

BEFORE THE CHRISTCHURCH CITY COUNCIL AND THE CANTERBURY  
REGIONAL COUNCIL

In the matter of an application for a resource consent by ROAD METALS  
COMPANY LIMITED

**TABLED AT HEARING**

Application: *Road Metals*.....

*hearing - joint*.....

Date: *3 April 2018*.....

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SUBMISSIONS ON BEHALF OF ROAD METALS COMPANY  
LIMITED

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## Introduction

- 1 Road Metals Company Limited (**Road Metals**) has been engaged in road construction and the supply and delivery of crushed and screened aggregate for the past 60 years. Road Metals established its operations in Canterbury in the 1990s and the plant began processing in 1994. Road Metals's Yaldhurst Quarry is located in the Rural Q zone of the Christchurch District Plan (the **District Plan**), alongside others operated by companies such as Fulton Hogan and Winstone Aggregates.
- 2 Road Metals seeks resource consents to extend extraction activities into the "RM4 site", which is described below, and to process this material at the existing processing plant. The processing plant and associated facilities are located at the original quarry site, within the Rural Q zone, and will remain so. The RM4 site is within the Rural Urban Fringe zone of the District Plan. All material will be transported to the processing plant via an internal haul road.

## Status of the activity

- 3 The overall status of the activities for which consents, both regional and district, are being sought is **discretionary** [17.5.1.4 D3, 17.8.1.3 and 4].
- 4 The resource consents that are the subject of this hearing are as follows:<sup>1</sup>
  - 4.1 Canterbury Regional Council - CRC18127;
    - (a) Discharge Permit for a discretionary activity, to discharge dust to air from the handling of bulk solid materials from quarrying operations (Rule 7.35);
  - 4.2 Christchurch City Council - RMA/2017/2111;

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<sup>1</sup> The applicant also lodged resource consent applications with CRC for:

- CRC183137 - the discharge of contaminants to land (cleanfill);
- CRC181273 - landuse consent for deposition of material over an unconfined or semiconfined aquifer; and,
- CRC183420 - the variation of existing water take CRC154397 conditions to use for dust suppression rather than irrigation.

The CRC decided not to notify these, and they are not the subject of this hearing.

- (a) Land Use consent for a discretionary activity, namely quarrying located more than 250 m from a residential zone or Specific Purpose (school) zone boundary (Rule 17.5.1.4(D3)); and
  - (b) Land Use consent for a discretionary activity, being an aggregates processing facility pursuant to Rule 17.8.1.4 (D1) because the aggregates processing facility does not have a site rehabilitation plan and will not be operating in accordance with 17.8.1.3 (RD8) d.
- 5 Road Metals has elected to adopt a conservative, 'belts and braces' approach in applying for the second CCC consent for the aggregates processing facility. A consent is required in the Quarry Zone where more than 50% of the material to be processed is to be imported to the site from another 'property'. If this is not the case, subject to other standards in the District Plan, then an 'ancillary aggregates processing activity' is a permitted 'quarrying activity' under Rule 17.8.1.1 (P1).
- 6 Although separated by other quarried land, we suggest that the RM4 site and the processing plant site are capable of being considered part of the same property, and to be operating as a single entity, as part of the 'Yaldhurst Quarry' as a whole. This is bolstered by the fact that an internal haul road will be used to take the material to the processing plant; it is clear from Rule 17.8.1.3 (RD8) that the generation of traffic on public roads is a key effect to consider where material is being imported to the site. This is not to say that we object to the interpretation; as stated above Road Metals took the conservative view, and applied for resource consent for processing. We are merely alive to the fact that the adverse effects that underlie the need for consideration by a decision-maker are not present here.

## The Site

- 7 The existing Road Metals Yaldhurst Quarry is located at 394 Main West Coast Road (SH73), Christchurch, with additional consented extraction sites, RM2 and RM3, located between 290 and 350 West Coast Road. This application is to extend the extraction operation northwards onto the adjacent RM4 site; this area contains three parcels, located at 581, 619 and 635 Buchanans Road, which are legally described as Lot 1 DP 25055, Lot 1 DP 23053 and Lot 2 DP 319126 (the **RM4 site**). The RM4 site is approximately 13 hectares in area and is located in the Rural Urban Fringe Zone under the Plan.

