two residential dwellings are situated off Curries Road, to which the applicant has instigated seeking prior affected party approval for.

The subject site is located at the existing farm quarry pit, surrounded predominantly by open pastoral land. The gravel has historically been extracted for farm track use. An existing stockpile at the entrance to the pit was discussed as staying to mitigate the noise effects of the operation when crushing. The vegetation cover of the undisturbed section of the quarry is pasture utilised for farming with no native vegetation in the vicinity.

The existing quarry pit has been part of the landscape for some time, visible at a distance from surrounding residential clusters and roads. The wider site environment includes the settlement of Market Cross located approximately 500m South West. A number of residents are located along Umere Road South of the site with the closest of these being approximately 400m away. To the North West is a cluster of buildings and residents with the closest being approximately 350m from the application site. The operation is extending East to cover 7000m² towards the farm - away from any residential clusters.

Bakers Creek is located approximately 120m south of the site. Paddock drains & a farm pond exists approximately 45m and 70m south respectively. A small tributary <1m wide at the Northern Boundary of the quarry footprint was discussed onsite and the applicant was agreeable to a buffer 3-4m away from this tributary, as the operation is headed East.

Pursuant to Section 95D, will any adverse effects of the activity on the environment for which consent is sought be more than minor?

The application site has been modified through previous quarrying activities. Whilst the current proposal will further alter the rural character of the immediate site, the area to be cleared is pasture and the footprint of the quarry is relatively small. The consent is for a fixed term of 6 months therefore the effects are temporary. The consent will be conditioned appropriately to mitigate noise effects to the wider receiving environment.

Notwithstanding the above, do any special circumstances exist in relation to this application which would lead you to conclude that the application should be notified? If yes, why?

No special circumstances exist that conclude the application should be notified.

Recommendation regarding Public Notification:

The adverse environmental effects of the proposed activity are considered no more than minor and there are no special circumstances to warrant public notification, therefore public notification is not deemed applicable.

AFFECTED PARTIES/LIMITED NOTIFICATION:

Who may be considered to be adversely affected by the granting of this application (list parties in Table 1)?

Landowners & Neighbour including:

Section 1 Survey Office Plan 353979 and Part Section 16-17 Block XIV Oparara Survey District (Site Location)

Section 83 Blk XIV Oparara SD (24 Curries Road – same owners as site location)

Lot 1 DP 5842 (14 Curries Road)

Has the written approval of every person who may be adversely affected by the granting of this resource consent been obtained?

No

If the answer to the above question is no, do you consider that it is reasonable in the circumstances to require the obtaining of every such approval?

Yes

Affected Parties Table 1

Affected Party	How they are affected (but not limited to)?	Written approval in application? (Y/N)
Peter Currie and Fiona Currie	Land Owners, Amenity	Y - P Currie N - F Currie
Hadleigh Francis Brownie	Amenity, Potential Noise Effects	Y

Recommendation regarding affected parties/limited notification:

Request written approvals and if unsuccessful limited notify.

There are no rules in the Plan or national environmental standards relevant to this proposal that preclude limited notification.

DECISION

It is decided that this application be processed on the following basis:

- ☐ Notified (Publicly)
☒ Limited Notification / request written approvals and Limited Notify if unsuccessful
☐ Non-notified

Signed: _____ Date: 18 November 2020

Delegated Authority:

Signed: E. du Plessis Date: 18.11.2020

Rural Zone Rules Checklist – RC200052

Rule/Part (if not table)		Comments
CONTROLLED		
5.3.2.2.	Native Vegetation Clearance 0.5-5ha	- Pasture. No vege present
5.3.2.2.2.	Advanced Mineral Exploration - Controlled	-
DISCRETIONARY		
5.3.2.3.1.	Land Use Activities	-
5.3.2.3.2.	Karamea/Buller River Activities	-
5.3.2.3.4.	Indigenous Forestry – Where not Restricted Discretionary	-
RESTRICTED D.		
5.3.2.4.1.	Factory Farming	-
5.3.2.4.2.	Indigenous Forestry Extraction	-
5.3.2.4.3.	Mining and Incidental Earthworks	Activity = Res.D
5.3.2.4.4.	Indigenous Vegetation Clearance 5ha+	-
TABLE		
Part 7.4	Access	Off Curries Road - BDC Road Reserve.
	Boundaries	-
	Building Height	-
Part 8	Developments	-
	Dwellings	-
Part 7.9.5	Esplanade Strips	-
Part 7.9.1.	General	-
Part 7.9.4.	Glare	-
	Ground Floor Area	-
Part 7.9.7.	Historic/Cultural	-
Part 7.8	Noise	Expected to comply
Part 7.9.8.	Notable Trees	-
Part 7.5	Parking	-
Part 7.9.3.	Planting	-
Part 7.6	Recession Planes	-
	Riparian Margins	Batzers Cr 120m away
Part 7.7	Signs	-
Part 7.9.2.	Stormwater Disposal	NA - No new buildings
Part 7.3.	Subdivision	-

Notes

District Wide Rules Checklist – 200052

(Parts 6 & 7 - other than parts/sections included in All Zones Checklists)

Part/Rule		Comments
6.3.1.	Hazardous Substances	—
6.3.3.	Temporary Military Training (not permitted)	—
Discretionary		
6.4.2.1.	Gas Pipes	—
6.4.2.2.	Over Ground Lines – Electricity & Telecom	—
6.4.2.3.	Telecom & Radiocom Facilities	—
6.4.2.4.	Electricity Substations	—
6.4.2.5.	Depots – Maintenance, security or construction of pylons/lines	—
6.4.2.6.	Road Reserve - New Roads, culverts etc	—
6.4.2.7.	Hazardous Substances (not Controlled)	Diesel Tanker (mobile) not stored on-site. Bought to Quarry as required. Spill kit stored onsite.
6.4.2.8.	Meteorological Service Facilities	—
Part 7		
7.9.1.2.	General Duty - Non-Complying if not in Rules	—
7.9.6.1.	Rifle Range Protection	—

Notes

Building Checklist - Incoming Resource Consents

RC200052 _____

VR: 1886020800 _____

Planner: Gina Hogarth _____

Applicant: Avery Bros Limited _____

Date Required by:: 20 October 2020

Please advise immediately if the date required cannot be achieved

Building Inspector: R Knudsen _____

Time and Date:- 10 min – 14/10/2020 ____

Services	Water – No potable water with this application
	Stormwater – No stormwater from buildings with this application
	Sewerage – No effluent disposal with this application
General	Site works – Gravel extraction
	Hazards – None noted
	Distance to Boundaries – NA – within boundary lines
	Effects on neighbouring properties (foundations support) - None noted
	Building over boundaries – None noted
	Building use – Activity – Industrial
	Occupancy nos. NA
	Road names – NA – private land
	Rapid nos - NA
Other	

RESOURCE CONSENT APPLICATION – RC200052
Avery Bros Limited

PLANNER – Gina Hogarth

INFRASTRUCTURE SERVICES DEPARTMENT CHECKLIST

Date required by: 20/10/20 <i>Please advise planning department immediately if this cannot be achieved.</i>	Name of staff member assessing application: Neil Hateley	Time Spent: 20 Mins	Date returned to Planning Dept 19/10/20
1 Services	Water: No BDC services available Stormwater: Sewage: Phone Power-Expected to be provided by generator or connected to farm source.		
2 Access/Vehicle Crossing:	Drainage: Formation/ Construction: Width: Visibility (sight distances): Location: Distance between accesses: Current access off Curries Road is acceptable as demonstrated by Milk tanker access to cowshed. Number of additional movements is not significant.		
3 Economic Service Extension			
4 Road Closure	Not required		
5 Any other issues from Operations Department: Discussed Curries Rd/Umere Rd intersection 7/12/20 with Transport Coordinator + Roading Coordinator. They would like trucks signage conditioned on either side of the intersection on Umere Road as a mitigation to disruption of traffic flow <i>ghogart</i> 7/12/20			

**AFFECTED PERSON'S WRITTEN APPROVAL TO AN ACTIVITY THAT IS THE
SUBJECT OF A RESOURCE CONSENT APPLICATION**

Section 95E(3), Resource Management Act 1991

APPLICATION AND APPLICANT'S DETAILS TO BE COMPLETED BY THE APPLICANT

This is written approval to the following activity that is the subject of a resource consent application

Name of Applicant: AVERY BROS LTD

Address to which the application relates: CURRIES RD, KARAMEA

Resource Consent Number: RC 200052

Details of Proposal: Gravel Extraction

AFFECTED PERSONS DETAILS TO BE COMPLETED BY THE PERSON GIVING APPROVAL

PLEASE READ THIS IMPORTANT NOTE BEFORE YOU COMPLETE AND SIGN THIS FORM

You should only sign this form if you **support or have no opposition** to the granting of the resource consent for the application referred to above. If you do not understand any part of this process, please contact a Consent Planner at the Buller District Council, as signing this form will prevent Council from having regard to any effects of the activity on you or your property.

Name: HAD LEIGH FRANCIS BROWNIE
(full name)

Address for service: 6 TEMPLETON RD

HILL MORTON CHCH

Phone No: 021 322868 Fax No: _____ Email address: mbrownie49@gmail.com

I/We are the ☒ owners of the above property (please tick the appropriate box) PROPERTY AT
☒ occupiers 14 CURRIES ROAD
KARAMEA

I/we have authority to sign this form on behalf of all the other owners/occupiers of the property.

- (i) please list the full name(s) of any person(s) you are signing on behalf of; and
(ii) provide signed written proof from each person you are signing on behalf of that you have authority to sign this form on their behalf

(Note: If you are signing as a person's attorney, a copy of the Power of Attorney signed by that person must be provided)

N/A.

I/we have read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows:
(list document names and dates)

AUERY BROS APPLICATION

DATED 12.10.2020.

In signing this written approval, I understand that the consent authority must decide that I am no longer an affected person, and the consent authority must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Signed 

Date ~~11/11/20~~ 11/11/20

Notes to affected person signing written approval

Conditional written approvals cannot be accepted.

There is no obligation to sign this form, and no reasons need to be given.

If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

RC200052 Boundary site plan



Julie Sail

From: Julie Sail
Sent: Thursday, 12 November 2020 11:23 AM
To: 'Avery Brothers'
Subject: RC200052 - Avery Bros Ltd
Attachments: 200052 further information request.pdf

Good morning

Please find attached correspondence from Council's Planner, Gina Hogarth.

Kind regards

Julie Sail | Technical Support Officer Planning
DDI 03 788 9611 | Email Julie.Sail@bdc.govt.nz

Buller District Council | Phone 0800 807 239 | www.bullerdc.govt.nz
P.O. Box 21 | Westport 7866

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BULLER

DISTRICT COUNCIL

Te Kaunihera O Kawatiri

File Reference: RC200052

12 November 2020

Avery Bros Ltd
PO Box 261
Westport 7866

By email: averybrothers@xtra.co.nz

Dear Brett

REQUEST FOR FURTHER INFORMATION - RC200052 - Avery Bros Ltd

Thank you for your resource consent application as detailed above.

I have reviewed your application and supporting documents. Pursuant to Section 92(1) of the Resource Management Act 1991 (RMA), the following information is requested so that I can better understand the effects of the activity on the environment:

1. An updated site plan with the following information;
 - Title & Date
 - A measurable scale
 - North Arrow
 - Distance of the activity from neighbouring boundaries

Section 92A of the RMA requires you to respond to the Council by 3 December 2020 (being 15 working days from the date of this request allowing for mail service) by either:

- (a) Providing the information requested by;
- (b) Telling Council, in a written notice, that you agree to provide the information. Council must then set a reasonable time within which you must provide the information and give you written notice of the date by which you must provide the information. If you are aware of any circumstances that may affect the time within which you can provide the information requested, please advise of these in your written notice, as Council may be able to take them into account in setting the time within which you must reply, or
- (c) Telling Council, in a written notice, that you refuse to provide the information.

