

SECTION 5 – ASSESSMENT OF APPLICATION

5.1 SECTION 104 EVALUATION

Section 104(1)(a) – Consideration of the Actual and Potential Effects on the Environment

The applicant has proposed conditions of consent largely replicating those that were in place for the previous consent (as granted by the Environment court), with some edits such as a reduced TSP trigger limit for investigation.

In light of the proposed conditions of consent and the conclusions of the assessment of environmental effects undertaken in section 2.3 of this report, discharges into air from the proposed activity are considered to cause less than minor adverse effects.

Section 104(1)(b) considerations

In section 7 of the application report, the applicant has undertaken an assessment of the proposed activity against the relevant provisions of the relevant district and regional plans and the purpose and principles of the RMA. Additional assessment of the provisions of the Auckland Council Regional Plan (Air, Land, Water) 'ACRP(ALW)' and other relevant statutory documents is provided as follows:

Section 104(1)(b)(i) and (ii) – Consideration of the Relevant National Environmental Standards and other Regulations

The main potential discharge from the site is nuisance dust. There are no National Environmental Standards or other regulations relating specifically to nuisance dust. National Environmental Standards for Air Quality (NES:AQ) do include a standard for PM₁₀.

As discussed in section 2.3 above, it is expected that PM₁₀ would only make up a relatively small proportion of the total particulate emissions from the quarry. As the application is for the continuation of an existing activity, the provisions of NES:AQ Regulation 17, which restrict significant discharges of PM₁₀ within polluted airsheds, such as the Auckland Urban Airshed, are not relevant to this application. In any case, the same measures used to minimise nuisance dust will be equally effective for minimising PM₁₀ emissions.

Section 104(1)(b)(iii) – Consideration of any relevant provisions of a National Policy Statement

There are no National Policy Statements relevant to this application.

Section 104(1)(b)(v) – Consideration of the Relevant Provisions of the Auckland Regional Policy Statement (ARPS)

The proposal is considered to be consistent with the ARPS because the proposal seeks to avoid, remedy and mitigate the potential discharge of contaminants to air, fulfilling Objective 10.3(1). Further, it is considered that the proposal generally meets the requirements of Policy 10.4.7(1) to (4) as the adverse effects from discharges into air are minimised by suitable dust control measures and appropriate on site management techniques, sufficient monitoring is proposed as conditions of consent, and, as evidenced by the complaint history (discussed in section 1.7 of this report), there are adequate horizontal and vertical separation distances between the activity and sensitive receptors.

Section 104(1)(b)(vi) - Consideration of the relevant Regional Plan(s) Objectives, Policies and Rules.Auckland Council Regional Plan (Air, Land, Water)

The following objectives and policies of the ACRP(ALW) are considered relevant. Objective 4.3.2 of the ACRP(ALW) states:

“... (b) To maintain or enhance existing amenity within the Urban Air Quality Management Areas;...”

Policy 4.4.7 states:

“To avoid or minimise adverse effects from competing and incompatible land uses, including reverse sensitivity, activities shall:

- (a) Locate within the Air Quality Management Area suitable to the nature of the activity; and/or*
- (b) Manage the effects of their discharges of contaminants into air in a manner that is commensurate with the receiving environment (including the relevant provisions of the underlying District Plan zones); and/or*

(c) Maintain adequate separation distances.”

Policy 4.4.9 states:

“The Best Practicable Option (BPO) shall be employed in accordance with the definition in Section 2 of the RMA to avoid or minimise significant adverse effects from the discharge of contaminants into air.”

It is concluded that the proposal is generally consistent with these provisions because the site implements suitable dust control measures and appropriate on site management techniques. There have been no validated dust nuisance complaints over the term of the previous consent, indicating the horizontal and vertical separation is appropriate for the nature and magnitude of effects arising from the activity. While quarrying in an Urban Air Quality Management area would not generally be considered appropriate, it is noted a quarry has operated in this location for over 150 years and the application is to continue this quarrying activity for up to an additional five years.

Section 104(1)(b)(vi) requires consideration of any relevant objectives and policies of a plan or proposed plan. In this case, the relevant objectives and policies of ACRP(ALW) have been considered in the assessment of this application. It is concluded that the proposal is overall consistent with the relevant objectives and policies as discussed above.