- 8 Road Metals has exhausted supplies of aggregate in RM2, and has only a few months remaining at RM3. These sites received resource consent to extract in 2009 and 2015 respectively. This application to extract at the RM4 site is to supply the existing processing plant once RM3 is exhausted. The proposed RM4 site is a natural progression to the preceding consented sites.

### **The Proposed Activity**

- 9 The activities which will be undertaken within the RM4 site include:
- 9.1 the formation of bunds and the stripping of topsoil;
  - 9.2 the extraction of alluvial gravel deposits by loader;
  - 9.3 transportation of aggregate by a loader and/or a digger to dump trucks, and then to the processing site via an internal haul road; and
  - 9.4 the rehabilitation of the RM4 site.
- 10 A minimum 10 m setback will be established along the external boundaries of the RM4 site, within which a 3 m high, grassed bund will be constructed and maintained. Along the Buchanans Road boundary, shelterbelts comprising existing mature trees will be retained.
- 11 Road Metals intends to fully exhaust the supply of aggregate within RM3 and then move on to extract the RM4 site. As extraction will begin at the current level of the quarry, which is approximately 10 m below ground level, the excavation activity will be screened from the surrounding area by the almost vertical pit face, the bunds within the 10 m setback, and the screening from existing vegetation.
- 12 The dwellings within 100 m of the RM4 site have given affected persons approval to the proposal, either through discussions with Road Metals or because the properties are owned by Road Metals. The exception to this is Mr and Ms Main at 622 Buchanans Road, whose dwelling is 55 m to the nearest point of the RM4 site.
- 13 A setback for dwellings within 100 m of the RM4 site has been proposed by the applicant, unless the consent of the occupant has been given. Given that the dwelling at 622 Buchanans Road has not given written approval, a setback in the Northeast corner of the RM4 site has been proposed in conditions of consent.

## Notification and Submissions

14 The background to the notification process is set out more fully in the s42A report of Ms Emma Chapman.<sup>2</sup> In essence, Road Metals lodged consent applications with CRC and CCC on 1 September 2017, and provided further information under s 92 in November 2017. The applications were jointly notified on a limited basis on 12 December 2017, and notice served to 25 affected persons. Of these, 14 submissions were received, 13 in opposition and one in partial opposition. We note that one submitter in opposition has since written to CRC to change their submission to neutral,<sup>3</sup> and that another has given written approval.<sup>4</sup> As set out more fully in the section 42A report of Ms Emma Chapman, from paragraph 34 onwards, the concerns on the following issues were raised in submissions:

- (a) access and traffic;
- (b) noise;
- (c) dust, including Respirable Crystalline Silica (**RCS**), and other emissions;
- (d) groundwater and surface water; and
- (e) rural character and amenity values, including visual effects;

15 The submissions also raised 'other' effects, including effects at the nearby cemetery, the creation of a dangerous precedent, potential enforcement problems, and effects on property values.

16 We appreciate that this is an application that has attracted committed opposition from some members of the local community. The fear that there is a hazard to your health is one that understandably provokes this. However, as discussed below, the fear of an effect is not a relevant in and of itself in considering a resource consent application. Road Metals has sought expert advice to ensure that the effects of the activity are avoided, remedied or mitigated to the fullest extent possible, and the application should be considered on the facts.

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<sup>2</sup> Para 9

<sup>3</sup> Mr and Mrs Benton, 335 West Coast Road

<sup>4</sup> Mr Wenmoth, 659 Buchanans Road

- 17 Further, the Quarry Zone is a longstanding feature of the local planning environment, and the extraction of material is an activity which is not unexpected in the rural environment. We understand that many of the submitters in opposition moved to this area after the Quarry Zone was established.
- 18 The Environment Court considered in *Road Metals v Christchurch City Council* C163/2006 that "...the effects on rural character as a result of Areas A and B being excavated would be minimal, if any. Areas A and B would be "read" as part of the Quarry Zone and the activities there in terms of amenity and character would simply constitute part of the larger area."<sup>5</sup>
- 19 It is submitted this extension will also be read as part of the Quarry Zone. It is also relevant that the Site is likely to be fully excavated over a five to eight year period and it will then be rehabilitated for a limited range of rural residential activities.