If you do not respond in one of the three ways set out above by 3 December 2020, section 92A(3) of the RMA requires Council to continue processing your application. Please note that under section 104(6) of the RMA, Council may decline an application for resource

PLANNING DEPARTMENT

FILE NOTE

From: Gina Hogarth

Date: 11th November 2020

File Ref: 200052

Subject: Further Information Request Discussion

Discussion held with Carissa DuPlessis (Acting Team Leader) + Sean Judd (Group Manager Regulatory) about the requirement for an acoustic report, given the quarry is located on open pasture in the vicinity of Market Cross.

Given the distance from the receiving environment, and anticipated conditions for the consent (such as bunding for noise reduction and a review condition relating to noise) the requirement for an acoustic report has been decided as not required.

Gina Hogarth



Planner

Gina Hogarth

From: Gina Hogarth
Sent: Tuesday, 3 November 2020 4:44 PM
To: Avery Brothers
Subject: RE: RC200052 - Deposit fee

Hi Brett,

As discussed the statutory days are on day 2 of 20 (the clock started when payment was received).

The next part of the process is to determine if there is any further information required and if this is the case we'd request it through a s92 request. At this stage there are no red flags but will need to discuss with a Senior Planner to be sure. If no further information is required we would then determine who may be affected by the activity and send out a s95 Request if not all the approvals have been received. Although I haven't completed the Notification Report to determine all affected Parties, a flag at this stage is only Peter Currie has signed the Affected Party form provided with the application, however it needs to be signed off by both owners of the title. This includes Peter Thomas Currie and Fiona Leigh Currie, Owner of Section 1 Survey Office Plan 353979 and Part Section 16-17 Block 14 Oparara Survey District. Also the owner of 14 Curries Road (Lot 1 & 2 DP 5842) is another Affected Party required for sign off listed as Hadleigh Francis Brownie (In the RC application the owner was initially thought as the Curries however is not the case). Can you please make sure the form is filled out correctly including referencing the Resource Consent numbers.

I'll be able to update you hopefully by the end of the week if any further information is required, and if any additional affected parties may be required.



Cheers

Gina Hogarth | Planner

DDI 03 788 9657 | Email Gina.Hogarth@bdc.govt.nz

Buller District Council | Phone 0800 807 239 | www.bullerdc.govt.nz

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From: Avery Brothers <averybrothers@xtra.co.nz>

Sent: Tuesday, 3 November 2020 1:47 PM

To: Gina Hogarth <Gina.Hogarth@bdc.govt.nz>

Subject: RE: RC200052 - Deposit fee

Hi Gina

I am just checking on this to see what timeframes I have to work with, any idea? Are there any red flags I need to start working on?

Cheers

Brett

From: Gina Hogarth [<mailto:Gina.Hogarth@bdc.govt.nz>]

Sent: Thursday, 29 October 2020 4:08 p.m.

To: Avery Brothers

Subject: RE: RC200052 - Deposit fee

Awesome thank you.

Gina Hogarth | Planner

DDI 03 788 9657 | Email Gina.Hogarth@bdc.govt.nz

Buller District Council | Phone 0800 807 239 | www.bullerdc.govt.nz

PO Box 21 | Westport 7866

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states them to be the views of Buller District Council.



From: Avery Brothers <averybrothers@xtra.co.nz>

Sent: Thursday, 29 October 2020 2:56 PM

To: Gina Hogarth <Gina.Hogarth@bdc.govt.nz>

Subject: RE: RC200052 - Deposit fee

Sorry, I thought I had done it with all the others. Paid now

Thanks
Brett

From: Gina Hogarth [<mailto:Gina.Hogarth@bdc.govt.nz>]

Sent: Thursday, 29 October 2020 2:24 p.m.

To: averybrothers@xtra.co.nz

Subject: RC200052 - Deposit fee

Hi Brett,

The Deposit fee for consent RC200052 has not been received by council yet, which means the statutory time clock cannot start yet.

Can you please arrange for the fee to be paid?

Thank you

Gina Hogarth | Planner
DDI 03 788 9657 | Email Gina.Hogarth@bdc.govt.nz

Buller District Council | Phone 0800 807 239 | www.bullerdc.govt.nz

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Gina Hogarth


From: Gina Hogarth
Sent: Thursday, 29 October 2020 4:08 PM
To: Avery Brothers
Subject: RE: RC200052 - Deposit fee

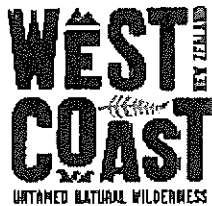
Awesome thank you.

Gina Hogarth | Planner
DDI 03 788 9657 | Email Gina.Hogarth@bdc.govt.nz

Buller District Council | Phone 0800 807 239 | www.bullerdc.govt.nz
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To: Gina Hogarth <Gina.Hogarth@bdc.govt.nz>
Subject: RE: RC200052 - Deposit fee

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Thanks
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Sent: Thursday, 29 October 2020 2:24 p.m.
To: averybrothers@xtra.co.nz
Subject: RC200052 - Deposit fee

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Gina Hogarth | Planner

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indigenous fauna identified using the criteria in Policy 4.8.7.4 as a guideline.

5.3.2.4.2.6. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems.

5.3.2.4.2.7. Effects on the intrinsic values of ecosystems.

5.3.2.4.2.8. Effects on recreational values.

5.3.2.4.2.9. The location, extent and methods to be employed in harvesting operations in so far as these are relevant to the matters listed as 5.3.2.4.2.1 to 5.3.2.4.2.8 above.

5.3.2.4.3. Mining and incidental earthworks. The matters over which discretion is restricted are:

No new access proposed
From Curries Road via existing
farm track.

5.3.2.4.3.1. Location of access points, tracks and mine roads.

Not indicated on map. RFI

5.3.2.4.3.2. Distance and gradient of mined land to boundaries.

Bakers Ck ~ 120m away
Tributary next to N boundary

5.3.2.4.3.3. Effects on waterbodies, wetlands and riparian margins.

Marked on aerial map but no
scale to measure RFI

5.3.2.4.3.4. Total area of disturbance and effects of bulk and location of stockpiling and buildings.

OK

5.3.2.4.3.5. Hours of operation.

OK - Pasture land

5.3.2.4.3.6. Protection of areas of significant indigenous vegetation or significant habitats of indigenous fauna identified using the criteria in Policy 4.8.7.4 as a guideline.

OK - Pasture land

5.3.2.4.3.7. Effects on indigenous flora and fauna and the life supporting capacity and functioning of indigenous ecosystems.

-

5.3.2.4.3.8. Effects on outstanding natural features and landscapes.

None Noted

5.3.2.4.3.9. Effects on cultural, archaeological and historic sites.

OK

5.3.2.4.3.10. Site restoration, rehabilitation or revegetation.

5.3.2.4.3.11. Noise control, including vibrations.

5.3.2.4.3.12. Use, storage and transportation of hazardous substances.

5.3.2.4.3.13. Financial contributions relating to landscaping, land restoration and roading.

5.3.2.4.3.14. Impacts on public access, including recreation.

OK

5.3.2.4.4. Indigenous vegetation clearance and incidental earthworks exceeding 5ha per site, in total, over a continuous three year period. The matters over which discretion is restricted are:

5.3.2.4.4.1. Effects on waterbodies, wetlands and riparian margins.

5.3.2.4.4.2. Effects on habitats of any threatened or protected species.

5.3.2.4.4.3. Effects on archaeological, cultural or historic sites within the extraction area.

5.3.2.4.4.4. Protection of outstanding natural features and landscapes.

5.3.2.4.4.5. Protection of areas of significant indigenous vegetation or significant habitats of indigenous fauna identified using the criteria in Policy 4.8.7.4 as a guideline.

5.3.2.4.4.6. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems.

5.3.2.4.4.7. Effects on the intrinsic values of ecosystems.

5.3.2.4.4.8. Effects on recreational values of public land.

5.3.2.4.5. All limited discretionary activities are subject to compliance with the District Wide Rules in Part 7.

what size excavator? 20t excavator confirmed
confirm truck + trailer unit or single? semi truck + trailer
Not stored on site.
Mobile tanker to fill when required.

Discussed with Brett Aney 10/11/20
confirming details. ghogast 10/11/20

indigenous fauna identified using the criteria in Policy 4.8.7.4 as a guideline.

- 5.3.2.4.2.6. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems.
- 5.3.2.4.2.7. Effects on the intrinsic values of ecosystems.
- 5.3.2.4.2.8. Effects on recreational values.
- 5.3.2.4.2.9. The location, extent and methods to be employed in harvesting operations in so far as these are relevant to the matters listed as 5.3.2.4.2.1 to 5.3.2.4.2.8 above.
- 5.3.2.4.3. Mining and incidental earthworks. The matters over which discretion is restricted are:
 - 5.3.2.4.3.1. Location of access points, tracks and mine roads.
 - 5.3.2.4.3.2. Distance and gradient of mined land to boundaries.
 - 5.3.2.4.3.3. Effects on waterbodies, wetlands and riparian margins.
 - 5.3.2.4.3.4. Total area of disturbance and effects of bulk and location of stockpiling and buildings.
 - 5.3.2.4.3.5. Hours of operation.
 - 5.3.2.4.3.6. Protection of areas of significant indigenous vegetation or significant habitats of indigenous fauna identified using the criteria in Policy 4.8.7.4 as a guideline.
 - 5.3.2.4.3.7. Effects on indigenous flora and fauna and the life supporting capacity and functioning of indigenous ecosystems.
 - 5.3.2.4.3.8. Effects on outstanding natural features and landscapes.
 - 5.3.2.4.3.9. Effects on cultural, archaeological and historic sites.

PLANNING DEPARTMENT

FILE NOTE

From: Gina Hogarth

Date: 21st October 2020

File Ref: RC200052

Subject: Site Visit

Site Visit attended by: Paul Avery as applicant representative, Processing Officer Gina Hogarth and Planner Jesse Forsyth.

Vehicle Crossing

The Access is proposed off Curries Road. The applicant mentioned it may make sense for them to access off Oparara Road. If this was this case it would be easier to include it in the application now to determine if any further affected parties and to prevent any further hold up in future. Paul was going to have a think and would reconfirm.



Truck Movements

Given the width of road on the farm road it is likely a smaller truck than anticipated in the application will be used to cart the gravel.



Waterways

Refer to drone site photos to see water ways located next to the site. A small tributary on the northern boundary of the quarry was discussed being in close proximity to the Quarry. The applicant said they could remain 3-4m away from this as the foot print was heading east.