Proposed Auckland Unitary Plan (PAUP)

The Proposed Auckland Unitary Plan (PAUP) was notified on 30 September 2013 and, according to sections 86B to 86G of the RMA, consideration must be given to the relevant objectives and policies of this proposed plan. The PAUP objectives and policies relevant to discharges of contaminants into air (contained in Part 2, Chapter C, Section 5.1 of the PAUP) are Objectives 1 and 3, and Policies 4, 6, 12, 13 and (relevant clauses of) 14. These have not significantly changed from those contained in the Regional Plan. It is considered that as the activity has had no validated complaints over the term of the previous consent, meets the requirement for BPO, and adequately avoids, remedies and mitigates adverse effects, the proposal meets the relevant PAUP objectives and policies.

It is concluded that the proposed activity is consistent with the relevant provisions of all applicable plans and policy statements, subject to compliance with the recommended conditions of consent.

Consideration of any other matters – section 104(1)(c)

In this case there are no other matters that are considered necessary to determine the application.

**5.2 MATTERS RELEVANT TO DISCHARGE OR COASTAL PERMITS
(SECTION 105)**

Section 105 of the RMA requires the consent authority to have regard to additional matters in relation to a discharge permit or a coastal permit that would contravene section 15 or section 15B of the RMA. It is considered the proposal satisfies the matters set out in section 105 because the anticipated effects of the discharge are less than minor and because it is a long established site with significant investment.

It is considered the provisions of section 105 have been met subject to appropriate conditions of consent to ensure there is no significant adverse effect on the receiving environment. It is further considered the applicant's reasons for the proposed choice are appropriate in the circumstances and there are no alternative methods of discharge applicable in this case.

**5.3 CONSIDERATION OF PART 2 (PURPOSE AND PRINCIPLES) OF THE
RMA**

It is considered that the proposal meets the purpose and principles of the RMA and is a sustainable development of the air resource which will provide for the efficient use of this resource whilst ensuring the adverse effects on the environment will be appropriately avoided, remedied or mitigated.

The employment provided at the site and its creation of revenue enables people and the community to provide for their social, economic and cultural well-being. Throughout this report, it has been demonstrated that the proposal will avoid significant adverse effects on the environment and that the life-supporting capacity of the air resource will be safeguarded. It is thus considered that the proposal meets the purpose of the RMA.

Having considered the other matters set out in Part 2 of the RMA, it is concluded that the proposal will not adversely affect any matters of national significance (section 6) nor will it compromise the identified matters in section 7 (in relation to managing the use, development, and protection of natural and physical resources). It is further concluded the proposal does

not have any implications for the application of the principles of the Treaty of Waitangi and it is noted that Iwi have not required a Cultural Impact Assessment for this application.

5.4 DURATION OF CONSENT

The applicant has requested a five year consent duration to coincide with the time when the clean filling operation will make further extraction unfeasible. It is considered appropriate to set a term of five years for this air discharge consent application, noting that the actual duration of the quarrying is inherently linked to the progress of the clean filling activity.

5.5 CONCLUSION

Having assessed the proposal in terms of the relevant matters detailed in section 104 of the RMA it is considered that, subject to the imposition of conditions of consent, any adverse effects of the proposed activity on the environment will be adequately avoided, remedied or mitigated so that they are less than minor. Furthermore, it is considered that the effects are not contrary to the objectives and policies of the ACRPS, ACRP(ALW), PAUP or Part 2 of the RMA.

SECTION 6 – RECOMMENDATION AND CONDITIONS

6.1 RECOMMENDATION

It is recommended that pursuant to sections 104, 104B, 105 and 108 of the RMA 1991, consent is granted to the discretionary activity application by Winstone Aggregates (A Division of Fletcher Concrete & Infrastructure Limited) to discharge contaminants into air from the quarrying, crushing, screening, transport and storage of aggregate and rock at 985 Mt Eden Road, Three Kings, Auckland being Consent Application 40041 for the following reasons:

- 1 The proposal will be consistent with Part 2 of the RMA by promoting the sustainable management of natural and physical resources.
- 2 The proposal is in general consistent with the relevant provisions of the Auckland Regional Policy Statement, in particular the integrated management of the Region's natural and physical resources.
- 3 The proposal is consistent with the relevant objectives and policies of the ACRP(ALW) and PAUP. In particular, Objective 4.3.2 and Policies 4.4.7 and 4.4.9 of

the ACRP(ALW), and PAUP Objectives 1 and 3, and Policies 4, 6, 12, 13 and (relevant clauses of) 14 (Part 2, Chapter C, Section 5.1).