#### **Evidence**

- 20 For the applicant I will call nine witnesses.
- 20.1 Murray Francis – Managing Director of Road Metals;
- 20.2 Lindsay Forbes - On-Site Manager;
- 20.3 Eric Van Nieuwkerk - Groundwater;
- 20.4 Gary Walton - Noise;
- 20.5 Richard Chilton - Air Quality;
- 20.6 David Compton-Moen - Landscape;
- 20.7 Victor Mthamo – Site Rehabilitation;
- 20.8 Andrew Metherell – Traffic; and
- 20.9 Kevin Bligh - Planning.

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<sup>5</sup> *Road Metals v Christchurch City Council* C163/2006 at [32]

- 21 The evidence provided by the above has established that the adverse effects created by this proposal, after appropriate mitigation measures are applied, will be minor.

### **Statutory instruments**

- 22 The statutory instruments that are relevant to this application are the:

- 22.1 Resource Management Act 1991 (the **Act**);
- 22.2 National Environmental Standards for Air Quality (**NES AQ**)
- 22.3 Canterbury Regional Policy Statement (the **CRPS**);
- 22.4 Canterbury Land and Water Regional Plan (the **CLWRP**);
- 22.5 Canterbury Air Regional Plan (**CARP**); and
- 22.6 Christchurch District Plan (the **Plan**).

### **Statutory considerations**

- 23 When making your assessment you must give consideration to the matters under s104, 104B and 105 of the Act.
- 24 Subject to Part II, under section 104 you must have regard to:
- 24.1 Any actual and potential effects on the environment of allowing the activity;
  - 24.2 Any relevant provisions of a plan or proposed plan;
  - 24.3 Any other matters the consent authority considers relevant and reasonably necessary to determine the application.
- 25 Under section 104B you have the discretion to grant an application and impose any appropriate conditions under s108 or refuse the application.

26 s 105 requires decision makers to have regard to particular matters with respect to discharge permit applications. These include the nature of the discharge and the sensitivity of the receiving environment to adverse effects, the applicant's reasons for the proposed choice, and any possible alternative methods of discharge, including discharge into any other receiving environment.

#### **"Subject to Part 2"**

27 The High Court decision of *R J Davidson Family Trust v Marlborough District Council*<sup>6</sup> represents a paradigm shift in the way that Part 2 matters are considered. The long-standing pre-*Davidson* approach was to consider Part 2 matters at the end of a decision, as a separate exercise and following a broad brush, "overall judgment approach".

28 Cull J in *Davidson* disagreed with this approach, and found that:<sup>7</sup>

- (a) section 5 should not be treated as the primary operative decision-making provision;
- (b) the application of the "overall judgment approach" to decision-making on resource consent applications is rejected; and
- (c) the relevant provisions of the planning documents give substance to the principles in Part 2. There may be resort to Part 2, however, where there is invalidity, incomplete coverage or uncertainty of meaning within the planning documents.

29 Leave was granted to appeal *Davidson* to the Court of Appeal, and we understand that a decision is imminent. In the meant time, the Environment Court has interpreted this to mean that a decision maker may have recourse to Part 2 matters (in the limited circumstances listed above) when considering the application and submissions under s 104(1), but not afterwards as a separate exercise.<sup>8</sup>

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<sup>6</sup> *R J Davidson Family Trust v Marlborough District Council* [2017] NZHC 52

<sup>7</sup> *Ibid* at [74] to [76]

<sup>8</sup> *Blueskin Energy Limited v Dunedin City Council* [2017] NZEnvC 150 at [29]



- 30 Following *Davidson*, the circumstances where there may be recourse to Part 2 is where there is invalidity, incomplete coverage or uncertainty of meaning within the planning instruments. There is no need for recourse under Part 2 directly where that policy direction is provided in the higher order instruments.<sup>9</sup>