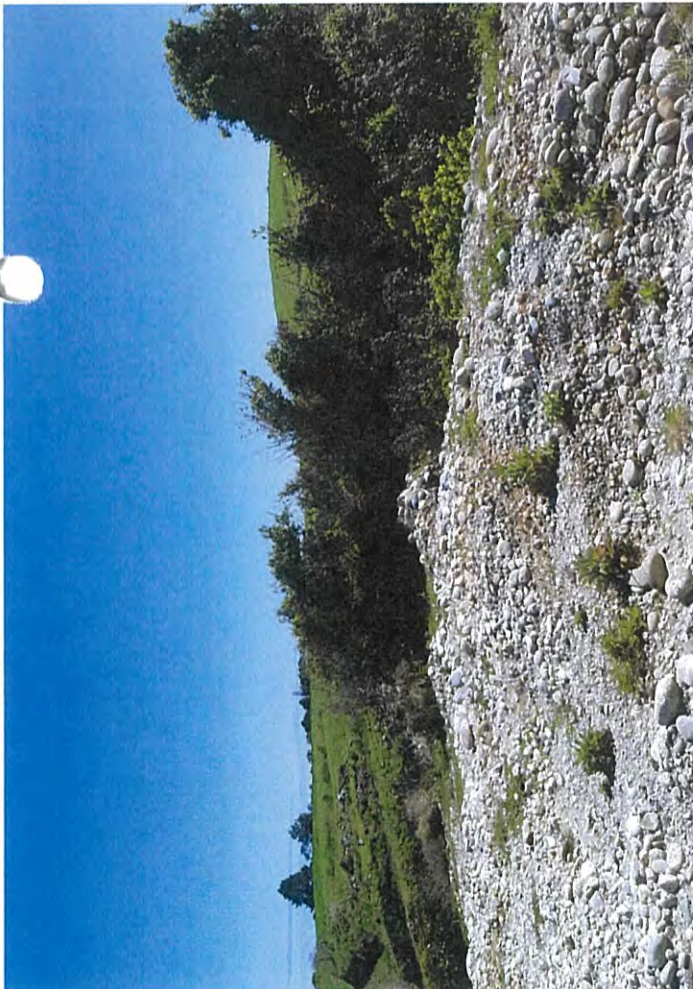
2012 07 11 14:10:10
MOBILE PICS



TOP TERRACE - FACING SOUTH



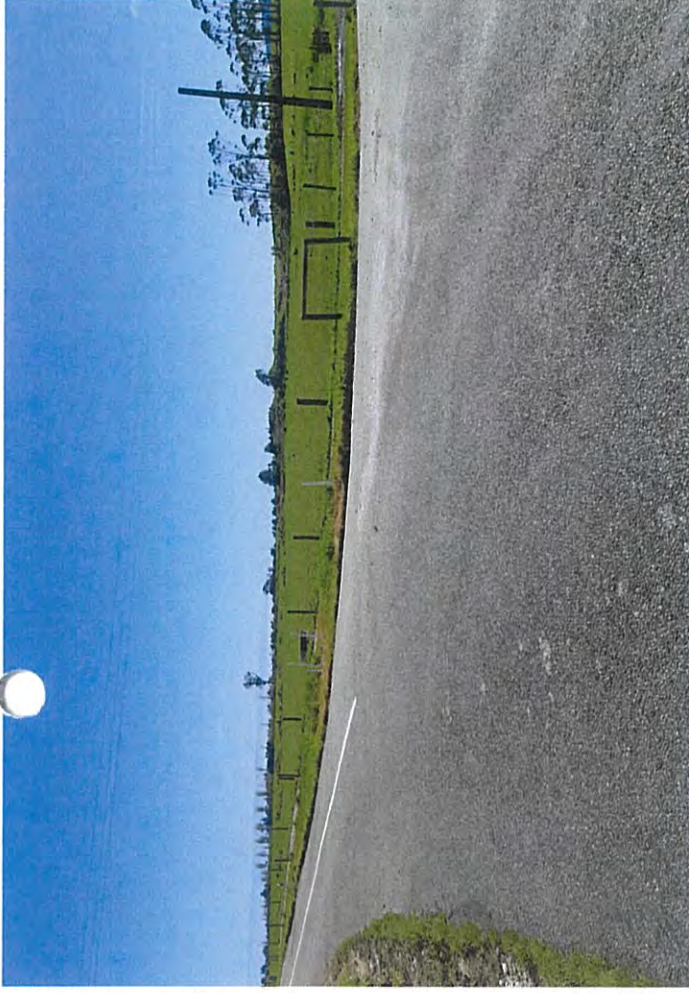
CK NEXT TO
WEST EXTENT



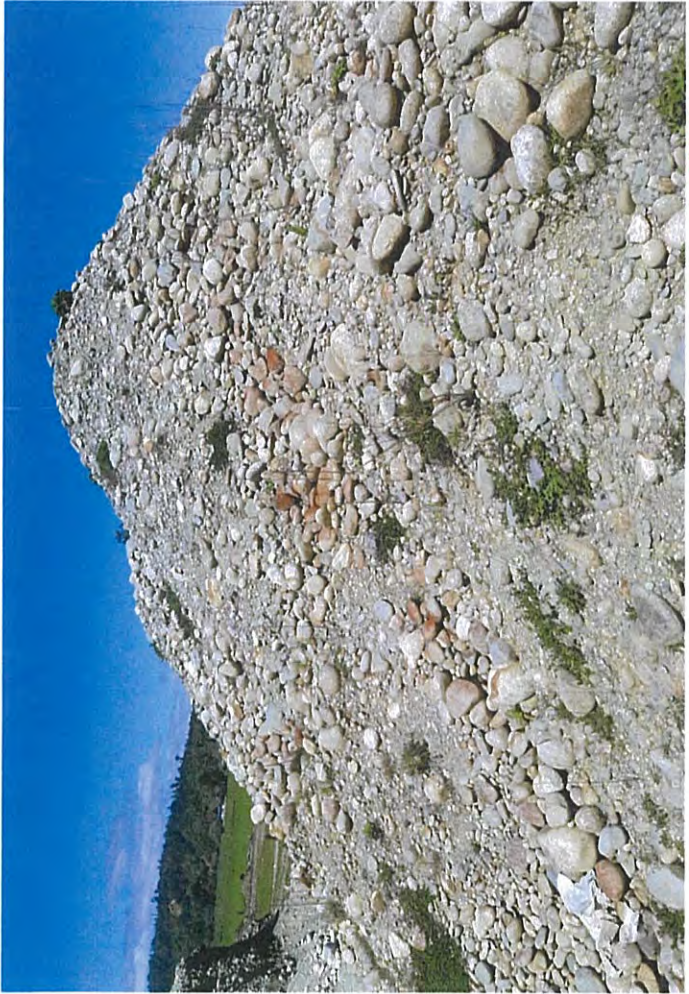
TOP TERRACE
FACING WEST



CURRIES RD



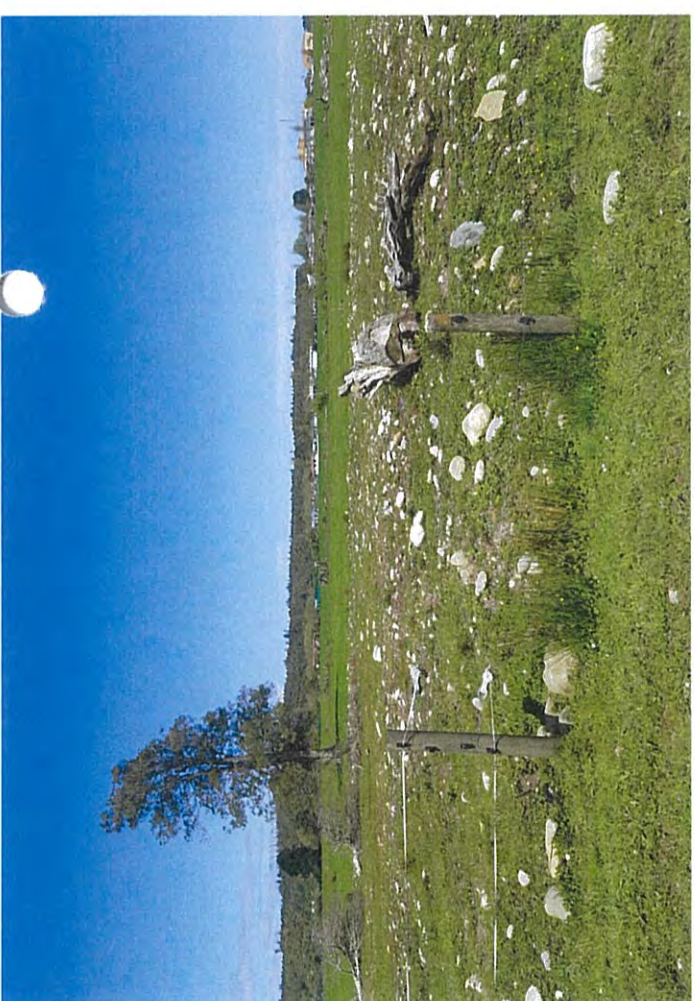
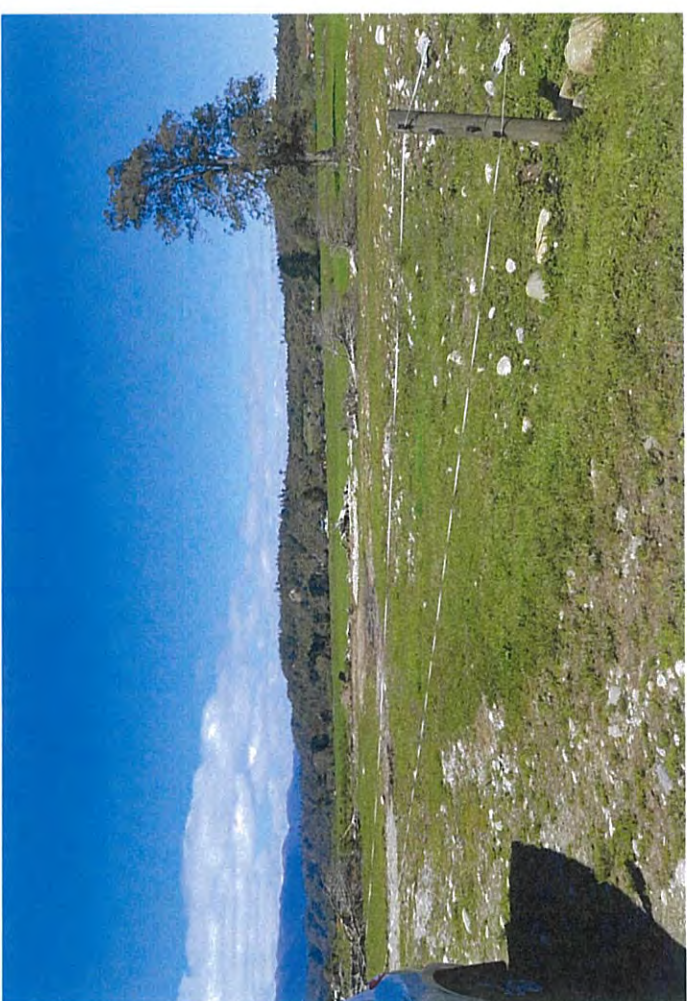
CURRIES RD