- 4 The overall adverse effects on the receiving environment are less than minor. Subject to the imposition of conditions, the effects can be further avoided, remedied or mitigated.
- 5 The application merits the granting of a resource consent pursuant to sections 104, 104B, 105 and 108 of the RMA.
- 6 The sensitivity of the receiving environment to the adverse effects of the discharge will not be compromised given the level of the discharge, the application of suitable dust control measures and appropriate on site management techniques.

6.2 CONDITIONS

The applicant has proposed consent conditions based on those issued by the Environment Court for the previous consent (21875). The applicant has also proposed the retention of advice notes referring to local community groups such as Three Kings United Group, and the South Epsom Planning Group. The recommended conditions are based on those put forward by the applicant, with some minor updates.

GENERAL CONDITIONS

1. This consent shall expire on 01 March 2020, unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.
2. The servants or agents of the Council shall be permitted access to the relevant parts of the property at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
3. The quarry's plant and associated processes shall be operated in accordance with the documentation submitted to the council as part of this application 40041, except where amended by the conditions of this resource consent. No alterations shall be made to plant or processes that do not, or are not likely to, comply with the provisions of this consent, a regional rule, or regulations under the Resource Management Act 1991.
4. All discharges of contaminants into air arising within the site boundary are the responsibility of the Consent Holder. Any person responsible for operations and

discharges into air associated with the process or site shall be made aware of relevant conditions of this consent.

5. At least one copy of this consent and reference documentation, including management plans, shall be retained and available for use on-site at all times for all personnel.

LIMIT CONDITIONS

6. At all times, quarrying processes on site shall be operated, maintained, supervised, monitored and controlled so that emissions authorised by this consent are maintained at the minimum practicable level.
7. Beyond the boundary of the site there shall be no odour, fume or dust caused by discharges from the sites which, in the opinion of an enforcement officer, are noxious offensive or objectionable.
8. Quarrying activities, including blasting, crushing, screening, and transporting of rock on site with the potential to generate dust shall be undertaken to ensure visible discharges to air are kept below levels which, in the opinion of an enforcement officer, are noxious, offensive or objectionable.
9. The operation of the Three Kings Quarry shall not exceed:
 - (a) an extraction rate of 100 tonnes per hour;
 - (b) a crushing rate of 200 tonnes per hour; and
 - (c) a screening rate of 200 tonnes per hour.

OPERATIONAL CONDITIONS

10. Techniques adopted for excavating rock, including drilling and blasting, shall practicably minimise dust emissions.
11. Dust emissions from all crushing, screening and transfer operations shall be kept to a practicable minimum. Where practicable, all rock processed on site shall be kept in a visibly damp condition.
12. In order to ensure that dust from the yard, quarry and all internal roads is kept to a practicable minimum at all times (including during non-working hours) the yard, quarry floor and all internal roads shall, where necessary, be maintained in a visibly damp

condition either by the use of a water cart and /or a reticulated water system. Any sealed roads, including road exits from the site, shall be regularly cleaned to ensure dust from these sources is kept to a practicable minimum.

13. All vehicle speeds on unsealed roads, or routes, shall be limited to a maximum of 20 kilometres per hour unless the road, or route, is visibly damp and vehicles do not raise dust.
14. A suitably designed wheel washing facility for vehicles shall be provided and maintained. All vehicles that have traversed over unsealed parts of the quarry, or have otherwise come into direct contact with aggregate material, shall use this wheel wash when exiting the quarry.
15. An automatic reticulated dust suppression system (water sprinkler system) or similar, shall be operated around the perimeter of the quarry working area to aid in minimising dust emissions.
16. Water supplies to the site, are to be maintained at such capacities that the application of water as a dust control measure is not limited.
17. When necessary, and where practicable, rehabilitation on site by grassing or preferably hydroseeding shall be undertaken on all batters and on all areas where the resource is depleted or material is not to be extracted within a period of one year.
18. No extraction, processing or unapproved stockpiling of aggregate, shall occur outside the line "The Limit of Extraction and Processing" shown on Figure 1 of the consent application and also attached to these conditions in Appendix A.