### **The District Plan**

- 31 Although the Plan provides a Rural Quarry Zone, it does not follow that quarrying outside that zone is unanticipated by the Plan, or in some way prohibited. The resource consent process allows the effects of each activity to be assessed on a merit basis, in light of the relevant objectives and policies. I propose to take you through the sections that bear on the determination of this matter now.
- 32 The Rural Quarry zone is intended to enable access to, and processing of, locally sourced aggregate resources to provide for the recovery, development, ongoing maintenance and growth needs of the district. The Rural Urban Fringe zone provides for a number of activities which have direct connection to rural resources or otherwise require extensive land areas, such as farming, rural produce manufacturing, conservation, rural tourism and recreation activities.
- 33 It follows that, given that the adverse effects of the proposed operation can be adequately avoided remedied, or mitigated, it is consistent with the relevant policies and objectives of the District Plan.
- 34 Emma Chapman, the Reporting Officer for the City Council, agrees the proposal is generally consistent with the objectives and policies of the District Plan, and that, subject to conditions, the adverse effects of the proposal are able to be mitigated to the extent that they are minor and objectively acceptable.<sup>10</sup> She has therefore recommended that the application be granted, subject to conditions.<sup>11</sup>

### **Canterbury Air Regional Plan and Regional Policy Statement**

- 35 We submit that the proposed activity is consistent with the objectives and policies of the CARP and CRPS.

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<sup>9</sup> *Blueskin Energy Limited v Dunedin City Council* [2017] NZEnvC 150 at [32]

<sup>10</sup> Para 200 and 201, CCC S42A report, Emma Chapman

<sup>11</sup> *Ibid*, para 203

- 36 In respect of the air discharge permit, Mr Harrison has concluded that the proposed quarry extension is consistent with most, but not all of the objectives and policies of the CARP and CRPS. He is concerned with the potential for nuisance dust at very close receivers. However, this conclusion was reached before written approval from Mr Wenmoth and Mr Whiteside at 659 Buchanans Road was received.
- 37 We understand that Mr Harrison may change his recommendation after taking this written approval into account.

## **LEGAL MATTERS**

- 38 Before summarising the effects of this application, we wish to address several relevant legal issues.

### ***Permitted baseline***

- 39 The permitted baseline is a discretionary tool which can be used to assess the effects of an activity on the relevant environment. Essentially, if the environment is already affected by activities or activities are permitted by the plan; this level of effect is appropriate within the context of the subject environment. This means that, when assessing this application, the only effects which should be considered are those over and above the baseline.
- 40 In my submission this is an appropriate situation to exercise your discretion. Here the permitted baseline is made up of the existing operation, the current surrounding land uses, and those activities which are permitted by the District Plan in the rural environment. It follows that only those effects which are over and above that baseline should be considered.
- 41 The effects of the existing quarry operation, the adjacent quarries, and a variety of rural farming activities all form part of the existing environment. Any possible increase in dust emissions by granting this application would be minor and the dust caused by permitted activities in the area, for example, the ploughing of a field would be similar or in excess of any dust produced by this extension. This is because of the proposed controls, which include a water cart and the cessation of activities in particularly strong dry wind conditions from the west and northwest. Richard Chilton will provide evidence on the applicant's proposed conditions, including a dust management plan.

### ***The "Harewood Gravels" Decision***

- 42 The most recent decision of the Environment Court on quarrying in the Christchurch District is *Yaldhurst Quarries Joint Action Group v Harewood Gravels Ltd* [2017] NZEnvC 165 (the “*Harewood Gravels case*”).
- 43 The Environment Court allowed an appeal against a decision to grant consent for a quarry in Harewood. The site was outside the Quarry Zone, and the application was considered under the Christchurch District Plan. However, although the facts bear similarity to the ones here, in our view this decision is fundamentally flawed, especially in the way it approached rural character and amenity. Because of its shortcomings, it has been appealed on points of law to the High Court; the hearing was held last week, and judgment is pending. Because of this, the Environment Court decision should not be considered relevant.