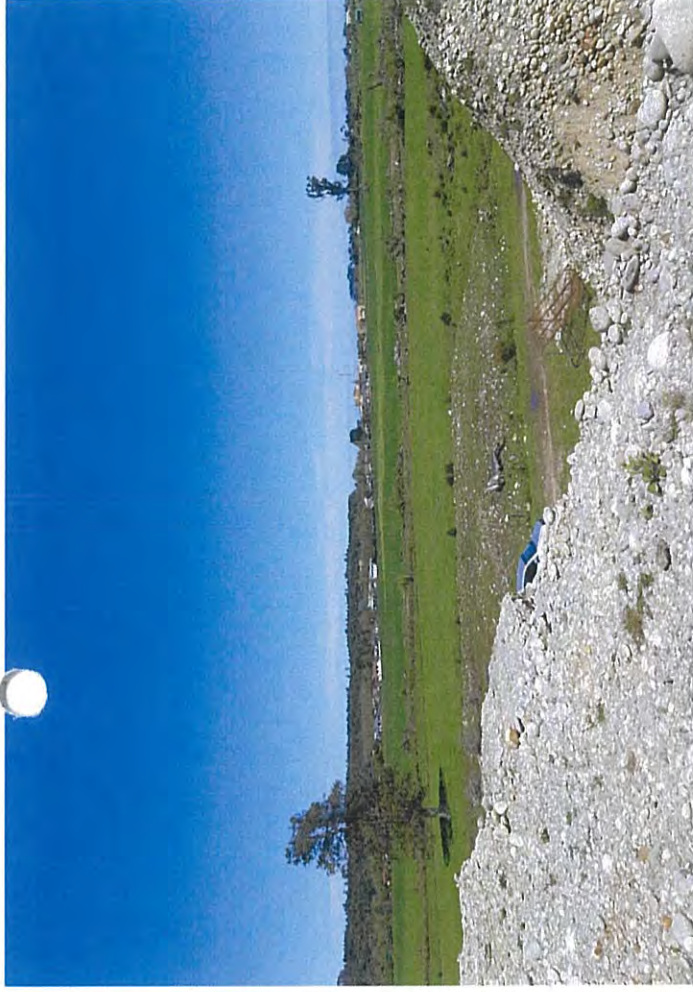


STOCKPILE - STAYING



CURRIES RD





TOP TERRACE

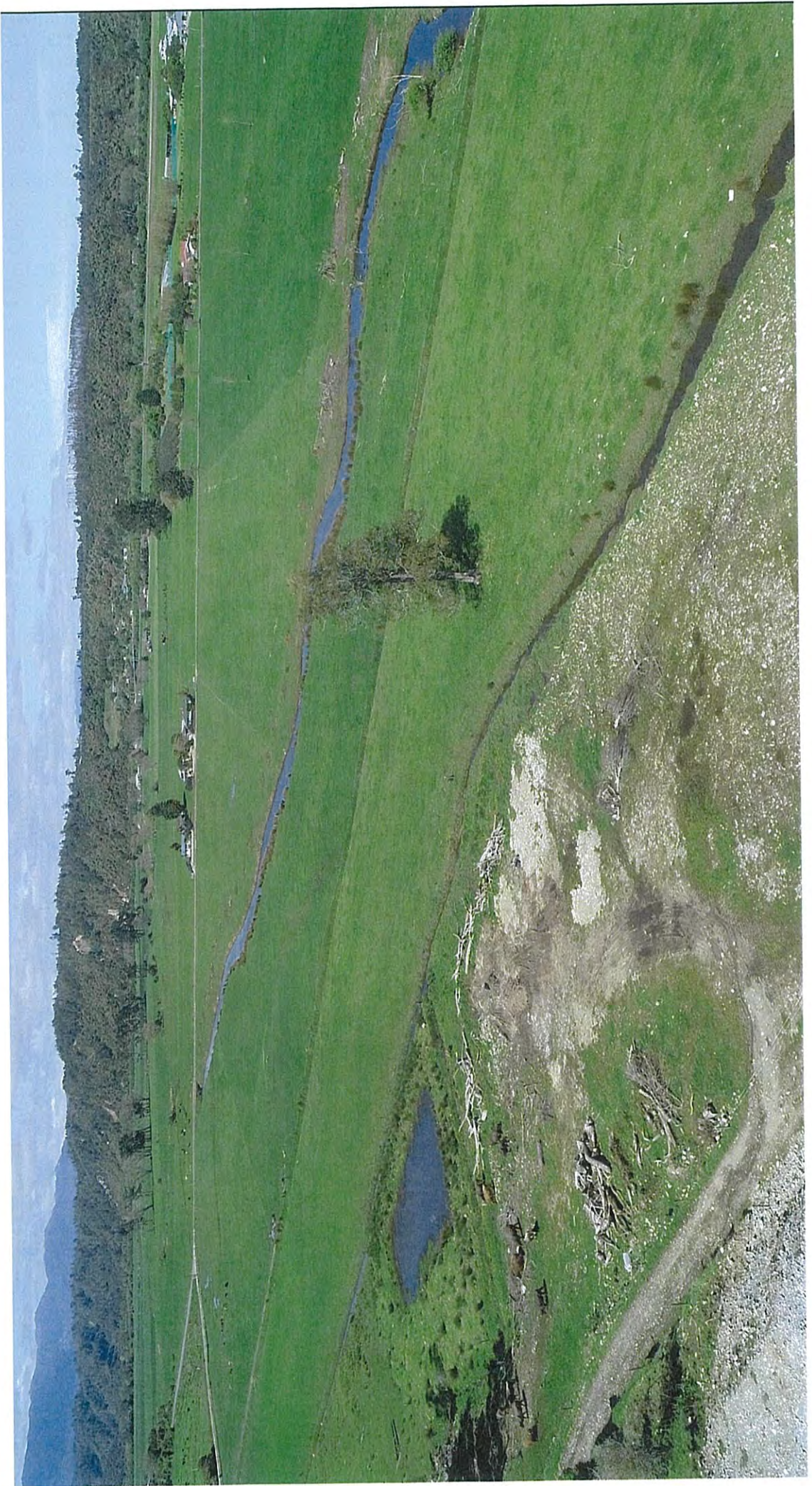


TOP TERRACE

SITE VISIT 2/10/20

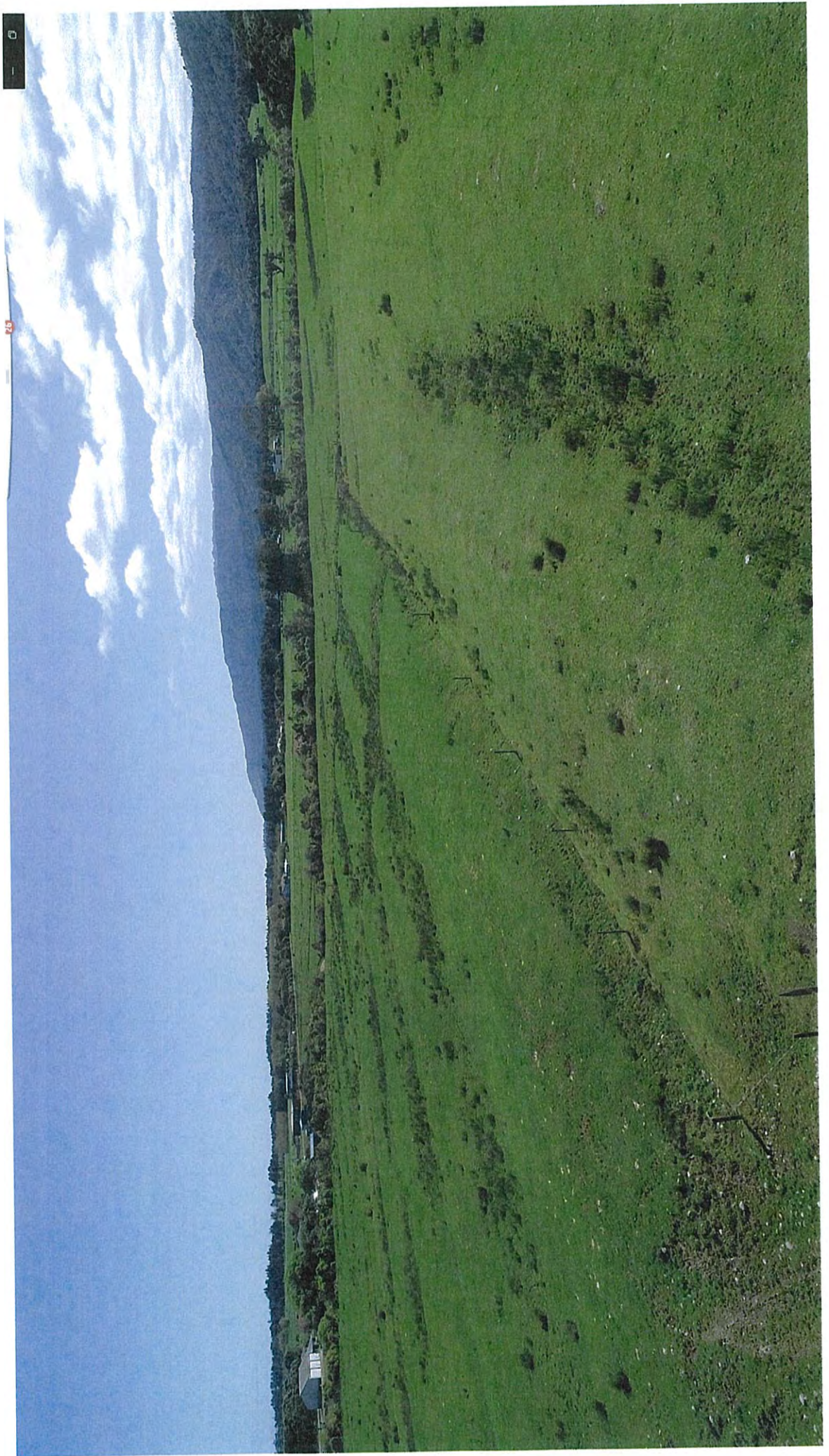


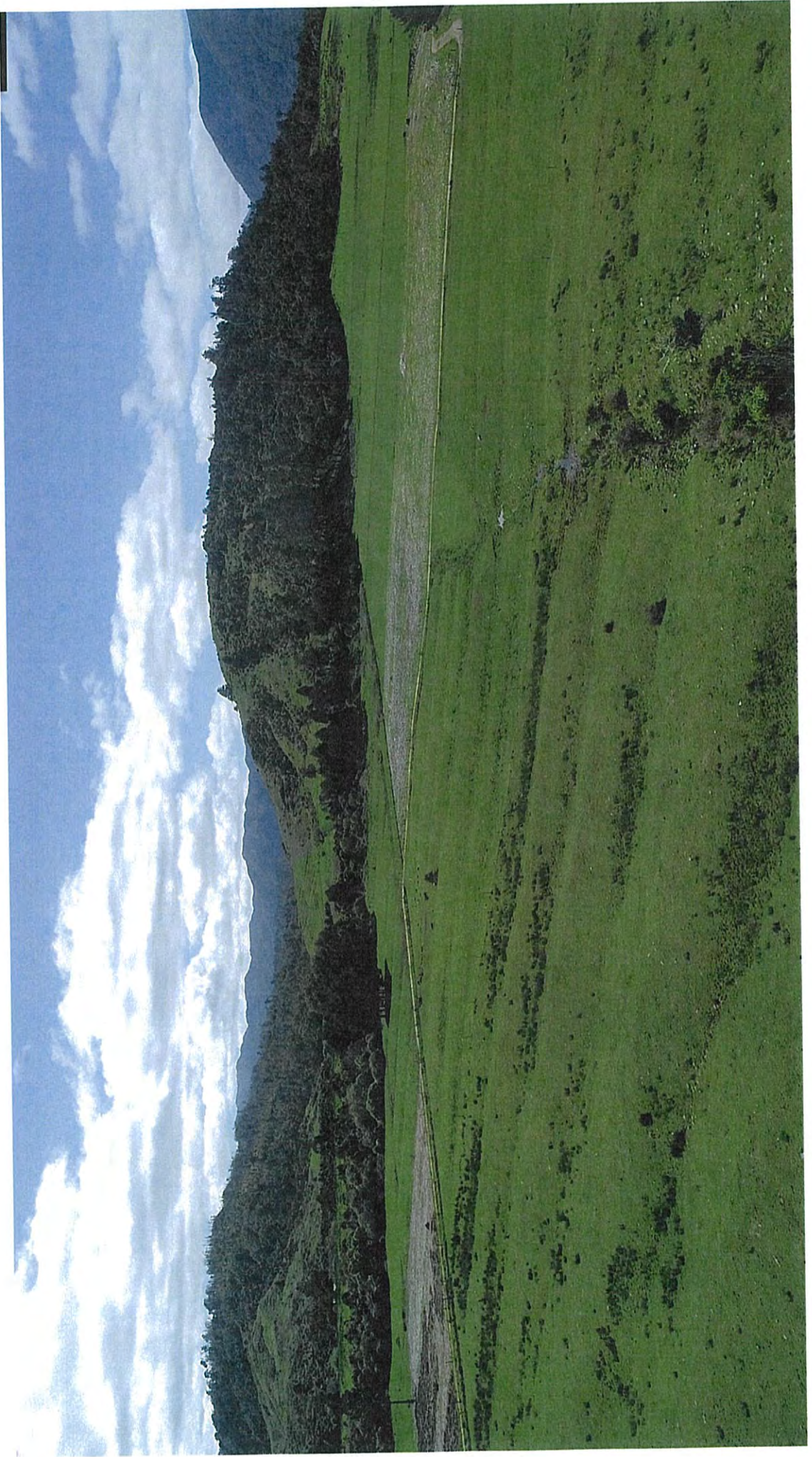
FACING WEST

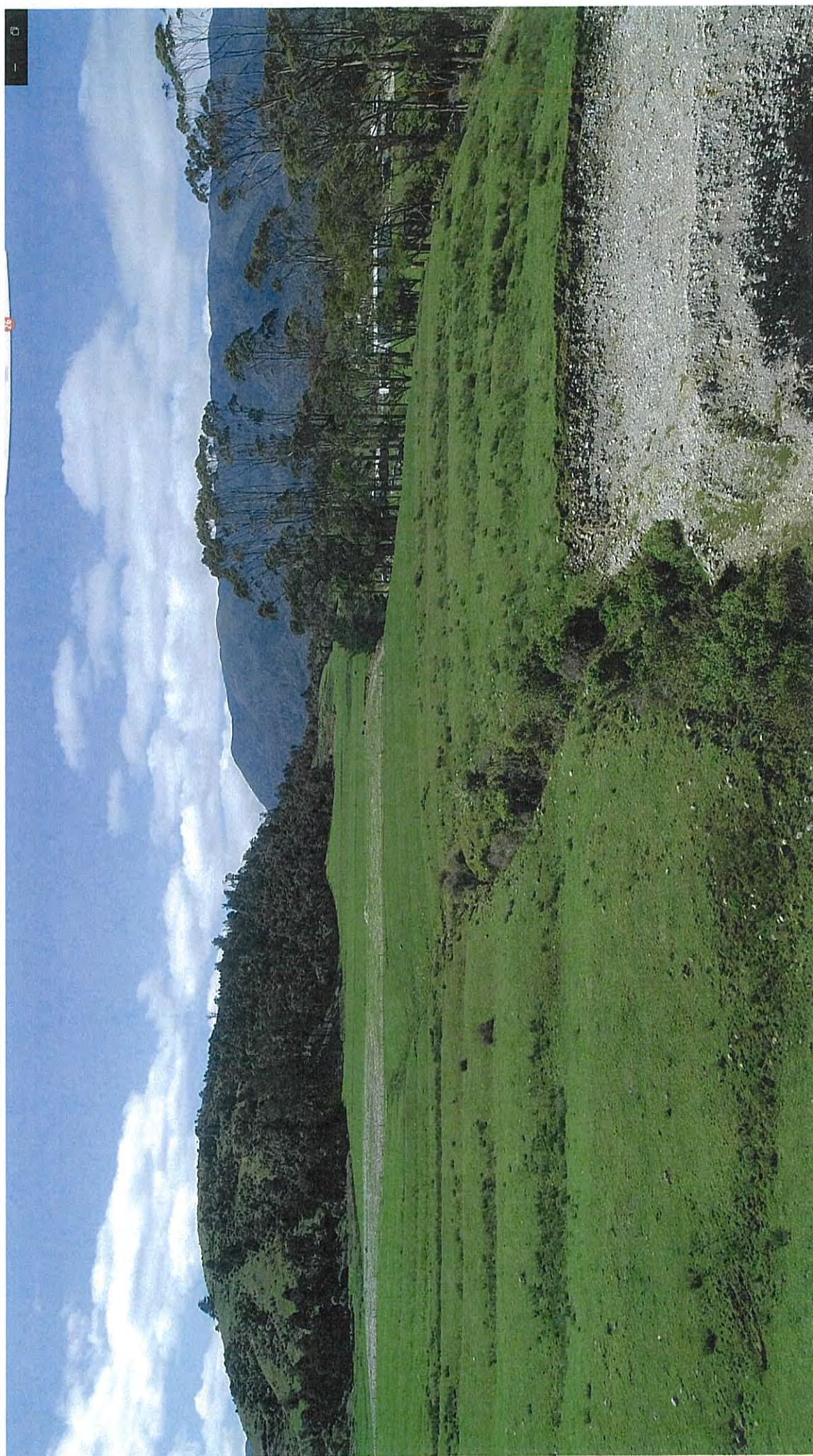




FACING NW







FACING EAST



EXISTING QUARRY PIT

File Reference: RC200052

14 October 2020

Avery Bros Ltd
PO Box 261
Westport 7866
By email: averybrothers@xtra.co.nz

Dear Brett

APPLICATION FOR RESOURCE CONSENT- RC200052 - AVERY BROS LTD

I wish to advise that the abovementioned resource consent application was received by Council on 12 October 2020.

The deposit of \$800.00 can be paid into Council's bank account, details below. Processing of the application will not commence until payment has been received.

Westpac, Westport branch
030897-0084770-00
Please use reference RM200052 when making payment.

This application has been assigned the file number RC200052 which should be quoted on all correspondence.

You will be advised in due course should Council require further information and/or public notification of the application.