MONITORING CONDITIONS

Total Suspended Particulate Monitoring

19. Monitoring of total suspended particulate (TSP) in ambient air in the vicinity of the site, shall be undertaken in accordance with the recommendations of the report "A Review of the TSP Monitoring Plan for Three Kings Quarry", dated April 2007, and the subsequent information submitted as part of this application 40041, except where amended by the conditions of this resource consent.
20. The TSP monitoring requirements specified in the recommendations of the TSP report "A Review of the TSP Monitoring Plan for Three Kings Quarry", dated April 2007, and

the subsequent information submitted as part of this application may be changed from time to time subject to the following procedure:

- (a) Within two months of either:
 - (i) the date written notice is given by the Team Leader – Air Quality to the Consent Holder of the intention to change the TSP monitoring requirements; or
 - (ii) the date written notice is given by the Consent Holder to the Team Leader – Air Quality of a proposed amendment to the TSP monitoring requirements

a suitably qualified and appropriate expert in ambient particulate monitoring (“TSP Monitoring Advisor”) shall be jointly selected by the Consent Holder, the Team Leader – Air Quality and representatives of Three Kings United Group Incorporated and South Epsom Planning Group Incorporated;
- (b) The TSP Monitoring Advisor will, at the Consent Holder’s expense, prepare a Report which details the recommended revisions to the TSP monitoring requirements which:
 - (i) Is consistent with United States Environmental Protection Agency standard methodologies or similar;
 - (ii) Specifies the number, type and location of the TSP monitors to be employed by the Consent Holder to monitor TSP in ambient air in the vicinity of the site; and
 - (iii) Contains recommendations as to the methodology and frequency for testing of mineralogical composition and radioactivity of dust;
- (c) The Report shall be provided to the Team Leader – Air Quality, Consent Holder, and representatives of Three Kings United Group Incorporated and South Epsom Planning Group Incorporated within two months of the appointment of the TSP Monitoring Advisor referred to in sub-paragraph (a);
- (d) On receipt of the Report, the persons to whom the Report has been provided as listed in sub-paragraph (c) may commission, at their own expense, a review of the Report by a suitably qualified and appropriate expert in ambient particulate

monitoring, whose report shall then be provided to the Team Leader – Air Quality within one month of the event in sub-paragraph (c) occurring;

- (e) The Team Leader – Air Quality shall consider the revised TSP monitoring requirements for approval, having regard to the Report detailed in sub-paragraph (b) and any reviews of that Report provided to the Team Leader – Air Quality pursuant to sub-paragraph (d). Approval of the TSP monitoring requirements will be deemed to be given if there is no response from the Team Leader within one month of the period in sub-paragraph (d) being completed; and
- (f) If approved, the revised TSP monitoring requirements shall be implemented and the monitoring shall be performed to the satisfaction of the Team Leader – Air Quality.

- 21. Without prejudice to the generality of conditions 6 and 7, if monitoring by continuous Beta Attenuation Monitoring methodology shows that the concentration of TSP in ambient air at or beyond the boundary of the site, and measured in accordance with Condition 19, exceeds a trigger value of 60 micrograms per cubic metre ($\mu\text{g.m}^{-3}$) as a 24 hour average, an investigation shall be initiated by the Consent Holder as to the probable causes of the exceedance.
- 22. If the cause of the elevated levels of TSP is identified as being an activity undertaken on the Consent Holder's site, then as far as practicable, action shall be taken by the Consent Holder to reduce those discharges to the satisfaction of the Team Leader – Air Quality.