***Extent of field of reference when considering ‘rural character’ and ‘amenity’***

- 44 A central flaw in the *Harewood Gravels* decision is the inconsistency of framework for assessing rural character and amenity. We submit that the interpretation of “rural character” and “amenity” is as critical here as it was there; how these terms are treated sets the background for other effects. Issues of landscape, noise and dust relate to the expected amenity of the zone, based on its rural character.
- 45 Although the District Plan refers to “rural character and amenity” together,<sup>12</sup> it is submitted that the two involve quite different considerations. The definition of “amenity values” in the RMA relates to characteristics that contribute to people’s appreciation of an area’s “pleasantness”.<sup>13</sup> By contrast, “rural character” should not be limited to an idyllic Arcadian view of the countryside as a whole. Any assessment of rural character should include all existing activities in the local environs of the site; aside from the rural residential uses, other uses here include existing quarries in the Quarry Zone, the Women’s and Men’s Prisons, and the Ruapuna racecourse and speedway. The proximity of these institutions and the busy nature of SH73 are a legitimate part of the character of the receiving environment, and move it from one which is purely rural to one which has a mix of activities, of which rural is one. These elements also influence the baseline rural amenity of the area, reflecting a receiving environment which is on the edge of a major urban settlement.<sup>14</sup>

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<sup>12</sup> See Policy 17.2.2.3 - Contributing elements to rural character and amenity values

<sup>13</sup> Section 2(1) of the Resource Management Act 1991

<sup>14</sup> Para 9.2, Evidence of David Compton-Moen

46 Mr Compton-Moen will canvas amenity and rural character further in his evidence.

***Affected person approvals***

47 Road Metals has obtained the written approvals from seven parties deemed to be affected persons, and one from Winstone Aggregates, which has not been notified as an affected party. The most critical approvals are from those residents along Buchanans Road with dwellings closest to the RM4 site, where adverse effects are less able to be fully mitigated. The dwellings from 581 to 661 Buchanans Road, and at 316 West Coast Road to the South of RM4, have all given such approval.

48 The legal effect of these approvals is that, when considering the application, you must not have regard to any effect on these properties as per s 104(3)(a)(ii) of the RMA.

***Perception of environmental effects – Respirable Crystalline Silica***

49 There has been significant concern from submitters about the potential effect of RCS on health. As acknowledged by Mr Chilton, the inhalation of RCS can cause adverse health effects, and as such is a relevant adverse effect for your consideration.<sup>15</sup> However, the best evidence shows that the levels of RCS are likely to be low, and we submit that the fear of significant adverse effects, without evidence of an actual effect, is *not* a relevant consideration.

50 The word “effect” is defined in section 3 of the Act as meaning:

Unless the context otherwise requires the term “effect” includes:

- (a) Any positive or adverse effect; and
- (b) Any temporary or permanent effect;
- (c) Any past, present or future effect; and
- (d) Any cumulative effect that arises over time or in combination with other effects regardless of the scale, intensity, duration or frequency of the effect and also includes;
- (e) Any potential effect of high probability; and
- (f) Any potential effect of low probability which has a high potential impact.”

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<sup>15</sup> Para 13

- 51 The Court in **Contact Energy Ltd v Waikato RC**<sup>16</sup> concluded that “there is no place in the process for the Court to be influenced by mere perceptions of risk which are not shown to be well founded”. **Shirley Primary School v Christchurch CC** [1999] NZRMA 66 (EnvC).
- 52 The relevant health guideline, the Californian ‘Office of Environmental Health Hazard Assessment’ (OEHHA), sets a ‘Chronic Reference Exposure Levels’ (CREL) for RCS of 3 µg/m<sup>3</sup> as an annual average. CRC has commissioned dust monitoring of the area in response to concerns about dust effects, and we understand that the RCS results are expected in July. However, in the interim the most relevant evidence is from the 2016 monitoring of the Yaldhurst area, which estimated RCS concentrations of the order of 3 to 4 µg/m<sup>3</sup> as a 9-hour average. As Mr Chilton explains in his evidence, long term average air contaminant exposures are typically much lower than short term averages that include short term peak exposure events, and thus the long term levels of RCS are likely to be lower than the annual average. Mr Chilton also considers that the placement of the dwellings, the prevailing wind directions, the fact that the crushing and screening will not happen at RM4, and the dust mitigation and monitoring recommendations will further mitigate exposure risk.<sup>17</sup>
- 53 We submit that Dr Duncan has presented highly emotive evidence on the risks of RCS, stating that there will ‘obviously’ be effects, and that he “finds the New Zealand authorities’ lack of response and the attitude of the quarry industry, quite unconscionable”.<sup>18</sup> Dr Duncan has made damning conclusions before the results are in. His evidence is speculative and the samples he takes do not follow best practice for air quality monitoring. By contrast, Mr Chilton and Mrs Simpson, both respected air quality experts, have assessed the currently available data against the most applicable standard, and have acknowledged that further data is expected.
- 54 Dr Duncan, although he holds a PhD in biology, is not an air quality expert. We submit that his evidence is not neutral; he states that he is “entering the fray in an attempt to defend the public against activities that possibly could cause serious ill effects.”<sup>19</sup> The language of his evidence reveals a partisanship that, we submit, undermines its reliability.