If you have any queries, please contact Gina Hogarth - Planner on (03) 788 9657 or gina.hogarth@bdc.govt.nz who will be processing the application.

Please note that the Valuation number listed in the application (18780 15300) has been incorrectly referenced and should be 18780 20800.

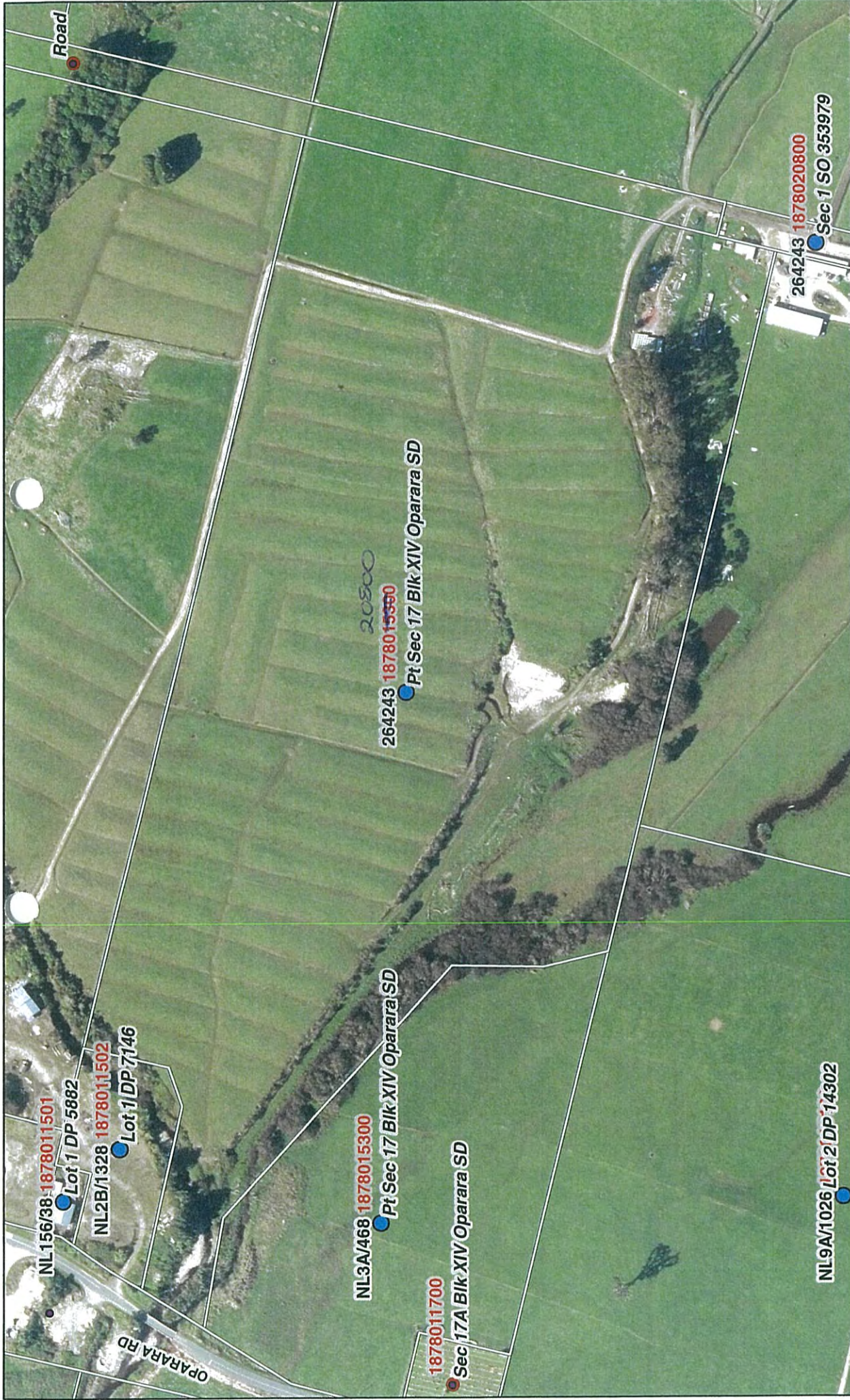
Yours faithfully



Julie Sail
TECHNICAL SUPPORT - PLANNING

Encl

* Please note that this is a deposit only and Council operates on a full cost recovery system. Therefore if the cost of processing the consent is more than the deposit, you will be charged the additional amount.



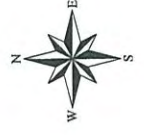
Buller District Council Map

Print Date: 14/10/2020

Scale: 1:2,876

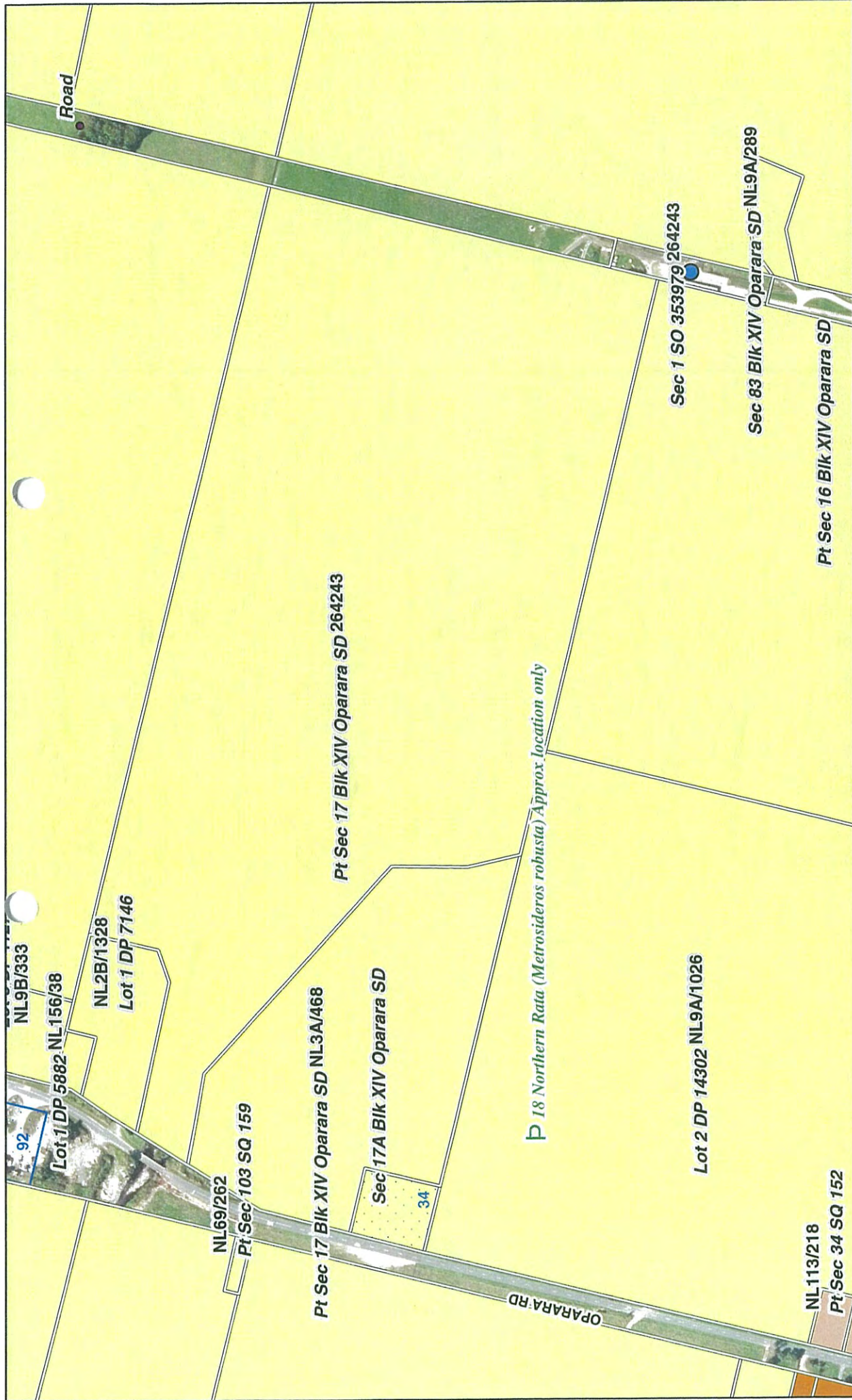
1 centimeter equals 28.76 meters

When printed on A4



Cadastral information derived from
Land Information New Zealand.
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Information shown is indicative only and is
the currently assumed knowledge as at date
printed. If information is vital, confirm with the
authoritative owner.