Video Monitoring

- 23. All blasting events and any associated dust emissions within the quarry area shall be recorded on video. The recordings shall be labelled with the date and time of the blast and other appropriate details sufficient to identify the blast. Recordings shall be kept for a minimum period of six months from the date of the blast and shall be made available, on request to an enforcement officer, during operating hours.
- 24. For any period requested in writing by the Team Leader – Air Quality, video monitoring of the general operations occurring on site shall be undertaken. The recordings shall be labelled with the date and time, shall be kept for a minimum period of six months from the date of each entry and shall be made available, on request, to an enforcement officer, during operating hours.

Meteorological Monitoring

25. A weather station shall be provided, maintained and operated to the satisfaction of the Team Leader – Air Quality. The station shall continuously record, and be able to make available, wind speed, wind direction and rainfall.

LOGGING AND REPORTING CONDITIONS

26. An Air Quality Management Plan (AQMP) which accurately records all management, monitoring and operation procedures necessary to comply with the conditions of this consent shall be maintained. The AQMP shall include, but not be limited to, details regarding the following:
- (a) dust suppression methods for stockpiles, crushing, screening and transfer operations including details relating to water sprays on any permanent stockpiling equipment;
 - (b) operation of the reticulated dust suppression system;
 - (c) any other relevant dust suppression techniques to be used on site; and
 - (d) all relevant monitoring procedures required by conditions 19 to 24 including procedures for dealing with elevated dust levels as required by conditions 21 and 22.

The AQMP shall be submitted to the Team Leader – Air Quality for review on the written request of the Team Leader – Air Quality. Any subsequent changes shall also be submitted for review. The Team Leader – Air Quality will advise the Consent Holder, in writing, if any aspects of the Management Plan are considered to be inconsistent with achieving the provisions of this consent.

27. TSP monitoring showing exceedances of the trigger value given in Condition 21, shall be reported to the Team Leader – Air Quality as soon as practicable. A summary of all monitoring results, including references where applicable to wind and rainfall data, and any remedial actions taken shall be submitted to the Team Leader – Air Quality at the end of each quarter.
28. A daily log of all such information that is required to enable compliance with the conditions of this consent shall be kept and maintained. The log shall record, on a daily basis, information including, but not limited to;

- (a) any dust control equipment malfunctions and any remedial action taken;
- (b) any visible emissions of dust and the source;
- (c) all relevant details relating to the TSP monitoring or other monitoring required by the TSP Monitoring Plan, to enable compliance with Conditions 19 to 24 of this consent;
- (d) when a water cart was used and, if so, the frequency of use and the volume of water used; and
- (e) the date and time of the entry and the signature of the person entering the information.

The log shall be made available on request, during operating hours, to an enforcement officer and shall be kept for the term of the consent. A summary of the information recorded shall be submitted to the Team Leader – Air Quality at the end of each quarter.

29. At least 24 hours prior to blasting being undertaken, written notification shall be provided to the Team Leader – Air Quality of any blasting to occur on the site. Included in the notification shall be details relating to the blast(s) including:
- (a) the proposed date and time of the blast(s);
 - (b) the proposed location and size of the blast(s) including what rock type is to be excavated;
 - (c) the proposed dust suppression methods to be undertaken;
 - (d) any other relevant details; and
 - (e) If any of the information in the notification is changed the Team Leader – Air Quality shall be advised as soon as practicable.
30. That, by 1 November 2015 and every two years thereafter the Consent Holder shall provide a suitable report, including scale plans, to the Team Leader – Air Quality detailing:
- (a) the volume and type of rock and areas where extraction has occurred over the previous two years (include a 1:5000 scale plan);

- (b) areas where rehabilitation has occurred over the previous two years, including the areas fully quarried out and replanted and those area where temporary planting and the periods when and areas where hydroseeding or grassing was undertaken (include a 1:5000 scale plan);
 - (c) location of stockpiles, including volumes and aggregate types;
 - (d) a summary of the weekly water usage, including water cart usage;
 - (e) projections for the coming two years for items (a) to (d) of this condition; and
 - (f) any dust trials or additional dust control measures undertaken for the past two years or proposed for the next two years.
31. All air quality complaints received at the site, or advised by the Team Leader – Air Quality, shall be logged by the Consent Holder. The log shall include:
- (a) the date, time, position and nature of the complaint;
 - (b) the name, phone number and address of the complaint, unless the complaint refuses to supply these details; and
 - (c) any remedial actions taken.