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<sup>16</sup> (2000) 6 ELRNZ 1(EnvC), noted [2000] BRM Gazette 21

<sup>17</sup> Para 72 to 73

<sup>18</sup> Para 2

<sup>19</sup> Para 2

55 Further, his evidence strays into questions of law and on the proper siting of quarries, and does not reply to Mr Chilton's evidence. It is unclear whether Dr Duncan has had the opportunity to read it.

56 Given the claims made in Dr Duncan's brief, Mr Chilton felt it necessary to respond, and has drafted rebuttal evidence.

## **EFFECTS ON THE ENVIRONMENT**

### **Visual and Amenity effects**

57 As presented in the evidence of Mr Compton-Moen, the mitigation measures proposed by Road Metals will result in visual effects of the application being less than minor. Only at the properties at 622 Buchanans Road, 105 West Coast Road and at the Yaldhurst Cemetery will 'residual' or post-mitigation visual effects be apparent at all.<sup>20</sup>

58 The mitigation measures include the 3 m high bunding around RM4 site (except at its southern edge, where it borders the RM3 site), the retention of some existing mature shelterbelts, and the extraction of material from the pit face, which is 10 m below the current RM4 ground level.

### **Groundwater effects**

59 Mr van Nieuwkerk from Golder Associates has assessed the effects of the extension on groundwater, and has found that any adverse effects on groundwater quality will be less than minor given the nature of the proposed quarry operation, operational controls such as securing the site and maintenance of machinery, and proposed mitigation measures.<sup>21</sup>

60 Groundwater will not be intercepted during the quarry operation and a minimum one metre separation will be maintained between the quarry floor and the seasonal high water table established for the site. Given that the seasonal high water table is expected to be 11.8 m below the current ground level, Mr van Nieuwkerk suggests a maximum excavation depth of 10.1 m.<sup>22</sup>

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<sup>20</sup> Para 13, Evidence of David Compton-Moen

<sup>21</sup> Para 9(c), Evidence of Eric van Nieuwkerk

<sup>22</sup> Para 9(a), Evidence of Eric van Nieuwkerk

- 61 Mr Victor Mthamo, from Reeftide Environmental and Projects Ltd, has considered the post-rehabilitation future permitted land uses and has concluded that they will have a less than minor effect on groundwater quality if appropriate land management practices are applied.

### **Rehabilitation effects**

- 62 Road Metals will rehabilitate the RM4 site in accordance with the Quarry Rehabilitation Plan prepared by Golder Associates, as required by Standard 17.8.3.14 of the District Plan. After rehabilitation the quarried land will be sold with the retained housing as rural residential lots.
- 63 Mr Victor Mthamo has reviewed the rehabilitation plan, and has found that following it would return the land to a 'stable and free-draining landform capable of supporting light pastoral farming or an alternative permitted or consented activity'. Mr Mthamo concludes that the proposed 300 mm topsoil post-quarrying will be able to sustain pasture growth for uses that align with rural residential use, such as small animal grazing and cut and carry for hay or silage.<sup>23</sup>

### **Noise effects**

- 64 Anticipated noise effects have been modelled, and results are set out in the evidence of Mr Gary Walton from Marshall Day Acoustics. As Mr Walton sets out, the key operational noise limits in the District Plan are 50 dB LAeq at the notional boundary of dwellings and 55 dB LAeq at the boundary of the quarry site. Noise from Road Metals' activity, although it may be audible at times, will comfortably comply with these limits. As agreed in the CCC peer review "noise effects will be minimal at all existing dwellings."<sup>24</sup>
- 65 As a further buffer, quarrying will not occur within 100 metres of any dwellings without the consent of residents. This setback applies solely to the property at 622 Buchanans Road, given that other dwellings are either further away or have given written approvals.
- 66 Noise levels will generally be below the existing ambient levels, which are generally governed by traffic on public roads. Noise levels at dwellings on Buchanans Road and Old West Coast Road are typically between 50 and 55 dB LAeq, depending on their proximity to roads.