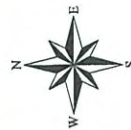
Buller District Council Map

Print Date: 14/10/2020

Scale: 1:3,500

1 centimeter equals 35.00 meters

When printed on A4



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authoritative owner.

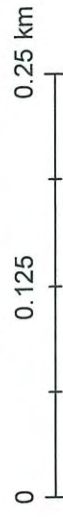
WestMaps



10/14/2020 11:48:50 AM

- ☐ Property (Buller)
- ☐ Property (West Coast)
- ☐ Land Parcel (Buller)
- ☒ Selected Land Use Site
- ☐ Selected Land Use Site
- ☐ Property (Buller)
- ☐ Property (West Coast)
- ☐ Land Parcel (Buller)
- ☐ Address Numbers
- ☐ Road

1:4,514



RC200052 Crushing site plan



November 13, 2020

- ☐ Property (Buller)
- ☐ Property (West Coast)

Julie Sail

From: Avery Brothers <averybrothers@xtra.co.nz>
Sent: Monday, 12 October 2020 3:46 PM
To: BDC_Planning
Subject: Resource consent application - Karamea gravel extraction
Attachments: Resource consent application - Karamea Gravel Extraction.pdf

Hi

Please find application attached. It will send it in two parts as it is too large for your system.

Can you please forward me your bank acc details so I can pay deposit.

Brett



81 Brougham St
PO Box 261
Westport 7825
Ph: 03 789 8526
Fax 03 789 6947
averybrothers@xtra.co.nz



Westport Office
PO Box 21
WESTPORT 7866
Phone (03) 788 9111
Fax (03) 788 8041
Freephone 0800 807 239

Reefton Office
PO Box 75
REEFTON 7851
Phone (03) 732 8821
Fax (03) 732 8822

RESOURCE CONSENT APPLICATION FOR MINING AND QUARRYING

Please complete all sections. Examples are provided in brackets to help you answer the questions. If you require assistance in completing the application, please feel free to give us a call on (03) 788 9603, email us at planning@bdc.govt.nz or make an appointment at the Westport office, as a Duty Planner is available most days.

Site photos are always helpful. If you are taking photos remember to take one of the areas you intend to operate within from the closest public access point (probably a public road). Either print the photos and attach to your application, or email them to planning@bdc.govt.nz with reference to the site that the application is for.

A diagram of the site is essential. It doesn't have to be complicated, but needs to show the important measurements like where the operating area is in relation to the Mining Permit and land parcel boundaries, and how large each extraction area is. If there will be stockpiling of overburden or vegetative material for direct transfers, show where these stockpiles will be (you must also include the estimated height of the stockpiles). The site diagram should also indicate what areas will be mined and in which order if there is to be progressive mining and rehabilitation. The diagram must also include any mine or haul roads within the site and indicate where the mine will access the roading network.

Please remember you may need to include a copy of an ecological assessment of the site to be mined if it is an opencast mine where native vegetation is to be removed. You may also need an archaeological report if the mine area has been mined previously or there has been settlement in the area historically. A geotechnical report may also be required if the area is steeply sloping or in an area of fault activity. All reports need to be prepared by a suitably qualified person. If Council has concerns over the person's qualifications, a peer review will be needed and this cost will be passed on to the applicant. You are able to check with Council those reports that have been accepted in the past in order to avoid the likelihood of a peer review.

Checklist

- X Have you completed and signed the application form?
- X Have you filled in the attached Assessment of Environmental Effects form?
- X Have you attached an assessment of the activity against Part 2 of the Resource Management Act and any relevant Objectives and Policies of the Plan (in accordance with Schedule 4)? To assist with completing this assessment, a copy of Part 2 and the District Plan's Objectives and Policies can be downloaded from the Council's website – <http://bullerdc.govt.nz/application-forms-and-information-sheets/assessmentdocument/>
- X Have you completed the 'Declaration to Accompany Application for Resource Consent' in regard to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)?
- N/A Have you included any technical reports/assessments? (i.e. Geotechnical assessment, Landscape assessment, Acoustics assessment etc)
- X Have you included a site plan with all the items listed on Page 1?
- X Have you included photos of the site, or
Plan to email photos to Council?
- X Have you included the deposit of \$800.00?
Please note that this is a deposit only and Council operates on a full cost recovery system. Therefore if the cost of processing the consent is more than the deposit, you will be charged the additional amount.
- X Have you included a copy of the Record of Title (RT). The RT must not be older than 3 months), or
 - X Do you wish Council to search a copy for you (for a cost of \$40.00 per RT)?
- X Have you attached any completed and signed Affected Parties forms?
- N/A Have you attached a copy of your Mining Permit?

Advice Note: Please attach separate sheet(s) if required.

APPLICANT DETAILS

1. Applicant(s) name(s): (please write all names in full)

Avery Bros Limited

2. Postal Address:

PO Box 261, Westport 7825

Telephone: Business: 03 7898526

Facsimile: 03 7896947

Email: averybrothers@xtra.co.nz

3. Applicant is the

☐

owner/occupier (please tick the appropriate box)

☐

prospective owner

Property owner's name: (if different from above)

Peter Currie

Telephone:

Business: _____

Private: _0274196600_

Facsimile: _____

Email: _umerefarm@gmail.com_

4. Correspondence to be sent to the following name and address: (if different from applicant)

Telephone: Business: _____

Facsimile: _____

Private: _____

Email: _____

PROPERTY DETAILS

5. Description of location of activity and/or property address: (include the name of any relevant stream, river or other water body to which the application may relate, proximity to any well known landmark, etc)

24 Curries Road

6. Legal Description:

Pt Sec 17 Sq 152 BLK XIV Oparara

7. Record of Title Reference:

Council to provide copy

8. Valuation Roll Number⁴(from rates or valuation notice)

18780 15300

9. Zone:

Rural Zone

DETAILS OF PROPOSAL

10. Are any other consents required?

(discharge, diversion or mining consents from the Regional Council, etc)

If yes, list consents below, and whether they have been applied for.

No other consents are required – permitted activity under the Regional Land and Water Plan.

11. Provide a general description of what is proposed, including the resource to be mined/quarried: *(to mine a 2.5ha site in progressive ½ ha blocks with continuous rehabilitation of the site using various earthmoving equipment during extraction and rehabilitation, etc)*

The removal of up to 4,000m³ of gravel from an existing farm quarry. The existing quarry footprint will be extended to the east and cover approximately 7,000m² of farmland. Gravel will be extracted by means of a single excavator, stockpiled on-site and then crushed and screened. A loader will be used to move material on-site and load truck and trailer units. The material will then be transported to Kohaihai Road (a distance of approximately 10km) where the unsealed section of road is being widened, re-shaped and sealed.

12. What volume is anticipated to be extracted annually and over the life of the mine/quarry? *(gravels will be extracted to a depth of 8 metres with 10,000 tonnes being extracted annually over a 15 year quarry life, with a total of 150,000 tonnes being removed from the site, etc)*

Gravel will be extracted to a depth of 3 metres over an area of approximately 7,000m². A maximum of 4,000m³ of gravel will be extracted over a 6-month period

13. Provide the reasons for the application and for choosing this site: *(the area has been mined before so disturbance is not as intrusive as an untouched site and with modern extraction methods there is still an economic amount of gold able to be extracted from the area. This area has a relatively small overburden layer and this makes the extraction of coal in this location economically attractive, etc)*

The area is the site of an existing farm quarry which has good access and is setback from residents. The site is also reasonably close to the proposed road works at Kohaihai.

14. Describe the surrounding area with reference to the closest occupied sites: *(the mining operation will take place within a paddock, with farming currently being the main activity. The closest dwelling is be 600 metres from the mine operation and is owned and occupied by the farm owner, etc)*

The quarry operation will take place within a paddock with farming being the current land use. The closest dwelling to the proposal is 350m, owned by Peter Currie.

15. Has the site been the subject of previous activities or occupation? *(Blocks 1 and 4 were mined in the 1940s. There was also a miners hut located in the east corner of block 4, etc)*

The site is the location of an existing farm quarry where gravel has been extracted for farm tracks. The vegetation cover of the undisturbed section is pasture utilised for farming.

16. What type of extraction methods will be used? *(initially heavy machinery, diggers and dozers will be used to clear vegetation and overburden, though blasting of some rocky areas may be required. Extraction will then be by diggers and trucks to haul away the coal for sorting. Sorting will take place on site using a wet screen process then stockpiled for removal from the site, etc)*

A single excavator will be used to extract gravel to a depth of 3m progressing across the site in an easterly direction. The initial step will be to scrap the thin layer of soil and stockpile this adjacent to the work area. The excavator will then excavate and stockpile gravel within the site with a loader to be used to load material into the crushing plant. Once the gravels have been processed the material will be loaded onto truck and trailer units.

17. How will rehabilitation of the site be undertaken? *(the mine site will be rehabilitated progressively. The previously mined area will be re-contoured replacing overburden and soil and direct transfer material. In addition, seedlings will be planted in conjunction with a plant and animal pest control program, etc)*

18. Are any new accessways proposed for the site?

No

If yes, please show on the site diagram.

19. How will the site be accessed and are there any other access points to the mine area? *(the site will be accessed from Buller Road between Grey and West roads for all mine vehicles. There is a walking track in the area from which you will be able to see the mine activities but this does not provide direct pedestrian access to the mine, etc)*

The site will be accessed from Curries Road and via an existing farm track.

20. What are the proposed days and hours of operation per week (include any seasonal variations)? *(the mine will operate Monday to Saturday from 6am to 6pm in summer and 8am to 5pm during winter, etc)*

7.30am to 5 pm Monday to Friday. The mobile gravel crusher will only operate after 8am to ensure compliance with District Plan noise limits.

21. Two people full-time and Nil people part-time will be employed.

22. Regular traffic movements to and from the mine site are likely to be at the rate of 2 light vehicles per day and up to 20 truck and trailer unit trips per day~~week~~ *(delete as appropriate).*

The 20 trips by truck and trailer units will be spread over the working day transporting gravel to the Kohaihai Road work site.

23. Describe the gradients of the site and how this will differ during and after mining. *(currently, the site slopes towards the south east at varying angles between 5 and 20 degrees. During mining there will be cut batters and terraces to access the steeper areas. After mining, the area will be re-contoured to give a more even slope across the site but still varying to give it a natural feel, etc)*

The application site is essentially flat, with a slight rise in the middle. Quarrying will create a pit with 3m high walls. Following quarry operations, the pit walls will be battered to an even slope suitable for farming purposes.