The log shall be made available on request, during operating hours, to the Team Leader – Air Quality and shall be kept for the duration of the consent. A summary of all complaints received and any remedial actions shall be submitted to the Team Leader – Air Quality at the end of each quarter.

REVIEW CONDITION:

32. The conditions of this consent may be reviewed by the Team Leader – Air Quality pursuant to Section 128 of the Resource Management Act 191, by the giving of notice pursuant to Section 129 of the Act, in March 2016 and March 2018 in order to:
- (a) deal with any significant adverse effect on the environment arising from the exercise of this consent which was not foreseen at the time the application was considered and its appropriate to deal with at the time of the review;

- (b) consider the adequacy of the conditions which prevent nuisance beyond the boundary of the site, particularly if regular or frequent complaints have been received and validated by an enforcement officer;
- (c) consider developments in control technology and management practices that would enable practicable reductions in the discharge of contaminants;
- (d) alter the monitoring requirements, including requiring further monitoring or increasing or reducing the frequency of monitoring, or altering the trigger level as given in Condition 21, if it is considered that the monitoring requirements are not appropriate to assess any nuisance beyond the boundary of the site; or
- (e) consider the adequacy of the conditions which relate to preventing nuisance and controlling discharges to air from blasting operations on site.

ADVICE NOTES:

1. The consent holder is advised that the date of the commencement of this consent will be as determined by Section 116 of the RMA, unless a later date is stated as a condition of this consent.
2. The consent holder is advised that they will be required to pay to the Council any reasonable administrative charge fixed in accordance with Section 36(1) of the Resource Management Act 1991, or any additional charge required pursuant to section 36(3) of the resource Management Act 1991 in respect of this consent. This will include any actual and reasonable costs associated with the review of the Air Quality Management Plan and any subsequent changes.
3. This resource consent will lapse five years after the date of Council's decision unless:
 - (a) It is given effect to before the end of that period. To give effect to this consent, the activity allowed by this consent must be established and the conditions contained in the consent complied with. Please note that there must be compliance with all of the consent conditions once the activity has been established; or
 - (b) An application is made and granted prior to the expiry of that period for a time extension. The statutory considerations that apply to extensions are set out in section 125 of the RMA.

4. Pursuant to section 126 of the RMA, which provides for Auckland Council to cancel a resource consent by written notice, if this resource consent has been exercised, but is not subsequently exercised for a continuous period of five years, the consent may be cancelled by the Council unless other criteria contained within section 126 are met.
5. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the RMA. Any objection must be made in writing to Council within 15 working days of notification of the decision.
6. It is recommended that the consent holder provide a summary of all monitoring results relating to this consent to the members of the Three Kings Quarry Site Liaison Group. If requested by either the consent holder or other members of the Group, Auckland Council will provide an officer to attend meetings for matters of clarification relating to the consent on an as required basis.
7. It is advised that a Memorandum of Understanding between Auckland Council, the consent holder, Three Kings United Group Incorporated, and South Epsom Planning Group Incorporated dated 17 July 2002 exists. This Memorandum of Understanding relates to any change of consent conditions pursuant to section 127 RMA or any other application to allow extraction or processing within the area to the north and east of the site beyond that used for quarry extraction operations at 1 May 2000 (as shown as the Limit of Extraction and Processing on Figure 1 – Site Plan, dated January 2012, and attached to this consent in Appendix A).



SECTION 7 – RECOMMENDED DECISION

Report recommended by:

Jared Osman
Senior Consents and Compliance Advisor – Air Quality
**Natural Resources and Specialist Input
Resource Consents**

04/02/2015

Date

Report reviewed by:

Paul Crimmins
Senior Consents and Compliance Advisor – Air Quality
**Natural Resources and Specialist Input
Resource Consents**

4/2/2015

Date

Report approved for release to duty commissioner by:

Jacqueline Jolliffe
Team Leader – Air Quality
**Natural Resources and Specialist Input
Resource Consents**

04/02/2015

Date

Appendix A: Limit of Extraction and Processing