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<sup>23</sup> Para 12, Evidence of Victor Mthamo

<sup>24</sup> S42A report, Appendix 3 – Acoustic Assessment (William Reeve, Acoustic Engineering Services), Page 6

67 Some short-term site preparation works are assessed as construction noise, and resulting noise levels will comply with limits given in the construction noise standard, NZS 6803.<sup>25</sup>

#### **Dust effects**

68 Mr Richard Chilton has prepared evidence on the anticipated dust effects, including an explanation of the monitoring air quality guidelines and standards. Mr Chilton has also responded to the evidence of Dr Kelvin Duncan on RCS which is presented on behalf of Mr and Ms McDonagh. Mr Chilton concludes that Dr Duncan's evidence highlights what the effects of RCS might be without realistically establishing what the risk of exposure is for the neighbours of the RM4 site.<sup>26</sup>

69 There are a number of elements in the original design which reduce dust effects, and so also control PM<sub>10</sub> and PM<sub>2.5</sub>. These include:

69.1 The proposal to erect 3 m high bunds, and to grass formed bunds, and to retain existing mature shelter belts;

69.2 Operational procedures such as spraying exposed areas with water, and limiting the number of vehicles with access to the quarry pit, which is set out in the evidence of Mr Lindsay Forbes; and

69.3 Ceasing operations in certain wind conditions.

70 Since the application was first lodged additional mitigation has been proposed, including the 100 m setback from residences where no consent to effects has been received. Again, this setback applies solely to the property at 622 Buchanans Road, given that other dwellings are either further away or have given written approvals.

71 Mr Chilton has identified Receptors R5 (105 Old West Coast Road) and R6 (622 Buchanans Road) as being sensitive to dust effects from the RM4 site. However, by applying the above measures, he considers the effects can be managed so that they are less than minor, and

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<sup>25</sup> Para 15, Evidence of Gary Walton

<sup>26</sup> Para 21, Rebuttal Evidence of R Chilton



expects that PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at the nearest receptors will remain within the relevant standards and guidelines.

### **Traffic and Access**

- 72 Mr Andrew Metherell will present evidence that, in transport terms, the proposed quarry expansion will maintain the status quo.
- 73 The quarry will continue to operate utilising the existing Road Metals quarry site access onto West Coast Road; given the proposal to use an internal haul road to take material to the existing processing plant, no new vehicle access is proposed onto Buchanans Road.<sup>27</sup>
- 74 However, NZTA has expressed some concern as to the design of the existing access on West Coast Road, and that material can be tracked from the site onto the road. Mr Metherell has drafted a management plan to address the latter, and is in consultation with NZTA on the access design question.

### **Positive effects**

- 75 The assessment under section 104 requires consideration of both positive and adverse effects to assist in reaching a broad balanced overall view.
- 76 The need for aggregates is described in the evidence of Mr Michael Compton and Mr Murray Francis. Mr Copeland comments that existing resources around the Christchurch area are being depleted at an unsustainable rate. Road Metals, being a specialist in the supply and delivery of aggregates, is attempting to ensure that quality supplies are available at economic rates for the people of the local and wider community into the future.
- 77 The Courts have recognised the regional and national importance of the quarry resource (*Golden Bay Cement Limited v Whangarei District Council* A15/2005).
- 78 The positive benefits of a proposal in making efficient use of the resource and enabling local supply of aggregate are matters to be taken into account.

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<sup>27</sup> Para 8, Evidence of Andrew Metherell

## Conclusion

- 79 Based on the evidence provided for the applicant and the reports for the Councils, the adverse effects of the activity on the environment will be less than minor subject to mitigation measures proposed, which are to be reflected in the applicant's proposed consent conditions. In this regard, on an assessment of the actual effects, this application may be granted.

Dated 3 April 2018

A handwritten signature in black ink, appearing to read 'Ewan J Chapman', written in a cursive style.

Ewan J Chapman

Solicitor for the Applicant