24. Are there any water bodies within the intended mine area? If so, how will the operation affect them? *(Cats Creek dissects the north western corner of block 6 and will be realigned around the mining areas. A consent for this realignment has been applied for to the Regional Council, etc)*

Bakers Creek is located approximately 120m south of the proposed quarry. The operation will not affect this waterway.

25. Will any buildings be needed on the site? If so, what will they be used for? *(A porta com will be utilised as a site office in the area indicated on the site diagram. Porta loos will be utilised for workers' ablutions, etc)*

No buildings will be needed for the proposal. The quarry workers will utilise the toilets at the farmer's cowshed.

26. What are the anticipated noise levels generated by the various aspects of the mining operation and incidental earthworks? *(Sound levels will vary depending on the machinery in use, with levels expected between 40 to 85dBA with an Lmax 110dBA when blasting, etc)*

Noise levels from machinery working at the site, including operation of the gravel crusher is expected to be around 100dBA. The gravel crusher will operate intermittently while the excavator will create noise levels similar to other agricultural activities. Given the significant distance to residents, the District Plan day-time noise limits of 55dBA are expected to be readily met. For the half an hour each day that activities will be required to comply with the night-time noise limits of 45dBA (i.e 7.30am to 8am), the crusher will not be operate to ensure compliance with required noise levels.

27. Will dangerous goods be stored on site *(i.e. flammable liquids, gases, solids)?*

No

If yes, what is the nature of the goods and how will they be stored? *(There will be two 5000L refuelling tanks on site holding diesel and petrol. The tanks will be within a bunded area installed on a concrete slab and all refuelling will take place on the slab, with the area having a location test certificate and all handlers having appropriate certification, etc)*

A mobile diesel tanker will be used to re-fuel machinery but it will not be stored on-site. All mechanical repairs will be undertaken off-site.

28. Are any new signs or changes to existing signs proposed? *(a "mine entrance" or "private keep out" sign, etc)*

No

If yes, please provide a site diagram showing the location, dimensions, colour, exact message and dimensions of lettering and symbols, how the sign is to be fixed to the ground/building.

29. Do you wish to be contacted prior to a member of the Planning Department undertaking a site visit?

Yes

Dated at _____ this 12th day of October 2020

Signed:  (to be signed by or on behalf of applicant)

**PLEASE MAKE SURE YOU HAVE READ THE CHECKLIST ON THE
SECOND PAGE AND PROVIDED ALL REQUIRED INFORMATION**

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

PHYSICAL

1. Describe the:
 - (a) landforms (*eg: mountains, hills, cliffs, streams, rivers, valleys, beaches, lakes, gorges, caves, paddocks*)

Grassed paddock
 - (b) land slopes (*eg: steep, flat, rolling, angle of slope*)

Flat farmland
 - (c) soils (*eg: sand, clay, rock, fill, name of soil*)

Alluvial gravels overlayen with silt loams
2. Describe any potential for natural hazards (*e.g. flooding, erosion, land slip*)

No natural hazards at the site due to distance from any waterways and flat land slope.
3. Are any of the following present in the area? (delete which do not apply)
 - (a) ~~river protection works~~
 - (b) ~~bridges~~
 - (c) ~~railways and roads~~
 - (d) ~~telephone/electricity wires or cables~~Please indicate these features on a site diagram/map.

FLORA, FAUNA AND ECOSYSTEMS

4. Describe the vegetation within the application area. List the major species, and any rare or endangered species. ("*Native bush*" and "*scrub*" is not a satisfactory answer).

The application site is pasture with no native vegetation present.
5. Will native vegetation clearance occur? If so, how much?

No
6. Describe and/or list the birdlife, wildlife, freshwater and marine life within the application area, or in the vicinity and any recognised special wildlife habitats ("*usual West Coast wildlife*" or similar is not a satisfactory answer).

The application site has been subject to previous modification (quarrying and farming) with no indigenous vegetation/habitat present.
7. Describe the effects the activity will have on ecosystems, including effects on plants or animals, any physical disturbance of habitats in the area.

The application site is in pasture and does not support any native habitat.

LAND USE

8. Describe the current land use (give as many details as possible).

The current land use is dairy farming

9. Describe neighbouring land uses.

The application site is surrounded by farmland. Access to the application site will be via Curries Road with two residential dwellings situated off this road, both owned by the farmer and occupied by farm workers.

The wider site environment includes the settlement of Market Cross located approximately 500m south west of the application site. A number of residents are located along Umere Road south of the site with the closest of these being approximately 450m away. To the north west is a cluster of buildings and residents situated approximately 400m from the application site.

10. What is the public use of the area?

There is no public use of the area given the site is within private farmland with no legal access.

11. Describe any recreational uses that occur on the land.

N/A

12. What is the intended post-activity vegetation cover and land use? (e.g. forestry, road, residential subdivision, pasture, etc)

On completion of quarrying the site, will be contoured and incorporated back into the existing farming operation. The extent of rehabilitation will be dependent on farm owner i.e. the site may be left open for future gravel access or as a hard pad for stock use.

13. What effect will this application have on alternative uses of the land, resources and/or the environment at present or in the future? (discuss the reasons for your answer)

Quarrying is a temporary activity with the site to be incorporated back into the existing farm operation.

14. Describe the present land surface and how it will be rehabilitated (if applicable).

Currently the land surface is flat. Gravel extraction will result in the removal of gravel to a depth of 3m. Rehabilitation of the pit will involve battering of pit walls.

CONTINGENCIES OR SAFEGUARDS

15. If your activity includes the use of hazardous substances and installations, provide an assessment of any risks to the following which are likely to arise from such use:

- (a) risks to the physical environment
- (b) the neighbourhood
- (c) the wider community

No hazardous substances will be stored on-site but a mobile diesel tanker (2,000 litre) will be bought to the quarry when needed for re-fuelling of machinery. Appropriate spill kits will be kept on-site to enable immediate action to remedy and/or mitigate any accidental diesel spill thereby minimising risks to the wider community and physical environment.

16. Describe any mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of any chemical or other contaminant accidents (*i.e. where will the contents go, how will they be contained, treated, recycled or disposed?*) (continue on separate sheet if necessary)

A spill kit will be held on-site in the event of any accidental diesel spills.

17. Describe any possible alternative locations or methods for undertaking the activity.

There are a number of possible alternative locations for gravel extraction including the Karamea River. The present site, being a land-based, was seen as preferable given the modified site environment and proximity to the road works.

MONITORING

18. How will the effects of the activity be monitored?

The main effect of the proposal is likely to be noise. However, given the distance to neighbouring residents (>400m from the quarry site) and experience at their Westport site, the Applicant anticipates meeting the District Plan noise limits. The Applicant has the ability to undertake noise readings and will do so if any issues arise.

19. Who will monitor the effects of the activity?

The Operations Manager.

SOCIO-ECONOMIC IMPACTS

20. State the number of people who will work at the site:
Two
21. Give details of the hours of work (provide details of any shift times)

Operational hours will be 7.30am to 5pm Monday to Friday. Gravel crushing will not commence until after 8am.
22. Do you intend working on weekends or outside the hours 7.00am to 6.00pm?
No

NOISE

23. Is a residential area or any occupied dwelling close by or within the application area?

There are no dwellings in close proximity to the application site.
24. Give details and distances.

The two closest dwellings to the application site are located along Curries Road owned by Peter Currie.
25. Give details of any anticipated noise levels and likely impacts on both wildlife and residents in the area.

Given the setbacks to neighbours, the Applicant anticipates meeting the District Plan noise limits.

26. Details of noise reduction measures (*rubber lined hoppers, mufflers, shelters, vegetation or soil screens, etc.*)

Good machinery maintenance will ensure noise is minimised as much as possible.
The main noise attenuation measure is the setback distances.

EXPLOSIVES

27. Will you use explosives?

No

28. If so give details of purpose, public warning methods, frequency, timing, storage and handling facilities, type and quantity of blast. Discuss the impacts blasting will have on nearby residents and any measures that will be taken to minimise such effects.

N/A

MAORI INTERESTS

29. Give details of particular Maori interest in the land or water within or bordering the application area, or likely to be affected by the application (*sacred or spiritual sites and values, traditional food gathering areas, etc.*).

The Applicant is not aware of any particular Maori interest in the site.
The District Plan does not record any heritage sites in the vicinity.

VISUAL EFFECTS

30. Is the operation or activity visible from:	Yes	No
nearby dwellings	<input type="checkbox"/>	<input checked="" type="checkbox"/>
roads (including rest areas)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
walking tracks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
known observation points	<input type="checkbox"/>	<input checked="" type="checkbox"/>
areas of public access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If so give details and discuss any measures that will be taken to minimise the visual impacts (*i.e. buffers, vegetation, screens planted, trees, etc.*).

The application site is not expected to be visible from any road or dwellings given existing vegetation which will provide screening. The proposal is setback a considerable distance from roads and neighbours

EFFECTS ON PRESENT AND FUTURE GENERATION

31. Discuss socio-economic and cultural effects the *(both positive and/or adverse)* activity will have on the immediate neighbourhood and where relevant the wider community for present and future generations *(e.g. additional housing and service requirements, noise, vibration, dust, lighting, aesthetic values, change of lifestyle, recreation, scientific values, water supply, increased traffic, historical, spiritual values, etc.)*

The proposal involves extraction of a gravel resource to be used for local roading improvements. This will benefit the Karamea community in terms of maintaining valuable transport infrastructure.

During extraction of gravel there will be truck movements along the local roading network but these will be spread over the working day and of limited duration.

Noise from extraction and crushing activities is expected to comply with the District Plan noise limits and not pose a nuisance to neighbours.

32. Describe any effects *(both positive and negative)* on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, cultural, or other special value for present or future generations:

Given the application site is in pasture the proposal will not result in any ecological effects and there are no waterways in the vicinity that could be adversely impacted by run-off. The Applicant is not aware of any other values associated with the site.

CONSULTATION

33. Have you discussed your proposal with your neighbours and other parties who may be adversely affected (eg. Community & Public Health, Department of Conservation, Heritage New Zealand, Ngati Waewae, New Zealand Transport Agency (formerly Transit NZ) , New Zealand Railways Corporation, local electricity supplier and Telecom New Zealand Limited).

If so, who was consulted?

The Landowner no other parties are considered affected given the setback from neighbours.

34. Are all signed affected persons consent forms completed and attached, or forwarded to Council? YES

If no, your application will be placed on hold until Council receives these forms.

35. If any environmental concerns have been raised by affected neighbours or other parties, how can these concerns be met?

N/A

OTHER INFORMATION

36. Outline other information (if any), required to be included in the application by the District Plan or regulations.

Refer attached.

**ASSESSMENT OF THE ACTIVITY AGAINST PART 2 OF THE RMA ASSESSMENT OF
THE ACTIVITY IN REGARD TO ANY RELEVANT OBJECTIVES, POLICIES, OR RULES
IN A DOCUMENT**

You can either fill in your assessment in the spaces below, or use the Assessment Document which can be downloaded at <http://bullerdc.govt.nz/application-forms-and-information-sheets/assessmentdocument/> and attach it to your application.

In reaching a decision on an application, the Council has to be satisfied that by granting the application, Part 2 of the RMA will be achieved. For further information on Part 2 of the Resource Management Act.

<http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html>

Please provide an assessment of your proposal against Part 2:

Refer Attached Assessment

Please provide an assessment of your proposal against:

- (a) any relevant objectives, policies, or rules in a document; and
- (b) any relevant requirements, conditions, or permissions in any rules in a document; and
- (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).

A full copy of the District Plan's Objectives and Policies can be obtained from Council's website -

<http://bullerdc.govt.nz/district-council/publications/district-plan/part-4-significant-resource-management-issues-objectives-and-policies/>

Refer attached assessment.

PLEASE MAKE SURE YOU HAVE READ THE CHECKLIST ON THE FRONT
PAGE AND PROVIDED ALL REQUIRED INFORMATION

Dated at _____ this 12th day of October 2020

Signed: 
(to be signed by or on behalf of applicant)

Part 2 - Resource Management Act (RMA) Assessment

All resource consent applications must be considered subject to Part 2 of the RMA. In reaching a decision on an application, the Council has to be satisfied that by granting the application, Part 2 of the RMA will be achieved. Resource consent applications must include an assessment of the activity against the matters set out in Part 2 of the RMA.

Part 2 of the Resource Management Act 1991

Section 5 – Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -*
 - (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*

Section 6 - Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *The protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *The protection of protected customary rights.*

Section 7 - Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to -

- (a) Kaitiakitanga:*
 - (aa) the ethic of stewardship:*
- (b) The efficient use and development of natural and physical resources:*
 - (ba) the efficiency of the end use of energy:*
- (c) The maintenance and enhancement of amenity values:*
- (d) Intrinsic values of ecosystems:*
- (e) [Repealed]*
- (f) Maintenance and enhancement of the quality of the environment:*
- (g) Any finite characteristics of natural and physical resources:*
- (h) The protection of the habitat of trout and salmon:*
- (i) The effects of climate change:*
- (j) The benefits to be derived from the use and development of renewable energy*

Section 8 - Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Please provide an assessment of your activity against the matters set out in Part 2 of the RMA:

This application enables people to provide for their social and economic well-being by enabling access to a gravel resource to improve the local roading network. The local roading network provides vital infrastructure links for the rural community.

Given the modified nature of the application site, the proposal does not trigger any Section 6 matters.

Regarding Section 7, there are two matters requiring consideration as follows:

- (b) the efficient use and development of natural and physical resources;*
- (c) the maintenance and enhancement of amenity values;*

The proposal will enable the extraction of a natural resource (gravel) to maintain local roading infrastructure. This is an efficient use of a resource given it can be extracted from a modified site avoiding areas of ecological value.

The application site is not anticipated to be visible from any public road or neighbouring resident due to existing vegetation providing screening. If the proposal is visible from any public vantage point it is expected to be a distant perspective.

As regards section 8, the Applicant is not aware of any matters pertaining to the principles of Treaty of Waitangi that should be specifically considered as part of this application.

4.4. RURAL LAND AND WATER RESOURCE

OBJECTIVES AND POLICIES

4.4.4. Objective

- 4.4.4.1. *To ensure that the overall integrity and character of the rural environment and productivity of rural land resources is protected while enabling rural communities to provide for their social, economic and cultural wellbeing.*

Relevant to your proposal ✖ Yes ☐ No

The activity will result in temporary loss of pasture (<1ha) to enable access to the gravel resource. On completion of quarrying, the site will be rehabilitated to a suitable standard for farming purposes. Given the significant setbacks from neighbours the activity is not expected to impact rural amenity values.

Policies

- 4.4.5.1. *A wide range of compatible activities which do not individually or cumulatively adversely affect the sustainability of rural land resources shall be generally permitted to locate in the rural area.*

Relevant to your proposal ✖ Yes ☐ No

- 4.4.5.2. *Sustainable land management practices which maintain and/or enhance the productive values of soils and amenities and character of the rural area shall be encouraged and promoted*

Relevant to your proposal ✖ Yes ☐ No

The quarrying proposal is an anticipated activity within the Rural Environment and can be undertaken in a manner that maintains rural character and amenity values.

4.4.13. Objective

- 4.4.13.1. *Promote land use activities which maintain or improve the water quality of the District's rivers and do not adversely affect water quantity, in order to safeguard the life supporting capacity of water.*

Relevant to your proposal ☐ Yes ☒ No

There are no waterways in the immediate vicinity that will be impacted by the proposal.

4.4.14. Policies

- 4.4.14.1. *Consultation and liaison with relevant interested parties contained in a non-statutory register shall continue on matters relating to the land/water quality management interface within Buller District.*

Relevant to your proposal ☐ Yes ☒ No

- 4.4.14.2. *Significant ecological, cultural and heritage sites related to the water resource shall be recognised and wherever possible protected through the encouragement of integrated land management practices.*

Relevant to your proposal ☐ Yes ☒ No

- 4.4.14.3. *To control the modification of significant natural wetlands to protect their natural character, landscape values, and their significance as areas of indigenous vegetation and habitats for indigenous fauna, and to sustain their life supporting capacity as indigenous ecosystems.*

Relevant to your proposal ☐ Yes ☒ No

- 4.4.14.4. *The protection of water resources from adverse effects of land based activities shall be encouraged and promoted.*

Relevant to your proposal ☐ Yes ☒ No

- 4.4.14.5. *The establishment of buffers for example, in the form of esplanade reserves or strips along the margins of lakes, rivers and the Coastal Marine Area shall be promoted and encouraged as a means of maintaining and enhancing water quality.*

Relevant to your proposal ☐ Yes ☒ No

- 4.4.14.6. *Council has identified the following lakes, coastal estuaries and other waterways as places where the use of motorised craft is inappropriate because of the disturbance to wildlife, conflict with other users, degradation of natural character and disruption of natural quiet*

Relevant to your proposal ☐ Yes ☒ No

4.4.14.6.1. *There be no provision for motorised craft use on:*

- *Lake Christobel*
- *Lake Hanlon*
- *Kohaihai River*

Relevant to your proposal ☐ Yes ☒ No

4.4.14.6.2. *In the following water bodies, the use of motorised water craft with an engine capacity of less than 5 horse power is permitted:*

- *Lake Daniells*
- *Punakaiki River: upstream of the road bridge.*
- *Pororari River: upstream of the road bridge.*
- *Otomahana Lagoon*
- *Orowaiti River: upstream of the rail bridge.*
- *Okari: upstream of the road bridge.*

Relevant to your proposal ☐ Yes ☒ No

4.4.14.7. *To protect and enhance riparian margins adjacent to rivers, streams, lakes, wetlands and the coast for the purposes of:*

- Maintenance of the natural character of waterways, natural habitats and water quality including the mitigation of adverse effects of contaminant discharges and other natural and aesthetic and amenity values associated with the adjacent waterway.*
- Public recreation.*
- Public access.*
- Maintenance of bank stability and reduction in sedimentation.*

Relevant to your proposal ☐ Yes ☒ No

There are no ecological values present within the application site or immediate vicinity. The proposal is set back a significant distance from neighbouring residents therefore rural amenity values will be maintained.

4.11. Hazardous Substances

OBJECTIVES AND POLICIES

Objective

4.11.5.1. To encourage and promote the safe and efficient handling and disposal of hazardous substances throughout the District.

Relevant to your proposal ☒ Yes ☐ No

The proposal will involve re-fuelling of on-site machinery via a mobile 2,000 litre diesel tanker. An appropriate spill kit will be retained on-site and handling will be undertaken in accordance with industry standards.

4.11.6. Policies

4.11.6.1. Compliance with approved codes of practice and national guidelines and standards shall be required for all activities involving the use, storage and transport of hazardous substances.

Relevant to your proposal ☒ Yes ☐ No

4.11.6.2. Appropriate contingency planning shall be required for all operators of hazardous facilities, including disposal sites.

Relevant to your proposal ☐ Yes ☒ No

4.11.6.3. Assistance with and support in the establishment of a regional hazardous waste disposal site.

Relevant to your proposal ☐ Yes ☒ No

4.11.1.1. Management of the potentially adverse effects of hazardous substances on natural and physical resources.

Relevant to your proposal ☒ Yes ☐ No



Declaration to Accompany Application for Resource Consent

This Declaration MUST be completed, signed and submitted with your application

The *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health* (NES) applies to particular activities on a piece of land where an activity or industry described in the current edition of the *Hazardous Activities and Industries List* (HAIL) is being undertaken, has been undertaken, or it is more likely than not that it is being or has been undertaken.

The HAIL and other useful information about the NES, including a *User's Guide on the NES*, can be found on the Ministry for the Environment's website, <http://www.mfe.govt.nz/land/nas-assessing-and-managing-contaminants-soil-protect-human-health/about-nas>. A copy of the current HAIL is attached.

To help determine whether or not the NES will apply to your activity please answer the following questions:

Is an activity described on the HAIL currently being undertaken on the piece of land to which this application applies?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has an activity described on the HAIL ever been undertaken on the piece of land to which this application applies?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is it more likely than not that an activity described on the HAIL is being or has been undertaken on the piece of land to which this application applies?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

If 'Yes' to ANY of the above, then the NES may apply. Please answer the following questions:

Is the activity you propose to undertake removing or replacing a fuel storage system or parts of it?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the activity you propose to undertake sampling soil?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the activity you propose to undertake disturbing soil?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the activity you propose to undertake subdividing land?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the activity you propose to undertake changing the use of the land?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If 'Yes' to ANY of the above activities, then the NES is likely to apply.

For further information about the NES and what is required please contact Council's Planning Department on (3) 788 9603 or planning@bdc.govt.nz.

I hereby certify that to the best of my knowledge and belief, the information given in this form is true and correct.

Applicant's Signature: (or person authorized to sign on applicant's behalf)

 Date: 12/10/20
Name: (Please Print) Brett Avey



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier 264243
Land Registration District Nelson
Date Issued 22 December 2005

Prior References

6702075.1 NL3A/469

Estate	Fee Simple
Area	34.8030 hectares more or less
Legal Description	Section 1 Survey Office Plan 353979 and Part Section 16-17 Block XIV Oparara Survey District

Registered Owners

Peter Thomas Currie as to a 1/2 share
Fiona Leigh Currie as to a 1/2 share

Interests

Subject to Section 120(9) Public Works Act 1981
8171139.3 Mortgage to Bank of New Zealand - 18.6.2009 at 9:13 am

**AFFECTED PERSON'S WRITTEN APPROVAL TO AN ACTIVITY THAT IS THE
SUBJECT OF A RESOURCE CONSENT APPLICATION**

Section 95E(3), Resource Management Act 1991

APPLICATION AND APPLICANT'S DETAILS TO BE COMPLETED BY THE APPLICANT

This is written approval to the following activity that is the subject of a resource consent application

Name of Applicant: Avery Bros Ltd

Address to which the application relates: Curries rd, Karamea

Resource Consent Number: _____

Details of Proposal: Gravel extraction

AFFECTED PERSONS DETAILS TO BE COMPLETED BY THE PERSON GIVING APPROVAL

PLEASE READ THIS IMPORTANT NOTE BEFORE YOU COMPLETE AND SIGN THIS FORM

You should only sign this form if you **support or have no opposition** to the granting of the resource consent for the application referred to above. If you do not understand any part of this process, please contact a Consent Planner at the Buller District Council, as signing this form will prevent Council from having regard to any effects of the activity on you or your property.

Name: Peter Thomas Currie
(full name)

Address for service: 24 Curries Road

Phone No: 0274196600 Fax No: _____ Email address: umerefarm@gmail.com

I/We are the ☒ owners of the above property (please tick the appropriate box)

☐ occupiers

I/we have authority to sign this form on behalf of all the other owners/occupiers of the property.

(i) please list the full name(s) of any person(s) you are signing on behalf of; and

(ii) provide signed written proof from each person you are signing on behalf of that you have authority to sign this form on their behalf

(Note: If you are signing as a person's attorney, a copy of the Power of Attorney signed by that person must be provided)

I/we have read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows:
(list document names and dates)

Resource consent application

In signing this written approval, I understand that the consent authority must decide that I am no longer an affected person, and the consent authority must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Signed P J Curry

Date 5/10/2020

Notes to affected person signing written approval

Conditional written approvals cannot be accepted.

There is no obligation to sign this form, and no reasons need to be given.

If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

